

**BREAKING THE SILENCE ON VIOLATION IN SOUTH  
AFRICAN PRISONS**

**Thesis Presented for the Degree of  
DOCTOR OF PHILOSOPHY  
in the Department of Psychology  
UNIVERSITY OF CAPE TOWN  
June 2007**

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ADDENDUM TO THESIS ENTITLED  
“BREAKING THE SILENCE OF VIOLATION  
IN SOUTH AFRICAN PRISONS”

Please take note that, in response to the directive from the psychological division of Department of Correctional Services (attached), all references to ‘prisons’ in South Africa after 1994, in this thesis, should be read as ‘correctional centres’.



DEPARTMENT: CORRECTIONAL SERVICES  
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## MEMORANDUM

**RE: SUBMISSION OF THESIS: "BREAKING THE SILENCE OF VIOLATION IN SOUTH AFRICAN PRISONS": AND ARTICLE: "LEGACIES OF APARTHEID IN THE MANAGEMENT OF VIOLATION IN SOUTH AFRICA TODAY"**

## DIR RESEARCH

### 1. Purpose

To provide the Dir Research with feedback after evaluation of the D Phil Thesis "*Breaking the silence of violation in South African prisons*"; and an Article: "*Legacies of apartheid in the management of violation in South Africa today*" written by Ms Sandra M Hoffman. I was appointed internal guide by the DC Policy Co-Ordination and Research on 6 June 2006.

### 2. Discussion

The Thesis was received in November 2007 after already been presented to the University in June 2007 for the Degree of Doctor of Philosophy at the University of Cape Town. The Article was received by e-mail in December 2007.

After evaluation of the Thesis and Article in December 2007 the Directorate Psychological Services is of opinion that:

- Both the thesis and article provide a radical/different view and understanding of a violent past and present in South Africa and the researcher uses this as a starting point for her research and discussion on her observations while working as a departmental psychologist.
- She provides valuable insight into the relationships between staff and offenders and how their interaction affects the rehabilitation process.

- Provides insight into the perpetuation of violence in a correctional environment and indicates that interpersonal levels of violation/mutual respect are mirrored at institutional levels.

The research, although it has a new and different/radical approach, contains interesting and relevant information and will assist the DCS - as well as other interested persons - an opportunity to understand why it is important to break the silence on violations that occur in correctional centres.

It is recommended that Ms Hoffman Change the terminology "*Prison/s*" to Correctional Centre/s throughout both documents in order to fully comply with the requirements set by the Department of Correctional Services. Once this has been done there is no reason why the thesis cannot be submitted to the University or the article be submitted for publication.

It is also requested that Ms Hoffman provide the library at Head Office with a leather bound copy of her research.

For your further attention please.

**Dr. L B BERGH**

**DIRECTOR PSYCHOLOGICAL SERVICES**

**2008-01-04**

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## ABBREVIATIONS

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APA	- American Psychological Association
DCS	- Department of Correctional Services
CPT	- European Committee for the Prevention of Torture
CSVR	- Centre for the Study of Violence and Reconciliation
GPSBC	- General Public Services Bargaining Council
HPCSA	- Health Professions Council of South Africa
HSRC	- Human Sciences Research Council
SADF	- South African Defence Force
TRC	- Truth and Reconciliation Commission

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## Preface

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In his preface to Hegel's work, Kainz says:

*"[C]onsider the functions of moral ideals in your own practical activity: You begin with a 'thesis,' a certain moral aspiration that you would like to put into effect. But you encounter difficulties, or antithesis: either you do not have the physical or psychological strength to accomplish these moral goals, or certain conditions in your environment prevent you from attaining them. You then have a choice of either abandoning these goals in futile desperation, or revising them so as to make them more realistic and attainable. If you choose the second alternative, you have arrived at a 'synthesis,' in the context of your own personal aspirations."* (Kainz, 1974, p. 7).

This thesis is my synthesis.

## **BREAKING THE SILENCE ON VIOLATION IN SOUTH AFRICAN PRISONS**

### **Abstract**

South Africa is legitimately recognized and admired internationally for changes it has made since 1994 from an authoritarian to a democratic political dispensation. While changes in visible forms of violation may have accompanied political change, its extent as a national crisis has been sustained. Invisible, underlying common patterns to violational forms remain testimony to the residues of the authoritarian ideology which plagued South Africa for decades. By locating violation within its socio-political and institutional contexts, I use lessons from the past as a starting block from which to introduce a theoretically sound radical paradigm shift. This intersubjective understanding requires suspension of traditional or moral-legal meaning structures in favour of one viewing violation as a matter of public health and safety.

The voices of prisoners are seldom heard on the matter of violations. Ironically, in silencing them society may close itself off from its richest source of learning how to manage (our own, and others') violations more effectively. My data is derived principally from 15 prisoners' voices in conversation with me, while I worked at a South African prison as a psychologist from 16 October 2000 to 31 November 2003. I follow a person-in-practice method, based largely on therapeutic relationships practised within the context of the institution in which they lived and I was employed. I adopt a critical approach both by introducing the notion of critical questioning in therapy, and when embedding case studies in socio-political and institutional contexts. Data has been interpreted from an intersubjective theoretical framework. This integration of methods flows from epistemological considerations which contrast strongly with more traditional views used in professional prison practice.

The main findings of this research are, firstly that violations are an integral aspect of consciousness and evaluations of self, which are socially constructed. Violations are an indication of the struggle to survive a human quality of life and gain social recognition, in the face of predominant alienation. As such, they are intensely concerned with emotions. Secondly, violation is learned in childhood and becomes sustained as a way of life. It can realistically only change in crisis, through critical questioning, and in a non-judgmental environment. Change will only be sustained with practice. Thirdly, relationships in prison affect change or entrench violation in inmate, staff and institutional behaviour. In summary, while visible forms of violational behaviour differ, psychological dynamics of struggling for recognition and defending against alienation are universally shared between all of us.

**Sandra Margaret Hoffman**

**June 2007**

## Acknowledgements

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Special and sincere thank you to the 15 clients for giving me permission to use case notes. This depends on exposure and extraordinary trust in order to contribute to rehabilitation. Without their permission, this thesis would not have been possible. This permission, on its own, stands testimony to the need for a radically different understanding of both violation and 'perpetrators' than is offered in traditional socio-political and academic discourses.

I extend my heart-felt thanks to both Prof. Don Foster and Associate Prof. Sally Swartz. They gave guidance and provided me with the tools of academic language with which I was unfamiliar, but which appeared to be the only ones left to expose the power and damage of silencing on many levels. Their constant assistance and encouragement, at my pace, through an extremely difficult path helped me persist in the face of enormous adversity.

Special acknowledgement is extended to many of my erstwhile colleagues. Their support in a punitive culture will remain with me as proof of the justifiable stature which some people reach, but for which they are seldom acknowledged.

Thank you to the Department of Correctional Service for providing permission for this research to be conducted and submitted for examination.

Thank you Tanya for going way beyond the call of duty to assist me. Thank you also to Steve and Colin for your very generous time and advice. Many thanks also to Janet and Helen for your help with final editing.

Annelise, Ann, Louise, Bridget, Melissa, Karen, and Julie taught me in the most forceful way possible that mutual self-respect between humans can emerge and survive, and singularly powerful relationships are grown in prisons. Thank you.

This thesis is, in itself, a tribute of thanks to family, friends and colleagues who have touched my life, reflected on and worked with me on my own violations.

Sincere thanks also to Mike, Helen and Corona for their time, care and support, and for always being on the look-out for newspaper reports, articles and books which may interest me.

To Jacob and Nina, thank you for engaging uncomplainingly, and even enthusiastically, with so many of my new-found ideas as I worked my way through theories of human development.

To Pat, special thanks will always be implicit in any of my personal and academic accomplishments.

To Keith and Alistair, who have consistently accompanied me during most of my life and education, providing motivation to connect the two. You taught me more about mental health and the benefits of rupture and repair than you will ever know.

I have no adequate words of thanks for Timm, who supported my work with practical engagement through reading and listening to hours of debates between multiple and conflicting voices in me around the issue of violation. The time and support you gave me in this venture is immeasurable. Thank you.

**IN MEMORY OF:** Michael, Mathew, Molly, Elda and Helen.

## Introduction

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Although predominant forms of violations may have changed after democratic elections in 1994, the extent and perception of violation as embedded in South African culture has persisted from the past. The primary aim of this thesis is to contribute to meaningful transformation of a culture of violation to one of mutual respect at all levels of society.

Prior to 1994, South Africa was notorious for a political dispensation which legalized and formalized a culture of violation<sup>1</sup>. South Africa boasted a watershed change to democratic rule in 1994 in a socio-political bid to introduce a culture of mutual respect, which would streamline with its physical beauty, mineral wealth and outstanding contributions made to global peace by citizens such as Nobel Prize winners Nelson Mandela and Archbishop Desmond Tutu who are respected around the world. Yet, 13 years after this transition, criminal violations remain arguably the most often quoted blight on the country's reputation, both domestically and abroad.

Current contextual reading indicates that a culture of violation continues to pervade South African Society<sup>2</sup>. Altbeker<sup>3</sup> (2007) notes that declining crime statistics has done nothing to eradicate fear, or increase hope for a mutually respectful quality of life. It is more likely that fear is informed by meaning structures making up relationships and inter-relational behaviour, than it is by reported statistics. In this thesis I engage with Simpson's pertinent question: "*How ... can ... interventions contribute more proactively to rebuilding popular respect for the rule of law, transforming the institutions of criminal justice and confronting the sustained violence that continues to scar South Africa's new democracy?*" (2004, p. 23).

By locating violation within its socio-political and institutional contexts, I introduce a radical paradigm shift, taking into account past learning from which to understand it. I juxtapose historical and current knowledge and management practices of violation (crime as a part of it) with a novel way of doing so. Core to this contrast, is a theory which maximizes mutual engagement between all voices in society, as opposed to those traditionally used, which distance and limit engagement from those found guilty of violating. I have found that different approaches and understandings of the nature of violations, and how they are managed, have implications for further violation, or to transformative healing for all protagonists.

In deciding to study violations, I wanted to identify a concept which reflected points of similarity between me and my clients since one can only recognize and build meaningfully on that which one already knows (Vygotskey, 1978). When referring to violational actions, I use a

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slightly modified version of Fanon's definition of violence, as cited by Bulhan: "*any relation, process or condition by which an individual, organisation or group violates the physical, social and/or psychological integrity of [the self and] another person or group.*" (1985, p. 135). This concept is therefore broad enough to capture the relational and dialogical character of harm whereby damage done to the self at the same time inevitably, although perhaps not knowingly and in different form, harms the other and vice versa. Violation encapsulates but can also be distinguished from 'violence' which is defined only in terms of harm to others, and according to Smit and Cilliers is held to be illegal: "*The capacity to impose, or the act of imposing, one's will upon another, where the imposition is held to be illegitimate.*" (1998, p. 206). My conception of violation envisages harm which may be, but is not necessarily against the law. Criminal violation is behaviour defined by the state to be unacceptable, to the extent that the state has successfully organised socio-political, legal and institutional sanction against it. Smit and Cilliers (1998) state that according to present South African law, three elements are essential for an act to qualify as a crime: an offender; a suitable circumstance must be created or exist; and a victim. I support Smit and Cilliers' (1998) point that the criminal justice system currently focuses on the 'offender' while other protagonists and relationships between them remain discounted and unacknowledged. This thesis investigates the possibility that this negation may hamstring effective management of violation at all levels.

I propose the conditions of *alienation* and the need for *recognition* as profoundly human. They underlie and give meaning to all forms of relating. These concepts are seldom consciously articulated or contemplated in terms of their implications in our lifeworlds, except in moments of unusual achievement and/or isolation during and in the aftermath of crises. I use Hegel's concept of the struggle for recognition (Crossley, 1996; Sembou, 2003) as a core universal human need underlying behaviour of which violation is one, but not necessarily the only example. In analysing this concept, Sembou notes: "*By the term 'struggle for recognition' is meant the struggle of individuals for the recognition of their person by others.*" (2003, p. 262). I locate this struggle for recognition within relationships rather than reducing it solely to an internalized, individual struggle. I refer to alienation as the experience which follows negation, or the withholding of recognition, with implications of having little to no personal agency over one's life. Alienation, as I intend it, is reflected in the Marxist concept, cited in Hook as a "*loss of reality, to the situation where human beings are estranged from their own bodies, from the*

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*natural world and from their potentially universal essences.*" (2004b, p. 94). In this thesis, without denying the powerful role of material processes in individual lifeworlds, I will focus mainly on underlying emotional processes of separation and marginalization as they influence violation. This may or may not take material form, but almost always underlies meanings attached to material ownership.

Depending on how they are used in action, concepts such as rights, alienation and recognition relate to each other in ways which either violate, or lead to growth. Rights are socially constructed rules determining ways in which we may take agency over our lives, thus respecting separateness. On the other hand, rights legitimize and take into account our need to belong because we are of one social human species (Schmitt, 1994)<sup>4</sup>. In the third part of this thesis, it becomes evident that alienation does not inevitably lead to violation. Rather, there is some evidence that alienation is a common root of both violation *and* transformative learning.

When referring to agency, I make use of Wilbraham's definition: "[a] *theoretical term used to convey the belief that an individual has the capacity of intention – thus, through rational thought, free will, motivation or emotion, to direct their behaviour or to make particular choices.*" (2004, p. 515). The concept therefore carries the quality of conscious understanding and consequent acknowledgement of relevant visible and invisible factors, including emotions and consequences; and understanding appropriate boundaries of control between self and other. In essence, assumption of agency refers to relationships based on mutual respect of similarities and distinctive differences between protagonists. Actions based on agency can be distinguished from those flowing from a sense of exaggerated entitlement, which Foster *et al.* refer to as a claim of "*deservingness*", deriving from a sense of "*superiority*" which shows scant or no respect for the rights of others (2005, p. 69). Agency facilitates conscious reflective choices between a suite of possible responses based on more comprehensive, respectful knowledge of self and other.

Apprey (1998) points out that three core themes must necessarily be part of any study on violence (which I apply here to the broader concept of violation) worthy of serious consideration. Firstly, violations are historically constructed and become reflected in national, institutional and individual identities. This logic engages with the wisdom of the institution of the Truth and Reconciliation Commission (TRC) hearings in South Africa, at the end of apartheid (Gobodo-Madikizela, 2003; Foster, Haupt, & De Beer, 2005). Secondly relevant studies must point to some extent, to relational repair. I will show that questions of transformation appear to be inextricably intertwined with violation, suggesting that one can only be understood in terms of the other,

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rather than as diametric opposites. Finally, such studies must take into account motivational considerations. These three themes are interwoven to varying degrees of visibility in my whole thesis.

A significant argument is made in the literature indicating that those aspects of violation most visible to society may distract attention from a comprehensive understanding of abstract dynamics underlying them (e.g. Foster *et al*, 2005; Baumeister, 1997). Lack of visibility increases the probability of not taking into account the influence of relationships and material processes taking place between *all* protagonists, thus diminishing possibilities for motives, intentions and consequences of behaviour to coincide. As a result, individual agency is compromised at all levels. A view of violation as an action occurring between subjectivities, rather than reducing it to the worth of a 'mad' or 'bad' person, informs my preference for the use of the concept "protagonists" in human violation, which I have borrowed from Foster *et al*. (2005, p. xi). The notion of concepts such as 'perpetrators' and 'victims' derives from a particular traditional, reductionistic way of confusing the damaging consequences of actions with the worth of the whole of the subjectivities<sup>5</sup> of designated perpetrators (Foster *et. al*, 2005).

I worked as a psychologist in one of South Africa's largest prisons from 16 October 2000, to 31 November 2003. This study includes the voices and aspects of the lifeworlds of those who have been centrally affected by all implications of violations but who have traditionally most often been silenced. My clients taught me that despite my best intentions, at times I alienated them in a way they experienced as violational. At these times, I invariably viewed them as violating me. This intersubjective dynamic also operated in terms of respectful acknowledgement. This knowledge provided insight into how prison staff and I could, to some extent, influence whether behavioural outcomes of alienation were violational or mutually respectful as becomes clearer in this study. In short, I found that I was a protagonist, sometimes wittingly and at other times by default, in the drama of violation and mutual respect. In order to demonstrate the complexity of social construction of violation, the voices of my clients are presented in dialogue with myself and the institution in which they live and I was employed. It was largely as a response to their frustration in the face of severely inadequate rehabilitation, that 15 inmates who had been sentenced for criminal violations, gave permission for the contents of their therapeutic case files to be used for research purposes. The bulk of the contents of these files consist of case notes and correspondence which emerged from therapeutic relationships between us. From these

## Introduction

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files, I drew up multiple case studies (annexures C-Q). As a protagonist in these relationships, I drew up a self-profile in annexure R.

In the first section I briefly review literature in order to embed case studies in the political (chapter 1), social (chapter 2) and institutional (chapter 3) context of client lifeworlds. In the second section, I focus on academic discourse relevant to the study of violations, as it relates to methodology. In chapter 4 I discuss theoretical and epistemological considerations. In chapter 5 I set out the rationale behind using an integrated method, using a person-in-practice method from a critical perspective. Relational dynamics and case notes are interpreted according to an intersubjective framework and presented in multiple embedded case study format. Context and theory give rise to inferences and speculations, the usefulness of which are really only tested in direct experience gained through working with their dynamics in relationships. I use my relationship with Eddie<sup>6</sup> to provide a prototypical example of how an intersubjective framework for interpretation exposes knowledge of dynamics underlying violation which would otherwise remain obscure (see annexure A). This method gave rise to three critical units of analysis. The first unit focuses on dynamics underlying three core elements of violation: identity (chapter 6), defence through recognition (chapter 7) and emotions (chapter 8). The second unit concentrates on dynamics underlying movement of the constitution, change and/or entrenchment of violation (chapter 9). The third unit demonstrates how the institutional contributes to violation (chapter 10). The final section deals with a discussion of findings related to these three critical units of analysis.

In conclusion, violation flourishes on, is a form of, and bears witness to residues of marginalizing practices inherent in the authoritarian ideology which plagued South Africa for decades. In contrast, mutual respect flourishes, is a form of and bears witness to practices of respectful engagement. Both are constructed within and between social levels. An intersubjective approach to understand violation enhances access to agency for all protagonists thereby promoting empowerment of all. Violation is historically learned. Currently it is sustained and reinforced as a way to attain recognition and defend in individual, socio-political and institutional identity. Transformative rehabilitation relies on learning respectful interactive processes of which mirror the objective of respectful behaviour. Transformative rehabilitation improves the likelihood that the legacy we hand to the next generation is one of increased safety based on mutual acknowledgement, empowerment and human achievement.

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**PART 1:**

**LITERATURE REVIEW OF CONTEXT**



### 1. Introduction

Human beings are interdependent on each other for their physical and emotional survival. Political structuring is one way in which they organize interdependence. Literature suggests that certain ideological assumptions underlying apartheid enabled a culture of violation by institutionalizing relative rights to a human quality of life. This set relative parameters to the right to speak and be heard. Despite visible changes to the political dispensation after 1994, underlying ideological assumptions continue to exist in our new democracy. Consequently, a compromised interdependence and culture of violation continues to exist.

I use the concept of 'politics' widely to refer to social relations which position people through selective acknowledgement and alienation, to various degrees of legitimacy in their lifeworlds<sup>7</sup>. In this chapter, I briefly relate violation to political contexts in general. I then situate violations in the political history of South Africa. I go on to show that residues of historical political dynamics continue to contribute to current criminal violations. Literature supports the notion that a national socio-political culture of violation facilitates wide-scale violations on an individual level, and vice versa.

### 2. Political structuring

According to Crossley (1996), a political context is one which integrates various systems of lifeworlds in particular ways to ensure survival. Over time, these systems attain a life of their own so that they are no longer under the direct control of the individuals who comprise them, yet continue to directly affect their lifeworlds. With the move away from early tribal societies, increased stratification with contentious power discrepancies between individuals and groups has come about. The effect of this process has been to place in question legitimacy of personal agency over ways of being in the world, and consigning this right to political authority (Crossley, 1996).

It is difficult to imagine any issue of more importance in South Africa than the alienating effects which political violation collectively and individually wreaked on all levels of social life during the authoritarian era of apartheid. However, a search of South African literature on the nature of violation and the psychological effects of apartheid both before and after the first democratic elections of 1994 produced surprisingly little of relevance. This may be somewhat explained by Louw and Foster's (2004) suggestion that 20th century South African psychology

was predominantly practised in accordance with contemporary hegemonic socio-political prejudices. Consequently the intimate link between psychological health, crime and politics in South Africa has remained largely unexplored.

An editorial comment questions the possibility of a reasonable, human quality of life in South Africa when this life is based on emotional terror<sup>8</sup>. Confusion reigns when socio-political discourse referring to ‘criminal monsters’, exists side by side with high-standing members of society being feted as they begin prison terms for criminal actions (e.g. Mangcu, 2007). Distrust of politicians’ capacity to manage crime increases when accusations of police forensics being in a “mess” emerge (Mahlangu, Geldenhuys, Davids & Naidu, 2006, p. 1).

Ideology is a fundamental way in which governments alienate, appropriate and negotiate with members of society about matters of personal legitimacy and worth. While all members falling under one political authority gain citizenship by virtue of their relation to the state, their personal legitimacy and worth in group membership becomes more vulnerable to expropriation by political structuring (Crossley, 1996). Bruce, a senior researcher of the Criminal Justice Programme at the Centre for the Study of Violence and Reconciliation (CSVR), suggests that political restructuring has not taken adequate account of the vast implications of alienation and attendant shame on levels of criminal violation (Geldenhuys & Pather, 2006). Gilligan (2001, 2003) contrasts the ideologies of different countries, currently and historically, to demonstrate that political authorities introduce relative positions of legitimacy expressed in huge discrepancies in poverty. This creates a sense of relative worth, insecurity and a consequent need to go to great lengths in order to struggle for a sense of recognition and legitimate belonging (Benjamin, 2006).

### 2.1 Ideology as a structuring tool

In this thesis, I work with Foster *et al.*’s use of the concept of ideology in its critical sense: “to denote ways in which meaning serves to sustain and reproduce social relations of domination ... Ideology is an emotionally charged set of discourses that shape how we relate to each other as human beings.” (2005, p. 71). Although ideology may relate to and incorporate legislation, it is much more than, and may sometimes conflict with formal laws. Ideology comprises a number of: (a) hegemonic orders<sup>9</sup> which are expressed in patriarchy, apartheid, social democracy or as any one of a number of ‘isms’, for example classism, racism, sexism etc.; and (b) discourses<sup>10</sup> (which include different forms of practice) fuelled by emotions elicited during these discourses. In the

third part of this thesis, I demonstrate how ideology filters through different socio-political tiers to find expression in individual lifeworlds in society.

### 2.2 Political structuring and recognition/alienation

The capacity to command obedience through power positioning revolves crucially around concerted functioning of the need for recognition and avoidance of alienation. Both Sembou (2003) and Crossley (1996) argue the case for the universal human struggle for recognition as a fundamental motive of human action. This imperative is based on the assumption that humans are both physically and emotionally interdependent on each other for survival. This assumption is based on observations of the dynamics operating between earliest recorded human cultures, up to the present. Satisfaction of this struggle is experienced as a sense of authentic pride, which flows from indications of meaningful belonging of individuals and groups in terms of their similarities and differences (Wrangham & Peterson, 1996; Crossley, 1996). In contrast, where a particular political ideology holds individual differences as threats to quality of life, in order to promote a particular political status quo, natural differences become a tool for shaming and de-legitimization. In this environment individual, as well as national alienation flourishes (Emmett & Butchart, 2000). The cost of shaming is not limited to the person or group shamed. History has taught South Africans that the cost of keeping alive an illusion of grandiosity based on the diminishment of others, rather than achieving pride based on substantial personal/ institutional/ national growth inevitably relies on disrespect for one's own, and others' human capacity to grow.

Typically, shaming is accomplished by attaching exaggerated emotive qualities to differences between groups (Emmett & Butchart, 2000). In South Africa, consequences of inclusion of some at the expense of others (exclusion through shaming and alienation) have traditionally enhanced probabilities of self-censorship and passive obedience, which sustains the socio-political status quo. It is not coincidental that perceptions and myths about individuals and groups with relatively little power to speak are characterised as 'dangerous' and 'inherently violent'. Members of marginalized groups are seen and related to as objects either of higher (when romanticized) or lower (when demonized) standing but seldom capable of mutuality.

### 2.3 Structural alienation, survival and violation

Despite political discourse stating its intent to ensure physical and emotional survival for all citizens, the way in which political structuring is managed frequently institutionalizes violation in practice. Structures enable psychological distancing from marginalized groups and individuals, based on observable difference such as criminal sentence. This promotes blindness to more abstract underlying shared areas such as the need to live a human quality of life and, importantly, national complicity in violation. The very invisibility of core aspects of violation, such as relative recognition and collective complicity in its construction, makes violation less easy to manage. In this respect, Gilligan notes: "*When violence is defined as criminal, many people see it and care about it. When it is simply a by-product of our social and economic structure, many do not see it; and it is hard to care about something one cannot see.*" (1996, pp. 194-195). This compromises agency at all levels. Self and other violation, whether in the form of passive obedience to violence and/or shaming by others, or active involvement by self-initiation are all processes which concertededly work together to perpetuate a culture of violation (Gilligan, 1996; Scheff & Retzinger, 1991).

Political violations whether illegal or not, share similarities in crucial respects to 'criminal' violations. Gilligan (1996, 2001, 2003) suggests that these two categories of violations are in any case neither dichotomous nor categories operating apart from each other since they are both steeped in the experience and emotional implications of alienation from social functioning. They constitute, interact with and fuel each other. Chapple (1998) suggests that all forms of human violation are political in nature. Gilligan (1996) suggests that structural violence *causes* criminal violence<sup>11</sup>. To support this argument, he contrasts the relatively high incidence of violence found in hierarchically organised societies with the relatively low incidence of violence in social democracies. Mangcu (2007), a former director of the Steve Biko Foundation as well as a former director of the Society, Culture and Identity research programme of the Human Sciences Research Council in South Africa similarly concludes that inter-relational violence flows logically from interpersonal disrespect inherent in elements of authoritarian political ideology.

Two crucial and related themes can be extracted from the works of Gilligan (1996; 2001) and Wrangham and Peterson (1996) who distinguish social democracies from other forms of political structure as they relate to violation. These are the extent to which recognition, through engagement, is present; and the extent to which alienation, through subjugation<sup>12</sup> and ensuing political violation are structured into society. Gilligan (1996) suggests that the deadliest and most

extensive forms of violence are to be found where there is a presence of vastly inequitable distribution of ownership (of power, wealth, status etc), and where the meaning of such discrepancy involves shame and humiliation.

The creation and use of inequitable power positions to alienate certain individuals and groups to maximise human legitimacy, is well documented by authors experienced in working with issues related to violence (e.g. Gilligan, 1996; 2001; 2003; Scheff & Retzinger, 1991; Britton, 2000). Alienation is accomplished through subjugation, negation, silencing and so on, while recognition is gained through foregrounding distinction of self and groups to which the self belongs. Scheff (1997) notes that state sanctioned violation is a political tool which solidifies relative positions of legitimacy, serves to maintain violation and entrenches a false sense of security for all citizens<sup>13</sup>. Defences against the shame of intersecting power relations filter through to various levels of society, becoming expressed and experienced in intra- and interpersonal lives as violations against self and other. The violational nature of these methods increases intolerance for ambivalence, avoidance of conflict and a consequent lack of skill to respectfully manage difference (Gilligan, 2001; McKendrick and Hoffmann, 1990; Scheff, 1997<sup>14</sup>).

### 3. Apartheid as an instance of authoritarian political system

South Africa's culture of violation can be traced back through many generations. The power of using valid human differences to shame individuals and groups lay in socio-politically constructed meanings attached to them. This, and the prohibition against the right to critically question enabled their use as tools to justify and entrench a culture of relative legitimacy and violation. For present purposes, I will refer only to the ideological meaning structure underlying some of the violations which emerged directly from the authoritarian political system underlying apartheid in recent decades prior to 1994.

Apartheid was nothing short of a detailed and strategically planned way of justifying varying levels of recognition and alienation, based principally on racial and gender differences. Demographic differences were politically arranged in a relative system of reward consisting of the best jobs, education and living areas, etc. Anyone deemed to be 'non-white' and, to a lesser extent female, was considered 'less worthy' of equal adult status. Those who benefited materially often assumed attitudes, beliefs, behaviours and identities steeped in an inflated sense of entitlement (Foster *et. al*, 2005). Enforced homogenization of different race groups into separate

“homelands”, and selective employment of ‘black’ males in positions of menial labour in a migratory labour system had severely dysfunctional implications for the quality of life lived by all race and gender groups, albeit in different, divergently obvious and invisible ways. Different groups were accorded separate amenities and entrances to them (Serote, 1992; Adam & Gilliomee, 1983). Political supremacy in government was reserved almost exclusively for ‘white’ men. Implications of this policy reached into the deepest corners of personal lives. In his biography McKenzie, a ‘coloured’ ex-offender describes how inferior differential education based on racial criteria was legally formalized to entrench white supremacy in his lifeworld<sup>15</sup>. Differential recognition disrupted identities, homes and entire communities (McKendrick & Hoffmann, 1990; Spink, 1991). Mutually respectful relationships at all levels of society were all but impossible.

Nationally, ‘black’ citizens were treated as dangerous aliens in their country of birth. Passive obedience to political dictates was demanded. Even when national well-being was at stake critical questioning was severely punished. In 1986, the then Minister of Police, Louis Le Grange, acknowledged that 2 106 juveniles had been detained and 209 children had been killed in police action. These numbers did not take into account children killed by the South African Defence Force (SADF)<sup>16</sup>. The contentious and damaging consequences of nationalist politicians’ ‘disciplinary measures’ designed to ensure compliance, could not have been unknown to apartheid leadership (McKendrick & Hoffmann, 1990; Foster Sandler & Davis 1987; Foster *et al.* 2005). Nonetheless, perhaps due to a particular historically learned meaning of violation Vlok, the Minister of Law and Order, noted in 2006 that prior to 1994 he never conceived of himself as being on the ‘wrong’ side (Makgetla & Groenewald, 2006).

It emerged during the TRC hearings that alienated groups perceived the ruling group as threatening, while marginalized groups were similarly perceived by the ruling group. Those who did not belong to the designated ‘white’ category lived in a state of perpetual, profound alienation. Those who resisted against conforming to their prescribed, subjugated identities as demanded by the ruling group were typically humiliated through punishment (Spink, 1991). In both cases, the perception of threat and the process of locating ‘evil’ in the other were used as justification for a culture of spiralling violations (Foster *et al.*, 2005). The discrepancy between perceptions of evil attributed by sections of society, and designated perpetrators’ hidden (often from themselves as much as others’) motivations for violations, has been termed the ‘*magnitude*

gap' by Baumeister (1997, p. 18). The view of violation as a social construct has been referred to by a number of authors, e.g. Crossley (1996), and described by e.g. Jack (1999)<sup>17</sup>.

### 3.1 Apartheid legislation and alienation

South Africa's culture of violation was supported by a plethora of statutes such as the Group Areas Act, the Pass Laws and the Bantu Consolidation Act. These laws ensured that any South African person who was not formally classified 'white' was denied full, or even partial, human agency (Biko, 2004; Van Zyl Slabbert, 1985). In line with the culture of relative supremacy/inferiority, Du Toit notes that guardianship assumed by whites over other groups in South Africa generated a warped sense of responsibility: "*It was the assumed right of whites to determine the lives of other people – for everyone's good. Most white South Africans accepted this right to determine the life of people considered as 'not being of age; as natural, and even as the will of God.'*" (1990, p. 296). Distrust of capacities for mutually respectful engagement was expressed and experienced as severe curtailment of basic human rights such as freedom of movement, right to employment of choice and the right to participate and engage freely in healthy personal and professional relationships. This culture of distrust was punitively enforced ranging from threats of imprisonment, imprisonment, corporal punishment and, at its most extreme, physical torture and death (e.g. Foster *et al.*, 1987; Black Sash, 1989; Human Sciences Research Council, 1996).

### 3.2 Appropriation of power and violations

All human ways of relating involves power structuring in some way (Drewery, 2005). Foster engages with Foucault's understanding of power when he concludes that it is an inevitable part of being human: "*This approach implies that we cannot readily throw off, escape or evade power; power relations seen in these 'capillary' terms are in part what enables us to constitute ourselves as subjects.*" (2004, p. 567). Violations involve positioning people and situations to maximise personal power, at the expense of others' right to exercise control over their rightful spaces as legitimate members of human society. Literature suggests that it is a part of the universal struggle for recognition that humans aim to constitute themselves as subjects with rights to control specified personal space, i.e. beings with legitimate needs and emotions which may or may not coincide with, but who respect similar needs and emotions in others. However, violational positioning involves coercion or manipulation which *reduces* the capacity of citizens to constitute themselves as subjects. Where appropriation of power is consciously negotiated through mutual

consent, it does so without shame. Where appropriation of power occurs without consent and on the basis of subjugation, shame and ensuing processes of violation of self and other, in the name of resistance is sure to follow (Gilligan, 1996). In this way the struggle to gain 'justice' by responding to historic shame through similarly punishing and shaming others today tends to gain a momentum of its own and may distract from considering other constructive possibilities for the present and future.

As implied above, appropriation of power can be implemented more subtly, couched in a meaning structure of concern: "*for your own good*" (Miller, 1988). Its hidden agenda reduces possibilities of resistance. In South Africa as elsewhere, this often led to collusion with the appropriation of personal power by others (Biko, 2004). It can be argued that in certain areas the power to command unquestioned passive obedience which rested directly in the central authority prior to 1994 devolved into an intricate cultural system of self-censorship and discipline (Emmett and Butchart, 2000). In the third part of this thesis, I will demonstrate how the propensity to take responsibility for the needs and feelings of others continues to take place at the expense of respect and validation of their own distinctive personal needs and emotions in individual client lifeworlds today.

It is also possible that the potential exists for humans to use power and conflict to a greater extent to constitute themselves as subjects. Foster (2004) cites Foucault when he points out the paradox that the heart of power struggles and conflict is, at the same time, a prerequisite for transformation to a mutually respectful human quality of life<sup>18</sup>.

### **3.2.1 Militarism and violation**

One visible example of systematic planning of violation by apartheid leaders was that of conscripting (frequently reluctant) 'white' soldiers into a militaristic culture of violence. It demanded uncritical compliance with orders to violate in return for political recognition of personal worth. Two indicators of relative power positioning and conditional recognition are to be found on the first page of Bibles distributed to all South African soldiers prior to 1994. The first was a gold star-shaped army insignia; the second was a message from the then State President, P.W. Botha which justified his command that all conscripts perform their patriotic and spiritual duty when they, in effect violated the physical and emotional integrity of fellow citizens<sup>19</sup>. A less ethereal view is put forward by McKendrick and Hoffmann (1990) who contend that militarism was simply a hegemonic order for white South African males to create and perpetuate

a culture of alienation and violation. Importantly, the effect of conscription was to coerce South Africans on intra- and interpersonal, institutional and socio-political levels to accept and share the state's definition of, and solutions to managing differences and conflict between its own citizens through violent means.

After the end of apartheid, dynamics of blame and justification for violations emerged during the TRC hearings. The spuriousness of judgment and severity of punishment accorded to individual soldiers versus that meted out to leaders (if any) was a hallmark of these hearings (Foster, 2000a; Foster *et al.*, 2005). It became evident that leaders seldom dirtied their hands in visible acts of violence, and at the TRC hearings they consistently denied any guilt. These dynamics point to the obfuscatory properties of violations, of that which is visible over that which is relatively more hidden. With some exceptions, there were instances of claim to agency which appeared directed at efforts to minimize punishment by seeking amnesty as a reward for exposure (Foster, 2000a). In chapter 10 I discuss residues of militarism which still exist in the prison system today, and some of its implications for rehabilitation.

### 3.2.2 Morality and apartheid violations

In apartheid South Africa, the violations imposed on the majority of South Africans were justified according to 'moral law'. Gobodo-Madikizela (2003) discusses how the state in apartheid South Africa and Nazis in Germany during World War II both claimed commitment to the morality and 'goodness' of saving their respective countries from 'contamination' by different cultures. In other words, violence was seen to serve a morally defensible function. This relates to Baumeister's concept of an emergent 'potent recipe' for violation, which occurs when superior appraisal of self confronts poor appraisal and humiliation of another (1997, p. 141). In the South African experience of apartheid, Foster *et al.* use the concept of "*exaggerated entitlement*" to refer to the moral outrage and subsequent assumed right to violate in forms such as punishment and unequal reward when met with the challenges to relative legitimacy by marginalized groups (2005, p. 70). Traces of this legacy appear to linger in institutions today<sup>20</sup>.

As noted above, apartheid's particular brand of socio-political morality was staunchly supported by singular interpretations of the Christian Bible by the Dutch Reformed Church, among others (Gobodo-Madikizela, 2003, p. 53). At the same time, ironically, the only form of objection to conscription into the SADF which was accepted by the government as legally valid

in terms of the Defence Amendment Act of 1983 was “*full religious pacifism*” as it was defined by the government of the day (Spink, 1991, p. 219). Those who objected to conscription on any other moral grounds faced options of exile, or serving a punitive prison sentence equalling 1,5 times the length of military service obligation left.

### 3.2.3 Censorship and violation

Prior to 1994, laws silencing the voices, experiences and emotions of dissenting groups and individuals were invariably inconsistent and vague. Nonetheless, harsh penalties were used by the state to retaliate. This situation inevitably resulted in self-censorship, ‘just in case...’ (Freedom of Expression Institute, 2004). Francis (1986) notes that the state’s violational reactions to resistance in most of the 1980s, were supported by harsh emergency regulations. These included unlimited powers of detention and punishment when journalists or publications questioned, or were perceived to ‘ridicule’ the political elite. Groups aligning themselves to the state assumed themselves to be entitled to unquestioned loyalty<sup>21</sup>. Francis (1986) claims that the ruling party enforced censorship based on the following principles:

- Manipulating the general populace to apply self-censorship by shaming any attempts to resist hegemonic orders. This would ensure transgenerational recognition of itself as entitled to unquestioned loyalty and privilege;
- Promoting a perception of itself as a target of threats to national pride;
- Creating an illusion of unity by maximizing similarity with privileged groups and ‘othering’<sup>22</sup> or shaming marginalized groups; and
- Appropriating its power to unilaterally censor knowledge and enforce decisions through the application of a powerful system of punishments and reward.

In the third section I demonstrate how silencing was historically used to negate clients, that they learned to use silencing to negate others and that the prison institution continues to entrench the use of silence as a means of defence against clients and staff.

### 3.3 Survival, defence and the cycle of power struggles

The instinct to survive and defend against extinction is an imperative of all forms of life. In human life, different meaning structures influence what constitutes such a threat, as well as what constitutes acceptable and feasible forms of defence. The ever-increasing gap between marginalized groups and those in power in South Africa prior to 1994 was fuelled by

progressively increasing discrepancies between perceived motivations and consequences of actions taking place between protagonists, as they related to meanings of threat<sup>23</sup>. Viewed from the position of those being marginalized, in the face of state assaults on their physical and emotional integrity it was inevitable that attempts to resist shame and resuscitate demeaned pride (the emotion attached to evidence of human legitimacy) would follow. These included measures such as (a) the rise of Umkhonto we Sizwe, the defensive arm of the banned African National Congress which engaged in retaliatory violence, and (b) the Black Consciousness Movement both of which mobilized around issues of personal agency and legitimate personal and group pride (Biko, 2004).

Increasingly, as enforcement of the system of apartheid and its resistance gained momentum, the moral worth of those who were perceived as threatening was equated with an evaluation of the extent of violating behaviours (Gobodo-Madikizela, 2003; Nicholson, 2004). Typically, this judgment was used as a criterion against which to determine appropriate retributive punishment, which in turn was experienced as threatening. The ensuing mounting spiral of violence is summed up by Simpson: "*The social history of the apartheid era is in fact an account of massive and widespread dislocation in which human beings were forced to endure lives in the most precarious and depraved of settings, punctuated by daily violence and violation.*" (2004, p. 7).

### **3.4 Self-violation by designated 'perpetrators'**

Thirteen years after the end of apartheid, it has become apparent that even those who superficially benefited from violation were also inevitably damaged by it. One of the costs paid by 'whites' was the burden of collective and individual guilt attendant on being tasked with participating in, and enforcing violations. Many did so either actively through its implementation, or by collusion through silence and/or refusal to resist. This damaged the psychological health of the designated 'perpetrators' as it did the 'victims', albeit in different ways. For example, Foster *et al.* (2005) point to the excitement and thrill found in a sense of unity, cohesion and recognition by others gained during commission of violations. This stands in stark contrast to the terrible sense of isolation and guilt unfolding in moments after 1994, when the evaluations of others no longer had the power to distract from knowledge of self-evaluation<sup>24</sup>. Ten years after the fall of apartheid, Morobe (2004) remarked on the lasting emotional effects of the violations of apartheid<sup>25</sup> No-one was left unscathed.

Gilligan (1996) and Meares (2000) claim that history bears evidence to the effect that those who have been alienated through torture and humiliation become subjected to the ravages of shame; and those who benefit inappropriately become subjected to the ravages of guilt. In the absence of learning new transformed ways of managing these emotions once the balance of power changes, the same violational ways of dealing with shame and guilt will inevitably continue, albeit in different guises.

#### **4. Transition and re-structuring to democracy**

On 27 April 1994, all (unimprisoned) South African citizens gained the legal right to vote in the country's first democratic elections. The country set out to transform itself into a model 'rainbow nation' able to contain and manage differences in a mutually respectful manner, acknowledging the whole population. In doing so, it set itself the task of illustrating to its own citizens, as well as to the rest of the world, that it is possible to turn the tide of violence. In short, South Africa hoped to demonstrate that this society could be richer for its differences, rather than split by them. Nowhere are these hopes better encapsulated than in terms of the Constitution of South Africa (1996) (hereinafter referred to as 'the Constitution'). Without a doubt, 1994 brought about dramatic and extraordinary efforts by the new democratic government to change, at least in intent, from an exclusionary, marginalizing society to one of inclusion and recognition of all its Members<sup>26</sup>.

Despite the best intentions, however, inequalities have persisted in South Africa<sup>27</sup>. For purposes of this thesis I turn to Gilligan's (1996) point, amply illustrated in our country, that violation is perpetuated through a culture of shame which flourishes in an inequitable class structure. Poverty and high unemployment rates increase disparities between groups and individuals, with implications for institutionalizing a culture of shame and disempowerment<sup>28</sup> between groups (Standing, 2004)<sup>29</sup>.

Residues of an authoritarian political ideology feed a continuing culture of discipline and punishment which also results in shame. For example, efforts by the present South African government to contain crime include an expensive, highly publicised but reactive "*war on crime*" in 1998 (Dixon, 2004 p. 172); and the introduction of minimum and harsher sentences (Giffard & Muntingh, 2006). This takes place in the face of overcrowding in prisons and massive backlogs in the judicial system (Baloyi, 2005). It seems fair to conclude that we have little, if any history of

learning the rules of mutual respect to manage differences. Historically, violation was often seen to be the only available means to fight for a human quality of life. In addition, for the vast majority of South Africans life of any human quality continues to be a battle, literally to be begged, borrowed or stolen. Hegemonic orders around morality may be a luxury precluded in the imperative to live a human day-to-day existence at all. If transition to a culture of mutual respect is to have practical meaning and legitimacy, it must be possible, and it must be effective as a means to survive. Simpson points to the dangers of increased violation in South Africa if a comprehensive socio-political knowledge base concerning marginalization and its implications is not developed: “[E]xperiences of privilege and powerlessness embedded in South African society fails adequately to scrutinise the ongoing processes of marginalisation (entrenched in institutional practice) that shape the resilient anti-social identities that have become such a feature of contemporary South African society.” (2004, p. 20). In contrast with South Africa, Gilligan (1996) states that ideologies underlying social democracies around the world tend to legitimate a view of universal social rights and obligations legitimating a human quality of life for all citizens. A deeper understanding of the link between politics and crime may reduce behaviours which entrench a culture of shaming and violational defence between citizens (Gilligan, 1996; Wrangham & Peterson, 1996). Recognition, through increased engagement is viewed as a legitimate and mutually respectful means by which to attain these goals. This ethic streamlines also with that of ‘Ubuntu’, defined by Mkhize as: “[the] concrete or practical realisation of the knowledge that the possession of the qualities of personhood is reflected in people’s relationship with others. Ubuntu is characterised by caring, just and respectful relationships.” (2004a, p. 50).

### 4.1 From authoritarianism to democracy

One of the implications of moving from an exclusive, secretive authoritarian rule to one of transparency is that national, institutional and individual critical moments about our relationships and how we are in the world are exposed. More instances of violation, including of those in power, will be laid bare for critical public scrutiny and debate. This can be managed in two ways. Where perceived as shameful it is likely to elicit historically learned punitive defence. Where viewed as an opportunity to assess its worth and gain agency, it can be used in a transformative way, for growth. Without this transparency, growth is less likely. Provided the process of critical enquiry is conducted with respect from all sides, this crisis can be transformative as South Africa

experienced when it made world headlines during the TRC hearings (Gilligan, 2001; Foster, 2000a). This process acknowledged and legitimized the voices of millions whose humanity had historically been dismissed and their voices silenced, as well as those who courageously exposed their violations. Exposure of past hidden atrocities brought relief not only to designated 'victims', but also to designated 'perpetrators' and hopefully contributed to reducing the likelihood of repetition in the future (Gobodo-Madikizela, 2003). The ultimate aim of the TRC was to work towards reconciliation and transformation (Foster, 2000a; Foster *et al.* 2005). The process of open engagement to reach transformative outcomes at all social levels is supported by the findings of Cabrera (2002), who worked on healing in the aftermath of political trauma in Nicaragua. In South Africa this is a novel and relatively unpractised process. While accountability and transparency are consistent with aims to move towards a democracy, acknowledgement of instances of violation, when found in the new leadership, sets a new trend in South African politics<sup>30</sup>.

#### **4.2 Profile of violation twelve years into democracy**

On the surface, expressions of violence appear to have changed from those which have been politically justified to those which are expressed in a more overtly criminal manner and are politically decried (Simpson, 2004). If, as I have found and as has been suggested by Dixon (2004), there is any connection between past and present expressions of human rights violations, it behoves the psychological profession to investigate this claim.

Currently, crime in South Africa is arguably its greatest concern. South Africa carries international notoriety as an excessively violent country, as has recently been illustrated in a report by the African Peer Review Mechanism (Boyle, 2006)<sup>31</sup>. Mangcu's 2007 reflection on crime's 'surreal' quality, deriving from its representation at all levels, in all sectors of South African society indicates the extent to which it has become embedded as a culture in our society<sup>32</sup>.

It is worth considering that there may be commonalities underlying different forms of human rights violations occurring during past and present political structuring if one is to gain a more comprehensive understanding of the nature of violations. It seems that despite progress in removing race as a criterion for power structuring, vast inequalities and sharp class divisions persist, albeit based on other differences. Historic, alienating relational processes within socio-political institutions, and the discourses and hegemonic orders underlying them continue to exist.

In the absence of setting up channels to intentionally teach transformed ways of dealing with alienation effectively, individuals are left with growing cynicism born of broken promises, despair in the absence of knowing what to do about it, and a sense of betrayal by a new authority in whom trust was placed to increase their quality of life. This situation leaves little alternative but to rely on old habits of violation as a form of defence, as is accepted by the Department of Correctional Services (DCS): *“While circumstances that lead to the individual turning to crime in the first place are unchanged, and social development and moral regeneration of the community have not taken place, the tendency towards recidivism will remain high, despite correction and human development efforts by the Department of Correctional Services.”* (White Paper, 2003, p. 46).

While the existence of violation as embedded in our culture is not seriously questioned by anyone, its extent is debateable. In its draft White Paper, the DCS affirms the pervasiveness of criminal violations in South African culture: *“At the end of the first decade of democracy, South Africa has one of the world’s highest ratios in terms of offender population in relation to the actual population total. Four out of every 1 000 South Africans are in correctional centres. In the United Kingdom, the same total is 1.25 out of every 1 000 UK citizens. In two thirds of the world’s countries, there are less than 1.5 out of every 1 000 citizens in correctional centres.* (2003, p. 46). Dixon (2004) makes a convincing argument for scepticism when relying purely on crime statistics as an indicator of cultural transformation away from violence. Dixon (2004) asserts that violation in this country is disproportionately high and that South Africa has one of the highest murder rates in the world. Leggett, Louw, Schonteich, & Sekhonyane (2003) suggest that in South Africa crime may have risen by as much as 25% between 1994 and 2002. Notwithstanding cynicism around their reliability, crime statistics released by the South African Police Service (SAPS) revealed 19 000 murders, 55 000 rapes and 120 000 robberies to have taken place between 2005 and 2006 (Editorial comment, 2006). Stephen writes that despite statistics in Mamelodi showing recent decrease in crime: *“a snap survey of Mamelodi residents found that, almost without exception, people believe crime is getting worse.”* (2006, p. 33). Louw and Schönteich (2000) unambiguously warn the government against using statistics to make promises about alleviating crime, as it can lead to broken promises and consequent public cynicism against political leaders. In terms of the draft white paper, the DCS accepts that there is an indisputable link between crime and the socio-political context, as a result of which there is a need to view crime from a fresh perspective<sup>33</sup>. This thesis engages precisely with this need.

### 4.3 Transformation and recognition through the criminal justice system

The Constitution, which provides the legal framework for practical transformation to mutual respect between all citizens in South Africa, forms the legal framework and supersedes all other national legislation. Principles of transformation captured in the Constitution include at least two elements crucial to this thesis: (a) the assumptions underlying traditional strategies of relative personal worth, such as elimination (e.g. death penalty) and silencing (e.g. censorship) have to a large extent been de-legitimized; and (b) within considerations only of safety, recognition is bestowed equally on all citizens of the nation. A related issue of national importance, the transformed management of criminal violation, remains an area of controversy<sup>34</sup>. Sachs (2007) notes that transition to democracy in the criminal justice system means moving away from the over-simplistic position of distinguishing 'good' and 'bad' people, 'the winner takes all' to a position of balancing legitimate but competing claims – balancing right and right<sup>35</sup>. Little if any transformation from traditional views expressed in calls for punitive retribution seems to have occurred among the general population on the issue of criminal violation: "*A staggering 76.5% of South Africans polled in a national survey want an urgent referendum on the death penalty because crime, they say, is out of control.*" (Geldenhuys & Pather, 2006, p. 10). It is likely that a more comprehensive understanding of the nature of crime and violation, which could inform more efficient management of it is lacking.

Inevitably, in a country undergoing transition inconsistencies between progressive and archaic legislation, views and beliefs in institutions, including the criminal justice system exist. Since 1994, significant progress has been made in trying to minimize alienation, and promote mutual recognition and respect for differences through the introduction of new policies. Theoretically and legally access to knowledge and the right to contribute to it, with a concomitant freedom for all social members to enter into discussions and critical debate, became more feasible after the scrapping of apartheid legislation (Spink, 1991). Kollapen, the director of the Human Rights Commission writes "*Just as inequality in all its manifestations was the dominant theme of our nation before 1994, the commitment to equality has been the dominant theme of the first 10 years of democratic rule*" (2005, p. 18). Of importance for prison inmates, in February 2004 the Constitutional Court contributed to the exhumation of the political voice of people in prisons when it recognized prisoners' right to vote (Staff Reporter, 2004b).

### 4.4 Crime as an expression of relationships in a country in transition

Dixon (2004) suggests that crime and politics were intimately connected to personal lives in the past, and continue to be so linked in a new democratic dispensation. In his biography of an ex-offender, Steinberg (2004) graphically illustrates the links over time, and between South African politics and crime as it is expressed in the lifeworld of a veteran prisoner<sup>36</sup>. Dixon (2004) suggests these links are directly related to a continuing legacy of passive compliance.

Criminal management and attitudes to designated perpetrators apparently diverge depending on whether they are politically powerful or not. For those authority figures whose voices have been powerful and who have been charged and/or found guilty of crimes, a very different atmosphere prevails than does when a marginalized member of society is accused and/or found guilty of an offence. Mangcu (2007) suggests that selective vilification and violations by leaders is enabled in a culture of passive compliance by social members<sup>37</sup>.

Despite policies indicating socio-political intentions to view crime in a novel way, for the majority of citizens accused and/or found guilty of violation, management of it translates into continuation of historic forms of doing so. Designated perpetrators continue to be viewed largely as 'external' enemies. Dixon reports on impressive financial resources, political muscle and strategizing behind the government's "*war on crime*" which was given renewed effort and publicity in 1998 (2004, p. 171). The short-term benefit of this approach cannot be denied. The government was seen to be taking responsibility in a very visible manner and in doing so it averted social blame. On the other hand, attempts to prevent knowledge of its failure to manage crime effectively by placing a moratorium on, and then controlling publication of crime rates did not fail to hide from the public the fact that rates were unacceptably high. Instead, attempts to hide became a matter of public concern. Censorship led opposition parties to question the government's ability to withstand critical enquiry on the matter of managing crime, in accordance with rules of democratic transparency necessary for transformation (Dixon, 2004). It was equally alarming that methods resonating with those used in apartheid, such as fostering social ignorance to manage the very urgent matter of human quality of life were being relied on.

If high recidivism rates are any indication of the failure of a treatment model, present methods based solely on blame and declarations of war on 'perpetrators' are simply not working<sup>38</sup>. The failure to keep statistics did not successfully hide the blight of crime in South Africa (Louw & Schönreich, 2000). Muntingh (2002) has estimated recidivism to lie at between 85 – 95%. Doggedly pursuing the old strategy of "*nailing and jailing*" 'perpetrators' and calling

for a “*war on crime*” (Dixon, 2004, p. xxi) may lead, at best, to increased overcrowding in already overflowing prisons (Giffard & Muntingh, 2006). In turn, overcrowded prisons worsen the abysmal failure of what is presently termed ‘rehabilitation’ in prison (Dissel, 2002; Judicial Inspectorate of Prisons, 2003). Gilligan (1996, 2001, 2003), a psychiatrist who has spent 35 years working with prisoners in the United States (US), offers a new way of looking at and working with crime. This view will be fleshed out in more detail in later chapters, and is far more consistent with South Africa’s ideals for transformation as they are expressed in socio-political policy which has emerged since 1994.

### **5. Tendency to fall into past patterns**

Literature suggests that in moments of tension, a tendency to revert to past habitual patterns of interaction predominates. The question asked by Rademeyer – “*Why, 10 years into a democratic South Africa, are communities turning to violence to make their voices heard?*” – is one commonly asked (2005, p. 15). Dixon (2004) considers passive clinging to past habits while entering arenas of new possibilities to be unnecessarily constraining, wasteful and dangerous. Apprey (1998) cautions that if the complexities and dynamics of historical bases to violation are unknown, they cannot be taken into account during the process of planning and implementing transformation. Inevitably, repetition will occur in future practice<sup>39</sup>. In the third part of this thesis I describe how this claim was supported in practice, through relationships in individual lifeworlds.

Sustainable transformation depends upon looking behind that which is most visible (Jack, 1999<sup>40</sup>). Construction of social perceptions depends profoundly on knowledge and recognition of self as it is repeated and transformed within and between different social levels. Human rights violations, distancing ourselves from designated ‘perpetrators’ and lack of access to new, less visible forms of knowledge have remained primary obstacles to South Africa’s development as a healthy society (Schonteich, 2001; Dixon & Van der Spuy, 2004). The legacy of a culture of violence continues to be expressed as an aspect of individual, institutional and national identity in South Africa (Laufer, 2001). In its draft White Paper, the DCS acknowledges that South Africa’s violent history has left us with a “*culture of violence, which contributes to the high levels of violence associated with criminal activity in South Africa. Violence in South Africa has come to be regarded as an acceptable means of resolving social, political and even domestic conflicts.*” (2003, p. 47).

Transition means that South Africans today needs to constantly and critically question whether they are falling into patterns of the past. In this respect, Morobe cautions: “*There is also a dangerous tendency to allow our thinking ... to be framed by apartheid’s racial constructs.*” (2004; p. 21)<sup>41</sup>. The relationships within and between levels of social functioning 13 years into democracy tend to support the words of Ramogale who suggests that: “*The lessons of the past 10 years, the insights provided by the disaster in Zimbabwe and the realities of a globalising world teach us that, as we build our democratic state, we should explore inclusive and non-threatening options. We need a polyphony of voices and mutuality of cultures and perspectives.*” (2005, p. 21).

## **6. Politics and mental health**

If violations detrimentally affect both designated ‘perpetrators’ and ‘victims’ as suggested above, good and effective governance will rely on the mental health of those who are governed as well as those who govern. By implication, the political promotion of interpersonal mental health through engagement with, and empowerment of all its citizens may lead to increased national well-being. Literature suggests that very few, if any disciplines related to human functioning can be meaningfully considered outside their relative power position within a national context (Hayes, 2003; Bulhan, 1985; Foster, Freeman & Pillay, 1997).

The question as to whether mental health as it is expressed in crime can, or should be involved in politics has been debated for years in South Africa (De Beer, 1984; Vogelmann, 1989). Some authors support the contention that violation/crime *is* involved in, and constructed through politics (cf. Foster & Swartz, 1997). Despite its violent history, the legitimacy of the crucial connection between mental health and politics in South Africa has been strenuously promoted by a mere fraction of those involved in its practice (cf. Foster *et. al*, 1997; Vogelmann, 1989). Simpson cites Cohen who “*points not only to the ‘hidden politics of criminology’ but also to the inherently political nature of crime.*” (2004, p. 21). In September 1988, Vogelmann delivered a paper entitled “*Psychology, mental health care and the future: is appropriate transformation in South Africa possible?*” in which he reached the inevitable conclusion that psychologists *do* participate in the political activities (Vogelmann, 1989). They either do so overtly, acknowledging their role and thereby enabling them to maximise agency over the implications of their actions, or unwittingly, in which case the ethical implications of their professional work is more likely to remain obscure and, at times compromised. It was therefore concluded that for ethical reasons at

least they *should*, consciously, work towards the removal of apartheid. It was surmised that for mental health care in South Africa to be appropriate and effective, a period of transformative learning, which would be arduous and lengthy, would be inevitable (Vogelman, 1989). Apartheid arguably placed insurmountable obstacles to the ability of marginalized people to assume agency in their lives, then punished them for living lives without it. In the third section I make a case that this is no less true for many inmates. And, like many inmates today, this provided ground for the fiction of some people as ‘superior’ to others, and therefore more entitled to human recognition than others (cf. Foster, 2000b; Foster *et al.*, 1997; Foster *et al.*, 2005).

Literature suggests that, although violations tend to take on a transgenerational character, historic obstacles need not inevitably constrain or determine lives indefinitely into the future. Foster states: “*Ideological processes construct relations between self and others which work both positively – to qualify persons, to ‘give them voice’ – and negatively, to subject people to certain subordinate positions.*” (2004, p. 566). Mental health is an institution which may, given the will to do so, work with political structures to create channels for individual and collective recognition in social functioning. Hook (2004a & b) points to the transformative power of therapy when it adopts an explicit, psycho-political role which seeks to question conventional socio-political positions and relative legitimacy, starting in the therapeutic relationship. Such a role is defined by Hook as the “*explicit politicization of the psychological*” (2004a, p. 20). Botticelli also supports this stance when he says: “[T]he recovery of a sense of political efficacy would vitalize analysts’ endeavors inside and outside the therapy office and could help to balance the overinvestment of the clinical dimension of psychoanalysis that has accompanied the ascendance of the relational perspective.” (2004, p. 645). Overall, it seems that despite well supported documentation by a few organisations, authors and practitioners, in South Africa the tendency to neglect and/or obstruct critical questioning of political elements in mental health still prevails. This does not preclude the potential for a transformative role of mental health work which can maximize agency by exhuming the voices of, and empower marginalized groups and individuals. Through critical questioning, it contributes to changing the dynamic of relative legitimacy to possibilities for mutual respect, as I demonstrate particularly in chapter 9. This process can expose processes and areas in which traditional culture has failed. While such questioning often is viewed as embarrassing, I do so specifically not for purposes of shaming but for purposes of exposing new avenues for more effective management of violation. In the long term, this has the potential to increase possibilities for agency and safety for all protagonists at all levels of society.

**7. Conclusion**

Literature makes the case that political ideology influences individual and group identities. A large part of identity is made up of defensive skills learned through historical and current socio-political policy. Apartheid was based on inequitable meaning structures of superiority and inferiority contributing to individual, institutional and political violations in South Africa prior to 1994. It may be that changing racial and gender profiles of different socio-economic groups after 1994 is not sufficient for managing the full complexity of transforming a culture of violation into one of mutual respect. South Africa is presently in transition between authoritarian to democratic socio-political culture. Each is complex, and produces unique social challenges in its own right. Transition from one to the other can only increase the complexities and challenges faced.

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### 1. Introduction

In this chapter I review the emergence of social discourse as it developed in the context of particular political meaning structures, which perpetuated violation. I contrast traditional social discourse with an alternative, radical theory on violation offered by Gilligan (1996, 2001, 2003) which unfolded during his 35 year practice working with, and listening to the voices of people who have been most directly affected by all forms of violation – inmates in prisons.

There is a body of literature indicating that social discourse is as much a means of understanding violation, as it is of constructing it. As a result, ways of understanding violation have changed over time and across situations. Conventional theories on violation tend to leave certain issues critical to violation relatively unexplored, such as levels of complexity, agency, morality, blame, causation and the role of emotions. As such the nature of violation and the ethical implications of these theories for its management are seldom taken into account. Viewed from a more radical perspective, traditional theories often unwittingly support and maintain violations in individual lifeworlds by sustaining socio-political ideology underlying them.

### 2. Traditional social discourse around violation

I look briefly at the evolution of some western theories underlying the nature of violation, as it is this tradition in which the South African criminal justice system is rooted. Traditionally, those who have violated social norms and/or been found guilty of crimes, have been considered to be definitively different and usually morally inferior to those of us who study, are hurt by, and/or who engage with them in a custodial capacity (e.g. Sereny, 1998; Rule, 2003).

Pfohl suggests a definition of the medical model of pathology to distance from free society those who are seen to violate: “[D]eviance [is] the disease of nonconformity.” (1985, p. 107). This view poses distinct problems for treatment, particularly when ‘nonconformity’ is understood as a social construct. As suggested earlier, South Africa’s history bears testimony to the way in which ‘black’ South Africans were severely violated for not conforming to a particular racial stereotype, while after 1994 young ‘white’ conscripts were accused of, and often punished for violations precisely because they had conformed<sup>42</sup> (Foster *et al.* 2005). In each case, individuals bore the brunt of violations and their consequences. The agency of society, institutions and ourselves, and therefore also the nature of violations themselves, remained obscure.

### 2.1 Individual focus

Many traditional theories can be classified into those which focus on the individual, or an aspect of the 'perpetrator', as the cause of violation. In these theories, the cause of violation is seen to lie with 'badness' or 'madness' of the designated 'perpetrator'. Under this rubric, Pfohl (1985) cites 'demonic theories' which follow two distinct paths: perpetrators are led into irresistible temptation; or perpetrators are 'victims' of demonic possession. In either case, their actions are determined by an outside influence. Despite the view that they have no personal agency, they are often subjected by society to severe punishment, ostensibly to 'deter' further violations. These theories rely on moral judgments, typically viewing deviance as a transgression against God and the whole order of nature itself. When writing of social understanding of political violence in South Africa, Foster *et al.* note: "*One step further down the moral scale, perpetrators are not only seen as bad, but also as evil and demonic.*" (2005, p. 49). Definitively, there is little room for rehabilitation, since the cause is pre-determined to lie outside human control.

The classical perspective views the substance of deviance as rational hedonism. These theories tend to offer diagnostic labels as 'explanations' for violation as well as justification for preferred punitive treatment. They are incorporated and reflected in society's understanding of violation. For example, Pistorius relates the diagnostic term of '*psychopaths*' (American Psychological Association, 1994) to more popular social descriptive labels such as '*Black Widows*', '*Angels of Death*', '*Sexual Predators*', '*Revenge killers*', and '*Profit for crime killers*' (2004, p. 119). She claims their actions to be expressive of a particularly alien 'type' of human, based on an absence of particular emotions: "*Killers of this type are often mature, careful, deliberate, socially adept, and highly organized.*" (*Ibid.*). Rule (2003), a popular biographer of people who have committed 'antisocial' crimes, similarly reflects common social (and often professional) discourse relating to this group of violators<sup>43</sup>. An example of this discourse as it was played out in the British legal system is well illustrated in the biography of Mary Bell, a child who was found guilty of murdering two boys at age 11 (Sereny, 1998). Labels attributed to her worth by professionals, the judge and media such as 'psychopath', 'vicious', 'a bad seed' respectively would necessarily orient her to take a defensive stance (Sereny, 1998)<sup>44</sup>. Based on principles of unintentional learning which I discuss more in the third section, the form of her defence is likely to mirror that used against her i.e. alienating and disrespectful of the other. At the same time, unacknowledged fear that these labels may be accurate is more likely to reduce the likelihood that she will engage in intimate relationships, of which exposure is a core element.

Consequently, failure to commit to rehabilitation, as an instance of an emotionally intimate relationship is more likely. Similarly, when a diagnosis of psychopathy, and a prognosis of failure is taken for granted as ‘an objective truth’, therapists are unlikely to commit to a therapeutic relationship with the client<sup>45</sup>. This perspective is reflected in positivist assumptions which developed in the social sciences during the 20<sup>th</sup> century (Pfohl, 1985). Positivism is a particularly strong influence in prison psychology in South Africa today. I discuss positivism, subjectivism and intersubjectivism in more detail in chapter 4.

The pathological perspective involves the primary assumption that deviance is explained, not by human ‘badness’, but by ‘illness’. It originated in the work of Lombroso, who combined three essential components of pathological theorising: determinism, positivism and the image of organismic infection (Pfohl, 1985, p. 87). Foster *et al* (2005) note that the South African public frequently sought to understand the actions of political ‘violators’ in terms of various psychiatric conditions as causes of, and justifications for their violations<sup>46</sup>. As with demonic theories individuals are seen to be ‘victims’, in this case of ‘illness’. If assumptions of outside agency were valid, efforts to manage violations through individual intervention would indeed be a waste of time and money.

### 2.2 Social focus

Scholars from various disciplines have focused on social causes of violations. In this section, I briefly review labelling theory as an instance of the *societal reaction* perspective; the *social disorganization* perspective; the *theory of means and ends* and the *differential association* theory (Pfohl, 1985).

In general, the set of theories including labelling theory is based on three interrelated assumptions: (a) there is a social-historical development to deviant labels; (b) the application of different labels applies to different people at specific times and places; and (c) there are symbolic and practical consequences to labelling (Stebbins, 1988). The intellectual origins of labelling theory are traced by Pfohl to George Herbert Mead in a 1918 essay where he discusses “*The Psychology of Punitive Justice*” (1985, p. 285). This perspective queries the wisdom of dividing society into two broad categories by setting boundaries between those who are socially acceptable and those determined to have pathological identities. According to this theory, the very process of labelling is seen to be a social, cultural, psychological and physiological mechanism which plays

a role in enabling violations, through alienation. This perspective adds a valuable contribution to the critical perspective discussed below. Scheff and Retzinger (1991) point out that labelling theory on its own is deficient in that the concept of labelling is confined to vague categories, and the links between labels and social systems are not clarified. Importantly though, this theory neglects to mention the powerful effects of emotions elicited by labellers and/or those being labelled and the interaction which these emotions have on the construction of knowledge. It also says little about the management of violation. Importantly for this thesis, this theory does not offer mechanisms of empowerment for management of violation.

The social disorganization perspective, which originated in sociology during the 1920s, emphasizes naturalistic causation to violation. It is viewed as an inevitable by-product of rapid social change. Durkheim coined the term '*Anomie*' to refer to a state of normlessness which prevails when cultural norms, which usually guide thought and behaviour, weaken or disappear (Stebbins, 1988, p. 26). Anomie is linked to an assumption of human weakness consisting of insatiable desires for material goods, which needs to be reigned in by a strong socio-political order<sup>47</sup>. As such, it lends support to an authoritarian, punitive treatment of violation. This theory offers little space for individual agency and, in so doing, places the potential for meaningful rehabilitation in question. In addition, it does not explain the consistent finding that the more severely 'offenders' are punished, the more violent they tend to become (Gilligan, 2001; 2003).

The anomie perspective was expanded in Merton's "*means and ends*" or "*opportunity*" theory (Stebbins, 1988, pp. 28-30). Anomie was conceptualized as developing out of a discrepancy between selectively accessible social goals and the inability of some social members to achieve these goals in a legitimate manner (Stebbins, 1988). Some potential for difference in management is provided for in the five modes of adaptation seen to arise in the face of anomie: conformity, innovation, ritualism, retreatism and rebellion (Stebbins, 1988). As such, this theory appears to offer more space for human proactive capacity and agency. 'Means' also refer to 'deviant' actions which have historically been learned. These recur in current situations which entrench and strengthen them (Stebbins, 1988). Nonetheless, this theory does not explain how determination of mode is made, or how it can be altered in rehabilitation.

Sutherland's theory of "*differential association*" offers an explanation for deviant learning based on inequitable access to social resources, but does not address the mechanisms or substance of learning (Pfohl, 1985, p. 243-250).

In general, theories which focus on either social or individual causes of violation seem to offer little more than abstract discussions or observations about that which is visible. As such, they appear to be inadequate for providing a comprehensive, working understanding of the nature and substance of violation. Importantly, on their own, none of them provides any meaningful clues regarding the management of violation other than ways which have already been tried and found to fail, as is evidenced by unacceptably high crime and recidivist rates (e.g. Harland, 1996; Flanders-Thomas, Giffard & Nair, 2002b; Giffard & Muntingh, 2006; Gilligan, 2001).

### 3. Problem areas in traditional theories of violation

Traditional theories of violation typically fail to critically engage with a number of consistent problem areas such as complexity, agency, morality, blame and causation. This prevents their integration into a logical meaning structure which informs a feasible management strategy. Thus, in practice, each theory tends to raise more questions than it answers, leaving scholars and practitioners more overwhelmed than optimistically challenged.

#### 3.1 Complexity

At best, a simplistic view of violation leaves society ill-equipped to prevent further violation (Wrangham & Peterson, 1996; Gilligan, 1996). Miller cautions: *“If we turn our backs on something because it is difficult to understand and indignantly refer to it as ‘inhuman’, we will never be able to learn anything about its nature. The risk will then be greater, when we next encounter it, of once again aiding and abetting it by our innocence and naiveté.”* (1988, 143).

Scheff (1997) claims that in analyses of the causes of World War I, researchers neglected to ground their observations in theory, preferring to compare only those elements which were superficially visible. He asserts that in simplistic understandings based only on the obvious, underlying motivations are entirely neglected<sup>48</sup>. Jack (1999) cogently describes the interplay between visible and invisible elements involved in violation when she proposes that it occurs between people, powerfully contributing to a sense of identity in terms of which people act<sup>49</sup>. In traditional theories, attempts to rank selective culpability lead to an emphasis being placed on conscious thoughts and overt behaviour. For example, in labelling apparently different forms of violation such as political and criminal, violent or non-violent, only visible consequences are foregrounded. This increases the likelihood of a disregard of possible underlying commonalities

such as alienation as a hidden motive. Conventional, simplistic understandings of crime may explain why the government had no answer but to “*put aside*” over 1000 applications for pardon for crimes because of their “*complexity*” (Makgetla, 2007, p. 9). For the general citizen, fear in the face of that which remains largely unknown continues to scar social co-existence.

Altbeker (2005) writes of social panic in the face of what society regards as the unresolved problem of crime, despite recent claims by authorities that the rate of violence has fallen. Fear increases the likelihood of retaliatory or defensive violation. Bartol (2002) suggests that popular calls for managing crime through elimination, humiliation and marginalization of the ‘other’, such as the re-introduction of capital punishment, building more prisons and using a punitive treatment policy, may be ascribed to society’s limited tolerance of complexity<sup>50</sup>. In South Africa Seleoane (1996) notes the extent of social support for this conventional view of management when referring to a television debate where 1 300 000 signatures were claimed to have been raised calling for the return of the death penalty as the ultimate state sanctioned punishment. The extent of social support for punitive retribution and the way it clashes with certain terms in the Constitution indicates at least that this question needs to be critically discussed. It also gives some idea of the extent to which psycho-education, and proactive leads will have to be taken by government into transformative learning for the whole society on the nature of violation and its management.

Typically, the nature of violation is assumed by society to be defined according to its impact on the ‘victim’ and/or on society. It seldom takes into account the possibility that violation may be an expression of relationships between people. Violations affect, and are affected by, designated ‘victims’, ‘perpetrators’ and many others at all levels of society. Measuring violation by its effects on the designated victim alone is often used also to measure and justify ‘appropriate’ treatment (often perceived as a ‘violation’ by the receiver) by punishment (Gilligan, 1996). Its efficacy as a measure of treatment is seldom questioned. A more comprehensive understanding of the nature of violation should lead to more meaningful suggestions, for all protagonists, as to ways of managing violation more effectively<sup>51</sup>.

A literature review suggests that there is a positive correlation between relatively high heterogeneity and probability of violation (Altbeker, 2005<sup>52</sup>). But the question as to what it is about heterogeneity that informs violation is a valid one. For example Apartheid operated on the principle that certain differences between people are the result of inherent relative inferiority and superiority. This view gave rise to a culture of exclusion and entitlement. Gilligan (1996), on the

other hand, suggests that where heterogeneity lies in social disparity, resulting shame increases the likelihood of violational defence. Healthy management therefore lies in learning mutually respectful engagement skills. This thesis itself is an attempt to engage respectfully with the tension of working respectfully with difference. In the third section, I will demonstrate that skills to work respectfully with difference has been largely absent in clients' lifeworlds, and that this absence is systematically reinforced in prison life.

History indicates that passive conformity, which is a hallmark of traditional views on violational management, has played a considerable role in entrenching violations in South Africa. Altbeker (2005) hints at the link of personal motivation in this debate when he says that personal experience of violation brings about fear of difference/change due to unpredictability and lack of control. These elements are maximized in multi-cultural societies in transition. Inevitably, a history of cultural practices using human differences as tools to justify marginalization and negation of groups and individuals, fuels the likelihood of violation and attendant social fear in contemporary society. Conversely, it can be argued that by risking the creation of channels for mutually respectful engagement between all groups and individuals, differences can become known and therefore feared less, which enhances a sense of security. This increases the potential for respectful integration between similarities and differences, and opportunities for recognition as well as growth can be maximized (Scheff, 1997<sup>53</sup>).

### **3.2 Agency**

The concept of agency is closely linked to issues of morality, motivation and emotions elicited in protagonists of violation. Lamb (1996) defines the moral self as synonymous with the term 'character', which is the sum total of his/her deeds. Lamb links morality to agency when she says that: "To talk about a person's character is to accept the idea that there is a self, a 'willing' self." (1996, p. 9). Hampton (1990) suggests that in our criminal justice system, actions which do not conform to legal meanings around morality, will elicit accusation, condemnation and desire for revenge<sup>54</sup>.

When authors blame violators, whether implicitly or explicitly, confusion exists as to whether they believe that designated perpetrators have agency or not, and based on this, whether they are 'bad' or not. For example, Braithwaite suggests that a 'good' theory of criminal justice management involves acknowledgement of 'bad acts' rather than 'bad people', which would compromise agency or 'dominion' (1989, p. 101). Nevertheless, in the same book, the author falls

into the trap of entrenching social discourse which contributes to the construction of violation, as discussed according to labelling theory, when writing prolifically of 'deviants'. Also, in discussing agency of serial killers, Pistorius suggests that the term "irresistible compulsion" is frequently proposed by 'perpetrators' as an effort to manipulate the court into a lesser sentence (2002, p. 6). This conclusion is based on her claim that killers show clear evidence of being able to prevent themselves from killing: "[T]he fact that he goes into cooling-off period confirms that he can control his urge to kill – he just does not want to." (2002, p. 6). Confusion in this hypothesis arises when Pistorius acknowledges that often serial killers commit themselves to psychiatric clinics for assistance, but then suggests that this action, too, is morally reprehensible when she blames them for: "Unfortunately" feeling it "is the psychologist's responsibility to figure out that they are killing people." (2002, p. 7). It seems worth considering that, when the 'perpetrator' turns to a professional for assistance, s/he is acting with agency in the only way s/he realistically can since psychologists are ostensibly trained to work with hidden motives. This would be consistent with their claim of killing under irresistible compulsion. Masters (1993) describes the conflict between apparent calculatedness and underlying elements of compulsion in his biography on Jeffrey Dahmer<sup>55</sup>. Clients requesting assistance from any possible source in coming to a greater understanding of the nature of his/her violation, appears to be a first step in its responsible management. This logic is supported by the work of Gilligan (1996), who describes extreme incidents of violence which he has come across in his 35-year practice with people in prison. He provides cogent arguments for how hidden motivations powerfully affect relationships in the lifeworlds of individuals, and culminate in violations. In other words, Gilligan (1996, 2003) claims that substantial aspects of violations are often deeply embedded in complex, covert and disguised (from self and other) emotions of shame and thus are, by definition, often lacking in agency. Where confusion exists for professionals it would seem logical for misunderstandings to be even more pronounced within the general population whose knowledge is more centrally located only in personal experience. *The view that vital elements of agency are lacking in violation logically suggests that any form of meaningful rehabilitation must necessarily rely on developing conscious knowledge of hidden aspects of violation, rather, for example, than relying on 'reintegrative shaming' as is suggested by Braithwaite (1989, p. 100), or 'reprobation' (Braithwaite & Pettit, 1990, p. 88).* In working with female prison inmates, Marcus-Mendoza stresses the development of assertiveness to be the basis for agency and a central element for transformative rehabilitation: "[T]his therapy helps women resist dominant cultural norms, attend

to their own voice, and encourages resistance, personal integrity, self-directedness, and self-esteem.” (2004, p. 53).

### 3.3 Morality

The imposition of morality on clients can, in itself, constitute and influence violation. In making attributions of agency and intent, the attributor may him/herself be motivated by hidden defensive patterns, and elicit further defences in the person being evaluated. Scheff (1997) introduces the notion that where agency is lacking, deception of other *and* self is highly probable<sup>56</sup>. Axiomatically, where self-deception occurs the distinction between intent and motivation becomes relevant, and notions of agency and responsibility become questionable.

Warren (1997) says that the term ‘moral rights’ is a social one developed to facilitate cooperative and sustainable social living arrangements between human beings who share similarities and differences in various respects. Human mental health relies on mutual respect for moral rights, which are conceived of as a “*precondition for good social relationships*” (Warren, 1997, p. 158). Conversely, the quality of social relationships suffers when humans “*fail to prevent resentment, duplicity, violence and greed from undermining our social relationships, and our collective well-being.*” (Warren, 1997, p. 157). Warren (1997) asserts two fundamental reasons why society would need a concept of moral status, particularly at this time in history. The first relates to the complexity and sophistication of the human brain which, together with the second reason, the opportunistic nature of human beings, creates the potential for self-extinction and utter destruction. This outcome is considered to be diverted by the imperative of self-inhibition according to a moral standard, learned through relationships with significant others in individual lifeworlds. While Gilligan (2001) also warns of the potential for humans to destroy themselves, he suggests that this is more, rather than less likely, if violence continues to be managed along traditional paradigms. It can be precisely when morality is imposed that negation of agency and self occurs. Negation makes defence an imperative and ironically, ‘moral rights’ then become the tool of destruction.

The term ‘morality’ has been bandied about by society to both justify violation through the imposition of relative superiority and entitlement, and/or to legitimize it as a way of curbing violence. In her work with women in particular, Jack says: “*Once a woman formulates a moral justification for an aggressive act, she can use it to provide a rationale for moving beyond ordinary social constraints.*” (1999, p. 155).

While the motivation for using morality is often defensive, its consequences are frequently experienced as violational. Lamb (1996) suggests that in using morality rather than assertiveness of distinctive needs and feelings to explain violations, both designated 'victims' and 'perpetrators' avoid the core issue of human legitimacy and recognition, which is necessary for growth. This places each in opposition to the other, in competition for the 'best moral high ground', i.e. for recognition. The role of arbiter may be assigned to the word of a perceived higher power, as interpreted by selected representatives on earth, or one in an authoritative position (Warren, 1997). Either way, the process discourages respectful mutuality.

Traditional ways of managing violation through presenting and imposing morality as an 'objective truth', have failed. Gilligan (1996) rather suggests that violation is an indication of tragedy which occurs in the struggle to attain human public health. Gobodo-Madikizela introduces an interesting debate when she challenges us to "*define morally reasonable ground on which to grant perpetrators mercy and allow them to go free.*" (2003, p. 138). It may be that to introduce the concept of 'mercy' into the debate of the treatment of violence is, by implication, an acceptance of a socio-political status quo (both in wider society and professionally in psychology) which sustains violation rather than one that promotes the learning of different, more respectful forms of defence. In the third section, I will demonstrate how in prisons, moralizing has been a particularly powerful tool which has been used to perpetuate a culture of violation.

### 3.4 Blame

Articles in popular magazines and newspapers, such as that written by Bramdeo, Geldenhuys, Molele, & Huisman (2005) are arguably powerful reflectors of and contributors to the construction of prevailing social discourse around blame<sup>57</sup>. Robinson (2007) cites Foster's notion that political violence is enabled, through the need to defend, by conspiracy theories. These theories thrive on blame. It is not difficult to see how this same dynamic can become applicable to relationships on different levels, such as between inmates and warders. Compassion for designated 'victims' is inevitably accompanied by deep-felt hatred of cruelty, both of which carry powerful credit for the identities of those of us who can lay claim to these emotions. The question of whether it is possible to hate cruelty adequately if one cannot find a cruel person to blame appears to emerge naturally. Indeed, moral condemnation of violence and cruelty seem rather empty if there is no agent to blame. In common parlance, it seems natural to want to make the guilty party 'hang his/her head in shame' (Gilligan, 2006).

A radically novel way of looking at the nature of violation warns that blame, although understandable, also displaces power from the self to the other. As such, it may have detrimental consequences for all protagonists in that it can render treatment ineffective. Effective work with violation suggests that blaming of others by healers renders the healer less competent: “[B]laming serves to perpetuate the conflict; one becomes as emotionally enmeshed as the parties themselves.” (Scheff, 1997, p. 128). Lamb (1996) says that shaming through blaming does not necessarily motivate reform or encourage good acts. On the contrary, the impulse when shame is threatened and one cannot hide is to deny any wrongdoing and to point the finger at someone else. If present crime trends are any indication, traditional discourses of blaming designated ‘perpetrators’ appear to have failed as a basis of both understanding and managing violation. Inevitable feelings of anger can be owned (instead of displaced) and used to assert agency. Blaming can be viewed as disrespectful of self and other when it undermines the power of personal agency over designated ‘victims’. Scheff argues that in oversimplifying violence through blaming another person or event, we have “cost victims some modicum of respect and personhood” by rendering them passive, or at best reactive, and unable to act as unique, creative human beings with capacity for transformative repair (1997, p. 134).

Blame has further adverse consequences for designated ‘perpetrators’. Any in-depth exploration into the lives of designated ‘perpetrators’ will lead to findings that their violations are informed by early instances of ‘victimization’ (Gilligan, 1996; Miller, 1988). In this way, traditional discourse which splits ‘perpetrators’ from ‘victims’ of violation, designating the former as more morally corrupt than the latter, becomes problematic. By emphasizing an event or history outside themselves, even with the most noble of intentions, the blamer denies the space for the emergence of, and consequent working with hidden shame which, as I will demonstrate in chapter 8, is a crucial factor in the construction of violation. This inevitably undermines the development of agency and increases the imperative for defence (Lamb, 1996). Lamb points to the self-destructive elements of blame, if the aim of blame is to manage violation: “The more you blame a person, the more ashamed he feels and the greater his tendency will be to hide his head, deny his wrongdoing, or look outward for causality. There does not seem to be any easy way to both blame and encourage another to take responsibility for his actions.” (1996, p. 11).

Literature suggests that blame is a form of human defence in that it has two benefits for the self-esteem of the blamer. The first effect is that it provides merely an illusion of nobly solving problems by providing a target. The second effect is that it serves to absolve the blamer

from any contribution to violation in general (Lerner, 1989). By blaming, we visibly claim allegiance to designated 'victims', which generally elicits more favourable acknowledgement from society. However, the hidden costs are that the validity of human distinctiveness, as well as engagement on similarity and, importantly, considerations of safety are disregarded. In this way, the apparently noble act of blaming may become a sophisticated way of justifying violation through self- and other deception.

The vehicle of blame is often to be found in labelling. It is easier to consign people who commit crimes into 'mad' or 'bad' categories, thereby creating distance between protagonists (particularly as a way to defend ourselves from perceived 'contamination'), than it is to take the risk of finding commonalities with 'perpetrators' on which to build knowledge of and treat violation (Gilligan; 1996, Wrangham & Peterson, 1996). Although in hinting about those who kill serially as a different 'type', Pistorius also notes that while it may be reassuring to think of serial killings as the acts of 'mad' people, "*unfortunately this is not true.*" (2002, p.1).

On a broader level, Lerner (1989) suggests that blaming serves to protect the existent socio-political status quo. Jack (1999) agrees, and cautions that we cannot know the meaning or motivation of an aggressive act without knowing its relational context. She suggests that aggressive expressions are shaped by: (a) the structure of a relationship, including power, gender and economics; and (b) by the quality of the relationship – its feeling tone, its violations and its intimacies. Scheff suggests violation is a barometer of the health of human functioning: "*Blaming one party to an interminable conflict serves two functions: if we blame one single event or party, we are apt to ignore the systemic nature of the conflict, a way of denying the social nature of the human condition.*" (Scheff, 1997, p. 128). The process of viewing and responding to violation in its context is complex. The process of substituting agency for blame is undeniably personally uncomfortable. The benefit of both enhances a culture of mutual respect rather than one of exclusion and violation. This framework supports the view of violence as, first and foremost, a public health problem which affects all levels of society and at different degrees of intimacy (Gilligan, 2001).

### **3.5 Causation**

The view that violation is complex and that a simple cause-effect relationship is ineffectual for a comprehensive understanding and treatment of violation is supported by Bowen (1978), who works particularly with family conflict. In his view, all cases of ongoing conflict at different

levels of society are represented, on a microcosmic scale, in family systems. At this level, all members of the family are equally involved, albeit in different ways, in managing conflictual situations more or less successfully. Rule's (2003) description of the 'bad' seed theory, where congenital deficiencies cause the existence of 'evil' people<sup>58</sup>, provides a sharp contrast to the systematic view of conflict provided by Scheff (1997) where all protagonists are seen to be caught up in more or less dysfunctional or functional systems<sup>59</sup>. In the third part of this thesis the effects of historic family interactions, which are mirrored in prison relationships are powerfully demonstrated.

Research conducted on the relationship between violent crime and 'madness' (which is not a focal point of this thesis) is open to much debate. It is worth noting Swartz' warning against the ethical danger of using quantified data in social research, based on its potential to negate underlying meaning structures of both participants and researchers alike: "*The life shrinks to encapsulate the history of symptoms only; the patient is discursively performed as psychotic, and nothing else.*" (1996, p. 153). Briefly, Gilligan (1996) indicates that the correlation between violent crime and 'madness' (whatever this means) is as low as 5% in the US. Olivier, Roos, and Bergh (1998) also conclude that interpersonal relations are decidedly more informative about the nature of violations than are diagnostic labels. Labelling has the self-serving effect of justifying 'expert' or 'professional' discourse, at the expense of validating the lifeworld of the person being labelled. Over and above the ethical implications, this process may undermine effective management of violation in the long run (Swartz, 2004; 2005; Sereny, 1998).

### **3.6 Emotions and violation in relationships**

South African culture exhibits a wealth of conflicting ideas on emotions and their worth. It is perhaps the ambiguity underlying their social acceptability which promotes our tendency to hide them, and their subsequent contribution to violations. Scheff (1994, pp. 151-152) offers a list of verbal and non-verbal markers connecting shame and anger with alienation, all of which are commonly observable in all human relationships. Yet, Lutz (1996) notes that hegemonic discourse claims emotion to be perilously irrational and specific to women<sup>60</sup>. Where emotions are not owned, they are typically viewed as unacceptable. This has implications for increased disguise (from self and other), and subsequent violational expressions of them. Radical theory regards *processes* of invalidation and banishment of emotions on the one hand, and validation and

assertiveness of emotions, rather than the emotions *per se*, as instructive in the management of violation at interpersonal, socio-political and institutional levels (Gilligan, 1996; Scheff, 1994).

In contrast with traditional discourse which claims the desire for material goods, at any cost, to be the cause of violations<sup>61</sup>, Scheff (1997) argues forcefully that violation attached to material goods is merely a symptom for underlying lack of acknowledgement of valid emotions and universal needs<sup>62</sup>. Gilligan points to the problem of shame attached to, and generative of alienation in individuals and groups, rather than the lack of money *per se*: “[B]eing socially ‘invisible,’ being treated as so insignificant that one is not even noticed, rather than want[,] is the curse of poverty.” (1996, p. 199).

Thirteen years after the end of apartheid, South Africa has been left with a melting pot of intense, hidden emotions without necessarily having learned appropriate new skills to manage them. Through the TRC hearings, South Africa set a global example showing some of the benefits of exposing social shame. Debates around management of the exposed ‘violators’ centred more around traditional discourse of ‘mercy’ and amnesty from prosecution, rather than considering how to implement channels to learn respectful mutuality, which has not been a predominant part of our cultural history during apartheid (Foster, 2000a; Gobodo-Madikizela, 2003).

#### **4. Radical discourse around violation**

Gilligan’s theory (1996, 2001, 2003) provides the backbone to a radically different understanding of the nature of violation, and how it can be more effectively managed. In terms of this relatively new approach, violation is identified as a relationally constructed part of life, on all levels of social functioning. This view is arrived at through critical discourse, which engages explicitly with issues such as complexity, agency, morality, blame, causation, and the integral functioning of emotions and learning. The implications of this view are often uncomfortable, as they profoundly challenge traditionally assumed aspects of violation with which many of us, who have not been convicted, may have become complacent. As such, they challenge the validity of meaning structures upon which our own identities are based. On the other hand, this view provides scope for the transformation of despair into opportunities for growth, not only for those convicted in the criminal justice system but for all of us who are protagonists to violation. I deal with his social crime prevention approach in more detail in chapter 3.

#### 4.1 Violation sourced in interaction

Contrary to conventional psychological discourse which locates violation within an individual, radical discourse ultimately locates it *between* people. Instead of encouraging distancing between protagonists, Scheff and Retzinger (1991) root violations within social relationships in the society in which they occur<sup>63</sup>. In other words, to understand and manage violation better, we need to understand ourselves and manage ourselves in the world more comfortably. This is accomplished through an orientation of approach rather than distancing. Gilligan (2003) suggests the generative mechanism for violations, as well as common ground between socially convicted ‘violators’ and ‘free’ society, when he supports Hegel’s contention that the universal human need for recognition is the most powerful and profound motivation of all human behaviour, including violations.

Violation is understood to be generated by a distinctly human need to be recognized or to be held in regard: “*Recognition – re-cognition – is both etymologically and psychologically related to respect; the former derives from Latin words meaning to ‘know again,’ to take a second look.*” (Gilligan, 2003, p. 1153). In contrast, but arising out of the need for recognition, shame is questions the right to be acknowledged as human – which explains why it is so easily hidden. As such, it also contributes crucially to human motive to defend against any doubt in this respect.

Gilligan cites Marx as saying that: “[S]hame is the emotion of revolution, i.e. of violence.” (2001, p. 100). Scheff and Retzinger support this argument: “[A]lienation and emotion play a central role in destructive conflict.” (1991, p. 167). However, it is less shame per se, than *hidden* shame which is of relevance to violation. Gilligan captures the motivation for hiding shame, not only from others, but importantly also from oneself: “*Violent men’s deepest fear is that they will go out not with a bang but a whimper; which is why they try so hard to create the biggest and loudest bang they can, in an effort to drown out their shame-inducing whimper.*” (1996, p. 214). Axiomatically, shame is elicited through processes of social interaction, through the absence or withholding of acknowledgement.

#### 4.2 Dis-regard in relationships

Different understandings of violations have implications for the socio-political structure of society as much as they do for treatment of individuals. Gilligan (1996) suggests that there is merit in questioning whether violations are an indication of moral inferiority. In terms of a more radical view violations are viewed as human tragedies, emerging through relationships between

people at all levels of society. The object of considering this view is specifically *not* to justify, but to maximise safety by more efficiently managing violations (Gilligan, 1996, 2001, 2003).

Gilligan (1996, 2003) recognizes clients when he refers to, and legitimizes their voices in his work on violation. He cites the reason that convicted inmates commonly claim for having acted in a violent manner: "*Time after time, they would reply 'because he disrespected me' ... In fact, they used that phrase so often that they abbreviated it into the slang phrase, 'He dis'ed me.'*" (Gilligan, 2003, p. 149). Apartheid South Africa provides practical testimony of a nation where black South Africans defended against systematic disregard by whites, and a systematic coercion of recognition of white 'superiority' from black South Africans. The coercion of relative regard was accomplished through the use of psychological, emotional and physical abuse/punishment, which in turn was made possible through inequitable power. This was a large part of the substance of prejudice and it is part of a South African cultural heritage.

A number of authors point to the hidden, albeit short-sighted, benefit of the social defence of justifying and protecting one's own (and/or group's) right to recognition at the expense of recognition of others (Foster *et al.*, 2005; Duncan, Stevens, & Bowman, 2004). Disregard of individuals and groups, including inmates, is intimately linked to labelling and 'othering', which has the potential to increase and institutionalize violation. It is arguable that the effect of labelling can be to sustain and support that which is feared: in this case, violations.

Gilligan's (1996) understanding of violation is an intersubjective one, which he illustrates as existing between societies, between different levels of society, and between individuals in society. Gilligan (1996, 2001, 2003) suggests that when shame-based cultures are denied appropriate means, or have no history of resolving shame on the basis of mutual respect, it is more likely that they will violate others, including their erstwhile shamers through shaming<sup>64</sup>.

Gilligan (1996, 2003) also suggests that cultures which have largely shamed others tend to become predominantly guilt-ridden after confrontation with their violations is no longer avoidable. I have previously referred to instances of guilt in South African white population since the fall of apartheid. These cultures tend to express higher suicide rates.

Researchers and practitioners in developing, heterogeneous societies carry a particularly heavy ethical burden to make sure that the interests of all protagonists are to be honoured, and the limits of self knowledge are acknowledged. Alarming,ly, Duncan *et al.* found that in South Africa, psychologists working from traditional frameworks which labelled people typically sustained violation in the form of racial prejudice: "[M]ore frequently than not, they

(psychologists) constructed black people in South Africa as 'different', 'alien' and negative *Other*, and in the process reproduced one of the key elements of the ideology of racism." (2004, p. 365). Swartz (1996; 2004) says that a medical and legal (usually unacknowledged) need for personal acknowledgement is fulfilled by presenting behaviour of socially defined 'deviants' as irrational, unnatural, disordered or deranged. Swartz cautions professionals to be aware of the dangers of the casual stripping of clients' identities as they "*define, redefine, confirm and reconfirm their own beliefs and the beliefs of the communities in which they live and work.*" (1996, p. 152). In this way, assumptions underlying traditional theories on violation uphold the fiction that professionals have the capacity to accurately describe and measure others. This sidesteps the thorny possibility that the very language used by professionals to label the other is a socially constructed tool, also created to support the fiction of social reality as an 'objective', uncontentious truth, with self-serving and ethical implications.

Any discussion regarding the nature of violation invariably leads to many voices pointing to 'perpetrators' as morally inferior and somehow alien to our species (e.g. Pistorius, 2002; Kellerman, 1999). A relational view suggests that the horror of violation emerges as simultaneous indefatigable needs for human recognition and defence against human negation. Storr (1992) proposes that when aggression gains a target, the relief is real yet short-sighted. Foster *et al.* (2005) note that, at the TRC hearings, labels were used rather unsuccessfully in attempts to 'justify' and 'explain' political crimes during the apartheid era. Through distancing, society uses these same labels to make apparently bizarre behaviour more digestible. Scheff suggests that when denying another human recognition, this "*results in a loss of attention to this crucial dimension of human temporality— and thus to the very nature of human reality and identity.*" (1997, p. 11). In chapter 6, I illustrate in more detail the connection between human identity construction and violation.

### 4.3 Role of learning dis/regard through social mediation

Although Vygotskian theory has never been applied to develop an understanding of violations as such, it provides theoretical legitimacy to critical questioning of social problems and to a multi-layered exploration of violation. In chapter 9 I will describe how this theory enabled transformative rehabilitation in therapy. Given the transgenerational and cross-cultural aspects to violations, it would appear that any comprehensive understanding of violation must necessarily engage with the role of learning in its emergence in social life. Pfohl suggests that violations arise

*“in the diverse ways in which people learn through interacting with each other in everyday life.”* (1985, p. 242). In stressing the crucial role of social mediation in ways of knowing and being in human life, a Vygotskian (1978) theory of learning offers a useful tool with which to comprehend transmission of violational defence across generations. By the same token, the introduction of a culture of respect can be initiated through social mediation. Gilligan suggests two principles when teaching staff in prisons how to be in a different way, and to help others be in a different way – by introducing the central notion of mutual, positive regard: *“(1) By treating everyone with respect, you teach them to treat everyone with respect also, because the only effective teaching is by example. (2) Just as the most powerful provocation to violent behaviour is disrespect, the most powerful means of preventing violence is universal respect.”* (2001, p. 120).

## 5. Conclusion

Gilligan (1996) observes that where high recidivist and crime rates persist, a reasonable inference is that traditional theories are inadequate to explain and manage violation. His radical perspective on violation suggests that any particular discourse inevitably promotes a particular socio-political status quo because violation is constructed between protagonists within a socio-political context. This approach regards processes such as over-simplification, refusal to acknowledge agency, imposition of morality, and blame, common to traditional theories as self-serving in the short term. In the long run, they sustain and entrench a culture of violation. In contrast, a radical perspective regards violation as a tragedy in public health management due largely to alienation and disregard of certain groups, and aspects within ourselves (such as emotions). It promotes mutuality as a form of interaction. It explicitly acknowledges the complex underlying emotional links between material ownership, status and morality. Mutuality assumes validation of the right and necessity of all protagonists to critically examine the whole socio-political system as it contributes to violation and/or transformative growth (and often both).

### 1. Introduction

The prison system is that institution most directly involved with the custody and care of those found guilty by society of criminal violations. Literature suggests that the particular care and treatment offered through the relationships between inmates and custodians can either perpetuate violation, or transform it. Lessons of apartheid taught that where the voice to any party in a relationship is subjugated, the capacity for transformation is inevitably compromised since reflection of consequence and/or incongruence and/or violation by the other is prohibited. In South African prisons it appears that the voices of inmates are invariably stifled, compromising the right of staff and inmates to learn, and right of the whole of society to safety and transformation.

I briefly discuss aspects of policy, as it relates to human rights in prison conditions such as overcrowding, and psychology and rehabilitation in the South African prison system while I worked as a prison psychologist between October 2000 and 31 November 2003. In chapter 10 I embed client lifeworlds in practical relationships as a function of service delivery in the prison setting. This provides a stark contrast with some of the assumptions and claimed intentions set out in policy. In addition, I will juxtapose the purposes and consequences of prisons as they are under the current system, and as they are envisaged from a radically different perspective.

### 2. Political structure, social discourse and criminal justice

As a constituent member of the United Nations, South Africa's criminal justice system aims to transform to standards consistent with global and national policy reflecting western democratic views of equity and fairness at an institutional level. This objective is seen as a vehicle to achieving a healthy quality of human social functioning at all levels. The Universal Declaration of Human Rights, to which South Africa is a signatory, states as its aim: "*[R]ecognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*" (Amnesty International, 1998, p. 3). Martin Luther King's statement that "*[i]njustice anywhere is a threat to justice everywhere*" is premised on the acceptance of the human capacity for mutually respectful engagement between individuals and at different levels of state functioning (Amnesty International, 1998, p. 3).

It is in the criminal justice system, of which prisons form a part, where concepts such as defence, justification, agency and *mens rea*, responsibility, morality and blame are constantly

being raised and played out in individual lifeworlds. Prisons are the immediate context in which society engages with these concepts as they are perceived to arise, or not, for prisoners on a day-to-day basis over varying lengths of time.

### **3. The purpose vs. consequence of the prison system**

I will confine my discussion on the purpose and consequence of imprisonment to two broad, diametrically opposed views of how crime is best managed. The traditional, judgmental approach is based on different assumptions underlying the nature of crime than is the radical approach put forward by Gilligan (1996, 2001, 2003). The radical approach has also been termed the “*social crime prevention*” approach by Steinberg (2001, p.5). The traditional approach has been in evidence for centuries. It has been termed the “*moral-legal*” approach by Gilligan (2001; p. 7) or the “*law and order*” perspective by Steinberg (2001; p. 5). Although the purpose of prison is to *do something* about safety and crime, the consequence of *how* it does so is the subject of debate here. By operating according to a more traditional approach, it may well be perpetuating crime (Gilligan, 1996).

#### **3.1 Moral-legal (traditional) approach**

Implicitly or explicitly, the traditional approach views crimes as either acts by ‘mad’ people, or wilful acts of maliciousness by designated ‘perpetrators’ against ‘victims’. ‘Perpetrators’ are seen to deviate from ‘normal’ society (e.g. Pistorius, 2002; Kellerman, 1999). Criminal behaviour by ‘bad’ people is considered to be most fairly and effectively managed by negative reinforcement i.e. finding punishment severe enough to deter further perpetration in an effort to coerce ‘criminals’ to recognize the rights of others (Corlett, 2001). In South Africa, when sentencing four men for killing a four year old child and raping her minder, Judge Hattingh is reported to have expressed regret at not being in a position to impose the death penalty<sup>65</sup> (Editorial comment, 2006). With respect, in commenting: “*Government must take responsibility for ending the rampant crime wave engulfing our country...and it's now time something drastic is done about crime*”, the Judge may have neglected to understand the influence we collectively have in the construction and management of violation (Editorial comment, 2006, p. 1).

Negative reinforcement consists of capturing, blaming, judging and sentencing the violator to varying methods of alienation from ‘normal’ society, according to what is considered by those in authority to be ‘appropriate’ proportions to the crime committed. Methods of

alienation include stigmatization and humiliation (Goffman, 1963), punishment and imprisonment (Nair, 2002a; Gilligan, 1996) and, in some countries and in situations deemed to be extreme by that society, permanent removal from society through the imposition of the death penalty.

The traditional approach can be seen to have effects not only for the designated ‘perpetrator’, but also for authorities who coerce ‘recognition’ of a particular socio-political and moral status quo from the ‘perpetrator’. Fanon (Bulhan, 1985) describes the tragic predicament of inauthenticity gained by those who have the power to punish but by virtue of their human status necessarily also need recognition. Punishment provides inauthentic acknowledgement for the punisher, in a manner which denies respectful recognition of mutual human capacity between both parties<sup>66</sup>.

Marcus-Mendoza (2004) discusses how historically, traditional discourse on crime in female prisoners has effectively led to self-fulfilling prophecy. Expressions of universal needs to survive and be recognized, or for sexual gratification by individuals and groups deemed to be ‘inferior’, are often met with shaming of these human needs by those in authority (Marcus-Mendoza, 2004). Shame is typically used to determine and justify punishment ‘to fit the crime’. Where punishment takes the form of literal removal of those uncomfortable reminders of universal needs e.g. through incarceration, solitary confinement, and death they are often unquestionably tolerated if not actively supported even if these methods run counter to measures of safety (Toch, 1975). Bruce, a senior researcher from the CSVR relates criminal violation to a culture of alienation in South Africa. He argues that reintroduction of the death penalty in South Africa would perpetuate, rather than heal past inequity<sup>67</sup>. In chapter 8 I will demonstrate that crime flourishes where needs and emotions continue to be hidden or masked (e.g. Gilligan, 1996, Scheff & Retzinger, 1991).

Stern (1998) proposes that prisons, which date from the Victorian era, are an outdated mode of dealing with many socio-political problems. Traditional efforts appear to vacillate between denying the problem of violation; fuelling the problem by further alienating ‘perpetrators’ without providing an environment to learn and practice skills for respectful management; and/or providing a series of ad hoc programmes whose rehabilitative value is not theoretically sound, and have not been researched. In the hope that the severity of the problem of violations will disappear, these methods often go to great lengths in very public ways to satisfy

selective recognition of the interests of the socio-politically advantaged. They are typically aimed at vicariously satisfying society's emotional outrage, but may do so at the expense of preventing further violation. They may constrain society's capacity to comprehend a more complex nature of violation and as a result may fail to manage it in an efficient manner (Stern, 1998).

Traditional perspectives based on rational-capitalist assumptions prioritize rational elements of social life while belittling and negating emotive concerns. Such perspectives hold the view that people who commit crimes do so voluntarily, with full conscious intent, and should therefore be punished to the full extent permitted by law. The role of emotions is often inconsistently regarded. Sometimes, they are considered to be pathologically absent, as is commonly claimed to be the case of designated 'psychopaths' where emotions are not visible. In cases of violence deemed to be visible expressions emotional lability, emotions are considered to be operating diametrically in opposition to intellect, and are viewed as the 'cause' of crime. In short, aspects which are measurable and visible are predominantly taken into account. Designated psychopaths, by definition, display no visible signs of remorse in situations of judgment such as court rooms (American Psychological Association, 1994). In order to be deemed 'legitimate', treatment often mirrors the violation in that its formal requirement is that it should rely on rigid, 'unemotional' punishment in prisons (Pfohl, 1985; Boyne, 1990).

Foucault (cited in Boyne, 1990) argues that the progressive shift to an impersonal, sterile, centralized prison system is based on a culture of discipline. In the third part of this thesis, I demonstrate that where the vital role of emotions as a legitimate part of social life, fails to be taken into account, irrespective of whether as they operate within accused 'perpetrators' or those applying the law, this denial may enable increased danger as it compromises agency. Foucault claims that a culture of discipline strips individuals of all motivation to assert their individuality as a healthy part of life (Foucault, 1982). This undermines rather than promotes safety considerations. In complying with coercion to hide expression of distinction individuals fall into fulfilling socially ascribed identities (Boyne, 1990; Kelly, 1994). In chapter 6, I demonstrate that this process echoes that to which inmates have been subjected in their historic lifeworlds, and according to which their identity, and violations as expressions of this identity, have been constituted.

The effect of individual suppression results in the maintenance of an inequitable socio-political and institutional status quo, abdication of agency and perpetuation of a continuing culture of violation. Evidence of this lies in South Africa's apartheid era where social engineering

of relative marginalization supported the established socio-political and economic structure, endangering the well-being of the whole society (Hook, 2004b). Currently, inmates are valued according to their use as objects for the satisfaction of the needs of others. The worth of their human subjectivity is negated by being managed as commodities, enabling a socio-political standard of relative superiority/inferiority and entitlement (Biko, 2004). Toch (1975) notes that the general layperson also reinforces and demands traditional, punitive treatment for prisoners as proof of relative legitimacy in the eyes of the select membership of the existing socio-political status quo<sup>68</sup>.

Ironically, Steinberg (2004) implies that a system of violations in gang culture in prisons not only mimics, but also depends on the use of power in ways similar to those expressed in the authoritarian prison system for its continued existence<sup>69</sup>. Marcus-Mendoza (2004) also says that in the US, current prison contexts not only mirror violations for which inmates were convicted, but also mirror historic violations to which inmates were subjected as children<sup>70</sup>. Gilligan (2001) argues that societies, institutions and individuals who declare ‘war’ on violence (as opposed to developing a more comprehensive understanding of it), are in danger of flagrantly facilitating, participating in and perpetuating violence through the very means they ostensibly use to fight it.

Gilligan (1996) argues that the tenacity of violation, which has continued and grown in the face of traditional methods of treatment for over 4 000 years, bears witness to a substantially faulty understanding of the nature of it. Traditional discourse is based on seeking retribution and deterrence<sup>71</sup>. Anger in the face of violation is understandable and essential to ensure safety. But once it undermines that same safety it leads to increased social despondency and feelings of helplessness, alternating with powerful attempts to enforce compliance through measures to shame and marginalize. A culture of critical questioning is needed as a first step in considering novel alternatives which are more likely to prevent and contain violations in the long term.

### 3.2 Critical perspective on criminal management

A critical perspective on criminal management refers to engagement with and subsequent deconstruction of hegemonic orders about it. Critical enquiry is a tool which becomes readily more accessible to all in a social democracy if based on principles conferring mutual legitimacy and respect to all affected groups. This process has the potential to lead to the removal of socio-political and institutional habits which constrain transformation.

Stern (1998) suggests that development in the 21<sup>st</sup> century demands that current views of prisons be reviewed for three reasons: prison enables profound abuses of human rights under the guise of necessary protection of the public; to a large extent prison no longer (if it ever did) serves modern social needs in that it perpetuates, if not creates, the very problems it wishes to contain; and most importantly, it may, paradoxically serve to threaten the future of human existence. This view of traditional prison management is echoed by Gilligan (1996), as well as by Toch (1998), who researched the effects of the hypermasculine environment of male prisons<sup>72</sup>.

Critical enquiry exposes different, transformative potential as lying in relationships between inmates and social others when these are based on mutuality rather than relative power positions (Pfohl, 1985). Critical theorists often speak pertinently to alienated groups and reach far beyond liberal theories (which include e.g. anomie, societal reaction and pluralistic conflict theories as discussed in the previous chapter) when they call for relations based on mutuality at all levels (e.g. Gilligan, 2001; Goffman, 1963; Markova, Graumann, & Foppa, 1995). Critical theorists see liberal attempts at change to be merely of an antidotal<sup>73</sup> nature (Buirski & Haglund, 2001). Aimed as they are at gaining immediate gratification of personal, socio-political and institutional needs for recognition at the expense of lasting or sustainable change, such change cannot be expected to contribute to transforming a culture of violation to one of mutual respect in any sustainable way. Pfohl cites Taylor *et al.* who claim that violation is generated and sustained by relationships based on power discrepancies in relationships: “[T]he abolition of crime is synonymous with the abolition of a criminogenic system of domination and control.” (1985, p. 349). This view implies that rehabilitation of individuals on a large scale will be ineffective unless the prison system as it stands, and the socio-political context in which it occurs and which it supports are similarly transformed.

From within a critical perspective, strategies to empower alienated individuals and groups are explored in order to deal with seemingly overwhelming social problems, such as violation. This view engages effectively with an intersubjective understanding of how social reality is constructed so that all members come to legitimate channels to ensure mutual engagement, to ensure a human quality of life. Intersubjective theory situates social problems between people, thus empowering us all with some influence over them, as I discuss more fully in chapter 4.

Miller suggests that the paralysing effects of human despair and depression typical of large scale social problems can only be lifted when their intentionality and “aboutness” is

understood (2002, p. 6)<sup>74</sup>. This ‘aboutness’ relies on developing conscious understanding based on both hidden and visible aspects of social problems, which is promoted through critical enquiry. Critical enquiry, in turn, relies on the right to speak. Miller (2002) clarifies the ways in which conscious knowledge has possibilities for replacing fear, and becomes a constructive response in the face of despair. In chapter 9 I demonstrate how critical questioning enabled a sense of adequacy to triumph over despondency in the practice of managing violations in individual lifeworlds in prison.

### **3.3 Radical social crime prevention approach**

The radical social crime prevention approach emerged out of the failures of the traditional approach to curtail crime for centuries. Gilligan’s (1996, 2001, 2003) radical theory of social crime prevention is a paradigm shift away from conventional methods, as it is based on the principle of acknowledgement and engagement rather than alienation and silencing. He bases his theory on 35 years’ engagement with those who have been convicted of crimes. His practice led to critically questioning traditional discourse and a transformed understanding of the nature of violence. When coercive methods of punishment have been used to shame others into recognition, ‘respect’, ‘compliance’ and ‘coercion’ become equated. Gilligan (1996, 2001) suggests that if mutual respect is the objective, it makes more sense to use processes which promote mutual respect rather than shaming.

Theoretically and practically, Gilligan (1996) found that responding with mutual respect rather than shaming becomes possible if crime is understood, first and foremost, to be a matter of the human tragedy of failing public health rather than one of inherent evil and/or insanity. Crime emerges in and through relationships, rather than from considerations of inherent evil in any one person. Causality is seen to be complex and multi-dimensional<sup>75</sup>. The emotional meaning of differences – such as relative value attached to gender, race, sexual orientation and so on – are seen to emerge through social relationships at various levels of society, rather than as absolute truths which cannot, and should not be questioned. Violation is seen to be a response to shame emerging from unequal and inequitable access to social acknowledgement (Gilligan, 2003).

Gilligan (1996) particularly stresses the importance of unacknowledged, hidden shame, or doubts about social legitimacy, as a principal motivating factor in violence<sup>76</sup>. Factors related to hiddenness and disguise immediately raise questions of agency around violation. Axiomatically

treatment will have to be aimed at developing channels, at all levels in society to explore and acknowledge hidden needs and emotions, while they emphatically discourage more traditional measures which entrench shame and secrecy.

Miller (1988) argues the important and related point that comprehensive understanding of violation as a tragedy has nothing to do with cheap sentimental pity. Importantly, empathizing with a person's tragic childhood and/or socio-political past in no way exonerates cruel acts which s/he later commits. But it does enable the person, society and their acts to be taken much more seriously, and managed much more effectively. This is because one of the processes followed to reach this knowledge is critical enquiry, which has the potential to increase agency and to empower the person to live more satisfactory relationships than those characterized by the past.

Gilligan (2001) asserts that knowledge about causes and prevention of violence does not entail taking responsibility for another's morality. One of the United States most renowned human rights lawyers, former US Attorney-General Ramsay Clark had this to say about the dangers of moralizing: "*Demonisation is the most dangerous form of prejudice...Once you call anything evil, it's easy to justify anything you might do to harm that evil. Evil has no rights, it has no human dignity, it has to be destroyed.*" (Staff Reporter, 2005, p.1). Knowledge and effective treatment emerges through empirical work and engagement in the field of violation in a way that legitimates agency over imposition of personal morality over others. Legitimizing critical debate ensures the right of each to take agency, develop consistency with their safety, and answer for their own morality. The implication of this view is that issues of blame, judgment, moralizing and punishment of others not only become irrelevant, but actively hamper effective treatment.

### **3.3.1 Imprisonment**

Stern (1998) points out that the majority of people presently incarcerated in the world are not dangerous, no useful purpose is served by their imprisonment and that traditional ideologies underlying the organisation and functioning of prisons have socially damaging consequences. This is of significance to a country such as South Africa where prisons are notoriously overcrowded, an aspect which places particular strain on efforts to rehabilitate (Judicial Inspectorate of Prisons, 2003). Stern cites Kropotkin's comment that Russian and French prisons are based on a false assumption of prisons as effective sites of treatment: "[T]hey fail almost completely in their job of turning people from crime. Prisoners keep going back." (1998, p. 308).

Stern (1998) quotes the one-time Conservative Prime Minister of Britain, Margaret Thatcher, as saying that for the most part imprisonment serves no useful economic or rehabilitative purpose. The high recidivist rate, estimated to lie at between 85 and 95 % in South Africa, indicates that this argument is of local relevance (Muntingh, 2002).

Gilligan (1996) says that imprisonment, as an imperfect way to ensure safety, it should be strictly reserved only for cases where and to the extent that physical restraint is essential for public safety. Toch (1998) makes the point that managing differences through respectful engagement must necessarily be created and promoted by those with the power to do so: “*We will not control violence as long as we model it – as long as we do unto violent offenders what violent offenders do unto their victims and peers.*” (1998, p. 178). Miller (1988) stresses that safety should be the only, albeit regrettable one, for imprisonment<sup>77</sup>. It would seem reasonable then that imprisonment, as a safe place to learn skills for mutual respect should be supported by complimentary preventative out-patient institutions in society aimed at improving parenting and social skills. According to Tolstrup (2002), in Danish prisons deprivation of liberty occurs solely as an inevitable consequence of safety considerations at all social levels. Gilligan (1996) acknowledges that some people may never be well enough to enjoy freedom in society. In the interests of all concerned, however, incarceration should consist of learning skills of mutually respectful engagement, and constitute a distinctly human quality of life<sup>78</sup>. He suggests that incarceration should be reserved only as a place of containment or quarantine, reserved for healing by transformational learning and only for as long as it takes for healing to occur. This situation is no secret to those in authority. Kalideen reports that a member of South Africa’s parliamentary portfolio committee on correctional services is noted to have called our prisons: “*‘universities of real crime’ because of the lack of rehabilitation processes available to prisoners*” (2006, p.1).

In line with Danish prisons, Tolstrup argues for the principle of normalization to occur in prisons: “*Normalisation means that conditions in prisons must be arranged so that they correspond, to the extent possible, to conditions outside.*” (2002, p. 40). As examples, he cites the importance of encouraging assertion of differences, rather than eliminating, hiding or using them to justify humiliation. The principle of normalization, which enhances reintegration in society, is a major reason why inmates in Danish prisons are encouraged to keep personal possessions in their cells, and military uniforms and insignia are not worn by staff: “*This means that everyday life in Danish prisons is of a civil character.*” (Tolstrup, 2002, p. 40).

The radical approach emerged to some extent from the tension emanating from the evident discrepancy between: what society says it wants, i.e. the eradication of crime and violence; and what it does to achieve this end which fuels it, but satisfies society's need for retribution. An institutional culture of violation puts the entire society's security at risk and also calls into question the value and commitment that society and the prison institution place on the process of transformation to a culture of democracy (Nair, 2002b).

#### **4. The South African prison system**

The South African prison system evinces disparity between past and present ways of managing and understanding crime. This is perhaps indicative of being 'in a transitional phase' rather than having succeeded, or failed in transforming it. Legislation and policy documents relating to the incarceration of inmates in South Africa since 1994 reflect instances of a progressive shift in theoretical assumptions underlying crime and in the management of it (Benson, 2003; Flanders-Thomas *et. al*, 2002). At times, these conflict with policy documents which have not yet been streamlined with a new paradigm. Also, there does not seem to be as clear a shift in assumptions underlying practice and relationships in prisons.

##### **4.1 Distinguishing crime from violation**

I distinguish between crime and violation which may or may not coincide. Under apartheid, South Africa had a history of laws which designated certain behaviours socially shameful by giving them criminal status, such as intercourse between consenting adults across racial lines. On the other hand, emergency regulations legitimized clearly disrespectful behaviour such as torture and imprisonment without trial. In terms of the definition of crime and violation as I use them here, I do not consider certain crimes to necessarily constitute a violation. At times, it is the very gap between legally determined unacceptable behaviour (crimes) and socially determined unacceptable behaviour that provides fertile ground for shaming and critical questioning. Instances of how e.g. race, class and sexuality have played out as violational tools in inmates' lives (both by and against them, both inside and outside prison) are dealt with in greater detail in the third part of this thesis. Historically, many people who expressed violational actions were found not guilty of criminal status in courts of law. For example, despite being described by Advocate Trengove as "*one of the most serious offenders of crimes committed under apartheid*",

Wouter Basson was found not guilty and walked back into society with no obligations for learning different skills to manage differences (cited in Benjamin, 2005, p. 10). Simpson (2004) notes that the failure to hold authority figures of high standing accountable for violations, in a bid to encourage reconciliation may have led to general perceptions of the inability of the criminal justice system to deliver an effective public service. It has also resulted in cynicism around promises made for “*a better life for all*” since 1994 (Simpson, 2004, p. 20). I will argue that it is more important, for reasons of national safety and health that different skills are learned than that shaming, through punishment does or does not occur. Examples such as the above lend credence, however, to the view that violational labels are socially constructed, and have consequences for quality of life not merely for individuals but for society at large. Importantly, for any progress to be made in a transforming South Africa, past cultural habits will have to be critically questioned.

#### 4.2 Political context of the DCS

After its first democratic elections, South Africa attempted to replace laws, rules and regulations representative of an authoritarian system to those enabling mutual respect between groups and individuals. This change is reflected in parts of South Africa’s legislation and policy documents pertaining to prisons.

##### 4.2.1 Legislation

The DCS was obliged to maintain certain international standards for protecting the human rights of prisoners once South Africa became a signatory to international treaties after 1994, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Amnesty International, 2003). Nationally, all legislation and policy documents of the DCS are obliged to synchronize with the Constitution, which regulates relationships between the state and inmates of prisons<sup>79</sup>. In the second instance, the Correctional Services Act, 111 of 1998, (hereinafter referred to as ‘the Act’) is of force and effect. The Act provides legal parameters distinctive for prison institutions but it must remain in harmony with the Constitution. In line with section 35(2)(e) of the Constitution, section 41(3) of the Act refers particularly to mental and physical health of inmates: “*The Department must provide social and psychological services in order to develop and support sentenced prisoners by promoting their social functioning and mental health.*” (1998, p.42).

The core business, main objectives and stated intention of the DCS is to substitute and transform prison culture from, *inter alia* an authoritarian culture based on coercion to one based on democratic principles; a punitive to a rehabilitative one; and a militaristic to a non-militaristic one. These aims have emerged in policy documents, such as the DCS's Mvelaphanda document (2002) and the draft White Paper (2003).

#### **4.2.2 Policy documents**

Policy documents engage with legislation as well as socio-political discourse as these unfold during South Africa's transition to a more democratic dispensation. I will review only a few pertinent elements below.

In its draft White Paper (2003), the DCS shows a progressive shift towards acknowledging relatedness between levels of society as contributory to criminal behaviour. It does so by explicitly validating the importance of history and context in the commission and management of crime. Crime levels are linked to the quality of life of all South Africans, thus laying the groundwork for crime to be understood as an inclusive, constitutive element rather than a marginal one<sup>80</sup>. The DCS further explicitly acknowledges the importance of a holistic strategy, encompassing co-operation between different sectors of society for the management of crime to be effective<sup>81</sup>. In essence, in theory at least there has been a radical paradigm shift whereby crime is no longer seen to be located only within the individual, but is understood to emerge through relationships between individuals and the socio-political environment.

Policy after 1994 seeks to redress inequities of the past punitive, militaristic and authoritarian culture in prisons<sup>82</sup> (Dissel, 1997). The rejection of this view is accepted by the draft White Paper of 2003, which cites as one of its reasons for coming into existence early problems experienced in transforming the culture of the DCS<sup>83</sup>. For example, the DCS appears to operationalize rehabilitation in the concept of 'corrections'. Yet both the draft White Paper (DCS, 2003) and Mvelaphanda document (DCS, 2002) fall short of specifying what exactly 'corrections' consists of, or how these should be achieved. This failure leaves its interpretation in action up to staff. Where such interpretation is informed by a past punitive culture, it is unrealistic that 'corrections' will be taken to mean anything other than what it has always meant in the past: a tool for justifying retribution and punishment. Jefferson (2004) notes that reversion to old

habits, which are contrary to progressive policies is a feature of Nigerian prisons<sup>84</sup>. In the third section I show that it is this dynamic is one to which societies, institutions and individuals are vulnerable. It forms the core of recidivism.

Profound questioning of the comfortable familiarity of “*common sense*” understandings and habits developed and entrenched through historic practice are unlikely to occur without resistance and difficulties (Geertz, cited in Craig 1992; Kollapen, 2002). The draft White Paper (2003) reflects that in 2002, the DCS acknowledged that inconsistencies existed between aspects of its own, then current, and earlier socio-political understandings regarding a transformative view of rehabilitation<sup>85</sup>.

Any conception of rehabilitation describing corrections in terms of quantitatively measurable outcomes, in concert with practices implying a ‘defective’ view of inmates, inevitably undermines understanding and practices based on processes of mutuality. While progressive change in some policy documents is acknowledged, considerable confusion is still to be found in the DCS’ view of violation and rehabilitation as action and policy diverge, and policies and rules remain inconsistent as I will show particularly in chapter 10.

#### 4.3 Prison conditions in South Africa

Van Zyl Smit (2004) notes that after 1994, there was never any serious argument against the contention that prison conditions during apartheid had been disrespectful of basic human rights for both juveniles and adults (see e.g. Bedell *et al*, 1998; Kretev, Prokipidis, & Sycaninias, 2002). Despite this consensus, Van Zyl Smit notes: “*The sad reality is that, in late 2002, there is no evidence of overall prison conditions having improved significantly for the bulk of prisoners in the eight years since the first democratic elections.*” (2004, p. 228). Kollapen points to persistent selective acknowledgement even within prison walls, which undermines the state’s intention to introduce a culture of human rights based on mutuality in prisons (Kollapen, 1994).

#### 4.4 Overcrowding

The European Committee for the Prevention of Torture (CPT) describes overcrowding as: “*Cramped and unhygienic accommodation; a constant lack of privacy; reduced out-of-cell activities, due to demand outstripping the staff and facilities available; overburdened health care services; increased tension and hence more violence between prisoners and between prisoners and staff. The list is far from exhaustive*” (cited in Giffard & Muntingh, 2006, p. 15). While no

international norm for what constitutes overcrowding exists, the CPT has suggested a rating scale in attempts to avoid abusive conditions in prisons. It regards 4.5m<sup>2</sup> per prisoner as a “very small” space, 6m<sup>2</sup> per prisoner as rather small, and a cell of 8-10m<sup>2</sup> per prisoner as satisfactory. The DCS uses 3.344m<sup>2</sup> (Giffard & Muntingh, 2006), and commonly uses three-dimensional spacing such as two or three-tiered bunks in large communal cells, reminiscent of ‘compounds’ for male migrant labourers used during the apartheid era (Giffard & Muntingh, 2006).

I have already pointed to arguments questioning whether, except where no other form of security is possible, imprisonment as a form of managing violation is even desirable. A reading of biographies and autobiographies of ex-offenders indicates that without exception, imprisonment offers a learning experience for increased violation (e.g. McKenzie, in Cilliers, 2006; Magadien, in Steinberg, 2004; Bell, in Sereny, 1998; Barnacle, 2000). Overcrowding and appalling prison conditions are two interrelated factors ensuring that mutually respectful relationships are particularly rare and even hazardous.

Van Zyl Smit (2004) indicates that overcrowding increased, on average, from 121 to 161 percent between January 1995 and July 2002 in South African prisons. In its report to the Jali Commission of Enquiry, tasked with investigating instances of corruption in the DCS the Judicial Inspectorate of Prisons (2003) included overcrowding as a major contributing factor to failure in rehabilitation, so much so that, in the interests of national safety it cautioned against imprisonment except as a very last resort<sup>86</sup>. In a television programme on rehabilitation, Wolela (2005), a spokesperson from the DCS, disputed that any statistic on recidivism was accurate since no statistics had been kept. Nonetheless, because of overcrowding and its implications of jeopardizing rehabilitation, judges appear to be at a loss as to how to apply effective sentences<sup>87</sup>. The draft White Paper (2003) accepts that overcrowding leads to poor service delivery<sup>88</sup>. The Centre for the Study of Violence and Reconciliation (CSVR) (2004) places the problem of overcrowding and lack of resources as central in the failure to attain rehabilitative goals<sup>89</sup>. The primary answer to overcrowding provided by socio-political leaders appears to be to build more prisons, as was stated by Wolela (2005) when he noted that new correctional centres, at an estimated cost of R2,5 billion, are in the pipeline.

#### 4.5 Psychology in prison

The psychological profession is primarily tasked with rehabilitation. Below I will very briefly

describe the goals, treatment theory and target population of current psychological prison practice.

#### **4.5.1 Goals and objectives of psychological services in the DCS**

In accordance with the Mvelaphanda document (2002), the main goal of the DCS is to provide service delivery characterized by integrity and commitment so that it qualifies as one of the best in the world. The mission statement of the draft White Paper commits the DCS in general, and psychologists in its employ in particular, to the core function of rehabilitation<sup>90</sup>.

The Mvelaphanda document (2002) links rehabilitation to good governance in general in its mission statement<sup>91</sup>. The draft White Paper is in agreement when setting out its idea of a culture of corrections as a holistic one<sup>92</sup>. Theoretically then, the DCS links (a) rehabilitation not only to the socio-political context within which it occurs, but also to the quality of care, staff practices and relationships between staff and prisoners; and (b) continuing violations among inmates to considerations of security, unethical practices among staff, and an environment which undermines human rights. However, the process to be used and rationale for adopting any particular process is not spelled out.

Despite references to crime as a holistic matter, in conceptualizing rehabilitation as ‘correcting’ those who commit crimes, the DCS contradicts itself by also implying a view that violations are reducible to ‘defective’ inmates<sup>93</sup>. In insisting on changes to be made to value systems, attitudes and social circumstances of inmates with a view to increasing their ability to take responsibility, the draft White Paper may be seen to objectify and type-cast inmates as inferior, thus promoting a context of alienation<sup>94</sup>. As aims which can be perceived to be imposed rather than mutually desired are likely to undermine agency, as well as transformative rehabilitation. These may be the very socio-political, institutional and familial dynamics contributing to individual defensive/violational expressions in the first place. In other words, these are some of the ways in which those of us who are *not* behind bars remain blind to the nature of violation, and continue (albeit unwittingly) to play our part in it. Foster *et al.* cites Villa-Vicencio, who relates the implications of such a view to those who engaged in political violence before 1994: “[T]his undermines ‘the ability of ordinary South Africans to see themselves as ‘represented’ by these perpetrators. We fail to ‘recognize that there is perhaps a ‘little perpetrator’ in each one of us” (2005, p. 52).

A spokesperson for DCS, Wolela (2005) indicates that in the interests of rehabilitation many unspecified 'faith-based' rehabilitation programmes aimed at re-integration are to be introduced in the future. The meaning of 'faith-based programmes', how they relate to rehabilitation, and/or what the estimated cost of R114 per prisoner is spent on, were not detailed in that programme. On the other hand, my own experience is consistent with Kalideen's report that, in practice where there is just one psychologist to every 4000 inmates, professional psychological contribution to rehabilitation is not prioritized (2006, p.1). In chapter 10 I will show that the term 'correction' has not, in practice, changed its meaning from its historic social construction as the necessity to 'remould' clients according to others' needs. During my period of employment, rehabilitation in South African public prisons was considered to be achievable by psychologists through policy contained in the "*Model of Intervention*".

#### **4.5.2 Treatment theory of the DCS**

The "*Model of Intervention*" claims to follow a methodology that aims to maximize accountability through reports, research and quantification of outcome in order to improve the quality of services to clients. The method envisaged for achieving transparency and accountability in psychological services is based largely on objectivist considerations, which I discuss more in chapter 4. This approach emphasizes processes of assessment, diagnosis, planning, implementation and quantifiable methods of evaluation as key to psychological work. While transparent administration and accountability are consistent with principles of democratic functioning, it may be argued that the subject matter in psychology differs markedly from that involved in administration. In the third section I show that transformative learning is primarily qualitative as it revolves crucially around trust and opening up invisible areas for conscious reflection by higher psychological processes. The enforcement of objectivist assumptions in prison psychology may therefore operate at the expense of transformative learning, the well-being of clients and ultimately, the safety of wider society.

#### **4.5.3 Target population of psychological services in prison**

During my employment, psychologists employed within the DCS were theoretically tasked with the provision of services to all sentenced inmates subject to their consent. In practice, the target population for psychologists in South African prisons was substantially higher, including staff and unsentenced prisoners in extreme distress. As Allan states, it is a matter of professional ethics

that “*in cases of emergency, a practitioner is obliged to render assistance under all circumstances.*” (2001, p.28).

**5. Conclusion**

Centuries of failing to manage crime and violation has culminated in the emergence of a new, radical way of understanding the nature of violation and its management. After critically questioning conventional understandings and ways to manage violation, the radical crime prevention approach has begun to look increasingly feasible to me for prison practice. It is arguable that the prison institution in South Africa may be singularly better placed to research the practice of replacing a culture of violation with one of mutual respect than are those in countries which have not undergone radical socio-political transition, precisely because practice, flowing from a past steeped in violation, and theory are mutually instructive and constructive. Experiencing change also means that South Africa as a nation, as well as its institutions and individuals within them are having to face difficulties inherent in change, including: inconsistent, vague and confusing policies; practice contradicting policy; and reversion to old habits in times of stress.

A psychology major is a student who has completed the requirements for a degree in psychology. This includes completing a certain number of psychology courses, including introductory psychology, statistics, and research methods. A psychology major may also complete a thesis or a capstone project. The requirements for a psychology major vary by university, but generally include a minimum of 30-40 psychology credits.

Psychology is the scientific study of behavior and the mind. It seeks to understand the biological, psychological, and environmental factors that influence human behavior. The field of psychology is divided into many subfields, including clinical psychology, counseling psychology, developmental psychology, experimental psychology, and social psychology. Psychology is a broad and interdisciplinary field that has many practical applications in areas such as education, health care, and the workplace. The study of psychology can help us understand ourselves and others better, and it can be used to improve the quality of life for many people.

Psychology is a science that uses the scientific method to study behavior and the mind. It involves the collection and analysis of data to test hypotheses and draw conclusions. Psychology is a dynamic field that is constantly evolving as new research is conducted. The study of psychology can be both challenging and rewarding, and it can lead to a variety of career opportunities.

PART 2:

METHODOLOGY

The first part of the chapter discusses the psychological aspects of the human body, including the brain, the nervous system, and the senses. It covers the structure and function of the brain, the role of the nervous system in processing information, and how the senses allow us to interact with the world around us. The second part of the chapter discusses the physiological aspects of the human body, including the cardiovascular system, the respiratory system, and the digestive system. It covers the structure and function of these systems and how they work together to maintain the body's internal environment.

The chapter also discusses the relationship between the psychological and physiological systems. It explains how the brain can influence the body's physiological functions and how the body's physiological state can influence the brain. For example, stress can cause the body to release hormones that affect the brain, and the brain can control the body's physiological functions through the nervous system. The chapter concludes by discussing the importance of understanding the psychological and physiological aspects of the human body for the study of psychology and health.

The chapter concludes by discussing the importance of understanding the psychological and physiological aspects of the human body for the study of psychology and health. It emphasizes that a holistic approach to understanding the human body is necessary to fully understand its complexity and the ways in which it interacts with the environment.

PART 2:

METHODOLOGY

### 1. Introduction

Traditional psychological practices in prison environments are often ad hoc, and/or carried out in response to 'orders' (Rohleder, Miller & Smith 2006). In this chapter I provide a contrast by anchoring a radical understanding and management of violation in intersubjective assumptions about human life. The draft White Paper (2003) notes that management of violation is also the community's responsibility without specifying how or why this should be so. This omission could be read as an attempt by a beleaguered criminal justice system to pass the buck. In arguing for an intersubjective understanding of violation, I propose a theoretically sound approach that understands social violation less as a despairing issue of moral guilt, and more as a function of dynamics between self and other which carries the potential of empowerment.

Instead of entering into a detailed discussion about the many meanings and strands of intersubjectivity as they apply specifically to psychological practice, I engage more specifically with the interpretation offered by Crossley (1996) (see Teicholz, 2001). He provides a singular interpretation of intersubjective theory, drawn from the work of many different scholars as they dealt with specific areas of intersubjectivity, but which he relates to the social context in general. In this way he constructs a useful and transformed concept of intersubjectivity. While Crossley (1996) shows the relevance of his theory to different levels of social functioning, such as individual, community, institutional and political, he makes no claim to its detailed application to any particular facet of social life. Instead, he invites readers to engage critically with his interpretation as it may apply to the praxis of their own lifeworlds. I found his theory to be particularly useful in the practice of prison psychology.

### 2. Background

This thesis emerged in a somewhat unconventional manner, in that it emerged out of practice and was conceptualized retrospectively. This indelibly turned its process and findings away from a more traditional 'objective' research which is prospectively planned from conception to conclusion, such as that suggested by Retzinger (1991), and opened up a radically different method for consideration. On further reading, it will become clearer that the conditions under which I was working were chaotic. A report by Rohleder *et. al* (2006) on experiences by psychologists doing their community service in South African prisons prior to qualification, indicates that this situation has not improved. Newspaper reports, such as that by Kalideen (2006)

bears further testimony to the unfortunate state of prison conditions in South Africa, which augur badly for rehabilitation. In professional practice this situation is informed by, among other things: inadequate/inappropriate training of prison staff; inconsistent policies; discrepancies between policy and practice; extreme lack of resources and staff; obstacles in channels for engagement with Head Office to remedy the situation by staff and inmates and, importantly, no consistent or coherent theoretical position from which to understand constant states of tension and conflict between prison and professional policies. Attempts to integrate progressive socio-political and professional policies and to prioritize clients' best interests were constrained by residual authoritarian institutional ideology within DCS in general, which demanded silent, unquestioning compliance. In addition, the Health Professional Council of South Africa (HPCSA), the body with which all psychologists are registered, perceived itself to be without jurisdiction and largely unable to lend support in practical incidents involving ethical questions. On the other hand, I suggest that a '*conspiracy of silence*' within the DCS has profound ethical implications requiring urgent, critical attention in a developing country in transition<sup>95</sup>.

In my work with clients it became clear that in general, criminal violations are much more complex than is popularly conceived. For example I noted, *inter alia*, that violations had histories; their nature is informed not only by visible, but also by powerful, invisible motivating factors; their degree of invisibility is at least as compromising for the designated 'perpetrator' as it is for other protagonists; and their target often resembles but is not synonymous with the relationship(s) generating their evolution. Furthermore, their occurrence and nature on individual levels are often mirrored at institutional, social and political levels. While they may be explicitly decried, implicitly and unwittingly they may be sustained at all levels. Importantly, my relationships with clients taught me to conceptualize the possibility that I too, albeit unknowingly, deceive myself about my own part in violations in a similar manner to that of my clients. This possibility opened up a further benchmark from which to understand clients, violations and my sense of self, thus constituting a cycle of transformative understanding in therapeutic relationships. I also became aware that words of comfort and reassurance alone, while providing immediate relief, did little to change the generative mechanism of violations or to further the cause of transformation. On the other hand, open and uncensored critical discussion in an atmosphere of non-judgmental engagement contributed to a perception of safety. This was more likely to enable the risk of acknowledgement (particularly of hidden elements) and assertion which built a sense of legitimacy and achievement. It was only after my resignation that, with the

guidance and assistance of my supervisors, I discovered Crossley's (1996) theory, which provided a meaningful theoretical framework within which to root what I was discovering about violations as an integral, meaningful aspect of social life. It served to anchor my relationships with clients not only with people at different levels in the context in which I had been working, but also those with whom I continue to live. This theory further legitimized and recognized a critically oriented, person-in-practice method I had been using, albeit unwittingly, in relational practice during my employment with DCS.

In this thesis I demonstrate the explicit application of Crossley's (1996) theory to the relationships between myself and 15 clients, as it relates to the role violation plays in their lives. These are some of the clients I worked with as a prison psychologist between 16 October 2000 and 30 November, 2003 in one of South Africa's largest prisons. They gave permission for me work with their case files while indicating their wish to contribute meaningfully to rehabilitation.

### **3. Intersubjectivity**

In brief, Crossley (1996) asserts that an intersubjective understanding of all social reality relies on four main assumptions, each of which logically relates to and informs the others:

- Distinct and definitive human ways of being rely on openness to experiencing the material and social environment as a part of the self.
- Aspects of social reality which are experienced and commonly claimed to be discrete inner worlds, such as perception, meanings, emotion and language, can be demonstrated to be, in essence, constituted intersubjectively. Their experience as entirely separate and autonomous from material and social contexts is an illusion. Such illusions are explicable by an intersubjective understanding of human motivation which is rooted in the struggle for recognition and is therefore definitively intersubjective.
- Human action, contained in cultural institutions such as work, religion, family, ideology and language etc., is the vehicle which attaches each individual to the human family. In so doing it forms the essence of humanity through meaning systems emerging out of it.
- Psycho-social reality is irreducible to either psychological or social reality as discrete entities. It is constituted in mutual dialogue between them, through relationships, and emerges as a transformed expression of both.

### 3.1 Motivational roots of intersubjectivity

Intersubjective theory assumes that the struggle for recognition is an imperative, universal motivation for all aspects of social reality (e.g. Crossley, 1996; Sembou, 2003). Failure to achieve recognition is experienced as a sense of alienation.

#### 3.1.1 The struggle for recognition

Crossley (1996) draws particularly on the work of Hegel in developing the importance of the struggle for recognition as a fundamental motive in social reality. He interweaves Hegel's work in this connection into the theses of other scholars, such as Mead's contribution to the development of identity and citizenship, Merlau-Ponty's discussion of emotion, Habermas' work on the lifeworld and power, Foucault's later conceptualization of power, and Fukuyama's engagement with recognition as the basic motivation to individual and political need for democracy. On an applied level, Gilligan (2003) engages explicitly with the struggle for recognition as a core concept from which to understand violence more specifically.

Recognition is a human imperative for survival. The struggle for recognition, read with the intersubjective unfolding of identity, informs the nature and forms of defensive relationships in the world between people. Without being recognized as a priority to be taken care of by caregivers, a child will not be fed, nor will that child develop the perception of itself to be worthy of being nurtured and acknowledged by itself or others. In this respect, Crossley notes that:

*"[T]he denigrated self may be involved in struggle both with others and with itself, fighting the negative evaluations which others impose upon it, and which it has internalized for itself."* (1996, p. 67). Recognition of self or self-consciousness, and by implication consciousness of others, incorporates among other things, perception, emotions, skills to interact, and a relationship with and relative worth of the world, and itself in it (Crossley, 1996).

The struggle for recognition and a sense of legitimate belonging to human life means to be found worthy both in terms of that which is shared as much as in terms of that which is distinct between individuals and groups. The struggle for recognition is defined as a concept of tension. That which is shared provides the tools with which to negotiate and grow through that which is experienced variously within and between humans. In other words, the struggle to be recognized expresses the desire that our distinctiveness and underlying similarities be recognized as confirmation of that membership, rather than setting us apart from it. This concept can be

explored as a basis to understand systems of meaning underlying different value structures, cultures and societies (Gilligan, 2003).

Engagement with the concept of the struggle for recognition provides a motivational explanation of processes of engagement, alienation as well as violations which occur within and between individuals and society. Gilligan (2003) engages explicitly with the struggle of recognition as the generative root of violence, while Benjamin (1990, 1991) expands on the subject of how the struggle for recognition unfolds and is a dynamic in early childhood, and in later adult and therapeutic relationships.

### 3.1.2 Alienation

In enlarging on the concept of alienation for purposes of this thesis, I have used Schmitt's interpretation of Marx's broader conception of violation as "*finding oneself in a world which one has not created, in which one not only does not recognize oneself, but is constantly reminded that one does not really belong.*" (1994, p. 3). When alienation threatens, individuals frequently adopt a stance of being in the world in a way which wins others' approval at the expense of asserting distinctive aspects of identity. This 'mask' itself forms the substance of profound experiences of 'not belonging', which excludes the sense of subjectivity in relationships. Life gets a profoundly "empty" or inauthentic feel to it (Schmitt, 1994, p. 3).

Crossley (1996) engages with Dillon with the concept of alienation as it emerges in children who fail to develop a sense of mutually respectful validation through differentiation or otherness. This failure is given substance in, for example, withdrawal of approval or humiliating punishment. Here, distinction is often used as a tool to introduce a sense of relative superiority/inferiority. Alienation encompasses the perception of *not* being recognised and therefore only gains meaning in a social context.

Since alienation arises out of the natural, universal struggle for recognition which is never perfectly resolved, alienation itself is also universal and a human imperative as is the intersubjective state on which it is predicated. In this way, attempts to manage alienation are more meaningful than are attempts to cure it. Its generation out of the struggle for recognition suggests that successful management relies predominantly on explicit knowledge, acknowledgement and acceptance of this struggle. Engagement itself is a vehicle which bestows acknowledgement and respect for the underlying shared need for recognition. Silencing of subjectivities disrespects

valid human needs by creating a shameful meaning structure around them. This immediately elicits the imperative to defend which may take the form of violation. In this thesis, I have found the work of Fanon (Bulhan, 1985) who extends the expression of alienation through violation to different levels of society, particularly informative. The work of Biko (2004), Foster (2000a; 2000b; 2004), Foster *et. al* (1987), Foster *et. al* (1997), and Foster *et. al* (1995) have been of particular relevance with respect to the experience of alienation and political violence in South Africa. The work of Gilligan (1996, 2001, 2003), Scheff (1997), and Scheff & Retzinger (1991) as well as biographies and autobiographies (e.g. McKenzie, in Cilliers, 2006; Magadien, in Steinberg, 2004; Bell, in Sereny, 1998; Barnacle, 2000) have been significant at a micro-level of individual lifeworlds.

### 3.2 Lifeworlds

Lifeworlds comprise all that is meaningful to a human way of life at all its levels of functioning. It is within the dynamic functioning of lifeworlds that the need to violate, and/or to learn to manage alienation in a mutually respectful transformative way, becomes meaningful. The concept of lifeworld implies that violation is not isolated within the relationship between self and other. It flows into, and becomes mirrored in the socio-political and institutional contexts of which they form part, and out of which alienation is experienced. Forms of defence against negation necessarily relies on previously learned measures from significant others.

Crossley (1996) draws particularly on Habermas' conception of the lifeworld, which he construes as the way in which individuals place themselves and engage with others in their socio-cultural and institutional contexts. Three important elements, which are mutually affective, inform the construction of human lifeworlds as distinct from associations between other life forms. Firstly, humans have the capacity for symbolic mediation. As such, they can configure symbolic meanings about their physical, emotional and intellectual status. These constructed symbols are also the means by which they can reflect on and relate to others, even in the physical absence of others. Secondly, due to their ability to work with symbols, humans are able to encounter others, i.e. to relate to others in non-instrumental ways. In other words, they are able to appreciate the other as being more than an object or tool to be used for expedient reasons only (Buber, 1958; Benjamin, 1990). They can be appreciated and known as similarly thinking, feeling beings. Importantly, they have the potential ability to appreciate that the content of thoughts and feelings of other subjectivities may differ from them, without threatening their own legitimacy.

Finally, the capacities to both symbolically represent and encounter means that the overall meaning, nature and quality of the relationship between two or more humans is never reducible to either one of the interacting parties (Crossley, 1996; Benjamin, 1990).

When the concept of lifeworld is applied to violations as an intersubjective phenomenon, it becomes evident, as I will show in the third section, that violations are attempts to be significant to society of which they form part. This stands contrary to commonly held public views that the more shocking the violation, the more it stands testimony to non-humanness (Wrangham & Peterson, 1996<sup>96</sup>). Scheff (1997) cautions that perspectives of social life which disassociate from or deny recognition of others on the basis of violation, increase the likelihood of it.

Meanings, which inform management of all human action, including violations, are created at different levels of social life<sup>97</sup>. Invariably, activities and expressions between these levels are mirrored backwards and forwards between institutions and individuals, becoming integrated into their identities. A culture of mutual respect is more likely when channels are created in society which enable critical discussion, and expressions of validation and acknowledgement. By the same token, where a culture of violation exists in institutions, personal perceptions of danger will be enhanced and the imperative to defend may lead to an increase in violations. In the absence of learning new skills, dynamics underlying defensive responses are more likely to mirror those used in historic social and institutional relationships.

This thesis has formed a large element of my own lifeworld, as it emerges out of my engagement with wider socio-political, institutional and individual ethical implications for social interaction. In order to satisfy a need for this thesis to be useful as a realistic tool for rehabilitation, the methodology must necessarily stand up to critical examination. In arguing for the value of adopting an intersubjective framework, I will necessarily expose relevant instances in my clients', the institution's and my own lifeworlds which would normally be considered private. Crossley (1996) notes that Habermas views the lifeworld as primordial to social reality. As such it is a valid starting point to any research in social science<sup>98</sup>.

### **3.2.1 Personal level**

It is crucial to an understanding of the theory of intersubjectivity that the personal is viewed as a relational concept both in its constitution as well as in how it engages with, or becomes isolated from other levels in lifeworlds. Identity, perceptions, emotions, actions and material possessions

are all aspects of this first level with which the embodied individual interfaces with systems in the environment.

### 3.2.1.1 Identity

An intersubjective presumption of social life is rooted in the view that all humans are born with no knowledge of self as a separate entity. The construction of a unique identity, valid yet distinct from others is a lifelong task. This construction occurs through both intended and unintended learning where others mediate the world and its meaning to new life forms. In this way, identities emerge out of relationships rather than being inborn, private, and discrete phenomena (Crossley, 1996)<sup>99</sup>. In other words, the world and everything in it, including our own meaning and worth in the world, becomes mediated or given meaning through significant others.

#### **Recognition, identity and learning**

Crossley (1996) notes that Hegel ties individual consciousness, as it develops through the struggle for recognition and acknowledgement, to identity formation. Consciousness of self can only occur during the process of becoming conscious also of the 'other', i.e. that which is not self: "*A consciousness of self, in other words, always already entails a sense of the other.*" (Crossley, 1996, p. 9). The ability to relate to self and other is both a cause of, and a consequence of each other i.e. consciousness of self and other is a mutually constitutive process.

The social and physical environment is given meaning through social mediation.

Learning through interaction with significant others leads to the skill to read intentions of others as similarly distinct from, yet developed relationally through one's *self*. The process of learning through social mediation occurs on both intentional and unintentional basis, the practice of which I will demonstrate in the third part of this thesis.

Together, interaction and learning inform developing identities. The capacity to be open to learning through interaction is primordial and common to all human life, in that it depends on radical intersubjectivity, which I discuss below. Outcomes and processes of learning are reflected at all levels of society, and involve interacting principles of repetition and transformation.

#### **Alienation, the struggle for recognition and identity**

Violations can be seen as defensive methods to cope with alienation. They do so in ways which make a mark. They are constructed through social learning and practised over time. An

intersubjective understanding of social reality indicates that alienation does not reside in one or the other subjectivity, apart from the environment. Rather, it unfolds between subjectivities and emerges within intersubjective dialogue. It may certainly be experienced within a subjectivity as one of ambivalence between needing recognition and 'not needing anyone', but the ambivalence itself is fuelled by the intersubjective nature of social life (Schmitt, 1994)<sup>100</sup>.

Where violations are constituted by, and emerge from recognition of a steadily constructing identity experienced as harmonious with other levels in one's lifeworld they are more likely to be experienced as successful. Axiomatically they are likely to be relied on more consistently than other methods of coping.

The importance of violation as a way to manage alienation informs my decision to apply it to intersubjectivity as discussed by Crossley (1996). Many authors working specifically in the context of violence have implicitly or explicitly fingered a pervasive sense of alienation as permeating the lives of those who commit gruesome acts of violence. Masters says that: "*This early sense of alienation is a common feature of many men who become compulsive murderers.*" (1993, p. 32). He cites as examples Jeffrey Dahmer, Leonard Lake and Joseph Kallinger. For example, Kallinger reportedly linked his compulsion to murder to profound alienation rooted in childhood: "*I had a lack of feeling that I was a part of anybody – or that anybody was a part of me.*" (1993, p. 32). An anonymous client of Masters described his feeling of alienation as: "*I've been sort of dead in a way. I cut myself off from other people and became shut up in myself. And I can see that you become dead in a way when you do this. You have to live in the world with other people.*" (1993, p. 33).

Much of the psychological drama giving rise to violation as a socially constituted form of interaction lies in the tension between the struggle for recognition and its withholding. Tools of learning one's worth as a result of this tension are simultaneously processes which Crossley (1996) suggests enable two distinct forms of intersubjectivity. They operate in a mutually reflexive way informing the development of identity, which in turn is used to inform inter-action.

### **Radical intersubjectivity**

Crossley (1996) draws on and refines the work primarily of Merleau-Ponty in suggesting that radical intersubjectivity is a meaningful tool with which to conceptualize a peculiarly open way of relating. Initial interaction, before social mediation occurs, takes place through an orientation of total openness to the world. There is no sense of self as separate from the world, nor of the

world as separate from self. Until the world is experienced as something with conflicting interests, different and apart from the self it cannot be apprehended as a threat. Inevitably then, at this point, there is no imperative for defence. The orientation from the infant to the world is unconditionally open (Crossley, 1996<sup>101</sup>). Since it is not learned, this form of subjectivity is primordial in its origins.

Radical intersubjectivity is fundamentally important for learning. Learning itself is a process possible only through relative open engagement with the environment. It is in this very openness that the infant encounters conflicting interests from others to his/her own need to survive. The imperative to develop defensive skills unfold through interactions with others. Ontologically, therefore radical intersubjectivity precedes, gives rise to, becomes modified by, and fluctuates constantly with a different form of interaction with the environment, a form which Crossley (1996) terms egological intersubjectivity.

#### ***Egological intersubjectivity***

In developing the concept of egological intersubjectivity, Crossley (1996) draws largely on the work of Husserl. This form of intersubjectivity is initially learned during interaction with primary caregivers. It is developed through various interactive processes such as games involving role-taking, mirroring and so on. It is particularly through learning language skills that egological intersubjectivity, as a mutually respectful form of defence is powerfully developed. It evolves out of and informs knowledge of self as distinctive from other. It enables the experience of self as sharing similar capacities, such as emotions, language and roles with the other. In short, it has the potential to form the foundation of being able to understand and respectfully acknowledge the differentness of the other as a human quality rather than a threat to self. This is because perceptions of threats and ensuing needs for defence can be spoken about rather than acted out in ways which diminish, damage, or humiliate each other. Its basis is of self in relation to other (Crossley, 1996<sup>102</sup>).

Initial dependence by infants ensures that caregivers soon attain the meaning of 'most important'. In turn, infants maximize their importance to these significant others by repeating behaviours which gain the approval and recognition of those on whom they depend for a sense of belonging, security and worth. Where this approval and recognition fails, children may attribute a meaning of threat to differentness. Realization of the capacity to learn, what is learned and the manner of learning is motivated by the need to be socially meaningful. This perception of

meaningfulness is the essence of the creation of a lifeworld of human significance and legitimacy. The perception of illegitimacy forms the essence of a lifeworld of self-doubt and defensive measures motivated to coerce recognition.

### 3.2.1.2 Perception

Crossley (1996) draws largely on the work of Merleau-Ponty when working with perception as an intersubjective phenomenon. Perception involves radical and egological forms of intersubjectivity, in dialogue. For this reason, despite its frequent experience as private, perception can never be entirely an inner world divorced from the social and material context within which lives are lived (Crossley, 1996<sup>103</sup>).

I previously mentioned that traditional social discourse frequently presupposes that the perceptions of designated violators exist in 'lostness', 'madness' or in any event dangerous and without capacity to recognize or be part of humanity. Seen from an intersubjective perspective, such assumptions indicate a failure to comprehend that the evaluation of the designated 'perpetrator' is itself constituted in perception, rather than being a static, factual reflection of cause. Thus, although perception is an act which constitutes consciousness, at the same time, it operates at the *interface* between consciousness and the world. It does not constitute an absolute, static reality.

### 3.2.1.3 Emotion

Crossley (1996) points to the neglect of many intersubjective theorists to take into account the powerful effect of emotions in social life. He draws largely on the work of Merleau-Ponty in his engagement with the subject of the intersubjective nature of affect and emotions. In the third part of this thesis and particularly chapter 8, I demonstrate the important role played by hidden emotions in the construction of violations.

Emotions emerge from meanings learned about all aspects of the world around us, including and particularly about our sense of self. Where recognition is bestowed, it is a stamp of human belonging and worth, typically leading to pride. Crossley (1996) cites both Mead and Kojève as stating that mere recognition is insufficient to understand how differences can affect emotions involved in social interactions. By reason of the struggle for recognition of legitimacy and attendant pride, we tend to define ourselves in terms of relations of relative superiority and inferiority at both individual and collective levels. Recognition and resultant pride lead to

confidence in identity, facilitating assertiveness of one's uniqueness to self and others. It also arises out of the ability to accept and appreciate others' singularity.

Where recognition is withheld, human failure is insinuated. This leads primarily to shame and enhances the likelihood of hiding or alienating oneself through disguise from self and other. Disguise and hiding of shameful emotions can take many divergent forms ranging from aggression against self, passive-aggressive behaviour, and outward expressions of anger. The energy needed to defend against alienation, exclusion and negation emerges as anger. Thus, emotions emerge from intersubjectivity, or what Crossley terms, the interworld between people. Inter-relationships between people are therefore the sites where legitimation through recognition, or defence against negation of humanness, occurs. Gilligan (1996, 2001, 2003), Scheff (1997) and Scheff and Retzinger (1991) have written prolifically on the link between emotions and alienation, and the significant contrition of emotions to violations.

#### 3.2.1.4 Inter-action

In common with many other animal life forms, people must be active together to survive. This imperative for humans is distinctive in that they have the additional ability to use symbolic mediation which affects the particular quality of interactions possible in social interaction. These capacities are realized and developed through learning from others.

Crossley (1996) cites Schutz' distinction between action and behaviour, where action refers to planned activity and behaviour refers to spontaneous activity. This distinction relates to the conceptual difference between motivations and agency. Actions are planned activities carrying a predominant degree of agency, while behaviour may merely be explained, if at all, after the fact, with little awareness or capacity for agency during the behaviour. Behaviour is reducible to past unintentional learning, habit and tradition. Motives do not feature in any anticipated, planned way prior to the behaviour. This distinction engages with issues of intent, culpability and morality which I link with, in practice, in chapter 9.

Crossley (1996) works with Hegel's assertion that for predominantly alienated people, the struggle for recognition is partly satisfied by work in that it provides at least a "glimmer" of self-consciousness (1996, p. 19). In my experience inmates frequently demanded early court cases and sentencing, even if this meant longer prison terms, precisely because awaiting trial prisoners are not permitted to work. In times of transgression, I found instances where withdrawal of permission to work or attend school was used as a punishment.

The capacity to create and manipulate symbolic tools is a significant outcome, and process of being uniquely human. For its efficient use, language depends on a shared system of rules. Growth and learning also depend on the human capacity to work with differences contained in various meaning structures, held by different people, and conveyed by language. Crossley notes the importance of language as a tool for engagement and bestowing recognition of both self and other: *“Our sense of ourselves is based in stories which we tell about ourselves, which exemplify the sort of persons we feel that we are and which construct and sustain a sense of continuity over time. Autobiographies identify us both to ourselves and to others.”* (1996, p. 59).

### 3.2.1.5 Material world and intersubjectivity

Although humans constantly interact with the material world, the way in which we do so is informed by our perceptions of legitimacy in the world. Crossley (1996) makes the point that, although relationships with others superficially appear to be mediated by things, a closer look tends to point to the converse, i.e. the meaning and worth of material things are socially generated. Crossley cites the work of Kojève who notes that: *“These symbolic goods serve no basic animal desire ... but they bestow status, which, in turn, bestows desire and recognition.”* (1996, p. 19). Socio-politically, testimony to this is amply borne out where, in South Africa, artefacts such as street and town names representative of a previous political dispensation have been removed or replaced by others indicating legitimisation of a radically different ideology.

### 3.2.2 Familial level

Crossley (1996) cites Honneth who extends the Hegelian concept of the struggle for recognition from an individual enterprise to one which explains its operation on all levels more satisfactorily. The struggle for recognition occurs on a micro-level in families, where infants depend on recognition from their carers for their physical and emotional needs to be satisfied, in order to survive. Success in this struggle enhances basic consciousness of self, confidence in self, and trust of self in relation with other, as discussed above. The implication that self-consciousness is not inborn but is acquired in interaction with others is engaged with by other practitioners in psychology, such as Benjamin (1991). Crossley points to mutual needs for recognition between particularly mothers and children, which stand in tension with needs for independence from each other: *“Both parties want to be recognized by the other but both equally experience the other as a threat and seek their independence.”* (1996, p. 54).

**3.2.3 Social level**

Crossley (1996) engages with both Mead and Kojève who suggest that consciousness of self, and ensuing sense of worth are dependent upon recognition by those whom one deems worthy to recognize. Equally, however, and by reason of the struggle for recognition and attendant pride, people seek to define themselves in terms of distinction and superiority in relation to others not deemed worthy, at both individual and collective levels.

At this level, the struggle for recognition is often concretized in, for example, conflicts around distinctions such as race and gender. Intersubjective theorists widely recognize differences within and between human beings to be universal and integral to humanity (Hermans & Kempen, 1993; Markova, 2003). Nonetheless, whether differences are perceived to constitute threats to be defended against or instances of distinction to be respected depends on meaning structures which have been learned from social others at different levels in lifeworlds. The human capacity to open out and engage with what is unique and other than one's own subjectivity is captured in the notion of radical intersubjectivity. Differences and their worth emerge, and become integrated as transformations dialectically. Through critical questioning in processes of engagement, meaning structures and attached worth may change. Where perception does reduce, silence or alienate, it does so defensively and constitutes an instance of egological intersubjectivity.

**3.2.4 Political level**

Crossley (1996) engages particularly with the work of Habermas to create a basis for understanding political intervention in lifeworlds. Crossley (1996) notes that typically, it is in areas where individuals and groups engender a sense of relative distinctive identity, attached to meaning structures of superiority/inferiority that political differentiation occurs. This usually leads to objectification and marginalization of some by others, and becomes built into national ideology. In apartheid South Africa, this occurred particularly around racial and gender differences. Currently, attempts are being made to remedy historically legitimized prejudices. However, structurally relative acknowledgement is sustained when certain groups and individuals are not given equal access to channels of critical engagement. Emotionally disparity is maintained when levels of poverty and unemployment enhance shame. Shame reduces the likelihood of assertiveness, resulting in fewer opportunities to develop a sense of pride and dignity.

Crossley (1996) cites the work of Schutz when describing how politically engendered superior groups position other groups into accepting a cultural ideology which subordinates them. Prejudices against marginalized groups become 'taken-for-granted truths', and the individuals and groups so prejudiced become constituted as "*second class citizens*" whose knowledge is similarly invalidated by the socio-political and institutional processes in their lifeworlds (Crossley, 1996, p. 170). Even where second class citizenship is given formal recognition e.g. through the right to vote, if it is not supported substantially in communicative action in lifeworlds, it is experienced as empty or at best shallow citizenship. Second class citizens, in turn develop a culture of belonging based on their own invalidation within their lifeworld and according to which they strive for recognition within it and in terms of it. Crossley notes that: "[P]eople cannot and will not act out the role of the citizen unless that role is allowed to be genuinely meaningful." (1996, p. 162). This has consequences for social integration, and recidivism of those found guilty of violation.

A particular political process of alienation noted by Crossley (1996) is colonization. He notes that socio-political institutions use colonization to appropriate communicative practices which would otherwise enhance legitimacy of individual agency in relationships. Crossley (1996) enters into dialogue with Mead, Habermas and Schutz when discussing communicative practices, or their negation, and their influences on the spaces between personal and political levels in lifeworlds. Crossley discusses Habermas' concept of "*colonisation of the lifeworld*" when referring to the way in which individual agency is eroded by political action through e.g. censorship and subjugation (1996, p. 120). The substance of this violation is seen by Habermas to lead to personal and political consciousness which becomes "*fragmented*", thus disempowering individuals and groups in their lifeworlds and, by extension, society (Crossley, 1996, p. 121). On the other hand ideology, backed by practices which encourage critical questioning, promotes personal agency. At the same time, it helps construct a socio-political culture of mutual recognition and legitimacy.

#### 3.2.4.1 Power

Colonization of the lifeworld is enabled through ideologies which both maximise inequality of power by certain groups and individuals, and minimize access to it by others. Minimization occurs in subjugation of knowledge of marginalized individuals and groups, for example by methods which silence such as isolation, censorship and so on. Typically, practices informed by

such ideology limits engagement only to forms of interaction which recognize its superiority.

Crossley (1996) asserts that power relations are always intersubjective, and that inequitable power relations have a parasitic relationship with intersubjectivity.

Crossley (1996) cites Habermas who notes that designated 'second class' citizens are disempowered on two fronts. Areas of life which were once the domain of interpersonal negotiation have become taken over by institutions. Secondly, individual freedom to debate and critically question actions of such authority becomes constrained through the use of various means, such as censorship and punishment. Resulting disempowerment renders both individuals and society at large less effective, as it reduces agency and opportunities for healthy learning. In the long run, violational appropriation of agency, from whatever level, compromises national safety.

Crossley (1996) engages with Foucault who writes extensively of power as it is exercised by the state and administrative groups, with the support of other social levels to enable or obstruct transformation. When power is used routinely to remove non-conforming citizens from the general population, it is done with the active or passive collusion of the general population. On the other hand, Crossley (1996) remarks on Foucault's notion that power need not be 'bad'. When power is constituted from the bottom up, it enhances mutual recognition from the personal to the political. It confirms the right to personal, as well as multi-level agency. When it is used as a 'descending' force, it is more likely to negate and alienate its citizens. Crossley (1996) therefore suggests that to ensure respectful mutuality, communicative action should be based on democratic principles which recognize the rights of all to critically question, assert their unique needs, and work together to find interdependent processes for managing multi-cultural environments.

#### **3.2.4.2 Discipline**

Crossley (1996) cites Foucault who points to a fundamental, less visible but often more controlling political infrastructure than the formal one captured in the notion of a culture of 'discipline'<sup>104</sup>. The relationship between discipline and democratic government is two-way.

Disciplinary mechanisms enable the constitution and legitimacy of a democratic government. However, the balance between discipline and legitimacy is fragile. Unless discipline is open to critical enquiry, it cannot be subject to transformation and so loses legitimacy.

Administrative institutions are tasked with balancing legitimacy with the need for control. Where legitimacy flounders, control itself becomes questionable. Crossley notes that where

individuals and groups become removed from participation in lifeworld systems, “*feedback loops*” become dislocated (1996, p. 119). In this way, over time and without remediation, unquestioning compliance and violation can become institutionalized as a part of culture. Through repetition, it becomes entrenched as a ‘taken-for-granted’ truth, and understanding of its origins become blurred (Miller, 2002; Craig, 1992).

#### **4. Intersubjectivity in relation to objectivism and subjectivism**

Crossley (1996) briefly discusses how an intersubjective perspective succeeds where objectivist and subjectivist assumptions fail to understand social reality. Objectivists work primarily with observable, measurable phenomena. They insist on rigid, ‘scientific’ methods, which minimize or even negate the intersubjectively constructed and less visible aspects of life such as meaning and emotion, which define and distinguish humanity from other life forms. Subjectivism, on the other hand, locates such distinctions only in one subject, assuming the other to somehow have the ability to renounce his/her subjective roots in interactions and perceptions. The dualism of subjectivism and objectivism has long been identified and criticized as a fundamental faultline of traditional socio-political and academic discourses (Crossley, 1996). Intersubjectivity transcends this fault on ontological as well as epistemological levels.

##### **4.1 Ontological considerations**

Subjectivists, objectivists and intersubjectivists engage with assumptions which define the nature of humanity in very different ways. Both objectivists and subjectivists view society as an object. Subjectivists locate the contents of individual perceptions inside that person, as objects which constitute the whole of that person’s reality. The world and people in the environment can only be encapsulated as objects, without separate legitimate, distinctive subjectivities within the consciousness of another. This view therefore precludes radical intersubjectivity as previously discussed. Objectivists assume even the individual in his/her own reality to be an object which can be viewed and studied from a distance, without any reference to subjective distinctions of emotion, plans and perceptions. In other words, subjectivists locate reality within individuals, while objectivists place reality outside individuals. Neither of these positions takes into account that people are part of, and together constitute, the social fabric.

Intersubjectivity sees all interaction as a generative mechanism which cannot be reduced to the sole arena of individual participants, or only in the environment. Instead, social reality is

constituted and found between individuals, and between individuals and their environment. This does not deny that human beings are capable of reflecting on interactions and thoughts in physical isolation from others, in an egological way. However even thought, emotive and reflective processes are elicited and constructed by subjectivities-in-interaction.

In its conception, intersubjectivity also allows for humans to act pre-reflexively and without consciousness of self in a radical way. This opens subjectivities to differences and uniquenesses of others in the environment, thus giving rise to egological ways of being.

Intersubjectivity denies the conception of society as only an object world, suggesting instead that society is an inter-world, or as Crossley conceives it, society is the fabric which connects subjectivities: "*Society is the culmination of intersubjective praxes, of action and interaction, and of the instituted and shared praxial and material resources which are mobilised in this process.*" (1996, p. 74).

#### **4.2 Epistemological distinctions**

Epistemological considerations refer to how humans come to know, or the philosophy underlying the structure and function of knowledge. It includes the recognition of legitimate partners in building pertinent knowledge, as well as the determination of that which is recognized as valid knowledge (Bhana & Kanjee, 2003). Crossley (1996) states that subjectivists locate social phenomena entirely within one subjectivity. As it is applied to violations, classical Freudian theory is an example of one such theory. It views 'patients' as people with pathological behaviour based on determining instincts. This leaves little room for developing agency as a part of distinctive being: "*In classical theory we are self-contained bundles of better or more poorly harnessed sexual and aggressive instincts, some directed at 'objects'.*" (Orange, Atwood, & Stolorow, 1997, p. 5). Objectivists entirely miss the crucial point that humans make meaning of the world in a way which carries emotional value, and engage with the world according to those meanings. Intersubjectivists, on the other hand, insist on the explicit acknowledgement of common meaning structures and processes underlying them as they affect all protagonists in a mutually constitutive way. They also acknowledge that the experience of these structures may vary for different parties in the process of coming to know. Distinctions have practical implications for research and therapeutic conditions.

Traditionally, studies involving prisoners and crime have assumed a primarily objectivist stance (e.g. Pistorius, 2004). Perhaps because of institutional imperatives to 'measure' outcomes

in terms of statistics, relationships between inmates and researchers frequently take the form of the illusion of being able to conduct 'value-free' assessment of 'patients', who exhibit patterns of 'offensive' behaviour. This relies on accessing de-contextualised and 'uncontaminated evidence' (Kiguwa, 2004). By isolating themselves from the social reality they are studying, researchers negate subjectivities of both themselves and their patients, as undesirable contamination of objective evidence. This limits understandings of the very aspect of social reality they are attempting to know: "*They fail to consider both that they too belong to that world and that it is made an object of study only by means of their situated intellectual praxis.*" (Crossley, 1996, p. 74). Objectivist theory stresses issues such as: quantification, diagnosis, evaluation and categorizing of prisoners with the aim of controlling and predicting their future actions. Importantly, from an intersubjective perspective Scheff (1997) cautions that objectivist assumptions constitute alienation and so have ethical implications. In the interests of emotional survival, 'patients' necessarily rely on known defences in order to resist engagement with the 'otherness' of the therapist/researcher.

Traditionally, for subjectivist therapists/researchers, relationships are confined to the psyche of the individual, in a consulting room. The therapist, conceived of as being irrelevant to violation, must hold an anonymous stance in order to encourage an environment enabling the expression of the dynamics of the individual's pathology. Atwood and Stolorow note that in 1919, Freud directed that "*analytic treatment should be carried through, as far as possible, under privation – in a state of abstinence.*" (1984, p. 44). The analyst is required to be a blank page upon which the 'patient' could reflect his/her unconscious infantile history, which takes centre stage. Emotions, meanings and perceptions emerging in current contexts are often only legitimized in terms of the way in which they relate to history.

In contrast, intersubjective theory widens horizons for understanding and managing violations. Crossley stresses that knowledge from this perspective relies on what Habermas terms "*insider knowledge*" (1996, p. 108). This indicates that all parties are recognized as legitimate participants where all knowledge is considered worthy of scrutiny. Interaction of knowledge, embodied in subjectivities leads to transformed understandings by all which is irreducible to any one party. Benjamin notes that the importance of an intersubjective view is not only related to theoretical accuracy, but is also important for self-development: "*Intersubjective theory postulates that the other must be recognized as another subject in order for the self to fully experience his or her subjectivity in the other's presence. This means, first, that we have a need*

for recognition and, second, a capacity to recognize others in return – mutual recognition.” (1990, p. 186).

Professional integrity with which their power is managed can only be honoured for as long as therapists explicitly acknowledge their interest and agency. Explicit ownership and assertion of agency opens discussions for critical questioning by the client, which enhances the expression of interest, agency and power of the client. Validation of agency and learning empowering methods of self-assertion inevitably opens the arena for therapy to actions and relationships beyond the consulting room. Viewed from a different angle, it would seem axiomatic that in instances where therapist agency and accountability are actively withheld from clients, it is unreasonable to expect the client to take responsibility for his/her actions. In this respect, Kiguwa cites Apter who cautions: “*Psychology is one version of the narrative. As with any power, it can be misused to wield power rather than to empower others.*” (2004, p. 291).

## 5. Conclusion

In this chapter, I have used the discussion by Crossley (1996), in interaction with various authors who explicitly or implicitly rely on intersubjective assumptions of social reality, to give theoretical coherence and meaning to what was experienced as chaos in my own lifeworld and those of my clients. The urgent need for a comprehensive framework from which to understand violation has also been experienced by other employees in South African prisons (see e.g. Rohleder *et al.*, 2006). Intersubjective theory as discussed by Crossley (1996) permits application also to wider socio-political and institutional systems of South African life, as they are affected by and affect violation in the lifeworlds of inmates.

### 1. Introduction

My method reflects my core assumption that violation arises intersubjectively, or as a construction between subjectivities. Due to space constraints, I describe my intersubjective relationship with Eddie as a prototype of the method used, but not shown, for all clients in annexure A. As an integral subjectivity in the relationships under study, this method necessarily includes explicit acknowledgement of aspects of my own subjectivity, hence my adoption of a person-in-practice method (Jefferson, 2004)<sup>105</sup>. In order to expose underlying, invisible threads of constructions in violation it is imperative that in relationships themselves as well as in my analysis I foster a critical approach. I present my understanding of client lifeworlds in the format of multiple case studies embedded in their prison context as it emerged in intersubjective relationships (expressed in file contents) and in socio-political discourse (reflected in literature).

The decision to conduct academic research as a method to engage with clients' best interests was considered retrospectively, as a direct result of obstacles to rehabilitation experienced in prison practice. This integrated method largely reflects that which unfolded spontaneously in my relationships with 15 clients as their psychologist in prison practice between October 2000 and the end of November 2003. The synchronicity between practice and method provides a sense of authenticity to this study.

### 2. Crisis: seed of thesis, indicator of method

Over the past six years the visible method I have used in working with clients has changed. From 16 October 2000 to 30 November 2003, my method of interaction was predominantly direct, on a face-to-face basis. Thereafter, I related and worked with clients' issues using an intensely, although not exclusively academic discourse. Where clients choose to do so, I correspond with those still incarcerated, and where they request such a service, I consult in private practice with those released. In the first three years, relationships were typically more of a crisis management nature. The later three years in part-time private practice has provided time to study, read and reflect on the dynamics which arose during those sessions. This resulted in identifying three broad areas for further exploration. Firstly, violations are not superficial. Secondly, they can be influenced, although not necessarily in obvious ways. Thirdly, even when the intention is to introduce 'change', in the prison environment violations tend, more often than not, to be reinforced. These considerations were honed into three units of analysis in this thesis:

- Firstly, I explore the dynamics underlying elements of violation. In chapter 6, I look at how violations become a part of identity. In chapter 7 I look at the defensive function, in identity, of violations. In chapter 8 I investigate how emotions motivate violations in identity;
- Secondly, in chapter 9 I investigate dynamics underlying movement/learning, or the lack of it around violations; and
- Finally, in chapter 10 I discuss how socio-political and institutional dynamics, as they are encapsulated in service delivery in prison, reflect the same dynamics that contributed to the construction of violation in the first place.

Interactions pertinent to the above concerns were not always confined to the consulting room, but often took place in debates with colleagues, authorities in head office as well as in wider society. An example of relevance to this study, is that a prevailing hegemonic institutional culture of silencing differences occurred constantly in prison not only between staff and inmates, but also between different hierarchical levels of staff. This practice has threatened to prohibit this research (see annexure B for a chronological diary of attempts to gain permission for research, stretching over a period of three years). A culture of subjugation, at all levels, can be meaningfully understood in terms of intersubjective theory.

Ironically, it was largely in the contrast between my relationships with clients who engaged, and prison authorities who more persistently obstructed engagement which taught me that methods of silencing can be perceived in two ways. Each has implications for ensuing action. If viewed as an indication of malice, silencing backed by threats of punishment enhances a personal sense of progressive alienation and de-legitimization. As provocation of the need to defend and/or attack, this view necessarily increases the likelihood of spiralling intersubjective violation. On the other hand, it can also be understood as an attempt to defend against possible embarrassment, using power in the same way as was historically accomplished in the apartheid era. Although not providing the requested authorization, a recent letter dated 9 January 2007 from Head Office illustrates a much more acknowledging communication, which facilitates a process of mutually respectful critical questioning and negotiation. This promotes socio-political, institutional and individual transformation.

**3. Method**

In this section, I use a critical perspective to discuss an integrated method which incorporates person-in-practice and multiple embedded case studies (Jefferson, 2004; Yin, 2003a & b). I also describe how this view changed over time during my professional relationship with clients. The understanding of violation as a social construction encouraged a critical and reflective orientation in therapy, through which contextual input through different levels of society could be traced.

**3.1 Person-in-practice**

A method which informs theory but emerges out of praxis is particularly valuable to building a culture of mutual respect (Gilligan, 2001; Jefferson, 2004). Van Zyl Smit (1999) has pointed to the danger of polarisation between academics and policy-makers on the one hand, and practitioners on the other hand which leads to both becoming side-tracked into immediate power struggles at the expense of addressing larger issues at stake<sup>106</sup>. This may be true not only between psychologists, but between psychologists and other professions working with violation. In this study it is acknowledged that through an understanding of violations, as they are constituted in our own lifeworlds, we create possibilities for learning about the constitution of violations and/or progressive transformation at different levels of society<sup>107</sup>. In a context where traditional discourses have been ineffective both for a comprehensive understanding of violation and for meaningful intervention, it is logical to consider why they have failed (Gilligan, 1996, 2001, 2003).

Jefferson (2004) points out that action-based research, particularly in prison practice in countries in transition, offers unique opportunities for learning<sup>108</sup>. He argues that a person-in-practice method has particular value for learning, both analytically and methodologically. Since this method takes place in the relationship itself, Jefferson (2004) stresses the necessity of reflecting on how the learning process is materially relevant to all participants, including the researcher<sup>109</sup>. It was directly as a result of mutual learning in therapeutic relationships in prison, that I realized the need to amend my way of working from a traditional, to a more critical approach. For example, in my earliest therapeutic relationships in prison, I attempted the traditional route of taking histories during intake sessions. I saw Magda [H]<sup>110</sup> for the first time during November 2000, one month after starting employment at DCS. Although she seemed outwardly polite, I sensed thinly disguised hostility. Much later, after she had experienced my

ability to tolerate criticism without judgment but was possibly not yet secure enough to criticize me directly, she said that 'another client' had mentioned that I stick my nose into everyone's private business. At first, these questions appeared to me to be 'clinically necessary', and were consistent with methods I had previously been taught. On reflection, however, I realized I was enquiring about intimate aspects of her lifeworld, in a hostile environment at the express wish of a wardress after she had attempted to commit suicide the night before. It was not inconceivable then that my questions were experienced by her as alienating and threatening. In addition, in asking these questions, I negated her immediate distress, which related to coping with day-to-day prison life, how to be acknowledged and what her future would hold rather than her history. While the significance of historical relationships cannot be underestimated in understanding the value of violation in each client's life (e.g. Sereny, 1998), I would have recognized her (and my) humanity more by allowing her history to unfold naturally, in the course of our relationship. When this information emerged consistently with clients' experience of needs and emotions, the relationship itself became mutually legitimized. Also, to avoid adding to invariable perceptions of themselves as 'failures', as well as my own perception that tests were, for the most part inappropriate for my clients, I did not make use of psychometric tests at all.

Despite the enormity of South Africa's problems around crime, the most obvious yet most neglected source of knowledge about violation are the voices of prisoners themselves. Although prisoners are more isolated than most in society, they are also the most directly involved in all aspects of violation which include: its motivation, its persistence in their lives, its consequences, its shame, and demands from society to repent and 'change'. If their very alienation and ways of managing it has something to do with their status, the likelihood that objectification of clients through research may itself contribute in some way to continued violation, could not be ignored. This danger is minimized in a person-in-practice relationship based on intersubjective assumptions, where consciousness of the dangers of distancing, and validation of critical discussion is explicitly prioritized.

Experiencing my own and other contributions to alienation and growth emerged in a growing conscious knowledge in my relationships with clients. This was enabled by (a) adopting a self-reflective approach in my relationships with clients, and with the context within which we related; (b) learning from clients about how violation, including my own formed a part of their lifeworlds; and (c) reflecting on how all these components interacted and were mirrored at various levels in all our shared and separate lifeworlds.

Knowledge of clients' frustrations in an alienating world was maximized by positioning myself in the research process, as I experienced similar frustrations to which they referred. At the same time, the common client refrain of "*it's all right for you; you can go home at night, or resign*" continually reminded me that my experiences were distinct and privileged in crucial respects from theirs. Orange, Atwood, & Stolorow affirm the fluid, dialogical nature of that which is shared with that which is distinct when constituting valid knowledge from information from various subjectivities: "*We must examine the theories, prejudices, and assumptions that form our own subjectivity, but we can work psychoanalytically and understand psychoanalytically only from within the intersubjective field.*" (1997, p. 5). It was from this practical stance that I was later guided by my supervisors to explore the concept of intersubjectivity as a valid theoretical and epistemological basis for a growing understanding of violation.

A person-in-practice method ensures that relevant contextual issues are captured and acknowledged in analysis. Scheff (1997) stresses the importance of using research methods that bridge levels of interaction usually kept separate in academic discourses: micro and macro worlds, inner and outer, thought and feeling<sup>11</sup>. The use of relationships in practice to inform construction of knowledge engages with a frequent criticism levelled at the discipline of psychology i.e. that if psychology is to breathe life into theories, research designs and macro concepts it has to be related to the micro-world within which it takes place (Scheff, 1997; Smyth & Robinson, 2001).

### 3.2 Critical orientation

A critical approach has ethical implications in its assumption that social reality, including the motivation for violations, is constructed by society (Crossley, 1996; Mkhize, 2004b). Nightingale and Neilands note that critical psychology means that "*the stance we take towards the nature of the world and our considerations of our knowledge of this world have particular implications for the methodology we use.*" (cited in Van Vlaenderen & Neves, 2004, p. 426). Titscher, Meyer, Wodak, & Vetter refer to the work of Habermas, who takes into account the historic and current interests of all members of society, including our own: "*[A] critical science has to be self-reflective – that is to say, must reflect the interests on which it is based – and it must take account of the historical contexts of interactions.*" (2000, p. 144). In this way, critical enquiry is congruent with a person-in-practice method.

There is a notable lack of pertinent research in critical prison psychology, from a critical perspective, in South Africa. This neglect, despite our exceptionally violent socio-political history, is consistent with a past culture of silencing and fear (Louw and Foster, 2004; Francis 1986; Emmett & Butchart, 2000). Despite, or perhaps because of violent histories where marginalization has been an integral part of colonized countries, Jefferson notes that developing countries have distinctive needs for critical research based on local needs<sup>112</sup>.

Van Vlaenderen and Neves (2004) point to the crucial importance of relating research to developmental issues. For research to be relevant in developing countries, it can be argued that it must ultimately be related to empowerment issues which rely on a critical approach<sup>113</sup>. Development relates intimately to both personal and social empowerment, and relies on the development of agency at all levels of interaction (Korten, 1990). As it relates to individual lifeworlds, Van Vlaenderen and Neves (2004) link empowerment to the development of self-esteem<sup>114</sup> which, as I demonstrate in the third section, is so necessary for engagement on a mutually respectful basis.

From a critical perspective, dynamics of social interaction, including violation and transformative learning involve reflection at all levels. This defies any assumption that they are discrete, constant or passive. Instead, I will illustrate that they constantly move, mirror, influence and are influenced by each other through processes of recognition and alienation. These processes may be explicit, hidden or masked but in critical questioning they become opened up for viewing and to be acted on through processes of analysis/deconstruction and interpretation/reconstruction, all of which constitutes critical practice. In other words, the exposed dynamic underlying social reality is viewed as a complex enmeshment of hidden ideology contained in communicative and positioning events within and between people and institutions, revealing itself in the process of critical enquiry (Parker, Georgaca, Harper, McLaughlin & Stowell-Smith 1995; Fairclough 2004).

As a critical approach necessarily engages with all levels of society, it withstands attempts to reduce cause and management of violation only to individuals. It opens opportunities for management not conventionally considered, creating potential for further mutual growth, rather than remaining a matter of exclusive individual, institutional or national shame and constraint<sup>115</sup>. This implies that we are all to some extent complicit in the incidence of violation. It also implies that the ability to resolve the persistent social problem of violation lies within the

ambit of human individuals *in concert with* collective agency. If efforts to manage violation are to be seen to be legitimate, and if they are to be effective at all levels discrepancies between theory and practice, and within praxis will have to be determined. This becomes possible through critical questioning and deconstruction of aspects of our culture which have come to be taken for granted in the past.

Vygotskian (1978) theory of learning is an instance of critical method in that it proposes that 'social facts' parading as anything other than the outcome of social mediation is questionable. Social tensions are viewed as opportunities for critical enquiry, engagement and transformation. Instead of being shackled and paralysed by past habits, understanding of how they came about can result in new possibilities emerging. These possibilities may encompass and respectfully acknowledge distinctive needs and emotions of groups and individuals at all levels of society (Parker *et al.*, 1995; Fairclough 2004). The application of this theory to practical relationships will be demonstrated in chapter 9.

### 3.3 Multiple embedded case study

Multiple embedded multiple case studies are an instance of empirical enquiry that investigates contemporary phenomena within real-life contexts (Yin, 2003b). It is especially valuable when the boundaries between phenomena and contexts are not clearly evident (Yin, 2003a; Stake, 2000). The present multiple case study includes the voices and knowledge of individuals most directly affected by violation (see annexures C-Q), and my own as a protagonist in this study (annexure R). In chapter 10, I embed these cases specifically in the prison context. Multiple embedded case studies allow for an integration of multiple strategies (Yin, 2003a). The scientific validity and desirability of integrating methods for prison practice and research is discussed and affirmed by Fine *et al.* (2004) in their study on women in prisons.

In the final month of my employment, it became evident that I would not necessarily be given ready access by the DCS to conduct research. In response to the subsequent invitation by the head of the research unit of the DCS to re-submit a proposal after a university had passed it, I asked the 20 clients I was regularly consulting at the time, for their permission to use therapy case notes, on condition of confidentiality, for research purposes. A copy of the contract of confidentiality is attached, marked annexure S. The sheer volume of data involved in files of the 15 clients who gave permission, led me to select material from these case notes to substantiate

claims emerging out of Eddie's case, which is the principal one. These claims are discussed in detail in the third section.

The major part of the analysis section consists of material in Eddie's file which I relate to similarities with and differences from other case studies. I link themes around violation in clients' relationships to pertinent socio-political, academic and biographical literature. In relating some memories of my experienced subjectivity with case studies, I demonstrate that psychological dynamics such as particular needs and emotions, underlying particular violational incidents in alienated clients' lives, are common to humanity. Finding common ground has the potential to decrease fear, since increased understanding of how our own violation comes about provides a channel to understand similar underlying dynamics in others.

The selection of Eddie's as a 'backbone' case is based on many considerations. A relatively comprehensive exchange of knowledge and growth took place in our relationship as a result of it being lived out across many different locations, consultations, and in moments of great pride as well as shame. During our relationship, we both alienated and violated each other. Violations in which he had been involved varied considerably and ranged from criminal to non-criminal, demonstrably visible as well as disguised, and against self and other. Importantly, Eddie's [C] life of crime persisted despite an apparent sincere desire to break out of a criminal cycle. His life experiences cover a range of areas of violation commonly debated in society. This data lends itself to a rich and creative analysis. Very importantly, at one of our last sessions he indicated that he hoped, at some point in his life, to be able to contribute to the world in some meaningful way.

### **3.3.1 Differences and similarities**

Due to the wealth of information unfolding in one relationship, a description of similarities and differences occurring in 15 relationships is necessarily a cursory one. In all cases, face-to-face consultations were the initial form of contact. The majority of cases (nine) were self-referred, such as Susan [O], who had heard of psychological services by word of mouth. Others were referred by staff members such as the doctor (e.g. Peter [N]), other psychologists (e.g. Eddie [C]), and section heads (e.g. Magda [H]). During my employment but more so after my resignation, personal consultations were supplemented with periodic letters and phone calls in all but six of the cases. In addition, Eddie [C], John [G], Magda [H] and Susan [O] attended private therapy, to varying degrees with me after their respective releases.

The numbers of consultations with clients differed. I consulted the most with Eddie ([C] 106 sessions), and least with Joan ([E] 13 sessions). The average number of consultations was 45. I found that the number of sessions was not necessarily indicative of the quality of interaction, or depth of knowledge about each other. It became evident though that increased knowledge of the other coincided with increased self-knowledge. For example, all clients attempted, to greater or lesser extents, to gain recognition by seeking my approval once a legitimate relationship had been established. However, my relationships with Eddie ([C] 106 sessions) and Magda ([H] 34 sessions) were notably more intimate since, with time, they both felt relatively more free to spontaneously and explicitly express anger and critically question me. As a result, I found myself contemplating things about myself I would probably have failed to do. I learned that the ability to express 'unacceptable' emotions was a skill which was very difficult to learn and practise. For example, despite 88 sessions any 'unacceptable emotions' I elicited in Truida [P] remained largely hidden in our relationship while after four years in therapy Susan ([O] 69 sessions) slowly began to attempt to assert distinctive emotions.

Clients differ in their ages, genders and races/cultural groups. I found that although these differences were sometimes claimed to be pertinent to violations, when viewed against the background of their relationships in prison, these 'reasons' were often not sustained over time and situations. Instead, they appeared to be handy, socially prescribed tools for defending in the moment of violation rather than significant in themselves. For example, race was frequently mentioned (by staff and inmates) as a 'reason' for violation. This typically occurred, where one race group was seen to show contempt for another. On the other hand, prison was often the first environment where inmates of different race groups occupied positions of mutuality. As a result, profound friendships between individuals of different races often unfolded. Unilateral changes imposed on these friendships from authority figures, such as occurred in transfers and occupancy of cells, were often experienced by inmates as intensely violational. In other words, the use of differences to violate were more significantly affected by socially informed meaning structures as they interacted with distinct needs and emotions.

The form of violations for which clients were sentenced differed. At the time of my relationships with them, eight of my clients were in prison for non-violent crimes such as fraud (Susan [O] 'white', Truida [P] 'white', Gloria [D] 'coloured') and theft (Wendy [Q], 'coloured' Peter [N] 'white', Nawaal [L] 'muslim', Eddie [C] 'coloured', Mary [J] 'coloured').

Seven were found guilty of violent crimes: Jocelyn [F] 'white', had murdered her daughter; Miranda [K] 'coloured' had accidentally shot and killed a friend; Maria [I] 'coloured' and Nina [M] 'nama/coloured' had killed their abusive husbands; John [G] 'white' had killed a stranger in a rage; Joan [E] 'coloured' had murdered her boyfriend in a drunken argument; Magda [H] 'white' had killed a stranger during a robbery. During the period after I had decided to resign and conduct research, I had no 'black' clients. I found that many core dynamics underlying violation in these clients applied similarly across ages, genders, race groups and creeds as I will discuss more in the third section.

Differences between males and females existed around the target of physical aggression. Females tended to aggress outwardly but often also damaged themselves. Males predominantly (although by no means exclusively, as Eddie's case notes will show) aggressed against others but not themselves. Females, more than males (although not exclusively), made use of passive-aggressive, or masked aggressive behaviours. There was a notable absence of mutually respectful assertiveness as a defence. All the men had histories of physical aggression to a greater or lesser extent. Of the 12 females, only Truida ([P] early 40s), Susan ([O] early 40s), and Wendy ([Q] 22 years) gave no indication that they used physical aggression against themselves or others. The oldest client is Mary [J] who was 51 at the time I first saw her. The youngest was Magda [H], who was 15 when I first saw her. Both had histories of physical aggression against others. On the surface, Magda [H] seemed to be more consistently physically aggressive than her older counterparts. On the other hand, Mary [J] typically sought approval from everyone in authority. Mary [J] noted that she sometimes felt 'funny' at which point she would lose control of her physical expressions of rage. Also, many of the younger clients, such as Joan ([E] 26 years) appeared to focus their aggression inward with a similar intensity to that expressed outwardly by Magda [H]. Yet the murder for which Joan [E] was sentenced suggests that aggression can explode outwards particularly in times of insobriety. In summary, it would seem that inward, outward and passive-aggressive behaviour were distinct possibilities in different combinations for everyone at different times. However, clients differed in what was more typical in times of stress.

Eddie [C], Mary [J], Nina [M] and Maria [I] all spoke of being subjected to historic assaults and accidents which could possibly have led to brain damage. The degree to which these traumas could have affected impulse control on a neurological level was not possible to determine due to lack of access to neurological services. Of these cases, my relationships with Eddie [C]

was the most intense, spanned the longest period of time and encompassed substantial elements of radical intersubjectivity (Crossley, 1996). It was instructive that despite his initial insistence that his brain injury was the cause of his inability to assert himself and take agency in his actions, he became progressively more able to do so in a reliable, stable and regular therapeutic relationship. One of the largest obstacles which clients commonly initially laid claim to was their lack of control over elements contributing to actions for which they were criminally sentenced. This was true even for Miranda [K] who had mistakenly killed a friend while playing with a gun. She mentioned that she commonly experienced uncontrolled needs to aggress. One problem was that the nature and location of these elements seemed to constantly shift. Without a meaningful structure with which to understand these shifts, confusion and fear over distinctive needs, emotions and resulting behaviour reigned i.e. it appeared that they feared themselves. In some circumstances, typically when they felt attacked, clients would locate these elements outside of themselves, in their families, institution and/or society. And indeed, their reasoning was not 'delusional' in the sense that there was always some event in the environment/person which did alienate. Also, historic and current discourse in their lives validates the process of 'blaming', in its targeting them. At the same time, it was clear that they often made gargantuan efforts to control these outside influences which they perceived as 'provoking' the emotions and resulting behaviour they feared in themselves and for which they were punished.

The removal of blame, judgment and moralising created space for radical intersubjectivity to emerge in relationships. This paved the way for reflection and self and other knowledge was allowed to unfold. This involved learning and understanding about the constitution of identity (which includes needs, feelings and behaviour) and the consequent development of agency. This process requires critical enquiry which, in the absence of moralising and blame, is experienced as a form of acknowledgement rather than judgment. Only then could energy be channelled into exploring previously hidden elements such as the dynamics of the 'unacceptability' of emotions underlying the more visible aspects of crime. In these moments it became clear that clients *had* taken desperate measures to control inner elements. The hidden nature of these elements had rendered knowledge incomplete, as a result of which their attempts were often perceived as unsuccessful. Prior to a different understanding, the only conclusion they could reach was that they were, indeed, definitively evil as society had labelled them. In acting in accordance with their identity, they did not behave any differently than any human being. At times, if I ruptured our relationship by imposing my distinctive meaning structure of morality as

an 'objective, unquestionable truth' to which they were subject, I found that I had instantaneously changed the environment to one of attack. And indeed in such a rupture I had definitively negated their right to have some agency in the construction of their own identity and to engage in accordance with that. Often without conscious understanding between us, the moment of radical intersubjectivity would immediately be lost, giving rise to egological intersubjectivity. In summary, it appeared that the need to be seen as a legitimate, significant member of human society was in constant battle with the constructed view (to which they, society and I were at times a party) of themselves as monstrous. Violation itself seemed to be an expression of this profoundly intimate battle, in action.

### 3.3.2 Outcomes

Clients differ in terms of visible outcome. I noted a similarity between all clients and myself, to become dragged back to old patterns of defence, such as judgment of the other, in moments when we experienced ourselves as too tired or unskilled to save ourselves and/or the other. The visible patterns themselves may have differed between us, but the underlying motivation to defend in a way which would leave our self-evaluation relatively untainted was common. As noted above some reverted to aggression against others, others to aggression against themselves, some would swing between the two and some would mask aggression. At times, I experienced and probably showed judgment through irritation and impatience with an invariable sense of failure (diminishment of self) and blame (diminishment of other) at the end of the session.

In terms of movement after termination of the therapeutic relationship, however, I will refer only to the two clients I have seen most, both inside and outside prison: Eddie [C] and Susan [O]. On the surface, it is likely that Eddie would be evaluated by many as impossible to rehabilitate, and the outcome as being poor, at best. This assessment could be informed, *inter alia*: by his persistent relapse into drug and/or alcohol abuse; his apparent (when compared with other people) inability to relate with others; his habitual criminal lifestyle; and his seeming inability to live independently. Stressful conditions, brought on by daily incidents ranging from interactions with a stranger, to a criticism from his mother or brother were frequently cited by him as 'reasons' for transgressions. Such incidents would not necessarily interfere in the human quality of most of our lives. I suggest that this difference is predominantly explained by the significance of different meanings each of us attaches to these incidents. Initially my perception of Eddie's successes and progress did not coincide with his own definition of success. With

critical, open discussion this changed and in time our ability to share them increased his sense of pride, not just in the moment but also later. This had consequences for his quality of life. For example, in moments of withdrawal he could respond positively to my recalling them as evidence to his latent strength. Eddie's history has ensured that he will experience a singular, lifelong vulnerability to intimacy. While this is true for everyone, the prognosis for Eddie's rehabilitation will be optimal in a context where channels for mutual engagement are accessible.

Susan is likely to be seen to have rehabilitated completely. She faced two charges flowing from 51 counts of fraud, the last count having been committed in 1996. She was labelled by her family and previous professional evaluators as a 'pathological liar and cheat'. In July 2003 she was released from prison on parole. To my knowledge she has not ever relapsed into any criminally deceitful behaviour since then. Indeed, at moments when she faced temptations to 'lie' she made appointments to attend private therapy. She substantially repaired all relationships she had previously damaged, which included those with her parents, children, and her ex-husband. She managed to sustain a new, difficult marriage and to build a strong relationship with her stepson. More often than not, she maintained more than one demanding job at a time. She coped with monthly appearances in court knowing that each appearance could culminate in a return to prison for a further nine months' imprisonment which the prosecution was insisting upon, pursuant to the final charge which was never finalized. In addition, she sustained debilitating pain and periodic surgery from a non-life threatening disease. She died tragically on 14 July 2006 and the status of forensic and investigative analyses is, to date, a mystery.

As occurs in the commission of crime itself, what is often not taken into account when measuring outcome are the underlying hidden emotions and needs each of which elicit fears *and* sometimes fantasies of relapse as an expression of anger. Perhaps one of the most critical of these incidents occurred for Susan when, despite her successes she faced having to return to prison. Further incarceration threatened to jeopardize her employment, and strain all the relationships she had so patiently re-built. Toward the end of her 65<sup>th</sup> session, she explicitly asked the question: "*what was all the hard work for?*". She consciously faced a profound choice relating to her identity. Either she could again accept an imposed, marginalized identity which had been socially constructed, and with which she had unwittingly colluded for so many years (and which was consistent with her life as a prisoner), or she could persevere with, and assert an identity of significance and worth irrespective of where she found herself. I mirrored her question to her: "*why indeed did you work so hard?*". She noted the irony in finding no real choice when

agency is developed, because the choice has to be for an identity which she could own, which she had a part in constructing, consciously. The commission of fraud emerged out of a need to impress others for any sense of worth. There was no sense of agency or personal choice in anything she did, including committing fraud.

### 3.3.3 Discussion of using cases studies

In terms of the disadvantage of using case studies, Yin (2003a) notes that they are laborious, result in an abundance of wordy documents and take a long time to complete (Yin, 2003a). In terms of this thesis, there is indeed a vast amount of documentation. However, focusing the analysis on three critical issues has narrowed discussion and analysis to manageable levels. Reading, writing and analysis of this study was completed within three years, which is an acceptable time frame for a doctoral dissertation according to the University requirements.

According to Yin (2003a), the case study method is particularly well-suited to studying complex social phenomena, such as illustrating co-constructive individual, group, organizational and socio-political dynamics (Yin, 2003b). It is congruent with a method of study where contemporary actions, which cannot be synthetically manipulated without considerable ethical compromise, are under scrutiny (Yin, 2003a). The use of embedded multiple cases strengthens claims made about common invisible dynamics underlying, what superficially may appear to be multiple, distinctive and often conflicting concerns (e.g. different forms of violation, differences between conscious intentions, hidden motivations and consequences etc.).

The question of the nature of violation deals with horizontal (across disciplines and social levels) and vertical (trans- and intra-generational) dynamics. Case studies are particularly valuable in capturing this kind of information: *"This is because such questions deal with operational links needing to be traced over time, rather than mere frequencies of incidence."* (Yin, 2003, p. 6a). Finally, the case study method is particularly valuable in that its unique strength lies in its ability to deal with a variety of evidence, which Yin lists as *"documents, artifacts, interviews, and observations – beyond what might be available in a conventional historical study."* (2003a, p. 9). In this study, contents of case files, consisting of miscellaneous policy documents, correspondence and case notes will provide the bulk of data informing the nature of violations in client lives.

### **3.3.4 Review of intersubjective relationship with Eddie as prototype**

In September 2004 I reviewed my intersubjective relationships with clients, as they are expressed through the contents of client files. This review took place against the background of a literature review I had immersed myself in during the previous nine months and my own lifeworld (see annexure R). Below, I describe some of the insights relating to my relationship with Eddie, around three units of analysis (i.e. dynamics underlying the nature of violation, movement and learning, and institutional service delivery) as discussed on page 86.

While Eddie's history is comparable in some respects to other people who have led a life of crime, it is also true that many children with difficult backgrounds do not become 'career criminals'<sup>116</sup>. It would seem then that simple blaming of context or the individual leaves more questions than it answers. Instead, I look to dynamics, in the form of socially constructed meanings formed between Eddie and his context, and how this may have differed from other clients and relationships in their lifeworlds, to elicit more information about violation.

In annexure A I provide an intersubjective account of my relationship with Eddie as a prototype of my analysis with other clients. I tried to keep in mind how my own subjectivity influenced movement taking place in interactions with clients. It is this relationship between both our subjectivities which gave rise to case notes used to make up the case studies. In this analysis I tagged certain events and written recordings pertaining to the three units of analysis noted above and related them to relevant literature on those topics as appears in chapters 6 - 10.

### **3.3.5 Case notes**

Invariably I typed up case notes for sessions in the afternoon of the same day I had consulted with clients. During my employment, therapeutic relationships in the males' sections had to take place between 08h30 and 13h00, at the latest. In the females and juveniles sections therapy was confined to 09h00 and 12h00. Before and after these times a skeleton staff operated and inmates were locked up. In my case notes I recorded basic trends and issues of clients' lifeworlds as I perceived them to have emerged in sessions. On very infrequent occasions, this routine was undermined, for example when computers were down, or when I had to attend meetings. In such instances I would either write case notes by hand, or I would type them up at home after working hours. It is possible that I may have neglected to write one or two case notes, although such neglect is rare. Case notes usually consisted of a page for each session. The practice of writing regular case notes accorded with professional regulations in the prison, and was consistent with

my own need to keep a record for the possibility of later referral and re-cap. At the time, their use for research purposes was never under consideration. The words of Riessman resonate with my own experience about the use of case notes for research material as my resignation date loomed: "*Few of us at the time ever thought these accounts could be data, texts about lives that could be interpreted to reveal intersections of the social, cultural, personal, and political.*" (1993, p. vi).

### **3.3.5 The retrospective use of case notes as data**

Although psychological case notes to inform case studies are not generally conventionally used as data for research, it is not entirely unheard of. The most notable example is provided historically by Sigmund Freud and Carl Jung (Jung, 1980). Objectivist theorists would tend to regard research based on personal case notes as 'biased'. In terms of intersubjective assumptions, ethical research is considered to lie in claiming agency in relationships and the same objection does not apply.

An advantage of the retrospective use of case notes, as opposed to the more traditional method of prospectively using interviews to draw up case studies lies in ease of focus. The freedom to relate to clients' lifeworlds, and to hear their hidden distinctive needs and emotions without being distracted by my own needs to meet academic requirements is more likely when drawing up case notes solely for the benefit of the relationship<sup>17</sup>. For reasons which become clearer particularly in chapter 6, it was common for clients to attempt to gain my approval. If my explicit, initial goal had been research, their behaviour and words may have targeted satisfaction of my needs rather than focusing on their own distinctive needs and emotions.

Finally, Simpson quotes Ellis, who validates the use of novel methods as appropriate for research purposes, particularly in problematic areas such as violation and politics: "*One of the conclusions we may draw from a survey of the last 30 years of South African history is that politics and crime are inter-connected and are not always amenable to conventional analyses ...*" (2004, p. 4). In contemporary practice of psychology, many authors, such as Gilligan (1996; 2001), Jack (1999), Marcus-Mendoza (2004) and Fine *et al.* (2004) in the US, have used insights gained from case studies to explore the nature of violation.

## **4. Ethical considerations**

If the findings of this study are sound, the ethical implication of remaining silent in the face of learning more about how we contribute to violation, in effect constitutes collusion and construction of violation, through omission. My ethical dilemma is captured by Burke, Harper,

Rudnick and Kruger: “*It is argued that the current professional code of conduct and training models based on it are too simplistic and do not capture the complexity of real-life ethical dilemmas*” (2007, p. 107). My own violation would lie in neglecting to point out the crucial importance of increasing processes which bestow recognition in the face of socio-political and institutional negation. To remain silent while a culture of violation is unknowingly perpetuated through subjugating processes is to simultaneously and knowingly place my own human legitimacy in question<sup>118</sup>. I would be betraying the trust of clients; disrespecting their, my own and indeed the prison institution’s capacities to transform through respectful engagement. I would be betraying the potential educational value of mutual growth which unfolded during therapeutic relationships.

A more ethical possibility to self imposed censure is to distinguish my own agency from contemporary socio-political and institutional fears of shame by continuing to engage, albeit in a mutually respectful fashion, with the debate around violation. Below I talk through how I worked with matters of informed consent; confidentiality; and weighed risks against benefits to subjectivities and society.

#### **4.1 Informed consent**

Informed consent, as per annexure S, was gained from 15 clients. Only clients of 18 years and older with contractual ability were approached for possible inclusion in the study. Nonetheless, the warning given by Swartz (2004), that permission gained from clients who are in subjugated positions of power is fraught with ethical dilemmas, is well taken. It is stressed that case notes are claimed as strictly representative of my own voice and work. To my knowledge, all clients have by now left prison, and most are no longer contactable. They can therefore not validate or invalidate these reflections as consistent with their own. It was notable though that when giving written permission to use case notes for research, clients explicitly indicated their desire to contribute to the creation of meaningful rehabilitation. Clients’ enthusiasm, despite the known dangers of consequent punishment, strongly supports Stern’s claim that, at present, a commitment to successful rehabilitation takes place “*in spite of prison, not because of it.*” (1998, p. 308).

#### **4.2 Confidentiality**

All possible caution has been taken to change identifying markers of individual clients in the case study profiles. Sensitive testimony such as individual case notes will be made available on CD-

my own need to keep a record for the possibility of later referral and re-cap. At the time, their use for research purposes was never under consideration. The words of Riessman resonate with my own experience about the use of case notes for research material as my resignation date loomed: "*Few of us at the time ever thought these accounts could be data, texts about lives that could be interpreted to reveal intersections of the social, cultural, personal, and political.*" (1993, p. vi).

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rom only to examiners. Examiners are of international standing, and not resident in South Africa. This further increases anonymity and confidentiality.

#### **4.3 Risks to subjectivities**

The danger to clients still incarcerated (if any), as well as staff still in the employ of the DCS cannot be underestimated. The risk to them will necessarily always be greater than to me. I am no longer bound by an employment contract with the DCS nor, for the most part, by ongoing therapeutic contracts. Few exceptions occur where released clients have elected to continue therapy with me. The most immediate threat is to imprisoned clients who, despite all efforts to disguise identifying characteristics may be subjected to punishment.

Written agreements by clients to participate were given before the thesis became a reality. On production of a document, where issues of deep emotional vulnerability are overtly analysed, considerations of privacy and a deep trust developed during therapy may well become strained (Ochberg, 1996).

Due to a convergence of many issues such as differences in biographical details, conflicting values, beliefs, shortages in resources and equipment, staff in the prison may perceive themselves as being victimized through being placed in an unfavourable light. I hope I argue the case strongly enough in this thesis that my only valuable objective in exposing vulnerabilities is repair by developing a more comprehensive understanding of the mechanisms of violation.

#### **4.4 Benefits to subjectivities and society**

This thesis itself is a practical instance of mutually respectful critical debate. The process is retained as a common thread when analyzing my relationships with clients, staff, the institution and society alike. Many staff members have indicated that critical debate is essential for meaningful rehabilitation and transformation to occur within the prison. For example, pursuant to a dispute based on inconsistencies in policy between psychological services and Head Office, a letter from management states: *"This office would like to thank and congratulate you and your team on your willingness to challenge and [the] professional manner in which you challenged the Policy of the Department of Correctional Services. You have indeed done so in a respectable manner, throughout the process."* This response views critical enquiry as an opportunity for growth, with implications for transformational outcome. It contrasts sharply with the notion that critical questioning is threatening, and therefore should be stifled through punishment.

Clients were eager to contribute to a study which engages meaningfully with rehabilitation. This study goes some way to engaging with their frustration emanating from their frequent and explicitly stated distrust that rehabilitation is an empty concept bandied about by DCS solely for the sake of garnering social credibility. Clients often voiced their desire to engage with and 'give back' to society, albeit in ways which do not compromise society's concern for its safety. They were angered at society's view of them as 'monsters' without regard for others, and with no desire to 'change'. For example, Eddie's desire to contribute to rehabilitation over and above that provided in the signed contract was spontaneously reflected in a letter to me dated 10 July 2004:

*Anyway I wish you well on your success for further studies and whatever you want to write about prison, prisoners and how most people end up here also about the violent home and street life even drugs[,] I am there to support.<sup>1</sup>*

## 5. Conclusion

In conclusion the integration of methods I use reflects a radically different, but theoretically sound framework from which to interpret violation. In addition, it offers practically feasible methods of intervention. The method, as mutually respectfully critical and engaging is reflective of both process and outcome of managing violation differently. Its interpretation locates violation and crime where we all have agency and control, i.e. *between* all of us, in meanings we ourselves create in relationships. As such, we are all part of the problem of violation, and conversely we are all potentially part of its ethically sound management. Material contained in the case files of multiple embedded case studies of 15 clients provides substantial evidence from which to draw findings regarding dynamics underlying the nature of violation, its movement and how prison service delivery influences rehabilitation and/or reinforces a culture of violation.

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<sup>1</sup> In order to distinguish between quotes by clients and from client notes longer than three lines, and those of other authors I will use left-hand indentations and single spacing for the former.

only to a limited degree and to a high degree of accuracy.

The first step in the process of data collection is the selection of a

sample of units to be studied. This is done by using a

probability sampling method. In this method, each unit in the

population has an equal chance of being selected. This is done

by using a random number table. The units are selected

independently of each other. This method is known as simple

random sampling. It is the most basic and simplest method of

sampling. It is used when the population is homogeneous

and the sample size is small. It is also used when the

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**PART 3:**  
**ANALYSIS AND DISCUSSION**

PART 3

RESULTS AND DISCUSSION

### 1. Introduction

This chapter focuses on violations as they emerge through various processes from past relationships and, through repetition, become integrated into a relatively enduring sense of identity and self-worth. Relational processes such as attunement and mutuality enhance recognition of elements of self and other as distinct, but part of being human. Processes which negate distinction enhance a type of recognition based on satisfaction of social needs at the expense of distinction. The entrenchment of repetitive underlying dynamics through various relational processes such as blame, judgment and punishment, without experience or opportunities to learn alternative understandings and forms of management, serves to consolidate violations as part of identities in current relationships. The way in which dynamics of learning and repetition inform identity occurs at all levels in the individual's lifeworld.

### 2. Violation as a part of identity

Data in case studies suggest that violation is linked to self-loathing which evolved from histories filled with alienation. Typically, alienation took the form *inter alia*, of instances of objectification<sup>119</sup>, labelling, dehumanizing, and silencing. While instances of alienation are universal, violation can often be traced back to particular unresolved historic traumatic event(s), which impose themselves in the present as violations. For example, John [G] was convicted for killing a man in a fit of rage. From as early as his intake session John exhibited an intense need to persuade me and the rest of society that he is the gentle person everyone, and he, has always believed himself to be. He perceived the killing to be 'an aberration', and the 'blind' rage underlying it to be an 'unacceptable emotion' he had spent the better part of his life trying to banish from his life. Its origin as a hidden, though valid part of his life only emerged after 57 consultations on the eve of my resignation when he read out a letter he had written to me as a result of a memory which had, as he put it, just emerged 'out of the blue':

*I was 12 or 13 yrs. old when my Dad returns home from the club. I think my mom was upset with him for not letting us know that he's late for dinner so she gave him a piece of her mind. I was in the kitchen while they were arguing. I recall my dad smacking my mom across the face really hard my mom shouts at him and he hit her again when I saw her crying (not happy writing this, feel a sense of 'ugliness', my face feels flushes) I really got angry. Here was this brute of a man beating his wife, my mother in front of his own child. I remember being forced up against the kitchen cupboard and as my father brushes passed me as he was trying to get at my Mom the minute he had his back turned to me I thought that I had to protect my mom, it was a moment that I'll never forget, it*

## Chapter 6: Violation rooted in identity construction

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*just seems so NATURAL, that I must protect my Mom No thought process at all it just came to me, 'Do something'! I saw the pepper grinder and thought that I am going to hit my Dad on the head, I had to make sure I knocked him out cold if I was going to hit him 'cause if I didn't, he'd beat me to a pulp. Strange that, looking back now, in a millisecond I thought about the whole process I couldn't jump on him or hit him with my fist, that would have no effect and he's seriously pisses off if I attempted to intervene, so I had to really do some serious damage, thus the pepper grinder came to mind. (Session 58).*

The memory of this incident seemed to resonate strongly with what happened some 30 years later during the actual killing. Both incidents involved 'no thought process at all'. However, this time, his increased age, and the presence of an alien threat (as opposed to threat from a parent he feared but was also emotionally and physically dependent on for survival) enabled him to enact the protection of the woman and child(ren) he had failed to protect when he was five. In doing so he could recover the dignity he lost in his youthful shame which he acquired when 'failing' to assert his human legitimacy against attack. His own legitimacy was crucially related, through his identity, to that of his parents. It is a common occurrence that the cursing of one inmate's mother by another invariably elicited violent retaliation. Unquestionably, dialogical functioning between emotion, unintended past learning of aggression and defence were hidden from John as much as it was from other protagonists to this tragedy. At the same time, the underlying need and ability to protect and nurture is entirely harmonious with the identity he currently claims for himself. Without justifying the act of killing, the underlying need is equally worthy of respectful acknowledgment.

Instead of looking like aggression, some forms of violation *look* like nurture, but can be at least as damaging. Eddie [C] vividly described the way in which his father historically mediated a meaning structure of his sinfulness in line with social discourse on crime and punishment. In terms of this learning, expiation was possible through self-mutilation as suggested in my case notes:

*His father organized a single cell for him, got him tattooed and used him sexually. Afterwards, he would get the Catholic priest in [name] to come and see him and then he would insist that Eddie 'cleanse' himself. From this time on, Eddie has been mutilating himself. (Session 52).*

In an earlier session it appears that containment of violations into neat categories of 'self' and 'other' violation was impossible:

*Now he feels drawn to punishment. When he sees his blood flow, he feels better. He provokes people mentally and physically so that he can get punished as well. (Session 3).*

Punishment in prison was a familiar way of life for all clients, and was characteristic of relationships between inmates and staff as well. Typically, punishment relied on reciprocity of ‘an eye for an eye’ principle, without mutual respect.

The thesis that violation is an integral part of identity is neither new, nor confined to only intersubjective theory. In forensic science profiling, a branch of psychology based on objectivist principles, Canter (1995) notes that crime forms part of a pattern or lifestyle and is not random<sup>120</sup>. Bruce<sup>121</sup> suggests that factors, like self-esteem and status, not normally taken into account by South Africa’s crime prevention strategy, may have a major effect on crime (Benjamin, 2006). In this thesis, I embed the assumption of violation as an element in the construction of identity in intersubjective theory, which leads to very different implications for management. From an intersubjective framework, the inevitability of value attached to identity is rooted in the struggle for recognition, and violation is rooted in a defence against alienation in a way which is motivated by a need for recognition. I show that human difference can be perceived as a mark of human legitimacy, which can be perceived as a valid need. On the other hand, it can be perceived as a threat, which increases the likelihood of violation. Canter implies that forensic work is nothing more than coping with problems of identity: “*Criminal investigations are just extreme examples of coping with being human.*” (1995, p. 105). In Masters’ biography of Jeffrey Dahmer who became notorious around the world as a serial killer, it is implied that violent crime, too, may be an expression of extreme attempts to be human, to gain recognition through relationships<sup>122</sup>. Hayes terms the process of identity construction through violence as “*violence of identity formation, and identity formation as violation.*” (2002, p. 24).

### 3. Construction of self-consciousness

It is not my intention to focus extensively on the nature of identity in this thesis. I intend only to bring testimony in support for the notion that identity, and violation as an expression of it, are socially constructed. Initially, my own view of Eddie, based on superficial contact, synchronized with perceptions others had of him. These views were in essence similar to Eddie’s self-proclaimed swings between viewing himself as extremely hostile, and extremely needy as is reflected in notes of his intake session:

*(Eddie) says he is feeling very down, has bad dreams, he has damaged himself, he hates everybody, hates authority, hates himself most of all.*

Eddie frequently reflected a desperate and immediate need for me as his only lifeline. He saw himself as physically and emotionally dependent, incapable of a distinctly human quality of life

in which he was his own agent. Frequently this claimed vulnerability provided an effective target for taunts by staff and inmates. Evaluations given to me by prison staff concerning Eddie, from his previous psychologist, warders and parole officers, consisted of variations of the theme: “*He is a career criminal, a druggie, you are wasting your time, you have a soft heart, he will never change*”. In prison, he was a ‘frans’ (not belonging to a gang). As such, he was marginalized even in the alienated world of prison. His orientation to others mirrored their orientation to him: he was typically socially withdrawn. There could be no question about Eddie’s view of the world as an unfriendly one which cannot be trusted. Yet, in his second session he described how this distrust of others reflected a distrust of parts of himself. For example, he described efforts to stop himself exposing his real emotions and needs by damaging his tongue, the betrayer of his secrets:

*He misses (therapist) still. They used to argue a lot. He was terribly afraid to share his personal stuff, but did it with her because he got to trust her – but she broke that trust. He opened up to her and then things leaked out. He would bite his tongue in sessions as well. Also, she would tell him to open up, but then she would close up. But he says he should have known, because relationships never last long. People get tired of it. He did lots of damage – its part of him and he gets relief from doing damage.*

In time I came to realize that Eddie’s way of seeing himself and consequent way of being in the world, including his violations, had been adapted to physically and emotionally survive historically damaging childhood relationships. Where his distinctive but legitimate needs and emotions had not coincided with those of others, they had been negated and used by others to shame him. He was passed from foster homes to orphanages. He was ‘not white’ in a country where this meant second-class citizenship. He was used to satisfy adults’ sexual needs and he came from a background of low socio-economic status. He described how endemic alienation in childhood later led to self-denigration, feelings of illegitimacy and a hatred of the world in a letter to me dated 14/11/2001:

*One morning I just got woken up by my stepfather or [name]. There were strangers in the passage. I can’t remember packing anything just a bag with clothes not saying goodbye just being packed off ... At my age 5 year they were all grown ups and speak Afrikaans and I couldn’t speak a word. I was put outside the house, a room called the servant quarters. Those people didn’t believe in help or servants everyone at home the women were slaves with the man of the house the big boss that rules with anger and violence, a real pig. I could never fit in which related to a lot of hidings and abuse ... The first day at school was a nightmare. All strangers with different beliefs and ways. I stood out I was different and a mockery. And still I couldn’t speak Afrikaans. So I lived in silence and endured everything in silence. For a long time. I had no friends no family was unhappy and cried alone in that dark room. In the evenings the room was locked from the outside*

## Chapter 6: Violation rooted in identity construction

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*and in the mornings it get opened up. Never before as I could remember but I start pissing in the bed. And hidings I got .... The doors of hell has opened up for me. I was too young to understand but felt the insults and mockery. Many times I would be around when getting discussed by one of the family members to others. Stranger or friends or other aunts and uncles. I was introduced as the bastard son of their brother's wife. Later years I rebelled against it not against them but myself. Anger injury and self-abuse and more to draw attention. No attention more hidings and abuse.... I built up great fear I stayed silent and a darkness entered me of being alone. My distrust of others not believing in people or anything. I rather believed what was told about the whore and her bastard son. I was a curse. Inside me I didn't realize it but I started hating me or the people of the world.*

Events in his current lifeworld often served to reinforce a previously constructed meaning of himself and his worth. My own resignation was undoubtedly one such event:

*He was crying and again said that I am the only one that cares, and then said that life wasn't worth living, because I was going to leave (session 97).*

The intimacy of our relationship had exposed me to the knowledge of how intensely Eddie's meaning structure equated loss with abandonment and him not being worthy to stay for. In giving three months' notice I had hoped to ensure enough time to work through a new possibility with him. I hoped that he would be open to hearing a different view of leaving, one which used a change in the form of relating to one of correspondence, rather than abandonment:

*I also explained that my relationship with him is the same. I won't just drop him suddenly, but that I will give him a box number to write to. Instead of weekly visits, he can write whenever he likes and there will be a gradual shift to something less familiar. He will need to work on trust that it can work, if he wants it to. But it will rely on him, as not taking drugs relies on him (session 97)*

Differences between individual identities frequently hid similarities on more profound levels, particularly as they related to the emergence of violation in their lives. On a superficial level, Eddie's historic lifeworld contrasts strongly with that of John, a white man, well liked by men, women and children of all racial groups. He excelled at sport and was educated at schools with excellent academic records. He has a beautiful wife and two children without whom he cannot conceive of life of any quality. On a more profound level, however, Eddie and John share a deep concern with others' views of them. In addition, both harboured moments of hope that hidden distinctions did not signify illegitimacy. Although John grew up in a stable home and feared the wrath and physical assaults of his father, he appeared to identify strongly with him, while Eddie's only father-figure was a step-father. Although both their father figures historically severely physically assaulted them and their mothers, John expressed love for his father while Eddie expressed hatred for his step-father. While Eddie explicitly acted out this hatred on abusive men

in later life, John appeared to fear, and hide from anger arising pursuant to his father's rage. In his 8<sup>th</sup> session, John consciously reflected on social assumptions made about his identity without necessarily accepting them at face value as easily as did Eddie. This was the first session in which he alluded to the existence within him of violence, something which scares him:

*(John) is reading "This much I know is True" and finds it something with which he can identify. He has been thinking of his early life and how his father used to beat up his mother. He never felt the anger and hatred that the Dom in the book feels. But he identified very much with the "Don Quixote Syndrome" and "narcissism" aspects which were brought up. On the one hand, he identifies with taking care of others – Dom and was accused of being a narcissist in court, which he cannot identify with...He identified that he fears his father still. Also, he fears that part of himself which is violent. Both seem to be unpredictable, out of control (session 8).*

Therapy with John revolved largely around legitimizing 'unacceptable' and feared emotions. This paved the way for developing agency, by promoting conscious understanding and integrating the feared emotions, and distinguishing them from the 'alien' behaviour of the killing into his identity. It would seem that this goal may have been reached to some extent. In a letter he wrote to me dated November 2003, he said:

*Thank you for the tremendous impact you've had on my life, for giving me a new refreshing look at life, for teaching me to view certain aspects from different angles and for once again, re-introducing me back to myself again.*

In general, intersubjective theory takes a broad view of what consciousness of self comprises. It consists of an embodiment, more or less asynchronous, of physical, emotional and intellectual similarities and differences interacting with and constructed within and through relationships with others (Crossley, 1996). James stated that, in its widest possible sense, the human identity is "*the sum total of all that he can call his [sic]*" (1892, p. 177). Crossley (2000) states that identities are, essentially, defined by the way things/people/situations have significance for us. Scheff (1997) points to research showing that understanding the elements of relationships between self and other informs an appreciation for social functioning in general<sup>123</sup>. Many authors note that the construction of self in relation to other begins at least from birth, and involves dialogical functioning of various human capacities both within the individual and between individuals and social others (Coelho & Figueiredo, 2003; Moghaddam, 2003)<sup>124</sup>.

### 4. The struggle for recognition

The impossible task of attempting to survive a human quality of life while banishing the need to be recognized by others emerged as a theme in Eddie's darkest moments. In a letter, Eddie described in a short paragraph his endless attempts to find recognition, then escape the need for it (or rejection because of it) through drugs, then be alone, and then get dragged back in to the human need for recognition again:

*Then there is the one that doesn't care. Life seems nothing. Who has seen too much anger, hurt and pain, felt the use and abuse of life; felt hatred and anger towards him; the one that is a bastard and a nobody... To escape, and to be left in peace and to be left alone. For years, no news from family so no care or love. Drugs became the love. Never to have a moment alone was perhaps the worst thing. Until one get put alone and such miraculous relief. Me, and the misery of the past. Cut myself off from the whole world. A time to make peace with yourself. To feel the pain and hurt of a loved one, long in the past. To ask for forgiveness, to clean yourself, to prefer to be confined till the end, with suffering and hurt. Until someone caring comes along and start probing and digging. That is the start or the end. Also every end is a new beginning.*

In a letter dated 14/11/2002, Eddie vividly describes an unusual historic incident of closeness with his mother, where recognition of each other emerged from shared alienation as a result of their class and race. But even this rare moment of recognition ended in overwhelming alienation. The strength and intensity of his resistance at the young age of five is perhaps an indication of the overwhelming power of both the human need for recognition, as well as the need to defend against alienation experienced in foster care where he was kept in locked isolation in a back room apart from the main house:

*One evening there was a commotion it was the old man's birthday and for them it was special events only. His people from all over was visited and one big party. Lots of drunkenness. Who arrived [stepfather] and my mom. My mom was not allowed in and [stepfather] was drunk. My mom went back to [place] station with my cousin who came with. I was crying getting hysterical. There was a fight between [stepfather] and his old man everyone was drunk and I escaped to the station. For the first time I was hugged and held with sadness and tears. I fell asleep in her [mother's] arms and wouldn't let go. I was even told to get back but I held on. It was getting light people was moving about and eventually [stepfather] and his mother arrived and the train arrived. I was forced away from my mom and they got into the train.*

In a letter dated 30/08/01, Eddie tied his past to the extent he would go to just to be accepted, while all the time suspecting that however hard he tried, he could never be a legitimate member of society:

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*Dreams of childhood come back. The loneliness the fear and the means I would use to please just to belong. I hate myself. An orphan, a bastard. To please otherwise ...*

He was left with little option but to find even just one, trustworthy human to recognize and be recognized, for any human quality of life to subsist:

*He also said that he doesn't mind if nobody ever comes to visit him again. His visits with the psychologist on a Thursday is the only thing he needs. He needs to be able to talk. He finds this is the only place he can do this. (Session 7).*

There were visible differences between male, half-'coloured' Eddie from a deprived socio-economic group and Susan, a white well educated, middle class woman. Yet, in her desperate need for recognition, she shared much with Eddie. Susan [O] was in her early 40s when I met her in 2002. She came from a stable home background, she had been married for a lengthy time and had three children before she was divorced. She was a hard and skilled worker. She had been convicted on 51 counts of fraud. She had no explanation at all for her ex-husband's accusation to me that she was a 'pathological liar and fraudster'. She told me tearfully that all her efforts to desist from falsifying even the most insignificant matters in her life were in vain. As early as her intake session a need for recognition as a possible underlying motive for 'reconstructions', through a process of colluding with adults' denial of her actual reality, began to emerge as a possible pattern in childhood. As she narrated her history, it appeared that anything which did not streamline with adults' view of this family's identity as 'decent', was not spoken of and went unacknowledged:

*She has been in therapy with (name)...During this time, it came out that she had been systematically sexually molested by her grandfather. Her sister also said this and her mother was furious about it. She then told her mother that it had happened to her as well. Her father refuses to discuss the matter, and after initially being furious that she had not been told, her mother has not spoken about it since either... She (Susan) blanked out most of these memories from her childhood.*

In her 57<sup>th</sup> session, we spoke more about her habitual ways of disguising 'unacceptable' events and attached emotions in her life with, e.g. physical symptoms and dissociative patterns:

*(Susan) is still having nightmares and, in trying to deal with it by being with experience, either feels the need to vomit, or just gets to the point where she remembers flipping the 'off' switch, and feels nothing.*

The courage needed to identify, acknowledge and assert those emotions which ran counter to those of people she admired and depended on, was a long and extremely painful skill to learn.

The residual tendency to revert to pleasing behaviour became evident much later in our relationship after I had inadvertently double-booked her 58<sup>th</sup> session. When I apologized, she passed this off as 'it was nothing', and 'very understandable'. I insisted that it was important that she spend some time before I saw her again reflecting on her feelings related to my neglect. It seemed that even so long into therapy, I had not entirely succeeded in gaining her trust that I could recognize, respect and tolerate her distinctive needs and emotions as valid and legitimate. It was instructive to me that her eventual expression of anger at me was veiled, and quickly changed tack to target the 'other' client. She ended this communication with a gift.

*Sorry that I am only coming back to you now, but I have been off with Bronchitis since last seeing you. I am very disappointed and yes angry that our consultation was short lived, especially since I don't know when I will have the opportunity of seeing you again. I wanted to lash out at the woman who kept calling you at the window as I was talking and I then realised that I was really upset. I will contact you again if a break seems to be coming up. Hope you are keeping well and I have posted off our Dec/Jan magazine to you. (e-mail dated 25 November 2004)*

Hegel is cited in Sembou as characterizing the struggle for recognition as one of "life-and-death" (2003, p. 1). In other words, recognition is imperative to living a singularly human quality of life. Meares (2000) cites the work of Brandchaft who argues that in the face of persistent negation, a consciousness of self which is more indicative of the needs of others, a 'false' self, emerges. However, the price paid is an identity which ignores the distinctive worth of the individual as a legitimate expression of human being-ness in his/her own right<sup>125</sup>. Benjamin (1990) points out that mutual recognition is a fundamental motive to human action, and is a prerequisite for relating in any meaningful way to social others<sup>126</sup>.

### 5. Alienation

Experiences of alienation arose in clients, as an integral part of dynamics within the struggle for recognition. In an undated narrative Eddie wrote of the traumatic quality of his alienation prior to age 5, for which he received no adult assistance to manage:

*Mommy's face was full of blood also a gash in her head. She was half naked her clothes torn and when I saw her I looked right into her eyes. They were pleading almost asking me for help ... And I just stood there shock fear I couldn't move while [stepfather] was just beating her ... Mom came back no more young and beautiful and couldn't get close to her even hug her.*

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In a later letter entitled “*Me and Prison*”, Eddie described how although a sense of alienation was traumatically constructed through relationships with others, it led to a desire to be able to remain withdrawn from people:

*Most hated and worst of all one can never be alone. Hundreds of eyes gaze and follow you every day. Some got haunted some got those ‘evil beyond madness’ looks. Others are just plain sly. Hundreds of mouths is bombarding you with questions and answers that is irrelevant. All just make you feel to creep into the nearest hole.*

The process of alienation through self- and other negation, and its subsequent management by violation, was a common underlying factor for clients whose lifeworlds were very different from that of Eddie. For example, Nina [M] is a woman of Nama origin, who was sentenced to a five year term of imprisonment. She murdered her husband by setting him alight after he abused her for close on two decades. Although her parents’ marriage remained intact and she was one of 17 children, her father was physically abusive and her mother was passive in the face of the abuse. Instead of experiencing life in this family as one of belonging, the overwhelming sense of her narrative was of minimal space. What there was of it, was not safe. She wrote in an undated letter:

*Sandy, if I am surrounded by a lot of people it feels like I am strangled, what is this, it’s a problem I have since I was young.*

Her understanding of this overwhelmingly alienated reality is indicated in her case notes:

*Her mother told her that when she was 3 months old her father threw her out the window. Apparently he was tasked with punishing them, which almost always took the form of violence. Other than this role, he had no role to play with them. She can never recall him hugging her or her mother. He also used to hit her mother ... Even after she was married, she became scared when her father was in the vicinity. (Session 13).*

Like the struggle for recognition, the process of negation (through alienation) begins in infancy – perhaps precisely because both are linked to survival through relationships with social others. Fonagy and Target suggest that when the infant sees reflected in the face of the caregiver something which does not reflect the child but rather the moods and needs of the caregiver, or worse, the “*rigidity of the caregiver’s own defence*”, the picture becomes alien to the child and the implications of assimilating this into his/her identity are terrifying (1996, p. 224). Masters (1993) cites Melanie Klein who described the process of childhood traumatic alienation being incorporated into identity, and later reflected in adult violation<sup>127</sup>.

In this thesis, alienation is conceived of as the emotional experience when recognition is withheld or where negation and when the shaming of distinctive needs and feelings occurs (Geyer & Heinz, 1992; Laing, cited in Parker *et al.*, 1995). Meares points out that the experience of identity as a source of strength in the world can paradoxically also be a fragile one: “*It can be damaged. Those who have been traumatized have a diminished sense of personal value and of the me-ness which is at the core of personal existence. Such an individual may now say: ‘I’m nobody nowhere.’*” (2000, p. 12).

### 6. Management of differences

Historic client relationships demonstrate that valid human distinctions were most often viewed as the basis for humiliation. Ways in which differences such as gender, sexual orientation, religious affiliation, culture and so on were used by prisoners and their families to construct identities, and to justify violation are too plentiful to go into in any detail. A few brief examples will be mentioned. Despite his white father never being present in childhood, and later abusing him in adolescence, Eddie [C] nonetheless expressed extreme hostility toward any person who was not white:

*He also spoke about how he is extremely racist and doesn't like black and coloured people at all. (Session 73).*

It is arguable that abandonment by his father occurred before any relationship had occurred between them. In contrast, abandonment by his ‘coloured’ family, in the face of his trust, planted the seed of doubt regarding his ability to trust any member of the ‘coloured’ race, including himself:

*[H]e was at his grandmother's house. It was always dark there – it was a comfortable dark. He always remembers her counting her bottles of cents. Then there was a knock at the door ... Nobody came in, but his grandmother took him outside, put him in the car with what must have been social workers at the time. He didn't feel anything until he was dropped off at the strange people's house. (Session 43).*

The socio-political context which formalized and legitimized the humiliation, shame and aggression of ‘whites’ against other colour groups at the time further enabled displacement of a concrete target on which he could displace naturally arising anger. Eddie [C] was not immune to this context. He had personal knowledge of its power to damage through shaming as the price to be paid for comfort in recognition, as becomes clear in a letter dated 14/11/2001:

*One day I meet the neighbour's son about my age and I visited him and saw the coloured servant with a child a girl child my age. I got drawn towards them. Wrong move in the eyes of others. At night times I climb through the window of my room and knocked on the door of the servant also outside quarters. She took me in never send me back. I would stay the whole night playing with the girl and sleeping with her and her mother. Early in the morning she would send me back. Someone was watching my trips over the fence and I heard I got hotnot [derogatory term for person of mixed racial heritage] blood in me and get drawn towards the servant and her kid. One evening the old man came into the room where I was and the hidings started and I was forbidden next door. I still went and only more hidings now from the rest as well whoever catch me communicating with the servant and my first girl friend my age. For days sometimes for weeks I lived in fear and physical pain my body was old abused and at times I became tired.*

In this way, racial stereotypes with attendant experiences of betrayal and defence of the socio-political context prior to 1994 became expressed and reflected in Eddie's lifeworld.

The power of socio-political alienation, expressed through racism, reverberated through many clients' lives.

After 1994 prison policy changed to desegregation of prison cells and sometimes, for the first time, clients were forced to become familiar with the people behind racial differences. It was instructive to see that the natural need for recognition was more powerful than historically learned lessons about racial prejudice. Jocelyn [F] was a 'white' female in her late 40s when I met her. She had been found guilty of murdering her young daughter in a drunken moment while facing abandonment from three quarters. She believed her husband had left her for good, custody of two sons had been given to their father and the father of her daughter was threatening to sue her for custody of their daughter. In short, her already fragile identity as wife, mother and recovering alcoholic had been wiped out in the space of 24 hours. Historically, she had escaped the impossible demands of finding an identity worthy of recognition in the face of two parents of polar opposite lifestyles. Her mother lived her life according to impulsive desires of the moment, while her father lived his life according to strict guidelines of his church. Her mother's physical and emotional outbursts were even more fearful for her than the rigidity of her father's faith and the sinful meaning it attached to her worth. The only solace she found was to be as 'good' as possible around her parents and teachers, but wherever possible to escape into an enmeshed relationship of fantasy with her sister. She seldom had contact with people of any other race but when she did, she had never questioned the socio-political rules of the 'superiority' of whites, and 'inferiority' of other race groups. In prison for the first time, Jocelyn came to learn about the legitimate subjectivity of a person with a different colour skin:

*She is astonished. She made a friend with a coloured girl who was here for 1,5 years. Before this, she always looked down on people of colour. This was the only person she felt really close to. Most people she doesn't allow to come too close. (Session 6).*

In chapters 1 to 3, I reviewed literature which suggests that the potential ability at socio-political levels to recognize, tolerate and integrate differences and similarities into respected identities is a universal capacity of human life. Yet, it remains a skill which humans have struggled with for thousands of years (Benjamin, 1990; Gilligan, 1996). Where differences do not conform to socio-political value structures, they are often perceived as threatening, necessitating violent defence (Cilliers, 2006)<sup>128</sup>. Gillespie (2003) suggests that relationships which negate some groups and individuals, logically do so at the expense of valuing the peculiarly human capacity of *all* protagonists to tolerate, if not celebrate human distinction. Crossley (1996) and Benjamin (1990) affirm that humiliation of others minimizes competition for recognition, but at the same time constrains potential for growth<sup>129</sup>.

### 7. Relational processes enhancing a culture of recognition

According to Vygotsky (1978), from the moment of birth the child's contact with the world (and thus his/her learning and 'coming to know') is filtered through, and given a context and meaning by social others<sup>130</sup> through a process of social mediation, which I will discuss in more detail in chapter 9. Social mediation forms the substance of alienation as much as the struggle for recognition (Benjamin, 1990)<sup>131</sup>. Below I will demonstrate how relational processes of attunement and mutuality give substance to the emergence of a culture of recognition of human integral functioning. Thus, a culture of recognition integrates difference as a mark of inclusion in, rather than exclusion from human legitimacy.

#### 7.1 Attunement

Instances of healthy attunement between parents and clients' needs in their early lives were rare indeed. Their survival into adult lives suggests that at least their needs for food and some form of social recognition must have been met. On the face of it at least, the closest example of the existence of memories of attunement was provided by Wendy, a woman of 22 who was convicted for housebreaking and theft [Q]. She claimed to have had an idyllic childhood until her parents both died within a year of each other, around her ninth year:

[Her siblings often told her that] [w]hen she was small, she was 'spoon fed' and didn't appreciate the life she had. She just took her life for granted. She was loved by her mother and father. She also loved them in return. (Session 15).

As suggested above, clients were skilled at identifying the needs and feelings of others, but not their own. I could therefore attune to their needs and emotions by assuming that that which they recognized in me, was similar to what which they were experiencing, although perhaps not owning in themselves. For example, I found that Eddie's perception of himself was often expressed through his perception of me. Thus, when he negated me, I found that he was feeling negated in himself. In consciously trying to influence a different dynamic between us, I explicitly recognized and affirmed his experience of alienation as indicative of humanity and a benchmark for further learning. At the same time, I resisted affirming his expectations of a social need for him to be dependent:

*He was also angry with me because I don't come and see him every day and sort out his problems. If [previous psychologist] had been here, she would be running around for him. I agreed, and said that this had never been my style and he had been strong despite that. (Session 88).*

Recognition is fostered by a process of attunement or "confirming responses" (Benjamin, 1990, p. 188). Scheff suggests that 'attunement' refers to a social process, which begins from conception, and through which interactants achieve mutuality of joint attention and feeling (1997, p. 170). Scheff describes 'attunement' as the "mark of [a] secure bond. A secure bond between two persons is characterized by substantial mutual understanding of each other's thoughts, beliefs and feelings ..." (1997: 65). Through attunement, which happens in interaction, each subjectivity comes to understand and recognize self and other on both cognitive and emotional levels (Masters, 1993; Fonagy, 1999). Importantly, Meares (2000) suggests that attunement provides a basis for transformational learning, which is much more than a mere superficial exchange of expressions, sounds and words. It brings pleasure and growth to both parties, failing which, "disjunctional anxiety"<sup>132</sup>, or alienation is experienced (Meares, 2000).

## **7.2 Mutuality**

Mutuality implies "subjectification", which is defined by Foster as "qualifying or positioning of persons as subjects where they have a 'speaking voice', an active social role to play, but within

*the overarching structures or concerns of a particular form of power.*" (2004, p. 566). In therapy, this often took the form of mutual openness and questioning implied in the concept of radical intersubjectivity described by Crossley (1996). For example, Eddie's initial way of never letting his guard down against anyone including himself, gave way to taking the risk of curious guileless questioning. We both began to feel more visible to each other and less powerless in the relationship. I experienced my own escape from a 'psychologist box' as surely as he appeared to emerge from a 'borderline box' to which he had been consigned by others around him including, at earlier times, myself. As a result, our respective distinctive subjectivities emerged for appraisal by and interaction with each other. They could then be reflected back to ourselves and, in the process, often underwent transforming experiences:

*Eddie is feeling amazingly strong. He is still keeping away from drugs. He is also actually enjoying the company of others. Before he was terrified of others, and tried to creep into total isolation. During his isolated moments he would damage himself. Now, many people are sleeping on the same section and they joke with him and chat to him. He has no chance to hurt himself and he finds he likes that. However, there is a part of him which is sad and remains in darkness ... He then spoke of how for so long he has been worthless. He only has his higher power, [head of prison] and me to thank for his transformation. When I asked him about the higher power, he said it was 'him'. But at the same time, he has constantly been told that he is worthless ... He also mentioned that while [previous psychologist] was interested in his problems and destructive actions, I am interested in HIM as a person. He prefers this. It feels healthier. (Session 27).*

Sembou (2003) asserts that recognition is an intersubjective state which can only be achieved through mutuality. Markova (2003) refers to relationships characterized by mutuality as a co-authored process. Each party is recognized as a distinct and valid member of the interaction, and by implication a valid member of society, simply through his/her human capacity to interact (Markova *et al.*, 1995; Goffman, 1963). Goffman (1963) stresses that mutuality is realistically possible and desirable not only in relationships with family and friends, but in all social relationships.

Aron (cited in Buirski & Haglund, 2001) has observed that mutuality in a client/analyst relationship is not negated by differences in roles, functions, power and responsibilities. Mutuality is based on the presence of validation of a sense of authenticity for both parties, as well as for the resultant intersubjective relationship as a whole. Lyons-Ruth (1998) notes that mutuality in therapy enables the emergence of justified pride arising out of a sense of authentic self<sup>133</sup>.

### 8. Relational processes enhancing a culture of alienation

Although identity construction is a lifelong process, the deleterious effects of unsuccessful primary bonding, through negating distinctive subjectivity, leads to fragmented identity construction as has been well cited by numerous authors<sup>134</sup>. In this section, I illustrate processes where objectification<sup>135</sup> is implicit, such as removal of subjectivity, labelling and silence. These processes rely on a predominantly egological way of being in relationships and are only some examples of the many instances of violating behaviours which perpetuate a culture of alienation.

#### 8.1 Removal of subjectivity

Previously I have detailed instances in Eddie's history where his distinctive subjectivity needs and emotions were negated by being used as an 'object' to satisfy the needs of adults. This process was continued in his lifeworld in prison. I experienced these same dynamics in my relationship with prison authorities while working with clients in prison, as well as after my resignation. The following example demonstrates how Eddie, prison authorities and myself all were active protagonists in one incident. After my resignation, Eddie and I continued our relationship through correspondence. His reliance on this correspondence as a vehicle to express his subjectivity was known to prison authorities. All letters are read and, if necessary, censored by prison authorities before they are posted. In a letter from him five months after my resignation, he indicated that my letters to him had not been given to him. It was also evident that he was ambivalent about whether to react to this through violation, or to continue to trust that the silence was indicative of my distinctive needs rather than his lack of worth:

*"Seeing I haven't heard from you since doomsday I hope everything is fine with you and you are in the best of health. Also I hope me writing to you has not create any major problems since you decided to stop your correspondence therapy. My imagination has been running wild with all kinds of theories concerning why I haven't heard from you. Maybe you are on a long deserved leave or rest maybe I have been too tiresome for you well no answers I can find but hope you are just taking a break. Things with me are still the same only a few developments I am not really happy about and need you and your therapy more than ever as I need your strength and wisdom as I am busy cracking up and might just do something stupid ...I'm back in a depressive angry state."*

I was angry at what I perceived to be authorities' arrogance in assuming the right to interfere in a healing relationship, my own subjectivity and the creation in Eddie of a false perception of my failure to remain in the relationship. My apparent failure could only reinforce Eddie's

expectations that, behind verbal niceties all people, myself included, view inmates as little more than 'objects' for study. In an undated letter entitled "*Me and Prison*" he wrote:

*Here one finds concentrated humanity. Every character becomes saturated with both its better and worse aspects, and you would find every human type here as though assembled for scientific study. There are every kind, old and young, sick and healthy, crazy and sensible. There are optimists and pessimists, silent people and irrepressible talkers. Those who mind their own business (minority) and those who, for the life of them, could not do so. True ones and villains. And between these extremes there are the usual intermediate types. But a description of them all would fill a book. There are those that will work overtime to pass the day just to sleep and there are those that just eat, never want to get up for fear they might waste energy. Lazy, sly fuckers. For those who study captivity is in some way a bliss.*

The prison authorities became the target for my anger, and subsequent blame. It took some reflection on my part to recognize that although my anger was appropriate, my subsequent reaction of blaming was paralyzing my ability to remain in the relationship. Instead, I could use this anger to reflect, and then act more appropriately to achieve the goal of continuing our relationship. It was only then that I could consider that removal of subjectivity was not prison policy and probably not a behaviour pattern shared by all staff members. I printed out copies of previous letters to Eddie, and wrote a reply. I mailed copies to Eddie, the area manager, and the head of prison indicating my expectation that this time, Eddie would be given his letters. He was.

There is a growing body of literature suggesting that a powerful hidden motive of the human tendency to objectify other people is fear that they themselves will become invisible<sup>136</sup>. The above example supports the notion put forward by Henley (cited in Citrin, Roberts and Frederickson, 2004) that, in an authoritarian culture, socialization of subordinates (through objectification) tends to colonize the mind, or constrain behaviour in particular violating ways. Ironically, in so doing, it heightens the likelihood of self-imposed powerlessness. Citrin *et. al* (2004) contend that one of the central emotional corollaries to objectification is shame and its variations. I will deal in more detail with particular emotions such as shame, and their contributions to violations in chapter 8.

### 8.2 Labelling

Eddie was frequently taunted, by staff and inmates, with challenges that he was beyond help, and would never 'change'. Historically he was labelled 'evil' by family and members of the criminal

justice system. During our relationship, whenever his interactions with others in his environment left him doubting his worth, he would interact with me in accordance with labels others imposed on him. At these times, he seemed to distrust the validity of any other way of being:

*Eddie had struggled when I was away. He said that he was tempted to do all sorts of things – hated others and even roughed up one guy when he said that he hated cats and used to hang them up by their tails to frighten little old ladies. Eddie asked him why he didn't do that to people rather and leave animals alone. He then shook him, but didn't beat him up. However, his take on this is that he is 'evil' and hasn't changed – this is just the way he is. Doesn't take progress into account, or understanding that thoughts and fantasies are different from actions. (Session 49).*

The deleterious effects of how labelling acted to remove subjectivity in Eddie's lifeworld was mirrored in the lifeworld of Magda [H]. I met Magda when she was 15 years old. When she was just 13 years old, she and a friend had murdered a man who had surprised them while they were robbing his house. Magda's low self-worth flowed largely from an identity encompassing shamed sexuality. The primary vehicle used to shame her was the 'slut' label. It was consigned to her primarily by significant adult others. Her subsequent acceptance of it as fitting was at least contributed to by adults' sexual exploitation of her. This took place either directly through insisting on her active involvement or indirectly through insisting on her collusion, before she had even reached adolescence:

*She spoke a lot about her worth. It seems that many people have told her that she is a slut because she is no longer a virgin ... She was very worried about the fact that she is not a virgin and that this makes her a terrible person. She constantly wants reassurance on this matter. (Session 3).*

The shame based on her socially decried, yet socially constructed 'sluttish' morality vied constantly with her struggle for recognition as a valued member of human society. Ironically, being special became a possibility in a relationship with a lover. Extreme ambivalence and intense emotions which marked her many sexual relationships became understandable against this background. In prison she was seldom without a partner, but just as frequently jeopardised the relationship soon after it started. It was really only when I began couple counselling with her and her partner, as late as September 2003, that she attended counselling regularly. Prison staff's shaming of same-sex relationships added to the complexity from which she was trying to fashion a coherent, socially acceptable identity which could capture her own distinctive needs. For example, notes from our 34<sup>th</sup> session reflect:

*“(Magda) and (Violet) came in late today as I first had to phone down for (Violet)... While doing therapy, (Wardress) bashed on the door and gave no heed to my statement that we were busy. She shouted that she had to see (Magda) at once. I then opened the door and asked her to wait until therapy had finished. She then insisted that (Magda) had to come out as it was her opinion that (Magda) was not serious about therapy, as she had been ‘vrying’ (getting fresh) with (Violet) prior to her session.”*

Power struggles between staff members (of whom I was one) regarding appropriate management of her aggressive behaviour brought another label into the mix: ‘mad’ imposed on her by staff:

*“(Magda) came into the session and immediately apologized for her atrocious behaviour on the afternoon when I went to discuss the disruption in the cell. I pointed out to her that she would gain much more by discussing than by raising hell. She was abusive about warders and how they ‘run to the psychologist – implying that she is mad.” (session 32)*

Gilligan (1996) and Foster *et al.* (2005) point to hidden motivations underlying popular social divisions made between ‘perpetrators’ and ‘victims’. The former are typically labelled ‘mad’ or ‘bad’ in an overt effort to comprehend, but inadvertently put distance between, and gain superiority over them<sup>137</sup>. Gilligan rightly warns that in essence, neither category is of any assistance to management of violation: *“But moral and legal judgments about violent behavior that deem it ‘bad’ or ‘evil’ or ‘guilty’ are value judgments about it, not explanations of it.”* (1996, p. 92).

Eddie’s case notes demonstrate how it is not the label in itself, but the way in which it is used to negate the other that informs heightened likelihood of violation. This is crucially informed by meanings, which are socially constructed. For example, Eddie felt negated when his previous psychologist refused to affirm a label he was proud to have studied up in a book:

*He was also convinced that he is suffering from Post Traumatic Stress Syndrome, but then said [previous psychologist] had said he can’t be, as he did not go through any trauma like the holocaust. (Session 17).*

In this instance, he was using a label to gain legitimate membership of, rather than as a way of being marginalized from, society. He had also been proud of discovering a capacity in himself to apply labels, as others had done to him. However, in this case, he attempted to do so in a way which acknowledged his distinctive needs and emotions. His psychologist’s negating response confirmed his marginal status from society and his inability to be ‘right’, which necessarily

increased the likelihood of a return to an egologically intersubjective position. Swartz (1996) does suggest, however, that when used without judgment and as a source of communication, labelling can be useful.

### 8.3 Dehumanization

Eddie finds relief and acknowledgement when others fight the same battles with drugs and shamed needs as does he. As much as he feels a need to save them as he wishes he was saved. This allows him to place them under the same dehumanized labels as have been applied to him:

*He compares alcoholics with pigs and drug addicts with dogs. He hates others, and himself when he is using drugs. He sees sick, half naked people when he sees drunks. Finds it really hard to feel compassion for either. He knows that he keeps on wanting to save drug addicted women, but then they persuade him to go and supply them – then he starts taking them to keep them company and before he knows it, he is back being a 'dog'. (Session 50).*

In his undated letter entitled “*Me and Prison*”, Eddie reflected an ‘inhuman’ identity which leads to ‘distorted’, alien behaviour emanating from his current life in prison:

*Naturalists in charge of zoos have noted that captivity provokes considerable alterations in the character of animals (subspecies and humans are just the superspecies).*

Although Susan’s [O] criminal conviction to prison resulted from numerous incidents of fraud, it was her shame attached to being labelled as ‘worse than an animal’, by her father for abandoning her children, which evoked the most intense discussions in therapy:

*She cannot understand why she left her kids. All the other things she can work through and forgive herself for, but this one thing bugs her enormously. She has no idea why she did that. She knows she loves them. She also thinks she is an ok person now. But she also believes what her father said: ‘Not even an animal abandons her litter.’ (Session 26).*

Interestingly, this abandonment was a re-enactment of her own abandonment in childhood by her mother who went briefly to live with another man.

Overcrowded conditions and relationships in prisons themselves tend to enable identification of inhumanity. After some years trying to survive in prison, and being forced to witness a particularly gruesome rape, an ex-offender, McKenzie noted how the intersubjective nature of violating prison conditions cannot *but* affect all who live in it: “*That night, I can’t sleep. I don’t understand the feelings coming over me. I am hearing the laughter of the wardens in my head, over and again. It echoes like something inhuman, though it is such a uniquely human*

thing. *We are like animals, I realise. We've all turned into animals, and I'm the biggest animal of all.*" (Cilliers, 2006, p. 170).

### 8.1.4 Silencing

In general, clients' lifeworlds demonstrated how silencing can be a powerfully destructive social weapon. Silencing implies a lack of legitimacy and elicits the need for defence. Typically, in the cases under study, silencing was effected by actual and/or physical assault, and often attached to sexual molestation. Physical assault was typical in the childhoods of John, Eddie and Peter [G, C, N respectively], while sexual abuse occurred in the cases of, for example, Susan, Joan and Eddie [O, E, C respectively]. Instances of traumatic emotional abuse could be found in all clients' pasts. Typically in clients' lives, parents validated physical and/or emotional violations as a form of 'discipline'. The parents' assumed right to 'discipline', added to the lack of clients' right to question, constructed a shameful marginal place for them in the home. For example, Joan [E] was sentenced in adult life for murdering her abusive boyfriend. It seemed that others hearing or listening to her was a new experience. In an undated letter I received after my resignation she wrote:

*You know what Sandy I know I can reach out to you and I'm so glad I have met you. You always listen to me. You know sometimes I think why do I tell you all my problems, but you never rejected me you always listen.*

Although my relationship with her consisted of only 13 sessions, the core theme throughout our sessions was the crucial factor of silencing as it attested to the illegitimacy of her distinctive needs:

*She said she has a problem with speaking to people. Ever since she was a child, before she went to school, she drew into herself. Apparently, she was molested by her stepfather. Prior to this time, she really liked him. This sexual abuse continued till she was about 12, and included all kinds of acts including penetration. She never told her mother or anyone else. (Session 5).*

To deal with the shame of her distinctive, but 'unacceptable' needs, Joan used self- and other violation as a way, insisted upon by her mother, of coping:

*When she was young, her mother always used to tell her to 'hou jou mond' [shut your mouth]. Now, if people tell her to 'hou jou mond', she does and will sometimes not speak to them for a month. She hates it when others do this to her – but does it to them. (Session 7).*

In general, the power discrepancies in clients' homes were instituted, albeit inadvertently, as a culture of the right not to be questioned or discussed in private or public. Silence was gained through demands for passive compliance and through children's need for acknowledgement. It was enforced through punitive measures contained in conditional positive regard (Miller, 1988)<sup>138</sup>. Miller notes that hegemonic discourses which silence children reinforce the likelihood of violation by them in later life precisely because legitimacy of their voices have been placed under doubt. As a consequence, they have little option *but* to reinvent their lives in a way which elicits approval from parents. In adult relationships, actions generated by these same dynamics elicit accusations of 'evil' by society (Miller, 1988)<sup>139</sup>.

Gilligan argues powerfully for the rehabilitative value of mutually respectful verbal engagement in conflict resolution. Biographies and autobiographies of those found guilty of crimes often attest to the often singularly powerful experience of being given the space to speak, and be heard (e.g. McKenzie in Cilliers, 2006<sup>140</sup>). Gilligan insists that a fundamental principle in the prevention of violence is "*always give people a chance to talk, remembering that **the only alternative to action – including violent action – is words.***" (2001, p. 123). He confirms the value of words as a form of: expression of self; as a way to achieve resolution without shame; as a form of furthering self-understanding; and as a form of reflection rather than living life without agency, in reaction to hidden motivations.

### 9. Conclusion

In this chapter, I have used case notes to show that violations are embedded in identity, which is dynamically constructed, through relationships, as an expression of the struggle for recognition by both self and other. In exploring historical aspects of violation in identity construction as well as in my current relationships with clients, it also emerged that rupture is not the only, or final response to alienation. Literature, supported by data, suggests that even when primary relationships have been characterized predominantly by alienation, human capacity provides for the potential to heal through repair. While alienation is a human inevitability, the degree to which it will eventuate in (a) violation; or (b) mutually respectful behaviour, is likely to be influenced by the extent to which recognition took place in childhood histories. In addition, the degree to which current intersubjective relationships succeed in opening horizons for considering other, more mutually engaging and respectful alternatives is crucial. In therapy, this means, in Benjamin's words: "[W]here objects were, subjects must be." (1990, p. 184).

### 1. Introduction

In this chapter I focus primarily on the defensive function of violation, as it emerges out of the need for recognition. Violations are motivated by the need to defend against explicit and implicit questions about human legitimacy, in a way which leaves a mark of recognition. The idea that violations constitute defensive functions is well established even in more traditional theories such as Freudian theory (e.g. Freud, 1983). In this thesis, however, I show that intersubjective theory recasts the defensive function of violations differently, and as more complex. Case material shows that violations are historically learned methods to defend and they originate in a struggle to survive. I will demonstrate that the power to defend by violation relies intimately on personally and socially assumed relative rights of superiority and inferiority. It can also be shown that self- and other violations are, in essence, inseparable at all levels of social functioning although they may differ in form, level of complexity and degree of visibility.

### 2. Violation and survival

The cases under study revealed that violations were rooted in a struggle for human survival. These instances provided graphic testimony of (often largely) hidden motivations to defend *against* perceived violations. Through social mediation, clients had historically learned patterns of defending, which constituted violations. Patterns could involve any, or a combination of: eliminating the other through physical and/or emotional aggression; self-elimination through physical and/or emotional aggression; and/or elimination of *perceptions* of threats through seeming amicability, but nevertheless involve disguised forms of aggression. In these cases, mutually respectful forms of defence through explicit engagement had not been experienced. Axiomatically, clients were left with violating skills as the only forms of defence evident to them.

Eddie's case study strongly suggests that tendencies towards violence against males are influenced by traumatic historic violations against him and his mother by his stepfather. In previous therapy, he had become progressively more aware of the link between past traumatic experiences and current actions. In other cases historic motivations of violations were hidden, for example when John [G] killed a man in a fit of rage. John had always been known, and regarded himself as a gentle man. While he was conscious of having experienced his father's rage and violence in his childhood, intellectually and morally he had distanced himself from it. It was only after many consultations that a possible link, between emotions necessary to satisfy his natural

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need to survive in the past and the recent actual killing, came to the fore. His need for his father's approval competed with terror when faced with the force of his father's rage. His mother's cowering silence both confirmed the validity of his fear, and left him with no trusted adult to help him develop the skills to understand or work with intensely ambivalent feelings of love and rage about his father. In an undated letter John described the intensity of his fear, his lack of agency and his incapacity in the face of this fear:

*I've seen my dad have a serious bar fight and it was frightening, he was like a wild-bull nobody could hold him back or stop him, he would simply absorb whatever blows his hapless victim offers and proceed in smashing him senseless. So I was very very aware of my dad's capabilities ... I never hated my dad, NEVER! I was just very, very angry with him but also NEVER planned or IMAGINED or conjured up a plan as to beat him up or what I'd like to do to him.*

As a result of his youthful dependence, his ability to defend himself was never resolved. Narratives reflecting silent, passive mothers in the face of paternal aggression were common to all three male clients. They elicited intense emotional ambivalence in me. I found myself feeling extremely judgmental of these mothers. At the same time I confronted extreme shame at memories of hitting my own children in moments when I was not coping.

Not all women remained passive all the time. Female clients (Maria [I] & Nina [M]) who had killed their partners concluded, often after years of extreme abuse that elimination of their partners was the only way left to enforce recognition of the right to their own, and their children's survival. Invariably, their partners' violence mirrored the violence their fathers had unleashed on their mothers and them in early life.

On a more emotional level, imprisonment also provided respite from the overwhelming burdens of responsibility they faced in their indefatigably alienating lifeworlds. Consultations with Maria [I] were irregular. They typically only occurred when she found that life in prison had become as emotionally alienating, albeit in different ways, as her life outside had been. She had lived with an abusive man for over 20 years before she finally found relief killing him with a knife. Mrs. X<sup>2</sup>, a forensic social worker who had consulted with Maria during many years of abuse, verified that this murder ensued after "*repeated attempts to enlist the assistance of the authorities, particularly in the care of her child.*" (1999, p. 8). Maria indicated that, despite the criminality of her action, she has gained some recognition of her right to survive through her violation:

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<sup>2</sup> Not her real name

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*Since the husband's death, she feels free for the first time in her life, even though she is still behind bars. (Session 9).*

Gilligan suggests that the history of human activity is largely one of a culture of violence, aimed at defending against the shame elicited in the failure to be socially recognized<sup>141</sup>. Gilligan also ties socio-political forms of violence to individual expressions of violence: "*A man only kills another when he is, as he sees it, fighting to save himself, his own self – when he feels he is in danger of experiencing ... 'the death of the self'.*" (1996, p. 112). Bartol (2002) agrees that although different reasons may be given for violence, a common underlying motivation to all these conscious reasons is usually a need for recognition of a distinctly human quality of life<sup>142</sup>.

Gilligan (1996, 2001, 2003) and Wrangham and Peterson (1996) assert that survival of the human species depends crucially on developing a culture of resolving conflict through mutually respectful engagement as an alternative, but valid form of defence. Schärf, Saban and Hauck (2001) present evidence emerging from studies of community policing in South Africa, that radically new ways of understanding crime prevention can lead to a culture of mutual respect. This supports my own experience in 1995 when I worked as the coordinator of a community policing project in the Eastern Cape.

### **3. Violation: defective tools of defence and recognition**

Ironically, cases in this study show that as a general rule, violations erupted during moments of egological intersubjectivity, as a result of the ways in which they defended. This usually involved hiding and disguising distinctive but valid, vulnerable needs and emotions. What was exposed for recognition was therefore not authentic. In this way, although the struggle for recognition motivated violation, the recognition achieved by the violation was for a compromised self – one which, on the surface reflected historical defensive learning. Also, it was typical for violation to become a way of coercing recognition. For example, after his release on parole, Eddie described how he envisaged 'reckoning' with some men who had recently assaulted him. In equating violent retribution with 'gaining justice' and maintaining his honour, he linked his envisaged defensive action to a social cause of honourable distinction. For him, violence constituted a culture of the right to retribution. It was a legacy which had been passed down to him:

*He has decided that he must go and lay in wait for them as he did see one of the guys. His friend has a steel bat and they will 'reckon with them' ... He said he wanted to 'do justice' ... He spoke about the way he was brought up. You never went off to the authorities to fight your battles. Also, you had a perfect right to stand up for yourself ...*

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*But he said it is humiliating not to 'do back' or to 'complain to someone else'. (Session 106).*

In this instance I explicitly confronted Eddie with how his envisaged action was flawed as a defence as it was again aimed at others and would take place at his own expense.

My relationship with Peter [N] spanned 80 sessions. Most of these sessions were devoted to acknowledging his anger as valid, and trying to channel it into mutually respectful, assertive action. He is the youngest of four boys. His childhood voice was obliterated by, *inter alia*, family grief following the deaths of two siblings; his mother's quiet fear of an angry, aggressive father; and his older brothers' aggressive ways of resolving conflict. In prison, this pattern of being disregarded was repeated often. Anger emerged in response to extreme disregard from various quarters, including non-acknowledgement of correspondence or empty promises from the Legal Aid Board for assistance. In addition, his ex-wife's absolute refusal to permit any contact with his son despite a court order making allowance for him to be regularly notified of his son's progress in therapy and at school further angered him. Also, the parole board's collusion with his ex-wife's demand, in his absence, that his parole be made conditional on no contact with his son left him enraged in the face of the ensuing experience of disempowerment. Violence, as an historically learned defensive skill of dealing with conflict immersed itself into his identity to such an extent that it felt 'instinctive':

*He would always be macho, as he was taught at home ... He knows violence isn't the way to solve problems, but it is his first instinct. He is afraid that he will not know how to resolve issues when he comes out. (Session 27).*

Such narratives enabled me to become acutely aware that the socially constructed link between meanings of 'masculinity', 'pride' and 'justice' typically undermines respectful engagement with women, particularly about issues which are socially held up to be feminine but which also constitute valid aspects of themselves. As such, they are experienced as shameful aspects which must necessarily be hidden.

Mc. Williams (1994) notes that even psychoanalytic theory accepts the view that defences perform a universally necessary, adaptive function of defence, in a way which maintains dignity<sup>143</sup>. Gilligan (2003) asserts that violations aim to achieve a type of socially learned 'false' pride or hubris, which approaches the only kind of self-love, self-respect, feelings of self-worth and dignity familiar to violent actors. In support, he comments on the many prison inmates who insist that they 'had' to violate in order to 'save face' (1996, 2003). Violations are enabled by power, and the meaning of differences which society has taught can be used as tools for shaming.

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### 3.1 The power to alienate and violate

Clients occupied varying degrees of positions of power emanating largely from socially prescribed meanings attached to differences in socio-economic class, crime, gender and race. Where my intersubjective relationship with clients was based on mutuality, I learned that the potential to violate and feel violated was not only common among all clients, but extended to my own reality (see annexure R). In his 93<sup>rd</sup> session, just prior to my resignation Eddie reflected that I had abandoned him. In trying to mitigate the effects of this reality, I had (albeit unwittingly) given him the notion that I would and/or could get him a single cell. Besides the disrespect contained in taking responsibility for another's perceptions, I raised false expectations about the extent of my own power in the prison system. Ultimately, the power to negotiate privileges in his lifeworld, or to manage tensions resulting from their rejection, was not appropriately mine:

*He said that I 'drop bombs' and have not done my share as much as I had promised him. It appears that he thinks I have more power 'than anyone else in this prison'. He believes that I have the power, for example, to get him a single cell. In the beginning of his parole being taken away, I had made a deal with him, that if he wouldn't do anything silly, I would work with him to get him back to a stable state. The fact that he is still sitting in a single cell is, to him, proof that I have betrayed him. He then said that 'I am just waiting – you will see what happens'.*

Case studies suggest that the potential to alienate and violate is a universal capacity marking the human condition of which none of us is entirely free. My own violations were exposed and reflected to me in moments of radical intersubjectivity. My ensuing surprise reminded me how it is common for each of us to dissociate ourselves from the degree to which we alienate and violate others. In this way, I came to rely on these relationships to know more about myself and how alienation and violations occur in vicious, yet often unintended mirroring and repetitive cycles against and by each of us.

Case studies suggested that violation depended on maximizing the stature of one party, while diminishing that of the other, leading to the effect of coercing recognition. As early as in his second session Peter [N] noted that alcohol became a defence against others recognizing valid vulnerable emotions, as it enabled the appearance of an invincible identity which demanded others' fear:

*He admits that he also almost hit (son) when he was drunk one day, when (son) told him something about his mother. He also admits that drink was a problem in the marriage. Also there was a previous husband who interfered. He would take this out on her kids. He would not let them bring friends home and he would not let them go out. (Ex-wife) was scared of his drinking and he didn't like being told when he should come home. When he started drinking, he wouldn't stop. He could go on for weeks. Still, he doesn't*

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*class himself as an alcoholic. Rather, he says he abused alcohol. He became different when he was drunk.*

A number of authors, arguing from a relational perspective, suggest that recognition of a defensive identity is different from one which acknowledges all needs and feelings (including distinctive and shamed ones). Both Masters (1993) and Gilligan (1996) note that violation is expressed particularly in moments of psychological vulnerability rather than moments of containment<sup>144</sup>. This contradicts social discourse which frequently assumes that apparent visible signs of 'arrogance' in 'perpetrators' denotes inner, psychic fearlessness or absence of shame. From an intersubjective perspective, violation can be understood as an expression which disguises enormous emotional vulnerability: "*From this perspective, then, contempt can be seen as an interactive externalization of the shame experience, and thus, ultimately, as a defense against it.*" (Morrison, 1989, p. 14). This view of the origin of violation is taken up by Parrott and Harré who use the concept of "*narcissistic insult*" to capture the emergence of shame emanating from the failure to be recognized and legitimated, *in terms of* rather than *on condition of denial of* all needs and emotions in society (1996, p. 7). Experiences of recognition become dependent on negation of parts of self, facilitating violation as a simultaneous expression of "*inflation of self with denigration (shaming) of the other*" (Parrott & Harré, 1996). Buber (1958) also suggests that a fear of differences, complexity, and ambiguity elicits defence in a way which maximises recognition through distinction as a mark of superiority.

Violation through maximising inequity in power positions was not limited to client behaviour. At times in prison, these patterns were mirrored and taken to extremes by custodial staff, family members and others to whom inmates became more vulnerable as a result of their status as prisoners. For Peter, marginalization from many quarters led to his being linked to the label of 'psychopath', initially applied by his ex-wife and later by 'professional experts', even where he was attempting to build a healthy relationship with his son:

*He says that (ex-wife) is extremely manipulative and managed to persuade everyone, including (social worker) of the social welfare department that Peter is a psychopath (session 10)*

In prison I found that social justification for stifling the voices of inmates are variations of 'they cannot be believed', and 'they manipulate the system'. Any attitude from a professional, barring extreme emotional and intellectual distancing indicates that you are a 'soft touch' and naive. Just prior to his release on parole, Peter indicated that his ex-wife and the parole board had entered

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into an alliance which prevented him from building a relationship of any kind with his son as a condition of parole:

*Last week I had a phone call from Peter saying that he has heard that (ex-wife) has asked for a meeting with (head of parole board). He is really upset that she may be granted a hearing without him present. He is afraid of her manipulations. He is also angry because it appears that her appearance, the day before he is due to have his parole board hearing is too much of a coincidence. He is suspicious that someone is leaking confidential information to her, and she has no right to that information. They are divorced. His freedom or not has nothing to do with her. He asked me to find out from (head of parole board) what is going on... [The head of parole board said he] would give her an audience, but was quite confident that he would not let her 'sit ore aan hom' [would not let her manipulate him]. (Head of parole board) then said that although there were no charges against Peter during his imprisonment, he is quite sure that he had something to do with an escape attempt in that he suspects Peter of having supplied the sharp objects which were necessary in the attempt by some other inmates in the past. On the day of his parole hearing, Peter said that (head of parole board) then informed him that his parole conditions included that he was to have absolutely no contact, telephonic or physical with either (ex-wife) or (son). He is furious because although he has no intention of having anything to do with (ex-wife), he cannot sit by while she influences the parole board into limiting his rightful contact with his son. (session 57)*

The extent of my fury in reaction to the negation of our subjectivities and of rehabilitation in this incident was overwhelming. Peter's remarkable trust, co-operation and steady, committed progress in learning new, mutually respectful skills left me more than empathetic to his rage in the face of the parole board's violation of his rights. I felt personally and professionally betrayed by both the chairman of the parole board who had personally assured me of his ability to handle the matter in a professional manner, and the high-handed manner in which rehabilitation was being jeopardized. No channel was left or created for recognition of mutuality to occur in a respectful way.

Masters notes that the human potential to violate is rooted in the universal struggle for recognition (1993). In their study on political violence, Foster *et al.* (2005) concluded that violence is a human condition, rather than dependant on particular 'pathological' or aberrant groups and individuals in society<sup>145</sup>. Gilligan (1996, 2003) suggests that the universal human struggle for recognition leads to competitive strategies of relative positioning of power between groups and individuals, leading directly to violations between them.

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### 3.2 Violation: defending against difference

Data from my case studies indicate that, instead of growing through incorporation and learning from them, superficial human differences, of which there are many, are often used as weapons to shame others, and introduce or sustain relative superiority. Below I briefly illustrate how differences in: material resources; marginal (criminal) status; and race have been used for purposes of maximising recognition of superiority, and violating through marginalizing others.

#### 3.2.1 Material resources

Initially, reasons given for violations often revolved around money. In a trusting relationship, deeper more hidden psychological meanings indicative of relative worth emerged. In time, it became apparent that money can be a symptom, but also a distraction from the real issue: recognition of worth. For example, Eddie used his mother's gifts of money to his brother as evidence that she loved his brother more than him. At different times, Eddie also claimed that gifts to him were substitutions for loving him in the way he needed. The defensive solution for him lay in marginalizing her from his life so that he could experience inner cohesion rather than conflict:

*[Eddie] Spent a lot of time saying that he didn't need his family...I said that I would believe him if he did not himself say every now and again that if he does not fix things with his mother and she died, there would be a real problem. He agreed, but said that she doesn't love him. I took issue with him, pointing out that she always gives money when he asks for it – he then pointed out that he didn't want money, but he did want whatever he could get. It is payback time for his youth, and money was all she could give. But when she gave him R10 000, he lost it all overnight. I agreed, and suggested that maybe he should then stop asking for money, and ask for what it is that he really wants. He said he didn't know, but on pushing, said that it was love. I agreed, and said that maybe he should spend some time working out with her what form it should take. He pointed out that I know, so he doesn't need her – I would do. I pointed out that I was lucky, and had been taught in youth how to love in the way he wants – she wasn't taught, and he agreed that she had been badly abused in her youth. But he didn't know how to tell her. He also pointed out that the way I love, by putting down strict boundaries is proof to him of this type of love. If I gave him a box of cigarettes whenever he demanded it, he would lose respect. (Session 94).*

In this session, I was powerfully reminded of how I, as a product of a white middle class 'liberal' family, had often given money to someone as 'charity'. Eddie taught me that this behaviour invariably acted as a defence against my own hidden guilt. It also violated the person asking for the money by masking his/her humanity, and both our capacities to be in a mutually respectful

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relationship, from both of us. In this way, a culture of critically examining previously taken-for-granted historic meanings around material resources became introduced as a legitimate process of mutual growth in our relationship. Two sessions after the previous discussion, he critically examined how his actions relating to money and time were motivated by an underlying need for recognition of significance. He began to notice that his use of control mirrored that which he used on his parents:

*he had always tried to manipulate his mom. He would ask her for money, not because he wanted it, but because he wanted to see if she would come through for him – but would always be left feeling empty afterward. Later, he started getting into trouble to see if she would come to court. She always wanted their relationship on her terms. Then he explained that this was also so for his father. At one point, his father turned life upside down to get him out of prison faster. (Session 96).*

This view of material resources is supported in independent research by Steinberg (2004) who relates how as a child, a veteran prisoner he interview stole money from his mother to gain recognition from her. Similarly, another ex-inmate, McKenzie (Cilliers, 2006) describes how even from the young age of six, he stole from everyone except the wealthy ‘gangster’ who lived next door and noticed him<sup>146</sup>. In contrast, he stole from his father, who hit him on a daily basis and whom he despised for his obsequious behaviour in the face of humiliation by white people<sup>147</sup>. In his lifeworld money was the currency of recognition and pride<sup>148</sup>. Gilligan (1996, 2003) notes that the power of relative material resources as a contributory factor to violation, lies less in its economic value *per se*, and much more in its meaning for attaining recognition, through structuring power relations. Crossley avers that the coincidence of socio-political and institutional shaming is experienced and expressed, through dynamics of control, at individual levels: “[A]s numerous analyses show, control is often achieved in both families and the public sphere by means of power, violence and money, as much as by means of communicative actions ... It is a form of control ... which is constituted squarely within the lifeworld.” (1996, p. 125).

### **3.2.2 Criminal (marginal) status**

My case studies show that although clients became increasingly marginalized from society as a result of their convictions, they also (albeit sometimes inadvertently) gained recognition from significant others through violation. In terms of historical learning, Eddie’s criminal status provided legitimacy for him to act in violating ways. When he failed to do so he was, in effect, failing to make his mark even among the only group to which he *could* claim membership:

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*This past week, [inmate] had told him that I was a useless psychologist, that I saw 20 patients in Medium B every day and that no-one could be a good psychologist when doing that amount of work. Eddie had been furious and told him he didn't know what he was talking about. [Inmate] had then accused him of falling in love with me as well. Eddie is still feeling depressed that he had not acted 'like a man' and hit him over the head with a plank. (Session 20).*

This incident was a valuable point for further discussion. The inmate had been within his rights to question how a psychologist could possibly do 'good enough' work with such a workload. It was gratifying to me that Eddie had felt free to discuss this implied offensive remark, and that he had, in the spirit of our relationship, not acted out his fantasy. I was aware that he had previously attacked an inmate who had insulted his previous psychologist, Belinda<sup>3</sup>. In the circumstances I acknowledged Eddie's desire to 'save' me as a residual theme from his past, and his right to agency by not necessarily acting it out in the present. I discussed with him the importance that he respect my own agency enough to let me take responsibility for my reputation.

Recognition gained through conviction invariably included 'unacceptable' aspects of themselves which had previously been hidden to a greater or lesser degree. For example, historically Gloria [D] battled for recognition from her family and society. She avoided all forms of resistance or assertion of difference with family members to gain their approval. In a society which conferred relative worth according to race, she made efforts to overcome her second class rating based on her colour. The ensuing loss of the value of her self, as a being respectfully asserting the integral functioning all her attributes, needs and emotions, necessarily inevitably culminated in a sense of her own meaninglessness to life:

*She was married for [to a man who could 'pass for white'] 20 years, against her parents' will. After 2 years, she realised she had made a mistake, but didn't want to admit it. He spent all the time running after other women, although she never got any proof that he had affairs. After 20 years, she gave up the marriage and was left with the kids and debts. She also tried to keep up appearances of financial well-being, as that was what was valued in her family. Two and a half years ago she had a nervous breakdown and OD'd.*

In the two years of our relationship in prison, marginalization continued relentlessly and reverberated as a sense of inner despair. In a prison newsletter, *Women's Link*, Gloria described how an apparently small incident poignantly captured a profound experience of alienation:

*I was assigned to duties in the dining hall. This is one of my experiences whilst working in the dining hall. Washing those trolleys laden with pots that day was to me, not just the lowest of the low, but also an utter lowness of dark despair... While washing those pots I began to sob...an uncontrollable sob!! With tears streaming down my cheeks and the rest*

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<sup>3</sup> In this thesis I will call her Belinda, which is not her real name.

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*of my body drenched, I thought 'What has my life come to?' Don't get me wrong; it was not about washing the pots. Oh! No!! But something much deeper. It made me realise how my past actions have depicted the life I now lead...behind bars!!! (2002, p. 3).*

Historically, the recognition clients received was invariably for a compromised identity, constituted of others' needs and feelings. Their own distinctive needs and feelings were hidden for fear of their 'offensive' nature. Historically, it was the only form of recognition they knew, therefore the only one they trusted, and the only one in accordance with which they could possibly act. Change only became a possibility when recognition for distinctive needs and emotions, as valid, emerged for consideration.

Toch (1998) warns that when violation against children is not worked through and countered with a respectful form of asserting distinction, it is likely to be learned and mirrored by them as aspects of their identity, in terms of which they will act and be recognized. This dynamic becomes more complex with maturation and extends into prison relationships. In the prison context, the taken-for-granted culture that defence should take the form of attack, and that it is a matter of survival is seldom questioned or unknown: “[F]ailure to take action justifies future victimization. In prisons, vulnerability attracts predation and fear invites exploitation; such norms are accepted as givens by the prisoners.” (Toch, 1998, p.169).

### **3.2.3 Race**

Considering how race had profoundly affected the lives of every South African prior to 1994 it was not surprising that every case study evinced some reference to the way in which it had been used as a way of supporting an inequitable structure of human legitimacy. In violation, race was typically used as a weapon both against them, and by them against others at different times, and to different degrees of visibility. In my relationship with Eddie, I often found that he reflected society's most offensive racist views, particularly when he considered himself to be worthless. In the following incident, racial slurs by prison staff elicited historic, traumatic shaming of his racial identity, and racist shaming by him in turn:

*He seems to be having hassles with the hospital staff. One of the guys he called a 'bloody kaffir'. He says the guy calls him 'whitey'. He understands the connection with his early life – his mother was half-coloured. He hates anyone who is black or coloured. Says they stink and are stupid. He says he had to go and fix the shower in [black warder's] house and the whole shower was a complete mess and the house stank and he is [of high rank]. (Session 33).*

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My judgment of him was tempered by glimpses of the historical context of Eddie's racist views, which placed transgenerational teaching at the core of shameful punishments. In the past, these slurs were always justified on the basis of his 'coloured' race. Ironically, shame and punishment were powerfully linked with comfort in his early relationships with 'coloured' people. This is illustrated by the incident described in chapter 6, where Eddie was beaten for sleeping over at the home of the 'coloured' domestic worker and her child and where he was accused of reverting to the "*hotnot blood in me*".

Gloria [D] was painfully aware that membership of the 'coloured' community relegated her to a 'lower' socio-political status in apartheid South Africa. Her contrasting high status within the church community and her excellent academic achievements did not, however, make up for inferior socio-political or individual positioning:

*She says she is slowly working out who she is, but it used to be muddled because of the value system of finance and class handed to her as a child. (Session 2).*

In a later session, Gloria described how powerfully her sense of worth still revolved around race, even 10 years after the end of apartheid:

*It seems also that [ex-husband's wife] is white, [ex-husband] can pass for white and she [Gloria] is the most dark colour – this may play a large part in her need to be accepted. (Session 19).*

Gilligan (1996) notes that contrary to popular opinion, shame attendant on social and economic inequities with relative superior/inferior overtones such as race and class, are much more powerful contributors to violation than are other factors such as drug abuse: "*The poor and members of minority racial and ethnic groups are regularly subjected to maximal degrees of shame, humiliation, and feelings of inferiority by being told that they are innately and inherently stupid and intellectually inferior.*" (1996, pp. 188-189).

### **4. Micro-level defence: violation against the self**

Although they never operate in isolation, I use case studies to illustrate forms of physical and emotional self mutilation and how they function as: (a) attempts to hide valid needs and feelings which society has determined to be unacceptable; and (b) expressions which provide immediate gratification of needs for comfort. As such, they constitute antidotal defences which I discuss in more detail in chapter 9 (Buirski & Haglund, 2001).

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### 4.1 Physical alienation and violation

Physical alienation and violation are based on emotions of hidden shame as I discuss in more detail in chapter 8. The meaning of alienation and violation of self in each applicable case study contained similarities with, and distinctions from other cases. The most obvious similarity was that all clients experienced moments of extremely low self-esteem in times of alienation. One form of self violation occurs with physical self-mutilation. Different forms of physical mutilation, included assault and cutting (e.g. Eddie, Magda [H]), taking an overdose of pills (e.g. Gloria [D], Eddie, Nawaal [L]), and drinking Germoline, a cleaning agent (e.g. Joan [E]). Invariably, clients damaged themselves as the only accessible way they knew of at the time, to defend themselves when they perceived themselves to be threatened. These violations simultaneously served to gain recognition, albeit of a compromised identity. For example, many of Eddie's current violations against himself were explicitly aimed at protecting and cleansing himself from any number of violations committed against him as a child and to 'atone' for an identity of profound failure. At the same time, mutilation aimed at approval from a father who had abandoned him for as long as he had been conscious:

*He started talking of his father again, said that he only met him for the first time when he came to prison just after finishing school at about 18. His father – he didn't know it was him – asked him what he was doing here. He replied "what are you doing here?". His father then hit him and walked away. Then someone told him that was his father. He then was desperate to get closer to him, and did anything for him. His father organized a single cell for him, got him tattooed and used him sexually. Afterwards, he would get the Catholic priest in, (name) To come and see him and then he would insist that Eddie 'cleanse' himself. From this time on, Eddie has been mutilating himself. He hates his father, but he wanted his approval... (session 52).*

I became acutely aware of how easily I, as the therapist, who essentially encouraged the exposure of shame, could be assigned the role of 'confessor', eliciting a deified role and so similarly, albeit unwittingly, enable violations through deception.

Lindsay-Hartz, De Rivera & Mascolo (1995) note that actions which denigrate the self stem from unresolved guilt and have been observed in children as young as two years old. These authors relate such behaviour to restoring balance, to take responsibility in compliance with pressure from significant others (albeit for impossible tasks)<sup>149</sup>.

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### **4.2 Emotional alienation and violation**

In reality, emotional and physical alienation and violation mirror, and are integrated with each other. Eddie's history, even prior to cleansing through mutilation, lent itself strongly to mutilation as a logical follow-up to childhood denigration. Ingenious and desperate attempts in childhood to gain approval from adults, as well as to satisfy his needs for protection, including self-degradation went unheeded, thus positioning him in a no-win situation:

*He was left in the house with [name] [a boarder who sexually abused him] and [step-father], his mother's lover who was constantly angry and often beat him. [Boarder] stank of old sex and was hairy, but fed him biscuits and sweets – and he ate them – guilt. Started bed-wetting, eventually soiling his bed, so he stank even worse, but this didn't seem to put [boarder] off. Mom was always drunk. (Session 10).*

These early experiences evolved into a powerfully shameful adult identity. Historic contributions to this identity reverberate incessantly in his life today, more than three decades later where he avoids seeing the reflection of shame in his own eyes:

*He has a single cell to himself in an area where it seems there aren't any other prisoners. Although he 'hears' someone coming down the passage, part of him knows this isn't so. He also spoke of how his memories haunt him, particularly those to do with [boarder]. He says sometimes he wets his bed. Also, once a month he needs to shave himself totally. Otherwise he feels the hairs on his legs rubbing – resonant of [boarder] when he was a child. He also cannot bear to look at himself in any way. When he shaves, he tries to do so without seeing himself in the mirror – he does it askance. He can never sleep without long pyjamas on. Often the vision of his mother comes to him, as her face is all bloodied and she stares up at him. He is a child and does nothing. Then he goes and cuts himself. (Session 12).*

Eddie's narrative described a reality I could not begin to imagine or share. Yet, the underlying sense of utter alienation and fear was a dynamic I could unearth from moments of terror accompanying political violence which affected my life and destroyed the lives of friends. I could recognize the emotions, underlying the different expressions of fear, as being common to both of us as humans.

#### **4.2.1 Dissociation**

Some case studies showed evidence that clients had disowned, or dissociated from emotional aspects of their identity when the consequences of social shaming of them had become too traumatic for integration. Susan [O] said that for years she had 'blanked off' shameful childhood

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memories of systematic sexual molestation by her step-grandfather. Despite resistance (termed 'being difficult') against these visits her parents insisted that she do so over school holidays. This was consistent with a generalized culture of silencing which pervaded her home on all 'shameful' matters. She was only able to retain associated, but emotionally safe memories, such as illness. Although this may have been linked to the shame underlying molestation it also further disguised it. However, illness did succeed in eliciting acknowledgement from her caregivers:

*She blanked out most of these memories from her childhood. However, she has been told that she spent a lot of time in hospitals due to bladder infections, even before school-going age. (Intake session).*

During our discussions, she became more aware of how molestation may have affected her life. Susan debated whether emotional dissociation as a limited form of adaptation may co-exist with physiological displacement, which endured in adulthood many years after her step-grandfather's death:

*[Susan] is still having nightmares and, in trying to deal with it by being with experience, either feels the need to vomit, or just gets to the point where she remembers flipping the 'off' switch, and feels nothing. She WANTS to deal with it, but 'can't get past it'. Discussed metaphor and how her body, in vomiting and dreaming, perhaps can be finding other ways to express. Also suggested that the 'off switch' worked, as her method of coping, which has helped all these years. Asked her whether she thought this was a good or bad thing. She said that it is both. It is good because it protected her from bad feelings, but it is also bad, because it cut her off from other feelings, like when she was sexually involved with [ex-husband], she would think of other things she needed to do like the laundry. She said it wasn't always like this, and isn't so now, with [husband]. When I asked her where the difference lies, she says when she feels negated, belittled, demeaned, when she 'cannot be myself' she speaks about it. (Session 57).*

Buirski and Haglund cite Reckling and Buirski (1996) when discussing interactions between physical and emotional elements of psychological functioning: "Without the capacity to think about feelings, children will not develop the ability to identify and verbally express affect and will likely continue to express affect somatically. The caregivers' inadequate articulation of their child's affect states interferes with the child's development of a capacity to desomatize and identify affects." (2001, p. 130). In contrast to initial sessions when I sensed many of her answers to be tailored to what she thought I would like to hear, the detail, complexity and coherence which she expressed in later sessions like the one above, suggested a greater degree of trust in the legitimacy of her distinctive feelings, as well as my own ability to recognize them. Paradoxically, I experienced increased intimacy with her as a result of her increased capacity to assert herself, inclusive of possible differences.

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Jocelyn [F] was convicted as a result of having killed her five year old daughter. The producer of a television documentary who had interviewed her suggested she come to therapy. In her intake session, I began to suspect that she may rely on emotional dissociation as a defensive strategy, when she reflected on how she had discovered that she had mistakenly thought that she had successfully overcome the trauma involved in the killing of her five-year-old daughter:

*Jocelyn says that she prefers putting awful memories to one side. She has managed to do this with [daughter] and has largely managed. She was very surprised when being interviewed by the TV people to find how traumatic it was.*

Historically, there was an absence of access to more experienced others who could help her integrate and tolerate emotional ambivalence, anxiety and ambiguity into her identity. It seemed that, with a voluble, alcoholic and moody mother together with a strictly religious passive father, her relationships with her parents was a living experience in all three. As a result, she had little option but to develop the ability to dissociate or 'eliminate' emotional uncertainty and insecurity from her lifeworld. This dynamic may have enabled the killing of her daughter:

*I went to the bed, picked up the pillow ... I knew she would fight ... I have to keep the pillow on her face ... I just put the pillow over her face and I said to myself that I must make myself very strong and very blank, you know I must get all my emotions out, I mustn't let anything stop me ... If I just feel a little bit of anything then I'm not going to be able to finish. (Roets, 2003).*

It was the one moment in Jocelyn's life that she succeeded entirely in overcoming, what had become constituted in her relationships with others as her toxicity as it was extended to and reflected by her child. This view is fundamentally different from the more traditional view that Jocelyn is without emotion or conscience and that she is, in some way, less than human as a result. Ironically in this violation she may have graphically enacted socially learned behaviour. At first, when I watched this television clip, I wanted to distance myself from her. On reflection, my response is not essentially different from her 'distancing' herself from her daughter. I also reluctantly remembered how, when my lawyer offered to 'wangle' a 'family visit' with my children when I was in prison, I felt trapped (annexure R). I desperately wanted to see them, but knew their presence would strip me of the safety of an invincible mask, a defence I depended on for emotional survival in prison. I refused the offer, and still feel the shame inherent in the betrayal of 'cutting off' my children, to 'save' myself.

Gilligan claims that: "*The most violent men already feel numb and dead by the time they begin killing.*" (1996, p. 36). Train (2002) notes that, for a significant number of people the

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experience of trauma, typically unassisted by containing, validating influences, can result in fragmentation and dissociation. Train (2002) cites Grotstein who refers to a dis-ownership of physical, emotional and experiential aspects of identity when relational experiences are too overwhelming to be integrated into consciousness of self. Miller (1988) points to the necessity of dissociation developing particularly in childhood where children do not have the power to survive without the approval of adults<sup>150</sup>. These are commonly presented in avoidance symptoms of post-traumatic stress disorder (Train, 2002).

### **4.2.2 Confabulation**

Case studies suggest that confabulation involves tailoring one's perceptions to meet social expectations. Susan [O] was convicted on one of two charges, involving 51 counts of fraud. Her earliest memory of having her reality undermined dated back to when she was about four years old. Invalidation of her needs to be loved appropriately, co-existed with being made to feel 'special' by both grandparents with whom she lived over holidays:

*She doesn't know when it actually began, but her first memory dates from before she went to school. Her grandmother made her go and lie with her grandfather while she made morning tea. She remembers grandpa rubbing himself against her and telling her to turn around to face him. She felt something was wrong, but she didn't say anything. She began to cry, but he told her it wouldn't hurt a lot, only in the beginning. She doesn't remember how often he did it but as she grew older, he put his penis inside her. It hurt. She hated going to her grandparents, but her parents made her (session 2).*

In our sessions, we discussed the possibility of her parents' and grandmother's implicit, albeit perhaps unwitting collusion with a process which taught her to undermine the value of her distinctive knowledge. Historically, the viability of this dynamic had never arisen in Susan's overwhelming sense of self-blame for her own 'collusion' in not explicitly saying 'no'. Her invalidation of herself played out in our relationship, where I sensed that it would take enormous effort for her to express her resistance to me if at any time she felt it. In return, I felt strongly protective towards her. I often found myself assisting her, e.g. to see the doctor when she requested this rather than leaving her to fight her way through as other patients did, and so letting her find and own her true capacities. Susan was a regular and committed client. Our relationship grew as the logic behind 'lies' as a reality to 'fit social needs', and as an adaptive response to the need for recognition, emerged. She noted her first memory of lying occurred when she was in standard 3, after which she said it seemed to become habitual. She wrote of how it later affected her relationship with her ex-husband:

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*(Husband) started going shopping with me... financially we battled and I was terrified of spending more than (husband) said – I said I had spent X when I had spent Y – was too scared to tell him but he freaked when he received the bank statements. It just didn't dawn on me how to overcome his anger. It happened time and again. (05/02/03)*

In our sessions, Susan acknowledged that she continually lied and cheated. She had wanted to 'change', but had never been able to. It felt like a 'compulsion'. In prison, Susan found herself to be heavily dependant on the financial and emotional support of her fiancé, to bail her out and to visit. It soon became evident that he had learned defensive skills similar to her own, but now she experienced the violating aspect of them:

*(Susan) is still in prison, and extremely distraught about the fact that (fiancé) is still making promises "you will be out of there before you know it". She is still clinging to the hope and fantasy, although her head tells her this is not likely. This pattern of believing pathological liars seems to be rearing its head again. recognition emerged. ...when (fiancé) talks to her, she is furious with him because she would prefer any truth than lies (session 19).*

Meares (2000) suggests that confabulation is a form of dissociation. Confabulation as a defensive measure is typically generated in childhood, in a pre-reflective stage of cortical development: "Traumatic activity will be organized in the child's mind according to a story, which does not conform to what the adult sees as 'reality'." (Meares, 2000, p. 79). Miller (1988) says that when children's vital needs and feelings are negated, their integrity in adulthood will inevitably be affected<sup>151</sup>. Importantly, Meares (2000) notes that: "The false stories which these patients tell are not lies in that they are not told with the purpose of deception." (2000, p. 78). Symington stresses the same point: "What the world sees is the figures whom he [designated perpetrator] destroys but not the invisible figure whom he protects ... His ethical goal is individual, personal and remains unseen by those around him and by himself also." (1980, p. 291). My data suggest that whatever deception occurred, it did so intersubjectively affecting clients, other parties and the relationships they shared. Its primary motivation was to defend against alienation and gain a sense of legitimacy. Agency over it depended on growing awareness of its dynamics, which only gradually became accessible through respectful critical questioning, over time and within non-judgmental relationships.

### **5. Macro-level defence: violation and the criminal justice system**

My findings overwhelmingly support the contention that the apparent absence of shame is indicative of successful deception of society, and this deception extended to the self. Importantly, dissociation from emotions in no way indicated 'absence' of emotion. This 'deception' was

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fuelled by social dynamics of judgment, blame and threats of punishment. The likelihood that these dynamics would become accessible to conscious viewing increased in moments of radical intersubjectivity. In an undated letter entitled “*Me and prison*” Eddie illustrated the confusion of experiencing vulnerability in moments of threat, yet simultaneously feeling the urgent need to present a mask of opposite emotions as is described by him in the quote in chapter 6 (page 112).

Initially I was asked to attend to 15 year old Magda [H] by prison authorities after she attempted suicide the night before. Throughout my relationship with her, she dropped subtle and not such subtle clues to extremely vulnerable emotions but they were seldom explicit. Mostly, they were veiled under threats, and both verbal and physical abusiveness. At her intake session, she told me that her friend had committed the murder for which she was later to be convicted. She denied that she had played an active part in it, but admitted that she had been present. During the session, she spoke more about the lack of care and acknowledgement in her life, than about feelings regarding the murder itself. She said that prior to the murder, she had spent some days with a friend – “*at least he seemed to care*”. It was only in our 20<sup>th</sup> session, after a court had found her guilty, that she felt free to speak of how the murder, to which she then admitted playing an active role, was affecting her life:

*[I]t seems she is still having a really hard time with nightmares and thoughts. She agrees that she cannot get away from the feelings, despite the fact that she thought she would be able to live with the man's death without too much hassle. She also says that she often feels that when she cuts her wrists, she is somehow getting relief from the memory of him. She remembers his son's hatred and knows he will never forgive them. The son said in court that when they come out, he will want to kill them in the same way his father was killed. (Magda) knows that this is a reasonable fantasy, as she says she would be exactly like this if someone killed her father (session 20).*

Prior to her 19<sup>th</sup> session, her section wardress told me of her growing concern about Magda, who had, until then, appeared to be consistently unconcerned about her crime:

*[Wardress] said that from what she could gather, until now, [Magda] had been in denial about her crime.*

At this point, however, Magda's defences appeared to fragment, as notes from this session reflect:

*Now, however, she has nightmares and wakes up screaming. [Magda] reported that she dreams about the man in his multi-coloured shirt with blood running down it. She cannot imagine living the rest of her life with this knowledge. She wants to end her life. (4/9/02).*

Indeed, in desperate efforts to hide from visions of her victim, the witness of her shame, Magda became a danger to herself and her cell mate:

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*On Friday she burned the cell, while she and another inmate were in it. She says that she gets 'visitations' from her victim, and if she does what he says, he will stay away. That was why she cut her wrists and now she had to burn the cell down. (21/10/02).*

In incidents like the above, Magda was distraught and I felt like an onlooker, trying to find a way in. I knew at any time she could hurt herself and others. I would fail her and myself by virtue of being on the margins of her world. When staff suggested defensive measures which would also constitute and fuel violations, I felt caught on the edges of multiple worlds of defence. Reflexively, I could feel my own emotions intensifying, enabling my own defensiveness. It took considerable conscious thought to ensure that my defensiveness remained respectful. In this instance, I wrote a report, detailing dangers of possible defensive violation by staff, which I submitted to persons in authority.

Literature suggests that social and legal discourse around judgment is frequently accompanied with casting 'perpetrators' as 'psychopaths' based on no visible signs of 'remorse' or conscience (eg. Rule, 2003; Pistorius, 2002; Kellerman, 1999; Sereny, 1998). Visibility of an opposing emotion as a disguise of shame reflects my own historic experience of defence in moments of threat from the legal system. Historically, I was accused by the head of prison of 'shameless inability to nurture' by prioritizing political engagement over caring for my children. In defence (against her judgment and mine) I deflected her accurate reflection of my shame by 'taking the moral high ground', and blaming her in turn for collusion with an inequitable political structure. The extent of my self-deception only became evident to me later when I opened a package containing photographs of my children in the safety of my cell when vulnerability was not longer containable. I have little doubt the head saw no sign of the shame I actually did feel towards my children in my interchange with her. This is a far cry from assuming I had 'no conscience' and am a psychopath. In the same vein, Steinberg (2004) writes about an infamous offender known as 'Doggy' who was diagnosed by a state psychiatrist as psychopathic on the basis of apparent lack of remorse in court after being found guilty of a particularly gruesome murder on a farm in South Africa. His cell mate was privy to added knowledge not easily accessible to professionals, the criminal justice system, or even to Doggy himself during conscious states: "*Doggy, that guy could not sleep. He would scream at night. Every time his eyes closed he would wake up and shout. It happened four or five times a night.*" (2004, p. 80). McKenzie, an ex-offender describes this same tendency where he noticed that inmates always spoke of their hidden shame during sleep: "*The only way to shut him up would be with psychotherapy and there are too few couches in prison. I have heard more secrets from men talking in their sleep than the judge could ever hope to be told.*" (Cilliers, 2006, p. 90).

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Irrespective of whether there has been forgiveness, amnesty or mercy from others, this dynamic of personal turmoil is reminiscent of many who participated in the violence of apartheid<sup>152</sup>. The tendency of the criminal justice system to seek evidence of 'remorse' in situations where clients are focused on hiding from their own and others judgment reflects a naïve and superficial understanding of the nature of violation as it relates to matters of human legitimacy.

### **5.1 Judgment**

My findings suggest that moralizing and judgment severely hinder psychological understanding, and subsequent constructive management of violation. During therapy with his previous psychologist, Eddie had become entangled in rivalry with another of her clients at the same time as she judged his interest in her to be 'pathological'. As a result, he displaced his anger onto another inmate, and consistent with historic learning, it took the form of physical assault:

*He himself had spent a good part of the session telling me of the dreadful things that had happened between [previous psychologist] and [inmate X] and [inmate Y]. This part of him got angry when he was wrongly accused. This part of him also made him irritable and angry with others. He had picked up a brick and hurled it at one of the juveniles over the weekend. He had also hit one of them with a spanner. (Session 18).*

Against this context of betrayal, I realised that at best, it would take some time for Eddie to trust our relationship enough to allow radical intersubjectivity to become a feature between us. It amazed me that despite his history of betrayal by significant others, he did open up. In one such encounter he reflected on how *his* judgment of others was related to shame derived from self-destruction:

*He has been 'thinking' a lot of relationships. He realizes to what extent he really doesn't fit with people. He is quite sure this is because he is far too judgmental. However, with some exploration, he agrees that this judgmental attitude gets much worse when he is doing drugs and hurting himself. (Session 52).*

Susan's [M] typical form of defence differed markedly from the overt hostile, aggressive form expressed by Eddie. It was almost always expressed as compliance rather than hostility. As a result, egological intersubjectivity between us frequently took the form of a 'mutual admiration society'. Her ex-husband independently noted that her obliging attitude had been part of her 'problem' when they were married, and divorced. Her family saw her as a 'pathological liar' who and would say anything to gain approval. In an interview with a student on 20 October 2003,

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Susan described the bitter irony and impossibility of devoting one's life to pleasing everyone, but ending up getting judged and punished as a result:

*My first night in prison, in the holding cell, was scary,' (Susan) remembers, 'but telling my family was the hardest part. I phoned them the next day. My daughters didn't know for the first two months. For the first six months, my mom and them didn't really want to speak to me.' Her voice slightly wavering, she continues, 'I have no friends from before I went inside. In the beginning I wrote, but no one replied, no one visited and I realised that God took these people out of my life because they weren't my friends.*

Judgment was often a thinly veiled disguise for a psychological whip to coerce compliance.

When Susan was released on parole, her family's reactions to her courageous decision to attempt to live an independent life, this time prioritizing her own needs, reflected the family's pattern of positioning her into living her life according to others' needs:

*She had an upsetting visit from (sister) who was very judgmental about her decision to go to (half-way house). She says that everyone is seeing her as a failure, and this decision is making all of them feel bad, as if they are not good enough for her. She is sticking to her guns, explaining why it is important for her first to find her feet. (session 40)*

Judgmental discourse by socio-political institutions necessarily becomes reflected in interrelations in lifeworlds, precisely because identities are social constructions. Judgmental discourse as an indication of the worth of personal identity as a whole, based on visible violation, is often reflected in biographies about people found guilty of crime. The severity of judgement by others of the designated 'perpetrator' as 'inherently evil' or 'inhuman' typically becomes progressively tempered as designated 'perpetrators' become more profoundly known to the writer (e.g. Rule [1980], a biographer of people found guilty of crime)<sup>153</sup>. Gilligan (1996) argues that feasible strategies for managing violence require psychology to see violence as a tragedy rather than an opportunity for moral judgment. He notes that "to judge someone 'guilty' requires the judge to make the moral value judgment that the defendant has an 'evil mind', a *mens rea*. And this does not help us to understand the defendant psychologically; it does not help us to understand the cause of a violent act – nor is it intended to." (1996, p. 8). In this light, the social motivation of judgment i.e. to defend legitimacy by claiming moral superiority, maintains a culture of violation. As such, it differs very little from motivation for violations by designated 'perpetrators'.

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### 5.2 Blame

Blame, like judgment and punishment, was a common intersubjective theme throughout clients' lifeworlds. In a letter to his previous psychologist Eddie characterized blame and judgment as typical experiences of betrayal in his history of relationships with trusted others:

*The shame, the hurt and anger kept me hiding from this world never allowed me to love, care and joy which means happiness. I for 40 year lived in unhappiness in my secret world where no-one was allowed to enter until I found a friend in therapy who understood but also never understood how deep it was for I was blamed for things I did not know or understand. The boundaries and manipulation I was accused of and judged and condemned because of the truth. My biggest fear. Because of the truth past and present. I was rejected by those who knows the truth.*

In a letter entitled "Me, myself and the world" to his previous psychologist he described how others' blame and judgment became integrated into his identity through actions aimed at escape.

They also became a part of his future expectations:

*[How can I] run away or kill the past how I'm to bullshit myself the present is going or now people is going to heal. With the present and new people nothing has changed. How could I face the past and its people knowing the shameful birth. I can't face those mother, father, family friends what can I say Nothing. How can I face the present. I don't know what to explain to a person who cared for me but is without family an income maybe living in poverty being used or abused and I can only blame myself so much for the hopeful present when all the good turn to fear and disaster. Now after everything the concern and care about (Belinda) the present I get that some familiar desire of escape. My nervous system still crave the ecstasy that eradicates all the pain.*

Even after his release on parole, at moments when he felt unsteady Eddie blamed the world for his relapse to alcohol as a means of comfort:

*Eddie was here at 7am. He was defensive and initially spoke about his 'necessary' isolation due to the 'terrible world'. (Session 83).*

Blame persisted, and acted as a constituting dynamic in egological intersubjectivity between us when he felt threatened. It also supported a rigid barrier between us, and transformative learning, over time and across sessions. In these moments I, in turn, invariably felt a tendency to blame Eddie for betraying his capacity to trust himself and what we had achieved in our relationship, in favour of turning his attention to blaming the world. Both of us relinquished our agency in these sessions thus violating, through negation, both of us. Blaming was never one-way. It was inevitably intersubjective, between us. In time, I learned that radical intersubjectivity returned if I remained reliable and trusted him to want what we had both experienced and valued in the past.

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My findings suggest that the antidotal relief which follows blame is immediate, thereby disguising unresolved, growing and unexposed needs and feelings. It would appear that blame finds an external cause for inner disharmony contributed to by hidden shame (Beck, 1999)<sup>154</sup>. In other words, where blame focuses only on the environment as cause, it puts up blinds to avenues for personal agency. Similarly, when it focuses only on the individual as cause it enhances blindness to contextual contribution. Bartol (2002) concurs that prisons typically ignore contextual factors when working with violation. This stance may well provide some absolution from institutional responsibility, but the cost may be overall ineffectual management of violation. In South Africa, the DCS does not maintain a consistent argument about the nature of crime. On the one hand, its draft White Paper (2003) accepts that crime emerges from complex interactions of socio-political factors as discussed in chapter 3. On the other hand, it blames the discrete character of prison inmates, in stating its primary goal as “*first and foremost to correct the offending behaviour ... in order to facilitate the achievement of rehabilitation, and avoidance of recidivism.*” (White Paper, 2003, para. 4.12). In either case, where blame compromises capacity for agency by any protagonists, the culture of violation is maintained and little if any transformative learning is likely to occur.

### **5.3 Punishment**

As I use it in this thesis, punishment is a consequence contrived by social others, over and above that which naturally flows from violations. Case studies show that judgment and blame, translate into experiences of shameful punishment. Moreover, this is a typical historic dynamic which is repeated in the prison environment.

My relationship with Maria [I] was irregular, relatively short (24 sessions) and her narrative relating to her childhood history varied between sessions. There was no doubt, however, about the extent of the judgment, blame and punishment she had received at the hands of her common-law husband prior to her killing him. Her account of this abuse was supported both by physical scars, and a report provided by a forensic social worker who worked extensively with her prior to her killing him. No amount of leaving him or requesting assistance from outside agencies effectively protected her or her child from her husband's abuse of her:

*He used to force her to have sex all night long. By 4 am. She would say she needed the loo and then just not come back to bed. She would be tired in the morning and struggle to do a day's work. He would take her wages and give her very little of it. She would have to have food on the table and drink for him over the weekend. He would force her to drink*

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*as well, or give her a damned good hiding. He sometimes brought women home and then had sex in front of her. This sometimes happened with her own friends. She gave up caring. At one point, he wanted her to go whoring, but she refused even though he nearly broke her jaw. She couldn't understand why nothing she did was right. Despite his need for her to go whoring, he would get extremely jealous and possessive, and beat her up about that. Her son also told her of an instance when he brought a strange woman home and [son] then got into trouble and got a hiding for that. (Session 6).*

As a result of being only exposed to visible, violent parts of her life which were quite alien to mine, the quality of our relationship never progressed beyond egological intersubjectivity. Typically, my defence constituted violation in that I felt 'sorry' for Maria and attempted to bring balance by trying to 'fix' crises in her life. Her history of being assaulted in the presence of 'difference' as it played out between male and female tempted me into avoiding any other form of managing difference at all. Her contribution to violation is possibly that she positions people to save her. In the final analysis, respectful mutuality remained an illusion which we did not achieve.

In the lives of clients, punishment as a familiar consequence as well as a form of violation had become such an unquestioned part of life that its legitimacy was seldom questioned. What I found surprising was the acceptance and even at times the welcoming of its familiarity. It seemed as if the low standard of clients' sense of self-worth, affirmed in punishment, is one of the few things they invariably 'get right' in society's eyes. Unlike the rest of their emotional lives, it is predictable. For Eddie, punishing himself gained meaning from a past where his legitimacy became questionable when he was unable, as a small child, to protect his mother against his step-father. Self-punishment continues to reverberate in present relationships when he finds himself disempowered to protect:

*At first, he said he was hurting himself to atone for his sins. Mostly, it seemed to revolve around if someone [a woman] got hurt and there is nothing he can do about it, he would then hurt himself. This is how it started with [previous psychologist]. (Session 52).*

This meaning of punishment relates to the point by Scheff and Retzinger (1991), who discuss punishment as an engulfing form of defence. In this form, the punisher defends his/her right to belong, by giving up parts of themselves. Sereny cites Bell's<sup>155</sup> experience of defence and punishment as it typically pertains to prisoners: "Certainly, most people try not to remember. So if you are being punished, it is finally for **being**, not for doing..." (Sereny, 1998, p. 236).

Eddie also demonstrated another form of punishment as defence. When all attempts to be recognized and to belong failed, punishment was used as an isolating form of defence (Scheff &

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Retzinger, 1991). Eddie described how, even from an early age of around five years, he had learned that, in punishing himself by choosing *not* to belong, he obtained relief from feeling powerless. In a letter dated 21/11/2001, Eddie traced his earlier defences against others' assumed right to confer recognition on him. By punishing himself he took agency, placing himself outside the possibility of rejection and punishment through alienation:

*It was one of the saddest moments in my life and how hurtful the emptiness and loneliness even sadness all in one fucking package. Knowing deep down nobody is going to make it better for me I don't belong being used and abused its going to get worse and the word fear started in me. Always a fear for the unknown for tomorrow nothing better but only worse. Also I didn't give anyone a chance to prove me wrong but supported there to prove me right even with my own doing tomorrow is going to be worse.*

Punishment and/or acquittal from guilt, without working with underlying feelings of shame, may serve social needs for immediate relief, although the cost may be the continuation of hidden, shameful feelings underlying violation. Gilligan touches on this ambivalence as it is elicited in reaction to punishment: “[P]ain, punishment, and suffering not only intensify feelings for shame, they also relieve feelings of guilt and sinfulness.” (1996, p. 206). Scheff (1997) makes the important point that punishment is ultimately oriented to removing guilt and enhancing shame, rather than to repairing relationships. The function of punishment is widely proclaimed by society to be defensive on two fronts: (a) it claims to be a deterrent to crime; and (b) its avenging element aims to satisfy emotions of social outrage (Hampton, 1990). Scheff and Retzinger caution that the belief that shaming, through punishment, acts as a defence by deterring violation may be nothing more than a trick of displacing targets<sup>156</sup>. My case studies support Gilligan’s contention that “Punishment is the most powerful stimulus to violent behaviour that we yet discovered ... Punishment does not prevent violence, it causes it, in addition to being a form of it.” (2001, p. 18).

Literature draws strong links between violation on the one hand, and judgment, blame and punishment on the other. Their co-existence is expressive of a particularly authoritarian socio-political context (Van Zyl Smit, 2005). Jack (1999) suggests that the inequities inherent in a patriarchal society lie at the heart of domestic violence. They do so by fuelling emotions of inadequacy and shame, and undermining feelings of pride and achievement. Nair makes the point that the use of punishment in prisons, over and above that explicitly needed for ensuring safety constitutes little more than gratuitous shaming: “Rehabilitation cannot occur in a repressive environment where punishment exceeds the legal curtailment of the prisoner’s right to freedom of

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moment. In such a context, violence, alienation and dehumanization are the consequences for the prisoner.” (Nair, 2002a, p. 5).

### **6. Conclusion**

Some defences are mutually respectful, while others constitute violations. I have used case studies to show that violations are motivated by conscious and hidden needs to ensure physical and emotional survival but, as a result of shameful hidden emotions ironically serve to undermine it. Conscious perceptions are commonly that defences are used *against* violations. Hiddenness typically enables defences *constituting* violations. Various forms of defence ensure different forms of recognition. The ‘benefit’ of recognition through violation is commonly experienced in terms of gains in relative power positioning in relationships. This has characterised historical relationships as well as those currently operating in the prison environment. The type of recognition gained is one which denies the knowledge of an integrated, but unique and distinctive human being with vulnerabilities and strengths. In violating another, it is inevitable that damage also occurs to the self.

The American Revolution was a period of significant political and social change. It was a time when the colonies broke away from British rule and established a new nation. The revolution was fought between 1775 and 1783, and it resulted in the signing of the Declaration of Independence in 1776 and the adoption of the Constitution in 1787.

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### 1. Introduction

Both chapters 6 and 7 imply that violations have profound implications for the perceived worthiness of one's sense of self to human life. As such, violations have profound consequences for emotions and vice versa. Emotions are core motivational factors for both violations, and transformation to alternative ways to manage alienation. Case studies show that it is particularly hidden emotions which motivate violations, while voluntarily exposed emotions are predominantly involved in the transformational management of violations. Research on emotions have traditionally either taken the form of categorization and measurement, or have described them as discrete intrapsychic phenomena (Fischer & Tangney, 1995). Less has been written about the dynamics underlying their origins and how they operate in relationships in general, and specifically in how they contribute to violation<sup>157</sup>. In this chapter I will focus on the feeling states of shame, guilt and anger (and some of their derivatives) to show how they interweave with social sanction to emerge in violating defensive expressions. I also bring evidence to show that where clients feel safe from judgment, they are more likely to risk coming to know and value all their emotions, and to subsequently respectfully assert them. This process can lead to a healthier, more satisfying form of defence as well as a more satisfying way of being in the world, for all protagonists.

### 2. A socially constructed view of emotions for understanding violation

Analysis of my case studies suggests that emotions are constituted in social relationships in non-linear and complex ways. After three years in our relationship, Eddie began to understand that the urge to violate increased in the presence of other people, implying that the struggle for recognition from others is a factor. In contrast, when he was on his own, he gained recognition and pride from asserting his distinctive needs and emotions:

*He says he always ends up in trouble when he is with other people. He never steals when he is on his own. Last week, after our session while he was waiting for a train, someone had left a box of cassettes and a bottle of cooldrink outside. A police vehicle pulled up and he called the policeman aside pointing out that this is not a great thing to do, because if they disappeared, he would be the first person everyone suspects. He was proud that he had done this. (Session 106).*

Scheff and Retzinger cite Goffman's (1967) research linking the contribution of shame, and the universal need for recognition to violation: "*Goffman's actors are obsessed with their image in*

*the eyes of others, with the impression they are making. His actors seem to constantly fear being seen negatively in the eyes of the other, which many writers have defined as the source of shame (as in Satre 1956)."* (1991, p. 9).

In the cases under study clients sometimes felt confusion when that which they felt to be most shameful did not correspond with that which society felt to be most shameful. Often, the discrepancy lay in the degree of visibility. While graphic expressions of violations were considered by society to be deserving of the most heinous punishments, clients sometimes were more shamed by violations with an invisible but powerfully humiliating history. For example, Eddie said that his opinion of his 'worst' violation differed considerably from that which he believed society would consider to be his 'worst' violation:

*Although he has done many things like kick others' heads in, those just don't seem to be as bad as what he did when they wanted to rob the house. (Session 44).*

The significance of this violation for him related to his identification with a little girl in the house, who evoked immediate and powerful memories of when his own trust had been betrayed when he was a child:

*He spent a lot of time speaking about how he hates other people and sees evil around him. Asked him about the most evil thing he has ever done, in his mind. He says it was when he went to rob a house with a guy called [name]. The guy himself was real 'scum' who had raped and pillaged, literally, for years. They knocked on the door and then opened it. On the other side, there was a 4 year old girl, completely trusting, asking if they were friends of her moms. [Partner] then ran around trying to grab her and he had to try and protect her. He feels terrible now that he didn't actually take her, stand on the street corner and wait for her mom ... He accepts that there is an identification with the child. He also opened the door for [boarder] and [step-father] over the years. He too was trusting and open. He also had no-one to protect him. He is ashamed of the way he dealt with the situation. (Session 44).*

Although it was not relevant for discussion, in this session I found I could easily identify with Eddie as the betrayer as it mirrored my own betrayal of my children's trust at various times, as with divorce and being arrested.

Emotion and violation interact and constitute each other. How they are valued and ignored or pathologized, but undeniably shared, which accounts for continuing difficulties in acknowledging, respecting and asserting them<sup>158</sup> (Scheff & Retzinger, 1991). Fischer and Tangney emphasize that all emotions are social, but it is particularly the "self-conscious emotions" such as shame, guilt, pride and embarrassment that are particularly social, since by

definition they rely on another's judgment (1995, p. 3). These emotions are defined as such due both to (a) the way in which they constitute a form of consciousness of self; and (b) an evaluative element of self (Fischer and Tangney, 1995; Hartling & Luchetta, 2005). Discussions of component parts of emotions may be less relevant for an understanding of their importance to violation than are the dynamics underlying how emotions attach to it a sense of consciousness, their subsequent expression in relation to consciousness of self, and as this consciousness is affected by perceived views of self held by others (Ginsburg & Harrington, 1996)<sup>159</sup>. Both Ginsburg and Harrington (1996)<sup>160</sup>, and Zittoun (2003)<sup>161</sup> argue for an understanding of emotions which transcends merely an analysis of the individual, to include an integrated multi-level view.

## **2.1 Historicity of emotion**

Ginsburg and Harrington (1996) suggest that the complexity and historicity of emotional contribution to social life are frequently neglected in studies involving emotions<sup>162</sup>. In preceding chapters I have given evidence from case studies that emotional contributions to violations are embedded in contextual social history. In a letter Eddie implied that a standard of his worth, historically informed, revolved around recognition. He measured recognition as others' ability to remain physically engaged in a relationship with him:

*[Previous psychologist] I'm going through a period of being at loss and confused. Am I going to see you again, have you rejected me, is there things I can do for you if you are bitter or angry towards me? I'm living in a world of complete silence and muteness and at nights it's the fear and the past.*

In this letter, Eddie demonstrated how the power of emotions as they were lived out in historic relationships tended to overwhelm assertiveness of distinction as a source of recognition in current ones. Accordingly I was relegated to being on the periphery of Eddie's lifeworld

*Sandy I see regular I respect her work but I miss and love you. I can't lose you as a friend and therapist. I'm not talking much to Sandy but I'm writing a lot. My memory block opened up and more things come to light as I write a past history down. I would be happy if you could read it and maybe understand more. What come to light was [early childhood carer] cared and fought for me in the past. She fought my mom, destroyed [boarder] in reality but also left me. You fought and almost destroyed the past, [boarder] and the fuck in my head but you did leave and reject me.*

There is little doubt that in initial stages of our relationship, before he could 'see' and 'hear' me as a distinctive person with my own worth, I became impatient with Eddie's anger as he also remained obscure to me. I experienced his obscurity as expressed in incessant railing against the world, followed by many threats to damage himself as a result.

Zittoun (2003) notes that emotions grow in complexity through relationships with significant others from early in childhood and continue to reverberate into the present<sup>163</sup>. Scheff and Retzinger point to the unlimited time frame encapsulating shame-anger loops, transmitting over life-spans of individuals and between social levels: "*Indeed, shame-anger chains can last even longer than a lifetime, since hatred can be transmitted from generation to generation in the form of racial, religious, and national prejudice.*" (1991, p. 105). Emotions are also influenced by the present, and so are not simply reproductions of the past (Edwards, 1997)<sup>164</sup>.

## **2.2 Moral context, self- and other evaluation and emotion**

My findings indicate that, instead of an absolute crude dichotomy existing between 'good' versus 'evil' within and between people, 'goodness' is a socio-politically created construct indicating relative success at complying with a particular socio-political order. In individual lifeworlds 'goodness' was typically experienced as an imperative to 'make-up' to significant social others (including the self) for having been 'bad' or not measuring up to expectation. For example, in prison Eddie experienced himself as a social outcast. He was labelled as evil, often due to his refusal to comply with social expectations to embrace Christianity:

*He was also quite angry because people accuse him of being a 'satanist' just because he will not join them in their religious fanaticism. (Session 34).*

However, Christianity was also the institution which had taken his place in his mother's affection, and one which had previously judged him as sinful. His shameful label was not only imposed by others, but in doing so, he had been taught to question his own legitimacy as is reflected in a letter to his previous psychologist:

*The loneliness the fear and the means I would use to please just to belong. I hate myself. An orphan, a bastard.*

The apparent split between legitimacy and alienation was firmly rooted in Eddie's identity through shame. In a letter to his previous psychologist Eddie noted that he felt relief only when the recognition implied by her presence validated him:

*I'm desperately searching for the balance between darkness and light. The darkness is always there only when you are here the light shines and it makes a big difference.* The idea of 'Good' and 'evil' as a dichotomous split was socially constructed and lived out as opposite identities by her parents in Jocelyn's lifeworld [F]. Her mother appeared to see Jocelyn as sequentially 'good' or 'sinful', depending on how her behaviour reflected on her mother's own worth. When I met her, Jocelyn had been in prison for approximately five out of her 15 year sentence for killing her five year old child. The producer of the television show who interviewed her family just prior to the start of my relationship with Jocelyn, told me that her mother's sole memories of Jocelyn were of a 'good' child, in control:

*Later, I bumped into (producer) and (assistant) who said that Jocelyn's mother had initially told them what a good child Jocelyn had always been, that she had always been in control and that they were totally flabbergasted when she murdered her child. (session 14).*

Her mother's memories of Jocelyn's 'goodness' stood in stark contrast to Jocelyn's own meaning structure of her worth gained from her parents in childhood. Her view of herself as profoundly evil was largely constructed in terms of her father's religious beliefs of which she constantly fell short. This was further supported by being found unremittingly wanting in the face of her mother's seemingly unpredictable moods:

*When they were younger, her mother always screamed, shouted and hit them but never explained why. Her father always used to talk to them and tell them but his messages were always about sin – usually involving their needs, where [Jocelyn's] needs were representing sin. (Session 4).*

Being 'good' for Jocelyn meant making up, as best she could, for an identity steeped in illegitimacy, even at conception:

*Her mother became pregnant with her before she was married, when she was just 17. Her mother was only 17 when she had her and was 3 months pregnant when she married her father (session 2).*

In her third session Jocelyn was more expansive about how she tried to win favour, at the expense of her distinctive needs and feelings – a mirror image of her mother's way of being:

*She never knew how to communicate. She remembers her report cards always coming home with the words "quiet and exemplary behaviour" were always used to describe her. She never spoke about her feelings. She thinks maybe her mother never did either.*

In describing her emotional state after killing her five-year-old daughter, Jocelyn's narrative revealed the tragedy of how a constructed 'social truth' of good versus evil gave effect to actions consistent with this constructed split reality. Feelings of shame and confusion pursuant to

experiences of alienation from a world in which other humans could not understand her, and where she in turn struggled to understand them and herself, played out before astonished police:

*She says she just sees things in terms of 'good' and 'bad' ... At the time she killed [daughter], she really did think the death penalty was what would happen to her. She insists that when she was taken to the cells and they asked her to bring toiletries, she thought it was funny, because she was going to die, right then and there. The investigating officer reported on her laughter, without realising why she was laughing. Nobody ever knew what she thought, because nobody ever spoke about anything ... (Session 14).*

The historic absence of a social other to teach her skills to integrate emotionally threatening and contrasting expressions by her parents as distinctive of their own needs and emotions rather than as definitive of her worth, was propped up by a culture of silence around all 'unacceptable' matters. It seemed that her parents' marital relationship was characterized by dynamics which undermined personal needs and feelings of those with the least powerful voices:

*Her mom's youngest child is not her father's. Apparently the father was one of the 'brothers' from the church. Her father just accepted things mildly, as he did everything that came his way. Her mom often went for younger men. In fact, she took her sister, (closest sister) boyfriend and had sex with him... She [Jocelyn] started having sex at 15 years old. She left school in std. 8 because people were drinking and smoking and having sex. After she left school, she also started doing all those things, with her mother's knowledge. Her father was always passive, a 'real martyr'. Her mother always got into arguments and was noisy. She is like her mother. Her father would drink in the morning before he went to work, often going into closets to get the drink. He started drinking, she thinks, after her baby sister was born.*

Jocelyn had little option but to live in a fantasy world set in childhood, which she did with her sister. In later life, she learned from her parents to escape from reality with alcohol. It may be that when neither fantasy nor alcohol worked, she perceived herself to be left with no option but to attempt to 'kill' her distinctive childhood emotions and needs for growth, mirrored in her biological child.

Masters says that for centuries the idea that human beings naturally experience a composite range of emotions, from negative to positive, has been accepted: "*The unitary origin of good and bad influences is supported even etymologically.*" (1993, p. 89). He claims that it was largely the advent of moralizing and judgment underlying Christianity, rather than the nature of those who are seen to perpetrate violence which brought about the notion of a split between 'good' and 'evil' within and between people. Morrison refers to the dynamic between secrecy and shame, which is profoundly related to low self-esteem: "*Secrets essentially represent the need to*

*conceal and hide shameful experiences, feelings, or qualities, particularly when these lead to a fear of public ridicule.”* (1989, p. 163).

In comparing shame and guilt, Tangney and Dearing (2002) note that both are ‘moral’ emotions which relate to negative evaluations of self-worth. Both are only meaningful in interpersonal contexts and the events which give rise to each are similar. This may explain why their distinction in explicit articulation is frequently confused, even though their experience is different.

Morrison (1989) cites Lewis (1971) who stresses persistent shaming by significant others in childhood as contributing to later profound suspicion of human worth. Scheff suggests that interminable conflict through negation of emotions constitutes “*threats to the (attachment) bond*” (1997, p. 199). Where attachment bonds are constantly ruptured, without significant efforts and success in repair, emotions such as guilt and shame ensue. Efforts to defend against illegitimacy, ensures that attempts are constantly made to hide shame from self and other. However, its continued existence in disguised form necessarily seeks acknowledgement as a legitimate part of the unique individual in actions, albeit without consciousness of motivation or agency. Scheff notes that violations become more likely when “*emotions ... are so disguised from self and others [that they become] ... almost invisible.*” (1997, p. 199).

### **2.3 Alienated emotions as a factor in violations**

Findings from my case studies show that hidden emotions elicited in times of alienation by social others, contribute significantly to violations. Covertness is rooted in an inability to distinguish emotions and needs of self from those of significant others and/or to view both as valid. Eddie’s historic pattern of viewing his own legitimacy as dependent upon his ability to protect women, stemmed to a large extent from shame deriving from his childhood inability to save his mother. In a letter Eddie described how, when he perceived others to be attacking his previous psychologist, he reacted in historically learned defensive patterns as if he himself had been found to be worthless. Viewing himself as expendable, he increasingly became danger to himself and others:

*...Problems and I don't know what to do about it. Your name and image is worth to sacrifice myself for it. This fucking place is buzzing with talk and I'm working myself up and feel sorry for you and gone is my problems just anger and want to hurt. Your wonder boy is causing all the shit. Went to lay a charge against you.... Only me and [inmate V] is telling them this is shit. I want to kill your wonder boy. I'm smoking [drugs] again.*

Eddie experienced co-dependency between numbness of empathetic emotions, uncomfortable 'bad' emotions, and physical pain on the one hand, and the urge to violate on the other:

*Eddie says he has been having splitting headaches and has been angry as a snake. He sees his anger as 'evil'. This is because he has felt no nurturing feelings towards the cats, or juveniles and have wanted to kill them. (Session 19).*

Zittoun (2003), like Train (2002) affirms that somatic dysfunctions may be distorted expressions of alienated emotions. Zittoun (2003) elaborates, saying that where emotions such as shame are alienated or hidden, they typically emerge as unpredictable and often violating thoughts, actions and words<sup>165</sup>. Masters (1993) suggests that sufficient knowledge for successful mental health management necessarily implies acknowledgement of the complex interaction of dynamics, of which emotional understanding forms a crucial part<sup>166</sup>. Contrary to assumptions that mental health relies on a 'lack' of emotional expression, Fischer and Tangney note that: "*Emotions play a basic, adaptive part in human functioning by organizing action tendencies that mold, constrain or structure human activity and thought*" (1995, p. 6). Zittoun (2003) posits that it is only when emotions attach to symbolic representations that they become accessible to conscious thought and a sense of agency, whereas when emotions are alienated and hidden, agency is compromised. Many authors point out that violations to self and other occur due to alienated emotions<sup>167</sup>.

### **3. Self-conscious emotions and violation**

I focus briefly and primarily on shame, guilt and anger as they related to emerging violations in clients' lifeworlds. Although I focus on discrete feelings, I do so merely for illustrative purposes. In their expressions in clients' lifeworlds and in examples I use, it is apparent that different feeling states operate dynamically, giving rise and leading into each other in mutually constitutive ways.

#### **3.1 Shame**

Below I will briefly focus on three aspects of shame: its relationship with identity and violation; its disguise through violation; and its transformation in mutual respectful acknowledgment of it.

##### **3.1.1 Shame, identity and violation**

All case studies pointed to instances of extreme humiliation and shaming in early years. In the cases of John, Eddie and Peter [G, C, N] it took the form of severe physical abuse. Sexual abuse,

often in addition with physical abuse characterized the childhoods of Susan, Joan and Eddie [O, E, C]. Emotional abuse was reflected in all clients' narratives. Early in therapy, after his sixth session, Eddie wrote me a letter describing a recurrent nightmare emanating from historic shame, dating back to his fifth year when he had both failed to assist his mother and assert himself against his stepfather's wordless but unmistakable challenge to protect her:

*I was sleeping and woke up to screaming and shouting I slept in a small room on the balcony I ran out half asleep and ran to mom's room the door was open and I just heard please [stepfather] please [stepfather]. Mommy's face was full of blood also a gash in her head. She was half naked her clothes torn and when I saw her I looked right into her eyes. They were pleading almost asking me for help. [Stepfather] looked as if he wanted me to see it.*

This historic context provided a meaningful framework from which Eddie's remarkably protective relationships with women, and aggressive relationships with men in later life could be understood. When he was angry with women, he typically attempted to translate this anger into saving them, thus assuaging his earlier impotence:

*He found he could speak easily to [previous therapist] and trust only her, because she wasn't authority. But he got disappointed with her when she broke his trust. But he doesn't blame her and forgives her. She had so many problems, maybe more than his own... and wanted to protect her. He hates men. He will do everything possible for women.*

But he may deflect valid anger onto men instead:

*Eddie reiterated how much he would do for women. He cannot stand men and frequently feels the need to teach them a physical lesson, and wants to see their blood flow. (Session 20).*

In addition, early homosexual abuse also influenced Eddie's relationships with men later in life:

*He is hounded by the past. The doctor's touch reminds him strongly of [boarder]. He says when he comes out, he knows he is going to be very tempted to hurt him. He gets very aggressive with men. His view is seriously distorted by the past. He knows this. His mother is also seriously confused with other women. (Session 25).*

In his adult life, Eddie found any claim to recognition remained elusive as he described in a letter dated 2/10/01:

*I love the beauty in life a smile a kind word but got no claim on no company. But I always want to be worthy of friendship to be accepted.*

Hartling and Luchetta (2005) suggest that shame and humiliation have similarities in that both require a negative evaluation of self, as well as in the eyes of others. Both target the whole self rather than aspects of the self, and both cause reactions of feeling exposed, angry and/or anxious.

An important distinction between the two can be made, however in that shame involves the experience of legitimate negative evaluation, where humiliation is considered to be undeserved (Klein, 1991). Frequent instances of humiliating punishment unmitigated by recognition, is likely to lead to shame. Jack (1999) describes shame as that feeling elicited through interaction with moral-ethical discourse in social relations. She notes that while a personal and cultural sense of morality is necessary for peaceful coexistence, when used as a tool of judgment it has the potential to perpetuate violation<sup>168</sup>. Scheff and Retzinger indicate that shame is a psychologically constituted, emotionally charged reaction which is rooted in, and leads to prioritizing others' needs, also in relation to self: "*it involves the simultaneous involvement between self and other, concern about other's images of oneself.*" (1991, p. 65).

Morrison points to the crucial connection between shame and identity when he cites Thrane (1979) who "*reiterated the relationship of shame to identity, and hence to the experience of the self (or 'failure of the whole self', as Lewis[1971, p. 40] has phrased it).*" (1989, p. 11). Lewis also notes that shame relates to legitimacy of the whole identity as being human, or a failure of "*the whole self*" (1971, p. 40). This conception of shame is supported by Tangney and Dearing: "*Shame involves the fairly global negative evaluations of the self (i.e., 'Who I am').*" (2002, p. 24)

Morrison (1989) suggests that shame is a basic emotion which emerges at birth as a latent product of the social nature of humans. Ontologically, it emerges as a primary emotion attendant on failure, or neglect of social others to bestow significance. As such it develops earlier than guilt (Morrison, 1989). Shame develops with the emergence of self-consciousness (Scheff & Retzinger, 1991). Morrison (1989) lists several feelings closely allied to shame such as mortification, humiliation, despair, remorse, apathy, embarrassment and lowered self-esteem.

### 3.1.2 Disguising shame through violation

Case studies show that in times of threat, clients frequently, often unknowingly, disguised experiences of shameful vulnerability, by acting in ways expressive of socially determined 'strong' emotions. This enabled projection of the hated, secret, vulnerable part of self which they perceive in the other. In this way, power over shameful parts is gained and justified in moments of violation. Eddie began to reflect that he moved from shame underlying compulsions to

mutilate himself, to tendencies to violate others (specifically men) which led to a sense of power and control:

*He surprised himself that he is managing, but he has also been provoking people. He is reflective of his change of feelings. Now, instead of wanting to hurt himself, he is intent on provoking people to breaking point. He expects them to hit out at him, almost seems to want it. He feels terribly powerful when he sees their confusion. He starts with gaining their trust. When he has it, he turns round and hurts them ... He is aware that he sometimes pushes it so far, it can lead to dangerous depression on the part of others. He thinks he will like it if someone committed suicide due to his behaviour. (Session 69).*

The above example supports Gilligan's (1996) thesis that violence is, in essence, the creation of a mask to disguise shame. Scheff and Retzinger emphasize that shame is counter-productive only when it is expressed in violational terms and when it remains hidden: "*Shame provokes violence when it is (a) unacknowledged, and (b) communicated disrespectfully.*" (1991, p. xii). Gilligan observed during his extensive practice as a prison psychiatrist that "*the basic psychological motive, or cause, of violent behaviour is the wish to ward off or eliminate the feeling of shame and humiliation – a feeling that is painful, and can even be intolerable and overwhelming – and replace it with its opposite, the feeling of pride.*" (2001, p. 29). Violations therefore elicit notice from the other, as is argued by Gilligan (1996, 2003) as well as "*false pride*" or "*hubris*" as is discussed by Scheff & Retzinger (1991, p. 6). The pride is 'false' in two ways: it masks true emotions of vulnerability; and it relies on coercion of regard from another rather than on mutual respectful recognition of self. Hubris relates to '*entitlement*' or "*a sense of deservingness. It is a relational concept since it entails a particular relationship between self and other. It says to the other: 'You must respect me'*" as is discussed by Foster *et al* when speaking of political violations in South Africa (2005, p. 68). Its essential inauthenticity (i.e. as not being part of an enduring sense of identity) may emerge when the context of threat passes<sup>169</sup>.

Baumeister (1997) describes the gap between 'violators' who see violations as trivial and meaningless, while the same action invariably remains indelibly sketched in the 'victim's' life as vivid and enormous. For as long as the sole motivation for this gap is seen to lie in conscious, malicious efforts at deception, society is left with superficial knowledge of only that which is apparent to all protagonists in the moment. This meaning structure encompasses very little which can be used for socio-political, or inter-personal management of violation.

### **3.1.3 Shame, pride and transformation**

In chapter 7, under the heading of 'marginal status', I described how, as my relationship with Gloria [D] progressed, consciousness about how shame had influenced her violations increased. A drop in the imperative to defend, and openness characterised by radical intersubjectivity enhanced the degree to which she became progressively able to expose instances of shame, rather than hide them. This led to an increased sense of agency. Subsequent actions, expressing distinctive needs and feelings for mutual recognition rather than effacing herself, submitting to shaming, or adopting 'the moral high ground led to justified pride:

*She has become the editor of the news magazine, she was photographed and in the outside newspaper. At first, she was worried because she had not had a chance to warn her family. However, she called them and warned them. Her mother was upset because 'what would her former colleagues say? ... She then realised that this was ridiculous and that she is proud of the lessons she has learned in prison. (Session 33).*

All inmates face confrontation with shame, most notably in their passage through the criminal justice system. Many of us who do not end up accused in the criminal justice system usually face accusation of shame in our personal and/or professional lives. In the face of judgment most of us tend to hide from and defend against shame. Coming from a position of critical questioning, this thesis itself holds the potential to shame or build on transformation. It may be a fear of the former which informed the DCS in its attempts to silence this thesis if I continued with it (see annexure B).

Alternatives in managing shame can lead to very different outcomes, and simultaneously empower society in the process. Gilligan (2003) suggests that removing a morally judgmental meaning structure may have powerful implications for mental health at all levels of society. Gilligan also speaks of a "shame culture" in which, despite the fact that shame is actually experienced within oneself, the source of moral sanction from which it was constructed lies outside the self in the ridicule, humiliation and contempt of and by others (1996, p. 227). Scheff and Retzinger (1991) also note that shame, and how it is managed, can serve to bind cultures<sup>170</sup>.

## **3.2 Guilt**

My findings suggest that guilt is closely allied to shame, but in its expression, is inwardly directed. Previously, I noted that the distinction between shame and guilt is most obviously

expressed in clients' lifeworlds where punishment serves to relieve guilt, but at the same time increases shame. Eddie's notes are particularly illustrative of the relief experienced in punishment:

*He feels tremendous relief when he cuts himself. At times, when he has almost succeeded in committing suicide, he has felt terrible pain while doing it, but then the relief is fantastic. He wants to attain that place forever. (Session 4)*

In another incident Eddie described his confusion when, in avoiding punishment in his early life, he increased his guilt towards his mother, but eliminated being shamed in his step-father's eyes:

*He says that when he was young, he used to help her [his mother] get drunk, because when she was drunk his step-father would beat her and not him. He feels guilty about it ... then later says he has nothing to feel guilty about. (Session 54).*

It was often easier for clients to identify *not* feeling guilty, than to pinpoint guilt itself. This was particularly evident in instances where clients had consciously defended themselves in moments of abuse, after a history of sustained abuse. My relationship with Mary [J] was a very short one (16 sessions). My knowledge of her was cursory. Nonetheless, she narrated a history of humiliation, shame and self-sacrifice in search of approval. She said that her abuse was based on a long-standing history of mental and intellectual difficulties. Her imprisonment took place as a result of pleading guilty of theft, in her husband's stead. He had persuaded her that his extensive criminal record would mean an exceedingly lengthy prison sentence for him, where she had only one minor previous run-in with the law. He bargained with her that in return, he would visit her regularly during her sentence. In the three years she had served, he had not visited her once. The way in which the quality of her life became compromised to satisfy others' needs and emotions was apparently thematic in her life, to such an extent that it had become ingrained in her identity. It had become a way of acting and knowing herself:

*Mary was treated like a slave in the house, always having to do things for everyone. Her mother always just pleaded with her to 'let things be' and not be too rebellious, otherwise she [Mary's mother] would get beaten. (Session 3).*

It may be that by permitting abuse, she was trying to atone for the weight of excessive shame. The origin of her shame went as far back as her illegitimacy (she was the product of a union prior to her mother's marriage to her stepfather). Her mental disabilities merely reinforced a shameful identity. Further guilt unfolded from this foundation in her stepfather's sexual abuse of her:

*He also tried to 'make a woman out of her' from the time she was about 5 years old. Her mother found him playing with her private parts early on, and then asked her grandmother to take care of her. But she missed her mother and would often come back again to stay with her. After her mother caught them, her stepfather hit her mother. Often, her stepfather would threaten to kill her. She felt bad inside. (Session 4).*

The process of constructing and living with guilt as it evolved from shame, then becoming translated back into shame, was often reflected in therapeutic relationships. Clients frequently apologised for laying the 'burden' of their emotions on me. Sometimes they apologised for 'neglecting' to focus entirely on my needs. Eddie's case notes illustrate his guilt and its consequences following an incident when his previous therapist indicated to Eddie she could not cope with him on her own:

*Also said that every thing in therapy was quiet and secret, and then all of a sudden it was all over the prison. The warders knew his stuff and (previous psychologist) explained it was too much for her to cope with. She had (deputy head of prison) in to sessions, and he [Eddie] couldn't contain himself – just splurged. After that, the warders would sometimes challenge him to go and eat razor blades, thus taking advantage of their knowledge. (session 16).*

This tendency streamlined with historic tendencies of clients to take responsibility for parental needs. For example, Eddie suspected that he often attempted to elicit guilt in his previous therapist in order to hide shameful feelings of his own. In nursing these suspicions, he ironically constructed further guilt, which then increased his shame:

*Eddie was feeling that no-one or nothing can trust him again, and in fact that he himself is bad news for anything he loves. In addition, the warders taunt him regarding (previous psychologist) and blacken her name horribly when in his company. He feels he is the reason for her bad reputation. He also feels extremely guilty for his jealousy towards her and if maybe he had understood it better, he wouldn't have made such a fuss about her spending more time with (inmate X). (session 6).*

Tangney and Dearing (2002) note that guilt refers to condemnation of specific behaviour, rather than of the whole self, as is the case with shame. In the above examples, however, it emerges that clients' worth has typically and repetitively been measured by significant others through clients' actions. In other words, they were 'good' if they obeyed and saw to others' needs or they were 'bad' if they questioned or experienced difference from others. The two are thus intertwined. Morrison (1989) warns that a simple distinction between the two affects may over-simplify the way in which they are experienced, suggesting that they interact in complex ways: "Thus, the two

*affects can be integrated, and their mutual (or simultaneous) expression understood, minimizing the reductionistic tendency in attempting to keep them entirely separate.*" (1989, p. 11). At the same time, understanding the dynamics of how each works and their importance for healing becomes crucial for purposes of developing agency. Hartling and Luchetta (2005) indicate that engendering guilt in others serves to satisfy the needs of those in more powerful roles in the short term. These authors indicate that guilt serves as an attempt to minimize awareness and rebellion, in order to contain threats of humiliation by others.

Hartling and Luchetta (2005) aver that guilt is social in that it emerges in response to self-betrayal when the expectation to defend self against others has failed. It is seen to violate a moral or social standard and it emerges through a perception of transgressing against another. Morrison (1989), supported by Scheff and Retzinger (1991) notes that guilt is an emotion which develops relatively later than shame, as the child becomes more aware of particular social expectations arising out of hegemonic orders. Hartling and Luchetta (2005) suggest that there is a generative connection between guilt and humiliation: "*it is possible that over time a generalized feeling of guilt could be the result of feeling powerless in the face of humiliation*" (2005, p. 7).

Scheff and Retzinger (1991) distinguish between violations based on guilt and those based on shame. Violations based on guilt are typically self-directed, while those based on shame are commonly other-directed. Previously I showed that in practice, guilt appears to be resistant to ownership in the face of judgmental scrutiny. This may be because such scrutiny invites its transformation into shame, by attaching the guilt for an action to the value of the whole self: "*Guilt over an action, a transgression, can be felt abstractedly, as 'alien' to the self*". (Morrison, 1989, p. 11). The distinction between shame and guilt, and the implications thereof for the identity of the protagonist, is captured well by Lamb who notes that in her experience, several protagonists "*admitted their wrongs to their victims in private, but have lied about and denied their offenses in the more public spheres of the courts.*" (1996, p. 171).

### **3.3 Anger**

For many of my clients anger was elicited in situations which threatened conscious confrontation with shame and loss of legitimacy to a human quality of life. Anger released energy for placing boundaries against conscious perception by self and other of shameful testimony. In a letter entitled "*Me and Myself and the World*", Eddie described how social discourse had fed and

moulded a sense of worthlessness in him since he was five years old. At times, this had resulted in violent expressions of anger:

*At that age there already was the crave to lash out. From the very outset I was classed judged and punished a problem a troublemaker, runaway, prone to tantrums, a thief. If this behaviour had any purpose I was to articulate nor do I remember what I felt only that I was unwanted, don't belong. It was beaten into my mind. Later my feelings were mingled hatred for authority, loneliness, yearning to love. By then the state or society was committed to breaking something good in me. By the time I was ten the circle was welded close.*

Eddie's words resonated with narratives I had been told in my own childhood about the arbitrary nature of authority and its boundaries which negate humanity in others. South Africa's recent history bears witness to this dynamic in socio-politically sanctioned murders and the banishment and torture of numerous citizens who have since become respected around the world (e.g. Mandela, 1994; Russell, 1989). My experience of this dynamic as it unfolded in relationships in my own lifeworld undoubtedly paved an easy validation of Eddie's conflictual relationship with authority. However, where I was assisted by many expert others in working with my feelings of rage and shame in relation to authority (see annexure R), Eddie did not have this assistance.

Anger and its many forms such as resentment, contempt and rage, were expressed as intimately related to the expression of shame and guilt in violations. My relationship with Joan [E] was relatively short (13 sessions). She had been imprisoned for murdering her physically abusive boyfriend. As I explained in chapter 6, her sexual history was rooted in systematic sexual abuse by her stepfather. The shame and guilt contingent upon this abuse was necessarily hidden behind the imperative taught by her mother to be silent about anything which may cause distress in the family. Her case notes reflect that she experienced confusion about her identity, based on rapid mood swings between shame and rage after the murder:

*She says that she struggles with sleep. She is also terribly explosive. Ever since her crime, she has terrible nightmares and horrible mood swings. She is unable to keep track of what she has been doing or saying and finds herself swearing and exploding and later being very sorry. Sometimes she thinks she hears voices. This only started after the killing. It seems that when she was 24, her boyfriend and her had been going out for 11 months. He had spent a lot of time beating her up. On that particular day, they had been drinking and she had enough and killed him.*

For Joan, initial attempts to 'control' anger typically took the form of rigid willpower rather than understanding or validating it as a normal reaction to her need to protect herself. Each apparent failure to suppress anger, brought about increased shame and guilt. Attempts to control varied in

the only ways she had historically been taught: internalizing through self-mutilation and/or externalizing through aggression against others. Both appeared to conclude in expressions of violence and later, regret:

*She says initially she used to hurt herself. Then, she decided this wasn't worth it and took it out on others. (Session 2).*

In the short period of our relationship which spanned five months, little more than providing a safe place to validate and vent distinctive needs and emotions, including anger could be accomplished. Long after her release and completion of parole Joan wrote a letter reiterating her desire to learn skills to manage anger in a way which could help her live a human quality of life, rather than one which was likely to ensure her return to prison. She implied that her boyfriend is also eager to learn but affordable help is not readily available in the community where they lived:

*Then there is another thing, (boyfriend) and I fight over small things and he use to beat me in front of people and then I tell him to leave. But I really don't meant it. I don't want to leave him cause I love him. He is abusing me mentally, physically, emotionally and spiritually...I feel frustrated and aggressive. I don't want to feel like this, cause I'm afraid I will end up in prison again. He (boyfriend) said if im going to write to you things will be different cause you will give me some advice.*

This extract gives some credibility to the notion that explosive anger is often frightening to designated perpetrators. Given the opportunity, people who violate may welcome learning skills to work effectively and constructively with anger within the context of the human need to defend in a respectful manner.

Anger provides energy for defence. In the absence of mutually respectful defence, anger is more likely provide the energy necessary for violation targeting the self or other, depending on whether anger is steeped predominantly in hidden guilt and/or shame (Scheff & Retzinger, 1991)<sup>171</sup>. Morrison (1989) relates rage to accumulated hidden shame, described as “*a feeling that reflects a sense of failure or inadequacy so intolerable that it leads to a flailing out, an attempt to rid the self of the despised subjective experience.*” (1989, p. 14). Scheff and Retzinger (1991) argue that the affinity between anger and shame is crucial to their explanation of violence and aggression as primarily defensive at both social and individual levels<sup>172</sup>.

The necessity to regain power following the frustration arising out of the impotence of shame, in the form of revenge is well documented, although less well understood (e.g. Scheff & Retzinger, 1991; Miller, 1988). Scheff and Retzinger note that vengeful violations express

overwhelming anger targeted against another, hiding personal shame: “[W]hen anger is bound by shame, it takes the form of ‘humiliated fury’; in this form, it refuses to subside.” (1991, p. 105). Morrison (1989) notes that rage fuels an illusion of the opposite of that which is experienced, in moments of profound alienation from self and other<sup>173</sup>. He suggests that outwardly directed anger is an attempt (albeit unwitting) to re-establish esteem through relocation of shame onto a safer target<sup>174</sup>. Finally, he proposes that it is precisely its hidden nature, often behind rage which enables society to have missed the influence of shame in violation<sup>175</sup>.

Scheff and Retzinger (1991) trace the range of cultural acceptability of the emotion of anger from historically being considered valuable to an appropriate extent, to contemporary First World, particularly western, culture which views anger as predominantly ‘bad’. Lutz (1996) suggests that socio-political discourse fosters alienation and violation in lifeworlds. Instead of supporting an engagement with such ‘socially unacceptable’ emotions as anger, and recognizing their function for survival, they are negated. Importantly, Scheff and Retzinger highlight particularly the role of alienation in the form of various unacknowledged emotions<sup>176</sup> between partners in individual lifeworlds.

#### **4. Management of emotions**

Behaviour and emotions underlying it are profoundly related. Axiomatically, management of the one affects management of the other. Zittoun engages with how emotions affect choices of behaviour: “[T]he person can change and develop more complex strategies; but she or he can also move and rigidify existing patterns, or decompose and regress to more simple ways to apprehend events.” (2003, p. 314). Movement underlying how behaviour is managed is dealt with in greater detail in chapter 9.

Eddie’s case notes for session 9 indicate that in neglecting to validate and respect his needs and emotions as distinct from her own, his previous therapist may have perpetuated an identity based on a cycle of hidden shame and defensive violation:

*He is very aware that every time he tries to help or protect a woman, that is what is so powerful. But he is also aware that often when he gives something to a woman, it is in the hope that she will give something to him. He freely admits that he manipulated [previous psychologist]. But he blames himself for it, and calls himself bad. He finds it almost impossible to understand that [previous psychologist] can take responsibility for her share of the relationship, which is not an equal one. He said that when he started off with*

*her and saw how vulnerable she was, this really was a powerful draw-card for him. He gave her everything he had. He knew that if she rejected him, that would be terrible. When I asked him if she did, he said yes, but said that he just 'rejected her back'.*

Prior to his ninth consultation, Eddie reflected in a letter that he and his previous psychologist may unwittingly have constructed violation in the form of manipulation between them. It seemed that he deeply regretted her inability to *see* him as a distinctive human, respecting his divergent emotions and needs:

*Why wouldn't [previous psychologist] listen to me instead of accusing me of manipulating her. If only she would listen and realize how deep it was how much I steered away from the truth. But I'll always care for her.*

Incidents such as this brought to my attention the likelihood that, due to our own inevitable need to defend, our ability to *see* our own violations as constitutive of violations relies on the other to mirror this construct to us. This served to increase conscious efforts on my part to discuss with clients why it is an opportunity for me to grow when they discuss with me times when they feel I have violated them.

Traditional methods of managing distinctive emotions, both in client histories and in prison tend to involve humiliation through punishment. Hartling and Luchetta (2005) note that humiliation has traditionally been associated with social sanction or attempts to manage differences at various levels of social functioning. For example, punishment (such as withdrawal of care), discrimination (such as occurs in different boundaries for different clients and in labelling) and oppression (such as occurs in methods of silencing and negating) are all expressions of humiliation. This contention is supported by Tangney and Dearing (2002) who indicate that violations fuelled by anger are likely to indicate a desire to hide, escape or strike back as a result of shame, suggesting an avoidance and distraction from the underlying dynamic giving rise to it - the need for legitimate recognition. Hartling and Luchetta (2005) cite numerous authors' work showing that the quality of human life is centrally compromised by humiliation<sup>177</sup>, which Gilligan (1996) and Scheff & Retzinger (1991) suggest is a variant of shame. Hartling and Luchetta (2005) suggest that the irony of using humiliation (which is a major contributory factor in the genesis of violation) to manage it may have escaped professional understanding. This may be because humiliation is conventionally steeped in an individualistic, intrapsychic rather than a relational model. Gilligan (1996, 2001, 2003) also warns that attempts to manage violations through the use of shameful and humiliating punishments are more likely to sabotage healing.

A more novel, relational approach to management maximizes processes which enable mutual recognition, and minimizes processes which engender shame. Scheff (1997) emphasises the importance of therapists developing insight into the relationship between their own emotions and behaviour, and that of their clients. In order to minimize the likelihood that therapy becomes ineffective when clients' behaviour touches off therapists' hidden shame-anger sequences, the relationship between emotions and action needs to be explored explicitly with clients<sup>178</sup>. This is one example which highlights the ethical necessity and practical importance of prison psychologists participating in personal therapy.

### **5. Conclusion**

Emotions interweave, elicit and lead to each other's construction within and between individuals' consciousness of self and society. These findings are congruent with intersubjective literature suggesting that relationships are accompanied by a fluid tapestry of emotions as part of social meanings constructed from social pasts, and current dialogues between ourselves in the process of 'becoming' (Fridlund & Duchaine, 1996; Crossley, 1996). I demonstrated that emotions of shame, guilt and anger provide energy necessary for defences to safeguard identities in socio-political, institutional and individual lifeworlds. Client case notes illustrate that irrespective of superficial invisibility, alienated emotions contribute powerfully to violations in disguised, although not indiscernible, ways. The success with which clients hid or disguised emotions could often be used as a yardstick for measuring the degree to which they were considered 'unacceptable' to primary caregivers in early childhood, and continue to be so in present relationships. This testimony suggests that attempts to banish emotions not only disempower the self and society, they also endanger them. In this respect, my findings correspond with lessons learned from the political past. A relational therapeutic framework contrasts with conventional professional practice in which client violations are the focus of practice, and similar dynamics in the therapist remain hidden. Instead, possibilities for a critically questioning deified professional identity are explicitly encouraged. Also, the therapist's vulnerability to violate and alienate, as a human, are explicitly acknowledged rather than displacing or blaming them on the client's 'pathology'. In a non-judgmental relationship, clients learned to identify, acknowledge and respect emotions, enabling increased self respect, and an ability to acknowledge the other as validly separate.

### 1. Introduction

Consistent with a relational view of violations as being socially constructed, my findings show that they are neither inevitable nor static. In my relationships with clients and the institution I became aware of how movement between different forms of violation, and either deceptive or true healing alternatives took place within relationships.

Vygotsky (1978) developed a theory of learning which has traditionally been more specifically applied to the importance of symbolic mediation in learning at educational institutions. The introduction of the concept of mediation in learning is consistent with the notion that individual perceptions and actions are mirrored at socio-political, institutional levels, and across generations. There is no evidence that his theory has ever been applied to work with violation. However, I found his emphasis on social mediation and the role of unintentional learning as a mechanism to understand the evolution of violational expression, instructive. The role of intentional learning in the rehabilitation of inmates' lifeworlds was similarly helpful. Crossley's (1996) view of a developing self-consciousness does not preclude engagement with principles contained in a Vygotskian (1978) theory. At present, there is a paucity of any comprehensive theory of cognitive development and learning in prison practice (Rohleder *et al.* 2006). I will demonstrate *how* violations, or change to respectful interaction become entrenched or introduced into client identities by the way in which alienation is managed.

### 2. Social mediation and learning violation

Survival depends fundamentally on being claimed as legitimate and special by a nurturing being i.e. it is rooted in social belonging (Sembou, 2003; Benjamin, 1990). Thus, the structure, functioning and meaning of the world, including the worth attached to oneself is mediated through significant social others (Vygotsky 1978). Eddie demonstrated that his way of seeking comfort e.g. through chemical means and by attachment to one significant other person even when that person was abusive, was reflective of methods his mother used. Addictions to chemically induced comforters were frequent amongst my clients, and were related to escapist behaviours observed in at least one of their early childhood caregivers (e.g. Eddie [C]; Joan [E]; Mary [J]; and Magda [H]). Similarly, it was a common occurrence for females to become powerfully attached to abusive male figures, as their mothers had been (Maria [I], Mary [J], Nina [M], Truida [P]). In other words, these patterns had a trans-generational character. Even at the

early age of 13 Magda [H] described how she abused alcohol with a friend after her mother had left her, yet again, to look after her younger brother and siblings to go partying. Unintentionally, her mother taught Magda that she was unlovable (inasmuch as lovability for a child is encapsulated in acceptance and respect of valid childhood needs to play, be protected and cared for). As a result, Magda escaped to a relationship where she could be provided for, and comfort (through escape) could be achieved through alcohol consumption:

*They [she and a friend] had drunk quite a bit. He [her friend] said she must go with them to his uncle's place where they could get money and food. She had been upset because her mother had told her to look after the little ones again and she didn't want to. It feels like her mother doesn't love her. (intake)*

In our third session, Magda revealed the possibility that she had transferred a powerful attachment from her absent mother, to her boyfriend. To ensure his approval and to minimize the possibility of him abandoning her as well, she agreed to enter prostitution. Magda's early, and multiple partnered sexuality mirrors her perception of that of her mother's. In chapter 6 (page 122) I provide testimony showing how she adopted a shameful identity of herself as a 'slut' even though this was imposed on her by others, such as her mother and possibly her boyfriend. However, she had not been given the skills to question the logic of its origins and development.

In therapy, clients implicitly or explicitly took forward this lesson when they confirmed that they found more comfort when they recognized and satisfied the needs of professional workers (as they had with historical significant others) than the other way around. Eddie made it clear on numerous occasions that he would find it easier to value himself if he could 'save' me. While I affirmed that I understood this need in him and its roots, I constantly asserted my need to be different, competent and requested his respect for this.

Lewis (cited in Scheff & Retzinger, 1991) suggests that client shame is effectively hidden in therapy behind concern for therapist approval<sup>179</sup>. Benjamin (1990) makes the important point that in the absence of an appropriate theory of learning, therapists themselves may mirror parental errors in this regard. By unintentionally using hidden distinctive client needs to shame them, they may reinforce historically learned practices of self-denigration.

## **2.1 Intersubjectivity between learner and teacher**

Pivotal to Vygotsky's (1978) theory of learning is his introduction of social mediators as enablers/constrainers to learning new tasks. Traditional learning is conceptualized as a one-way

'teacher'/'learner' experience where knowledge by the former is seen to be legitimate while that of the latter is considered inferior and is consequently subjugated. In effect, this process negates the personhood or subjectivity of the designated 'learner', creating an imperative for defence (i.e. egological intersubjectivity) to arise between them. It also creates the expectation of conditional legitimacy. In his 18<sup>th</sup> session, Eddie showed how a condition for his acceptance was that the traditional status quo had to be accepted for any kind of acknowledgement to occur:

*But he tried so hard to protect her [previous psychologist] when she was here, by warning her of the dangers of [inmate X], but she abused him and accused him of stalking her and getting possessive and jealous. He gave her money because he saw she was needy. But none of these things seemed to make any difference. (Session 18).*

The danger exists that when learning involves entrenching previously learned defensive patterns which disrespect self and other, the process of learning itself becomes part of violation.

After horrifying himself and significant others by killing a man in a fit of rage, John [G] viewed his status as a killer and prisoner as testimony to a shameful part of his identity he initially had not known about. When it did erupt, he knew of no other option but to try to control it through traditionally learned means such as 'punishment', as he wrote in a letter:

*You committed a crime and therefore deserve punishment. How can you continue life in here as if it were normal. I can't express myself the way I could outside. I can laugh, but not 'fully'. I can joke, but secretly. I dare not show the true me in prison. People know why I'm here, what do they think if they see me joking, laughing living, carefree in prison knowing the crime I committed. I need to suppress my true me albeit for a while.*

In our relationship John was sensitive to my needs as he implied he has been to others all his life. Morally, he positioned me above him. At the same time, I doubted that any substantial or 'good' learning could occur in the absence of mutuality. To enhance the possibility of radical intersubjectivity between us, I disclosed that I too had experienced the singularly marginal experience of imprisonment. In doing so, I explicitly validated critical questioning of traditional barometers of worth:

*He spoke about his lack of worth and what he had done. Told him of being in prison ... He was very moved by this disclosure, surprised that someone 'normal' had been in prison. Stated repeatedly that he is shocked. (Session 4).*

In essence, critical questioning involves making explicit distinctions between similarities and differences. It also explores how each is used as a tool for power positioning and whether subsequent power has been used to advantage or disadvantage different protagonists (Teicholz, 2001; Benjamin, 1990<sup>180</sup>). This requires a relationship characterized by mutuality.

Bar-On emphasizes that there is an ethical imperative for therapists to claim ownership of identity in the practice of learning and teaching: *"I always declared who I was. It was important for me not to try to hide my real identity."* (1996, p. 10). In this thesis, I attempt to declare who I am, albeit briefly, in annexure R. Robson (2002) cautions, however, that disclosure by the therapist should be done only after conscious reflection about the motives of such disclosure, in order to prevent harm. He further notes that disclosure is a measure of intimacy in a relationship, exposing as it does enormous vulnerability as a valid universal aspect of humanity. As such, a therapist's self-disclosure could conceivably hijack the process for the therapist's comfort, as may have happened between Eddie and his previous psychologist:

*Today Eddie spoke of his constant desire to please [previous psychologist] when she obviously had problems. It was the fact that she had problems which allowed him to put his own to one side. This gave him a sense of being of some use to somebody. However, 'something went wrong' and eventually she found him claustrophobic, as his girlfriends outside do. (Session 7).*

Miller (2002; 2003) says that virtually any human activity based on nurture, and involving the process of coming to 'know', starts as an unfamiliar task. For purposes of this thesis, 'coming to know' relates to *how* movement or change from familiar, to unfamiliar (and sometimes slipping back) happens. In current practice, the mechanism involved in *how* change can or should happen in prison is not considered<sup>181</sup>.

Vygotskian learning legitimates all previous learning as a necessary starting point, rather than a constraint for designated learners *and* teachers. 'Good' learning is conceived of as an active process which depends on a process of mutuality i.e. constantly moving and interchanging of positions between learner/teacher. When applying this theory to working with violation, distinctive client needs are used as a starting block for therapists to learn. On a wider level, this view is consistent with the process followed by Cabrera (2002) in Nicaragua and the TRC hearings in South Africa, where both emphasized the importance of developing explicit knowledge and meaning structures around past traumas to enable future sustainable growth and development to occur at all levels of society.

During the period where the actual developmental level is established in therapeutic relationships, the therapist becomes the learner, while the client becomes the expert 'other'. For as long as clients' knowledge is subjugated, the learning process will inevitably be substantially jeopardized. Subjugation inevitably elicits shame which increases secrecy, self-negation and

hiding. No good learning/teaching can occur with only one partner. For as long as parts of the self are not consciously owned and validated, self and other deception is inevitable, and agency in action is that much more likely to be compromised (Vygotsky, 1978; Miller, 1992, 1994).

According to Jefferson (2004) who researched prison practices in Nigerian prisons, learning is an integral part of social life. It is a relational concept. It is a distinctly active, practical activity, steeped in and particularly concerned with issues of social change (Jefferson, 2004, p. 72)<sup>182</sup>. He distinguishes active, transformative learning from traditional views of learning in prisons which frequently fail to consider the power of invisible aspects underlying violation. In his study Jefferson (2004) concludes that major contemporary theories which inform current practices in prison mistakenly rely on successful learning being measured in terms of unquestioned compliance. This translates into a pattern of ‘pseudo-communication’ between subjectivities<sup>183</sup>. Traditional views are evidenced, *inter alia* in punishing critical questioning and rewarding behaviours which reproduce, as opposed to transform existing knowledge.

## **2.2 Intersubjectivity: acknowledgment through explicit, mutual legitimizing**

Evidence from my work suggested that radical intersubjectivity maximised possibilities for transformative learning. The intersubjective space was typified by mutuality. Significant gestures were used, not only to initiate, structure and conclude the therapeutic conversation, but also “*as a means for the persons concerned to accredit each other as legitimate participants*” (Goffman, cited in Graumann, 1995, p. 14; stress added). With Eddie, intentional learning was initially hamstrung by his inability to legitimize my role as his therapist:

[Sandy] *is a fine therapist but I can't let go and open up.*

Mutual legitimization involved a process whereby historical forms of subjugating clients' narratives had to be explicitly exposed. This facilitated conscious understanding of how silencing had been used to violate, both against them, and as they learned to use it against others. For example, silence ruled much of Joan's [D] lifeworld with significant others. Her stepfather systematically sexually molested her. Her mother was wont to tell her to “*hou jou mond*” ([shut your mouth] session 7). Her distinctive needs and emotions necessarily became the source of secrecy and shame. Silencing became legitimized as a defensive tool in her lifeworld. Later, the possibility that she could lose her boyfriend as a result of her silence meant that she had to consciously weigh up the value of immediate relief gained from it as a defence, against the wisdom of nurturing a current significant relationship, which demanded the risk of engagement:

*She is terrified of losing him. But she also understands that her withdrawal could chase him away even more surely. He has phoned her kids on a regular basis and has made time for her and her issues in the past. Right now, though, she is too scared to talk to him and explain what she is going through. (Session 5).*

Examples such as these indicated clients' growing awareness that where historically learned forms of defence involved negation of aspects of themselves and others, the legitimacy of their own identity as distinctive human beings also inevitably became compromised.

Vygotsky (1978) proposes that the meanings attached to everything around us, including humans and their value, is mediated to all who live in it through culture. The vehicle for learning is relationships. Learning is accomplished both intentionally and unintentionally.

### **3. The zone of actual development**

The zone of actual development refers to that area of psychological functioning which encompasses everything a learner knows and can do independently (Vygotsky, 1978).

Unintentional learning occurs largely in this zone. As it occurs below levels of conscious thought, it has implications for compromised agency in its process and resulting behaviour.

Case studies show that, in dealing with violation in a way which satisfied social needs, clients frequently invalidated their existent knowledge. They did this by 'trying to put the past behind' them, without first having explored how it may have become an integral part of how they see themselves, and their behaviour in the world. This negation is enabled by subjugation, which implies relative low worth of their knowledge. Critical enquiry of negation and subjugation enables use of the past as a benchmark for further growth. For example, it was highly likely that Magda [H] had been sexually molested by her father in early childhood. In her 2<sup>nd</sup> session, she said that her mother had accused her of sleeping with her father:

*Her mother also accused her of sleeping with her father. She is confused and doesn't know whether maybe her mother is right – maybe she is useless and ugly and awful.*

In later sessions, these are descriptions she applied to her mother as well, thus showing an unwitting identification with her. But in her 5<sup>th</sup> session, her notes reflect a need to deny the possibility of paternal sexual violation, thus showing also a need for protection of worthiness of 'self':

*She acknowledged that her father used to beat her mother, but denied flatly that her father made any sexual advances towards her.*

Negation of her distinctive needs and emotions played a significant role in the confusion she experienced about herself and her worth. This confusion extended to significant others rendering her need for self-affirmation intense and making her particularly vulnerable to self- and other violation:

*Apparently she sees her mother as the cause of the breakup of the marriage to her father – ...their fighting and drinking led to the kids being severely neglected. Her mother was a prostitute, which she could understand if she used the money so gained to look after the kids, but she used it to drink. She had been a beautiful woman, and now is completely aged and ugly. Her father also used to drink and when he took leave or left work, she used to get terrified because she knew they would fight. Numerous times she would have to scream to stop the one from killing the other. (session 17)*

In the same session, it appeared that the way staff engaged with her relationship with her mother, reinforced, rather than transformed her own fears and defences:

*Apparently when she was awaiting trial (aged 14) (Wardress A) and (Wardress Z) told her that her mother had been drinking her father's money away. Her mother and boyfriend would drug her father up, lock him in the room and take his money. No-one looked after the kids. Later, the kids were removed. She felt terribly frustrated because she was behind bars and could do nothing to help them. She believes (Wardress A) told her because she asked, and because (Wardress A) feels like a 'mother' towards her.*

Adult belittling of her knowledge of 'love' for her boyfriend, on the basis of her chronological years, inevitably put her in a defensive position from which transformational learning became unlikely:

*She says she loves him, although a lot of people say she knows nothing yet – but she believes that she has experienced a whole lot more than many people double her age. (Session 2).*

Vygotsky terms behaviour leading from existent knowledge to be “*fossilized behaviour*”<sup>184</sup>. This behaviour is experienced as automatic or compulsive. When learning is constrained to this area it may change its visible form, but is not likely to change the underlying dynamics of knowledge. Knowledge in this area is informed by history, and its transformation is unlikely without conflict.

### **3.1 The prerequisite of conflict for learning**

The sense of security attached to tasks in the zone of actual development which are related to past learning contrasts sharply with anxiety arising out of new challenges. This is particularly so where new learning requires risking initiative and is not rote. However, this suggests that transformative learning will only occur in experiences of personal crisis, when the value of past

learning is experienced as defective. In this study, Peter [N] was referred to me for 'high stress' by the prison doctor. Historically he was taught to 'coerce' fairness in life through physical aggression. Late in his sentence and after he had succeeded in having no infractions against the rules, a serious personal crisis arose when his privacy was invaded and his property was removed by warders. His tools for making artifacts were removed from his cell without consultation. Moreover, he was also ordered to relocate to a cell where other inmates smoked dagga (marijuana, an illegal substance in South Africa). He insisted that it was reasonable to resist these measures by force. While I could not argue that the authorities had been fair, I could argue a case for him to nurture himself if the authorities were not going to do so:

*He was insistent that he was being completely reasonable and it took time for him to understand that my job is not to teach him how to be reasonable, but how to deal with unreasonable situations. Eventually he acknowledged that with this frame of mind, his stress level is likely to be overpowering. It would be better if he understood that in prison the likelihood of unreasonableness is greater than any other, and that in order to manage his stress he needs to go into situations knowing this to be the case. He agreed that he would manage it, since his ultimate aim is not to beat a warder at his own game, but to get out of prison and leave the warder behind him in life. (Session 66).*

The crucial requirement of the existence of conflict, for learning, is widely acknowledged (Bradbury & Griesel, 1992). Jack (1999) suggests that absence of conflict in learning is impossible<sup>185</sup>, while Meares (2000) argues that the ability to engage with conflict defines a healthy relationship. Indeed, without conflict parties involved in relationships are likely to experience a loss of self, since the development of consciousness of a unique, distinct self occurs not through detachment from emotion in relationships, but through experience of the "self-opposed-to-other" within relationships (Jack, 1999, p. 40). Benjamin confirms that "resolution" of conflict relies on tolerating the tension between recognition of the needs, values and emotions of the other, and asserting distinctive aspects of self (1990, p. 201). Crises can function as the starting point for transformative learning, not just for individuals, but also for institutions (as I will show in the next chapter), provided there is access to social others from whom to learn a different, mutually respectful form of resolution.

#### **4. The zone of proximal development**

The zone of proximal development refers to that area of psychological functioning encompassing all that a person cannot do independently, but which can be done with the assistance of a more expert mediator<sup>186</sup>. Intentional learning occurs in this zone. Where intentional learning occurs,

participants in relationships are legitimized, and learning is active, at a conscious level. Intentional learning is maximized in critical enquiry.

Since our acquaintance coincided with the last few months of her stay in prison, my relationship with Miranda [K] was very short. Although she had been imprisoned for accidentally killing a friend while playing with a gun, she had little confidence in her capacity to relate respectfully to others. She said that although she was typically quiet, withdrawn and avoided conflict, sometimes she would ‘explode’ in uncontrollable ways. Therapy revolved around a process of recognition, and the slow development of her ability to respect and assert herself:

*Chatted to her about the possibility of doing it [attending the parole board hearing] alone. Pointed out that she just had to be honest. She said she didn't know if she could do that. Pointed out that she had done it with me, without any outside help – she had not thought of that, and realised that she could manage. (Session 8).*

Intentional learning, also described as ‘good learning’ by Vygotsky (1978) or what I term ‘transformational learning’ occurs in the zone of proximal development. It is distinguished from traditional forms of learning by Jefferson (2004). Movement into this zone from the zone of actual development involves a process of “*internalization*”, defined by Vygotsky as the “*internal reconstruction of an external operation.*” (1978, p. 56). Internalization involves momentary suspension of the learner’s zone of actual development, while comprehending the knowledge of the ‘expert’ other, and requires functioning of ‘higher psychological processes’ (or processes involved in intentional learning) (Miller, 2003; Vygotsky, 1978)<sup>187</sup>. Transformed learning consists of integrating previous and new knowledge to produce a different way of being: “[A]ll direct instruction is informed by the nature of our being and is itself an expression of a particular way of being” (Miller, 2003, p. 11). The process of internalization is operationalized in, *inter alia*, practices of emerging consciousness, agency, critical thinking and deconstruction.

#### **4.1 Movement from unintentional to conscious forms of thought**

Eddie had been involved in an accident in adolescence as a result of which he was in a coma for a week. He demonstrated how his personal meaning of brain damage, rather than the damage *per se*, influenced his attachment to, and how engagement with others:

*Now he really struggles. His brain is slow, he struggles to remember, to talk, to be assertive. Cannot say ‘no’. Will do anything to get accepted by men, although he doesn't like them. He believes from his brother that he was brain dead after the accident, and was unconscious for a week about. People prayed and somehow he lived, but he wishes*

*that he could have died. He cannot make a decision, and if people tell him to do something, even though he knows it is wrong, he just can't act in accordance with this knowledge. He just goes along with it, like with the theft of chickens and dagga smuggling. He used to stop doing things because [previous therapist] wanted him to stop. Now she is gone, there is no real reason to carry on not doing the stuff. At the same time, he said that yesterday he refused to take dagga. (Session 3).*

Historically, he had passively accepted the meaning structure of being 'brain damaged', 'not right in the head' etc. as the 'cause' of behaviours he experienced as compulsive, or unable to control. In therapy we critically questioned this label explicitly and non-judgmentally. Subsequently, he was able to assert distinctive needs. This resulted in behaviours different from those he had come to take for granted as being immutable.

Wood, Bruner & Ross (1976) assert that intentional mediation is a form of higher mental processing and is a uniquely human quality, where we make explicit that which is 'taken-for-granted'<sup>188</sup>. Mediation engages with human capacity for symbolic thought, activities and relationships rendering mediation profoundly more than and different from its reduction to simple biology<sup>189</sup>. Miller (2002) makes the point that it is only by acting on things, people, events and symbols that we create opportunities to develop understandings about them. It is axiomatic then that it is through intersubjective action with those who have violated, that we can understand, recognize, and develop agency about violation not only in them, but in ourselves.

#### **4.2 Developing consciousness of emotion in therapy**

Time and again, case studies showed that hidden emotions had consequences for the way in which the self and other were evaluated and subsequently treated. In a letter addressed to his previous psychologist, Eddie described the raw pain of hiding his emotions from the eyes of others to avoid shame and consequent negation:

*For my friend [previous psychologist], for all her love care and understanding. The shame, the hurt and anger kept me hiding from this world never allowed me to love, care and joy which means happiness. For 40 years I lived in unhappiness in my secret world where no-one was allowed to enter until I found a friend in therapy who understood but also never understood how deep it was for I was blamed for things I did not know or understand.*

It is crucial then that transformative therapy should explicitly acknowledge and build on respect for all emotions. This is only possible through reflective action, which includes critical questioning. In practice, I found that it was useful to teach clients techniques to identify and

explicitly validate emotions and how their meanings had evolved, in both distant and current intimate relationships. Typically, clients who were more emotionally labile were least able to name their emotions. Magda [H] was the youngest of all the clients included in this study. She was notorious among wardresses for her 'difficult' behaviour, based on verbal and dangerous physical assaults on herself and others. In my relationship with her, even in moments of relative calm, I found she experienced great difficulty in naming her feelings:

*She finds it difficult to identify her feelings (session 21).*

Long after formal therapy had ended due to my resignation she wrote that she had found it possible to use words instead of damaging actions to express her emotions:

*Weet Sandy wat maak ek om van my gevoelens ontslae te raak? Ek vat 'n pen en papier en skryf. Dit werk vir my. Ek weet dat die brief baie deurmekaar is but dit is hoe ek op die oomblik voel. [Do you know what I do to get rid of my feelings? I take a pen and paper and write. This works for me. I know that this letter is very mixed up but that is how I feel at the moment.]*

This supports Gilligan's contention that: "*A related principle for preventing violence is this: always give people a chance to talk, remembering that **the only alternative to action – including violent action – is words.***" (2001, p. 123).

Studies conducted around infant-caretaker relations of the past three decades have recognized that the acknowledgement of *all* emotions is significant in the fundamental human motive of the need for recognition (e.g. Scheff, 1997; Lewis, 1983). Although the time, place and intensity of experiencing each emotion may differ between social beings, the ability to recognize each emotion in ourselves and another as valid, depends on a universal and common ownership of them.

### **4.3 Developing ownership and respect for needs and emotions**

Typically, clients experienced enormous anxiety when they tried to suspend their distinctive emotions and needs, in favour of cultivating those which pleased others. In therapy we explicitly discussed this struggle. Its conscious acknowledgement was a novelty for clients. My very short (13 sessions) and comparatively superficial relationship with Joan [E] centred largely around validating her emotions. Initially she presented in therapy due to extreme emotional lability leading to self- and other physical violations. As she became more secure of a non-judgmental environment in therapy, she described her relationship with her girlfriend in prison. She characterised it as one in which her distinctive needs and emotions were given space for

expression, something which was quite novel in her life. She knew that her mother and prison staff would judge it as 'immoral' and probably reject her as a result. She said she knew this because she herself would have done so as a result of meanings constructed with her mother, prior to her incarceration:

*[Joan] is obviously doing well in her relationship with [lover]. However, she is terrified of the fact that she wants to tell her mother about this relationship, but she doesn't want to 'upset' her mother. Her mother is 'newborn' and this kind of relationship would definitely not go down well. Before she was sentenced, her mother warned her about these relationships, and she had promised faithfully that she would not get involved in one. However, she explained that she didn't know how it would be inside. She also said it wasn't so much about the sex, but so much about having someone who cares, someone who listens, someone whom you could be really important to that matters. She says that even the warders are totally oblivious to the issues involved in these relationships – nobody understands. (Session 11).*

Gloria [D] attended therapy regularly. Her unerring participation may originally have stemmed from an historic tendency to do anything to gain the approval of others, including from me. In time, she began to show real courage when, despite her fear of confrontation, she nevertheless asserted her distinctiveness from others and risked their rejection. She found to her surprise that assertiveness helped in dissipating her anger:

*She is also finding herself being extremely assertive, which the warders are finding enormously difficult to manage. They call her cheeky etc. Although it is very uncomfortable for her to be like this, and sometimes the unfamiliarity of it scares her, she feels much less resentful. (Session 17).*

Male clients were particularly caught in the turmoil of being male with distinctive emotions, but reared in western culture which denigrates emotional expression in men. They were singularly susceptible to the socially constructed imperative to hide vulnerabilities with all the implications this had for explosive actions which became expressed in moments of stress. Typically in this culture, the recognition of men as being adequate and legitimate was seen by them to depend on their success in protecting women, children and being seen to be powerful. At the same time, they were punished for physical violence even when this was expressed as attempts to comply with social requirements. Prior to critical questioning in therapy, the inherent conflict in social demands was not understood. Instead, the tension was considered a function of the client's own inadequacy which further fuelled shame.

The doctor advised Peter [N] to attend therapy due to his excessive stress levels. He seldom missed a session. He told me that he was raised according to the principle of 'survival of

## Chapter 9: Dynamics underlying movement in violation

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the fittest' in a family of boys. Transgressions were always dealt with by corporal punishment, and all differences between himself and his brothers were resolved through fighting. As the youngest, he usually lost and carried the attendant shame. For the first time, in therapy, he found that strength and dignity could be found in assertiveness rather than violating himself and others:

*He also says that since coming to prison he has learned the value of sharing his problems, in a non-defensive way. It does not detract from his dignity, but strengthens his dignity. Before, he had no friends except those that drank with him. When he came to prison, they all dropped him. He realises now that he can choose whether to share or not, and the implications of this. (Session 17).*

The process John [G] followed in coming to respect and recognize and learn to live with his anger started with identifying a childhood trauma which emerged through violence later in his life. During the previous 57 sessions together, he had firmly refused to explore his anger. In his 58<sup>th</sup> session, which also heralded the eve of my resignation, his case notes reflect that he wrote a letter to me for my sake rather than his. Yet, his expressed vulnerability indicates that he was in no way unaffected:

*He then told me that he had tried to write about an incident where he had felt angry on Friday but got no further. This happened over the weekend, on Monday, Tuesday and eventually on Wednesday he decided that he should do it because 'you deserve it' ... It was hard – this clear. However, he managed to write it and when he read it over, he felt very uncomfortable, ... When he read it to me, he broke down crying and could not understand why he cried then.*

In this letter he described his childhood emotions towards his physically abusive father:

*The following words sum up my feelings towards my dad in those days: TERRIFIED, PANICKY, STUPID (doubted myself) HURT, HUMILIATED, INCOMPETENT, INADEQUATE, INSECURE, ANGRY, USELESS, PRESSURES (school) LONELY.*

In identifying his feelings 'for me', John could have meant that the only channel for him to acknowledge vulnerable emotions had to be outside himself. It was difficult for him to own, take credit and assume agency for having introduced himself, to himself. In doing it 'for me', he gave me that which he most richly deserved. In his letter dated November 2003 he wrote:

*Thank you for the tremendous impact you've had on my life, for giving me a new refreshing look at life, for teaching me to view certain aspects from different angles and for once again, re-introducing me back to myself again.*

Unmet, hidden basic needs, such as for emotional validation can also be related to, what Teyber terms 'generic conflicts' which he defines as "a central or underlying conflict that pervades the

*client's life and links together the different problems that the client presents.*" (1992, p.148).

Situations which lead to negation of aspects of the self such as emotions constitute generic conflicts. The subsequent emotional implications of this negation often translate as a lack of confidence, feelings of inadequacy and lowered self-esteem which perpetuate chronic emotional turmoil. In essence, it is inevitable that agency is compromised as a result.

#### **4.4 Moving from assuming responsibility to claiming agency**

In his position paper the Deputy Director of the DCS, Dr. Holtzhausen (2005), associated rehabilitation with increased responsibility<sup>190</sup>. In contrast, I found that in their lifeworlds, clients generally assumed an inordinate amount of responsibility for the needs and feelings of others, at the expense of asserting their own. This neglect led directly to compromised personal agency, which relies heavily on determining and legitimizing personal distinctive differences in needs and feelings.

##### **4.4.1 Responsibility**

For the clients I worked with, 'responsibility' tended to be the altar at which distinctive individual needs for recognition were sacrificed. In prison, an added complication arose when clients were actively prevented from taking appropriate responsibility. A predominant theme in Peter's [L] lifeworld while he was serving a prison sentence for theft was the question of how to work with relentlessly growing rage which arose each time obstacles were placed in the way of his ability to communicate in any way with his son. His mounting fury over the two-year period of our relationship was exacerbated by courageous attempts (which ultimately came to nought) to work patiently with his anger rather than to 'explode'. This method stood in stark contrast to 'macho' methods learned in his past. He felt baited by those in authority and the new method of being respectfully assertive in the face of consistent negation by his ex-wife, the parole board and the legal aid board left him feeling emasculated. Peter reflected on the shock of discovering within himself a growing understanding for domestic violation:

*Chatted again about control. He stated that he knows now how, in the past, he had never learned patience or the value of working strategically. He knows full well that [ex-wife] has the power to frustrate him enormously, but that, were he to give in to that, he will end up drinking again, and he knows 100% that he will then take the path to hell. He says that the other night he watched a Felicia Mabuza Suttle show in which there were talks about men who had killed families and it had terrified him. He knows exactly what it is like, because he himself had been in that position where that seemed like a good option.*

*He knows that it would have been a completely misjudged action, where he would have hurt everyone he loves. But he knows the fury which gives rise to that. (Session 72).*

Indeed, my own reaction to this incident had been one of outrage. This example demonstrated for me that where responsibility is conceived of as a moral whip to justify blaming and shaming through unnecessary punishment, little purpose other than antidotal relief (see below) was served by it. Furthermore, it could promote further destruction. This is a contrasting view to that taken by Baumeister (1997) in his view of 'evil', in which he promotes blaming and shaming of 'perpetrators' based on their assumed unwillingness to take responsibility for social needs.

Du Toit (1990) states that the assumption of responsibility, in a way which excludes the possibility of personal agency, frequently constitutes and results in further violation. He cites apartheid as an instance of macro violence, and family homicide as an instance of micro violence in support of this claim<sup>191</sup>.

#### **4.4.2 Developing agency as a basis for appropriate responsibility**

In contrast to the above concept of unbounded responsibility, responsibility steeped in agency is anchored in distinctive client capacity, with *appropriate* responsibility as its inevitable result. Agency is understood to be rooted in legitimizing and asserting distinctive needs and feelings in a mutually respectful manner. This process relies crucially on maximising processes of constructive engagement. In case studies, acknowledgement and validation of one party inevitably mirrored the same process of respect for the existence of these capacities in others, albeit at times eliciting social resistance. For example, Eddie's friends asked him for drugs. On a conscious level, he took responsibility for their comfort by satisfying their wishes in a way which shared his shame in drug addiction. After critical debate in therapy, he learned that the best he could do for others, was to learn to understand himself, act with agency, and take responsibility for himself:

*Discussed the contrast between his feelings now and before. He realizes that he could very easily have been as dead as many of his erstwhile friends. He hated seeing them addicted as they were, yet he couldn't stop supplying them with more. Feels guilty about his contribution to their deaths. On the other hand, he admits that if I offered him a drug now, he wouldn't take it i.e. no-one can make you do what you do not want to do. You can enable, but you can't take responsibility for another's actions. (Session 35).*

Learning agency in therapy was immeasurably difficult because it opposed historic and hegemonic ways of viewing responsibility. In a later session with Eddie, we deconstructed his belief in the nobility of prioritizing the care of others over self-nurture:

*Then he said he was worried because he doesn't worry so much about other people anymore, because he is too busy being selfish and taking care of himself ... Changed the situation around to ask him how he would like it if I took over all his problems and forgot my own. He agreed this wouldn't work, for either of our sakes. He needs to know he can solve his problems himself. (Session 62).*

Agency appeared to be intimately related to the concept of containment as opposed to control. Anything that was too threatening to be understood or consciously confronted made agency difficult and therefore could not be safely contained. Indeed, such phenomena were likely to be a source of anxiety constantly 'threatening' to erupt as a result of which defences were typically either expressed in an explosive, or tightly but tenuously controlled manner. Eddie's therapy involved many explicit discussions around issues of control and agency. In one such discussion, the idea that agency should precede control emerged:

*His main issue today was control. He says he wants control even in therapy, but [previous psychologist] taught him this was not ok. I pointed out that control is not a bad thing, if it is appropriate and in his own long term best interests. However, he said that he struggles with 'long term'. If he wants something, he wants it NOW. But he also agreed when I pointed out that in the 2 years prior to his parole, he had learned that waiting for therapy had taught him that he is capable of self-containment, that he is stronger than he had originally thought. (Session 91).*

This contrasts sharply with his initial knowledge which equated 'saving' with care and acknowledgement. At first, when I refused to provide him with knowledge of 'weaknesses' from which he could protect me, Eddie would find them in faults in my car if I gave him a lift to his next class, or accuse my husband of not cleaning my shoes etc. in an effort to find some way in which to show his need to protect me. In line with his history, and intersubjective theory, he wanted me to save him, just as he wished to save me:

*He was also angry with me because I don't come and see him every day and sort out his problems. If (previous psychologist) had been here, she would be running around for him. I agreed, and said that this had never been my style and he had been strong despite that. (session 88)*

My analysis suggests that where violation is motivated by an underlying need for recognition (particularly where agency is absent), containment over expressive behaviour will necessarily be compromised. Masters says: "To talk of free will in such circumstances is an absurdity. One might as well try to fall upwards." (1993, p. 156). He comments that the co-occurrence of

compulsive behaviour and lack of agency is typical, and can be inferred from words such as: “*I don’t know what possessed me.*” (1993, p. 89). By definition learning to control based on notions of agency, demands access to conscious thought and as such, is amenable to higher mental functioning (Vygotsky, 1978; Masters, 1993). Transformative rehabilitation is, in essence, learning to live and practise a respectful, agentic relationship with oneself, and in relation to others (see Drewery, 2003)<sup>192</sup>.

### 4.5 The need for critical thought in learning

Critical thought, aimed at mutual transformational growth is fundamentally different in its aims, process and outcome from criticism aimed at shaming and diminishment. Eddie’s initial inability to critically question in therapy left him confused as he felt his importance in his previous psychologist’s life fade. He was left with little option but to strengthen historically learned defences, which set him back on the familiar path of shame and punishment:

*He says that after each session he goes back to his room and studies up on issues that arise. When he was with [previous psychologist], he became extremely confused. She told him all her problems, and he then set to work to understand her issues. He couldn’t do very much about them, so he set about comforting her as best he could by buying her things. When she then punished him for this by telling him that his behaviour was inappropriate and she suspected this behaviour of sexual interest, he became thoroughly confused and could never seem to find the answers. (Session 71).*

In contrast, my findings indicate that being open to profound knowledge of the client’s zone of actual development, and encouraging critical engagement with it go some way to minimizing the risk of damage and maximising opportunities for growth. Inevitably, this presupposes exhuming client voices both inside and outside of therapy. For example, after a lifetime of pandering to the needs of others, Gloria [D], who had been recently elected as the editor of an in-house newsletter wrote:

*I then came to the realisation that I am today where I am because and as a result of my past decisions and actions. The good news is that I will be tomorrow as a result of my decisions today...No longer do I try to gain favour with anyone...No longer bound by human expectations...No longer striving for ‘things’ but rather making do with what I have...and learning to go without...and guess what, it is okay!! This truly has been a hard and very painful road to journey along!!! (2002, p. 3)*

A mutually respectful, dialogical way of working with Gloria through early crises facilitated increased engagement with activities and people as subjectivities even outside our relationship. This enhanced a human quality of life for her in prison. Predictably, the more publicity she

achieved in prison, the more embarrassed her family appeared to become. The effect of her choices on her ex-husband and children, however, was an unexpected and welcome surprise for her:

*Her mother and (sister) have not been to visit since she was on TV. She is a little hurt, but not mortally so, as she might have been in the past. (ex-husband) and the kids are delighted with her, and (son) brought two of his friends, saying that they want her autograph. She was so touched that they are proud of her, rather than ashamed of her. (ex-husband) also mentioned mournfully 'why did you only change now, when you get here?' (session 47)*

#### **4.2.4 Deconstruction**

Fairclough (2004) suggests that socio-political discourse constructs social reality in three principal forms: social identities; social relationships between people; and in the construction of systems of knowledge. When I worked critically with identities in crisis, social relations and systems of knowledge became explicitly deconstructed for intersubjective, conscious evaluation. I will use morality around sexuality and deification of therapists as two examples to illustrate deconstruction as an element of transformative learning in the zone of proximal development.

##### **4.2.4.1 Deconstructing morality around sexuality**

My first confrontation with hegemonic orders around sexuality in the female section occurred on one of my first visits to the female prison. A senior member of staff narrated how she was 'forced' to slap an inmate, and physically throw her out of another inmate's cell when she caught them kissing in front of her toddler. In her view, the child had been more 'violated' by witnessing the kiss, than by seeing violence enacted against his mother. This dynamic of an imposed, constructed and debatable morality played out frequently in case studies.

When Gloria [D] started her relationship with me, she was typically tearful and withdrawn. She avoided conflict or exposure of uniquely felt emotions at all costs. Historically learned attempts to please others invariably brought about shaming by staff and resultant constant crises. In therapy, the need to learn to identify, validate and honour her distinct feelings, while respecting differences in others began to emerge for her although the courage needed to do also became apparent. She became the editor of an in-house newsletter, *Women's Link*, initiated by a non-governmental organization. In therapy, she reflected on pressure she received when she wrote an article for the newsletter which was supportive of psychological services. Inmates

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working with her on the newsletter took exception to such support in view of an article I had previously contributed to in a local magazine regarding sexuality in prisons:

*She also got into trouble for putting in a paragraph about her psychologist, when that psychologist was in the Fair Lady speaking out for understanding for homosexual relationships. (Session 36).*

Two sessions later, Gloria discussed how her insistence on publication of a letter critically debating sexuality in prison, written by another inmate was considered by some inmates to be: (a) amoral; and/or (b) strategically problematic, as its critical nature would provide a 'moral excuse' for staff to close down the newsletter:

*She said that one member [prison slang for 'staff member'] of the editorial took issue with her about an article written by [Inmate J], because she didn't like the issue – lesbianism. With some exploration, it seems the member didn't like the contents because she was afraid that [wardress A] would put a stop to the magazine as she doesn't like that issue. (session 38).*

At that time, a social debate around sexuality (on the surface) and critical discussion (more profoundly) took place outside prison in *Fair Lady*, a national magazine (Lund, 2002).

Contributions of various meaning structures, from different levels of society, were provided by, among others:

- (a) **Former inmates.** An anonymous ex-offender noted that: *"People may find this difficult to understand but they need to realise that a person's desire for intimacy, touch and sex doesn't disappear because they're in jail; you can't suspend these needs."* Another anonymous inmate offered an opposing view: *"It's ugly and disgusting ... Even though I am in prison I won't compromise my dignity and morals."*
- (b) **Staff.** In addition to my own comments, the deputy head of female prison said: *"When you are in prison your rights are limited. If we allow some women to have sexual relationships with one another then we must allow conjugal visits by husbands and boyfriends of other women. That's why we have separate prisons"*. Another wardress said: *"I explain to prisoners that, yes, it is one's human right to have relationships of that sort, but it is against prison rules."*
- (c) **Academics.** A member of the Africa Gender Institute, stated: *"Becoming a prisoner does not make you less human. In fact the hostile, militaristic prison environment probably increases the human being's need for affection, warmth and love. Our*

*society is still struggling over what rights prisoners should be afforded.” (Lund, 2002, pp. 36-39).*

In prison, sexuality was often an indication of clients’ need for recognition. Through shaming, it was used to entrench inequitable power dynamics and claims to relative worth. Clients were particularly vulnerable to shaming on this basis when their sexuality had been abused in childhood. For example, Magda [H] had probably been molested by her father, and had later been raped by a friend when she was about nine years old. Prior to her arrest, she had developed an intimate relationship with a boy, who later facilitated her working as a prostitute. She found herself in the very bleak prison environment while still a child of 13 years old, and as such was intensely needy of recognition. Her notes reflect a powerful link between sexuality and shame, as I demonstrated previously in chapter 6 (page 122). This link was constantly reinforced in prison:

*She is also having lots of hassles from the warders due to her relationship with [inmate female lover]. [Wardress] says it is an evil relationship.*

Later in her sentence, at the age of 18 Magda was still categorized as a juvenile. This provided prison authorities leverage to threaten punishment for her relationship with an older woman of 26 on grounds of child abuse:

*She says that the warders are threatening to charge [lover] for child abuse due to their relationship ... I agreed to get a copy of the section and quote of the relevant law on this subject. (Session 22).*

In reply to my request for further information in this regard, an email from the Women’s Legal Centre indicated that in terms of the Sexual Offences Act 23 of 1957 (as amended), section 14(3)(b) stipulates the age of consent for heterosexual activity to be 16, but 19 for homosexual activity. In this way, critical discussion led to the exposure of discrepancies between rehabilitation on the one hand, and institutional and legal policy. It facilitated the emergence of clients’ own voices, which gave rise to a sense of empowerment and agency through being heard. It was less *what* they said that mattered, but *that* they were given a channel to speak.

#### **4.2.4.2 Deconstructing deification of therapists**

Typically, deification of therapists and demonisation of clients, by them, were two sides of the same coin. The authoritarian ideology of prison frequently entrenched these dynamics in client relationships. Where radical intersubjectivity occurred in therapeutic relationships, this

experience of mutuality provided a sharp contrast. In order to promote mutuality, clients needed to learn to value the integrated functioning of their own vulnerabilities and strengths, and to perceive therapists as equally fallible and worthy of similar recognition. For example, in therapy Gloria [D] explored the novel possibility that perhaps she was not beyond redemption. In the in-house magazine, *Women's Link*, she concluded:

*In conclusion I would like to add that the resident psychologist, Sandy Hoffman, aided this process. She 'walked' alongside me on this long and painful road. Encouraging, motivating and urging me to tap into my inner strengths, which were lying dormant. She helped me with coping skills and to focus on myself...Restoring in me a sense of self worth." (2002, p. 3).*

Left unchallenged, and without pointing out the courage needed to risk by her, this imbalance would necessarily constitute the demise of mutuality, the rise of egological intersubjectivity and diminishing opportunities for transformative learning for both of us. Even minimal recognition by therapists invariably means they enter therapeutic relationships as, what Benjamin (1990) terms, 'fantasy objects'. She suggests that it is less our job to replace fantasy with reality and more one of teaching the skill to clients to sustain contradictions in intersubjective experiences (Benjamin, 1990). Inevitably, being human, therapists fail clients more than clients will permit themselves to be aware for fear of abandonment. Since therapists have more power in the relationship, it is incumbent on them to be as aware as possible that minimal damage is done to clients. Sometimes this means inviting clients to critically discuss these moments as failures. Clients themselves will always be the best safeguards of their own subjectivity. This is more likely to occur once their right to do so has been legitimized. This is mutually beneficial since it enriches the relationship and enhances transformative learning of all parties.

Where clients express anger at therapists an invaluable opportunity is created. Benjamin states: "*breakdown is a common feature within intersubjective relatedness – what counts is the ability to restore or repair the relationship.*" (1990, p. 198). Frequently for me, a challenge lay in consciously refusing to accept the 'rescuer' role which inevitably elicited unspoken, even unacknowledged anger/resentment. Nevertheless, evidence of it 'leaked' out in disguised ways. This needed to be explicitly discussed. For example, after I had refused to go to Eddie's assistance immediately after the authorities had accused him of drinking on day parole, he attempted to disguise his anger from both of us when he came to his next appointment:

*Today I found him sitting on my step at 07h00. He was furious, while denying his anger [at me]. However, he constantly referred to how he was being sidelined and betrayed by*

*'the system' and nobody was standing by him. He also stated that he did write what he felt – in three words – 'fuck you all'. (Session 82).*

As an intersubjective process I found that placing, or removing obstacles to 'knowing' each other was mutual, and inevitable (for example, when I accidentally double-booked a therapy session for Susan [O] as described in chapter 6, and when I resigned knowing well the probable devastating effects this would have on clients, such as Eddie). In all these instances, it was necessary to facilitate clients' determination and ownership of anger as valid, and its expression as respectful rather than rejecting of my worth and our relationship.

In writing this thesis, I am again reminded of the courage it takes to claim and own one's voice, precisely because it would necessarily carry clues to one's violations as well. In initial drafts, I created space only for clients' voices. In doing so, I unwittingly protected my own vulnerabilities and acted more in line with traditional positivist and subjectivist practice despite owning and validating an intersubjective framework. My supervisors pointed out that I neglected my subjectivity and in so doing failed myself, my relationships and undermined the value of the framework itself. I also failed to streamline theory with practice. A number of practice drafts were necessary before I was confident enough to assert my distinctive voice in this thesis. In this way, my intersubjective relationships with my supervisors added to a growing admiration for the achievements of my clients.

### **5. Dialogue between the zones of development**

Data from case studies illustrate how, during transformative learning, actions reflect a constant interplay between fossilized, automatic behaviour and progressively transformative action. The discrepancies were often not a matter of conscious appraisal until I pointed them out. For example, Eddie illustrated how an assertive action to which he could lay claim, elicited pride in its conscious appraisal, but was immediately followed by a sense of failure and shattered pride in the face of a new accusation:

*Apparently after the last session, he had gone to the NA [Narcotics Anonymous] meeting, where he had told the guy who wanted him to carry dagga to the youth section that he wanted nothing to do with it and threw it on the ground. He was very proud of this. However, after this, he was called in to [warder P's] office, where someone he knows from outside, [drug connection] had accused him of getting [previous psychologist] fired, or forcing her to resign because of what he did. He immediately accepted responsibility for this and this has been plaguing him for the past week. (Session 13).*

My function of holding and explaining the tension of the ambivalence for him in such times, was crucial then, and also in the context of his past. Eddie's lifeworld spoke of a succession of incidents informed by betrayal and distrust, to be followed by hope for recognition. Each was accompanied by various forms of behaviour indicating escape, or engagement respectively. In an undated letter entitled *Me and Prison* Eddie describes this pattern, and his feelings of intense ambivalence between disruption and repair (see chapter 6, page 112).

Vygotsky (1978) suggests that transformation involves change in the functional structure of the brain in the process of learning. It does so by using divergent brain systems when completing different types of tasks. As a new task, 'good' learning involves "*higher psychological processes*" (i.e. conscious activity) to realize potential for transformative growth (Vygotsky, 1978, p. 52). With practice, across time and in different situations, new knowledge gained in transformative learning becomes more condensed until it is converted into an automatic motor skill and so becomes part of fossilized learning in the zone of actual development. Luria terms this movement "*kinetic melody*" (1973; p. 32). Luria says: "[T]he activity starts to depend on a different system of concertedly working zones." (1973; p. 32). Where clients are no longer able to access rehabilitative assistance to constantly practice newly learned skills representative of a culture of mutual respect, these skills will probably fall into disuse, particularly in times of high stress.

### **5.1 The drag back and recidivism**

The testimony of different clients suggests there is enormous comfort and security to be had in remaining in the zone of actual development. In maintaining isolation from others, Eddie explained what many other clients appeared to feel:

*He is afraid of good relationships now. At least if he has no hope, there is no disappointment. (Session 2).*

Vygotskian theory helps to understand the mechanisms which underlie recidivism. In stressing the crucial role of practice in learning to achieve 'kinetic melody', this theory points to the time, patience and sustained support needed when clients learn new, respectful ways of dealing with defence. As Eddie increasingly legitimized self respect in his actions, he also appreciated its sense of fragility:

*He also tried to phone [previous psychologist], and [previous psychologist] told him that she is not doing that well. He wanted to take some more drugs. However, he has kept off*

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*it and has been taking care of himself. Even bought himself a new pair of shoes. Agrees that when he takes care of himself, even to the point of hardly smoking cigarettes, he feels entirely different. Feels much stronger and more pleased with the world. But the feeling is extremely fragile and it doesn't take much to get him off the perch. (Session 25).*

His last session before my resignation in all likelihood elicited painful memories of abandonment. Unsurprisingly, he reverted to historic ways of viewing himself as alone against the world and, hence as expendable:

*Eddie is in a very bad place – very explosive at this point. Threatening to cut himself, suicide clearly not in control. He is tired of 'absorbing', 'loving the world' doing all kinds of things – 'why must I do it for them'. (Session 106).*

He indicated that although bleak, institutions offered emotional comfort derived from structure and predictability (implying quite rightly that at this time, I was failing in this respect), even if they were places he hated and from which he had fought for freedom. The power of being dragged back to institutionalization, apparently for the most part against his conscious will, was historically based and seemed to lie largely in its familiarity:

*Also said that at one time, he missed the orphanage and wanted to go back, but he couldn't because he was too old. This is also why he came back to prison. (Session 33).*

After some time in the free world on day parole, Eddie reflected on the contrast between the discomfort of being on the outside, and the secure familiarity of the prison at night:

*He said he had felt tremendously confused on coming out of prison. He immediately felt a 'dissociation' from his feelings. When he came back at night, he felt comfortable. (Session 80).*

Eddie's confusion and sense of isolation from his emotions were typical of feelings reported by other clients. For example, throughout our relationship, Peter [N] like most of my clients, initially expressed an intense desire for freedom. Just as typically, towards the end of our relationship, when his parole was looming Peter's notes indicate that, for the first time an air of disquiet accompanied the prospect of freedom:

*Outside, he is afraid of reintegrating into the community. He is also afraid of starting from scratch. (Session 4).*

This was not limited to males. Since she had a choice, Susan [O] very bravely elected to go to a half-way house after her release on parole. This choice was based on the need to gain a

progressive sense of independence before integrating completely into society. Her case notes reflect:

*She spoke about others who have come out, like [ex-inmate X from prison], who is really struggling and feels terrified to go out the house. She remembers how, after she [Susan] came out, she just wanted to go back in again ... There is no support for people coming out of prison, and everybody universally seems to feel this incredible estrangement from life after coming out of prison. (Session 49).*

I could only understand this experience through recognition. Twenty years ago, I spent only three months in prison with cell mates whom I hardly knew. I felt the most intense desire to be free to reunite with my children while I was imprisoned. Yet, upon release I also experienced a powerful sense of betrayal of my erstwhile cell mates, and alienation from free society.

In terms of matters raised in this thesis, I recognize that despite learning and developing some degree of insight I have, in immediate moments of e.g. anger, found myself reverting to old forms of defence, such as blaming and judging. Bradbury and Griesel (1992) assert that, especially in times of stress, when new understandings are not yet firmly rooted in identity, there will be a psychological tendency to drag the task back to the zone of actual development, to old familiar ways of defending and being. This may also explain why the DCS itself, in times of crisis relies on past underlying ideology and is loathe to invite critical questioning.

The high incidence of violation and recidivism in South Africa suggests that traditional professional practice, and theories of learning which do not question the status quo of relative acknowledgement, are unhelpful to socio-political and individual efforts to manage violation. This does not mean that the dynamics underlying these theories are useless. Instead, engagement with them, through critical enquiry and building on them can lead to relevant, but novel ways of conceptualizing violation and its management.

## **6. Learning and identity**

In chapter 6, I supplied evidence from case studies suggesting that lifeworlds are structures of meaning, constituted in relations between people. They also reverberate through time and across social levels, through a process of social mediation (Langellier & Peterson 1996; Mc. Adams 1993). Potter and Wetherell (1987) propose that the main objective of therapy is to deal with how identity has been constructed in socio-political discourse. I relate this also to the discourse

around violation and to Benjamin's (1990) suggestion that therapy can accomplish healing by integrating assertion of differences with recognition in a meaningful, healthy way.

In therapy, Stolorow, Brandchaft and Atwood caution that when critical awareness is absent in the intersubjective field, it "*escapes analytic scrutiny because it reflects a defensive solution shared by both patient and analyst [which results in] mutual strengthening of resistance and counter-resistance*" (1983, pp. 119-120). Once a process of internalization of new skills has largely occurred, transformation of self consciousness is mirrored in the ensuing identities of interactants. Bar-On cites Ochberg when describing the growth of the identity of each subjectivity to the other, in transformative learning: "*In so doing, the story alters the identity of both the listener – one who will understand, forgive, or be converted – and the narrator – one who can be understood, forgiven, and so on.*" (1996, p. 10). Critical thought around identity, social relations and systems of knowledge essentially questions culture but can only do so once critical thought has been legitimized as an element of that culture. Crossley states that: "*Individuals are able to think about their culture, in other words, as well as by means of it.*" (1996, p. 105). Clearly, when culture is questioned, this will lead to questions about the value of self as part of, and constituted by representatives of that culture. From another angle, if change from a culture of violation to a culture of mutual respect is desired, the process of critical questioning and exhumation of voices of all, including marginalized groups and individuals, will have to be legitimated.

### **6.1 Learning and change**

Evidence from my case studies suggest that transformational change relies on:

- crisis, where historically, unintentionally learned forms of defence are perceived to have failed;
- voluntary exposure of the need for assistance;
- a skilled other to intentionally open up new possibilities; and
- translation of new skills in action.

Typically, this intentional process contradicts previous learning, and frequently elicits sanctions from significant others. It was therefore not surprising that demands from current authority figures that clients 'change' were frequently ineffective and sometimes violently rebelled against.

For example, Eddie's history taught him to rely on himself, rather than social others:

*He was never told what to do, so he learned to make up his own rules. When others tried to tell him what to do, he wanted to know why he should, since he always relied on his own rules which he understood – no-one else's. (Session 2).*

Prison mirrored historic inconsistencies where demands to change typically failed to specify the substance and process of it. Nawaal [L] was sentenced to prison for theft. In the few sessions we had, I found it difficult to engage with her historic patterns of silencing and approval-seeking at the expense of expressing her distinct needs and emotions. When she was not telling me what she thought I wanted to hear, or blamed others for her feelings, she resolutely avoided sessions. Before I began consulting with her, her mother requested a private audience in which she informed me that her daughter 'is a psychopath'. She said a number of psychiatrists had diagnosed her as such prior to her arrest. In our sessions Nawaal said that on a number of occasions her mother said she wished she had died at birth. Her mother also blamed Nawaal's father's abandonment of her, on Nawaal's conception. It seems to have been impossible for Nawaal to 'succeed' in the eyes of her family. In a final therapy session with her family, the condition of her being tolerated in the home at all was expressed in vague, yet threatening terms:

*[Nawaal] now needs to understand that they will not fit in around her, but she needs to fit in around the family. (Session33).*

On cue, and in the face of this vague challenge, Nawaal responded in the only way she knew how, as she had been taught in the past and as she had typically done in therapy:

*[Nawaal] was duly very apologetic, saying that she had 'changed' and that she realises that what she has done is wrong and she 'promises' that she will never do those things again. (Session 33).*

The dynamic of vague, punitive conditional acceptance had been a theme in her prison lifeworld as well:

*On Tuesday she went to the IK [institutional committee] and has been told that if she doesn't change she will be penalized with her parole date. (Session 10).*

It is perhaps ironic that I came to learn from clients in prison that transformative rehabilitation relies precisely on them becoming rather *more* like their unique selves than less so. Eddie reflected on two ways of being. The one is experienced as authentic, and the other as inauthentic:

*He had then asked his brother to drop him off at his cousin's place. He knew all along that there would be drink and drugs freely available there. He had at times refused to participate and at other times he had given in. When he had given in, he had become suicidal and phoned [previous psychologist]. She had threatened to telephone me – or to 'pimp' him to me, but he told her he was quite capable of telling me himself. He agreed that being able to tell me was a relief. He promised that he would continue to do so. He said that when using drugs, and in all his other relationships, he tended to put on a front and was inauthentic. (Session 80).*

In reflecting on a relational construction of identity, transformation of the value attributed to self and other became possible. For Eddie, the process of increasing self-worth was visible as a slow, courageous, step-by-step process. This process occurred even at the most visible level, when he began to be able to look at himself in the mirror while he shaved:

*He said that he has been looking at himself in the mirror and it has been a strange experience. It may be a little thing, but it feels strange – he said. (Session 15).*

Self-reflection and trying out alternative options for managing alienation was often enhanced in authoring a distinctive, respectful narrative. Long after my resignation, Eddie telephoned me from prison on 28/07/04:

*He said with great surprise that he is finding that when he writes, he can decide for himself and he finds that he thinks much more about what he does. He says he has not hurt himself for a long time now. He says he is not going to 'bother' me, but he would like to write a lot, and he does write a lot. He also writes about all his experiences in prison, gang life and so on that he comes across.*

In a letter dated 2 August 2004, Joan [E], whose relationship with me was limited to only 13 sessions, also wrote how she had changed her view of prison from a place which solely increased shame, to one which could be used as a place for meaningful learning:

*First I thought that when you are in this place it's the end of your life but my thoughts was wrong it's a new beginning.*

In writing of her work with female inmates, Jack says: “Change comes as she acknowledges her capacity to do harm and chooses to use her force positively instead of destructively. Such an integration leads to honesty (rather than false innocence about her capacities) and to taking responsibility for her actions. The resulting self-knowledge offers genuine freedom to be authentic in relationships.” (1999, pp. 89 – 90). Miller asserts that as a relational concept, all forms of learning are profoundly related to identity construction, i.e. to movement and change: “[A]ll direct instruction is informed by the nature of our being and is itself an expression of a particular way of being.” (1992, p. 1).

It is part of hegemonic socio-political discourse in DCS that prisoners must ‘change’ in order to fulfil requirements for rehabilitation (e.g. Wolela, 2005). The quality, substance and process of this change are seldom specified. In discussing the substance of rehabilitation, Jefferson argues against the hegemonic view of rehabilitation as ‘correction’ or a “moulding of

*characters*” (2004, p. 146). He questions whether this ‘correctional’ view, also promoted in the draft White Paper (2003) in South Africa, is either desirable or sustainable. Data in this study support this challenge, precisely because a process of ‘moulding’ in the prison institution: (a) negates the unique needs, feelings and value of the individual client; and (b) mirrors and reinforces early unintentional learning which gave rise to the very violating behaviour it is intended to ‘change’.

## **6.2 Antidotal vs. transformational learning**

I argue that when violation is viewed as a ‘pathology’ rather than a form of adaptive defence transformative change is unlikely. Furthermore, when treatment is located solely in the inmate recidivism is inevitable<sup>193</sup>. In my study, all my clients were well aware that their behaviour was problematic to society and themselves, and wanted to ‘change’. They just didn’t know *how* to do so in a safe way. The introduction of meaningful change involves embracing unfamiliarity, as well as questioning of what was previously taken for granted into an already emotionally threatening lifeworld<sup>194</sup>.

Entrenching and transforming reactions to alienation have a common root in crisis. However, they differ substantially in process, location of activity and visibility. In chapter 3 (page 52), I referred to social and institutional dynamics underlying antidotal defence (I dealt with its defensive nature in chapter 7, page 138). This type of learning is reflected in individual lifeworlds. Antidotal learning is relatively quick and operates primarily in the zone of actual development. As such, it retains an air of familiarity and so offers security. It is expressed as passive acceptance and is consistent with traditional views of compliant ‘learning’. In the moment, it avoids the threat of punishment. It is commonly situational and is relatively visible. Typically, it gives immediate comfort, but promotes increased dependency and goes some way to explaining why antidotal behaviour is difficult to change (Buirski & Haglund, 2001)<sup>195</sup>. It is a paradigm shift away from transformative learning (Buirski & Haglund, 2001)<sup>196</sup>.

Antidotal behaviour may masquerade as transformative learning. It is likely that where severely alienated individuals are exposed to a rare relationship of mutual respect and where their voices are heard, feelings of elation will result. Tintinger describes this emotive aspect while engaging with inmates of Leeuwkop prison on the writing of their life stories: “*During the*

*unfolding of the week, we had a sense that something magical was happening. The inmates were transforming the world around them.*" (1999, p. 4). This may lead to increased efforts to satisfy the listener's needs, which may merely delay violational behaviour. While this emotion may certainly enhance the process of transformative learning in the sense that it may recruit commitment to the relationship, I suggest that it is not definitive of it. My data suggests that in the absence of socio-political and institutional changes to enable a culture of critical enquiry, and constant practical opportunities for its practice, the probability of reverting to old patterns is inevitable.

Transformational learning is necessarily relatively slow, demanding practice and patience. It acknowledges the past as a foundation. It anticipates anxiety consequent on unfamiliarity of new skills that have been learned. It relies on active participation by clients and therapists, at many levels, for its realization. It risks rejection in social relationships and may be punished by those who have the power to do so, since it questions the concept of relative worth. It depends upon critical questioning, and empowerment is definitive of it. Transformational learning understands violation as one option among others to manage the universal inevitability of alienation as part of the human condition. It does not claim to cure humanity of alienation and ensuing violations, merely to manage it differently.

## **7. Conclusion**

In this chapter, I illustrated that Vygotskian theory of learning has the capacity to offer a conceptual model to explain the mechanism whereby both violation and transformative processes are socially constructed. When the former diminishes the latter has the capacity to empower self, other and relationships at different levels through critical questioning. The use of practice is crucial to demonstrate the viability of a relational theory to understand violation. In addition, it enables transformative learning of clients, as well as therapists working in prisons. By extension, it has significant implications for institutional and socio-political organizations in a country undergoing profound transformation.

### 1. Introduction

In this final chapter I demonstrate how strands of socio-political ideology and historic dynamics underlying violation in client lifeworlds are enabled in the current prison environment. The connecting factor between inmates, the institution and society, lies in the struggle for recognition through relationships between them. Lack of resources, inefficiency, broken promises and processes which subjugate clients such as silencing and inconsistencies between policy and practice, sustain alienation. These aspects of failed service delivery promote a concomitant growth of inmate distrust in the goodwill of the criminal justice system as well as an orientation of having to defend against it. In the absence of learning how to manage alienation respectfully, the prison environment sustains a culture of violation. Ex-inmates must necessarily then rely on historic means to defend themselves when they re-enter a world which views them with increased suspicion, as a result of their apparent 'proven' hostility to the world. In this way a cycle of violation is created between society and (ex)prisoners in which we are all protagonists.

### 2. Ideological considerations

The DCS' current practice of demanding passive compliance with orders by inmates and staff in prisons runs contrary to socio-political processes which encourage transparency, mutual acknowledgement and the taking of initiative. Below I bring evidence of some current practices of punishment, discipline through silencing, and militarization to demonstrate how these inconsistencies jeopardize transformative rehabilitation.

#### 2.1 Corrections – a new name for punishment?

Sustainable rehabilitation is more complex and holistic than was considered to be the case prior to 1994. As a result, in its draft White Paper (2003) the DCS states its intention to replace a culture of punishment with one of 'corrections' which calls on clients to recognize *that* they have done wrong, and *how* they have hurt others<sup>197</sup>. Similarly, Braithwaite and Pettit (1990) suggest that 'reprobation' which involves moral reasoning which will induce "*an understanding of the wrongness of the act and eliciting a sense of shame about it*" (1990, p. 90). My experience is that even prior to 'being subjected to corrective measures' by the DCS, clients recognize that their criminal actions are problematic for others. They understood why society views their actions as unacceptable. They also understood the impact their actions had on their 'victims'. Often, they

even understand that their actions are problematic for themselves and experience shame. What they do not know, and what literature commonly fails to point out is *how* to do anything about it. Despite Braithwaite and Pettit's (1990) assertion to the contrary, this situation inevitably results in 'probation' or 'reintegrative shaming' being emotionally coercive.

In most policy documents distinctions between 'corrections' and 'punishment' are not spelled out. In practice, 'punishment' often parades under the euphemism of 'corrections' and the consequences of 'corrections' are, to all intents and purposes the same. Holdstock (1990) writes that punishment in prison is often expressed as a self-perpetuating cycle of violation between inmates and staff<sup>198</sup>. Unless a name change is rooted in concrete processes involving engagement rather than negation and humiliation, the term 'correction' will have the same effects and be viewed, and defended against in the same way as was punishment.

Traditionally, prisons rely heavily on punishment as a vehicle for 'rehabilitation' by reason of deterrence, as well as a measure of restoring equity (Hampton, 1990). Kollapen (2002) points to the cycle of increased violence, supported by a punitive prison institution which in its treatment mirrors increased, frenzied calls for punishment by society<sup>199</sup>. Previous chapters brought testimony which shows that, *despite* histories of severe punishment such as those evident in e.g. Magda and Eddie's cases, clients violated *more* in later life. This supports Gilligan's (1996, 2003) findings that the more severely people are punished, the more violently they are likely to behave in their lives. Data also supports the irony pointed out by Gilligan, of similarities between designated 'perpetrators' and society when society justifies punishment as a method of gaining justice: "[T]he motives and goals that underlie crime are the same as those that underlie punishment – namely, the pursuit of what the violent person considers 'justice'." (1996, p. 18). The assumption of deterrence is based on behaviourist principles, relying on fear to motivate passive compliance in order to 'accept responsibility'<sup>200</sup>. This contradicts my findings that clients accepted rather too much responsibility for others, at the expense of developing a sense of personal agency. Gerhardt (2004) suggests that, far from being an indication of successful rehabilitation, passive compliance by inmates may simply be a short-term matter of survival, with repercussions for later violations<sup>201</sup>.

A punitive culture also existed for staff, which negatively impacted on their ability to take the initiative in the workplace. While I was employed, a catch phrase by staff in meetings was "we are covered" on a particular point, meaning "we are successfully avoiding punishment".

### 2.1.1 Punishment and humiliation

Scheff and Retzinger (1991) specifically note that punishment is used as weapon to shame in prisons. Testimony from my clients suggests that when they were less assertive and exhibited relatively greater emotional lability, they seemed to be particularly vulnerable to degrading punitive measures by staff. Typically, punishment undermined client attempts at rehabilitation. For example, Eddie's case notes provide an account of the care he had taken to nurture new-born kittens that he had found in a drain:

*A month or so ago he found a few cats in the drains. One of them gave birth and he had her and the litter with him. He was caring for them throughout this time, and also let [warder D] know that he had them there. (Session 41).*

It was notable that the care Eddie was giving the kittens was consciously reflective, as well as respectful of prison regulations:

*He knew it was against the rules to keep cats, so he also told the head. It was therefore known and legal. [Warder D] agreed to come and fetch the cats to take them to the SPCA [Society for the Prevention of Cruelty to Animals] when he had the time. He was busy though and had been working 24 hour shifts and so would arrange for their removal later. Eddie kept up their care though. (Session 41).*

Subsequently a warder instructed three juvenile inmates to assist in the gruesome killing of the kittens, while Eddie was attending therapy and narcotics anonymous classes:

*When he got back from Therapy and his NA [Narcotics Anonymous] classes, he found no cats. Eventually he found one kitten curled up in a corner. When he called the cat, it came crawling out dragging its hind legs as if something was wrong with its back. He rolled it up in a towel and put it in a basket. When he saw the doctor, the doctor said that it looked as if it had been damaged and the doctor offered to take the cat to the vet. Later, he asked one of the prisoners what had happened, as he later found a stamper [heavy concrete slab used to smooth ground] with blood on it. He also later found a pool of blood with what looked like paw prints going from the pool. Last Tuesday as he was in therapy, it seems that [warder G] ordered three juveniles to go in and kill the cats with the stamper. (Session 41).*

This was a recreation of the historic trauma in which as a child of four, Eddie had been unable to protect his mother. He was brutally confronted, yet again, with his impotence to nurture and make a difference to life. His fury in the face of the extent of his disempowerment became directed at all relationships in his life, including the extent to which he could value himself:

*This week he has been angry with me and [previous psychologist] for not being there for him ... it is also very clear that his guilt, for not being able to protect [the cats] [as with*

his mother] *is surfacing. He has been wanting to hurt himself. He got a scalpel from someone in the hospital section and complained that he doesn't even have the guts to kill himself.* (Session 41).

While it could be argued that the individual warder's actions could not be generalized as representative of prison culture, the systematic reaction against Eddie for making the incident public became undeniably punitive. If any punitive action was taken against the warder, neither Eddie nor I have been made aware of it:

*The SPCA apparently went to the newspaper with the story and it seems it was in the Weekend Argus. [Warder G] is now calling for blood, and the warders are now furious with Eddie, as they say he pimped [informed] on them. The whole incident with the chicken [an incident some months previously in which he stole a chicken from the kitchen, apparently at the behest of a warder] is now being resurrected, and he is being charged.* (Session 41).

Magda [H] was between the ages of 15 and 18 during our relationship, and had a similar history of fraught relationships with staff members. Her family history provided her with no skills to cope assertively with conflict, as a result of which she tended to act out her emotions explosively. Her description of staff reaction indicates that their attempts at 'correcting' her behaviour were no more effective than that experienced by Eddie:

*[Magda] finally came to a session today very upset. She says that anger is really getting her down. She feels this anger boil up, the members hit her, kick her, put her into solitary and she just loses it. Apparently [wardress X] is particularly on her case. Male members are also called in and they physically assault her, using as an excuse that she resists normal constraints.* (Session 11).

Excessive means of restraint by prison staff were overwhelming and underlined her impotence. In this, they mirrored historic, exaggerated abuse of power by significant others. These methods left no room for engagement, or of learning new, respectful ways to express her emotions. With no means left to assert her self as distinctive, she responded by mutilating herself:

*In frustration, she pulled stitches out of her hand which they put in after she tried to cut herself.* (Session 11).

### 2.1.2 Punishment and achievement

In previous chapters I suggested that the practice of minimizing others and/or their achievements to enhance a sense of self-worth was common in many clients' lifeworlds. In his biography McKenzie, an ex-offender and gang member, connected power and humiliation to the struggle for

recognition when he described this as a common practice at school, even from the age of six<sup>202</sup>. In prison, the terms ‘punishment’ and ‘corrections’ were often used interchangeably to legitimize the same dynamic.

Consistent with my argument that the key to rehabilitation lies with the need for recognition, I considered it important to encourage clients to participate in activities leading to a sense of achievement and justified pride. Magda [H] was notorious in the prison for her ‘difficult’ behaviour. She spent a significant part of her incarceration in the maximum section alone or with one other person, with nothing to do. I addressed a letter to the Institutional Committee recommending that she be given work. This request was turned down on the basis that:

*[Magda] must stop with her behaviour of being rude to prisoners and members, and if not, will remain a maximum [i.e. be kept in the maximum security section], until she makes her mind up for change ... I think the chances for her to receive work is when she is classified as a medium [i.e. medium security section] and that she can show us that she is willing to behave herself and co-operate with prison policies and rules.*

Gloria [C] was in her 40s when I saw her, and has had a similar lifestyle to most middle class working mothers with a home to run. She had not done any heavy exercise in years. Her achievements in advanced tertiary education exceeded those of most, if not all warders and inmates. For some months she was ordered to work in the kitchens, mopping floors and working with heavy pots:

*It seems that [wardress A] often makes comments about her ‘high learning’... and implying that she thinks she is better than others. (Session 5).*

Gloria complied until she experienced back problems. The punitive nature attached to this work by prison authorities, often with the taunting label of ‘madam’ was an explicit assertion of power to shame inmates:

*She has also been having a trying time at work. (Wardress A) sees her as a ‘madam’ as she doesn’t want to do heavy work. They have to carry heavy pails of water, and pull extremely heavy trolleys (session 16).*

Her wish to put her exceptional skills to good use in helping other students with their education, in an environment where the number of educators was extremely limited, seemed to be in everyone’s interests. Gloria’s requests to make an appointment to discuss this matter were studiously avoided until I accompanied her. In the next session, Gloria indicated that my presence the previous week had been perceived as a challenge to the power of the committee:

*She also was agitated because the Institutional Committee were furious that I went with her last time to find out when she was due to see them for a job. She explained that this was not to undermine their power, but to give her courage at a time she was losing it. (Session 14).*

Enthusiastic scholars who had infringed rules, ranging from 'cheek' to being aggressive were often punished by withdrawal of permission to attend school. It became necessary for me to seek clarity on policy distinction between matters related to rehabilitation and discipline in a letter to the area manager, dated August 2002 entitled: "*Request for clarification: rehabilitation vs. discipline*". It is notable that in terms of section 40 of the Correctional Services Act (1998) work is specifically not allowed to be a disguised form of punishment (Van Zyl Smit, 2005). In addition, Section 37(2) of the Act also says that the type of work prisoners are given must be congruent with their overall development<sup>203</sup> (Van Zyl Smit, 2005). I observed several incidents where practice diverged from policy.

### 2.1.3 Punishment and solitary confinement

It was my experience that inmates who were most likely to be subjected to solitary confinement were also those who had historically been most severely punished, and those who most lacked a family history of respectful conflict management. In prison, these clients were more liable to defend by physically damaging themselves and others as a result. Their mental health was also more vulnerable to the dangers of solitary confinement (Louw & O'Brien, 2007<sup>204</sup>). Magda [H] was a child of 13 when she was first incarcerated for killing the owner of a house she and a friend were in the process of robbing. She frequently exhibited extreme emotional lability, accompanied by threats and actual aggression against herself and others. The substance of her hidden shame became exposed primarily when conscious defences were at rest, and only after many hours of therapy:

*She said that she had a terribly disturbing dream. She was slitting men's throats. Then she heard her father had died and she was terrified of going home. Her mother motioned to her to come in, but she didn't want to. Through a crack in the door, she could see her father lying there. She was scared his ghost would come to haunt her. (Session 16)*

The 'evil' identity by which she became known and which she attributed to herself originated in an inability to keep her family together, 'sluttish' behaviour and culminated in her crime. In the absence of any other valuation of her, this was the identity she had to work with, and according to which she acted. In chapter 7 (page 146) I quote from Magda's case notes suggesting that she

burned her cell, as indicative of a culture of punishment, to rid herself of a reminder of guilt. As a result of this incident, she was put into solitary confinement for ten days, with her hands cuffed to the bars at night, as a result of burning the cell, and in an effort to protect her and her cell mates. Although legally permitted in terms of section 31(1)(a), (b) and (c) of the Correctional Services Act (1998), this action was in direct opposition to my recommendation to the head of the prison. My view was that Magda was particularly vulnerable to damage by negation. Furthermore, Article 27 of the United Nations Standard Minimum Rules for the Treatment of Prisoners mandates that “*no more restriction than is necessary for safe custody and well-ordered community life*” be used against prisoners (Human Rights Watch, 1997, p. 8). During my employment, the way to achieve safe custody remained a matter of serious contention between myself and prison authorities. Five days after her release from solitary, Magda made an irate appearance at her next therapy session:

[Magda] was very angry today, said that [the warders had told her that] *I had given the warders permission to have her thrown into a single cell with her hands locked to the bars.* (Session 16).

In addition, extensive bruises hidden under her shirt indicated that a severe assault had taken place. I requested an immediate audience for myself and Magda with the deputy head of the female prison, so that my client could provide a different meaning for her behaviour than the ‘badness’ attributed to her by staff:

*I spoke to [deputy head of prison] and [Magda] came with me. [Magda] explained to her that the burning was not to be bad, but was an attempt to get rid of this ‘ghost’ [of the man she had killed, which constantly haunted her]. [Deputy head of prison] stated that [Magda] is ‘hiding behind her crime’ and is not being honest with me. She said that [Magda] is smoking dagga [marijuana] all the time and is generally not behaving. She said that she had put her in solitary due to the fact that she had to protect the others.* (Session dated 2/10/02).

Magda’s historic context gave rise to profound ambivalence between a severely unsatisfied need for acknowledgement, and simultaneous terror of betrayal by significant others. This was reflected in, *inter alia* intense but short-lived relationships e.g. with lovers, initially attending therapy erratically, and a series of behaviours eliciting banishment to the maximum section and periodic short breaks back into the juvenile section where she shared the cell with many inmates. Staff members were clearly confounded by a progressively ‘difficult’ inmate. Her flamboyant behaviour, and the lack of space given to her to engage with staff also served to blind staff from

seeing how their own ways of resolving differences was not substantially different from that used by Magda:

*[Magda] got into a fight with a pregnant woman, as a result of which [nurse] apparently hit her in the face. She then screamed and hit him back ... She also had Tronkma [warder assuming a 'prison mother' role] fighting with another member and there seems to be jealousy among members [warders] about their 'tronk kinders' [inmates informally assigned as 'prison children'].* (Session 19).

Staff were apparently unable to understand how increasingly punitive measures eroded gains made in therapy:

*We [Magda and I] chatted about how, even though such 'skelling' [Magda's yelling] is indicative of uncontrolled temper, it is an improvement on the assaults on herself and others that used to take place. She agreed, but said that the warders don't see it like this. She already has 60 points [60 charges on which she was found guilty] against her – she was given a document to sign, stating that if she gets two more points, she will be sent to C Max in Pretoria.* (Session 30).

C Max, or super maximum security prison is the ultimate cold environment, invalidating the human legitimacy of belonging. It is a prison, located in a different province reserved for the 'worst' criminals and is run on principles of removing all human contact. This threat on Magda elicited overwhelming anxiety, and increased her efforts to defend against it in habitual ways. A safe environment necessary for learning new ways to manage alienation remained elusive. Three years after this incident, the headlines in a local newspaper read, "*The teenage prisoner who burnt to death in a Pollsmoor Prison cell was shackled and handcuffed to the cell door at the time.*" (Fortein, 2006, p. 1) was a brutal reminder that therapeutic relationships with inmates take place, at best, on the very margins of significance for the prison institution. Subsequent informal communication with staff members and voluntary workers about the trauma suffered by staff reminded me that the gruesome consequences of violations are often not intended. In addition, their 'perpetration' is not restricted to those found guilty of crimes.

The profound terror of not being found worthy of belonging is well captured by Sartre's (1956) concept of "*internal negation*",<sup>205</sup> as well as in the writings of numerous other authors<sup>206</sup>. Acknowledgement of the dangers of isolation to the psychological wellbeing of human beings has been accepted internationally. The United Nations document A/45/49 of 1990 states: "*Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.*" (Cited in Human Rights Watch, 1997, p. 7). National

policy expresses similar concern. Section 25(1)–(4) of the Correctional Services Act (1998) states that solitary confinement must be overseen by the inspecting judge in order to ensure protection of inmates. The inspecting judge should have recourse to a record of proceedings leading to such confinement, and “*a report from a registered nurse, psychologist or the medical officer on the health status of the prisoner concerned ...*” (The Act, 1998, p. 30). In addition, a prisoner in solitary confinement must be visited “*at least once every four hours by a correctional official, once a day by the Head of the Prison, and his or her health assessed once a day by a registered nurse or psychologist or a medical officer. (4) Solitary confinement must be discontinued if in the view of the registered nurse, psychologist or medical officer it poses a threat to the physical or mental health of the prisoner.*” (The Act, 1998, p. 30). During my employment, there were not sufficient psychologists to monitor those in solitary confinement, even if we were requested to do so, which we generally were not. The only time I was asked for input, my advice was not followed.

## 2.2 Culture of discipline through silencing

In practice, I found that rigid disciplinary controls operating in an authoritarian manner silenced inmates and had a de-motivating effect on staff including psychologists. They also served to facilitate pseudo-communication between staff and inmates in prisons (Jaworski, 1993)<sup>207</sup>. This has undermined institutional legitimacy

The DCS White Paper situates discipline as one of its core tools for attaining objectives of correction and rehabilitation, citing ‘community service’ towards other inmates as one of its forms<sup>208</sup>. Clients often experienced this form of discipline as a way for staff to delegate their own work to inmates, thus further subordinating them. Susan’s [O] ex-husband told me that, with all her difficulties of lying and cheating which he could not understand, she had always been extremely eager to please. As she became more aware of the importance of asserting her distinctive needs it appears that some staff saw the opportunity to use her as unrecognized help, while at the same time making their relative power clear:

*During the weekend, [inmate B] had decided that [inmate A] was taking too long on the toilet. She had taken it upon herself to go in and beat [inmate A] up while she was on the toilet. [Susan] had screamed at the wardress, who was witnessing the incident, to come and help, but the wardress had said ‘I am not in the mood for stress’ and walked away. [Susan] had then agreed to write a note of objection to the section warden, and this was signed by all the other inmates in the cell. This was then taken to [deputy head of female*

prison], who had then called [Susan] in, and told her that she should learn to live with [inmate B] the way she is. She accused her [Susan] of favouring some inmates and not others, and if she really was concerned about the inmates, she would do something about the lesbian activities. (Session 35).

Typically, discipline involved hearings which ran on adversarial lines. Section 24(1) of the Correctional Services Act states that: “[D]isciplinary hearings must be fair and may be conducted either by a disciplinary official or Head of the Prison.” (1998, p. 28). It is arguable that Section 24(2) conflicts with the ‘fairness’ requirement contained in the preceding clause: “A hearing before a Head of Prison must be conducted informally and without representation. At such hearing the prisoner must be informed of the allegation against him or her and have the right to refute the allegation.” (The Act, 1998, p. 28). Testimony from my clients indicated that fairness was typically compromised procedurally. Few inmates have any experience in conducting conflict management by means other than shaming and punishment. Even fewer inmates have an education equal to that of warders who prosecute and judge them. As representatives of a marginalized group, inmates always occupy an inferior power position in prison. The outcome of a hearing also has implications for the quality of life of accused inmates (Kollapen, 1994)<sup>209</sup>. During my employment in all sections of the prison, almost every client was threatened with being charged. Many requested sight of, but were refused access to, relevant documents which could have assisted them in a fair hearing. All my clients were surprised that I would show them a copy of the Correctional Services Act (1998).

### **2.2.1 Relative power, silence and resolution of grievances**

Section 21 of the Correctional Services Act (1998) provides for inmates to make complaints on a daily basis to the head of the prison. These requests must be recorded and inmates are to be duly informed of subsequent decisions. Where they are not satisfactorily dealt with, the inmate is entitled to refer the matter to the area manager and, if still unsatisfied, may refer the matter to the independent prison visitor. Theoretically, this procedure should ensure that inmates’ voices are heard. In practice, this process was often jeopardized due to the silencing of inmates’ voice, and subsequent distrust by inmates of authority. Eddie narrated how an incident of racial difference between himself and a black member of staff unfolded into an explosive situation where his only alternatives were to assault another, or to collude with his own shaming:

*He [Eddie] is only supposed to give access [to the gym] to prisoners. A day or so after, a black warder came to him demanding the key again and when he wouldn't give it, he hit Eddie on the side of the head, over his ear. He repeated this action in front of [warder E] ... At the time, Eddie's instinctive reaction was to clout him back. He knew that the other prisoners expected this ... He is now also wondering if it would be worth it to lay a charge. He believes that the race groups stand together, and is worried that all the black warders will make his life into a living hell if he lays a charge. (Session 67).*

A different outcome occurred as a result of mutual recognition in one incident in the female section. Over time, Gloria [D] became progressively assertive about her distinctive needs. This movement was accompanied by increased engagement with prison activities e.g. her participation in the choir and her work on the in-house magazine, which gave a large measure of positive recognition to the prison itself. Her case notes illustrate how inmates, who were dependent on a system experienced as inconsistent, uncaring and inaccessible banded together in an effort to give power to their voices:

*She, and two others [one white and one black] were elected representatives to take grievances to the head two months ago. [Head of prison] promised results within 2 weeks, but today, 2 months later, there was still no reply. This morning they resorted to toying [originating in the anti-apartheid struggle], and this also led to much snot and trane [theatrics] between the warders and the inmates and between inmates. However, it seems that the plumbers were there half way through this morning to see to hot water, and the food would be checked out later. In addition, she had managed to get the courtyard open for visitors on Sunday, which is a first – the warders even acknowledged her role in this. (Session 47).*

Inmates received a temporary boost to their bargaining power in the last three months of 2002 during hearings into allegations of corruption held by the Jali Commission of Enquiry in Cape Town. While doing her prison sentence for numerous counts of fraud, Truida [P] was charged internally for a further fraudulent offence. She had previously run into countless obstacles when trying to see the head of the prison about grievances. Eventually she used the Jali Commission hearings as a way to coerce an audience with the head of prison. For her, this entrenched manipulation as a valid form of being in the world, albeit against her preferred judgment:

*She had managed to find her way into [head of prison's] office twice, despite taunts and jeers from [wardress A]. It would seem the members are a little afraid of not doing what is expected of them, so their behaviour is less predictable than it was in the past. She says if she is punished unfairly she will write to Jali. She doesn't like 'pimping', but she will if she has to. (Session 75).*

Some inmates felt they were blocked by staff from lodging complaints with the commission.

Maria [I] described how her attempts to speak to commissioners had been successfully foiled by staff:

*She also said that she and [inmate] had asked to see the Jali, but had been told by a member that when someone from the Jali had come to question them, the investigator had been told that both of them had been released. (Session 18).*

The objective of the Jali Commission of Enquiry was to stem the tide of abusive practices in prisons. However, this was jeopardized to some extent by the power of staff to silence inmates.

Rademeyer noted that government task teams are frequently little more than a sop, a “*strategy to silence the community*” (2005, p. 15). In an environment characterised by power struggles of relative legitimacy such as prisons, any power to effectively investigate corruption is likely to be compromised when the relative right to speak is weighted in the favour of one party to the dispute. Scheff and Retzinger point to unwitting socio-political facilitation of individual repression through strategic use of silence and language: “*Repression depends upon the use of language as part of an inadvertent conspiracy of silence.*” (1991, p. 19). This same lack of channels for mutual engagement also severely compromises rehabilitation, as was found by the Judicial Inspectorate of Prisons (2003)<sup>210</sup>.

### **2.2.2 Silence between inmates and prison authorities**

My experience with case studies indicated that prison authorities perpetuated the historic dynamic of using silence as a tool to subjugate clients. It appeared that authorities were, themselves, subjected to similar tools of subordination. In their childhoods, power imbalances reflected in hegemonic discourse of ‘children should be seen and not heard’ were expanded to ‘criminals have no rights to speak’ in prison. Consequently, I tried to facilitate safe and validating space for clients’ narratives to be told in a way which would: (a) elicit justified pride; as well as (b) elicit recognition from society. I drew up and offered a requisite contract to clients for participation in a ‘book project’. This contract outlined the constructive role which such narratives could play for legitimizing client voices to themselves, reducing self and other anxiety and increasing education about the nature of crime in prison and society. As was the case with most clients, Eddie’s response was enthusiastic:

*I spoke to him about the book project, and he says that this will be enough incentive to keep him working and clean [free of drug abuse] for the next week. (Session 8).*

In keeping with requirements to work in a chain of command in the prison institution, I wrote a letter requesting approval from the area manager, who forwarded the request to the provincial office, for forwarding to the Head Office. I received an acknowledging, but less than hopeful response three weeks later from the provincial office, based on their not having executive power. On the one hand, it clearly supported the project. Point 2 of the letter states: “*Ms. Hoffman should be commended for her initiative regarding the project*”, and point 3 states: “*The therapeutic value to the client as well as the positive contribution of such a project to rehabilitation in general in the Department of Correctional Services is beyond argument.*” On the other hand, point 4 states: “*However, CSOB V(3)(f)(ix)(bb) states clearly: “Only the writing of poems and articles (for instance short stories) may be allowed. The writing of books or life stories may not be allowed.”*” Final power to reject the project lay with Head Office, which it did four months later, telephonically, to the provincial office.

It would appear that the power to validate the right of inmates to speak is selectively applied, and no criteria for its application were provided for me. For example, the rule was apparently not applied in Leeuwkop prison in 1999 when Tintinger published a compilation of life stories written by inmates (Tintinger, 1999). At the time of my request, I was employed by the DCS as a psychologist. Appropriate discourse guiding my actions should presumably have been that it was of therapeutic value to clients. Narrative therapy is a recognized form of therapy (e.g. Crossley, 2000; Fine *et. al*, 2004; Jack, 1999; Tintinger, 1999; Barnacle, 2000 to name but a few). In addition, it is consistent with professional psychological discourse as expressed in ethical rules provided by the Health Professions Council, in terms of the Health Professions Act 56 of 1974<sup>211</sup>.

During this time, a poster was attached at various strategic points to walls inside the female prison, entitled “*The new privilege system*”. In a box headed “*Writing or poetry*”, it is stated: “*NB – No writing of books or life stories is allowed. Indecent contents or ideologies are not allowed.*” The contiguity of ‘life stories’ to the discourse of ‘indecenty’ (expressed as an objective social reality, rather than a social construction), arguably affirms the taken-for-granted ‘truth’ that the life story of a ‘criminal’ is an ‘indecent’ one. The ‘reality’ of their ‘shameful’ identities doubtlessly resonated throughout most inmates’ lifeworlds where indecency had been expressed through sexual abuse for example, as was the case with Eddie [C], Susan [O], Joan [E], Magda [H], Miranda [K], Nina [M] and Wendy [Q]. Further, the heading of the poster suggested

that life stories are privileges, something to be earned, and which those in authority have the right to bestow on clients. In addition to prison sentences imposed by a court of law, it would seem that, notwithstanding its irrelevance to matters of public safety, the right to silence or express inmates' life stories has been usurped by the DCS.

### **2.2.3 Silence between staff and society**

Historically socio-political and institutional practice enforced silence on inmates which, as I argued in chapter 1. This created fertile ground for secrecy and violations (also, Freedom of Expression Institute, 2004). I found that prison authorities sustained silencing practices after 1994 at the expense of creating opportunities for socio-political and individual transformation. On 15 February 2001 under the guidance of the Director of Psychological Services, I applied to five different heads of department to present a paper entitled "*Healing and transformation*" to the First South African Conference of Psychotherapy which was due to be held in June of that year. The abstract of this paper was accepted by the organizers of the conference, who expressed enthusiasm to learn more about prison practice. Internally to prisons, the Area Manager, the Provincial Office and the National Director of Psychological Services were supportive of this request. Only the Director of Psychological Services saw fit to respond to my subsequent letter of complaint, in a letter dated 29 June 2001: "*The current procedure as to who gives permission for departmental officials to talk on behalf of the Department at any Conference is unclear. This matter will be taken up with the Acting CDC Functional Services as soon as possible to prevent future discomfort and embarrassment. As soon as clear guidelines are available all psychologists will be informed.*" The guidelines were never disseminated, the conference deadlines were missed and in the circumstances, the opportunity to engage with outside professional colleagues had to be aborted.

### **2.3 Militarism in prison**

After 1994, initial attempts to increase transparency and introduce mutuality by demilitarizing the DCS regressed. During my employment Head Office ordered, as a matter of policy, and at times under threat of 'disciplinary action' that all psychologists undergo basic training, and wear uniforms and insignia.

### 2.3.1 Basic training

In the DCS, basic training is regarded as an imperative for all staff members: “[A]ll officials (including professionals) who are employed by the Department, have to undergo basic training.” I was bemused to learn that my compliance relied on a clause in my employment contract which states: “You must declare that you have no objection to undergoing any training prescribed by the Commissioner.” At the time of signing the contract, I had erred in assuming that such training would relate to professional development, and that it would support and relate to institutional transformation. Basic training is conducted as a two to three month residential courses, run on ‘boot camp’ style, in a prison environment. For me, this would mean living more than 1000 kilometres away from home and work. Among other things, ‘trainees’ are taught how to work with guns. I perceived the contract of acknowledgement, attached to the curriculum as thinly disguised self-betrayal under coercion. On a personal level, I had little interest in revisiting childhood boarding school, and later prison experiences based on authoritarian demands to passively comply with meaningless demands attached to institutional living. In addition, I had been imprisoned in 1986 due largely to my work in the End Conscription Campaign which hotly contested the viability of resorting to violence as a means to resolving differences. I also took professional exception to being forced to undergo firearm training, to be potentially used against clients whom I was attempting to teach non-violent means of resolving conflict. My own experience, suggested that by far the majority of clients who are treated with respect respond with respect, is supported by e.g. Gilligan (2001), a psychiatrist of 35 years practice in prisons. Narratives by ex-inmates such as Magadien (Steinberg, 2004), McKenzie (Cilliers, 2006) and Barnacle (2002) are in agreement. In addition to upheaval to family life, compliance to the order involved no more than one week’s notice. The majority of psychologists objected on ethical grounds to abandoning clients at such short notice(a week). Many clients have a traumatic history of abandonment by trusted significant others. Eddie’s historically generated fear of abandonment by psychologists has been documented in previous chapters, but again:

*He projects all the anger, forgiveness, desire to protect etc. onto his therapists – the ones who will surely leave him. (Session 76).*

Truida [P] noted soon after therapy started how abandonment affected her:

*Truida said that she was angry with me. She had forgotten that I was going to be away last week and thought that I had abandoned her, just like the others. She said that it may seem stupid, it’s not that she can’t cope, it just feels like everyone leaves. (Session 6).*

In the face of Head Office's unwillingness to engage respectfully and directly with psychologists on this matter, an inordinate amount of General Public Services Bargaining Council (GPSBC), and personal time, energy and funds were expended in attempting to resolve this issue. This took place at the expense of clients' needs in a context where professional skills were excessively limited. An agreement respecting the undesirability at least of professional abandonment was finally reached on 4 August 2003 in terms of a letter dated 15 May 2003, which was produced for the first time for our viewing at this meeting. This agreement does not, however, address the issue of how militarism undermines rehabilitation. In his research into prison practices in Nigeria, Jefferson relates the militarism of basic training camps to a conventional view of discipline, which undermines the concept of transformative learning<sup>212</sup>.

### 2.3.2 Uniforms

Eddie's view of enormous distrust of authority (as described previously) was reflected by many clients in prison. Nina [M] was imprisoned for killing her husband after years of abuse. Her father had been an authority figure in the church and her brother was a member of the police force:

[Brother] is a policeman and she is angry about that. Her father was a predikant [church minister] and he also assaulted them and molested them. She is angry about the status that these labels get, but which mean nothing. She was saying that she is writing all of this down for me, and she wants me to read it. She doesn't want it not to matter. (Session 14).

In such cases, rehabilitation involved building trust. It is only in a trusting relationship that clients could permit themselves to risk speaking about, engaging with and critically questioning their socially constructed 'truths' that all authority figures are untrustworthy. The crucial requirement that, as far as possible, psychologists maintain their independence from uniformed custodial staff tasked with 'discipline' is based largely on the therapeutic imperative to engender trust. Soon after starting to work in prison I was surprised by a client's comment implying that he viewed staff as similarly 'bad' as himself, reverberated frequently since then: "*The only difference between us and the warders is the uniforms we wear.*" A considerable amount of rehabilitative work lay in facilitating clients' awareness that actions based on respect for the rights of others does not necessarily demand agreement from, or similarity with, authority figures. This view is consistent with Section 2.3.1 of the Health Professions Act<sup>213</sup>.

The argument that the wearing of uniforms by professional staff has a negative effect on rehabilitation has a long history. As early as 1949, the Lansdowne Commission recommended that, in an effort to increase accessibility, prison staff members, particularly those tasked directly with rehabilitation, should not wear military uniform (Dissel, 1997)<sup>214</sup>. Five and a half decades after the Lansdowne Commission, and 13 years after change to a democratic dispensation the CSVR (2004) noted the contradiction between the DCS' stated intention to demilitarize and the apparently discordant order to revert back to wearing uniforms and insignia<sup>215</sup>.

In practice, staff were notified at a board meeting on 1 April 2003 that all employees, including psychologists were obliged to wear uniforms as from 30 April 2003. As with the dispute around basic training, Head Office maintained a resolute refusal to engage with my letter of objection. Contact was limited to orders to wear uniforms or face disciplinary' action. Importantly, internal research was conducted by concerned psychologists in the employ of the DCS in the Eastern Cape to gauge the needs and feelings of inmates and staff regarding the dress code. The conclusion to this research states clearly that neither inmates, nor the majority of custodial personnel, objected to psychologists wearing civilian clothing. On the basis, *inter alia* that 92 % of prisoners interviewed stated their preference that psychologists wear private/civilian clothing, the Director of Psychological Services strongly recommended that the order for psychologists to wear uniform be reconsidered<sup>216</sup>. This recommendation was not followed, and again, precious personal and GPSBC, personal financial resources and energy were expended in further hearings. The advice of the GPSBC to psychologists to resolve the matter internally, as it had no jurisdiction in this matter, was unsatisfactory. Our approach to this council had been a last resort after numerous refusals by Head Office to engage directly with specific objections raised by us on the matter. To my knowledge, the majority of psychologists in the full time employ of DCS are now wearing uniforms, while others are considering re-instituting grievance procedures around this issue.

In summary, incidents such as the above, and the disrespect which characterized the processes in which they took place, ensured that it became impossible to continue working for the DCS with any degree of personal and professional integrity. Nonetheless, I am also of the firm belief that the substance of the motivations underlying the DCS' actions was similar to those of individuals in their custody, i.e. defensive rather than malicious. For transformation to occur, 'taken-for-granted' aspects of life must be subjected to processes of critical thought such as

deconstruction. Moreover, transformation will not take place without social resistance, precisely because it threatens security inherent in the familiarity (even if demonized) of the past (Scheff, 1997)<sup>217</sup>. This may go some way to explaining DCS' reluctance to provide authorization for this study, which to date has taken three and a half years. Ironically, as occurred in inmates' lifeworlds, silencing can only buy comfort for institutions for a limited period of time because the comfort is based on coercive, rather than mutually respectful measures.

### **3. Resources**

Ideological difficulties compromising transformative learning were exacerbated by the implications of a severe lack of resources in the DCS. Historically, Gloria [D] attempted to gain recognition by trying everything to please others, to the extent of committing fraud to keep up appearances of financial success. Just prior to her arrest, she attempted suicide when she realised the long term futility of her coping mechanisms. After two years in therapy she concluded that in the face of extremely deficient service delivery, the risks accompanying newly learned assertiveness skills were preferable to the sense of alienation and disempowerment attendant on passive compliance with prison functioning:

*By the time one's case has come to trial and you are faced with a term of incarceration, this in itself is devastating. The fact that you are placed in an overcrowded, poorly-ventilated cell amongst a myriad of unknown faces is mind-blowing. There is little or no space to put your allowable personal belongings. Amid all this confusion, you now have to reassess your life and try to make sense of what has happened. While it is possible that a few strong-willed individuals, in spite of the mayhem might cope, the amount of self-discipline and self-motivation required is too much for most. There are conflicting needs of inmates. Some are attempting to upgrade their education with no desks or bookshelves and try to do same in a bedlam of noise created by radios and televisions. There is a diversity of cultures and languages and one has to try to adjust – and very quickly too. In my opinion far less provision is made for meeting the needs of women in prison. It is far easier for those wearing uniforms of law and order to ignore us or destroy our credibility, than for us as inmates to be heard and our needs acknowledged. This I find extremely frustrating. The fact that one is at the mercy of wardens, some of whom have no regard or respect of inmates and are vulgar and abusive, is most humiliating. The system does not lend itself to any form of structure, as each member operates at their own whim or fancy. Thus one can conclude that the lives of women in prison are lives of inactivity, boredom and an overwhelming sense of helplessness and frustration. In order to cope 'inside' here it is better to either ignore a situation than be dragged into a situation that we have no control over. However, in spite of the system, one has to cope. This prison experience has taught me many things .... I can conclude that if a woman feels good about herself, she can cope better with the circumstances which present themselves in her life. This prison experience is no exception. (2003, p. 7).*

My own experience as a prison therapist for both genders resonates with the words of Marcus-Medozza (2004) who worked with female clients, that transformative rehabilitation is, inherently anomalous to prison practice<sup>218</sup>. Rehabilitation by clients was therefore an extremely courageous undertaking for them.

### 3.1 Service delivery in health in general

The case studies presented were characterised by general and persistent client complaints around basic custodial care, which included health. From an early age, Susan [O] spent time in hospital as a result of bladder infections, possibly related to systematic sexual abuse. By the time she was incarcerated, she was periodically subjected to excruciating bladder spasms especially in times of stress. After a previously botched hysterectomy her doctor had cautioned her that unless these spasms were dealt with carefully, she would need to live with a permanent catheter. When the doctor was unavailable in prison, and based on much experience with the medical facilities, she learned to manage these spasms herself rather than risk further injury by nurses in whose expertise she had little faith. This decision was regarded as a challenge to nurses' authority. Attempts to explain her position to the head of prison were foiled. In a letter dated 3 November 2002, Susan excused herself from therapy due to extreme pain which had become chronic in the face of medical incapacity:

*As you can imagine I was furious as [the nurse] said these things in the passage where anyone could hear. She told me not to 'fuck' with her job as she did an excellent job. She refused to phone [doctor]. Major has gone into hiding and refuses to see me.*

Frequently, my attempts to engage with other health professionals, as is considered normal in private practice, were also viewed as a personal challenge to authority. The ensuing power struggle would often rage at the expense of the clients' health:

*[Susan] is still in pain. She has still not been given her catheter, despite my asking [doctor] on Monday 4<sup>th</sup> to do something about it. He apparently did phone the hospital, and [nurse] was furious that she had come to me with the problem. (Session 12).*

Inmates were sometimes asked to take on custodial duties falling in the job descriptions of staff. At times, these demands were in direct conflict with rehabilitative interests of clients. For example, Susan was found guilty of fraud, a crime involving deceit. Yet, she was effectively ordered to abuse the trust of an inmate to get her to take her medication:

*The medical staff are expecting her to deceitfully feed [inmate A] her medication, because [inmate A] believes that the pills are poisonous and the staff are trying to 'put demons' inside her. [Susan] feels really bad about doing something deceitful. (Session 33).*

Such practices are not consistent with policy as envisaged in the draft White Paper<sup>219</sup>. Practices are also directly related to shortages of staff<sup>220</sup>. Staff shortages also ensured that any multi-disciplinary functioning of health services within the DCS was severely constrained to the point of compromising professional integrity (e.g. Ajam, 2004; Sefara, 2004; Staff reporter, 2007).

### 3.2 Psychological services

The shortages in psychological services had an impact which was directly felt by clients. After her release on parole, Susan [O] agreed to be interviewed by a student doing a project entitled: "Inside out: Prison Daze" about her prison experience. An excerpt from this article gives some indication of how she managed her psychological health in prison, where services were rare:

*Once again, (Susan) is lucky; she is one of the few prisoners who received counselling during her sentence. Prison shrinks are invaluable. She worked out her feelings during sessions with Sandy. 'You know, no one even told me about her, I had to hear about her from other prisoners. The sad part is only a few get to see Sandy.' (Susan) estimates it at about 12 people a day. 'And she's only in the women's prison on a Monday and a Wednesday.' (Susan) says that her sessions with Sandy were what sustained her sanity. That, and her bible (20/10/2003).*

Shortages in these services also run counter to policy<sup>221</sup>. Rohleder *et al.* (2006) note that since January 2005, the numbers of psychologists in Pollsmoor prison marginally increased from zero to two (to serve a prison population of approximately 8000), who were still completing their professional training. These psychologists were also not trained specifically for this work.

Shortages in qualified personnel and insufficient medical aid cover place supervision beyond the means of most community psychologists. As a result, many do not intend to work in prisons for longer than is necessary to receive their qualification. In my work I found that shortages in staff, logistical problems and constraints in suitable locations meant that forms of counselling other than face-to-face such as group, family and couple counselling seldom took place. There was little congruence between the theoretical job description of psychologists and its translation into practice. These conditions, as well as an absence of affordable community therapy, ensured that there was no service delivery after release on parole (Emdon, 2003). In commenting on the

Services Budget Vote for 2003 the CSVR points to the compromised aim to rehabilitate, in the face of a warning to minimize the raising of false hopes<sup>222</sup>.

### 3.3 Overcrowding

The Judicial Inspectorate of Prisons notes in its report that many inmates are unnecessarily imprisoned<sup>223</sup> McKenzie notes his perception which he gained while spending many years in prison: “*There is a history in South Africa of locking people up for paltry reasons...But there is still a lock-up psychosis*” (Cilliers, 2006, p. 92). In some cases under study, it appears that no public interest is served by incarceration. For example, Mrs X (1999), a forensic social worker of 26 years’ standing, noted that Maria [I] was not a threat to the public. Her report indicated that Maria’s killing of her husband was the result of repeated institutional and social failure to come to Maria’s assistance after she tried all other avenues to protect her child and herself<sup>224</sup>. Maria noted that her lawyer had neglected to include this report in his submission to court in her defence.

Overcrowding had serious impacts on the lives of clients and their ability to develop skills with which to engage with society after release. After a long process of discovering and acknowledging her distinctive legitimacy, Gloria [D] was able to assert her potential to contribute in prison in a way which was consistent with her own interests. She was eventually granted permission to assist in education. She described how overcrowding was a major obstacle to students who were keen to study:

*She agreed that school kids do not have the right to study. Reinforced [inmate C’s] story that the girls in E section have 50 to the cell, that there is no quiet place to work. She says at night the lights go out at 10 pm. And thereafter the kids have to go into the toilet to study. (Session 16).*

This thesis supports the view that feasible alternatives to incarceration be revisited. Such alternatives were envisaged, for example with the Youth Offender Programme (Van der Sandt & Wessels, 1993) in South Africa. Similar initiatives have been reported as being of significance elsewhere in the world (Bailey, 2003; Strickland & De Wine, 2003). Gilligan (2001) argues that prison should be reserved only as a last, and imperfect resort, in order to ensure safety.

Importantly, it should be a place of appropriate formal and informal learning of mutual respect.

### 3.4 Inefficiency

Inefficiency in a prison system fuelled by shortages of staff and resources were inevitable. I will only refer to a few examples, which particularly undermined therapy. Historically, Eddie used blood from self-mutilation to obtain relief from the shame arising out of his inability to protect and assert himself in relationships:

*Now he feels drawn to punishment. When he sees his blood flow, he feels better. He provokes people mentally and physically so that he can get punished as well. (Session 3).*

Blood was also used to spur him to defend himself:

*It is only when he sees blood that he gets into action and fights back. Blood 'releases' his ability to protect himself. (Session 9).*

Explicit discussions around agency enabled Eddie to consider exploring a different experience, where he could choose a changed meaning for blood-letting from punishment to healing:

*Also he said he would love to give blood and always did give blood on the outside. I arranged with [head of prison] that this would be fine. (Session 13).*

In a letter dated 23 October 2001 to the head of the prison, I confirmed that all necessary arrangements had been made for my client to donate blood:

*I confirm that [Eddie] has indicated his willingness to donate blood to the prison services when needed. I confirm that the necessary approval for the above, subject to your permission, has been obtained from the Area Manager, [the pharmacist], and [head hospital nurse]. Such donation is also permitted in terms of Chapter 2, section 46 of the Regulations. I attach copies of the requisite sections and comments by the persons mentioned above. I would be most grateful if your permission can be granted and arrangements made for [Eddie] to donate blood.*

Nonetheless, no arrangement was ever made for Eddie to donate blood.

All too frequently confidential reports went missing. Eddie explained how a parole report, which I had given to the parole board in October 2002, had been 'lost' by December of the same year:

*He was furious with [officer of parole board] when she told him that she had no knowledge of his case as, other than the NA report, she had no others. She had only spoken to me verbally. She also had no social worker report. (Session 66).*

Similarly, I handed in a psychological report after Nawaal [L] had requested and approved it. Six months later, her parole hearing had to be postponed because of its disappearance:

*[Nawaal] came in most upset. She says that the parole board denied ever having received her parole report. She agreed that she had read and ok'ed it in January. We found the copy in the file, and both of us took it to the parole board so that she could witness me giving it to them. (Session 27).*

At times, psychological services could be held up, delayed or even abandoned because nobody was available to open a gate. Sometimes, other meetings were being held and offices and/or staff were unavailable:

*Eddie was in a foul mood – angry with me, but took a long time to come to that point. When I got to the prison, I was told that there was an emergency meeting, and they didn't know how long it would take before the prisoners would be unlocked. I couldn't have my session with Eddie. I wrote a letter, but as I was finishing it, Eddie arrived. He was really angry that the session meant so little to me that I would bail out without a scene. (Session 30).*

Similarly, in the female section, Gloria [D] cited endless problems clients faced when attempting to attend therapy:

*She has been having terrible trouble getting to see me. Two weeks ago she waited for 20 minutes outside the gate and no-one would open. By the time she got out, I was long gone. Before that, she struggled for 2 hours to get through the gates behind that one. The section head kept on saying that they couldn't phone the front, and that I should phone the sections to get people out. (Session 16).*

Previous attempts by me to 'phone sections' to get wardresses to open gates had proved time consuming and fruitless as phones went unanswered. Lists of additional clients waiting to attend sessions were long, and sessions were already cut to half-hour sessions in the three hours between 09h00 and 12h00 when wardresses were available to open sections, before going 'on lunch'.

Therapeutic relationships were probably most directly strained when there was a likelihood that therapists would not continue with the relationship. Threatened suspension and/or resignation typically elicited reliving historic trauma of abandonment as I described previously. Since my resignation Susan [O], Eddie [C], John [G] and Magda [H] have attended private therapy sessions following their release. Eddie [C], Joan [E], Magda [H], Truida [P], Peter [N], Jocelyn [F] and John [G] entered into correspondence or made occasional phone calls. However, at times inefficiency in prison continued to undermine clients' relationships with me. In September 2004, Eddie began showing signs of doubt when he stopped receiving my replies to his letters. Risking further rejection, he bravely wrote a third:

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*I hope and pray you are in the best of manner and health also I hope you are not to busy writing to me as I miss you and your letters. I've written two letters to you since I heard from you and never came back to me on the letter I wrote to you about this experience I went through ...*

An undated letter received from Magda in January 2005 poignantly described feelings of alienation and self-doubt after my reply to her letter had not reached her:

*Ek het laaste jou brief beantwoord maar toe ek nie a terugvoering kry nie, was ek nogals 'n bietjie kwaad en teleurgesteld toe het ek nie weer geskryf nie. Hoekom wou jy dan nie terug skryf nie? Het ek dan iets verkeerd gese of wil jy net nie meer daar wees vir my nie? Ek het gedink dat ons vriendinne ook is. [I answered your last letter, but when I did not receive a reply, I was a little cross and disappointed so I did not write again. Why did you not want to write back? Did I say something wrong or do you just not want to be there for me? I thought that we were also friends.]*

Betrayal was a constant theme in clients' lives. My relationships with them in these case studies invariably stand testimony to the enormous risk they took in trusting me enough to expose so much of their shame, their hopes and to risk growing. There is little doubt that my failure to negotiate a way for me to work ethically within the prison system, together with the inefficiency of prison the bureaucracy contributed to a crisis in service delivery in rehabilitative services in prison.

### 4. Conclusion

Although, to my knowledge, he has not worked specifically with violations, Crossley firmly locates critical discourse in an epistemological framework in which he views all social reality as an intersubjectively constructed fabric to which we all belong, by being "*deeply rooted in systems of social networks.*" (1996, p. 136). Attempts to divorce violations on an individual level from their context of social interaction at other levels, imperils society as this leads to alienation from aspects of it. Not only does alienation perpetuate false myths but, according to Gilligan (1996), fuels violation itself. Wittingly or unwittingly, transformative ways of addressing alienation in prison are being withheld by those in authority. In times of heightened stress, ongoing methods of silencing undermine transformative learning for both inmates and society, and sustain a culture of violational forms of expression. Thus, notwithstanding the stated intention of the DCS to transform prison services from a punitive to rehabilitative environment, and a traditionally hierarchical, authoritarian and secretive institution to one that is more transparent, accountable and democratic, the practice as is reflected in service delivery continues to place obstacles in the path of transformation in much the same way as it did prior to 1994 (e.g. Paul, 2002; Dissel, 2002; Flanders-Thomas *et al.*, 2002).

## Conclusions

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### **An overview of the genesis of this thesis**

This thesis evolved in an unconventional manner. It came about as a way to find a legitimate, yet respectful voice on the crucial matter of rehabilitation with an institution which was profoundly constrained by its historic culture of negation through silencing. It was also important for me to find closure to a personal and professional dilemma. Silencing was experienced by myself and clients as stultifying and disrespectful. Resignation meant I could find, through acadèmè, another legitimate and respectful form of engagement with the issue. It did, however, mean that I was abandoning severely alienated people who had been locked away from opportunities for learning, often for years, with few skills with which to fashion a human quality of life both in, and later outside prison.

This thesis is rooted primarily in my three years of practice as a prison psychologist in a large prison in South Africa between October 2000 and November 2003. An appropriate theoretical framework was developed retrospectively. By arguing for a more comprehensive understanding of the nature of violation, I provide insight into why present professional practice in prison doesn't work and explain when and why individual transformational does or does not happen in prisons.

### **Major contributors**

I drew primarily on the many works of Foster<sup>225</sup> for insight into the dynamics underlying political violations in South Africa. Gilligan's (1996, 2001, 2003) work has proved invaluable primarily for developing insights into prison practice, and for understanding elusive elements of motivation for violence in general. He bases his claims mainly on insights gained during his 35-year psychiatric practice in prisons in the United States of America. He shows how violence in individual lives emerges from, and interacts with the socio-political environment, and how different cultures have managed both violence and peaceful coexistence across time. I have drawn extensively on his work which includes, but is not limited to, criminal violence. Important aspects of his work, such as primary (i.e. socio-political interventions) and secondary (i.e. treatment of particular high-risk groups) prevention fall outside the scope of this thesis. Prison practice, as an instance of tertiary prevention inevitably becomes more effective when primary and secondary prevention have been prioritized in crime management programmes. Gilligan does not explicitly go into detail about any particular epistemological or theoretical stance, although his work is consistent with intersubjective theory.

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For a more substantial understanding of intersubjective theory, I turned predominantly to Crossley (1996) who states explicitly that he speaks to theory and leaves the practical application of specific areas to practitioners. Relationships of prison inmates have generally been severely alienating. Through exploring these relationships with my clients the need for recognition in individual lifeworlds emerged as an important explanation for violations. Importantly, Crossley's (1996) work alerted me to my own contribution to alienation in clients' lifeworlds. I learned that I share the same motivations underlying my perceptions of others' violations against me, and that I could 'know' my clients through myself as well as 'know' myself through my clients. I learned that I construct perceptions of violation where, at times, none may be intended. My fantasies, thoughts and actions are often fuelled by constructed assumptions, in the same way that clients said they had occurred in their lifeworlds. It became clear how we are all protagonists of violation, and we all have influence in its exacerbation or resolution.

Jefferson (2004) discusses the importance of conducting local research particularly in developing countries, from a person-in-practice approach, for relevant and effective input into professional prison practice. His research into prison practices in Nigeria provided me with invaluable insights into the substance of dislocations between policy and practices in prisons. I also drew on his work for academic recognition and validation of my own method. In addition, his work provided support for my findings on movement in violations, through transformative learning, towards rehabilitation in prison environments.

I consulted mainly Vygotsky (1978), and theorists who have built on his work, such as Miller (1992; 1994; 2002; 2003) in order to understand the practical mechanisms of unintentional and intentional learning as it affects movement in violations. While Gilligan (2001) writes about the importance of learning in general for rehabilitation, Vygotskian theory provides concepts and mechanisms meaningful to understanding and managing violation, by explaining *how* we build knowledge and how this influences our actions.

Although authors such as Crossley (1996) and Vygotsky (1978) do not focus on violations as such, this does not mean that they do not speak very profoundly on issues related to violation as I have defined it. A synthesis of the work of these different authors, together with an analysis of my case study material enabled me to propose an integrated, theoretically sound model for prison practice in South Africa. I made a carefully considered decision to use the work of such diverse writers as Gilligan (1996, 2001, 2003), Jefferson (2004), Crossley (1996) and

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Vygotsky (1978) by reason of their compatibility, rather than using an ad hoc collection of disparate authors.

### **Conventional/radical views on violation**

This thesis is unconventional in more than structure. In being theoretically sound as well as practically useful, the outcome reflects an unconventional understanding of the nature of violation itself. Gilligan (1996; 2001; 2003) goes to great lengths, when comparing socio-political ideologies of different cultures and societies, to show that management of violence based in a conventional punitive culture has *never* worked to contain it on either individual or social levels. The most violent criminals are commonly those who have historically been most violently shamed through punishment. Similarly, the most violent societies are those which have historically been most profoundly shamed (Gilligan, 2003).

My findings support an intersubjective view that the struggle for recognition between people is a universal motive for distinctly human behaviour, including violations (Crossley, 1996; Sembou, 2003). The capacity and socially conferred right to engage with others is one indication of a distinctly human quality of life. Being seen, heard and valued in terms of one's distinctive self is an indication of recognition by others of human belonging.

Axiomatically, alienation is a universal human imperative where recognition is withheld, denied or negated by others. Violation unfolded as a historically learned response to alienation in a way which coerced recognition from others. In this sense, violation is intimate in its nature. I locate violation as existing *between* all of us, in relationships to which each party, myself included, contributes to violation in various ways through our relationships with others.

Crossley (1996) proposes two different ways of relating each of which may influence the likelihood of violation or change at any particular time. In the first way, radical intersubjectivity is rooted in the struggle for recognition. It is a natural, inherent imperative of human life. It relies on openness to the world, requiring trust as a prerequisite. Transformative learning cannot occur without it. Where recognition is denied and legitimate belonging is questioned, alienation is experienced giving rise to the imperative to defend, or the second way of being – egological intersubjectivity. Forms of egological intersubjectivity are learned through social mediation. They constitute a powerful element of culture, which become taken-for-granted aspects of life. They form a large part of unintentional learning and teaching, which is passed down through successive generations. This legacy is unlikely to undergo substantial change without a process of becoming

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conscious of its origins and evolution – i.e. a conscientising process. This process is accomplished through critical questioning, which is elicited when crises expose these ways of being as dysfunctional for constructive defence. Ambivalence between these ways of being, or the predominance of one over the other is crucially affected by historical factors which interact with current contexts. Practically, they tend to elicit each other in a dialogical fashion.

Practice confirms intersubjective theory which conceives of the relationship between alienation, violation and rehabilitative change to be substantially more than a visible, measurable, reductionistic and/or cause-effect linear relationship. Instead, it revolves crucially around meaning structures originating in the struggle for recognition. As constructed cultural tools, these meanings are open to question, deconstruction and reconstruction.

In accordance with intersubjective theory, my findings suggest that the conception of violation as an indication of the moral worth of some individuals and groups at the expense of the moral worth of others, itself constitutes violational defence. Moreover, traditional views of morality as the basis of violation, provides no guide for its effective management. These views tend to evoke paralysing guilt and the subsequent tendency toward self-negation, or defence through reactive outward attack, or both. Instead, Gilligan (1996, 2001) proposes a radical, intersubjective view whereby violation is viewed as tragedy accompanying failure in public health policies. This view excludes judgment and promotes conscious understanding of the evolution of meaning structures which give rise to violation. It facilitates more effective management of violation through its inclusive view of violation as a condition of all human life. This inclusive view empowers all social members as legitimate partners in developing a comprehensive understanding of violation, and participating in discussions around its management. As such, opportunities for developing agency of all groups and individuals are maximised. Importantly, inclusion and belonging are crucial aspects of recognition.

In summary, my findings suggest that the methods used to manage violations in clients' early lifeworlds are directly related to criminal violations for which they are punished in later lives. It is logical then that, to the extent that the desired outcome of rehabilitation is mutually respectful interaction, this be reflected in the process used to achieve these outcomes.

### Conclusions about units of analysis

In order to understand violations as intersubjectively constructed in relationships between people at all levels of society and across generations, I developed three critical interrelated units of

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analysis. Based on findings from 15 case studies I explore firstly the dynamics which underlie three key elements of violation, namely identity, defensive recognition, and emotion. Secondly, I investigate the dynamics underlying how violations become entrenched, or how people are able to transform their behaviour from violational, to mutually respectful. Finally, I document how the prison institution within which inmates live, and staff work, affects the rehabilitation process.

### **Dynamics underlying elements of violations**

#### *Identity*

- Identities are constructed through relationships, between people.
- Identities act as vehicles through which people recognize themselves and recognize others as legitimate partners in the construction of a distinctly human quality of life.
- Recognition is the capacity to see and hear the self and other as unique beings. It is the basis of mutually respectful partnerships. Recognition of similarities indicates a sense of belonging, while respect for differences constitutes a rich resource base for learning and teaching.
- Where recognition is withheld, alienation emerges in identities.
- Where identity constitutes a useful and reasonably consistent meaning structure for that which is attributed by others and valued by self, the more such an identity is likely to be valued and experienced as authentic.
- Where aspects of identities fail to be recognized, doubts about their eligibility to be recognized will surface. Self-loathing and, at times, negation of alienated aspects will ensue.
- Violation is profoundly linked to self-loathing, which evolves from histories filled with alienation from significant others. Children have no alternative but to satisfy the needs of those on whom they depend, even to the extent that they betray their own distinctive, but valid and conflicting needs and emotions.
- Conflicting needs and emotions become banished to shamed areas in identities where they remain inaccessible to conscious appraisal. Here they constitute a source of chronic anxiety.
- Violations are unbidden expressions of the unacknowledged need to gain recognition for validly human but alienated, silenced needs and emotions.

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- The process of being violated teaches children to use similar methods to coerce recognition from others. In time, the pattern of these violations becomes integrated into an enduring, although hidden shameful sense of identity, with attendant low self-worth. Since this dynamic takes place in disowned or negated areas, the behaviour which unfolds cannot be understood, consistently explained or managed with any degree of personal agency.
- Where partnerships within interpersonal, institutional and socio-political environments are typically violational, repetition of alienating processes such as shaming, judgment and punishment will serve to consolidate and entrench violations as part of identities.
- At times, attempts are made to bolster valued, but contradictory hidden aspects of identities in the search for positive regard. Chronic anxiety and fear of social 'discovery' may become an identifiable theme in the construction of identities. As a result, such identities are more likely to attain a relatively fragmented and asynchronous tone.
- Different types of relational processes in early lives increase the likelihood of violational or respectful behavioural expressions in current relationships. Attunement and mutuality enhance and teach mutually respectful assertiveness of self, and recognition of other. On the other hand, incapacitation of subjectivities, through objectification, increases the likelihood of violational expression.
- Objectification is promoted through processes such as labelling, dehumanization, and silencing.
- I concluded from my findings that learning and growth demanded explicit dialogue around differences between participants' identities. Learning was not possible without similarities, such as shared meanings as a basis from which to engage with differences. Shared meanings, such as language were also essential for learning and teaching to occur.
- Meanings arising from interpersonal dialogue, and the importance to be recognized ensure that no protagonist in human relationships remains static. At the same time, constraints are placed on willingness to change since identities cannot easily risk being 'unfamiliar'.
- Each identity, as well as the relationship as a whole undergoes continual change and transformation. Transformative rehabilitative practice has the capacity to intentionally introduce clients to themselves as being eminently eligible for human status. In this process, therapists face the opportunity of being introduced, usually unwittingly by their clients, to banished aspects of their own identities which would otherwise remain obscure.

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- The benefit of transformative rehabilitation for both therapist and client is growth towards a greater sense of authenticity for the identities of all protagonists, the relationship, as well as for the wider institutions and socio-political context within which the relationship takes place.

## *Defence*

- Contextual violations which emerge as threats during unguarded moments, necessarily give rise to an egological, or more defended way of being with others in the world.
- Defences are cultural tools learned from, and taught by significant others during childhood. Some defences take the form of violations, while others take the form of respectful assertiveness. The manner of teaching informs the ultimate defensive expression.
- At a profound level, violations are aimed at maximising opportunities for survival by warding off threats to social significance. They do so in ways which coerce recognition, albeit for compromised identities, from significant others.
- Threats in current relational contexts which resonate with those experienced in childhood typically strengthen, hone and sometimes transform visible expressions of historically learned defences. However, invisible underlying dynamics typically persist as consistent, identifiable patterns of defensive expression.
- My findings show that violations fall into three categories: outwardly expressed aggression, inwardly directed aggression and passive-aggressive behaviours, all of which intermingle and often give rise to each other. A fourth defensive category, i.e. respectful assertiveness of difference constituted a different type of defence, and was almost entirely absent. It was only likely to arise in moments of profound trust.
- Discrepancies in power positions are typically constructed and used as justifications across all levels of society for marginalization of prison inmates. This dynamic mirrors processes which isolate them in their childhoods. In turn, these differences in power are used by inmates to justify alienation and violation of others.
- Typically, a conditional type of recognition accompanies violations which rely on socially ascribed categories of human superiority and inferiority, such as relative material resources, marginal status, and race. This contrasts sharply with recognition based on the legitimacy of all similarities and differences as indicative of eligibility for the right to be respectfully heard and seen as a human partner. As such, violations are ultimately defective tools with which to defend legitimacy and gain a rightful sense of belonging.

## Conclusions

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- Violation emerges as a defensive function of relationships *between* subjectivities. As such, its understanding, location, and treatment cannot be meaningfully reduced to a single trajectory of a designated perpetrator acting on a victim. Obvious damage to 'intended victims' runs parallel to damage occasioned by designated 'perpetrators' on levels inaccessible to conscious appraisal. The need to coerce, aggress against others and deny self acknowledgement, leads to a steadily increasing shameful sense of self-loathing which only emerges in vulnerable moments. Chronic fear of discovery (by self and others) may lead to the creation of mask for that which cannot tolerate conscious acknowledgement. As a result, ensuing punitive actions such as physical mutilation, and dynamics which diminish identity e.g. dissociation and confabulation are experienced as compulsive.
- Traditional forms of management, such as punishment are ineffective as management tools for violation. Testimony to this is provided by the observation that those clients who have been most severely punished in their lifeworlds are also those who are most plagued with the consequences of using violational defences, and remaining entrenched in relationships with a culture of intersubjective violation.
- Violations at different levels of society contribute to the maintenance and construction of those at other levels. Socio-political and institutional processes, such as judgment, blame and punishment typically used by the criminal justice system ensure an increased need to defend. Defences used will necessarily be those most familiar to accused persons.
- Without accessible channels through which to be heard and seen, respectful engagement cannot serve as a viable defence.
- Without increasing awareness and learning alternative forms of defence, mutually, respectful engagement between social members, at all social levels, remains unlikely.

## Emotions

- All human actions, including violations, are traceable to motivations emerging out of the struggle for recognition, and human legitimacy. As such, violations were infused with profound emotional significance.
- Social eligibility is associated at a deep level with power positioning through socio-political hegemony, moral imperatives, and emotions deemed to be socially unacceptable.
- Violations are specifically fuelled by emotions which contribute profoundly to identity construction, or 'self-conscious' emotions. These include shame, guilt and anger.

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- Self-conscious emotions act as a motivating force to defend against discovery of distinctive, but hidden aspects of self, from self and significant others.
- Unacknowledged shame signifies a hidden sense of dehumanized self, ineligible for human inclusion. Ensuing violations tend to mirror earlier humiliation. They tend towards outwardly aggressive expression by shaming others. This process also functions as a defence, to distract from personal shame.
- Guilt typically gives rise to aggressive behaviours targeting the self. Inwardly directed punishment provides short term relief, through the mechanism of penance. Nonetheless, in the long term it distracts from understanding and treating underlying dynamics of self-loathing.
- Rage fuels attempts to place barriers against discovery of self as unworthy of human status. Ironically, violations arising out of rage also mask discovery of self as capable of mutually respectful engagement.
- The outward display of emotion, during times of judgment is seldom indicative of exposed identity. Typically, emotions displayed during times of violation or when being held accountable are related to defence, such as hubris or 'false pride'. When this is mistaken for authentic pride or even lack of remorse, resulting treatment may exacerbate the problem of violation, thereby subverting appropriate healing.
- Since punishment constitutes human action, it is necessarily also fuelled by emotion. The belief that the violation of one aspect of another's identity can redeem the worth of the whole identity implies that eligibility for human recognition is conditional. Since the criteria for conditions being set are decided by a social context which, being similarly human, will inevitably carry its own hidden shame which will influence those conditions. In this way conditions may serve to constitute a culture of violation within the relationship and protagonists. Moreover, punishment counteracts the realization of human potential by undermining motivation to take risks needed for asserting distinctly human capacities such as critical questioning, creative thought, proactive planning and the assumption of agency.
- Effective management of violations relies profoundly on increasing levels of conscious understanding of the dynamics underlying emotions between self and other. This can only occur through increasing and making channels accessible for all identities to be seen

and heard. The powerful emotional experience of authentic pride attendant on mutually respectful engagement maximises possibilities for assumption of agency, and self and other acknowledgement.

### **Dynamics underlying movement of violations**

- All knowledge, including the significance and worth of each identity, is socially mediated by the socio-political and interpersonal contexts within which they inter-relate.
- Mediation occurs through unintentional, and intentional processes of interaction. My findings indicate that both client learning, and their caregivers' teachings (regarding their meaning and worth in the world as largely unacceptable), were predominantly unintentional.
- Unintentional learning takes the form of automatic, passive, unquestioned compliance and mimicking. These dynamics are significantly associated with the criminal violations for which clients were found guilty. In addition, they were typical of dynamics in relationships between clients and staff in prison.
- Transformational learning in therapy constitutes a form of intentional learning and teaching. It aims to increase levels of conscious appraisal of dynamics underlying behaviour. This empowers protagonists to adopt appropriate responsibility and increase personal agency.
- Intentional learning is distinct from unintentional learning. In the latter, both parties are actively legitimized as equally worthy participants in the learning process. 'Learner' / 'teacher' positions are dialogical, interactive and mutually constitutive. In this process, both parties become transformed through increased awareness of self and other.
- The 'zone of actual development' houses past knowledge which is known (Vygotsky, 1978). Tasks requiring knowledge in this area can be done without assistance. My findings indicated that adult violations occurred in the zone of actual development. To the extent that current relationships mirrored childhood traumatic relationships, violations continued to be used as a means of defence.
- The 'zone of proximal development' refers to that area in which learning of different knowledge, with the help of another occurs (Vygotsky, 1978). My findings show that with the assistance of caregivers, my clients learned violations as adaptive to the need to survive traumatic incidents and relationships. Movement in the zone of proximal

development is typically initiated by crises when past learning fails, and alternative management skills become necessary.

- Movement between the zones of actual and proximal development through intentional learning takes place through a process of internalization (Vygotsky, 1978). My findings show that the process of internalization involved constant movement between managing similarities and differences as they emerged between clients and others (including myself) in the prison environment.
- Intentional learning creates an imperative to critically question. In therapeutic practice, critical questioning revealed that a crucial distinction could be made between intent as a conscious objective in violation which was readily accessible to conscious discussion, and motivation. Motivation included intent, but in addition it embraced crucial underlying hidden elements of self. Critical questioning in a non-judgmental environment enhanced exposure of these elements to both protagonists in the relationship.
- My findings indicated that in times of heightened stress, there was a drag back to historic perceptions and defensive reactions. Increased awareness gained during transformational learning enabled the institution of pre-emptive plans for more effective management of stress and the tendency to revert to old habits.
- Typically, antidotal defence accompanies and entrenches unintentional, violating learning patterns. Transformational learning informs mutually respectful forms of defence.
- Transformational learning contributes to new meanings constituting identity and the value placed on it. This forms the substance of 'change'. Ironically, my findings showed that the 'change' in identity encompassed clients becoming *more* like themselves, rather than *less* so. This was often the first time many had exposed their distinctive selves for their own and others scrutiny, as a result of which they found themselves to be eminently worthy of human respect.

### **Dynamics underlying institutional contributions to violations**

- My findings support Gilligan's (1996, 2001) contention that relationships in prisons perpetuate a culture of violation. This culture is informed by socio-political ideology and poor service delivery.

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- In South African prisons, aspects of ideology which enhance a culture of violation are those which are discrepant with socio-political transformation from an authoritarian, militaristic past.
- In some instances, apparent ideological changes are merely superficial. The substance of the culture has not been transformed in practice. For example, substitution of the 'culture of punishment' with one of 'corrections' consists, in substance, of little more than a name change. The effects and expressions of both on the relationships between inmates and staff are interchangeable.
- Relationships characterised by violation between staff and inmates are of a similar nature as those which characterised clients' early relationships with caregivers. My findings show that violations emerging as a result of these relationships were similar to those for which clients had been found guilty. This trend negated any possible authentic pride in self and other, or the relationship itself.
- The intention to violate from staff and/or inmates is relatively easily consciously expressed. Staff and inmates alike usually cite 'justice' as the reason for violations. The underlying motive to avoid shame and attain true recognition seldom, if ever surfaces for acknowledgement, and subsequent exploration outside a trusting relationship.
- Violations between inmates interact with shaming behaviour by prison authorities in a mutually supportive and strengthening way. Between inmates, violations are termed illegal, while staff-inmate violations are considered 'legitimate discipline' when termed 'corrections'. In either case, similar methods are used, they carry the same consequences and the same justification, justice, is used for their expression.
- As an environment demanding constant defence, inmates learn more rather than less about violation. Many of my clients referred to themselves as being in "*the college of knowledge*" with a sense of hubris. For many inmates this is the only knowledge to which they are ever likely to have access. Clients regularly noted that they *only* stood a chance of being taken seriously by staff when they violated. On the other hand, they were almost universally punished (for cheek) or ignored when they were assertive.
- To the extent that solitary confinement (which in my experience included withdrawal of therapeutic consultations) exacerbates alienation, and removes any possibility of learning mutually respectful alternatives to violating actions, its value to rehabilitation is nil.

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- Dynamics underlying individual violation through silencing and negation resonate with those taking place at an institutional level. The obstacles to recognition faced by inmates are mirrored, albeit to a different degree in relationships between staff. As a member of staff, I shared with inmates the need to speak and be heard as a legitimate partner in the process of managing violation. I also shared with them the anger and desire to violate when a more powerful authority structure refused to engage, closed available avenues for discussion and later threatened court action if I tried alternative means such as academia for engagement on matters critical to rehabilitation.
- The use of power by authority to silence as a means of resolving grievances constitutes a circular, self-perpetuating cycle of violation. It is similar to that used by inmates, and mirrors that used by caregivers in clients' early lives. It is a traditional method which has never worked as a constructive management method. It questions the human right to mutual partnership and introduces a sense of disempowerment to some, while assuming a sense of entitlement for others. This increases the need to seek 'justice' and defend, which fuels anger.
- As mutually accredited partners, clients joined with me in providing a rich resource base from which we learned to persist respectfully in the right to speak and be heard by virtue of human belonging. This lesson relies on re-cognition of the right to self acknowledgement in the face of its negation by others.
- Mutual respect and accreditation as partners in creating relationships of distinctly human quality are anathema to a militaristic culture in prison. Therapist training involving the use of firearms to be potentially used against clients uses distrust and defence as a starting block for relationships. Similarly, a dress code involving uniforms and insignia imposes a distance between therapists and clients. It signifies a value system which does not authentically belong to either protagonist in the relationship. Without exception, prison inmates narrate histories of not being 'heard' and 'seen' by authority structures in their lifeworlds. The resulting conclusion that therapists wearing uniforms and insignia align themselves with previously experienced abusive authority figures, and do not 'hear' this narrative, is unavoidable.
- Inefficiency in service delivery was widespread during my employment. Healthy relationships rely crucially on efficient service delivery and mutually respectful processes for engagement. For the most part, inefficiency took the form of neglect rather than

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malicious intent. Examples such as shortages of consulting rooms, shortages of staff, inadequate medical care, loss of confidential reports, overcrowding, no staff to open gates for legitimate inmate mobility, miscellaneous widespread inefficiency and a culture of imminent punishment pertaining also to staff ensured that staff were reluctant to take initiative. This situation undermined motivation for healthy relationships between staff and inmates.

- Despite political policy statements to the contrary, severe problems in the practice of service delivery in prison ensured that a predominantly alienating context at structural and ideological levels prevailed.

### Limitations of the thesis

As a document emerging out of human relationships, this thesis has limitations. The value of these limitations lies crucially in *how* they are managed.

A key vulnerability is that its critical orientation may be interpreted as an attempt to shame the institution within which it is conducted. Nothing in this thesis adds to media coverage exposing the prison system in South Africa as largely inefficient, overcrowded and inherently, although not often intentionally, abusive (e.g. Cilliers, 2006; Jasson Costa, 2006, Kalideen, 2006). Instead, this thesis seeks to provide a theoretically meaningful structure to explain this trend, and to suggest alternative management strategies. In so doing, I also avoid colluding in efforts to hide aspects of prison life, in a constructive manner.

The cost of attempting to cover key aspects of such a complex topic as violation is inevitably paid in neglecting in-depth discussions of individual sections and sub-sections. For example, despite their importance in providing a sense of belonging and protection, I have not covered the gang culture in prisons at all. One important entirely neglected and under-researched area concerns the contextual influence of familial traditions expressed in female prisons of 'trunk ma's' (prison mothers) and 'trunk kinders' (prison 'children'), and relative privilege. In addition, the ways in which violational expressions may be affected by race, gender, religious affiliation etc. have only been touched on. These areas require dedicated further research.

In using the multiple case study method, I acknowledge Scheff's (1997) caution that there is an increased probability that justice is not done to each individual case. On the other hand, the knowledge gained from my relationships with a number of clients produced a vast amount of data

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in the form of copies of case notes, various documents pertaining to clients' contexts and correspondence which strengthened conclusions reached. Integrating this knowledge with literature from various disciplines, such as philosophy, criminology, psychology and politics, provided valuable tools for it to become grounded into the socio-political and institutional fabric in which it took place.

### **The legacy of a culture of violations**

In South Africa, dynamics underlying relationships between 'criminal' violators and socio-political structures today mirror those which operated between 'political' violators and the State in the past. Our political history has proved that hidden vulnerabilities emerge either as violational, or respectfully assertive expressions despite repressive measures. Exposure of prison violations occur as a result of tensions, and despite efforts to hide them (e.g. Jasson Da Costa, 2006; staff reporter, 2007), or more assertively in narratives by ex-offenders (e.g. McKenzie in Cilliers, 2006).

The best value of *s* is anti-dotal in that it may postpone discovery. In the long term, this silencing is not conducive to safety. Silencing and subjugation perpetuates a status quo based on relative legitimacy. Through its use, it legitimates negation of the other and promotes a false sense of entitlement of self. Neither is indicative of, or is able to teach mutually respectful partnerships. In this way, it increases the likelihood of perpetuating violation by individuals and groups in society.

*Understanding* motivations underlying violation has frequently been confused by society and clients themselves, with *justification*. Case studies exemplify Foster's contention that: "*Understanding is not to be confused with forgiving or excusing.*" (2000b, p.11). Forgiving and excusing have to do with moral judgment. I have argued that this presumes to adjudicate the worth of another. Viewed from a radical theoretical perspective, such notions clearly fall outside the ambit of the process of rehabilitation. Instead, un-learning past patterns and re-learning new coping skills are crucial. Not only do my findings show that assumption of the right to justify, forgive and moralize about another's actions replicate aspects of clients' past relationships, it also fuels shame attached to a culture of relative superiority and inferiority. As such, it undermines mutuality which is a core requirement for learning mutually respectful, assertive forms of defence. The only reasonable and safe basis for removing people from society and placing them in institutions is safety.

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There is no question that policies promoting universal recognition by extending the right to speak to all since our first democratic elections in 1994, are progressive. In practice, residues of ideology characteristic of an authoritarian structure persist in processes which silence and marginalize. Poor service delivery, inconsistent rules and regulations, and lack of knowledge sustain a culture of violation.

In summary, this thesis argues the case for using a comprehensive understanding of a violent past and present, and to use them as a starting point from which to streamline transformation into a culture of mutual respect. The value of a radically different view of violation, and its management through prisons is suggested by Gilligan (1996, 2001, 2003) to lie in constructing a safe environment for all protagonists. This is consistent with progressive socio-political policy in South Africa after 1994, and informs transformative healing at all levels of society. As Crossley (1996) would undoubtedly put it, this thesis is only a step in the process of 'becoming'.

## ENDNOTES

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### Introduction:

<sup>1</sup> For example, Gilligan provides a pre-1994 comparison with the United States (US): “America has for many years had the highest per capita imprisonment rate in the world, substantially higher than our closest rivals for that ‘distinction’ during this period – two police states: the former Soviet Union, and the former South Africa.” (1996, p. 23).

<sup>2</sup> For example, during February 2007, 32 000 letters of protest, written by people perceiving themselves as victims of crime, were delivered in 30 wheelbarrows to the State President (Terblanche, 2007).

<sup>3</sup> Antony Albeker, the author of “The Dirty Work of Democracy: A Year on the Streets with the SAPS” states: “Robbery, a crime that brings the threat of sudden, anonymous death and injury to every household, terrifies the pants off people. Its rise has created a sense that an entire way of life is being destroyed” (2007, p. 29).

<sup>4</sup> In this respect, Schmitt notes: “Each of us has a series of rights and these rights determine precise ways in which we must leave each other alone ... But in the real world we are not separate, and we are not alone ... But if you respect my rights you may still, in many other ways in which we are implicated in each others’ lives, burden me with your preconceptions and co-opt me into being who you want me to be. The conflicts over those sorts of influences on each other are conflicts over alienation, but they are not conflicts over rights. For rights belong to us insofar as we are separate; alienation affects us insofar as we are not.” (1994; p. 13).

<sup>5</sup> Foster *et.al* note: “We argue that those responsible for violence should be regarded as potentially both victim and perpetrator, as well as both subject to circumstances / influences and active initiators. Human activity, we suggest, occurs in the ‘third space’ between active positioning and the passive concept of being positioned.” (2005, p. 322).

<sup>6</sup> All client names have been changed to preserve confidentiality.

### Chapter 1

<sup>7</sup> Different perceptions of these relations contribute to divergent emotional meanings for individuals, leading to varying expressive outcomes: “Politics will be taken to refer to that which shapes a particular outcome of events in terms of who may say what, who is excluded from speaking, how the event is defined, and the opportunities and possibilities that are entered into as a consequence of the shaping of the event in given ways.” (Favell, 1998, p. 36).

<sup>8</sup> The editorial comment on the front page of the Sunday Times on 1 October 2006 notes: “[W]e concur that...the government’s response to crime amounts to a gross dereliction of duty. Can we as South Africans really proclaim that we are a free people when we live in fear of monsters who roam our streets?” (Editorial comment, 2006, p.1).

<sup>9</sup> Defined by Foster as: “various social structures by virtue of which various kinds of division and hierarchy become taken-for-granted, assumed, unproblematic and accorded some degree of legitimacy.” (2004, p. 563).

<sup>10</sup> Defined by Shefer as a “complex term that Foucault used to refer to bodies of practice that: ‘form the objects of which we speak’.” (2004, p. 188).

<sup>11</sup> In this connection, Gilligan notes: “The question as to which of the two forms of violence – structural or behavioural – is more important, dangerous or lethal is moot, for they are inextricably related to each other, as cause to effect.” (1996, p. 196).

<sup>12</sup> Hook defines subjugation as a concept introduced by Foucault, which refers to a series of intersecting power relations: “to make subservient, to bring under control.” (2004b, p. 221).

<sup>13</sup> In this regard, Scheff notes: “War fever, the lust for conflict, whatever the cost, can occur because members of the public within each nation maintain a false solidarity (engulfment) with their fellow nationals, and fail to identify with the enemy as persons like themselves (isolation).” (1997, p. 136).

<sup>14</sup> McKendrick and Hoffmann cite Toch as saying that: “[M]ost violent episodes can be traced to well-learned systematic strategies of violence which some people have found effective in dealing with conflictual interpersonal relationships.” (1990, p. 17).

<sup>15</sup> McKenzie described the shame of inequity as it became translated into his life as a school child: “My schooling, and the system that provides it...ensures that black children can, but for a miracle, be no more than manual labourers. This is perfectly ‘lawful’, described in the legal books as a way of ensuring that the blacks learn their place in society, which is that they exist to serve the whites....The government sees my kind as higher up on the divine ladder that separates the rocks of the Earth from God, with animals above the plants, the blacks above the animals, us above the blacks and the whites at God’s feet. God must have unpolished shoes though. That is a black’s job.” (Cilliers, 2006, p. 21).

<sup>16</sup> Spink states that the “Black Sash experience in the Port Elizabeth advice office and elsewhere revealed that children from as young as seven up to the age of eighteen made up a large proportion of the victims of the current state of unrest. Detained, imprisoned, shot, abused, tortured, they were treated no differently from adults despite their youth and a body of laws promulgated especially for the protection of children.” (1991, p. 223).

<sup>17</sup> Jack states that: “Aggressive acts are always value-laden. They carry the actor’s inner judgment about their legitimacy; they incur evaluations by others regarding their harmfulness and the motives of the aggressor. Often the justifications and judgments are stated in moral terms; they may be self-serving or self-condemning and based on any number of norms or beliefs.” (1999, p. 155).

<sup>18</sup> In this connection, Foster notes: “This view goes some way in accounting for why it is so difficult to change social conditions but it also, in positive ways, simultaneously reminds us that people are constantly active in forms of resistance, strategies of struggle ‘to promote new forms of subjectivity’.” (2004, p. 567).

<sup>19</sup> The words inscribed are: “This Bible is an important part of your calling to duty. When you are overwhelmed with doubt, pain, or when you find yourself wavering, you must turn to this wonderful book for answers ... You are now called to play your part in defending our country. It is my prayer that this Bible will be your comfort so that you can fulfil your duty, and South Africa and her people will forever be proud of you. Of all the weapons you carry, this is the greatest because it is the Weapon of God.” (Cited in Gobodo-Madikizela, 2003, p.53).

<sup>20</sup> For example, Donnelly cites the Public Services Accountability Monitor as saying that lavish spending by the prison department on restaurants is “‘a continuation of the apartheid ethos of entitlement’ in the public sector” (2007, p. 8).

<sup>21</sup> Francis notes: “The reporting of such public protests and demonstrations, and the expressions of angry discontent from blacks infuriated the Government and its supporters. A state of emergency was declared, reports of events occurring inside South Africa were restricted with severe penalties for printing ‘subversive statements’, including cartoons and photos ... The only way to really be effective in controlling the flow of information to and from the country was censorship.” (1986, pp. 17-18).

<sup>22</sup> ‘Othering’ is a concept referring to objectification of another human being, often fueling stereotyping and prejudice (Foster, 2005; Duncan, Stevens, & Bowman, 2004).

<sup>23</sup> For example, peaceful measures of resistance, such as the gathering of Sharpeville residents outside the police station on 21 March 1960 to protest the pass laws, were perceived by the ruling party as a threat to state security. This motivated the state’s claimed defensive response in which 69 people were killed and a further 186 wounded (Spink, 1991).

<sup>24</sup> For example, Gobodo-Madikizela records the words of one of the most notorious killers of the apartheid regime, Eugene de Kock, known throughout the country as ‘Prime Evil’ when he described his torment around the many people he killed: “Look, you can say what you want, there is no way that you can erase it ... They may not be alive but they are there. They are there in the day, they are there in the morning. They are there at night when the sun sets. You can forget about forgetting – it’s like a daily reminder.” (2003, p. 46).

<sup>25</sup> Morobe, an erstwhile renown anti-apartheid resister, current head of the Financial and Fiscal Commission and chairman of the boards of Ernst and Young and South African Parks Board noted: “There is also a dangerous tendency to allow our thinking about these issues to be framed by apartheid’s racial constructs. Perhaps understandably, among whites I still experience defensiveness, guilt and at times passive (or not so passive) aggressiveness on the subject of racism. Among many of my compatriots, on the other hand, I am increasingly taken aback by crass arrogance and self-righteousness. The newly ordained status of ‘being free’ is thrust at anyone of a different race as a way of gaining advantage.” (2004; p. 21).

<sup>26</sup> Ramogale notes: "*What I find exciting is that our Constitution makes the imperative of mutuality possible. We have, since 1994, inherited a political philosophy of equality and diversity that we must protect jealously.*" (2005, p. 21).

<sup>27</sup> Moya suggested that the quality of human physical and emotional existence itself would be the telling factor in the 2004 elections: "*For others in Mpumalanga, as elsewhere in the country, the votes will be won on the bread-and-butter issues of jobs and a more tangible piece of the future.*" (2004; p.3).

<sup>28</sup> The concept of 'empowerment' is referred to by Sigogo and Modipa as "*the simultaneous development of a certain state of mind (feeling powerful, competent, worthy of esteem) and modification of structural conditions in order to reallocate power (e.g. modifying the structure of opportunities open to people.)*" (2004, p. 324). Disempowerment is then taken to refer to structural conditions which subjugate and silence people, with the consequence of undermining and eroding their sense of competence, dignity and self-esteem.

<sup>29</sup> Unemployment has been placed variously, at 29,5% by the Minister of Correctional Services (Skosana; 2003); and at an 'average' of 37% (although at 47% among the black population) by the Department of Labour (Mbabane, 2004). Waiting lists for the basic human need for safe housing are endless, opening numerous opportunities for fraud as a means of survival (Pata, 2006). Education is an expensive luxury. Skosana (2003) notes that, according to the Census Report on South Africa 2001, one in three South Africans aged 20 or older had not completed primary school, or had no schooling at all. But even for those who do make the necessary sacrifices for a good education, this does not by any means guarantee placement in the job market.

<sup>30</sup> A Cape Times staff reporter quotes Ngcuka, the Director of Public Prosecutions who pointed to the importance for national development of moving beyond petty power struggles: "[*If you live in a democratic country you must be accountable for what you say. This is also important for politicians who have to move away from smear tactics.*]" (2004a, p. 6).

<sup>31</sup> In its report, the African Peer Review Mechanism notes: "*Crime is one of the most difficult of the many challenges facing South Africa in the post-apartheid era. No South African is insulated from its effects*" (Boyle, 2006, p. 1).

<sup>32</sup> Dr. Mangcu, a former director of the Steve Biko Foundation as well as a former director of the Society, Culture and Identity research programme of the Human Sciences Research Council stated in his address at the 10<sup>th</sup> anniversary celebration of the Goedgedacht Forum for Social Reflection: "*You know you live in a surreal world when you cannot make out the criminals from the police, and the police from the criminals.*" (2007, p. 11)

<sup>33</sup> The DCS notes: "*We provide an analysis of the high level of crime in South Africa. The inclusion of this analysis in the White Paper advances the understanding that the unique socio-political development of South Africa has resulted in some unique factors impacting on the nature of crimes as well as the profile of offenders – necessitating a fresh analytical approach towards studying crime and violence.*" (White Paper, 2003, p. 10).

<sup>34</sup> Malan, a well-known South African author and journalist suggests that the contentious but far-sighted appointment in 1998 of Judge Dennis Davis indicates an acceptance of the connection between crime and politics, and the courage, where necessary, to critically question convention in order to successfully achieve transformation: "*All things considered, Judge Davis' rulings were models of fairness and reason, and often informed by a willingness to grapple with a difficult question: What does the Constitution actually mean for the man or woman on the street?*" (2003; p. 52). The novel nature of this view on the Bench in South Africa is attested to by both the discomfort with which his appointment was received by colleagues, and the challenge it presents to all who engage with it. Davis is quoted by Malan as saying: "*Intellectually and politically, that is perhaps the major attraction of this job. I didn't realise that the courts would become a site of struggle. In cases involving access to housing or Aids drugs, for instance, going to court has become a last desperate throw of the dice for people who feel the political system has failed them, and who come to us looking for interpretation and enforcement of their constitutional rights. So I do think there's an opportunity to change things. Having said that, it's difficult, because the vast majority of my colleagues don't share that vision at all*" (2003; p. 52). Davis' views contrast sharply with Judge Hattingh's more traditional views on criminal violation and its management through elimination and distancing rather than through approach and engagement. Hattingh reportedly stated in a judgment: "*In my experience, all right-thinking members of the community, regardless of race, are in favour of the death penalty.*" (Editorial Comment, 2006, p. 1).

<sup>35</sup> Justice Albie Sachs is currently a Constitutional Court judge in South Africa.

<sup>36</sup> An example of such illustration is noted here: "For it places him at the cusp between crime and politics, between childhood and adulthood, between being a coloured boy from Hanover Park and a black man under apartheid. These are indeed the central questions of his existence, and his memories of the manner in which they confronted him foreshadow how he was to live the rest of his life." (Steinberg, 2004, p. 143).

<sup>37</sup> Mangcu points out not only that violation is deeply entrenched in all levels of South African society, but that selective vilification by authorities of those who are seen to perpetrate them sends a message of confusion and incongruence: "There is indeed something surreal about the deputy president facing rape and corruption charges, and the Speaker of parliament accompanying the former chief whip, shoulder-high, to jail. Yes, there is something surreal about yet another chief whip being accused of sexually harassing the young women who work in our parliament...It happened because we allowed our leaders to lord it over us." (2007, p. 11).

<sup>38</sup> In its draft White Paper, the DCS concedes: "The rate of recidivism (namely the rate at which offenders re-offend after completion of sentence) in South Africa is widely acknowledged to be unacceptably high." (2003, p. 78).

<sup>39</sup> Apprey describes the dangers of not taking into account motivation, the past and transformation as an integrated process: "If this motivational shift from history to transformation is not grasped in its tripartite inclusive form, several consequences may befall us. If we emphasize only the urgency of remembering history, subjects, patients, ethnic groups only get more angry. There is, as it were, a repeat of the experience of history in affective form. If we only emphasize the will to change and bypass history, subjects, clients, ethnic groups experience a sense of woundedness once again. They hear the voice of the transgressor saying that their history of devastation does not matter. However, by considering the wounds of the living, as it were, together with the will and responsibility to transform the received injury, one gets to transform the toxic errand of extinction, humiliation, massacre, a legacy of ashes, and so on, into a positive errand." (1998, p.5).

<sup>40</sup> Jack notes that it is important to pick up the complexities by hearing "wider rings of sound, hear a more complex story, one that transcends any specific culture. It connects them to humanity and to history. One person's experience of violence and hatred is linked to what happened to a people, to a group, years ago, centuries ago. One's pain or rage is joined with the ordeals of others in one's group – other Jews, other Native Americans – and then with those of humanity itself." (1999, p. 280).

<sup>41</sup> As an example, the week ending 29 May 2005 left South Africa teeming in debate. Violence in the form, e.g. of burning barricades and rock throwing erupted in informal settlements across South Africa stretching from Mpumalanga to the Eastern and Western Cape, where residents barely survive in the most appalling living conditions. These actions were described as the only means left to these communities to enforce visibility and recognition of the conditions under which they are forced to survive (Boyle, Philip, & Mbambato, 2005). With striking similarity to apartheid days, government leaders appeared unable to recognize valid, universal human needs underlying and expressed in violations, or to legitimize the voices, and recognize the lack of alternative channels for engagement as valid. Reports noted that the National Intelligence Agency was called in to find 'perpetrators' guilty of fomenting this violence (Boyle *et al.*, 2005). In contrast, Desai acknowledged the human plight and compromised agency of those affected: "The poor are acting on their own behalf ... to suggest they are being manipulated is a further insult to the dignity of the poorest people." (In Boyle *et al.*, 2005, p. 1).

## Chapter 2

<sup>42</sup> Foster *et al.* refer to designated 'violators' during apartheid who acted violently in the course and scope of their employment, and who perceived themselves as "obedient servants / professionals" (2005, p. 48).

<sup>43</sup> Rule describes 'psychopaths' as: "These are the people who cheat in business, who steal from us, who break our hearts and move on without looking back – and without remorse ... The antisocial personality has no conscience. This is a concept as foreign to most of us – and as difficult to understand – as truly visualizing infinity. Our minds shut down. We cannot imagine what it must be like to distance ourselves totally from another creature's pain." (2003, pp. 480-481).

<sup>44</sup> Sereny notes that Bell, due to not being known, professionals in the Justice system and the psychiatric professions labeled her: "They, no doubt for want of a better explanation, labeled her with that catch-all diagnosis ... of 'a psychopath'. Thus labeled, the prosecutor would go on to describe Mary as a 'vicious', 'cruel', 'terrifying'; even the judge was to allow the word 'wicked' to slip into one of his perorations. Was

it surprising that the media, not so much creating as responding to the tone set by the court and to the public outrage and fear, called Mary 'a freak of nature', 'evil born' and (no doubt after the popular book and film in the Fifties) a 'bad seed'?" (1998, p. 11).

<sup>45</sup> In the case of Mary Bell's trial, a psychiatrist Dr. Robert Orton, who had examined her twice diagnosed her with a 'psychopathic personality' which he defined as: "a persistent disorder or disability of the mind...the primary symptoms [being]: 1), a lack of feeling quality to other humans; 2), a liability to act on impulse and without forethought...; 3), aggression; 4), a lack of shame or remorse for what has been done; 5), an inability to profit by or use experience which includes the lack of response to punishment; and 6), ...the presence of viciousness or wish to do damage to things or persons" (quoted from Serency, 1998, p. 111).

<sup>46</sup> Foster *et. al* note: "[I]n the struggle to comprehend their motivations, the public discourse depicts them as mentally unstable (a strategy which both excuses and 'others' them.)" (2005, p. 48).

<sup>47</sup> Stebbins describes anomie in the following terms: "To achieve peace of mind, people must restrain their endless striving. Only society is powerful enough to impose this constraint, because people will only accept an authority that is stronger than themselves and that they can respect." (1988, p. 26).

<sup>48</sup> In this respect, Scheff notes: "[I]t is tempting to point only to the most obvious element in a situation, simplifying it by using only common sense concepts." (1997, p. 122).

<sup>49</sup> Jack notes: "In fact, aggression carries consequences for both the self and the other as the interaction alters the relational space between them. After a woman behaves aggressively, she sees the effect on the other and judges what she has done. This judgment profoundly affects her sense of self." (1999, p. 44).

<sup>50</sup> Bartol states: "Psychological research indicates that most people have limited tolerance for complexity and ambiguity. People apparently want simple, straightforward answers, no matter how complex the issue." (2002, p. 1).

<sup>51</sup> An example is proposed in a reading of the trial of Jeffrey Dahmer, who was arguably one of the most notorious 'killers' in the 20<sup>th</sup> century. This trial provided a forum for the playing out of traditional socio-political and academic discourse around the issue of violation (Masters, 1993). The prosecution took the traditional view that he was inherently 'bad', in total control of his actions but morally beyond 'redemption'. The defence took the view that he was 'mad' and was the unwilling victim of his own insanity, attaching to this the hope that 'mercy' would be bestowed by the jury (Masters, 1993). Masters cites Dahmer's reflection of his resulting confusion: "Maybe he [the prosecutor] is right, maybe I could have stopped it all somehow." Masters' questioning of the relevance of either label perhaps provides a more helpful path for exploration: "Not one person at the trial suggested **how** [he could have stopped it]." (1993, p. 209, my emphasis).

<sup>52</sup> In this respect, Altbeker writes: "In a blow to those who prefer to believe the best of humanity, surveys all over the world have found that the fear of crime is higher in diverse societies than it is in uniform ones ... Modern societies are large and anonymous; we all live among strangers." (2005, p. 4).

<sup>53</sup> In this connection, Scheff notes: "If members are disrespectful in their **manner**, they insult each other continuously. In this way, **any** topic can become a cause of conflict. The obverse is that if members are respectful in their manner, any conflict can be resolved or at least reduced to manageable levels." (1997, p.137).

<sup>54</sup> Hampton notes: "Of course, everyone agrees that, for example, someone deserves censure and punishment when she is guilty of a wrong, and the law has traditionally looked for a *mens rea*, or 'guilty mind', in order to convict someone of a criminal wrongdoing." (1990, p. 1).

<sup>55</sup> In writing about murders committed by Dahmer, Masters also notes this trend: "In the first place, it is clear that Dahmer chose his victims carefully and that he planned their destruction with cunning precision – the evidence for deliberation and premeditation. On the other hand, it is equally clear that the incidents multiplied in frequency until they were treading upon one another's heels in a frenzy of unfocused caprice – the evidence for compulsion." (1993, p. 12).

<sup>56</sup> In this regard, Scheff notes: "Indirection, vagueness and denial of personal responsibility suggests either deception, self-deception or both." (1997, p. 133).

<sup>57</sup> An example of heated social discourse around the issue of blame currently apparent in South Africa is provided by Bramdeo, Geldenhuys, Molele, & Huisman report that police documents for 2004/2005 indicated that the majority of incidents of the 2 158 women and children raped in the Western Cape involved "victims (who) were under the age of 16 years and were usually under the influence of liquor ... Some of the victims who were raped were women who were walking alone at night after visiting clubs or

shebeens.” (2005, p. 5). When asked for comment, Shelver of People Opposing Women Abuse is reported to have said: “A comment like this takes away the blame from the perpetrator and places it with the victim.” (Bramdeo et al., 2005, p. 5).

<sup>58</sup> Rule describes this theory: “We share with animals the limbic system in the brain. The limbic system tells us what we want. Animals take what they want and have no control system. Human beings have the prefrontal lobe that gives us feelings and reasoning power. That, in essence gives us brakes ... One school of thought suggests that some infants are born with a breakdown in the pathways between the prefrontal lobe and the limbic system and lack the ability to control their desires. Like animals, they simply take what they want – congenitally crippled villains.” (2003, p. 480).

<sup>59</sup> In this regard, Scheff argues for a systemic view of conflict where no single event or family member is to blame: “One of the corollaries of family systems theory is that in dysfunctional families, it is usually a mistake to isolate a single member as the culprit ... All are caught up in a dysfunctional system of conflict.” (1997, p. 128).

<sup>60</sup> Lutz captures discourse on emotion: “As both an analytic and everyday concept in the West, emotion, like the female, has typically been viewed as something natural rather than cultural, irrational rather than rational, chaotic rather than ordered, subjective rather than universal, physical rather than mental or intellectual, unintended and uncontrollable, and hence often dangerous.” (1996, p. 151).

<sup>61</sup> For example, Baumeister says: “Some evil undoubtedly does derive directly from the craving for material gain.” (1997, p. 101).

<sup>62</sup> Scheff notes that conventional discourses “seem blind to the force of human motives, perceptions, and emotions responding to material conditions. It represents an a priori assumption that of the two parts of human action, stimulus and response, only the stimulus is causal.” (1997, p.137).

<sup>63</sup> Scheff & Retzinger describe the social nature of social phenomena, of which violation is an instance: “[C]onflict is a social phenomenon and has social roots. To understand destructive conflict, it is necessary to understand the social structure and process not only of the conflict itself but also of the civilization in which it occurs.” (1991, p. 167).

<sup>64</sup> In support Gilligan cites examples such as Hitler’s rise to power, based on a campaign promising to wipe out the “shame of Versailles” (2003, p. 1156); and Osama Bin Laden’s stated reason for terror attacks in the US on 11 September 2000 as being: “What America is tasting now is only a copy of what we have tasted. Our Islamic nation has been tasting the same for more than 80 years of humiliation and disgrace [contempt]” (2003, p. 1156).

### Chapter 3

<sup>65</sup> In South Africa, the death penalty was suspended in 1995 after the Constitutional Court “found the death penalty to be in violation of various provisions of the Constitution” (Viljoen, 1996; Human Sciences Research Council, 1996).

<sup>66</sup> Bulhan notes: “The master is therefore recognized by a mere thing or an animal. The recognition he attains is inauthentic because he is recognized by someone not worthy. Finding he is on the ‘wrong track,’ he is never satisfied. Thus the master is a prisoner in a situation of his own making.” (1985, p. 104).

<sup>67</sup> Bruce notes: “Crime is a reflection of underlying social chaos. Most people are still outsiders in South African society. We haven’t created a genuinely inclusive social system. It would be the same people who have been brutalised through systematic violence in the past and who still suffer because of inequity and the legacy of racism who would bear the brunt if the death penalty is reinstated” (Geldenhuis & Pather, 2006, p. 10).

<sup>68</sup> In this respect, Toch notes: “We are also aware that, given the mission of the prison, it is slated to remain harsh indefinitely. For if prisons should ever move in the direction of benignity, segments of the public would resist the ‘coddling’ of muggers and ‘country club housing’ for adjudged rapists.” (1975, p. 4).

<sup>69</sup> Steinberg states: “The relationship between ndotas [gang leaders in prison] and franse [non-gang inmates] strikes me as a parody of the relationship between warders and prisoners.” (2004, p. 159).

<sup>70</sup> Marcus-Mendoza states: “Prisons frequently promote relational disconnection and violation, creating a patriarchal social structure and recreating the harmful relational dynamics often experienced during the inmates’ violent past.” (2004, p. 53).

<sup>71</sup> In the case where the two boys found guilty of killing James Bulger in England in the early 1990s, Mr. Justice Morland: “had suggested a minimum sentence of eight years for ‘retribution and deterrence’ (after

this their case would be reconsidered) which the Lord Chief Justice two days later increased to ten years” (Sereny, 1998, p. 122).

<sup>72</sup> Toch notes: “*But in corrections, hypermasculinity is a recipe for bankruptcy and no-win stalemates ... The punishing experience engenders bitterness and cements recalcitrance ... Hypermasculine men occupy segregation cells long after their aggressivity is attenuated and their reputation still deserved ... Their counterparts – the guards – follow repressive scripts that become similarly autonomous. Hypermasculine nightmares evolve in the shape of super-maximum or ‘maxi-maxi’ settings. In such settings there is often no human contact between captors and captives, and no escape from destructive and self-destructive games.*” (1998, p. 177).

<sup>73</sup> Buirski & Haglund define antidotal comfort as: “*to ward off such painful affects as shame or self-loathing by seeking out offsetting or countervailing experiences while at the same time preserving the existing organization of experience ...*” (2001, p. 151).

<sup>74</sup> Miller states: “*Despair is a condition in which awareness is relentlessly open in the sense that no meaningful context, frame of reference or intentional object can be found for, or attached to, the happening of which we are aware. It is this loss of aboutness that produces the absence of meaning that is the essence of despair.*” (2002, p. 7).

<sup>75</sup> Gilligan describes this complexity: “[I]t is the product of interaction between a multiplicity of biological, psychological and social causes or variables ... each of which can be shown to have the effect of increasing or decreasing the frequency and severity of violence.” (2001, p. 67).

<sup>76</sup> Gilligan notes: “*The purpose of violence is to diminish the intensity of shame and replace it as far as possible with its opposite, pride, thus preventing the individual from being overwhelmed by the feeling of shame.*” (1996, p. 111).

<sup>77</sup> In this regard, Miller notes: “*We of course have the right and duty to lock up murderers who threaten our life. For the time being, we do not know of any better solution. But this does not alter the fact that the need to commit murder is the outcome of a tragic childhood and that imprisonment is a tragic sequel to this fate.*” (1988, p. 195).

<sup>78</sup> Gilligan’s argument is consistent with my own experience of inmates’ referral to being in ‘the college of knowledge’: “*If it seems utopian to replace prisons with schools, let me remind you that **prisons already are schools and always have been** – except that they are schools in crime and violence, in humiliation, degradation, brutalization and exploitation, not in peace and love and dignity. **I am merely suggesting that we replace one already existing type of school with another.***” (2001, p. 118).

<sup>79</sup> For example, Section 35(2)(e) of the Constitution states: “*Everyone who is detained, including every sentenced prisoner, has the right to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment.*” (1996, p.17).

<sup>80</sup> Section 2.8.9 of the draft White Paper states: “*At the beginning of 2003, all of these processes had consolidated into an understanding of corrections as not merely the prevention of crime, but as a holistic phenomenon incorporating and encouraging social responsibility, social justice, active participation in democratic activities and a contribution towards making South Africa a better place to live in.*” (2003, p. 27).

<sup>81</sup> The draft White Paper contextualizes crime management in an “*environment of integrated governance, requiring that policy processes in the Department should be aligned with the overall Government strategy, and specifically with the policy of the departments in the Justice, Peace and Security Cluster, the Social Sector and the Governance and Administration Clusters.*” (White Paper, 2003, p. 27).

<sup>82</sup> Dissel comments on training of prison staff during the apartheid era: “*Force was maintained through training recruits in ‘paraatheid’ (preparedness), where drill, physical fitness and training in the use of weapons was thought to equip warders with the skills necessary to deal with inmates. The hierarchical structure of the organization restricts communication between different levels of the organization, relying on the issuing of instructions from above which must be obeyed by those at lower levels. But more pervasive was the military character of the Department and the attitude of being under constant threat or attack.*” (1997, p. 1).

<sup>83</sup> The draft White Paper notes: “*The 1994 White Paper was based on the 1993 Interim Constitution (RSA 1993) and the challenges that democratisation and the human rights culture posed for a punitive and paramilitary penal institution. As such, the constitutional and statutory framework has bypassed the 1994 White Paper.*” (2003, p. 14).

<sup>84</sup> In this respect, Jefferson states that: *"On many occasions, the infringement of prisoners' rights occurs mainly as a result of the discrepancies in national legislation and its actual enforcement and between judicial decisions and administrative implementation."* (2004, p. 27).

<sup>85</sup> In this regard, the draft White Paper states: *"In 2002, the Department recognised that the incompleteness in the transformation of the Department had resulted in a lack of coherence of paradigm, and the lack of a common understanding of the meaning of rehabilitation across the entire Department."* (White Paper, 2003, p. 27).

<sup>86</sup> In its report the Judicial Inspectorate of Prisons states: *"Considering that on average about 22 000 people pass through our prisons every month and that exposure to imprisonment under the current conditions will probably be a life altering experience, for the worse, to every one of them, serious consideration should be given to alternatives to crowding people in prison knowing that no or very little rehabilitation can take place."* (2003, p. 2).

<sup>87</sup> Rickard reports that: *"Overcrowding in prisons had become so serious that if courts were to take this factor into account, it was likely that no one would be sent to jail. This was one of the considerations raised by judges of the Appeal Court in Bloemfontein during the week, as they wrestled with the appropriate sentence to pass on a girl who, not yet a teenager, had arranged to have her grandmother murdered."* (2005, p. 10).

<sup>88</sup> In this respect, the draft White Paper stipulates: *"The Department regards overcrowding as its most important challenge as it has significant negative implications on the ability of the Department to deliver on its envisaged new Core Business."* (2003; p. 28).

<sup>89</sup> The report notes: *"The Department openly acknowledges that two of the greatest obstacles to attaining this vision [rehabilitation] are overcrowding and staffing problems. Of deep concern however, is that the Department does not convincingly show that the overcrowding problem in particular, can be tackled. The graveness of this concern cannot be overestimated. The Department itself acknowledges that solving overcrowding is a necessary precondition to the success of all of its plans."* (2004, p. 1).

<sup>90</sup> The draft White Paper notes its main goal to be: *"[To place] rehabilitation at the centre of all Departmental activities in partnerships with external stakeholders, through: The integrated application and direction of all Departmental resources to focus on the correction of offending behaviour, the promotion of social responsibility and the overall development of the person under correction. The cost-effective provision of correctional facilities that will promote security, correction, care and development services within an enabling human rights environment. Progressive and ethical management and staff practices within which every correctional official performs an effective correcting and encouraging role."* (2003, p. 35).

<sup>91</sup> In this connection the Mvelaphanda document states as the aim of DCS: *"To deliver a Correctional Service in partnership with stakeholders by providing incarceration of prisoners under conditions consistent with human dignity; rehabilitation and integration programmes; proper supervision of persons under community corrections; procurement and acquisition of adequate resources which enable effective response to challenges through progressive management, trained personnel, sound work ethics, performance management and good governance."* (2002, p. 8).

<sup>92</sup> The draft White Paper states: *"[C]orrection is much more than just crime prevention, but should be approached in a holistic way through committing the Department to broader societal challenges impacting on Corrections, such as the level of dysfunction amongst South African families, the regeneration of positive social values, poverty alleviation and sustainable growth and development ...."* (2003, p. 5).

<sup>93</sup> Without explicating the process of how to do so, Holtzhausen, the Deputy Director of Corrections notes that this culture of corrections should result in implementing a culture of human rights characterized by reconciliation and forgiveness where: *"prisoners are encouraged and assisted to discard negative values and develop positive ones."* (2005, p. 2).

<sup>94</sup> In its White Paper, the DCS states: *"Moreover, the Department has developed an understanding that correction within the DCS environment is achieved through the delivery of key services to offenders, and through interventions to change attitudes, behaviour and social circumstances in order to achieve the desired outcome of rehabilitation and social responsibility."* (White Paper, 2003, p.28).

## Chapter 4

<sup>95</sup> For example Klein, cited in Hartling & Luchetta, (2005) discusses instances where discounting and denial of the damaging consequences of humiliation occurs due to lack of empirical research, thus perpetuating the practice and effects of it in society.

<sup>96</sup> Wrangham and Peterson engage with this particular point when they compare violations between humans and primates: "*Because language makes discussion and meaning possible, the cultural dimensions to human war will always make it richer, more complicated, more exciting, as well as more self-deceiving and confused, than chimpanzee intercommunity violence.*" (1996; p. 69).

<sup>97</sup> In this respect, Crossley notes: "*The intersubjective fabric is at once a site of sharing and agreement, and of competition and contestation.*" (1996, p. 23).

<sup>98</sup> Crossley cites Habermas: "*[T]he lifeworld remains the primordial societal constituent and such that hermeneutic explication of the lifeworld remains a central task for social scientists and philosophers ...*" (1996, p. 99).

<sup>99</sup> Crossley draws on the work particularly of Buber when he expands on the intersubjective nature of an unfolding and ever-becoming identity: "*The I is not a fixed substance for Buber. It is a relation and it is constituted in the attitude assumed toward the other.*" (1996, p. 11).

<sup>100</sup> Schmitt submits: "*It is not true, as it turns out, that one either alienates or is alienated. Most of us are involved in both. But we are, moreover, complicit in many ways in our own alienation, sometimes reluctantly, happily and even wholeheartedly at other times. That insight, stressed repeatedly and in different ways ... complicates our understanding of alienation.*" (1994, p. 18).

<sup>101</sup> Crossley terms this way of relating as radical intersubjectivity: "*It involves a lack of self-awareness and a communicative openness towards the other, which is unconditional.*" (1996, p. 23).

<sup>102</sup> Crossley notes: "*It involves an empathic intentionality which experiences otherness by way of imaginative transposition of self into the position of the other.*" (1996, p. 23).

<sup>103</sup> Crossley notes: "*That is to say, we fluctuate between genuine, open dialogue with others and imaginary (perhaps paranoid) constructions of them which we (re)-create for ourselves.*" (Crossley, 1996, p. 15).

<sup>104</sup> In this respect, Crossley notes: "*Beneath the formal rights of citizenship and supporting them ... there are 'non-egalitarian and asymmetrical' practices of discipline.*" (1996, p. 133).

## Chapter 5

<sup>105</sup> As did Jefferson in his research into prison practices in Nigeria, I acknowledge the need to know research subjects if psychology is to be meaningfully researched and practiced. This research is premised on the fact that I came to know my clients, and I know them as people in the practice of our relationship as I myself am a person in practice (cf. Jefferson, 2004, p. 112).

<sup>106</sup> Power struggles are indicative of protagonists who indulge in "*the luxury of an abstract debate*", at the cost of meaningfully engaging with and contributing to striving for shared ideals of national importance (Van Zyl Smit, 1999, p. 10).

<sup>107</sup> Hayes cites Miller on the important links between experience as method, consciousness and knowledge: "*Method is the externalization or objectification of consciousness and the reason why we cannot deal in neutral facts or theory free data is because to do so is to eliminate consciousness.*" (2002, p. 1).

<sup>108</sup> Currently, these are not being effectively used: "*Significantly then, very little work has been done on prisons in post-transition, developing countries ... utilizing an intensive field-based methodology.*" (Jefferson, 2004, p. 14).

<sup>109</sup> In this regard, Jefferson notes: "*This concept points both to the importance of directing attention to persons in practice, that is to directing the research endeavour towards subjects as they participate in everyday practice and also to the fact that persons should not be conceptualised as external to practice.*" (2004, p. 299).

<sup>110</sup> Case study identification will be denoted by the letter in square brackets after names for easier reference.

<sup>111</sup> In this regard, Scheff notes: "*Society is based on the minute and explicated events which make up the macro-world underlying ordinary discourse. Research on human action involves reference to this world, and requires methods similar to those the interactants use.*" (1997, p. 170).

<sup>112</sup> Jefferson stresses the pertinence of distinct social needs for research in developing countries: "*What remains absent are in-depth practice and subject focused studies. Conceptual and empirical attention must be paid to penal systems and practices beyond the West because Western administrators and so-called*

experts are making policy and intervening in such contexts. Normative penal models are being exported. Without empirical studies and conceptual analyses of the fields in which these interventions are being made, policy cannot be challenged. The more policies and practices go unquestioned and spread globally the more hegemonic they are likely to become and the more difficult they will be to challenge." (2004, p. 19).

<sup>113</sup> Development is defined by Korten as "a process by which the members of society increase their personal and institutional capacities to mobilise and manage resources to produce sustainable and justly distributed improvement to their quality of life, consistent with their own aspirations." (1990, p. 67).

<sup>114</sup> Van Vlaenderen and Neves note that development is the: "development of a certain state of mind (feeling powerful, competent, worthy of esteem) and to the modification of structural conditions in order to reallocate power (e.g. modifying the structure of opportunities open to people)." (2004, p. 429).

<sup>115</sup> In promoting an action-oriented, critical approach to his research on prisons in Nigeria, Jefferson notes: "[T]here is an ethical imperative for psychologists to research and theorise the way such institutions operate and the way subjects are constituted in such places – not by recourse to reductionist, simplistic models but by attempting through intensive, systematic engagement to mirror the complexity of such social fields and persons' complex participation in them, thereby laying a foundation for considering possibilities for change, that is expanding the scope of possibilities." (2004, p. 13).

<sup>116</sup> On the face of it, Eddie's history reads similarly to that of Robert Thompson who, together with Jon Venables of the same age, was convicted at the age of 11 for killing three year old James Bulger in 1993 in England (Smith, 2006; Sereny, 1998). Yet, Eddie has not been convicted of killing. It is also true that not every child who witnessed his mother being beaten and who has been sexually molested as Eddie had, ends up spending years in prison. Both Eddie and Thompson were, at times, diagnosed as psychopaths.

<sup>117</sup> Jung stresses the importance of emerging pre-conscious knowledge to the process of client healing: "[the client] comes to us [and] has a story that is not told, and which as a rule no one knows of" (1980, p. 138). Indeed, Jung suggests that in the process of healing, exploration of conscious knowledge such as that which is relied on in goal-directed interviews alone is generally ineffective as a method to explore particularly complex social problems: "In most cases, exploration of the conscious material is insufficient." (1980, p. 138).

<sup>118</sup> An ex-inmate, McKenzie describes his perceptions of staff ranging from those who are blatantly corrupt, to the ethical quandary faced by: "the truly exceptional good men, wardens who refuse to be corrupted, though their silence makes them complicit in the crimes of others" (Cilliers, 2006, p. 124).

## Chapter 6

<sup>119</sup> I use the term 'objectification' as a generic term referring to negation of human subjectivity in general.

<sup>120</sup> In this regard, Canter says that violations have patterns distinctive of those who are found guilty of them: "The FBI Behavioral Science Unit strengthened that faith: there were patterns there; the shadows cast by criminals were not arbitrary; they could be read." (1995, p. 101). In other words, they are indicative of identity.

<sup>121</sup> Bruce is a senior researcher from the Centre for the Study of Violence and Reconciliation in South Africa.

<sup>122</sup> In his analysis of Jeffrey Dahmer, Masters quotes the understanding by Dahmer's psychologist that Dahmer harboured "deep feelings of alienation." (1993, p. 102). He described Dahmer's probation officer being "face to face with a man whose intangible threads connecting him with his fellows had all been severed, a man alone and alien, who watched other people form bonds and did not know how it was done; whose counterfeit version of bonding was to drug a person senseless and hold him; whose only intimate relationship was with a corpse, because he knew no other way." (1993, p. 118).

<sup>123</sup> In this respect, Scheff notes: "[A]ny segment of human discourse, no matter how brief, is a microcosm which contains many elements of the entire relationship between the participants, their relations with others, and indeed all human relationships." (1997, p. 149).

<sup>124</sup> The link between actual capacities at birth and a developing identity, constructed through social mediation or cultural learning, is captured in the words of Jack: "All infants sense external forces that impinge on their bodies – the texture of surfaces, the soft mattress, the hard floor. And all experience internal forces – hunger, the need to defecate, to urinate, to move. These universal physical sensations become the reference points to which the developing mind relates more complex perception ... Equally

important ... is culture, which interprets, socializes, and assigns meaning and value to the uses of force and space." (1999, p. 55).

<sup>125</sup> Meares notes: "[T]he so-called 'false self' is the result of the child's 'accommodation' to the reality of the other. The child sacrifices his or her own experience in favour of another version which comes from 'outside'." (2000, p. 21).

<sup>126</sup> In this respect, Benjamin states: "Intersubjective theory postulates the other must be recognized as another subject [as opposed to an object] in order for the self to fully experience his or her subjectivity in the other's presence." (1990, p. 186).

<sup>127</sup> In this respect, he states: "As Melanie Klein has shown, the infant goes through a phase when his psychic peace is extremely fragile and any loss suffered is acutely felt and likely to reverberate long into the future." (1993, p. 158).

<sup>128</sup> McKenzie an ex-South African offender described to the judge who found him guilty how a culture of relative legitimacy facilitated a life of crime in his lifeworld: "I don't want to blame anything, and me being here is a reflection of many things, including apartheid, but mainly I wasn't given many choices in life. In my neighbourhood, being a criminal is indeed a career of choice, the way you decided to be a judge, you a prosecutor, you a stenographer. I decided I wanted to be a criminal when I was eight years old." (Cilliers, 2006, p. 104).

<sup>129</sup> Benjamin states: "the capacity for mutual recognition must stretch to accommodate the tension of difference...accept the knowledge of conflicting differences" (1990, p. 173).

<sup>130</sup> A "social other" refers to a representative of the contextual social system or culture rather than the particular personal characteristics which that person brings to bear on such a role (Vygotsky, 1978).

<sup>131</sup> Benjamin states: "[O]ne of the main principles of the early dyad is that relatedness is characterized not by continuous harmony but by continuous disruption and repair." (1990, p. 196).

<sup>132</sup> Disjunctive anxiety is described by Meares as "a break in the patterning, a failure of attunement, is quickly perceived by the baby, whose rapidly changing expressions are surprisingly subtle ... the pleasure of the interchange for both partners is lost." (2000, p. 17).

<sup>133</sup> In this regard, Lyons-Ruth notes: "[M]ost patients remember 'special moments' of authentic person-to-person connection with their therapists, moments that altered their relationship with him or her and thereby their sense of themselves. We believe that these moments of intersubjective meeting constitute a pivotal part of the change process." (1998, p. 284).

<sup>134</sup> Eg. Bowlby, 1969; Ressler, Burgess, & Douglas, 1988; Holmes & De Burger (1988); Miller (1988); Pryor (1994); Sander, 1998; Tronick, 1998; Fonagy (1996) to name but a few.

<sup>135</sup> Benjamin suggests that when mutual recognition of the other as a unique, but valid equal member of human society fails, intersubjectivity is replaced with inner object relations: "When mutual recognition is not restored, when shared reality does not survive destruction, complementary structures and 'relating' to the inner object predominate" (1990, p. 195).

<sup>136</sup> For example, of all Rule's (1980) biographies on people found guilty for committing violent crimes, I found her narrative of her relationship with Ted Bundy to be particularly powerful. A crucial theme in this book is Bundy's need for recognition: "Ted wanted to be noticed. He accomplished that. He left this earth a man almost as hated as the Nazis who intrigued him." (1980, p. 498).

<sup>137</sup> In their research on designated perpetrators of political violations, Foster *et. al* found: "In the struggle to comprehend their motivations, the public discourse depicts them as mentally unstable (a strategy which both excuses and 'others'<sup>137</sup> them)." (2005, p. 48).

<sup>138</sup> Miller notes: "In reality, children tend to blame themselves for their parents' cruelty and to absolve the parents, whom they invariably love, of all responsibility." (1988, p. 282).

<sup>139</sup> Miller notes: "Till now, society has protected the adult and blamed the victim. It has been abetted in its blindness by theories, still in keeping with the pedagogical principles of our great-grandparents, according to which children are viewed as crafty creatures, dominated by wicked drives, who invent stories and attack their innocent parents or desire them sexually." (1988, p. 282).

<sup>139</sup> After being found guilty of his crime, an ex-offender McKenzie requested to be allowed to address the court and explained how he had chosen, and succeeded to reach recognition in a culture of violence: "The judge listens until I finish: 'You can sentence me to whatever you like. Thank you for letting me speak'" (Cilliers, 2006, p. 104). In response to the Judge's creation of a space for him to speak, his subsequent respectful acknowledgement of McKenzie's words, and minimum sentence, not to punish but to inspire people in prison, McKenzie notes: "this is the biggest compliment I've ever had, given to me at, by far, the

worst moment a criminal can ever have. Its like being given a gold bar when you're living in a barrel in the dark." (Cilliers, 2006, p. 104-105).

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## Chapter 7

<sup>141</sup> In this connection, Gilligan notes: "And history itself, as Hegel and many other philosophers of history have noted, is largely the history of violence – wars, assassinations, revolutions, and so on." (2001, p. 31)

<sup>142</sup> Bartol states: "Engaging in criminal behavior might be one person's way of adapting or surviving under physically, socially, or psychologically dire conditions. Another person might decide that violence is necessary to defend honor, protect self, or reach a personal goal." (2002, p. 122).

<sup>143</sup> In this respect, McWilliams notes: "defensiveness is generally trying to accomplish one or both of the following ends: (1) the avoidance or management of some powerful, threatening feeling...and other disorganizing emotional experiences; and (2) the maintenance of self-esteem" (1994, p. 97).

<sup>144</sup> Masters describes this self- and other 'deception': "It is a paradox, and one of which we must take firm notice ... that the worst and most hideous crimes are committed not by monsters of power and magnetism, but by individuals who feel impotent and inadequate." (1993, p. 80)

<sup>145</sup> In this connection, Foster *et al* note: "The narratives in this volume (of Truth and Reconciliation hearing transcripts) show that it is not merely the sadistic, inhuman monsters that were directly or indirectly capable of and involved in political violence. As Du Toit (1993) says – and Milgram's (1974) experiments have shown – they are more often than not 'ordinary', 'normal' people." (2005, p. 53).

<sup>146</sup> McKenzie described how respect removed any sense of financial deprivation: "The thought of robbing Fire of even two cents, as I do others, never even crosses my mind. Fire gives me more than I would have been able to rob him of anyway" (Cilliers, 2006, p. 20).

<sup>147</sup> McKenzie, an ex-offender noted that as a child he could not respect the father who did not treat him with respect, nor did his father act as if he deserved it: "My father is jealous of Fire, and I know he should be. I have no intention of becoming a store man like my father, who must call people baas and get no respect. And of course, I will not become one. I will become a stored man." (Cilliers, 2006, p. 24).

<sup>148</sup> In his words, McKenzie, an ex-offender remarked about taking money: "I justify it, again, as the only way to retain my self respect, because if I weren't taking something I would be little more than a slave" (Cilliers, 2006, p. 9).

<sup>149</sup> On this point, Lindsay-Hartz *et. al* state: "Unresolved guilt may lead to continual attempts to restore the moral balance by 'being good,' punishing the self, giving up rights, performing actions that appear to be symbolic substitutes for making reparations, undoing a wrong, or making order out of disorder." (1995, p. 289).

<sup>150</sup> Miller describes this process: "The normal reactions to such injury [childhood emotional trauma] should be anger and pain; since children in this hurtful kind of environment, however, are forbidden to express their anger and since it would be unbearable to experience their pain all alone, they are compelled to suppress their feelings, repress all memory of the trauma, and idealize those guilty of the abuse. Later they will have no memory of what was done to them." (1988, p. 281).

<sup>151</sup> Miller states that when children's distinctive needs are: "instead abused for the sake of adults' needs by being exploited, beaten, punished, taken advantage of, manipulated, neglected, or deceived without the intervention of any witness, then their integrity will be lastingly impaired." (1988, p. 281).

<sup>152</sup> The dynamic of mutual deception on a socio-political level has emerged over time as the consequences of South Africa's political violations have come to light. Makgetla and Groenewald write that the lives of those involved in security operations involving violence against perceived offenders against the state prior to 1994 have been relentlessly tormented. They cite Jobson as saying "she had received anonymous calls as a LifeLine counsellor from white men suffering from post-traumatic stress disorder, and alcohol and

drug dependency who had been involved in police activities during apartheid. 'People are not disclosing the extent to which they were not able to get their lives together because of the nightmares and the memories,' she said." (2006, p. 6).

<sup>153</sup> In general, Rule's subjects were known to her principally through their relationship with violation. In contrast, Rule's (1980) conception of herself in relation specifically to Bundy appears to undergo tension as a result of her relationship with him, which originated in a collegial and personal relationship built on trust.

<sup>154</sup> In this connection, Beck writes: "Although focusing on a single external cause may seem to protect self-esteem, it only serves to disguise, not remove, underlying self-blame. At the same time, the self-doubts produce discomfort, which fuels the blame assigned to the system and to others." (1999, p. 84).

<sup>155</sup> In 1968 Mary Bell was found guilty of murdering two little boys when she was ten years old (Sereny, 1998).

<sup>156</sup> Scheff & Retzinger note in this regard: "Strong cultural tendencies to shame wrongdoing may prevent acts of violence against others, but the internalizing of that shame will cause acts of aggression to be directed against the self, such as in suicide. Shame does not solve problems; it just displaces targets." (1991, p. xii).

## Chapter 8

<sup>157</sup> Fischer & Tangney note that, in general emotions have largely occupied a peripheral place in the social sciences until the recent trend where theory and research are becoming more relationally focused: "Basic-emotion theories have omitted other people from their analysis, so that, remarkably, **social** emotion expressions have not been described or analyzed" (1995, p. 6).

<sup>158</sup> Scheff and Retzinger note: "Although emotions have been a topic of serious discussion for thousands of years, they remain one of the cloudiest regions of human thought ... The field of emotions is less a body of knowledge than a jungle of unexamined assumptions, observations, and theories." (1991, pp. 3-4).

<sup>159</sup> Ginsburg and Harrington engage with the dynamic aspect of emotions: "[T]he initial components of an emotional reaction, even if they are reflexive, probably are readily modulated – i.e. amplified or suppressed – by the person or by the flow of interaction in which the person is immersed." (1996, p. 253).

<sup>160</sup> In this respect, Ginsburg & Harrington note: "[I]t is essential that the study of emotion include the observation of the emergence and dissipation of emotional episodes and their contexts, and preferably at multiple levels of analysis." (1996, p. 252).

<sup>161</sup> Zittoun argues a non-linear complex view of human ways of being and feeling in the world, whereby changes in life are "facilitated, or constrained, not only by socio-cultural contexts, interpersonal relationships or random events, but also by personal emotional patterns." (2003, p. 314).

<sup>162</sup> Ginsburg & Harrington note: "The matter of natural history deserves serious investigative attention, which has generally been lacking in the emotional field." (1996, p. 252).

<sup>163</sup> In this respect, Zittoun notes: "Fonagy, Gergely, Jurist and Target (2002) show that attachment contributes to children's 'mentalization' abilities – processes allowing one to catch one's own mental states – which will be the key for further regulation of affects." (2003, p. 316).

<sup>164</sup> The fluid, socially constructed nature of emotions and how they affect and are affected by different levels in society is supported by Edwards: "[E]motions and the names we call them are intrinsically tied to social conditions, rights, and responsibilities, which change historically and differ across cultures." (1997, p. 180).

<sup>165</sup> In this respect, Zittoun states: "Affects are more or less conscious, and the less conscious they are, the less controllable and linkable to symbolic means they will be; their power of diffusion upon thought and language, their distorting force in the case of traumatic events will be much less apprehensible, but such distortions might be observable through distortions of behaviour, thought and speech." (2003, p. 318).

<sup>166</sup> In Master's view, knowledge is not meaningful until its emotional counterpart is taken into account: "[P]erhaps 'knowing' is an insufficient description of the cognitive process, and an emotional understanding should form part of it." (1993, p. 166).

<sup>167</sup> E.g. Goleman, 1996; Scheff & Retzinger, 1991; Scheff, 1997; Meares, 2000; Gilligan, 1996; Morrison, 1989.

<sup>168</sup> Jack notes: "Shame is a response to others' condemning judgment. While seeing oneself through others' eyes is a normal experience and necessary to community, difficulty comes when the imagined, watching eyes are felt as always critical, when they have been internalized into a judgemental sense of self-

surveillance ... This leads to a sense of **externalized self-perception** and continual feelings of shame and self-doubt even when no one else is present." (1999, pp. 63 – 64).

<sup>169</sup> This was recently illustrated by the erstwhile Minister of Law and Order who "washed the feet of the mother and widows of the 'Mamelodi 10' shortly after meeting presidential aide Fank Chikane to perform the same act of contrition" (Makgetla & Groenewald, 2006, p. 2). He had been instrumental in the deaths of ten people from Mamelodi, and attempted murder of a leader in the South African Council of Churches. At the time of the violations, however, "Vlok said he did 'not for one second' believe he was on the wrong side" (Makgetla & Groenewald, 2006, p. 2).

<sup>170</sup> Scheff & Retzinger point out that: "The situations that produce shame, the labelling of shame, and the response to it show immense variation from one society to another. Shame may be the most social of all emotions, since it functions as a signal of threat to the social bond." (1991, p. 5).

<sup>171</sup> Scheff & Retzinger note: "Guilt is a shame-anger transformation where anger is directed at the self. Violence, hatred, and resentment are shame-anger transformations where anger is directed at others." (1991, p. xiii).

<sup>172</sup> Scheff & Retzinger state: "[A]nger is an attempt to ward off perceived attack and 'save face', or to remain attached in the face of threats to basic emotional ties. Rage is a reaction to injury to oneself, is a protective measure used as an insulation against shame." (1991, p. 66).

<sup>173</sup> In this regard, Morrison states: "In addition to expunging shame (reflecting a feeling of helplessness), the rage response also fosters an illusion of power and activity, thus seeming to reverse into activity the sense of passivity and helplessness that itself generates shame." (1989, p. 102)

<sup>174</sup> Morrison states: "Contempt represents, I suggest, an attempt to 'relocate' the shame experience from within the self into another person, and, thus, like rage, it may be an attempt to rid the self of shame." (1989, p. 14).

<sup>175</sup> Morrison notes that "it is worth considering the possibility that shame's role in generating rage has been overlooked because of the tendency to hide from shame in the transformation of passive to active, from self-hatred to outward expression of hatred and anger." (1989, p. 14).

<sup>176</sup> Scheff and Retzinger describe the role of alienation as integrated with shame and rage cycle between partners: "Lack of respect is the medium for exchange of shame-rage between partners. Shame is present in each case, but is seldom acknowledged. The manner of each person is degrading toward the other. Anger is expressed indirectly and alternates rapidly with shame; each is disrespectful to the other but also feels put down (shamed) by the other, which leads to further anger in a cyclical pattern. Disrespectful manner perpetuates feelings of separateness and shame." (1991, p. 74).

<sup>177</sup> Hartling and Luchetta note that: "Humiliation has been implicated in the pathogenesis of numerous psychosocial maladies including low self-esteem (Stamm, 1978); school-related difficulties (Brantlinger, 1993; Rothenberg, 1994), pernicious child-rearing practices (A. Miller, 1983), delinquency (Klein, 1991b), poverty (Duhl, 1992), social phobia (Greist, 1995), anxiety (Beck & Emery, 1985), depression (Brown, Harris, & Hepworth, 1995), paranoia (Klein, 1991b), marital discord (Vogel & Lazare, 1987), domestic violence (Gilligan, 1996), serial murder (Hale, 1994), torture (Silver, Conte, & Poggi, 1986), and suicide (Hendin, 1994; Klein, 1991b)". (2005, p.3).

<sup>178</sup> In this respect, Scheff warns: "He may have experienced the patient's balking and emotionality as insulting to his authority, or, more subtly, to his competence as a therapist." (1997, p. 190).

## Chapter 9

<sup>179</sup> Scheff & Retzinger note: "Many of the patients' statements show concern for the therapists' view of them: 'I'm wondering how you are thinking about me after telling you all this.' Both the manner and the content of these statements suggest shame states, but these are seldom made explicit." (Cited in, 1991, p. 13).

<sup>180</sup> Benjamin describes the process of recognition captured in the tension between similarity and difference in relationships characterised by mutuality: "Its core feature is recognizing similarity of **inner** experience in tandem with difference." (1990, p. 194).

<sup>181</sup> For example, after being sentenced by a Judge to prison, "not for punishment but to inspire people" McKenzie, an ex-prisoner describes his confusion: "You simply do not know what you have in your hands. Go to prison to inspire people there? Inspire them how, exactly?" (Cilliers, 2006, p. 105).

<sup>182</sup> In this connection, he notes: “*Rather than a static view of everyday life and a reduction of learning to teaching situations it is necessary to reframe learning in terms of everyday complexities and with an eye on its part in change processes.*” (Jefferson, 2004, p. 72).

<sup>183</sup> Jaworski (1993) defines pseudo-communication as communication which depends upon collective thought and passive, uncritical acceptance of messages from authority structures.

<sup>184</sup> Defined by Vygotsky as “*processes that have gone through a very long stage of historical development and have become fossilized. These fossilized forms of behaviour are most easily found in the so-called automated or mechanized psychological processes which, owing to their ancient origins, are now being repeated for the millionth time and have become mechanized. They have lost their original appearance, and their outer appearance tells us nothing whatsoever about their internal nature.*” (1978, pp. 63-64).

<sup>185</sup> Jack states: “*All theories of development agree that growth requires conflict, that is, the ability to assert oneself, encounter opposition, and negotiate differences. Though we may dream of it, and experience it at times, there is no such thing as conflict-free perfection ...*” (1999, p. 39).

<sup>186</sup> The zone of proximal development is defined by Vygotsky as “*the distance between the actual developmental level as determined by independent problem solving and the level of potential development as determined through problem solving under adult guidance or in collaboration with more capable peers.*” (1978, p. 86).

<sup>187</sup> Miller asserts: “*The new understanding...requires a negation of the old, a giving up of previous understanding and a redefinition of the situation*” (2003, p. 10),

<sup>188</sup> Wood, Bruner & Ross state: “*Our species, moreover, appears to be the only one in which any ‘intentional’ tutoring goes on ... What distinguishes man as a species is not only his capacity for learning, but for teaching as well.*” (1976; p. 89).

<sup>189</sup> Vygotsky asserts: “*The fact is that maturation per se is a secondary factor in the development of the most complex, unique forms of human behaviour. The development of these behaviours is characterized by complicated, qualitative transformations of one form of behaviour into another (or, as Hegel would phrase it, a transformation of quantity into quality.*” (1978, p. 19).

<sup>190</sup> Dr. Holtzhausen (2005), associates rehabilitation with increased responsibility : “*Corrections further means providing offenders with appropriate assistance, through planned programming and treatment, to help them address their criminal behaviour. This enables them to gradually assume a greater degree of responsibility.*” (2005, p. 1).

<sup>191</sup> Du Toit notes: “*This thesis links the uniqueness of the South African family murder; the uniqueness of guardianship and responsibility inherent in apartheid in the South African situation. It seems as though this right to determine the lives of people, which has been legitimated in the national life, has filtered through to the family life patterns of some families ... it was the parent’s exaggerated, misguided sense of responsibility that inflated the problem to desperate proportions.*” (1990, p. 297).

<sup>192</sup> Drewery argues that positioning theory provides the analytic tools “*that can give an account of respectful speaking as an ethical psychological practice, an argument that supports and extends Sampson’s (2003) notion of human sociality. I will propose that respectful relationships have a great deal to do with the ways in which persons are called into agentive subject positions in conversational interactions.*” (2005, p. 310).

<sup>193</sup> This appears to have been the case, for example, in Tintinger’s (1999) programme involving compilation of prisoner narratives in Leeuwkop prison in South Africa<sup>193</sup>

<sup>194</sup> Masters quotes Dahmer who contrasted the desire for comfort offered by the nothingness of infinity, to the “*deep, clawing depression*” of his lifeworld which, due to lack of skills to cope with change, he experienced as predominantly alien and menacing (1993, p. 170). Dahmer described this depression as an inability to go beyond visible horizons, an inability to learn: “[*T*]he sense of total, final hopelessness. That’s quite a sensation. I imagine it’s a bit what hell is like.” (1993, p. 170). Masters cites Jean-Paul Satre’s depiction of hell as the “*permanent and inexorable contemplation of oneself as fixed, defined, finished, known, utterly bereft of the freedom to change or evolve.*” (1993, p. 171).

<sup>195</sup> In this connection, Buirski & Haglund state: “*The need for continuous application is what gives the antidote the quality of an addictive substance.*” (2001, p. 151).

<sup>196</sup> Buirski & Haglund note: “*In the organization of experience, when antidote experiences are operating, underlying crushing affect states are not cured but covered over.*” (2001, p. 151).

## Chapter 10

<sup>197</sup> The draft White Paper states: "(i) to promote social responsibility; (ii) to ensure that offenders can recognize what they did as wrong; (iii) that offenders can understand why society regards that what they did to be unacceptable; and (iv) that offenders internalise the impact that their actions have had on the victims and on society as a whole." (2003, p. 7).

<sup>198</sup> Holdstock describes this process: "The more a person is violent, the more violently he is punished, and the more violently he reacts to the anger which arises as a defence against his shame. Thus, punishment causes and/or increases shame. This is a self-perpetuating cycle which anyone who has ever worked in a prison knows, and it keeps warders and inmates in a chronic state of war, the only question being 'who will win the next round' and how the other will deal with the ensuing challenge to whoever's pride was injured in the previous bout. The bottom line is always variations of 'I will show who is boss'. It is for this reason that, if society is truly serious about decreasing levels of violence, more than it is serious about winning individual wars around status, power, revenge and privilege, the age-old ethic of the 'moral-legal' approach will have to be scrapped." (1990, p. 5).

<sup>199</sup> In this respect, Kollapen notes: "Imprisonment remains the most potent of our punishment options and there appears to be a move to maximise its use in order to display our sense of anger and our need for retribution." (2002, p. 3).

<sup>200</sup> For example, Cronje, Van der Walt, Retief and Naude prioritize discipline in rehabilitation as "highly essential components of authority" and its absence as "resulting denial of duty, and lack of readiness to obey and to accept responsibility." (1982, p. 250).

<sup>201</sup> Gerhardt states: "As social creatures who depend on others, survival is not possible alone. It is frightening to be ignored, humiliated, threatened or trapped. It is not safe ... the only safe course of action is to withdraw and submit to others." (2004, p.120).

<sup>202</sup> McKenzie noted of this trend as it was evidenced at school: "He's one of the many bullies, guys who would rather pick on one of us, the younger boys who are doing reasonably well at school, as if somehow by putting us down he can feel better about himself." (Cilliers, 2006, p. 21).

<sup>203</sup> In this regard, Van Zyl Smit notes: "[S]entenced prisoners must also work, if this is part of their development plan, which in turn must serve the overall objective of enabling them to lead a responsible and crime-free life." (2005, p. 20).

<sup>204</sup> In South Africa the dangers of solitary confinement have been widely experienced as a result of an authoritarian political structure. Louw and O'Brien (2007) cite a disclaimer from many signatories who wished to object to its use, in the Cape Times in 1963: "Information has been received that concern over the possible effects of solitary confinement has existed in responsible medical circles for a long time and is in no way related to political considerations".

<sup>205</sup> Defined by Sartre as "a negation which influences the inner structure of the being who or which is denied something. Such a relation between two beings that the one which is denied to the other qualifies the other at the heart of its essence – by absence." (1956: p. 631).

<sup>206</sup> E.g. Kristeva, 1991, p. 8; Magadien in Steinberg, 2004, p. 142; Crossley, 2000 etc

<sup>207</sup> Jaworksi (1993) defines pseudo-communication as communication which depends upon collective thought and passive, uncritical acceptance of messages from authority structures.

<sup>208</sup> The White Paper states: "Forms of disciplinary measures or sanction within a correctional centre environment should take the form of community service directed towards other inmates." (2003, p. 37).

<sup>209</sup> In this respect, Kollapen states: "[A]lmost everything that an inmate is allowed to do or to have in his/her possession is called a 'privilege' or 'indulgence'. The relevance of this is that in terms of Section 22(2) [of the Interim Constitution Act 200 of 1993] the Commissioner of Prisons may withdraw any privilege or indulgence granted to any prisoner without furnishing reasons and without hearing such a prisoner provided it is in the interest of the administration of prisoners. The effect of this Section virtually means that almost every aspect of prison life falls within the untrammelled discretion of the prison authorities." (1994, p. 2).

<sup>210</sup> A report by the Judicial Inspectorate of Prisons says: "It is current policy of the Department of Correctional Services to afford prisoners the opportunity to lodge complaints with the Head of the Prison. However, because of mainly the lack of 'trust' that exists between prisoner and correctional official, this procedure of recording and dealing with complaints has broken down at many prisons resulting in prisoners turning to gangs for protection and other 'services' which they may need such as access to a telephone, making contact with their families, etc." (2003, p. 3).

<sup>211</sup> Section 2 of the attached Ethical Code of Professional Conduct legitimizes as acceptable professional practice: "the use of any method or practice aimed at aiding persons or groups of persons in the adjustment of personality, emotional or behavioural problems or at the promotion of positive personality change, growth and development, and the identification and evaluation of personality dynamics and personality functioning according to psychological scientific methods." (1974, p. 1).

<sup>212</sup> Jefferson notes: "*The corporeality of training is clearly related to the corporeality of correction and violence ... Training for them is about being changed from a civilian to a military person within a framework of discipline ... Drill is utilised to encourage esprit de corps and internal discipline. One could argue that the esprit de corps of uniformity narrowly delineates the territory for learning. It appears to limit possibilities. Free-thinking, resistance, and challenges to superiors are discouraged. Revealed in the practice of drill and the relations it engenders between people (colleagues) are ways of being, acting and participating which lend themselves to perceiving social interaction in terms of either conformity or non-conformity and dominance or submission.*" (2004, pp. 149 – 150).

<sup>213</sup> Section 2.3.1 of the Health Professions Act states: "*Psychologists shall not impose on clients ... or others over whom psychologists have or have had authority any stereotypes of behaviour, values or roles related to age, belief, birth, conscience, colour, culture, disability, disease, ethnic and social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, socio-economic status, or any basis proscribed by law.*" (1974, p. 6).

<sup>214</sup> After 1994, Dissel set out transformative implications of demilitarization in prison services: "*The non custodial, or the professional staff such as teachers, social workers and health workers should not be required to wear uniform. They are professionals who must maintain, and be seen to be maintaining their independence from those aspects of the correctional services which are equated with enforcing discipline and order.*" (1997, p. 12).

<sup>215</sup> The Centre for the Study of Violence and Reconciliation noted: "*The White Paper commits the Department to a non-militaristic culture citing that it is inappropriate for a rehabilitation-centered system. However, the uniforms and insignia recently adopted by the Department are very militaristic even if the intention is to move away from this.*" (2004, p.7).

<sup>216</sup> The Director of Psychological staff concluded: "*[I]t is strongly recommended that the policy on the dress code of psychologists, employed by the DCS, be revised and amended, in order to accommodate the needs and preferences, particularly of prisoners as it would facilitate the rehabilitation ideal of the Department of Correctional Services.*" (Bergh, 2003, p.5).

<sup>217</sup> Geertz (in Scheff) notes: "*[T]he system [is] made up of whatever the members of a group take to be self-evident, of what is taken for granted, of what goes without saying, and in fact, had better not be said or talked about ... To talk about it is to undercut it, to challenge its status as completely self-evident. In a functioning social group, commonsense is seen as untouchable, and as complete.*" (1997, pp. 221 – 222).

<sup>218</sup> In this regard, Marcus-Mendoza states: "*Although feminist therapy is ideal for incarcerated women, there are many inherent difficulties in doing feminist therapy in correctional settings. One of the basic tenets of feminist therapy is examining and learning to resist harmful social structures. Prison is one of the most oppressive social structures. In prison, resistance is not only discouraged, it is often harshly punished. Women who are incarcerated must conform to prison rules and regulations, no matter how demeaning or irrational the rules may seem. To do otherwise can lead to loss of privileges, time in solitary confinement, and even longer prison stays due to denial of parole or loss of reductions in time for good behavior. Therefore, resistance must occur in passive, internal, or non-public forms.*" (2004, p. 53).

<sup>219</sup> The draft White Paper notes that the needs-based safety and security framework, within a human rights context, makes provision for, among other things: "*(v) the safety and health of inmates receiving the highest attention, through honouring the Constitutional and other international provisions on health care to inmates and the provision of health care service consistent with that provided by the state to other citizens.*" (2003, p. 10).

<sup>220</sup> Jasson Da Costa reports that the Deputy Minister of Correctional Services: "*complained that Correctional Services was not necessarily the 'career choice' and that most correctional centres had no doctors or psychologists, and social workers did not want to go into prisons*" (2006, p. 1).

<sup>221</sup> Policy in prisons aims to provide excellent psychological services. The Act states: "*The Department must provide social and psychological services in order to develop and support sentenced prisoners by promoting their social functioning and mental health.*" (1998, p. 42).

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<sup>222</sup> The Centre for the Study of Violence and Reconciliation cautions that: “*One should examine the DCS capacity to deliver in terms of rehabilitation and development by its own projected ability to meet these targets. The DCS current targets in relation to work, and developmental services is low. During the 2003/04 year, the DCS aims to provide ... psychological sessions to 5% of prisoners.*” (2004, p. 6).

<sup>223</sup> The Judicial Inspectorate of Prisons reported: “*The public perception that these people are ‘criminals’ who belong in prison is wrong.*” (2003, p. 3).

<sup>224</sup> An excerpt from this report states: “*It is my professional opinion that [Maria] has been placed at a disadvantage by reason of the services **not** afforded her. When she sought help for her drinking problem from the social workers she was not referred for in patient treatment or even to an out patient programme ... [Her crime] needs to be seen in the context of [Maria’s] repeated attempts to enlist the assistance of the authorities, particularly in the care of her child. She clearly has fallen ‘between the cracks’ of the welfare system, that in my opinion, failed her and her child ... Consideration needs to be given to [Maria’s] attempts to rehabilitate herself, again without the benefit of professional treatment ... [Maria] turned to religion for support ... She made no attempt to leave the scene and notified the authorities herself ... [Maria] is, in my opinion, not a threat to society and unlikely to repeat her actions.*” (1999, pp. 7 – 9).

### **Conclusion**

<sup>225</sup> For example, Foster, 2000a; Foster, 2000b; Foster, 2004; Foster, *et al.* 1987; Foster, *et. al.* 1997; Foster *et. al.* 2005; Foster & Swartz, 1997; Louw & Foster, 2004.

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ANNEXURES



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**Annexure A****Prototypical example of intersubjective analysis:****My relationship with Eddie<sup>1</sup>****1. Background**

While I worked as Eddie's psychologist in prison between July 2001 and November 2003, I typically approached our relationship relatively reactively session to session. In general, I placed bold outer boundaries, but I let him guide topics to be discussed. Where possible I re-read the last case notes just before meeting him for the next session, but more often than not such re-capping was not possible. In addition, a sense of continuity between sessions was, for the most part, impossible because of new crises which emerged on a daily basis in Eddie's life. Over time, and particularly in moments where stress was reduced, Eddie's insistence that I provide crisis management gave way to open dialogue where both of us felt seen and heard in our own right. This form of interaction enabled mutual growth and transformation.

Between March 2004 and August 2004 I immersed myself in a literature review for the thesis, and drew up a proposal for the University of Cape Town. I started my analysis of Eddie's case material for purposes of this thesis approximately ten months after my resignation, in September 2004. I then returned to a copy of the case file and I reviewed its contents for purposes of drawing up a biographical overview for Eddie's case study, as it emerged in relationship with me.

**2. Overview of biographical details**

Eddie was illegitimately conceived. In adulthood and in secret, he revisited places of his early life. He maintained that it was likely that his mother conceived him in a drunken state, in return for money from his father. In his early childhood, up to about five years of age, Eddie lived mostly with his mother, stepfather and younger brother. This arrangement was punctuated by periods of living with his maternal grandmother or other community members while his mother spent various lengths of time in hospital recovering from spousal battery. His mother has been an alcoholic for most of her life, and all of his early life. In later years, his mother succeeded in overcoming her alcohol addiction, but Eddie experienced her involvement with the church to be a substitute. Either way, he felt excluded by a thing, and invisible to her. From the age of five, he began a life of living in various foster homes, then an orphanage and eventually prison. In his view, he had only himself on whom he could rely.

Eddie has a half-brother and half-sister from the same mother. His mother stayed married to his stepfather until the man's recent death. The first and only time Eddie mentioned his sister, in passing, was during our final meeting in September 2005. His own biological paternity remained a mystery to him until he was in his adolescence. When he was about 18 years old, during his first spell of imprisonment, Eddie was introduced to his father, for the first time. He believes he may have met his father during his childhood, although his relationship to him was not made known to him at that time. His father is 'white' and his mother is 'coloured'.

Eddie left school when he was 16 years old. Ironically, his first job was that of a prison warder. When he was 20 years old, he was involved in a serious motor car accident. He spent months in hospital and was in a coma for a week. He suffered severe pain, particularly excruciating headaches. His injuries could conceivably relate to problems with impulse control, although access to medical opinion on neurological damage suffered was not possible. Prior to the accident he loved playing guitar. When he woke up in hospital, the fourth finger of his left

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<sup>1</sup> Not his real name

hand had been amputated as a result of which he stopped playing music. When he left hospital, he had no home to go to, no place to which he felt he belonged. He felt confused and drifted. He became addicted to prescribed and later, over-the-counter medications. He progressed to taking illegal drugs regularly.

Eddie noted that in order to finance his drug habit, he became involved in crimes for which he has regularly been sent to prison. He has 21 previous convictions, only two of which were for aggression, unrelated to theft. When I met Eddie, he was finishing off a 15-year sentence for theft. Eddie was legally certified a 'career criminal' by the Court, due to his lengthy prison record. One of the consequences is that, when he started parole, it would initially take the form of day parole.

Eddie has a son whom he has never met and a daughter with whom he has periodic contact on an ad hoc basis. He takes no financial responsibility for either of his children. He sustains a relatively good relationship with the mother of his daughter. He married for the first time in August 2005. In a telephone call to me in July 2006, he appeared confused when I asked him how his marriage was going, although he sounded sober and in good spirits.

In recent years, the death of Eddie's stepfather coincided with his mother's rehabilitation from alcoholism and conversion to Christianity. However, repair of his relationship with his mother is problematic. Eddie insists that she refuses to discuss what really happened in her relationship with him. He attributes her continuing emotional distance from him to her love of God. Instead of vying only with alcohol, his stepfather and his brother for her attention, he feels that the condition on which he is loved now is that he has to accept God as a competitor for this scarce resource. Explicit ownership of his need for his mother's attention is infrequently exposed, and often angrily denied. This need seems to be powerfully and successfully masked by substituting his relationship with his therapist.

From this overview, the primary importance of recognition for a human quality of life emerged. It soon became clear that this crucial factor could be extended to my own and all other clients' lifeworlds from birth to the present. Logically, negation of recognition became foregrounded as core to violational actions.

### **2.1 History of recognition**

Eddie's primary sources of recognition were always less powerful than people from whom he experienced physical and emotional threat, and negation. His primary sources of comfort in his early life were his grandmother, his dog and a social worker who lived down the road. His dog was more immediately accessible than any other source of comfort. Many evenings he snuggled up to her in her kennel when life became unbearable in his home. At times, he would visit the social worker but she had a life of her own and eventually left the area. His grandmother always seemed to take care of him on the seemingly many occasions when his mother was hospitalized. At age five, however, without preparing him, his grandmother handed him over to 'strangers'. These strangers seemed to drive forever, to a strange town, where he was handed over to took him to an alien town where he was fostered by an unknown family.

Living with the foster family was difficult at first, but he later grew to love them. However, after two years, his mother insisted that he return to her. This was a relationship she was unable to sustain. After a number of placements in foster homes, he finally settled into an orphanage which, although not a place he could call his own, had structure and was predictable. A difficult realization came when he reached the age of 16 and could no longer return. He received irregular visits from his mother in orphanages during his childhood, as he does now in prison. He has told me how sometimes she gives him large amounts of money, in one case R10 000, although he 'lost' it overnight. In very rare moments, he acknowledges that he sees her gift

of money as indicative of her way of 'loving him' although he says it is not the way he wants to be loved. Latterly, Eddie experienced his major source of acknowledgement to lie with his previous psychologist. He also began to find acknowledgement in his relationship with the head of prison and the doctor. As our relationship stood the tests of time, Eddie frequently indicated that the acknowledgement he received at weekly therapy sessions from me was becoming increasingly invaluable for him. Similarly, after a difficult start, I looked forward to consultations with Eddie as I describe in more detail below.

### **2.2 History of alienation**

During my relationship with him, I had the impression that, at very best, Eddie was experienced by others as barely 'tolerable', but more typically the subject of humiliation and taunting. It seems that these experiences were typical of his relationships with significant others from his earliest memories. Eddie's childhood background stands testimony to large-scale alienation and the overwhelming message that he is ineffective in the world.

His relationships predominantly negated his particular needs as a significant human child worthy of care, taking the concrete form of physical, emotional and sexual abuse. His stepfather physically assaulted him and his mother. Throughout his childhood, Eddie witnessed his mother, the only parent he could claim and know, and on whom he depended for his survival, struggling against alcohol addiction and a physically abusive husband. When his stepfather assaulted his mother, Eddie keenly felt his stepfather's implicit challenge to try and stop the assaults. His mother's vulnerability in the face of her husband's physical abuse was a gruesome, bloody spectacle of such traumatic proportions that the vision continues to haunt him in waking and sleeping nightmares in the present. Although he had a need to protect her, as a child in need of protection himself he had no resources to assist her.

Looking back, he views his constant hysterical crying at the time as added proof of his impotence and worthlessness in the world. His sense of existential shame and guilt were exacerbated immeasurably by the imperative of his active collusion in his stepfather's abuse of his mother, in order to ensure his own survival. His stepfather only desisted from physically assaulting Eddie when his mother was drunk. He would then assault his mother rather than Eddie. Eddie found that he perpetually failed a test for human and male legitimacy. Even at that young age, it seems Eddie tended towards survival, which depended on his betrayal of his mother by exposing her vulnerability. In his eyes, his actions as a child stood testimony to his human shame rather than to an imperative to survive.

At his mother's home, he experienced almost no attunement to his needs and feelings, such as would be reflected in reciprocal emotional bonding. He cannot remember ever being hugged or kissed in an unthreatening way in his home. In her drunken stupor, Eddie's mother was unable to maintain appropriate boundaries. He has memories of her urinating in the bath, placing his hand on her naked crotch and later, in his adolescent years, intruding on his private space in the shower while 'looking' at him in a 'funny' way. In addition, his mother took in a hirsute male boarder who gave him sweets and biscuits in return for 'allowing' him to sexually abuse Eddie, and for Eddie to sexually stimulate him. Eddie developed an intense hatred for the tenant, which became mirrored in a powerful hatred of himself where aspects of his own identity reflected memories of the boarder. He began to soil himself and wet his bed in desperate efforts to make himself less attractive to the boarder. Eddie stopped being able to look at himself in mirrors. Bodily hair of any description began to revolt him.

Shortly after his return from his first foster home, when he was about nine years old, Eddie's mother was hospitalized for a lengthy period after a particularly serious beating. His brother was sent to other members of the extended family to be taken care of, while Eddie was sent to an orphanage. The bitter hostility he expresses today towards his brother may have its

roots in this and similar instances of differential treatment. His view is that keeping his brother in the family while he was not, indicated that they loved him more and he was more worthy of belonging whereas Eddie was sent to an orphanage because he was expendable.

His childhood after this incident was spent going from one foster home to another, punctuated by periods in the orphanage. The foster homes are described by him in varying degrees of malignancy or benignity, but in the final analysis, he described his value in these homes as always being an object of service, or a number with no distinct value. On the other hand, he noted that the orphanage was the most stable 'home' he ever had.

Eddie started smoking dagga (marijuana) at age 15, which helped to alienate him from the intense emotional and physical pain constituting his reality. He learned this way of coping, explaining that his whole family smoked it. A serious car accident at age 20 literally alienated Eddie from the fourth finger of his left hand, which interfered with his ability to play music. His way of interpreting the accident, in relation to others evolved into a meaning structure which affected the way in which he began to identify himself as vulnerable, ineffective and in need of chemical comfort. In large measure, he attributes much of the violational behaviour for which he has been judged and condemned since this time, to 'confused' thinking as a result of his head injury. His drug addiction and attendant crimes he sources to prescribed and over-the-counter drugs he needed to manage pain after the accident. He characterized his sober world as an overwhelmingly dark place. Dissociation from physical and emotional pain was relieved only by the excitement and comfort brought on by drugs.

The first time he can remember meeting his father in his paternal capacity was during his first period of incarceration, at the age of 18. A cell mate pointed to an older inmate who wielded a not inconsiderable amount of power, and informed Eddie that this was his father. His father had not recognized him as his son. Once they realized their relationship to each other, his father 'took him under his wing' by organizing a cell for Eddie which gave him relatively unrestricted access to Eddie. His father introduced him to drugs he had never experienced before. He gave him his first tattoos. In addition, his father used him for sexual gratification.

After drawing up this biographical sketch as it related to acknowledgement and alienation, I compiled a list of details of sessions, and the composition of his case file. In sections below, I will detail how the process of alienation and earlier learned ways of managing it continued to be reflected in his current lifeworld in prison. This alienation comes to the fore in letters and case notes relating particularly to relationships with warders, his previous psychologist and also in his relationship with me.

### **3. Dates, duration and modes of sessions:**

Eddie attended approximately 107 sessions of therapy with me. His attendance at consultations was markedly more committed and regular while he was in full time incarceration. His first therapy session was on 26 July 2001, and his last consultation was as a free man on 22, September 2005 after he had signed off from parole. I last heard from him in July 2006, by telephone when he told me he was fine, missed me and he had not 'forgotten' me.

I met Eddie when he was held in Medium B section of the prison where I spent two mornings a week attending to approximately seven clients a day. Counselling sessions were cut to 30 minute sessions due to the large numbers of clients to be accommodated in the four hours I had for this purpose between lock-up times. At the end of September 2001 Eddie was transferred to Medium A, the juvenile prison, at the invitation of that head of prison, due to his expertise and reliability in his work. I had focused my work primarily in Medium B (male) and the female sections. I had only one other long-term client in Medium A and so was able to extend sessions with Eddie to 60 minutes. Our last session during Eddie's formal full-time prison sentence was on 25 March 2003.

In April 2003 Eddie was transferred to the minimum section, Medium C, when he was released on day parole. He returned to his section every night after working for his brother in the free world during the day. I invited him to attend therapy at my office in the pharmacy building before setting out for work on Tuesday mornings, while he was on day parole. During May 2003, authorities threatened to revoke his parole due to various transgressions, such as suspicion of alcohol use or returning late. In July 2003, Eddie's parole was indeed revoked. Counselling sessions of 60 minutes' duration took place in Medium C section until my resignation became effective at the end of November 2003.

After my resignation, Eddie was returned to Medium B. Our contact was limited to written correspondence and a few telephone conversations until his release on full parole 20 January 2005.

After his release on full parole, Eddie telephoned to initiate, and attend meetings of one hour duration at a coffee bar close to my consulting room at irregular intervals. To date, this has happened on four occasions. He lives approximately 50 kilometres from where I meet him, necessitating a train journey of approximately two hours each way, for a visit.

#### **4. Location of sessions**

Eddie demonstrated heightened anxiety in the face of residential changes, or changes in therapy times and places. While serving his sentence, therapy with Eddie took place in rooms negotiated with staff in each section in which he was located. While he was resident in Medium B, the therapy room was constant. When he moved to Medium A, therapy rooms were the subject of much debate and argument for the first few months, after which a specific room was made formally available by the head of prison for this purpose and for which a key was provided. In Medium C, therapy rooms were again a frequent matter of debate. During Eddie's day parole, the location of his therapy in my office in the pharmacy section was trouble-free and constant.

Eddie's full parole coincided with the period in which I was practising from my home. I suggested that our meetings be conducted at a coffee bar near my consulting room/home until he was able to remain drug and alcohol free for a minimum period of six months. In taking this decision, I was motivated by concerns to control the integrity of my personal boundaries and to ensure safety. To date, I have consulted with four other ex-inmates from prison, none of whom are dependent on chemical stimulants, two of whom are subjects in this study. I see them all in my consulting room in my home. At our first meeting Eddie found my unwillingness to meet me in my home, like other private clients, offensive. He rightly experienced it as a violation of a remarkable level of integrity and trust our relationship had attained. I affirmed the validity of his emotions pursuant to this discrepancy, which was also an expression of my knowledge and expectation that slippage still occurred. Following the space to speak about it openly, he seemed not to be troubled by it any further.

#### **5. Case material**

In terms of data, Eddie's case notes are richly supported by copious personal correspondence, in which he uses his own voice to give meaning to lived experiences of alienation and different kinds of learning. Specifically, case material in Eddie's file consists of case notes; letters to prison authorities by me regarding issues related to Eddie's therapy; and a parole report by me and approved by Eddie for the parole board. The file also contains letters and memoranda from him to me and letters and memoranda to his previous therapist which he asked me to read and keep. Correspondence from him is often accompanied by quotes and drawings.

In general, the contents of all client files consist of copies of case notes, which are my personal interpretations of clients' narratives about their lifeworlds, and reflections on the

intersubjective therapeutic relationship as a part of these lifeworlds. In some cases, I have been given copies of judgments and reports by clients for discussion. In most cases, there are copies of correspondence between myself, staff and authorities regarding policy relating to therapy of particular clients. Personal letters sent to me by clients between sessions and after my resignation are common. The data used to make up case notes gives some indication of the extent to which my clients' lifeworlds emerged as rich wells of untapped, hidden (as much from themselves as those around them) but valuable knowledge. The full value of this information emerged slowly in moments of reflection during study. To a large extent the enormity also slipped my notice while I was on the treadmill of trying to keep pace with daily work demands in the prison. Typically, the low value placed on clients' worth was also reinforced by their own unwitting collusion in their subjugation. The vehicle for subjugation was found to exist in relationships between themselves and representatives from their familial, socio-political and institutional environment. In the absence of relationships which provided contrary evaluations, they frequently adopted socio-political discourse about themselves, their lack of worth and second class citizenship as taken-for-granted, unshakeable truths and acted consistently with these 'truths'. In moments of trust, clients often exposed their tendency to claim such discourse as legitimate identities.

Finally, I have also obtained widely available copies of institutional policy which I use to describe the context, and within which I embed clients' lifeworlds. All this case material has enabled me to draw up a broad overview of therapeutic relationships. Below I demonstrate a chronological overview of the quality of my therapeutic relationship, and movements in it with Eddie.

### **6. Overview of therapy with Eddie:**

In many ways, I approached Eddie's therapy the same way I did with other clients. The time available for sessions was always at a premium and clients were invariably impatient to impart difficulties and hardships, and request my assistance to cope in a secure environment. Typically, at the start of these relationships I felt that my value was primarily to 'provide' rather than to create a space to be mutually human. For clients, obstacles preventing the moulding a human quality of life through activities which could lead to a sense of agency and pride were overwhelming. Frustrations and stumbling blocks were to be found in the minutiae of daily living. As with other clients, I intended to maximize the relational process to facilitate experiences of personal empowerment with Eddie.

I was firm about parameters involving times, modes and places of contact with Eddie while I largely allowed him to set the topic for discussion at each session. These topics invariably involved his fears emerging from relationships in the past, or some incident in his current life for which he felt himself to be unskilled to manage. Often, fearful incidents from the past related intimately to those in his present. Typically, I would discuss with him alternative ways in which he managed, or failed to consider similar relationships and incidents and emotions underlying them in the past. Sometimes, I would point out possible achievements which he had missed in his evaluation. Typically, we would explore the viability of more and less constructive methods of satisfying valid needs underlying his desire to, e.g. take drugs or mutilate himself, or aggress against others. This exploration took the form of discussion, role-play and suggestions for influencing relationships in different ways, outside the consulting room. When he insisted that only I could 'fix' the situation because my word was more legitimate than his own, I would agree to accompany him but insist that he test his own voice in negotiation with authorities.

In order to limit the degree to which my own needs would operate at the expense of those of my clients, I attended weekly personal therapy sessions with a private therapist until December 2002, when staff medical aid benefits were substantially cut. Thereafter, a number of local

therapists constituted our own supervision group. Much of the energy I reserved for personal insight was expended on trying to remain aware of the frequent traps and temptations to 'solve' client problems, which would inevitably lead to further mutual disempowerment and subjugation. Much of my relational energy went into explicating the dangers of 'rescuing' and its disrespectful implications, directly to clients.

Despite general similarities, my overall method with Eddie also differed slightly from that which I used with other clients. From the outset, based on observations and outcomes of his relationship with his previous therapist I initiated the setting of much stricter boundaries. With other clients, my understanding of necessary boundaries would emerge much more slowly and in reaction to emerging perceptions of clients' need for them. In other words, I started off my relationship with Eddie using a comparatively guarded, defensive overall method. These rigid boundaries were perceived as alienating, an experience I was able to recognize, affirm and validate.

### **6.1 A mutual reluctant, telephonic start**

Initially, my relationship with Eddie was one we both eyed with distrust. Eddie's previous psychologist, Belinda<sup>2</sup> told me on the day of my return from two weeks' leave, that she was about to take three months' long leave. I was aware that she would probably not continue with her employment after her return. Before going on leave, Belinda expressed concern for Eddie based on his extreme emotional deprivation and history of abandonment. She asked me to take over his therapeutic care. My schedule was full and client waiting lists were growing. As only one of two psychologists left in a prison of more than 7 000 inmates, the additional pressure of taking on Belinda's clients was daunting. I was already angry at being left with clearly unattainable professional demands. I realised that I would have to draw strict boundaries between relationships and refuse unreasonable demands if there was any chance at all of me finding enjoyment in my work. I determined that personal satisfaction with work was necessary for therapy to benefit even just one person.

It soon appeared that our relationship was equally unwelcome for Eddie. My first direct communication with him came by telephone the day after Belinda went on leave. The purpose of his call was to tell me that he was having a 'bad' time. He insisted that he had to see me immediately based on Belinda's directive that I would, and should be, her 'stand in'. I had the distinct feeling that he was deeply resentful of my 'intrusion' into Belinda's place in his life, even if it was, in his mind, only transitory. Irrespective of what I did, I would be found wanting by him. I sensed that his motive for even tolerating me in his life was a reluctant attempt to please Belinda. His tone of belligerence soon gave way to thinly veiled threats of 'being suicidal'. It was clear that he considered the consequences of such action to be my responsibility if I did not attend to him immediately.

I felt my anger rising in the face of being related to and positioned as an 'object', a thing, with no space for asserting my own subjectivity. At this point I too had no substantial knowledge of the personhood of Eddie, barring that he was 'extremely demanding' and had a 'deprived childhood'. The details and extent of both were unclear. I could not rule out the possibility that Belinda had neglected to inform Eddie of her probable resignation on her return. I understood the likely turmoil of re-traumatization based on perceptions of abandonment if and when her intention to resign became clear to him. This trauma had been a predominant theme of most, if not all my clients in prison. I resolved therefore to immediately pave the way for the only manner in which I could sustain a dependable relationship with him, while refusing any collusion with

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<sup>2</sup> A false name I have given to Eddie's previous psychologist

attempts to position me as an object at his disposal. I made a conscious decision to channel my anger into a respectful, but assertive expression of my subjectivity as equally valid as his by creating a reliable structure of interaction for both our needs to be expressed and satisfied.

Practically, I knew that my relationship with Eddie would of necessity have to be a very different one from that which he had enjoyed with Belinda. For example, it became apparent that she had seen him on short notice; sometimes after hours; in different locations, such as the hospital after he had mutilated himself; and she varied session times on an ad hoc basis for longer than an hour. I have little doubt that she intended to prioritize Eddie's needs in her method of relating to him. However, towards the end of their relationship her inability to sustain the relationship on these terms led to feelings of abandonment and betrayal for him, and burn-out for her. I could not, nor did I want to try to fill Belinda's shoes.

On the face of it, the immediate positive implication of my refusal to compete for the loyalty and affection he reserved for Belinda was that Eddie would not, with my knowledge, be positioned by me into a place of betrayal of her. Without much knowledge of Eddie as a person I anticipated, not without relief in the circumstances of work overload, that for him I would always be 'the substitute'. On the other hand, unquestionably, while I perceived myself in these terms, my enthusiasm for consultations with Eddie was less than that which I felt for other clients with whom conscious mutual regard had become constituted. My response during this first communication was therefore possibly what he was hoping for: I informed him that I would not, in future, take telephone calls from him between sessions. During sessions, he would have my undivided attention for a maximum of 40 minutes one day a week, excluding holidays and days when staff meetings coincided with his therapy days. I would attempt to give him one week's notice of missed sessions, but in the event that an emergency occurred, he would have to learn to trust that I would return the next therapy day at the specified, usual time. Between these times, he would have to find ways, such as writing, rather than talking directly to me; and he could hand me these letters when he next saw me. I would read them after our session, and respond to them at following sessions if he chose to do so.

### **6.2 Face-to-face for the first time**

My first impression of Eddie was that, in a different time and place, he would probably be considered a good looking, swarthy man in his mid-40s. Two days after I had refused to accede to his demands, however, he wore a scowl and appeared to be in a very dark mood. He peered up in my direction from under a dark fringe, at the same time avoiding all direct eye contact. His left hand was hidden under the collar of his prison uniform. Typical of prison culture, his top front teeth were missing and he mumbled. My sense of his attitude was one of brittle, defiant defence. I felt I was walking on egg-shells and that he would pick up any possible intended or unintended remark as a barb which he would use to satisfy an expectation that I, like the rest of the world, would fail him.

### **6.3 The first three months of sparring**

For the first three months of our relationship Belinda was officially on long leave. During this time, Eddie talked to me about the many parts of his life which indeed shocked me. His narration of these incidents seemed to gain a double benefit for him. He appeared to use them to justify his frequent relapses into drug abuse, and self and other physically mutilating behaviour. Secondly, on a less explicit level, he seemed to aim at gaining recognition from me that these incidents stood testimony to his low self-worth. In response to my refusal to take responsibility for decisions to mutilate himself in any way, he unfavourably compared my ways of being in relation

to him with those of Belinda who had, in his view, been more 'sympathetic'. I validated and affirmed this comparison, as I did his right to make choices in life.

In truth, given the state of my inexperience at the time, his attempts to 'catch me out' as a 'bad' therapist (words he used later when reflecting on early parts of our relationship) would probably have had the desired effect of eliciting anxiety that I was failing him, had I not been quite so defensively resolute as a result of my overwhelming work load.

During this time, I felt as if I was only managing to access defences while Eddie's wider subjectivity in terms of an open, spontaneous human being, remained elusive to both of us. Nonetheless, clues to this 'elusive' person were constantly dropped for example in inconsistencies in expression of self reflected in speech, words and actions. In addition, rules and expectations of self and other were inconsistently applied. As they applied to him, they were seen as defensive. As they applied to others, they were seen to be malignant. Further clues lay in apparent extreme states of emotional lability. Any questions I asked requiring clarification were invariably related to as if they were personal attacks. As a distinctive subjectivity, I felt largely peripheral in the therapeutic relationship. Overall, during this period I came to understand Eddie to need me largely as a human point of referral, which provided him with limited recognition just by being in attendance. In time, I came to realise that what constituted limited recognition to me, was luxurious and rare to him. Eddie's attempts to position my subjectivity 'on the outside' of his life, taken together with my own acceptance of not being able to do more than I was, gave me some time and space to plan, strategize and carefully consider the likely implications of my words and actions on him. In other words, our mutual reluctance provided legitimate space for me to reflect on my relationship with him without being constantly hamstrung by excessive anxiety to 'do better' by him.

In the first three months, our mutual alienation from each other and ourselves in the relationship predominated. Nonetheless, on the surface changes in his behaviour occurred which impressed him, me and prison authorities. Eddie committed to and carried out difficult contracts between us. They were explicit and implicit. For example, he had vacillated for a while, but eventually stopped using drugs. He also agreed to donate blood to the blood transfusion service instead of mutilating himself purely for the relief he said he felt when he saw blood flow. But in retrospect, much later he reflected that these commitments were probably motivated more by a desire to elicit Belinda's return to therapy with him, than by legitimization of his own growth. Consequently, after it became clear that Belinda would not return Eddie relapsed into moments of physical self-abuse for a few months.

Eddie found change enormously unsettling at the best of times. At the end of this period Eddie was invited to move to Medium A by the head of that section. This invitation was consequent on the head's assessment of the excellence and reliability of his work, and therefore indicated trust in him. He did not enjoy a good relationship with the head of Medium B, who he saw as constantly baiting him and challenging his ability 'to change'. On the other hand, he did not want to move in the rapidly receding hope that Belinda, who had confined her work to Medium B, returned. Her formal resignation in November 2001, and subsequent letter to him terminating therapy signified to him that his efforts had, as usual, been 'for nothing'. In a letter dated 14/11/2001 he wrote:

*It was one of the saddest moments in my life and how hurtful the emptiness and loneliness even sadness all in one fucking package. Knowing deep down nobody is going to make it better for me. I don't belong, being used and abused. It's going to get worse and the word fear started in me. Always a fear for the unknown for tomorrow nothing better but only worse. Also I didn't give anyone a chance to prove me wrong but supported there (sic) to prove me right even with my own doing. Fear for tomorrow.*

Belinda's resignation did, however, resolve Eddie's ambivalence about moving, and saw the start of a mutually legitimated relationship between us when I agreed to see him in Medium A.

### **6.4 A mutually legitimated therapeutic relationship**

The first three months typified egological intersubjectivity between myself and Eddie. Thereafter, a new form of intersubjectivity entered our relationship, which dialogued constantly with egological intersubjectivity. An in-depth analysis of all issues of interest coming out of Eddie's therapy from September 2001 to the present is not possible in this thesis. I will confine this section to a brief description of two the core relational processes, or modes of intersubjectivity, from which it became possible to crystallize the three units of analysis I describe above, and practically set out in the third section of this thesis.

#### **6.4.1 Modes of intersubjectivity**

Initially my relationship with Eddie was egological. On reflection I realise that, not only did I erroneously define Eddie solely in these terms but that at the time, I unwittingly probably interacted with him similarly. Radical intersubjectivity emerged as new territory in our relationship after approximately three months, after Eddie moved to Medium A and he realised his relationship with Belinda would not revert to face-to-face therapy. The fluctuation and movement between these two modes of intersubjectivity was invisible and I missed conscious determination of them in the moment. Pursuant to a literature review, particularly Crossley (1996) and the memory of the contrasting expressions of both, I find myself more able to make a theoretical distinction between them and the implications they had for our relationship, myself and violation and growth in Eddie's life. By reflexive consideration, I have found I can verify my inferences about these dynamics in Eddie's life, by applying them to my own life.

#### ***Egological intersubjectivity***

In egological intersubjectivity our relationship typically turned around, and was guided by our respective histories of alienation. This eventuated in becoming expressed as power struggles in our relationship. It came to the fore when either of us doubted ourselves, facilitating an egological response from the other and a cycle would ensue. Invariably differences would be viewed with distrust. Typically, we experienced each other as 'boring' or 'menacing', or manipulating, as a result of which we were blinded to and negated perceptions of the other. In this mode, I experienced Eddie as the hapless, defensive 'victim', while he viewed me as uncaring: "*its easy for you, you can go home!*".

In this mode Eddie, the man with human agency, remained opaque to me. One moment I would experience him as hiding behind strenuous efforts to position himself as exclusively 'good', but misunderstood and reduced by others to little but a closed fortress. At other times, he would be like Satan, the devil. I experienced these efforts as simultaneously 'positioning' me exclusively as his 'saviour', or the devil who fails to save him rather than as a human being. His skills as a 'positioner' became known to me as a hidden (from himself, initially myself and others) strength honed over years, co-existing in the form of vulnerability when he constantly sought out my presence and approval. In order to coerce me into fulfilling these demands, he would need to refer to extreme vulnerability such as suicidal ideation. For many months I had a sense that I did not know the essence of Eddie, the human being. I only knew his armour plating. The vehemence and persistence with which he related in this way led me to suppose that this was the only way Eddie knew himself, and that perhaps this *was* the whole of Eddie. However, inconsistent clues led me to wonder if we were both being deceived and, if so why this would be so. It took much reading and reflection (and, profoundly significantly learning from Eddie

himself through our relationship) on my part to understand that in egological intersubjectivity we shared underlying dynamics of seeing each other and deceiving ourselves, although we may have had distinctive ways of doing so. Indeed, each revisit to case notes adds self-knowledge of the ways in which I am similar to Eddie. Eddie could probably also point to ways in which I 'positioned' him.

This mode affected Eddie's sense of morality. He would typically mindlessly carry out orders from inmates and staff alike, even though he knew these orders to be contrary to what he considered to be 'right'. Efforts to regain 'respect' and implement 'justice' typically turned around maximizing his power by minimizing the power of the threatening other, for example by perceiving them as 'bad'. This process enabled assaults on men, and an imperative to take responsibility for and protect women. Other people, including myself, were viewed as powerfully threatening when we did not fall into his profile. His preferred manner of dealing with the world when he was angry with us, was through processes of isolation, negation, shaming, hurting or blaming. In time, I found that these methods made sense precisely in those historic terms of his own lifeworld, as they had been applied to him.

In egological interaction, Eddie's behaviour and language varied between being: outwardly aggressive to others; inwardly aggressive against himself; and/or disguising his anger by being passive-aggressive. It was as if, in moments of relating to me, he was 'acting out' past injuries and rage as though they were being experienced in the present. I assumed that, in those moments, he could not sufficiently trust our relationship to engage directly and verbally with me in matters concerning his distinctive emotions. I sensed that he feared that exposure of them would render him more vulnerable than he felt confidently able to handle in the moment, and that if I knew about them, I would shame him in these needs and emotions as had been done to him in the past. They were therefore consigned to a hidden status. Precisely because of the covert status of his emotions, Eddie was probably unable to reflect on or to speak about relationships and emotions from a vantage point of seeing underlying patterns. It was through personal therapy that I was able to learn that I too hid emotions, such as fear and anxiety. There were times that I was afraid that my refusing to fit Eddie's profile, by 'needing' him, would constitute grounds for his negation of me, thus defining me as an inadequate therapist.

An egological mode operated when Eddie's capacity to assert his personhood was negated, which constituted a historic theme in his life. Consequent claims of panic and impotence were reinforced by the way that, typically, Eddie took no credit for any achievements. He preferred to bestow these on his current carer which was, more often than not, Belinda, me and/or the head of the prison in Medium A. It seemed he struggled to experience himself as capable of bestowing a sense of achievement or self-worth. It was as if he had never learned to do this from others doing so for him, hence his persistent need for approval from others. Historically, it seemed that his significant others' approval had revolved definitively around satisfaction of their own needs, at the expense of Eddie's. I became aware that I also was oriented to reinforce Eddie's perception that I, like others am motivated to assist him more when he satisfies my needs for acknowledgement. The meaning of this pitfall and its dangerous implications was the subject of personal therapy.

Eddie's assumption of a predominantly egological position deeply affected our relationship and my own enjoyment of it. The asymmetry when he negated his worth often coincided with him falsely boosting mine and vice versa. In this way, the relationship became a negation of both of our distinctive human capacities to relate in a mutually respectful way in the relationship. My experience of being defined in rapidly alternating forms of demonhood and/or deification, often in the same therapy session, left me wondering if there was a point to my being there at all. Yet, he raged if I was late or if for some reason therapy could not happen. And so I

began to perceive that merely by remaining true to my promises and my own view of myself, irrespective of how he did or did not see me, I was insisting on and asserting my subjectivity, which he invariably and slowly he came to recognize as he began to feel less threatened. My relative success in containing myself in this way, seemed to enable the heightened possibility of radical intersubjectivity occurring between us.

### ***Radical intersubjectivity***

The extent and enthusiasm with which radical intersubjectivity emerged was influenced by our respective histories of acknowledgement. It was really only after Belinda left the employ of the DCS that Eddie began to acknowledge my role in his life as his working therapist. It was this incident which led to the exposure, and my ability to see his history of wishing to be, but never having been singularly important to others. His letters were progressively more addressed to me. He continued to telephone Belinda periodically, although his need to do so seemed to taper off as radical intersubjectivity between Eddie and myself took root and flourished. With the emergence of radical intersubjectivity the relationship changed from a predominantly dutiful (on my part), to one of satisfaction in itself, and a predominantly growthful one.

In general, in this mode it seemed to become more and more possible for Eddie to observe, speculate, and narrate his life and relationships in its own right, as an assertion. In these moments he spoke about terrible times he had been through in a way which engaged both of us, in the present, but which carried little if any pressure for me to do anything but listen. This way of being seemed to elude him when he positioned himself as the 'victim'. In other words, his critical, reflective *narration* of his emotions had a different, more powerful effect for the quality of our relationship than when he *acted* them out, but hid those same emotions from conscious ownership. From my side, I came to realise that while Eddie's background was superficially entirely different from mine, the emotions, needs and meanings which underlay those situations were recognizable – at a profound level, these were emotions I shared with him. On reflection, I realised they were probably universally shared by all people. In this way of being, he seemed less intent on aiming to change my behaviour or position me.

He elicited and thrived on my acknowledgement, although the type of acknowledgement he sought and gained seemed to change in quality. The intensity of his reaction to emerging distinctions between us in radical intersubjectivity could be distinguished from those which he expressed egological intersubjectivity. Although he resisted me when I differed from him or his expectations in radical intersubjectivity, this differing did not appear to substantially undermine the validity of his human worth as it did during egological intersubjectivity. In other words, he appeared to trust himself more, and my differing with him was seen with relatively less fear, sometimes even with humour. I experienced enormous relief at this acknowledgement of my distinctive being. In turn, his gratitude when, for example, I understood his increasingly frequent parting declarations of '*I love you hey*' as being inoffensive, non-sexual, non-possessive or intrusive was deeply human rather than self-deprecating. As this mode became more evident, I felt more confident that I could relate mutually to Eddie's emerging agency, and less as a cautious 'parent' watching over a 'child'.

In summary, radical intersubjectivity emerged when we were confident enough in our selves to be relatively more open and unguarded. This mode enabled us to see 'the other' as a distinct person of enormous fascination. In this mode, we could use the difference of the other as a source of learning and growth. Eddie became more able to talk about, acknowledge and assert, in a non-judgmental way, the sadness of the current and historic narrative of his life, in terms of relationships. In reality, radical intersubjectivity fluctuated with and gave way to egological intersubjectivity within and between sessions as and when perceptions of betrayal or

abandonment rose to the surface. However, it became increasingly possible to explicitly seek clarification, and work towards repair after disruption had occurred, thus introducing a sense of proactivity in the relationship. Each mode and the dialogical dynamic between them had far-reaching implications for the quality of the relationship.

#### **6.4.2 Critical issues arising out of intersubjectivity**

I determined three central foci for study to arise out of the core of clients' struggle for recognition as a motivational basis for violations. Firstly, this basic need relates to three crucial elements of violation: it has implications for a sense of identity; it relates to the way in which clients defend the way in which they are seen by others and can bear to be owned by themselves; and it relates to the emotions elicited in them, and how they fuel actions in relationships with others. Secondly, this need relates to how others unintentionally and intentionally mediate the meaning of life, including their own meaning and worth. In doing so, they affect and influence actions and ways of being in the world. Thirdly, service delivery in the prison environment could be manifestly seen to affect the degree to which rehabilitation, or entrenchment of past patterns of defence occurred.

#### ***Identity as a factor in self and other violation / recognition***

As much as he hated his identity, Eddie managed to fashion coherence into it as he had constructed it with and through significant others in his lifeworld over the years. Over time, Eddie has pieced together an understanding that his mother was probably a prostitute when he was conceived. The overwhelming shame entrenched in Eddie's identity appears to be rooted in his very conception as a mistake, occurring only as a result of a financial contract to get money for alcohol.

Eddie's embodied identity, steeped in anxiety is unsurprising when viewed in the context described. Early in our relationship, Eddie went to extraordinary efforts to avoid peoples' eyes. The crucial link between shame and identity as it relates to socio-political context has been touched on in earlier chapters. Perhaps, in Eddie's case this link could be traced to his history of perceived human failure in the face of his mother's silent pleas for assistance, and his stepfather's challenge to resist him, conveyed in their eyes. In any event, Eddie struggled to meet my eyes, and was unable to look at himself in a mirror. Body hair had become equally tainted with shame after he was systematically sexually molested by a hirsute boarder as a child. The competing needs to avoid reflection and shave elicited enormous anxiety for Eddie. He used a cracked mirror to shave so that he only needed to see the area necessary for shaving, while continuing to avoid his eyes. Except for the hair on his head, he told me he shaved his entire body. The idea of aesthetics is anathema to him enabling extreme social withdrawal and social hostility which had the advantage of him being given a single cell. In this way, he ensured relative safety from molestation and rape, both of which formed the substance of some of his greatest fears in prison.

At times, he still wets his bed. Initially, he also typically hid the hand from which his finger had been surgically removed. It did not seem entirely coincidental that, in trying to heal/relieve himself, he also resorts to cutting/mutilating himself. This seemed to be the only way he knew *how* to ask for his vulnerable needs to be satisfied, by acting out.

The dialogue of intersubjectivity between us seemed to have some important consequences for Eddie's sense of self-worth and physical identity. For example, he appeared to become literally more able to be visible to himself, as when he startled himself with the discovery that he could, for the first time since childhood, look directly at himself in the mirror. After the first few months, and when I met him outside prison, I never again saw him hide his left hand.

Eddie's sexual identity becomes understandable only in terms of his past. His only sexual relationships with women have been related to satisfying their needs so that they can satisfy his need for approval. After sex, which he says is minimal, he reportedly typically feels contempt for his partner. Any need to nurture takes the form of taking responsibility for satisfying the needs of adult women. There is a marked lack of this need to nurture his biological children.

### ***Defence against violation & defence (and recognition) as violation***

Eddie, like other clients sometimes used violations to defend against perceived violations from others. In this way, defences often functioned simultaneously as defences against violations, and constituted violations. The form in which violations were expressed frequently sought to elicit recognition of strength and human potency, rather than the terror he was actually experiencing. He regarded differences, particularly in terms of race, gender, religious affiliation, sexual orientation and money as they played out in confused but related patterns in his relationships with others, as threats. At times when, for example, Eddie expressed racial attitudes which I experienced as personally offensive, or described his patterns of escaping into drugs, or narrated violations he had committed, it was became important for me to take conscious care to view my own feelings, as well as his, as historically constructed reactions to each of our contexts. Typically, he used these differences as justifications for his animosity towards, and consequent violations in defence against others. Ironically, he interpreted drug and alcohol abuse among 'black' and 'coloured' men, homosexual men and religious people as justification for his disrespect and resultant violation of them. His fears of abuse from others resulted in him leading an extremely withdrawn life, both inside and outside prison. His fears were so evident that those around him, who themselves suffered from low self-esteem, frequently found relief in the power gained from taunting and violating him mercilessly. This dynamic reinforced his suspicions of others, retarded his ability to learn trust through experiencing healthy relationships and reinforced a cycle of self-damage.

It is possibly as a result of the relative power with which 'white' males triumphed over 'coloured' females in his history that Eddie appears to value, recognize and emulate 'white' males and the way in which they typically used violations to claim superiority over other race groups. The persistent mental picture of his impotence in the face of his step-father's challenge to him as a young child of four years old to save his mother is relentless in his life. He often spoke with

intense pride of assaulting abusive men, and protecting their wives and girlfriends as if expecting my recognition of him as a direct result of these violations. It was as if his historic failure to defend his mother by violence against his stepfather reduced his right to recognition, which only became vindicated in current re-enactments of doing so against similar others.

Eddie expressed extreme hostility towards, and says he has been party to violence against homosexual men. He feared them intensely. Visits to male doctors were typically traumatic. Any form of touch was immediately perceived to be sexually motivated. Difficulty with trusting and relating to men in anything but a hostile fashion since his abuse in childhood has become entrenched. He frequently spoke of 'hating' men and feeling a strong desire to assault them. After assaults, he expressed pride and sought my approval and recognition in having brought 'justice' to bear in the world.

At times, Eddie discussed his crimes in terms of their comforting benefits against emotional pain. He insisted that the only times he ever felt at peace or happy were when he was on drugs. Eddie frequently expressed his moral acceptability in terms a relative understanding of the meaning of drugs and alcohol. His partial alcohol dependence, relative to his dominant drug dependence, was a source of pride for Eddie, indicating for him that he was 'not as bad' as his

'ugly', 'alcoholic' mother. After his release on parole, he proudly indicated that although he had taken to drinking beer prior to going to work in the morning, he 'had not taken drugs'.

### ***Emotions***

When Eddie narrated hostile attitudes and ensuing violational attitudes towards others on the basis of their differences, I became aware of the importance of owning my emotions and moral structure. They were constructed from my history and belonged to me. I could only violate Eddie if I displaced them onto him and then used this as testimony to his 'moral failure'. Eddie reported his violations against his own sense of morality had typically occurred in moments of insobriety when his emotions were hidden but intense, dark, chaotic and he was attempting to flee from them. This stood in contrast to his emerging ability to speak and write of emotions despite their dark quality, within our relationship. His changing ability to tolerate his emotions appeared to have implications for the way in which others related to him. I felt more visible and engaged as a deeply respected fellow human the more he was able to acknowledge and respect his emotions. I felt Eddie progressively trusted and respected me enough to engage with him about emotions which he had previously feared. He could speak more of his anger, his love, his periodic desire for revenge and yet to know that he was becoming more able to be conscious of an ability to choose to act, or not to act out, in violating ways. At these times, he also seemed more able to tolerate, and even at times to validate, unavoidable absences from me and others, while permitting himself to mourn them and/or be angry about them. In essence, in this way of being, he could speak of his 'negative' emotions towards me, risk my rejection. In taking these risks, he developed increasing confidence that negation would not occur or, if I failed him and it did, that opportunities for repair would be kept open. Eddie's pride knew no bounds when even the head of Medium B prison, whom he disliked intensely admitted to Eddie that he had 'changed' more than he had ever thought possible.

### ***Movement: Learning through safety***

Even before meeting him I was aware from an understanding of his difficulties with abandonment issues that Eddie's ability to tolerate change was minimal. To the extent that learning is synonymous with change, I had to put in place dependable boundaries to ensure some sense of safety if our relationship held any potential for growth. Placing boundaries for myself, for Eddie and for staff became a constant necessary theme in therapy. Legitimizing boundaries became a tool for recognition of distinction and mutual respect in a way which respected all parties. At times, when the prison staff interrupted sessions, as they frequently did, I firmly placed boundaries by ordering politely out of the consulting room by brooking no argument. In these moments, Eddie expressed astonishment at my 'strength', despite being a woman. The power of defence based in mutually respectful assertiveness contrasted sharply with aggressive power (which he had learned from men) or the power of passive submission (which he had learned from women). The former provided a contrast to the latter two which were forms of defensiveness demanding recognition of the needs of one at the expense of another, with which he was familiar. Being a witness to, and being part of this form of conflict resolution appeared to be an entirely novel experience for Eddie. Becoming associated with this was something from which he seemed to derive a sense of pride, and also provided a contrast to being a part of aggressive power as a child for which he felt shame.

Far into therapy, he reflected on my 'firmness' when I had insisted on boundaries to our therapy sessions and then equated it with testimony to my human strength. He also accepted with pride, and noted with surprise that he had been able to contain himself between sessions as a result of this firmness. In this way, he proved to himself that he could learn to work

constructively with, and tolerate alienation without resorting to violational forms of defence. By transforming a perception of violation into an assertion of his human worth, he exposed his distinctive human capacity for self acknowledgement both in the process he had followed, and in its outcome.

### ***Movement: learning through critical enquiry***

For transformation to occur, critical questioning of meaning structures was essential. Reviewing violational actions in terms of underlying valid universal human needs and feelings, rather than 'explaining' them in terms of his moral worth, was novel for Eddie. For example, questioning the social 'truth' around his 'inherent evilness', 'punishment' and his past methods of asserting himself, 'justice', boundaries and whether it was his 'evil' which had led to Belinda's departure from the DCS were important discussions. They enabled the exhumation of a transformed identity, one of valid human sense of self, according to which he could act with pride and agency. For example, it was only through critical questioning that Eddie realised that in addition to being terrified (something he had subliminally known and been ashamed of) he had, by screaming hysterically as a child when his mother was beaten, possibly saved her life in the only manner he could. This knowledge introduced the possibility of pride where before only shame and failure existed. Critical questioning led to opening up concepts of 'punishment' and 'justice', and what exactly it was he wanted to achieve, for discussion. Distinctions could be made between needs and emotions which could be validated and honoured as healthy natural conditions of human life, and what is done with those in expressive behaviour which could be chosen as more or less constructive to a healthy quality of life. In other words, different forms of defence and recognition could be explicitly debated.

Increasingly Eddie engaged actively and passionately with different ways of evaluating the same incident, including therapy itself. He began to entertain the notion that recognition of his worth did not necessarily depend on him taking responsibility for and saving others, although he feared letting go of this. This spontaneously seemed to bring about the possibility that he too could be strong enough to live life without me having to constantly save him. We both felt amply rewarded when he engaged in the relationship in a more open and enquiring way, where he was able to recognize distinctly human capacities in both himself, me and, he reported, a few others.

The quality of our relationship in these times was one of tremendous growth and pride, both in and outside each session, for both of us. Eddie seemed to relax into full participation of the interaction, for itself, without having to be constantly on guard or feeling pressure to pass any test, as did I.

As the relationship progressed steadily and remained strong even in difference, Eddie began to question that perhaps his identity as 'evil' and a waste of time was not cast in stone. As a result, his ensuing actions became more prospectively tied to a conscious identification process. For example, he realized that his criminal actions predominantly took place in the company of others. When on his own, he found satisfaction in working within the law. Consistent with my suggestion that critical enquiry could lead to growth for both of us, he would sometimes face me with myself and test my agency. These moments of testing and enquiry were qualitatively different from those derived entirely in egological intersubjectivity. They held a sense of being motivated by a desire to participate in mutual growth, rather than a sense that each was looking to the other to justify stagnation.

### ***Transformative vs. antidotal forms of defensive learning***

In Eddie's assertive way of being, he paid the price of immediate relief which he used to get from blaming, drug abuse and self-mutilation. Sometimes, as he described the effort involved in the

changes he was making, I wondered what it was that induced him to attempt to move in this assertive space. Undoubtedly, it was laborious, time consuming and managed only through risk and hard work. The benefit to me and the relationship of the increased power of this assertive way of being, and the view he presented of himself, was unquestionable. In time, he explicitly spoke feelings of substantial personal pride he gained from being drug free and from being able to nurture himself between sessions, for himself, rather than as an attempt to gain my approval. In essence, it appeared that he began to develop a sense of agency.

Nonetheless, Eddie's open way of being, although growing in and through the relationship, remained largely fragile and was easily destabilized in moments of doubt, throughout our relationship. In general, Eddie still located the possibility of his capacity to be open primarily to me rather than to lie within our relationship, in which he carried at least an equal share. The following is an extract from a letter he addressed to me a year into therapy, dated 20/06/02, which he titled "*Me and Myself and the World*" in which some of that sense of fragility, derived from a therapeutic relationship in context with others relationship is described:

*After therapy session it feel there is healing but also the fear of living or facing a truth I always tried to escape or deny. Because I'm always running away, because I'm an addict turn to a thief with a sadistic past abusive parents stepparents reform schools or orphanages sadistic prisons non caring authorities that put me where I am or was then it was the straight world out there that caged me mentally and physically and to endure the anguish of not caring not loving and always want to hit back at the world or myself to gain recognition of being a human... How could I face the past and its people knowing the shameful birth.*

Undoubtedly, the time I most critically alienated Eddie was when I resigned from my employment with DCS. I worked with Eddie on termination for the first two months after resigning, and he rallied well. However, a month prior to my resignation, Eddie became very depressed as a result of my looming negation of his needs for the continuation of our relationship. He showed me a pocket full of anti-convulsive tablets he had taken from the hospital section. His mood was markedly different from those times early in our relationship when he threatened suicide. It seemed as if he was asserting a deep sadness and fear which was relatively unrelated to coercing a particular response from me. His speech was slurred, his gait was clumsy. He cried and for the first time since I had known him, acknowledged a deep desire for his mother to care about him. It felt as if he was acting out the relationship between my own abandonment of him, with the historic abandonment by his mother. This was a turn-around from his first contact, where I had felt him to be acting out the abandonment by his mother, on me. When I asked him to hand these pills over to me, he complied without resistance. I told him I would ask the doctor to see him, to which he agreed. Ten days before I left my employ, he handed me a letter he had written in which he made attempts to take ownership of himself and his transgressions as distinct from me.

He continued writing to me until he was released on parole. After his release, he telephoned a number of times to make an appointment for a meeting at a coffee shop. In these meetings, although he acknowledged losing agency in bouts of heavy drinking in his life, our interactions have retained increasingly easy experiences of dialoguing between radical and egological movement. Eddie took pride in paying for coffee at alternate meetings, and receiving my gift of coffee at the other meetings.

***Dynamics underlying institutional contribution to violations***

My therapeutic relationship with Eddie was initiated and largely lived out in a prison environment where stated socio-political and institutional policy defined its legitimacy primarily in terms of the concept 'rehabilitation'. The concept itself, other than to define it in terms of visible measurable outcome, was left unqualified in terms of its substance, mechanism and processes. Any meaning to the term rehabilitation was left largely to Eddie and myself to fashion, acknowledge, assert and insist on for ourselves. In the prison environment this was not easy, and we both found ourselves having to overcome enormous obstacles to maintain our own, and the integrity of the relationship. Critical discussions around different ways of doing so, was an integral part of our relationship.

To suggest that prison was experienced by Eddie as entirely without advantage would be to oversimplify matters. In day-to-day living, he felt more comfortable in a structured environment, where boundaries are consistently maintained and experiences of abandonment are minimized. It was in this environment during our relationship that he experienced his capacity, for the first time in decades, to remain drug free for a period of about two years. He was also able to experience himself as having the ability to contain himself and his emotional turmoil for a week or two at a time, without being dependent on another to do so constantly for him. His psychological strength was also contributed to maximally when staff treated him with respect. His experience of himself as a competent and able human being, worthy of respect, was a source of great pride. On the other hand, where institutional systems disregarded Eddie's voice, he invariably experienced the trauma of impotence and became tempted into relapses into drug and self abuse. My resignation was undoubtedly a critical test for him. Despite an immediate relapse, in the long term he substituted my physical presence with symbolic representation, and wrote letters regularly. Nine months after my resignation, Eddie wrote that he was not receiving my letters indicating fear of my rejection. I made three copies of two previous letters he had not received. I sent one copy to him directly. Under cover of an explanatory letter requesting assistance and which contained my personal details, I sent a copy each to the area manager and head of Medium B. A week later I received a telephone call from Eddie on my home phone, informing me that the head of prison had 'done a dangerous thing' by handing the covering letter with my personal details to him, an inmate. Eddie wanted to reassure me that he had confronted the head of prison about this action and had destroyed the covering letter.

**7. Conclusion**

Eddie's self concept and attendant self value was deeply affected by relationships in the prison context, as were my own. An overwhelmingly emotional consideration guiding my decision to use our relationship as the core case study emerged at our last meeting. As he bade me goodbye, he wistfully expressed his wish that someday he would be in a position to "*contribute to something important*" to humanity. This wish contrasted sharply with my memory of how most people in prison mocked him. Indeed, very few people in society are likely to 'see' him at all, much less as a meaningful source for social contribution. Yet the intersubjective relationship which developed between us put him in a prime position to teach society, as he had taught me, of the extent and potential value of our own vulnerabilities from which we so strenuously hide. Many people who perceive Eddie as malicious have interpreted my experience of him as a fascinating human from whom there is much to learn, as evidence of both Eddie's skill to manipulate; and my being a 'soft target'. On the other hand, it is only in a relationship in which he is acknowledged that Eddie permits himself exploration of himself, his own shame. In addition, as far as I know, it is the only relationship in his adult life where he has considered the possibility, and tested out aspects of personal agency to the extent that he has. Major movement

in his perceptions of social reality and himself as part of it, make his case study singularly feasible as a core study which explores the nature of violation and its implications for different forms of learning.

## Annexure B

### Chronology of attempts to obtain authorization for research from the Department of Correctional Services (DCS)

On 10 October 2003, I applied to the DCS research unit for permission, in principle, to conduct research exploring the relevance of rehabilitation as it relates to expressions of anger in prisoners.

On 10 October 2003, Professor Foster of the department of psychology at the University of Cape Town (UCT) signed a G179 form supporting and strongly recommending my application to do research through the DCS as required according to their instructions on their website. I attached to this application a signed agreement, and copies of my identity document also according to their instructions.

I received a letter from Department of Correctional Services (DCS) dated 21 November 2003, notifying me that my request to conduct research had been rejected on the basis that:

- *“Title needs to be clarified in relation to proposed research methodology and outcomes of research study*
- *Research methodology in relation to selecting research sampling and sample size as well as data collection needs to be clarified and discussed in more detail”*

A telephone number of the research unit was supplied for further discussion if necessary. I duly contacted the director of the research unit at this number, Dr. Bh<sup>3</sup> at this telephone number at the end of November 2003, to explain that I had not, as yet, done any relevant reading, nor had I registered with any university both of which were prerequisites for finalization of a title and methodology. I therefore merely required an in principle agreement that research would be supported by the DCS. Dr. Bh suggested that I register at a university, and after a proposal by the relevant university had been passed, I submit another application to the DCS for approval to do research.

Under cover of a letter dated 12 February 2004 I applied to the University of Cape Town to register for a Doctoral degree in Psychology. During or about March 2004 I was registered under the student number STWSAN003.

On Friday, 10 September 2004, I appeared before a panel of the department of psychology to discuss my proposed research, entitled *“An exploratory, theory-driven evaluation of the relationship between alienation and human violation; and the implications of transformative rehabilitation of South African prisoners”*. This proposal was conditionally accepted, pending further treatment of a number of issues, including:

- Refinement of the title;
- Theoretical framework and how it stands in relation to alternative theories;
- Working with my own case notes as data; and
- How to proceed from an apparent stalemate where the university requires approval from the DCS, and the DCS requires approval from the university.

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<sup>3</sup> All names have been changed to prevent identification. The relevance of this chronology lies in its testimony to the value of engagement for transformation versus attempts at silencing through threats or inaction.

## Annexure B

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I subsequently set about working to clarify those issues which were in my control. Until this point, I had focused only on wider reading. Working with the issues discussed at the panel required that I focus on how I would envisage working with case material. On 18 March 2005, I submitted an amended proposal, entitled: "*Breaking the silence on violation in South African prisoners*". I attached, as an annexure an example of how I could use case notes to support claims. This proposal was subsequently submitted to the Faculty of Humanities Research Ethics Committee, under cover of a letter dated 29 April 2005, in which I explained the predicament of each institution insisting on approval by the other before final approval could be given for research to be completed. I attached a copy of this letter.

On 15 July 2005, I concluded a memorandum of agreement with Prof. Foster that I would continue to work steadily on my thesis, while I waited for the university ethics committee to debate whether my proposal would finally be passed. This was one area of work over which I did have control.

On 28 February 2006, I received a telephone call from Dr. Cochraine from UCT ethics committee who apologized profusely for having neglected to notify Prof. Foster (my supervisor) that my proposal had been passed by the ethics committee during July 2005. I subsequently received a letter dated 2 March 2006, confirming that my proposal had been passed by the ethics committee subject to two conditions:

- All identifiers of participating clients had to be stripped; and
- Authorization by the DCS must be given.

The first condition had already been met.

In order to meet the second condition, I completed all documentation requested on the internet by the DCS in time to reach their offices before 31 March 2006, the next date advertised for considering applications for research. I sent this documentation to them under cover of a letter dated 9 March 2006, registered and couriered.

On Wednesday, 15 March 2006 I telephoned DCS research department and spoke to Ms. J.M. She said she had not seen my application. She advised that only re-submissions would be considered in early April. All new applications would only be considered in July 2006. I advised her that my application was indeed a re-submission. She advised me to send my proposal by email, and fax her a copy of the letter of rejection of my previous application dated 21 November 2003, which I duly did.

On Thursday, 16 March 2006 I telephoned Ms. J.M at about 10h30 to find out if she had yet received the posted package, but there was no reply. I left a message requesting her to call me back. At 12h30, I had still not heard from her, and phoned again. This time she picked up and assured me that my package had arrived.

On 26 April 2006 I phoned Ms. J.M at 09h00 to find out the outcome of my application as I had not yet had word from the DCS. She did not answer, and I left a message requesting her to come back to me. I phoned Ms. J.M. again at 15h21, and left another message for her.

On 3 May, 2006 I sent a registered letter requesting written acknowledgement of my application, and a response which to date had not been forthcoming.

## **Annexure B**

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On 30 May 2006, my husband telephoned Ms. J.M. but raised only her answering service.

On 31 May, 2006 I telephoned another number provided on the internet, that of Mr. Si from DCS, who informed me that he is no longer on the research committee, and gave me two alternative numbers to phone, those of Mr. Tl and Mr. Sw. A pre-recorded message at both numbers noted that there was no response at either telephone number, inviting me to call back later. There was no option to leave a message.

On 2 June, 2006 at 07h35 my husband telephoned the DCS. The call was reverted to the switchboard, and the receptionist re-diverted the call to Ms. Ra who was not in office.

On 2 June, 2006 at 08h17 my husband telephoned one Mr. Tl who was about to go on leave. He agreed to request Ms. Sh to investigate this matter and report back to my husband.

On 2 June, 2006 at 08h55 my husband managed to raise Ms. Sh who notified him that Mr. Tl had requested her to investigate my application but she had not yet done so. She notified him that Mr. Sw who is presently on leave, but due to return to office on Monday, 5 June 2006 is in charge of applications. However, she informed my husband that although this had not been stated on the internet, the only applications considered on 5 April 2006 were those submitted by organizations, not those submitted by individuals.

On 2 June 2006 I sent an email to Ms. Sh requesting her to acknowledge my application and notify me in writing regarding the status of my application. Ms. Sh responded on the same day, apologizing for the inconvenience and referring me to Mr. Swart who would be dealing with my application.

On 2 June 2006 I sent an email, identical to the one I had sent to Ms. Sh, to Mr. Sw.

On 5 June 2006, I received an email from Mr. Sw in which he acknowledged my email, and promised to revert to me as soon as he had ascertained what had happened with my application.

On 7 June 2006, I received a telephone call from Mr. Sw who informed me that my application had been mislaid. He apologized for the inefficient manner in which my application had been dealt with, and for the inconvenience but requested me to re-send a copy of my application. I notified him that the time delays have meant that the thesis may be ready for submission for examination before the requisite two months needed for DCS to study it before submission as stated in the agreement. He acknowledged that, as this had not been due to my inefficiency, it would not count unfavourably in consideration of my application. I duly made copies and sent him another copy of the application.

On 19 June 2006, I telephoned Mr. Sw to enquire whether my application had been received. He assured me that he was already processing my application, and that I did not need to concern myself further. I informed him that I was concerned that, if my application did not arrive, this would delay consideration of my application for another quarter. He assured me that he would follow up whether my application had been received, but that I should not be concerned.

## **Annexure B**

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On 13 July 2006, I telephoned Mr. Sw to ensure that my application would be considered the next day. He did not answer. I telephoned Ms. Sh who informed me that Mr. Sw was in charge of all applications and was not in. She assured me, however, that all individual applications were to be considered the following day, Friday 14 July 2006.

On Monday 17 July, 2006 I telephoned Mr. Sw at 08h15 but he did not answer. I telephoned a number given to me by the receptionist for the research unit, but this number remained engaged for over an hour. Eventually I managed to raise Mr. Sw who noted that he had not yet heard from the research unit. He assured me he would get back to me as soon as he heard from the head of the research unit.

On Tuesday 18 July 2006, I telephoned Mr. Sw who informed me that he had still not heard from the research unit regarding the outcomes of the applications. He said he should know by the close of business, and would let me know accordingly.

On Wednesday 19 July 2006, I telephoned Mr. Sw at 08h30 and he notified me that he was about to go into a meeting with members of the research unit. At 12h30, I telephoned Mr. Sw again, and he told me he was still busy in the meeting.

On Thursday, 20 July 2006, I telephoned Mr. Sw at 08h45 and he told me that he had been told, at the meeting the day before, that he would not be handling the responses to the applications. They would now be handled by Ms. Sh and the Director of the Research Unit. He could give me no indication as to whether any applications from the University of Cape Town had been approved. At 12h30 I telephoned Ms. Sh but she did not answer her telephone.

On Wednesday, 2 August 2006, a fellow student telephoned to tell me that she had finally been given permission, by fax, to conduct research through the DCS. I emailed Ms. Sh asking her to let me know the outcome of my application. I also telephoned her and Mr. Sw but there was no answer at either of their telephone numbers.

On Thursday 3 August 2006, I telephoned Ms. Sh and Mr. Sw but there was no response.

On Friday, 4 August 2006, I telephoned Ms. Sh but again there was no response. I managed to raise Mr. Sw but he said he had no knowledge of the outcome of my application. He said I would have to speak to Ms. Sh or the head of the research unit, Dr. Bh. He supplied me with her telephone number. Dr. Bh informed me that she was not 'empowered' to tell me the outcome of my application. The response would be mailed to me as soon as the person who is 'empowered' to sign the letter stating the outcome, was available. She could give no indication when this would be. I notified her that a fellow student had been notified of her acceptance, Dr. Bh said that some letters had been mailed, but not all. I would have to wait.

On 8 August 2006, I received a fax notifying me that my application to conduct research through the DCS had been declined. I was advised that, should I continue with this research, legal steps would be taken against me.

On 20 January 2007, I received a letter delivered by courier mail dated 9 January 2007 notifying me that, after taking legal advice, the DCS was of the opinion that I had acted ethically and responsibly. However, it was their opinion that authorizations I had previously received from

## Annexure B

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clients were no longer valid since 3 years had elapsed since I had obtained them. They suggested that I should go through the procedure of drawing up a new proposal, and obtaining new signatures from scratch. The DCS also instructed me that as they now had a psychologist employed full-time at Pollsmoor, Ms. Me (with telephone number supplied) I was to return the files on or before 30 January 2007.

In order to return the files, on Friday, 19 January 2007 I telephoned the number provided by Ms. Si at approximately 15h00 but received no answer; On Monday, 22 January 2007 I telephoned the same number at 07h45, 10h39 and again at 15h00 but received no answer; On Tuesday, 23 January 2007 I telephoned the same number at 08h00 and received no answer. However, when I tried again at 15h10, a social worker, Mrs. Be answered and agreed to place a notice on the psychologist's door requesting her to telephone me urgently. On 26 January 2007, I sent a registered letter to this effect. This letter was returned to me, unopened, by registered mail on 9 February 2007. On Monday 12 February, 2007, however, Ms. Me telephoned to make arrangements to pick up the files at my house on Tuesday, 13 February 2007.

I responded to all points raised by Ms. Si in a registered letter dated 26 January 2007. I again pointed out common points of interest in this research. I further suggested a meeting to discuss the matter further if the DCS still found it inappropriate to supply the requested permission.

On or about 6 February 2007 I received a telephone call from the deputy director of psychological services, L.P. inquiring whether I had received the letter dated 9 January 2007. I replied that I had done so on 20 January, and had replied on 22 January 2007 by registered mail. I emailed her a copy of my letter, and quoted the registered number. She informed me that the director of psychological services, L.B. was on leave until the 20<sup>th</sup> February 2007 and the week after this would be attending the annual congress of psychologists in DCS. Thereafter, attention would be given to my application and I would be directly notified of the outcome of their decision.

On 14 March 2007, after having heard no further news, I contacted L.P. by phone to find out if there was any further news. She informed me that Ms. L.B. had approved the application and had sent a memo to this effect to the research unit who was supposed to notify me of the consent in writing. She would find out from the research unit what had happened and get back to me.

On 19 March, 2007 after having heard nothing further, I emailed L.P. again asking for an update. She emailed me to say that she had spoken to the head of the research unit, Dr. Bh, who had referred her to a member on the unit concerned with new applications, Ms. Sh. She had not been able to reach Ms. Sh to date, but would try again later in the day.

On an average of alternate daily requests, L.P. attempted to make contact with someone in the research unit to advise her of the status of my application, to no avail. For example, on Thursday 22/3/07 she was informed that Dr. Bh and Ms. Shi have both taken leave until Monday 26/3/07 and that she could receive a response on that date. On this date, however, she was informed that Dr. Bh was in a meeting all day, but the secretary promised to call her back later the same day. L.P. gave the secretary her cell number and permission to call her at any time. This call was not made.

On 28/03/07 L.P. informed me that she is due to go on leave for two weeks. She gave me the direct telephone number of the research unit – she has informed the secretary that I will be telephoning about my application.

## **Annexure B**

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On 29/03/07 I telephoned the research unit, and spoke to one Na, who answered the phone. She said she would check on my application and telephone me back today. I asked her to leave a message on my machine if I was in session and could not answer. I did not receive a message back.

On 30/3/07 I telephoned again and Na said that everyone had gone from the office, but that the head, Dr. Bh would be back on Monday, 2/4/07 and I should call again then.

On 2/4/07 I telephoned DCS and spoke to Dr. Bh who said she had been on leave for 4 months and did not know the status of my application. She said the two deputy directors were not available at this time: one was on leave and the other was in Cape Town. She would follow up my query and would have an answer by 3/4/07. On the afternoon of 2/4/07, however, Dr. Bh telephoned to say that she had letters from both the offices of Development and Care, and psychological services who recommended the research be continued. The matter is now referred to the Research Unit for a final decision and letter to me. This decision would be deliberated on 20/04/07.

On Friday, 20/04/07 I emailed Ms. L.P. requesting her to let me know if she hears of the outcome of deliberations. She emailed me in the afternoon to say that she had tried in vain to raise the research unit.

On Monday, 23/4/07 at 12h00, 13h50 & 15h30 I attempted to telephone the research unit, but there was no reply. I also emailed Ms. L.P. to find out if she knew what had happened.

On Tuesday, 23/04/07 I spoke to Dr. Bh, from the research unit on the telephone. She informed me that the research unit could not consider proposals, because two members of the team had to go overseas for a meeting. They are in Vienna for two weeks. She is not sure when proposals will be considered, but she will let me know the week after next.

On Wednesday, 2 May 2007 Dr. Bh telephoned and left a message for me to contact her on Monday 7 May 2007 after I returned from a trip out of town. I attempted to call back on Friday 4 May 2007 when I was told of this phone call, but there was no answer from the research unit. I also telephoned Ms. L.P. from the directorate of psychology to find out if she had heard anything. She had not, but also tried to call the research unit to no avail.

On Monday, 7 May 2007 I telephoned Dr. Bh at the research unit. She informed me that one of the panelists on the committee deliberating on applications is not currently available. The next date set for deliberations has therefore been set for 30 May 2007.

On 30 May 2007, I telephoned DCS at 10h30 and Dr. Bh informed me that the meeting was scheduled to take place between 11h00 and 13h00. However, the outcome of the meeting was not supposed to be divulged to me telephonically, but she foresaw no problems as the Directorate of Psychology had recommended that the research continue. The letter informing me of the decision should reach me by Wednesday, 6 June 2007.

On 6 June 2007, I received written permission to conduct research from the DCS.

## Annexure C

### Eddie

Eddie attended over 100 sessions of therapy with me. His therapy spans approximately two years in prison and various periods of day parole and full parole while living in free society. His attendance was markedly more committed and regular while he was in full time incarceration. The effectiveness of therapy, if measured by his ability to avoid drug and alcohol abuse, and the psychological implications of such avoidance, was increased during full-time incarceration.

Eddie was in his mid-40s when I first saw him. He is of mixed racial origin. His father is white and his mother is 'coloured'. He suspects that he was conceived as a result of prostitution between his mother and father. Despite his heritage, his racial hostility to black people was expressed overtly in sessions. In his early childhood, up to about 5 years old, he lived mostly with his mother, stepfather and younger brother. This arrangement was punctuated by periods of living with his grandmother, or other community members while his mother spent various lengths of time in hospital recovering from spousal battery. His mother was an alcoholic for most of her life, and certainly all of his early life. She was vulnerable to her husband's physical abuse, a gruesome, bloody spectacle to which Eddie was witness at an age where he had both a powerful need, but no resources to assist her. His view that he was impotent to defend her, and inability to forgive himself for not being able to save her at these scenes appears to motivate much of his relationships with women in the present. Much later in therapy, the notion that he may well have saved her by screaming hysterically, emerges as a surprise to him. Currently, in his life, he typically tries to 'save', 'help' and 'rescue' women, particularly those who are tasked with nurturing him. This dynamic appears to be powerfully interwoven with compulsive self-mutilating actions, mostly by cutting himself with blades until his blood runs, whenever he feels ashamed. He noted that the self-initiated flow of his own blood brought an overwhelming feeling of relief within him, as if of expiation for his own 'badness'.

The power of this need to save his mother was both reinforced and complicated by the equally strong need to ensure his own survival. It also stood testimony, for him, to his view of his 'evilness'. At times, he too was assaulted by his step-father. Even at the young age of between 4 and 5, he calculated that if his mother was sober, which sometimes happened when his stepfather 'hid' alcohol, he was more likely to be his stepfather's victim. To save himself, he would show his mother where her husband had hidden the alcohol, thus re-focusing the target of his step-father's abuse away from himself, but also at the same time increasing the danger to his mother.

At his mother's home, he experienced almost no reciprocal emotional bonding. He never remembers being hugged or kissed in this home. The only source of some emotional warmth in his home was his dog, from which he sometimes sought comfort by sleeping with her in the kennel. But she died, and in so doing, abandoned him. He found comfort from a caring neighbour whom he grew to love, but when she left the area, he again felt abandoned. He trusted and found a warm love with his grandmother, but at the age of 5 she led him to the car of strangers, who drove a very long distance and finally handed him over to a strange family who fostered him for a few years. After the initial trauma of separation from all he knew, he grew to accept this family. His memories of this family are sometimes that they were 'awful' and sometimes that they were 'good', depending, it seems, on whether he is viewing them as people who took him away from his home, or people who took care for him in a moment of abandonment by others, respectively. However, two years later his mother demanded to have him back and he returned to the pain of his dysfunctional home being, in effect, abandoned by his 'new' but now familiar 'adoptive family'.

After his return home, his mother took in a male boarder who gave him sweets and biscuits for sexually inappropriate favours. He developed an intense hatred for the tenant but again, could not voice his anger toward the adult. The persistence of this early trauma of sexual

abuse expresses itself powerfully in constant, unremitting nightmares, even 40 years later; and extreme difficulty with trusting and relating to men in anything but a hostile fashion. These memories also powerfully affect his self-image. The boarder was hirsute, and the feel of his own bodily hair revolts him to such an extent that Eddie regularly shaves all the hair on his body. In addition, when I first met Eddie, he said he was incapable of looking at himself in a mirror. He would always turn his face in such a way that he saw only the area he had to shave. Essentially, a mirror served only an instrumental function. The idea of aesthetics was anathema to him, and witnesses to his shame, his eyes, would be excluded from the reflection.

Shortly after his return home, when he was in standard 1, his mother was hospitalized for a lengthy period after a particularly dangerous beating. His brother was sent to family to be taken care of, while he was sent to an orphanage. It may be that the bitter hostility he expresses today towards his brother may have its roots in this instance, and any later differential treatment was viewed through the lens of this traumatically alienating moment which could only have been reinforced by his own deep shame and feelings of worthlessness. His view is that keeping his brother in the family indicated that they loved him more, and was worthy of belonging whereas he was sent to an orphanage because he was expendable. His childhood after that was spent going from one foster home to another, punctuated by longer periods in the orphanage. The foster homes are described by him in varying degrees of malignancy or benignity, but in the final analysis, he describes his value in these homes as always being an object. Overall, he noted that the orphanage was the most stable 'home' he ever had. He received irregular visits from his mother then, as he does now in prison. But he characterizes his world as a dark place, relieved only by excitement brought on by drugs.

At the age of 15 he was involved in a critical car accident from which he took months to recover. Among other injuries, were head injuries and a finger was amputated. When I first met him, Eddie always hid the hand with the amputated finger. He also attributed periods of confused thinking to the effects of the accident. Recovery from the accident necessitated a period of prescription drug intake, including drugs to manage excruciating pain. It appears that this may have been the start of Eddie's dependence on drugs and alcohol as a means of mitigating the painful psychological effects of a traumatic childhood. He dates his drug dependency from this age, and that this dependence was unremitting throughout his life, at times reaching close to fatal proportions. He frequently noted that, had he not been arrested for crime, he would probably 'be dead by now from drugs'. His partial alcohol dependence, relative to his dominant drug dependence was a source of pride for Eddie, indicating that he was 'not as bad' as his 'ugly', 'alcoholic' mother. Nonetheless, after his release on parole, he proudly indicated that although he had taken to drinking beer prior to going to work in the morning, he 'had not taken drugs'.

Eddie believes that his dependence on drugs, and the need to finance this dependence, is the reason for his long criminal career. Since the age of 15 he has spent more time in prison than out of it. He met his father for the first time that he can remember, when he came to prison the first time, in his late adolescence. A cell mate pointed to an older inmate who wielded a not inconsiderable amount of power, and informed Eddie that that was his father. His father had not recognized him as his son. Once they realized their relationship to each other, his father took him under his wing, 'organized' a cell for Eddie which would give him relatively unrestricted access to Eddie, and introduced him to drugs he had never experienced before. He gave him his first tattoos. In addition, his father used him for sexual gratification.

Recently, after his stepfather died, his mother converted to Christianity, which strengthened her ability to withstand the ravages of alcoholism. However, it does not appear to have brought her closer to Eddie. He attributes her continuing emotional distance from him, to her love of God. Instead of vying only with alcohol and his brother for her attention, it seems that he has now included God as a competitor for this scarce resource. His ownership of his need for

his mother's attention is infrequently exposed. This need seems to be powerfully masked, from himself, by substituting his therapists for his mother. Indeed, just prior to my resigning from my post, for the first time in the three years of our relationship, Eddie exposed his need for his mother in a most heartrending manner. His intimate emotional attachment to his previous psychologist, was one of the most constant and persistent threads in our therapy sessions. Most often, it would appear that he defends himself against this need for his mother, by noting his 'hatred' of her.

Eddie has always struggled with interpersonal relationships, particularly with men, whom he regards with great suspicion. Typically, he justifies his animosity towards others on the basis of race, gender or religion. Often, his justification for hostility towards others relies on the same symptoms to which he is subject, such as drug and alcohol abuse, or membership of a particular race. His fears of abuse and the differences in others resulted in him leading an extremely withdrawn life, both inside and outside prison. His fears were so evident that those around him, who themselves suffered from low self-esteem, frequently found relief in the power gained from taunting him mercilessly. This dynamic reinforced his suspicions of others, and retarded his ability to learn trust through experiencing healthy relationships.

Eddie has two children, a son and a daughter. He has not had contact with his son since his girlfriend became pregnant with their child when he was in his early 20s. He has contact with his daughter, as the mother of his daughter has remained a caring friend to him. He notes that his sexual relationships are seldom if ever conducted as a result of a sexual need. Mostly, he allows sexuality on an infrequent basis, because he wishes to satisfy the partner. He prefers 'taking care' of women, and frequently mentioned that he liked to do this for prostitutes. He agreed that he has never permitted emotional exposure to coincide with a sexual relationship. Enjoyment of sexuality appears to be compromised by a combination of his mother's inappropriate sexual advances to him, his father's sexual abuse of him, as well as systematic sexual abuse by his mother's tenant in his childhood years at home. In addition, he believes his mother was a prostitute and became pregnant with him as a result of a 'paid' connection between them. When he is free, he particularly enjoys taking care of prostitutes, although this care often ends up by him supplying them with drugs.

In therapy, it soon became clear that Eddie's life was dominated by an almost complete absence of self-esteem. The only 'good' feelings he had were those when he rescued women, or did something good for women. This brought human recognition in the face of deprivation brought on by Eddie himself, and others around him. His need for recognition was urgent, immediate and constant. The craving for a 'good' feeling then became a motivating force for always needing to be in the company of an important woman. In therapy, I was that important woman, as was his therapist before me. He frequently noted that he lived from one therapy session to the next, with nothing of value in between. He would fill these hours with writing notes and letters to me, or his previous psychologist even after she had left the institution. He passed these letters on to me. When I told him I would not act as a conduit for other relationships he noted that it did not matter, I could read them or keep them, he just wanted to write them. The need for me to insist on strong and consistent boundaries became an imperative, both so that he could experience his worth to exist validly and independently, without my constant presence, as well as to give him a possible meaning structure showing that my life, outside of my relationship with him, was not a threat to him. These boundaries consisted of, for example, an assertive instruction not to phone me between sessions, but to write in times of need. In return, he would have an hour every week devoted entirely to his needs and emotions. My commitment to this hour would be unbroken except in cases of emergency. His distrust that he could, in fact, expose any emotion in this hour has eased over the years, to the point where he can expose risky emotions such as anger towards me without consequent rejection of him. To trust me on this level was particularly difficult as his previous therapist, to whom he was utterly devoted, had

abandoned him (by resigning) following angry interchanges between them regarding his 'obsessive' need for her which was partly expressed through insecurity he felt when she tended to other clients. Many sessions were devoted to discussing with him why her resignation was not a result of his 'badness'. Eddie's ambivalent emotions between feeling the shame attendant to his view of being 'evil' and worthless appeared to be intimately related to his feelings of omnipotence. In moments of emotional vulnerability, he considered her leaving his 'fault'.

Eddie fares particularly well in a structured environment, where boundaries are consistently maintained, and experiences of abandonment are minimized. In such an environment he has experienced his ability, for the first time in decades, to remain drug free for a period of approximately two years. In this time, he took no anti-convulsant drugs and felt medically much fitter. He was also able to experience himself as having the ability to better contain himself and his emotional turmoil, without being dependent on another to do so constantly for him. His psychological strength was also contributed to maximally when staff treated him with respect. His experience of himself as a competent and able human being, worthy of respect, was a source of great pride. He strenuously resisted the reins on his freedom when they were imposed. The emotional turmoil associated with his family and friends outside the prison tended to drive his anxiety levels extremely high. Lack of continuing support and reliable, consistent structure outside the prison tended to lead to Eddie's eventual return to drugs and/or alcohol for support and comfort when living in the outside world during his parole. I have only spoken to him twice on the telephone since he completed his parole. In August 2005, he said he had been married. He was monosyllabic, and did not offer much information. In July 2006 he telephoned and sounded really well. He was happy although it seems his marriage was not something he remembered very well.

### **Prison history**

Eddie has been in and out of prison since after his late teens. He has 21 previous convictions, only two of which were for aggression. The remainder, as well as his last sentence were materially related, such as theft, robbery etc. His last sentence was for 15 years. During sentencing he was found by the Judge to be a "career criminal".

## Annexure D Gloria

Gloria attended more than 50 therapy sessions. During the time she was not working in the prison, her attendance was regular and she worked hard in therapy.

She is a highly educated woman with two post-graduate degrees. This achievement, in addition to her 'coloured' status in apartheid South Africa was indicative of many dynamics underlying the role violations played in her identity, as well as dynamics which unfolded in a prison environment where the average inmate rarely finished school, and few staff members had post-graduate training. This combination frequently brought hostility from both inmates and staff.

Gloria is the oldest child born to a family of three daughters. Her parents were always married only to each other, until her father died a year before I started seeing her. Her father was professionally qualified and the family were proud of their social and material achievements in the face of a society which formally and systematically alienated the worth and capabilities of 'coloured' people. Gloria expended much energy attempting to be good enough in a family which valued excellence, and a country which suggested her 'coloured' race was inferior. A strong theme in her life is that she wanted to be seen as significant, and to belong. In the process, her vulnerabilities were disclaimed and hidden. Consequently, the incapacitation of her unique self by denying the validity of very real emotions contributed to a path of fraud, abandonment of her children to avoid fear of discovery, a suicide attempt by overdosing, and finally to prison.

A major 'vulnerability' which seemed never to have been addressed in the home, was the skill of learning to manage anger in an assertive, but constructive manner. She set herself an impossible task to be all-powerful, all-achieving, all-managing in order to gain the approval of her family. Her eventual destination in prison appeared to serve many functions: her distinctive self, including vulnerabilities were finally given 'permission' to be in an open way; she had a well-earned rest from trying to claim membership of the myth of the ability to be what society held up to be a 'superior' person; and she tested the truth of her family's approval of and love for her. These functions could only be achieved through learning to accept, own and assertively use emotions and values she had suppressed over so many years and which prison life freely brought to the surface.

Her father was a quiet man, whose emotions remained a mystery to her during her entire life. Much of what she did in life was aimed at gaining his approval. In her mind, the measurement of this approval lay in his demonstration of it. However, this was not his way and she set herself up for constant failure. Her mother was relatively more emotionally accessible, but the unhappiness she 'caused' her father, due to at least one affair during her marriage, contributed to Gloria's deep resentment towards her mother. Her mother's subsequent subservience to her father angered Gloria greatly. Her mother appeared to favour her one sister, who later died in childbirth. The death of her child seemed to remove her mother further from Gloria's reach.

Gloria's remaining sister, although a regular visitor to prison and insistent on being a help to Gloria, was also a constant reminder of the shame Gloria had had visited on the family. In this light, her offers of help, as much as Gloria's dependence on it, were also seen to be a cause for further humiliation.

Gloria married a man who could pass for being 'white', and worked in church affairs, early in life. Her marriage was largely an indirect way of rebelling against an apartheid society and the parents whom she loved, but who, in her eyes, set impossible standards. Her husband was a gentle and loving man, but a poor provider. In order to 'succeed' in society's and her parents' eyes, she set herself the task of maximising earnings, while her husband failed to contribute much, and consumed more. She was on an emotional and financial treadmill. Her anger at finding her husband full of faults and vulnerabilities, despite his socially ascribed membership of a church

and superior race, may have exacerbated anger which in itself was unseemly for 'nice', well-brought up girls, thus further enhancing a cycle of accumulated anger. The growing tide of rage from Gloria was acted out in an ever-increasing distant relationship between them. Gloria did not possess the necessary resources to address her anger directly and in response, her husband spent more time at church and developed close emotional relationships with another female member in the church whom he married after Gloria divorced him.

Gloria and her ex-husband had three children, two boys and a girl. The children were a central part of her life, and became more and more so as she isolated herself, in defence, against significant others around her. This alliance was only betrayed after her commission of fraud, and the extent of her shame led her to abandon all whom she loved, including the children, perhaps as a way to avoid discovery, and 'contaminating' them.

In prison, Gloria seemed astonished to discover that her feelings, all of them, were valid resources which she needed for empowerment, rather than monsters to be crushed. Once they were seen to be of assistance, she tested them through using them, and found she could be proud of the product: self-assertion. She slowly found, to her surprise, that she had much to be proud of. It was of immense value to find that she was not helpless, and that, even in prison, she had the capacity to choose, belong and influence much in her environment. But more importantly, she found her value system did not have to be, and indeed is not identical to that espoused by inmates, family or staff members. Despite the fear and anxiety of her family, she learned to focus on her talents, find ways of expressing them even in prison, and then be rightfully acknowledged for her courage and strength. At times, this acknowledgement would occur through the media and her photograph would appear in newspapers. She soon learned to take pride in this, rather than see this as a source of shame. Her relationships with her children and ex-husband improved as her relationship with herself improved. Her relationships with her mother and sister improved similarly, although they remained shamed by any public reminder of her crime and present whereabouts. But much was learned by all parties in the process.

### **Prison history**

This was Gloria's first prison sentence. She received a 7 year sentence for fraud.

## **Annexure E**

### **Joan**

Joan was in her mid-20s when she presented in therapy for the first time in June 2003. In all, she attended approximately 12 sessions. After my resignation, she continued to write letters while she was in prison, and after her release on parole in 2006. She referred herself for therapy, giving as her reason that she suffered from frightening mood swings, nightmares and was beginning to hear voices. These symptoms had become unbearable since the commission of her crime. I gauged her anxiety level to be extremely high. She said she struggled to eat, sleep and her stomach was in a constant knot.

She grew up in a home with her mother and stepfather. Joan said she loved her mother, and the form of it seemed to be an intense desire to gain her approval. She cited instances of attempting to do well at school, satisfy her mother's emotional needs (including remaining silent about her stepfather's abuse of her), and spending money on her mother. She initially loved her stepfather. This changed dramatically after he began systematically sexually abusing her, from before school going age, until she was about 12 years old. In the face of her molestation, she became withdrawn and silent. She defines her feelings towards her stepfather, since her abuse, as hatred. She never told her mother, or anyone else about the abuse, until she came to prison. The first person she confided in, about her abuse, was a boy to whom she wrote in the men's section of the prison. She had not been sexually involved with him, indeed, she had not yet met him in person.

Joan became pregnant with her first child at the age of 16 and lived with him for a while. She now has daughters aged 10 and 6. Since her arrest, they have been in foster care. She expressed a vacillating rage sometimes at the foster mother for not bringing them to visit her, then at the children for not visiting her. When she was angry at the foster mother, she would threaten to harm her. When she was angry at the children, she would tell me how she had written to them telling them she did not love them anyway and so did not care whether she saw them or not. Joan apparently struggled with intimacy, as she said she had never lived with one partner for longer than 11 months. This was with the boyfriend with whom she had been involved just prior to her crime. During this time, he had physically abused her frequently.

Joan struggled enormously with rage and she spent considerable energy trying to control her rage. When this failed, at times, she had tried to turn it inward against herself. This would lead to attempts at physical suicide, and/or emotional withdrawal from the world around her. At other times, she turned her anger outwards and would physically assault, and/or punish others with silence. All these measures left her feeling terrible afterwards.

#### **Prison history**

This was Joan's first experience in prison. She had been sentenced for killing her boyfriend while under the influence of alcohol. This killing was preceded by a number of months of abuse by her partner.

## Annexure F

### Jocelyn

Jocelyn was aged 42 when she first presented in therapy. She was referred by the producer of a television show, who had interviewed her about asphyxiating her 5 year old daughter, the crime for which she was imprisoned. Prior to meeting Jocelyn, the producer of the series had asked me to comment on the taped interview. She invited me to engage with questions that she, the producer, would pose regarding psychological possibilities underlying the crime. Some months after the filming, Jocelyn presented for therapy. It is possible that my tenuous connection with her past, through the filming, may have facilitated rapport between us. Jocelyn was committed to the therapeutic process and attended regularly. She was notably timid and said that she has always struggled to have friends both inside and outside prison.

Her mother was 17 when she fell pregnant with Jocelyn. Her parents are both baptized in their church, although in her view, only her father was mostly committed in word and deed. Her childhood memories included her mother and father being frequently drunk. On reflection, she believes it was after her mother's pregnancy from another relationship that her father began fetching alcohol from closets, and drinking in the mornings before going to work. She characterised her father as a kindly and humble man. She also remembered him speaking mostly about 'sin', including her own. He was quiet and peaceful to the point of being ineffective in standing up to her mother.

Her mother was often loud and aggressive when drunk. If the children got in the way, she would hit out at them verbally and physically. She identified herself as being more like her mother, in the sense that she hurt people around her. She noted that, in her case, this was exacerbated in attempts to prevent being abandoned. She remembers her mother seducing her sister's boyfriend and was afraid her mother would do so with her own boyfriends. She noted that her mother only seemed to like her boyfriends if they brought alcohol to the home. Her mother invited her to drink and smoke with her from the age of 15. She found drink helped her to forget emotional pain and she became a full-blown alcoholic.

She was the oldest of four daughters who grew up in the home of her parents. In the home, nothing painful was ever recalled, discussed or worked through. From as young as she can remember, she always tried to avoid conflict, and tried to be 'good'. Her only friend was her sister with whom she was very close. They spent hours creating another world in which to play. This play consisted of everything nice. All trauma and pain of their lives were pushed to one side in this play. Her report cards always characterised her as being an exemplary child. She does not ever remember speaking of her true feelings to anyone. She has no idea whether the family has ever discussed her crime, but she believes it is quite probable that it would not have been discussed. She noted that part of her reason for agreeing to participate in the television program, was because she wanted her children to understand what she had done. When she asked him how he felt about her being in prison, her oldest son had merely said that it was part of the past and he had no need to discuss it further.

At the age of 15, she had her first sexual experience with another man. He was older than her. At 16, she became pregnant and they married, although she was not sure who the father of her child actually was. She liked him because he did not drink. However, her mother liked him because he did bring drink to the house. Her father did not approve of any of her boyfriends, as he called them 'scum'. She noted that in her own eyes, they actually were 'scum'. Nonetheless, her husband was possessive and physically abusive. She subsequently had a miscarriage and she was angry that she had married 'for nothing'. She had two more pregnancies, with her husband, and miscarried both children. She became depressed at the thought that she may never carry a child full term. Despite being locked in the house by her husband, she typically slipped out and became involved with a married man who was 35 years older than her. He had two other

girlfriends. She was aware that he constantly lied to her. But she felt secure with him, because of his age, sophistication and experience. Moreover, she had two sons with him and whenever she was drunk, he would take care of the boys. She could count on this. She was grateful to him for his 'care' of her and her children. In a rare moment of validation of her own vulnerable needs, she noted that it still pains her that he would not accompany her into the labour ward when her children were born. Later, he won custody of her two sons. This custody battle became relevant to the later killing of her daughter. He also did not drink, although he supplied her with alcohol. After 10 years, she began a relationship with another partner, who became the father of her daughter. This partner was also abusive. She traversed between this partner and her previous partner in moments of high stress. Her conscious intention was to make a safe, reliable home for herself and all her children. The presence of either man, however, proved to be too stressful, as each at times threatened the removal of her children from her. She had no skills to resolve differences, nor did she know where to turn for help. After a while, she began an affair with yet another man, who lived on a farm. She saw him on weekends, where she indulged her alcoholism with abandon.

It became apparent that Jocelyn's fear of abandonment was a major organising principle in her life. The terror appeared to be sourced in almost all of her relationships to a few key issues. These included her mother's mercurial moods, her father's inability to validate and fight for her needs, as well as his judgmental view on life as filled with sin, boyfriends who assumed the right to physically abuse her or 'keep' her locked away as a possession, and their inability to respect fidelity. Probably most of all, it was the terror of her own inexplicable, vulnerable and 'unacceptable' self which could be so well controlled for much of the time, but then emerge without warning during alcoholic binges. The immense energy needed to control these unwanted aspects of herself also drew her repeatedly to the comfort offered by alcohol.

Alcohol enabled her to express her vulnerabilities. However, her drinking inevitably led to abandonment by the men she depended on for validation of belonging. Frequent threats by her partners to abandon her, and/or the fathers of her children to remove the children from her custody reinforced her sense of inadequacy and worthlessness. This increased her desperation. She related an earlier incident in which she attempted unsuccessfully to kill her daughter with an overdose of medication. On that occasion she left her daughter to reinforce her relationship with her partner, which she did successfully. On finding her daughter alive but feverish when she returned, her relief was dramatic.

At present, her oldest son is working and her youngest son is still in school, and in foster care. In prison, she was frequently promised visits by family and sometimes male friends, but never received them. On reflection, she agreed that this was consistent with past family patterns. They never were reliable. Her life both inside and outside prison is typically one of few friends, if any. Where they exist, friendships usually depend on her raised expectations for them to fulfil her, and her to provide satisfaction of their needs.

Evidently, Jocelyn's main coping mechanism which she brought from her childhood, was the ability to negate her own, particularly negative emotions. Emotional blunting and forgetting were typical both during childhood and, especially initially, in prison. After the success of emotional dissociation she experienced in killing her daughter, she continued to believe she had largely succeeded in emasculating her emotions. This killing coincided with a conscious desire to be hanged as the state's retribution for the killing. During an interview with television broadcasters, she noted that the force of her emotions during the interview came as a powerful, and unwelcome surprise to her. Her emotional incapacity was made easier with fewer, and more superficial relationships. On the other hand, the terror of total abandonment and alienation from humanity was perhaps the one important check against total exclusion from outside and withdrawal from her side.

In prison, with time, Jocelyn learned how to take risks in asserting herself. Her eager commitment to the therapeutic relationship was, in itself, a risk for her. She took up studying which she had not done since dropping out of school at 15. Despite starting the syllabus a few months late, she passed all her subjects. She learned to negotiate for a single cell for more effective studying time. She applied for, and was granted permission to work on a media course. These were some indicators, to herself and to others, that she is capable of living life: independently of alcohol, and interdependently with others, of different races and outside her family group as opposed to being dependent on family and an adult male. In other words, she experienced the power of not needing to live through others. She can live independently, but in co-operation with others.

**Prison history**

This was Jocelyn's first prison sentence. She was sentenced to 15 years' imprisonment for asphyxiating her daughter with a pillow. In a television interview, she described her thoughts clearly prior to the killing. She believed she had been abandoned by her boyfriend. She did not believe her daughter's suggestion that the boyfriend would return. She did not want to kill herself and leave her daughter to 'find her body'. Importantly, she did not want her daughter's father to have custody – this was a battle they had been having for some time. Her solution was that if she killed her daughter, society would kill her - she had calculated that she would be given the death sentence immediately. This would maximise all her objectives with one action. In order to kill her daughter, she had to dissociate herself completely from her emotions. The success with which she managed to do so, was followed by a singular sense of power.

## Annexure G

### John

John was in his mid-thirties when he first presented in therapy in 2002. He was self-referred. In his first session, he was extremely distressed by the socially ascribed identity which emerged when he killed a stranger in a fit of rage. This identity was alien to everything he understood himself to be: a man with a soft heart, who cares about others. The killing seemed to come out of the blue, while he experienced himself as 'blind' with rage. He was extremely unhappy about the consequences of his actions for his wife and children. His children were being teased because of his actions, as a result of which his young son was attending therapy. He had consulted with my predecessor for a few sessions before she resigned. His commitment to the therapeutic process was evidenced by regular attendance at therapy, and active participation in tasks suggested to him between sessions. Therapy was mostly individual, but included a few family sessions. By the time I resigned, he had attended more than 50 sessions. After my resignation, he continued writing and has consulted with me on a private basis since his release on parole in 2006.

John's parents had been married for 38 years when I first met him, although they lived separately. John remembered his father as always being an angry, and aggressive man. He was frequently subjected to corporal punishment as a child. He experienced his father as both unpredictable and out of control. Very late in therapy it emerged that, as a young child he had witnessed his father physically assault his mother, and he had been unable to protect her. To this day, he fears his father. He also loved his father, and it seems that this is mutual as was evidenced to him when his father made every effort to attend John's trial. At the trial, his childhood background was brought out into the open. John was ashamed that he had 'betrayed' his father by bringing up his history and said he was deeply in need of his father's forgiveness. John has one younger brother.

John went to one school from grade 1 till grade 8. He spent three years in grade 8, and was subsequently sent to boarding school for his high school years. He was not passionate about academic work, although he finished grade 12 with a B-aggregate. He was always passionate about sport. He spent two years in the army, as a conscript, as was demanded by law for all 'white' South African males. He was popular among his friends, and later was good at his work in sales. However, he always believed he could have done better at 'something else'. He was socially well liked at school and was often looked up to by his peers.

John met his wife while he was still in school. He was in awe of her beauty and stature. It took him 9 months to work up the confidence to ask her out. He saw her as moral, upright, well brought up, always kind, never aggressive, lady-like, well-mannered. In short, she appeared perfect. After marriage, they experienced financial problems. His self-worth deteriorated rapidly. He did not like himself, but at times took out his self-loathing on her. His wife pleaded with him to open up to her, but he became more closed and distant as a defence against his own self-loathing. His wife eventually separated from him for a brief period. In a desperate attempt to rescue any vestiges of self-worth, he blamed her more and more. After three months, where the short-term relief of blame stopped working, he asked her to come back. Shortly after she returned, they were evicted from their home. His wife is assertive in her own right, and prizes independence. She rented a home they could not afford rather than stay with her parents for a prolonged period. The tension between them and within himself was extreme. He experienced himself as failing to provide as well as unable to ask for assistance.

It was perhaps the co-occurrence of excessive stress, cumulatively made up of past and present emotional and financial factors; and the lowering of inhibitions due to some, although not excessive alcohol intake, that John snapped in what appeared to him to be uncharacteristic behaviour in the killing of a man.

Although his parents are still married, they live in different cities. His father travels four times a year to visit him in prison. His mother visits him in prison regularly, as does his wife and children.

In prison, initially John coped in much the same way as he seemed to do in his free life. He appeared to be consumed with guilt for the way his actions had detrimentally affected the lives of others. It is possible that the hours he spent on letters to both his family and the family of the man he killed, as well as inputs to politicians, may be attempts to compensate for the violation he committed. He is popular among inmates, as he was with his peers before his arrest. He occupies leadership positions in prison. He made extraordinary efforts to 'fix' financial problems at home, by attempting to control his wife's spending from inside prison. However, he began requesting and accepting assistance from close friends and relatives. In addition, he began studying in prison. In time, usually in the face of threats to the continuation of therapy, he made courageous attempts to face his own extremely private and feared emotions of shame and anger.

**Prison history**

This was John's first prison sentence. He was sentenced to 15 years' imprisonment for killing a man in a road rage incident.

## Annexure H

### Magda

Magda was a female juvenile (just 15 years old at the time of her presentation), from an extremely dysfunctional family background. At her intake session, she was an awaiting trial prisoner and therefore did not, strictly speaking, fall within the category of prisoners to be seen by DCS psychologists. She was initially referred to me as an emergency by the hospital nurse for containment after she had made an attempt on her life. She subsequently attended more than 30 sessions. Her attendance was sporadic until she started partnership therapy. Thereafter, she was committed. After my resignation, she wrote letters.

Magda's parents were both unemployed at the time I first saw her. Although her parents were living together at the time of her arrest, their relationship was precarious and later disintegrated. Magda's emotions regarding her parents ranged from enraged, to desperately seeking their approval. I sometimes sensed that the rage she would feel for the one would fuel the need for approval from the other. Magda believed her parents were both alcoholics and in addition, her mother had begun abusing drugs. She was witness to her mother's frequent sexual relationships with other men, while her father appeared to passively accept her infidelity.

Approximately two years after her arrest, her parents divorced. Magda frequently referred to the emotional burden she took for the break-up. She felt she had failed in not effecting a reconciliation between them. Magda perceived her mother to have been very beautiful when young, but was now 'ugly', alcoholic and she spoke of 'hating' her. At other times, she would go to desperate lengths to get her mother to visit her, indicating a need for her approval. In turn, it seems her mother accused Magda of being 'ugly', a 'whore' and a 'slut'.

Magda's sexuality was a sore point. Her initiation into sexuality remains a source of confusion for her. Her mother accused her of seducing her father. She herself is unsure of whether he had sexually molested her. Her first conscious sexual experience took place prior to puberty, when she visited a cousin who identified with her on the matter of difficult home circumstances. Her cousin's friend, who was present, proceeded to rape her. Later, she sought a close, exclusive relationship with (boyfriend), whose family took her into their home and provided shelter for her when she needed it. He had originally been her imprisoned, favourite older brother's friend. After she and (boyfriend) broke up, during her time of imprisonment, she told me that he also kept her supplied with drugs, and guided her into prostitution at age 13. She showed much concern during therapy about her being labelled a 'slut'.

Magda was the oldest daughter, and second oldest child in a family of five children. She was frequently expected to take care of the smaller children when her mother was unwilling or unable to take care of the family. She associated this burden with proof that her mother did not love her. At the same time she felt overwhelmed, and in her eyes, failed to succeed with the responsibility of keeping a home with five children. While Magda appeared to care deeply for the young children, she resented the loss of her ability to live out her childhood years without responsibility. She developed close ties, and perhaps found relative comfort from an older person in her older brother. However, he was also not easily accessible as he was found guilty and sentenced to a long period of imprisonment, on a charge of rape. After her arrest, the younger children were placed into foster care, and Magda frequently expressed anxiety about their apparent abusive care.

Magda's extremely precarious emotional childhood history, left her desperate to achieve acknowledgement and approval in relationships. At the same time she was terrified of the pain caused by close relationships. The overwhelming pain of a history of betrayal and negation led to the frequently expressed wish to dissociate from her emotions, to stop caring, which played out in intense, but short-lived same-sex relationships in prison.

In prison, Magda's moods fluctuated between extremes of depression and aggression. She frequently yelled abuse at the top of her voice, and threatened or did hurt herself and others. At these times, it was nearly impossible to calm her through talking to her. Authorities in prison typically responded by restraining her with cuffs and placing her into isolation and charging her with insubordination. She was as terrified of isolation as she was of intimacy. Her therapy began with me while she was an awaiting trial prisoner. Magda had a 'tronkma', which is a prison term for a wardress who favoured her. This frequently led to the equivalent of 'sibling' rivalry among the inmates, or power struggles between staff.

**Prison history**

This was Magda's first prison sentence. She was arrested and sentenced for 8 years for the murder of a man who surprised her and a friend while they were robbing his house.

## **Annexure I**

### **Maria**

Maria was in her early 50s at the time she referred herself for therapy. She was primarily concerned with how to build a strong relationship with her son, who was placed in a children's home after her arrest and imprisonment for killing her partner of 20 years. Her son frequently ran away from shelters to live on the streets. She attended therapy sporadically, only when a crisis arose. She attended slightly more than ten sessions.

Maria's narrative about her personal history varied considerably during the course of therapy. At times she spoke of being an only child, at other times she said she had a sister. Sometimes, she said her father was distraught after her mother died and had wandered the country, abandoning her, for years until just before his death. At other times she said he died when she was young. She reliably and consistently spoke of her mother with great warmth. The narrative I collated most consistently is as follows. Maria was born into a family with a mother and father, and she was the only child. She describes her childhood as happy. They were a religious family. Her father died when she was 11 years old. He had asthma and bronchitis. Although she was the only child of her mother and father, her father's brother's children came to stay with them when their parents died in a car accident. She accepted them as her siblings. She was extremely close to her mother, and stayed with her mother until she died. She attended school until std. grade nine, but left at this point due to lack of funds. Since this time, she has done any work offered to her, which consisted mostly of charring.

She met her boyfriend/common-law-husband when she was in her late 20s, at a dance. They started going out but she continued to live with her mother, until her mother's death some ten years later. Although she had been abused by her common-law husband prior to them living together, after her mother's death these incidents became increasingly gruesome. She said she had already produced twins by the time she began living with him. When the twins were about 11 years old, she told her husband that she wanted to leave him for the first time and he threatened her with death. She then took the twins to stay with her aunt who was childless. The twins had a good life and are now married. When they were about 8, she was 8 months and 2 weeks pregnant with another child when he kicked her in the stomach, leading to a still birth. About a year later, she was 4 months pregnant and he kicked that foetus to death as well. Then after 7 years she had a son. Her son was 11 at the time she started therapy. She last saw the twins prior to her sentence, and told them that she had killed her father. They intimated that they often wished him dead and that they were relieved he is dead.

Testimony of the nature and extent of the systematic 20 year abusive relationship with her common-law husband included physical scarring, and a report compiled by a social worker who worked with her for years before her arrest. The social worker lists: the Afrikaanse Christelike Vroue Vederasie [The Afrikaans Women's Christian Institute] to whom she appealed for assistance on many occasions; PORC [an organisation resisting male on female abuse]; the South African Police to whom many instances of marital rape were reported; and Sea Point Beach Controllers who witnessed an instance where Maria was thrown down the stairs "by her neck at the beach toilets" as a result of which hospitalization was required. In one incident her husband cracked her skull with an axe. She said that she repeatedly attempted to get away from him, but his 'gang' friends always found her for him, and brought him back. Each time, her punishment for running away increased in intensity.

## Annexure I

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### Prison history

This is Maria's first prison sentence. She was sentenced to a five year effective prison term for killing her common-law husband.

## Annexure J

### Mary

Mary is a 'coloured' woman from a low socio-economic background, although she proudly indicated that people think she is white. She attended 16 therapy sessions. She was in her early 50s when she first attended therapy. She requested therapy after spending some months watching people attend therapy while doing cleaning work around the therapy room. Her friend also suggested she try therapy as a means of emotional support.

Mary lived with her mother and stepfather when growing up. Her stepfather promised to look after her mother and her as if she were his own child. Mary did not know her biological father. After her mother married her stepfather, they had 7 other children. Mary said she was treated like a slave in the house, always having to do things for everyone. Her mother always just pleaded with her to 'let things be' and not be too rebellious, otherwise she would get beaten. Her stepfather used to abuse her and her mother constantly.

She went into grade 1 (first year of primary school) and never progressed from there. She was placed in a convent and eventually after some years, the nuns asked her mother to remove her from school as her concentration was always at home. She wanted to protect her mother. Her stepfather would come from work at lunch time and beat her up. One day, she desperately wanted to go home. The nun refused, saying she could only go when classes were finished. When she finally got home, her mother was lying in a pool of blood outside the gate on the pavement. She ran next door, but that lady was an invalid and could not help when she heard her mother scream – she also did not have access to a telephone. She then ran to the neighbour across the road and telephoned for an ambulance and police. Her mother was black and blue, got stitched up and came right home. Mary has had many head injuries from her stepfather's physical abuse. He would often kick her against her head, and punch her, and he also hit her head with a poker. She has been treated in hospitals on several occasions that she can remember. Her mother has told her many things about her childhood some of which she says she can't remember anymore. Her stepfather also tried to 'make a woman out of her' from the time she was about 5 years old. Her mother found him playing with her private parts early on, and then asked her grandmother to take care of her. But she missed her mother and would often come back again to stay with her. After her mother caught them, her stepfather hit her mother. Often, her stepfather would threaten to kill her. She said she felt bad inside as a result.

Mary was admitted to a mental asylum as an inpatient in her early 30s and was put on Largactyl. She was treated with other medication from time to time, but she did not know the names. Since being in prison, she said that she had not been given any medication. In the past when she was not given medication, typically she experienced her 'head going funny', which would, more often than not, be followed by bouts of aggression. She remembered that at one point, prior to her arrest, she had nearly killed her mother and seriously injured her stepfather during one of these 'attacks'. Since being in prison, she said she had not been given any medication. She had learned to warn people about her condition, and to ask them not to have any fights with her. She said that she has a history of mutilating herself, alcoholism and drug addiction. At one point, she had developed gangrene in her one finger, as a result of which it was amputated.

Between the ages of 14 and 21 she went to a childrens' home after her mother discovered that sexual molestation occurred between her and her stepfather. At this time, she said she heard voices and spoke to herself.

Mary is married to a man who abused her systematically during their relationship. He has a lengthy prison record. He is also an alcoholic and drug addict. Her family recognized her membership of the family for as long as her mother was alive, because her mother insisted on this. Since her mother's death, this membership has been conditional on her cutting all ties with

her husband and stopping her addictions. She expressed a profound ambivalence as far as her feelings for her husband were concerned. On the one hand, she was enraged with him because he had betrayed her. Apparently, the theft for which she pled guilty was not committed by her, but by her husband. She agreed to take responsibility for it, because he had a long record and would, if found guilty, be sentenced as a 'career criminal', which would elicit a 15 year sentence. Her record consisted of one previous sentence, of possession of a banned substance. In return, he had promised to visit her regularly in prison. The only visit her ever made occurred immediately prior to her release. Her rage against him for this betrayal found expression in persistent and intense efforts to divorce him. On the other hand, when he wrote her a letter just prior to her release, pleading with her to come back to him after her release, her resolve crumbled. It appeared as if she created her identity around and through him. His betrayal confronted her with the fragility of her fantasy, while his contact with her offered her self-deceptive comfort which she had no way of refusing. Indeed, her intellectual and emotional incapacity probably rendered her unable to live independently. She chose dependency on her husband, with whom she at least shared human qualities such as the shame and failure of addiction, rather than dependency on her family, all of whom had, in her mind, succeeded in the world and who increased her shame by judging her. She was needed, and therefore recognized more, by her husband. It would seem emotional qualities of recognition and symmetry are, at least for her, more appealing than the quality of physical safety.

To this day, she is illiterate. She receives a disability grant, and depends upon social others to administer her finances.

### **Prison history**

Mary was re-incarcerated after breaking her parole conditions. She was originally imprisoned for theft. This was her second sentence – the first happened years ago (she doesn't know the dates, but sometime in the 90s) for possession of a banned substance.

## Annexure K Miranda

Despite dropping out of school after completing her grade 8, Miranda presented as an obviously intelligent female in her early 20's. She attended more than 20 sessions, until her release from prison for the rest of her parole.

Miranda grew up with her mother, and is the oldest of 3 brothers and 2 sisters. Her baby sister (of one year) is the child of her stepfather. Her stepfather doesn't live at home and never did, but always came and went as it pleased him. In later sessions she said that she does not, in fact, know who her real father is. There is some question surrounding the person identified to her by her mother as her father. The man identified by her mother is a drug abuser, and is abusive of her mother. He would hit her in front of them. She felt this man had no time for any of them. At 14, her purported real father started molesting her. When she told her mother, her mother did not believe her. She also had a 'kind of adopted' sister who stayed with them, and only after the purported real father began molesting her sister and her adopted sister did her mother believe her that she too had been molested.

In contrast, her stepfather has always adored her mother, and was a father figure to Miranda. Miranda noted that he always listened to her and treated her, Miranda, as if she was special, as he later did with Miranda's own child.

Miranda's mother has a history of schizophrenia. Miranda describes her as being of extremely variable moods, as a result of which her mother has frequently been unable to attend to her and the other children's needs. She frequently became furious with her mother's 'silent treatment' which would be elicited for no reason she could understand. Her mother was on regular medication and visited a local government hospital for group sessions. At one point in her life, she remembered her mother needed to go for in-patient treatment and she thinks she had some kind of breakdown. Recently, her mother's brother died and her mother had another breakdown. But she told her mother 'not to take on other people's stuff', and advised her mother to go to an institution where people can take care of her. She recalled an incident when her mother attempted to strangle her when she was about 5 years old. In another incident, her mother attempted to tie her to a railway line. Frequently, even as a young teenage child, she was locked out of the house. Her mother ordered her purported father to forbid her entry to the house. She would be forced to beg for food, water and a place to stay. Conversely, at other times her mother relied on her to take care of the household, do all the cleaning, cooking and taking care of the younger children while she disappeared for the day. Her mother would expect the house to be running smoothly when she returned at night. As a child, she was subjected to corporal punishment, the scars of which still remain. She was not allowed to play or have friends over at her house.

The expectation that she take care of the needs of her family resonated even while she was in prison. Nonetheless, she speaks lovingly of her mother, and realises now that she is ill and probably unable to understand what she is doing.

Miranda herself began abusing drugs in her early teenage years. She dropped out of school, even though she liked school work. Her younger brother of 13 years is now a drug abuser, has a history of theft, and has been accused of rape. Her mother feeds him, and withdraws charges of theft against him when he takes her money. It is Miranda's opinion that her brother will never rehabilitate while her mother supports him in this way.

Miranda became pregnant at a young age, during her last year of schooling. While both her own, and the baby's father's family were initially angry, both families later became supportive and helped care for the baby after the birth.

She had a significant relationship with the father of her child. She said that she loved him, but her family threatened to abandon her if she refused to reject him. She told me that he had

been physically abusive towards her. However, he had also taken the rap for her theft, for which he served three years in prison so that she could stay at home and take care of their baby. After some time and in reaction to abusive language from him, her relationship with him cooled off.

She noted that she is often aggressive, does not take a long-term view of matters and asked for assistance. In an effort to avoid rejection, she would blame others for her predicament. Initially she also presented with stress related medical conditions. At both the start and as her release date drew near, Miranda showed signs of passivity through withdrawal in therapy. She would reject first if she thought she was going to be rejected. When she felt safe, she developed the skill to speak freely, which served as a safety valve.

An anti-dotal measure of coping, typical of her early years, was to gain recognition through helping others. This did become overwhelming in prison however, as it had in the past. It later became apparent that imprisonment itself may have been a way of not having to deal with overwhelming needs from her family. In prison, Miranda finished her schooling. As therapy progressed, she noticed her growing ability to take credit for being assertive. She started placing strict boundaries in her family relationships, much to her family's astonishment, and respect. She became a role-model to others which was also a source of pride. She became more self-sufficient. She developed a special relationship with an inmate in the male section. He frequently expressed exasperation that she would not follow his advice, but rather asserted the validity of who she chose to be. Her assertiveness also became admired and others sought her assistance in prison. While in prison, it seems that her family was supportive of her. They included her friends in their generosity during times when her mother was well and able to visit.

**Prison history:**

Miranda was given a 3 year sentence for manslaughter, after she accidentally shot a friend while playing with a gun. She was 19 at the time of the crime. She was given community service, on condition she stay at the address of the father of her child. However, after he was arrested on a charge of theft, she moved back to her mother's house. After an altercation, her mother ordered her out of the house. After two days, she informed her parole officers that she was no longer residing with her mother and her suspended sentence was converted to a prison sentence. This is her first prison experience. She noted that in the past, she had stolen things she wanted. She also lied as defence against the hurt of possible rejection.

## **Annexure L**

### **Nawaal**

Nawaal was in her mid-twenties when she first attended therapy. At the time of her arrest, she changed her religion from Christianity to Islam largely as a result of her closeness to her Islamic grandmother. I saw her for more than 30 sessions. She is bi-lingual, but predominantly English speaking. She also changed her name in accordance with her religious persuasion. She has an older half-brother, and two younger half-sisters.

Nawaal had a difficult childhood history. When her mother was pregnant with her, her father abandoned her mother, her half-brother and herself. She and her half-brother were then placed in the care of godparents until she was 6 years old. She frequently spent time with her Islamic grandmother and lived with her for a year when she was about 6. While living with her grandmother, her mother met and married a man of whom she became extremely fond, and she and her half-brother went to live with her mother again. Her mother had two more children from this marriage. Her stepfather died when she was 14 years old as a result of which the entire family struggled to cope emotionally. According to both her and her mother, Nawaal and her mother both almost had nervous breakdowns. She left school after completing grade 9. About eight years after her stepfather died, her mother met and almost married another man whom Nawaal says she hated. Nawaal noted that her mother had frequently said that she was sorry that she had given birth to her. At a final family session, her mother reported that Nawaal had been manageable until, when she was still young, the police had burst into the house and accused her mother of killing a child who had gone missing in the neighbourhood. Nawaal had apparently questioned that if her mother could be a murderer, how could she be expected to respect her? The family dynamics had become increasingly strained. Her mother stated that she herself had since regularly visited a psychiatrist, and had become a '*pill addict*', while Nawaal had become impossible to manage.

Nawaal was formally introduced to her father, in this role, for the first time in late adolescence. Previously, her mother had taken young Nawaal to court when she sued him for non-support. She did not know that the man in the dock was her father. It is her understanding that her mother did not want her to have a relationship with her father. Subsequent to her discovery of him, his current wife has not welcomed Nawaal's presence in their lives.

Other than her relationship with her mother, father and grandmother, Nawaal reported no other significant, loving relationships. However, it emerged that her relationship with the half-sister just younger than her is, and always has been, extremely troubled. It appears that her relationships with others typically swing between idealising and demonising them.

Nawaal said that she had seen numerous psychologists, and had nervous breakdowns prior to her arrest. It is noteworthy that her unpredictable mood changes, and 'breakdowns' appear to mirror those of her mother. Her mother stated in an interview that Nawaal was exceedingly aggressive, had almost killed her one half-sister, and stole from both herself and members of the public. At home, her mother typically gave the children 'silent treatment' when she was angry with them.

In prison, Nawaal's coping mechanisms swung between physical aggression, passive-aggressive, blaming, lying, silence, depressive, emotional numbing, substitution of financial for emotional fulfilment, illness, and religion.

### **Prison history**

This was Nawaal's first prison sentence of approximately one year, for theft and fraud. She had one previous conviction, for which she received a suspended sentence.

## Annexure M

### Nina

Nina was in her late 30s when she was referred for counseling for depression by the local government hospital as well as by the Institutional Committee. She indicated that although she had been on medication, this had run out. She noted that she had a psychiatric history. She attended 10 therapy sessions.

Nina came from a large family of 17 children, of whom 9 are still alive. She grew up in Namibia. Nina's father had had numerous affairs during his marriage to their mother. The children were all born with syphilis as a consequence of which most of the children, including Nina herself, have visual deficiencies. The family relationships appear always to have been problematic, and violent in the extreme. Her perception of those in authority was that they are all hypocritical. It was no surprise then that she was especially guarded in therapy. She passed her grade 10.

Nina had been living in an abusive relationship with her husband with whom she had three children, for a number of years before she married him. A year after she married him, she killed him as a result of the abuse. Initially she noted in an undated letter that her mother had been against her relationship with her husband. However, in a later session she said that she married her husband in line with her tradition to marry the man chosen by her parents. She married him the month after her mother died. She remarked that although she laid complaints against her husband in response to his abusiveness with the police, her siblings were either in the police, or related to members of the police force and her complaints were not dealt with.

She has three children. Her oldest son is independent and lives by himself. Her concern for her second son's schooling was a major factor in therapy, as was her concern for him taking responsibility for safety in the home prior to her crime. Prior to her arrest, her son began drinking with her sister and also physically assaulted her. Throughout therapy, she was concerned regarding the whereabouts of her children. She was aware that her sister wanted to adopt her minor children, but believed this was merely to get the grant money that would then become due to them. Her sister, who was molested by her brother, is an alcoholic.

During imprisonment, Nina was frustrated in her attempts to receive assistance from the social worker regarding her children. During this time, her father died which distressed her enormously.

In prison issues of authenticity and pretence elicited memories of past trauma. This played out as she frequently perceived her friends as betraying her. She experienced her Nama (indigenous southern Namibian) culture as alien to those around her. Prior to her sentence, she experienced the mental health system as patronizing, coercive and alien. Common coping mechanisms, often originating from childhood, and repeated in prison included obsessive compulsive behaviour, silence, outwardly directed aggression, inwardly directed aggression, and passive-aggression. Antidotal measures included religion.

#### **Prison history:**

Nina was serving a first sentence of 5 years for manslaughter, and was due to be released in December 2003. She had killed her husband by setting him alight, after years of abuse. Nonetheless, in March I was requested by the community service psychologist at the prison to assist her in preparing a report for Nina as previous psychological information has gone missing.

## Annexure N

### Peter

Peter is a South African male, from a middle class background. He was 42 years old when he referred himself for therapy. He indicated that he had a short temper, and struggled to manage the high stress which typified his life.

At the time of presentation in therapy, both his parents were alive and had been married to each other for 55 years. He was the youngest of 6 brothers. His second eldest brother, to whom he felt extremely close, had died when the brother was an adolescent. His third eldest brother died when he was merely three years old. After the birth of her fifth son, his mother was warned not to become pregnant again. When she found she was pregnant, she was surgically scraped, but in the process only one of a twin, the only girl, was removed and the other, Peter, grew to term.

Early in his life, he faced two traumatic incidents of abandonment. The first occurred when he was sent to boarding school at the age of ten and the second when his brother died at about the same time. In both cases he had no resources to cope, and each occurred in a short time-span of each other. These events also enhanced his mother's emotional and physical distance from him. The emotional distance was increased a year later, after her father died. His mother's seeming fragility and passivity, in the face of her husband's temper tantrums, elicited from Peter a need to protect and take care of her, while having neither the physical proximity or emotional capacity to do so. In his presence, it would appear that she may have over-compensated, however, by insinuating herself into his life albeit in a more disguised manner than did his father. For example, even after he reached adulthood she would read his letters after steaming them open, close them again and then interrogate him about his private life afterwards. She would deny any inappropriate behaviour as grounds for this knowledge. This left him with only suspicions and no firm ground from which to assert his differences. His attempts to do so merely incriminated him further as being undeserving of her love for him.

His father caned him frequently, and was also a heavy drinker. Typically, Peter was assaulted with a strap, a hosepipe or anything that came to hand. To this day he is afraid of his father. He won't smoke in front of his father, although he will do so in front of his mother. His father was a perfectionist at work, and insisted on the same levels of perfection from his sons. His father was physically removed as he was a contract worker living out of town, only coming home every alternate weekend. But even when he was physically absent, his father's rage terrified Peter, as it did till the day he died, while Peter was in prison.

Peter learned from an early age to keep his emotions to himself.

An early, and traumatic experience at school occurred when his teacher pulled and ripped his ear, and he was caned. In response, his oldest brother hit the teacher to protect Peter. Thereafter, his father attempted to find the teacher who had left town for the night. The next day Peter was taken out of school and sent with one of his brothers to a boarding school, out of town. Peter suffers from dyslexia, which expresses itself in severe difficulties with reading and writing. This contributed to his leaving academic education in grade 8. However, after leaving school, he completed artisan's courses. He is a hard and good worker, and is proud of his work. He went to work in a business with his father and brother.

Peter married, and had a son whom he adored. His son was 10 years old at the time Peter started therapy with me. His marriage of 9 years failed some years prior to his arrest, with the divorce finally reaching settlement after 4 years. The divorce was extremely acrimonious, and the primary source of dispute was Peter's access to his son. He saw his contribution to the failure in his marriage, as well as problems in gaining access to his son to lie principally in his alcoholism and ensuing raging temper. During his marriage, Peter began drinking heavily after being critically injured in a motor vehicle accident which left him with a damaged arm. His work, in which he takes great pride, is dependant on his manual dexterity. Although he has learned to

compensate and use his hand almost as well as before the accident, searing pain still troubles him and alcohol helped dull this pain.

Peter adores his child. He named the child after his oldest brother who had died. Initially, after the separation, the agreement was that Peter would keep custody of his son, and she would keep custody of her two children from her first marriage. This worked fine for about nine months. His ex-wife then changed her mind and wanted their son back. In one instance of retaliation, after she had instructed the school not to allow him access to his child, he had fetched the child, notified her that he had the child and would be returning the child at 17h00. She responded by noting that he had 'kidnapped' the child and was going to put the law onto him. At this point, he threatened that he would shoot himself and the child. The divorce settlement noted that access would depend on his son's progress with his psychologist, Ms. (X), who worked as an educational psychologist at a local Junior School. Another condition of the divorce was that the psychologist's report needed to be updated annually. No report had ever been given to Peter. When I enquired directly from the psychologist, she noted that for a while Peter's ex-wife had discontinued the child's therapy, which was why no report had been forthcoming. However, his therapy had recently resumed. The therapist also agreed that she would suggest to the child's mother that she allow written contact between father and son. However, she said that she was in no position to do more than this. During the period of his incarceration, contrary to the court order, and despite requests from myself and various social workers to his ex-wife, no report on his child was sent either to himself or the court. The last time he contacted the psychologist, she told him that she was no longer seeing his son. When he enquired about this with his ex-wife, she refused to answer the question and ended the conversation.

During therapy with Peter, I assisted him by writing follow-up letters to the Legal Aid Board on the matter of his contact with his son. He had also engaged the Board on the matter of appealing his sentence. The Board either ignored correspondence, or made arrangements to consult with Peter, but did not honour these arrangements. Therapy frequently consisted of using conflict situations arising out of alienation from the criminal justice system as practical training ground for Peter to change his typical way of dealing with alienation through aggression, to assertiveness and finding safe ways to be recognized. This was particularly difficult in his case, due to Peter's dyslexia. He evidenced enormous tenacity in the sheer number of letters written to his son (with no hope of him ever receiving them), his ex-wife, the Legal Aid Board and even the Judge of the High Court who had signed the divorce agreement.

Peter's emotional commitment in therapy was primarily channeled into attempts to maintain contact with his child through any means at all. He agreed to write to his son only if I vetted the correspondence to ensure that it was appropriate. His ex-wife consistently refused to allow any contact: written, spoken or in visits, with his son. Just prior to his parole hearing, she requested a private meeting with the parole board, from which he was excluded, where she requested that the conditions of his parole include a provision that he make no contact whatsoever with his son. This provision was granted by the parole board without consultation with him.

In prison, Peter generally kept to himself. He was well liked, but had only one close friend whom he trusted. He was a hard worker and was proud of the quality of his work. After lock-up, at 14h00, he would keep himself busy with boat making. He struggled to sleep, as he would be beset with pain in his arm when he was idle. Reading was not an option, due to severe dyslexia.

**Prison history**

This was Peter's second prison sentence. The first sentence was as a result of being found guilty of being in possession of a firearm, and for causing damage to property. The second time he was sentenced for theft of a motor vehicle. He was insistent that he was not guilty of theft, although he was in possession of a stolen motor vehicle. He was attempting to engage with the criminal justice system, through the Legal Aid Board, about this discrepancy throughout the duration of our relationship. He noted however, that he has been guilty of committing crimes since his 16<sup>th</sup> year, when he drove a vehicle without a licence.

## Annexure O

### Susan

Susan is a bilingual (proficient in Afrikaans and English) South African woman, from a middle class farming background. She was in her early 40s when she requested therapy. She was extremely distressed, saying that she had reached 'rock bottom' and was committed to changing herself. Other than knowing that the change should consist of not committing fraud, it seemed that she had little idea of exactly how this change should happen. She was hoping the shock of prison would somehow be sufficient to stop her from committing fraud in future. She could not give any explanation as to why she had committed fraud in the first place. Her attendance at more than 50 sessions was regular and she worked hard – although much of the hard work, particularly in the early stages was motivated by attempts to 'please me'.

Susan's father is a farmer. Her mother has always looked after the children and the home on a full-time basis. Her father was the powerful parent, and her mother always gave way to his wishes. Susan is the oldest of four children. She has one brother and two sisters. Her one sister has been living overseas for the past 16 years, and was notably absent from her life narrative.

From her earliest memory, at about age 4, Susan was sent to her paternal grandmother and stepgrandfather for holidays. Her stepgrandfather always called her his favourite. Her grandmother would wake up early in the morning and ask Susan to go and keep her grandfather company in bed, while she made them both tea. While she was lying with her grandfather, he would touch her in sexually inappropriate ways. Memories of sexual abuse have only resurfaced within the past decade. Although her recent memories include being extremely uncomfortable at this intrusion, she was afraid to resist him, and remained silent in his presence. However, when her parents were planning holidays she remembers resisting noisily at having to visit her grandparents. This resistance brought about sound condemnation for her 'misbehaviour'. Susan also remembers feeling guilty that she did not want to visit the grandparent who was always pointed out as the one favouring her. At about age 12, when she entered puberty, her grandfather's intrusions progressed to penetration. At this point, Susan succeeded in her refusals to visit her grandparents. It seems that from this point, she suppressed the entire matter of her grandfather's sexual molestation. Later, in adulthood, she discovered to her horror that at about the time of her successful rebellion, her stepgrandfather may have transferred his sexual activities onto her younger sisters.

Susan recalled that in general, no matter how traumatic, nothing controversial was ever openly discussed or debated in the home. Thus, momentous personal fears seemed to gain a note of superficiality in the family, while the sufferer was left with a feeling of abnormality for experiencing the pain as anything but normal. As an example, at about age 7, Susan remembers occasions when she was given money and sent to the shop to buy sweets for herself. This coincided with the arrival of a particular man who visited her mother rather frequently. Although she did not understand the import of these visits, she sensed her presence was not welcome at home during the visits. At this time, she also remembers coming home from school and finding her mother's suitcases packed and standing at the door. Her mother did not explain where she was going or why. Her father told her that her mother did not love her anymore and was leaving, which she did. A few days later, a car drove past Susan in the street. She was sure her mother was in the passenger's seat, but the passenger hid her face away from her. Some time later, her mother reappeared in the home. Nothing else was mentioned or explained to her about it.

Her parents do not share a bedroom. In her adult years, Susan discovered that her parents were not yet married when she was conceived. In the farming community, pre-marital sex in her parents' day was considered shameful. Susan feels guilty that she played such a large part in her parents' apparent relational misery. In general, Susan sensed that she was a constant source of disappointment to her parents.

Susan has always been desperate to gain the attention and approval of her parents, her peers and particularly her father. It therefore makes no sense to her that she should have begun to 'tell stories' and 'pilfer' from school friends and shops, at the early age of about 10 years old. This soon became a habit over which she had little control.

Susan suspected that she married her first husband, largely to create a safe emotional home of her own, one where she could be wanted and not feel ashamed all the time. She bought her own wedding dress, but her mother insisted that she substitute this with a choice of her own. The wedding guests were family and friends of her parents. Susan felt estranged from her own wedding. Susan's ex-husband was hard working, but she experienced him as emotionally guarded. He would work long hours. He had a business of his own which, in time, began floundering. She became emotionally insecure, and frequently wondered if he was involved with other women rather than working late hours. She herself was a hard worker and supported the home financially in difficult times. Susan's old habits of confabulation had never abated. In a telephone conversation to me, her ex-husband said that the extent of her 'lies' were utterly confusing to him. They frequently appeared to have no meaning other than that they were not the truth. In response to her lies, he became enraged. After the birth of her first daughter, she and her ex-husband attended marriage counselling and although he attempted to be more emotionally expressive towards her, her own habits persisted and the birth of two subsequent daughters occurred in an atmosphere of a rapidly deteriorating marriage. Although she said that her ex-husband physically assaulted her "only once but then he was drunk at the time" she developed a terror of him which, initially, she could not explain. This fear persisted throughout her time in prison and continued after her release. Late in her therapy, she explored the notion that this fear was based on shame for her own lack of worth, reflected against the face of his integrity. She also noted that the fear emerged dramatically in the face of his silence.

Perhaps unsurprisingly, when considering her sexual past, Susan developed problems with her bladder from an early age. She has been told that she was hospitalized on a number of occasions as a result. Just prior to her arrest, she developed problems with her sexual organs, necessitating a hysterectomy. The operation was botched and her bladder was further damaged in the process. Recovery involved extended periods of hospitalisation for a period of two years. In moments of extreme stress, her bladder would go into spasm, preventing normal urinary action. Extreme care was needed to manage these spasms so as to prevent further damage to her bladder. In addition, Susan suffered from what is believed to be, a rare and extremely painful hereditary condition in terms of which glands throughout the body became infected. Sometimes they erupted as unsightly and odorous craters onto the surface of the skin.

In the face of physical pain and her emotional, but silent insecurity with regard to her husband, her fear of him, as well as her own shame, Susan was soon tempted into an adulterous affair with a man whom she experienced as emotionally expressive. Much later on, when she reflected back, she believed that the comfort of this relationship probably lay more in her feeling much more his equal, since he also proved to be unreliable and not averse to fraudulent activity. In return, she complied with any implicit or explicit request he made of her, including generating financial wealth through legal or illegal means. In time, she left her husband and children to live with the boyfriend. This abandonment brought with it a spiral of progressive judgment from her family, which increased her stress, and increased her level of criminal activity. However, the relationship with the boyfriend foundered and she drifted into two more relationships in quick succession. At the time of her imprisonment, she was engaged to a man who she believed loved her. As time passed, however, he too failed her repeatedly.

Susan's prosecution and imprisonment for fraud merely extended the shame she had accumulated since her childhood. She regarded her fiancé's acceptance of her in the face of her fraudulent activity as testimony of his love for her. He attended her trial dates, and made

promises of everlasting commitment to her as she was taken to prison. Indeed, his words of comfort and care contrasted sharply, not only with her own sense of confusion and self denigration, but also with the words of condemnation from her ex-husband, parents and siblings. Her ex-husband judged her to be a 'pathological liar and cheat'. He said that she had been to two separate private psychologists prior to her sentencing and she had merely 'fooled' them as well. He had no hope that she could ever be 'rehabilitated'. He noted that, after abandoning her children to live with her boyfriend, she had consistently made arrangements to meet with them, only to let them down when the time came for her to deliver on her promises. He had fully intended not ever letting her have contact with them again, but had been persuaded by a private psychologist to at least let them know their mother was in prison. He had told her, and later me, that he was loathe to permit contact of any description between Susan and her children, in order to protect them from further empty promises. He did not want her in his house ever again.

In therapy, rehabilitation appeared to depend on making some sense of the confusion Susan was feeling about her own life and choices she had made. In prison her fiancé's words proved to consist of little more than empty promises, and Susan began to experience the power of alienation caused by false promises. Indeed, the pain of this experience motivated her to 'abandon' him in order to survive, thus producing insight for her into certain instances of others' abandonment of her in the past. Her ex-husband reluctantly (at first) agreed to let her write to the children if I ensured that no promises were made that could not be fulfilled. It seemed that although she desperately wanted to find the approval of her family, she would need to 'change' to find this approval. Exactly how this change was to happen, would depend on her developing a sense of agency in her own life. Much of her confusion came from attempts to satisfy others' ambivalent and conflicting demands on her, so as to satisfy her need to belong and be acknowledged. In addition, the power of silence in feeding a sense of confusion seemed to be a constant theme in her history, and was powerfully echoed in present prison surroundings.

Our therapeutic relationship endured about a year in prison, approximately a year in a half-way house, and continued irregularly as and when she was in need of assistance as a free citizen and newly married woman, although under parole conditions. She re-built her relationships with her parents and siblings. She found gainful employment and worked hard. Her ex-husband dropped the children off with her for alternate weekends, and on special occasions negotiated with her if she wanted to spend more time with them. She managed her illness bravely, through the local provincial hospital. She seldom took sick leave. She was obliged to attend court hearings on an almost monthly basis on the second charge which had not been finalized in 1996. Imprisonment for at least 9 months on this charge was considered mandatory by the prosecutor, even though no further evidence of fraudulent behaviour had occurred. In July 2006, she died under sudden and tragic circumstances which are still being investigated.

### **Susan's prison history**

This was Susan's first experience in prison. She was arrested for 51 incidents of fraud, which were split into two separate charges. She was found guilty of the first charge in 2002, for which she received an effective prison sentence of 17 months, and four further years were suspended. The second charge had yet to be heard on the day of her death in July 2006. Since it followed the previous suspended sentence, a prison term was considered mandatory.

## Annexure P Truida

Truida is an Afrikaans woman from farming stock. She was in her mid-40s when I first met her. She was one of the first women to refer herself for therapy. She was a regular and committed client, while she was in prison. She attended more than 80 therapy sessions with me. She had previously attended therapy regularly with my (male) predecessor. For a while after my resignation, she wrote some letters.

Truida was the second youngest child in a family of five. She had two older sisters, one older brother and a sister younger than her by 7 years. Initially, she described her family as solid, full of love, citing sufficient food and clothing, church attendance, appropriately strict boundaries and upstanding membership of the community as proof of this. However, she also noted that none of her family, other than herself, is demonstrative. Intimate matters were never discussed.

Truida particularly craved her father's approval. She did everything to gain his attention, including becoming involved with farming at an early age, and being a 'tomboy'. She loved hearing the stories he told of being a boy and the pranks he played. She duly became a child who loved playing pranks, and was showered with his favour as a result. The only time she remembers him reacting differently was when she stole watermelons, and the aggrieved party shamed her father due to her conduct. At this time, she remembers him forecasting that she would end up in prison.

As was usual with farm children, she was torn from her family and placed into boarding school at the same time that her younger sister was born. At first, she felt pushed aside by the birth of her younger sister. She remembers wanting to strangle her at times. Now, she feels closest to this sister. After being placed in boarding school, she initially ran away and attempted to walk the 29 kilometres back home. Her parents brought her back to boarding school. In response and in order to retain whatever approval she had of her family, she attempted to push her alienated feelings aside and placed all her energy into making boarding school work, as a home, for her. She went home every weekend, but in her high school years she enjoyed sport and went home less frequently. She did well at school. However, her primary need for her father's approval did not abate. She never wore make-up, not even to her matric dance. Most of her friends at school were boys.

She had a boyfriend in grade 10, but she says that the relationship was very superficial. Later, when she began working, she had another boyfriend, but they did not have sexual relations. She describes her moral standards as being extremely high, as she perceived were those of her father. She met and married her ex-husband soon after leaving school. Although her parents were not particularly enamoured with him, they were pleased because he brought her to see them. However, in time it became clear that there was mutual and growing animosity between her husband and her family. When she visited them, she visited on her own. At the same time, her husband became increasingly possessive of her, and was threatened by her way of being in the world. Ironically, Truida said that he was not particularly at pains to hide the fact that he was not strictly faithful to her. He soon became physically abusive of her. He did not want her visiting any family or friends. In time, she says she became a different person with him, giving in to his demands, and completely lost her identity in the process.

Truida's oldest son was 23 when she presented in therapy. Her younger son died in a motor bike accident at the age of 16. Her persistent anger at his death, as well as untestable fantasy of how he would have handled her predicaments had he been alive, was an enormous obstacle in the relationship between herself and her surviving son. Her relationship with her oldest son deteriorated markedly during her time in prison. Many of the dynamics underlying her relationship with her younger sister appear to reflect those of the relationship which existed between her two sons. She has a young daughter who was six years old, a 'laatlammetjie' (child

conceived late in life). Ironically, this reflected a position she claimed as her own in her family when I first met with Truida. This claim may have indicated envy of her younger sister's position.

Initially, Truida mentioned that her ex-husband had indicated that he wanted to divorce her. She said she would welcome a divorce, but also could not see her way clear to initiating divorce proceedings herself. She was afraid this would spark his anger, leading him to seek custody of their young daughter. In prison, her childhood need for paternal approval was clearly visible in that Truida spent much time enjoying the attentions and flirtations of men, and at the same time insisting that her moral standards, like those of her father, were too high to become sexually involved. The power of her need for intimate emotional recognition in her immediate surroundings emerged as her relationship with a male prison inmate took shape. There was some irony in that this inmate, being 'coloured', is the antithesis of an acceptable partner to her traditional, 'white' Afrikaner, farmer background. In time, the relationship she had with this man appeared to reflect many of the dynamics underlying the relationship she had with her ex-husband. He too became possessive and jealous of her relations with other men, he was also crudely emotionally involved with another woman, and in time requested her collusion in illegal material fraud. As had happened with her ex-husband, she sacrificed her healthy relationships with others on the altar of the relationship with this man. Most importantly, it endangered her ability to be with her children. In addition, this relationship became the turning point in her relatively elevated position particularly among prison wardresses who had, until that point, admired her 'strengths' and cool, public identity. Her insecurities and 'weak' emotions were reserved for exposure only with her inmate friend. This contrast of a strong false public identity, as against the 'weak' vulnerable identity reserved only for the man of her life fueled the almost inevitable replay of her past violation: when her inmate friend persuaded her to commit further fraud in the extremely privileged work she took pride in, was admired by others for, and was performing in prison.

**Prison history:**

In the 1980s, Truida was convicted for fraud for the first time, and she was sentenced to community service. Later that year, she was convicted of theft and was given a one year suspended sentence. In the early 1990s, she received a third conviction for fraud and was given a suspended sentence. In late 1990s, she was convicted, again for fraud, and sentenced to 15 years imprisonment. In prison, she was again charged and convicted. Her criminal history involves countless charges, 6 convictions, all for the crime of fraud.

## Annexure Q

### Wendy

Wendy was in her early 20s when she first presented in therapy. She is a pretty, fragile looking woman. She is bilingual in English and Afrikaans, although speaks predominantly English. I saw her for approximately 20 sessions. Her attendance in therapy was sporadic.

Wendy had a difficult childhood history, steeped in abandonment and abuse. Her earliest memories are of living with her two older brothers and both her parents. Two older sisters and a brother lived with the extended family. She suspects that the other children were put elsewhere to live after her father sexually molested them. She herself remembers him touching her breasts when she was approximately 6 years old, but thinks she put it out of her mind because she loved him so much. It would appear that the siblings who were farmed out consider her to have been favoured because she was allowed to stay. Nonetheless, she does remember they protected her and would not let their father be alone with her if they could prevent this. Their father was also physically abusive to their mother. Often, they would have to stay at other places, until he had finished beating her up. She remembers her father hitting her mother when she was about 8 years old. Her mother started having an asthmatic attack and her father prevented her from getting access to her asthma pump. Her mother then fell over onto Wendy's lap. She believed her mother to be dead, and remembers feeling if her mother was 'cold'. The previous year, her grandmother had died and when she touched her, she had felt 'cold'. She describes her reaction to her mother's death as 'going beserk'. Soon after this incident, her oldest brother, whom she also remembers loving, died. Again, she remembers going 'beserk'. Approximately one year after her mother died, her father died. She could not remember that she had any person with whom she could mourn, or who dealt with the issue of loss with her. On the contrary, it would appear that her siblings attempted to protect her by telling her that her brother was 'fine', when in fact he had died.

From this time on, she lived with one aunt after another. Each time she would steal from an aunt, who would then threaten to send her to boarding school, or foster care. She would then run away and be sent to another aunt. In time, when she was about 11, she found she enjoyed living with her mother's oldest sister and her husband. However, the husband began sexually molesting her on a systematic basis, and bought her silence, for a while. After some time, she notified her siblings and her aunt and was thrown out of the house. Her aunt did not believe her, while her siblings did. Recently, the husband was convicted of, and sentenced to five years for her rape. From this time on, she went to live with various siblings, until they too ejected her from their homes either for her misbehaviour, usually of theft or due to their own needs for privacy in their relationships, or both.

At the age of 16, her body image was poor. She decided to put her body to use and became promiscuous. In her 16<sup>th</sup> year, she was raped by three boys. Later that year, she met the father of her two children. Her siblings were not impressed with him and insisted that she abandon the relationship. Her stubborn refusal to comply led them to send her to boarding school. She had no sooner started boarding school when she found she was pregnant with her boyfriend's child. She ran away with her boyfriend. Her siblings threatened to lay a charge of kidnapping against the father, but agreed to drop the charges if she agreed to abort the child. In order to keep the peace she agreed she would do so, but had no intention of complying. Instead, she went to live with the father for two years.

After two years, the father of her children began physically abusing her. She left the home but returned with regularity. By this time, she had two children. She would, at times, take her frustration out on her oldest child, with corporal punishment.

The theme of abandonment and negation of her needs, which started in her early years, reverberated throughout her time in prison. Her children were, of necessity, removed from her by her sister. Her inability to nurture her children, who were at the same time the only people who loved her unconditionally, and the shame concomitant with this was reinforced when her sister refused to allow any contact whatsoever between the children and Wendy.

Labelling both in her history, and in prison, was used to shame her. All unconscious efforts to gain recognition and attention, such as stealing, shoplifting etc., became 'reasons' for her identity as 'evil', and consequent further alienation from the family. In prison itself, attempts to find some form of human recognition and belonging through an intimate relationship, were constantly plagued with attempts to shame her through it, through moral labelling by warders.

Wendy typically coped through turning inward in depressive times, or passive-aggressive behaviour as in stealing. Arguably, one of her most passionate coping mechanisms was the intimate same-sex relationship she became involved in while in prison. This was also her point of greatest vulnerability. It was in this relationship where she attempted to find comfort and, even in the face of enormous rejection and shame, at times from her lover and at times from prison authority, she continually searched for validation and acceptance from her lover. It was largely through the inclusion of this relationship in therapy that she was able to learn something of the value of: risking and thus validating lived emotions; the high cost of defence based on seeking outside approval; the ability to love despite the inevitable necessity to let go; and the ability to assert herself without shame.

### **Prison history**

Although she says she has lied, cheated, shoplifted and stolen from an early age, this was her first prison sentence for housebreaking and theft.

## **Annexure R** **Self -profile**

I was born the fourth child out of five. My parents provided a stable, reliable home environment. I have been told that for the first three years of my life, until my baby brother was born, I was the centre of attention in the home. His arrival, complicated with him being severely ill, brought with it strenuous pressure on me to cope relatively independently.

My mother was the principal nurturer in the home. My earliest memories are of her constant, gentle reminders to always consider the difference between 'right' and 'wrong' and act in accordance with that, even at the expense of pleasing others. During my adolescence and adulthood, when our value systems diverged, she gamely but with obvious difficulty acknowledged my right to act in accordance with this principle. Over and above the difficulties of practising this principle, I soon learned that even the application of this principle can, when used to indicate relative superiority, constitute violation.

During my early childhood we lived in small construction camps where, typically, we were the only white practicing Roman Catholic, English speaking family who voted for the United (and later Progressive Federal) party. As such, we represented the 'Engelse gevaar' (English threat), the 'Roomse gevaar' (Catholic threat), and were known as 'kaffir boeties' (derogatory term equivalent to 'nigger lovers') in the communities in which we lived. Nonetheless, as the resident engineer, my father occupied a powerful position. Resistance against any of us, when it did occur, was mostly in a disguised manner.

My parents also earned deep respect from many community members as a result of their skill to manage conflict in the community by respectful means. Similarly, when strife erupted between us and our peers, my parents insisted we manage our own battles, in a respectful manner. I was able to form deep friendships despite the differences in our backgrounds and upbringing of my peers. The most obvious to me, at that early age, was that physical assault, between all members (and on their domestic staff) was common in their homes. In my home, physical punishment was extremely rare, and my mother raised her voice only once in my memory.

On the other hand, there were instances where I witnessed the limits of my parents' power. There were a few occasions when I heard the cries of our domestic worker, who was a grown woman, as the police forcefully entered her room and humiliated her for having an 'unauthorized boyfriend', or for not having her 'pass' (document required by law for all 'black' people living in 'white' areas to be produced on demand). Even as a young child, it was confusing that, on the basis of her race, a woman could be penalized for needs and circumstances my own parents took for granted as humanly valid.

Frequent moves and an absence of good high schools in local areas necessitated that I attend boarding school from the age of 11. My personal initiation into the power of silence as a form of control (in contrast with management by respectful assertiveness and engagement), came with institutional life. I typically butted heads with authorities on matters relating to student and boarders' grievances, religion, politics and morality.

My direct, personal involvement with politics in adulthood was probably inevitable after my oldest sister, whom I had admired all my life as a profoundly principled person, was served

with a five year banning order<sup>4</sup>. I became involved in pacifist anti-apartheid organizations such as the Black Sash, the End Conscription Campaign and the Detainees' Parents' Support Committee. At the time, although my involvement was relatively peripheral and administrative due to the demands of having to earn a living and being a single parent to two young children, I was detained without trial in terms of the then emergency regulations, in June 1986. This was my first experience of prison life, and the only one I have had, to date, on that particular side of the bars. Although we were prohibited from having contact with inmates of other race groups or those categorized as 'criminal' inmates, strong bonds were formed between us as we found creative ways to engage with each other despite doors, bars and laws insisting on silence.

My first unforgettable experience with crime came suddenly and traumatically in 1991 when my older brother was killed by a gun-shot to his stomach in a car-jacking incident. At his funeral, someone forecast (correctly) that his murder would go unresolved through normal police channels. He offered to investigate and 'deal with' my brother's killers informally. Although the family unanimously declined his offer, I experienced a powerful moment of knowing the desire for revenge.

To date, my final experience of prison life was as a full-time employee, as a prison psychologist, at the Department of Correctional Services between October 2000 and November 2003. Since that date, where they have requested it, I have continued my relationships with clients through correspondence and therapy in private practice once they have been released on parole. Finally, the work entailed in the writing of this thesis, since my resignation, has brought some meaningful sense to violations which emerged and unfolded in my relationships with society across different levels and over a lifetime.

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<sup>4</sup> This was a legal sanction used against anti-apartheid activists which essentially placed them under a type of house arrest. She was not permitted to leave her residential magisterial district, even to visit family, without prior police approval. She personally had to 'sign-in' at her local police station every week. The police were empowered to enter her home at any time of the day or night to check that she was not contravening her banning orders. She was not allowed to be in a room with more than one person at one time. As she lived in a communal home, this meant she had to take her meals in a room on her own or with one other person. She was prohibited from performing certain types of work (she had to stop all trade union activities), and she was not permitted to meet with other banned friends (the majority of her friends were banned at this time).

**Annexure S**

**Consent for research on process notes**

I, ----- prison registration no.-----

Herby give permission to Sandy Hoffman (Counselling Psychologist) to use confidential process notes, in my file, for research purposes, on condition that names and identifying details be changed.

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Signature

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Date