

**TITLE:**

**POLITICS OF THE NUMBER:  
AN ACCOUNT OF PREDOMINANT  
SOUTH AFRICAN PRISON GANG  
INFLUENCES**

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**ABSTRACT:**

The study is a contextual account of various factors that facilitate and promote the continued dominance of the '*Number gangs*' prevalent in many (if not most) South African prisons. Even though there is a substantial amount of factors that critically influence and sustain the South African prison gangs, this paper will focus upon a few of these influences. An emergent sentiment from exponents within these gangs, and supporting academic literature both argue that these dominant inmate factions are now adapting their mythical credo so as to remain an informal power-player within the scope of a failing South African prison administration. From a managerial perspective, the Department of Correctional Services (DCS) is often found attempting to give meaningful accounts of itself amidst its failed efforts to transform both itself and the South African prison administration. The policy legislation and administration of DCS thus also contribute to prison gang prominence. The study shows that DCS has embraced a policy of harsher penalty, although its official position is that it is transforming into an administration that is focused upon human rights. This paper will thus give brief insight into the prison gangs' organization and operations, and then focus upon various contexts within which the *Number gangs* continue to be pervasive, especially due to changing prison administrative policy (or lack thereof) and due to new adaptive strategy employed by gangs to make themselves powerbrokers within this contentious penal discourse.

## **INTRODUCTION:**

Economic disparity left as a legacy of apartheid has resulted in extreme poverty and soaring crime rates that leave many South African communities dislocated.<sup>1</sup> This study gives a descriptive exposition of some of the economic, socio-cultural, and political dynamics that define South African prison gangs and inadvertently promote their position as unofficial policy-makers within the South African penal landscape. It will give a brief account of the origins of prison gangs and expose some features which influence its daily operation both directly and indirectly. To this end, it will look at contexts that are dynamic within the operation of prison gangs that permit them to adapt to the South African prison institution and all its prescriptions. The prison gangs have evolved to hugely impact on gangs outside of the prison environment. In turn, many outside gangs have shown a dynamic ability to generate their identity and operations into that of super-gangs (gangs that have grown exponentially economically through their various illicit dealing, and now have millions in capital to support their criminal (and legitimate) activities).<sup>2</sup> The paper will address such contexts as an extension of prison gangs' adaptive ability within changing contemporary settings that influence prison gang dominance in South African prisons. Other examples cited by the work also include high recidivism rates, and socio-cultural and political factors inherited from both the colonial and apartheid legacies that are seen to influence all influence gang dominance. The paper will also argue that there are institutional and managerial influences that propagate prison gang dominance. Some of the many administrative failures of DCS and its stunted transformation and unsuccessful follow-through will be examined. The study will argue that DCS's inability to transform from its apartheid-based predecessor that relied heavily on penalty instead of humanitarian-based prison reform also largely contribute to the gangs' power base within the prison management infrastructure. This landscape is a battleground with many combatants, all (it would seem) with their own agenda. The result is a prison population that is exceeding critical mass, a scenario showing most prison exponents to come from underprivileged backgrounds, where gangsterism and prison-time is a reality for many youths.<sup>3</sup> This presents fertile

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<sup>1</sup> Standing (2003) 5.

<sup>2</sup> Standing (2006) 11.

<sup>3</sup> Gear (2010) 25. Van Zyl Smit (2004) 21.

grounds for research that may harvest far-reaching conclusions about the socio-economic and political identity of South Africa's diverse population.

### **LITERATURE INFLUENCES:**

The various literatures were chosen to compliment the paper's theme which is to spotlight the various contexts that gave birth to and promote prison gang dominance. Given the devastation elicited by South Africa's colonial and apartheid legacy, the literature review includes an examination of the socio-economic and political factors that influence prison gangs. Some of the literatures were more especially focused in the Western Cape:

South African prison gangs have (since their inception) asserted that they are the product of discriminatory laws and that their continued pervasiveness is contingent upon them (prison gangs) opposing the apparatus that oppressed them (notably the colonial and apartheid legacies).<sup>4</sup> *Golden* asserts that the colonial legacy coupled with the psychological disparity spawned by apartheid, caused an almost inexhaustible practice of discriminatory and damaging racial designations when interpreting the structure of South African society, since an internalization of these racial foundations has occurred within many South African institutions.<sup>5</sup> The South African political discourse is thus an essential theoretical component if examination of prison gang influences is endeavoured.<sup>6</sup> Thus, when examining the Cape Flats it is found to be impoverished in both infrastructure and income. This is testament to the legacy of apartheid that focused most of the state's funds into 'white' areas. Depressing social features include the adverse effects of drug dependency, domestic violence, family fragmentation, high levels of inter-personal conflict<sup>7</sup>. The high levels of violence have resulted in many areas being considered out of bounds for non-residents due to street gangs and the threat of violent assault and hijacking. Failed police methods have seen authorities increasingly resorting to punitive measures to control areas deemed 'ungovernable'. The most salient result of this been the dramatic swelling of the criminal justice system, where prison authorities reveal that Cape Town's prisons

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<sup>4</sup> Steinberg (2004) 7.

<sup>5</sup> Golden (1987) 45.

<sup>6</sup> Super (2010) 26.

<sup>7</sup> Ibid.

contain almost double the population it is designed to hold.<sup>8</sup> A large number of young ‘coloured’ people living on the Cape Flats experience time in prisons or in reformatories.<sup>9</sup> The socio-economic impact of this situation is alarming. What is more, in impoverished areas that have been neglected by both capital and state, the criminal economy can still develop social dimensions.

Gangsterism and organized crime may thus represent a rational response of survival and resistance. The criminal economy is substantial on the Cape Flats, where its various boundaries blur with other socio-economic activities and it involves thousands of people.<sup>10</sup> Inside this dynamic, it can be found that prominent members of gangs (my research suggests a strong positive correlation between gangs and organized crime, in that they are growth shoots on the same branch, proverbially speaking) receive community support. This is what is regarded as a social contradiction of organized crime.<sup>11</sup> It is found that organized crime primarily finds community support because gang leaders provide support to communities. Gang leaders also espouse community governance and acts of philanthropy, in ways that the state fails to or is unable to. These communities and gangs are intricately enmeshed in the belief of common identity (of being ‘coloured’). Standing argues that crime thus acts as both a creator and destroyer of communities in that criminal activity advances a paradoxical source of both decay and survival/defense.<sup>12</sup> Crime bosses are philanthropic and support communities financially whilst at the same time they are also regarded as the source of drug trade within these communities and are equally abhorred for the damage that they sow through their illegal activities that lead to many broken families and increased criminal behaviour. The scene depicts a dysfunctional state of affairs where lack of state support (failed service delivery and stunted transformation of the criminal justice system) leads to communities having more faith in prominent leaders of organized crime above respect for the law.<sup>13</sup>

This complex web of crime outlines a criminal agenda that actively operates and colludes both inside and outside prison. Pinnock’s study of street gangs and state-

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<sup>8</sup> Giffard (1997) 19.

<sup>9</sup> Pinnock (1997) 12.

<sup>10</sup> Standing op cit (1) 22.

<sup>11</sup> Ibid.

<sup>12</sup> Standing (2006) op cit (2) 23.

<sup>13</sup> Steinberg op cit (1) 19.



control briefly exposes a correlation between gangs inside and outside of prison.<sup>14</sup> The study argues that a Cape Town based gang – *The Mongrels* – have reproduced a street version of the 26s prison gang. This was made possible in the early 1980s by gang members being jailed for offences, assimilating rank within the prison gangs and adopting a diluted version of this prison gang lore into gang foundations when they (Mongrel gang members) leave prison.<sup>15</sup>

Steinberg asserts that South Africa's re-integration into the neo-capitalist economy affected the domestic drug market, which in turn greatly affected the way that gangs operated.<sup>16</sup> The new designer drugs that flooded the streets brought more substantial economic power and influence to the street gangs. When these gang leaders found themselves in prison they were vulnerable in the face of many soldiers from rival street gangs. To this end they aspired to make the prison landscape resemble the streets as much as possible. This implied compromising and (in many ways) distorting the institution that is the *Number gangs*.<sup>17</sup>

Twentieth century South Africa bore witness to a host of socio-political movements that will never find a place in the vernacular of political orthodoxy. These movements (politically focused and every bit anti-social) were both exacerbated by and a result of the psychological damage inflicted by the South African industrialization process<sup>18</sup>. Prison gangs are akin to this as they are decades old, dedicated to their own brand of politics, and at the same time, they are devastatingly pathological. Prison gang dominance has been an albatross around DCS's neck, and both management and policy makers have had more failures than successes in their attempt to remedy the situation.<sup>19</sup> According to Muntingh, contemporary trends regarding the treatment of prisoners tend to embrace a stance that is more punitive.<sup>20</sup> Political change and the advent of democracy brought about dramatic changes in the philosophy and law relating to imprisonment in South Africa in the past decade. The legacy of apartheid left the new regime with a DCS that inherited a deeply rooted

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<sup>14</sup> Pinnock (1997) 24.

<sup>15</sup> Pinnock (1987) 6.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Standing op cit (2) 26.

<sup>19</sup> Super opcit (2) 201.

<sup>20</sup> Muntingh (2007) 94.

militaristic tradition, a closed-management style, and a vociferous trade union membership.<sup>21</sup> Prior to 1994 prisons in South Africa were structured to focus mainly on the safe custody of prisoners with rehabilitation being completely ignored. Muntingh<sup>22</sup> asserts that transformation in this scenario should therefore be seen as being part of a broader political process, part of a series of changes throughout society, not just that of an institution.<sup>23</sup>

The various literatures speak toward the findings of this thesis and all contribute as influences for prison gang dominance within South African prison wasteland.

## **THEORETICAL FOUNDATION**

The *Number gangs*, previously renowned for its clandestine practices and active only within the realm of prisons, have evolved into an organization that operates outside the ambit of prison and its accompanying restrictions and thus begs dedicated study as to what influences sustain this phenomenon.<sup>24</sup> Schurink shows the *Numbers gangs* to be the most prevalent in South African prisons, with the *28 gang* dominating the terrain followed by the *26s gang*.<sup>25</sup> The previously powerful *27s gang* has become diluted and almost defunct in many prisons. These gangs are all ordered in a pseudo-military organization.<sup>26</sup> Schurink argues that exponents of the *Numbers gangs* see themselves as being *Wetslaner* (law breakers/makers) of South African prison life.<sup>27</sup> The *Numbers gangs*, already structurally complex, have undergone a functional evolution, enabling a system that facilitates effective and cohesive functioning of the respective gangs.<sup>28</sup> The *Number gang's* parliament or high court (called the *Twelve Points*) is exposed as an efficient and deliberate council which presides over gang culture in its entirety: its sphere of influence ranging from recruitment, procurement, training, initiation, security, policy implementation, assassinations, etc.

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<sup>21</sup> Sloth-Nielsen (2005) 43.

<sup>22</sup> Muntingh op cit (1) 62.

<sup>23</sup> Giffard op cit (1) 99.

<sup>24</sup> Steinberg op cit (3) 76.

<sup>25</sup> Ibid.

<sup>26</sup> Schurink & Lötter (1986) 29.

<sup>27</sup> Ibid.

<sup>28</sup> Steinberg op cit (4) 72.

The *Schurink* study mentioned two pivotal theoretical foundations important to this dissertation: First, it is theorised that the dynamics between the relationship between the *Numbers* gangs and the prison authorities are contingent upon the prevailing prison conditions (the proverbial *lekker bandiet* policy), that is, if prisoners are treated with contempt the *Numbers* gangs will do all in their power to make prison governance a difficult goal;<sup>29</sup> Second, the study posits that the influence of outside gangs is becoming substantial to the extent that the outside gangs, when inducted into the prison gangs, are diluting the *Numbers* gang structure and policy. The outside influence questions the importance of the *Numbers* gang mythology. The organization of these super-gangs infiltrating the *Numbers* gangs (amidst resistance from the established patriarchs of the prison gangs) rattles the foundations of the *Numbers* and slowly changes the nature of prison gang culture in South Africa (and abroad).<sup>30</sup> This paradigm is referred to as *die nommer is dronk* (the *Number* is drunk).

The overall theoretical analysis is still dynamic and relevant as it focuses on the form and functioning of the prison gangs and exposes the often-negotiated community between gang and prison administration, and the subsequent influences outside the confines of the prison walls.

## **RESEARCH METHODOLOGY:**

### **(1) Conceptualization**

Within the Cape Flats there is a further racial, economic and spatial segregation – there are the more populous ‘coloured’ communities (an ambiguous catch-all term for lighter skinned mixed race people devised by the architects of apartheid) and the less numerous, but more densely populated African communities<sup>31</sup>. The ‘coloured’ identity has its foundations in colonial and apartheid influenced objectives, aimed at segregating all people of colour even further through psychological othering. This process is aligned to colonial attitudes of ‘divide and conquer’ and served as an easier means to acquire land in South Africa.<sup>32</sup>

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<sup>29</sup> Ibid

<sup>30</sup> Ibid.

<sup>31</sup> Stone (1991) 20.

<sup>32</sup> Martin (1997) 56.

Gangsterism has become enmeshed with the 'coloured' identity and in many ways this stereotype is still one that creates racial divide in South African society. Many 'coloureds' are judged because of accompanying generalizations especially the gangsterism element being linked to prison and given the prison demographic (previously advantaged persons dominate prison population numbers). Given that much of its grouping comes from impoverished communities also inflates the stereotype. Any attempt to gain insight into gangsterism, which has become a crucial part of life in South Africa given the high crime rate (and the strong correlation between gangsterism and crime), can contribute to a better understanding of South Africa's socio-political strife<sup>33</sup>. In an attempt to curtail the potency and pervasive nature of these racial biases and psychological internalizations, this paper will qualify racially designated terms such as '*coloured*', '*black*', and '*white*' in italics. I take into account, however, the fact that these racial designations are socialized and that identities have since been constructed accordingly given that they have been used for such a long time. To this end, internalized racial stereotypes combined with a dedicated socialization policy, creates a cultural dynamics that creates a new identity for example the *coloured identity*, that is both accepted in South African culture and adamantly and proudly championed by so called *coloured peoples*.

This rhetoric is in the same way applied to identity construction within South African prisons. The *Number gangs*, namely the *26s*, *27s*, and *28s* are designated an italic. The gangs make use of a variant slang employed to confused authorities and those suspected of eve's dropping. All the words used by the gangs to describe their operation and dynamics are also written in italics, given that they are a hybrid for of the Afrikaans language combined with another African language (Zulu, Pondo, etc.). All subjects that volunteered to be interviewed were given aliases so as to protect their identities and their aliases are also thus recorded in italic. Conceptually, interest in the subject matter is rooted in the national predicament in South Africa that shows communities in disparity, overwhelmed by poverty and in the grips of crime. The scenario breeds fertile grounds for violence and intolerance.

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<sup>33</sup> Pinnock (1) 19.

## (2) Research Design

The paper was originally designed to support a qualitative enquiry already approved by the DCS whereby I would interview prison inmates regarding the dynamics influencing prison gangs. At the time of my Honours thesis write-up, I was arrested and imprisoned without bail for twelve days. This unfortunate state of affairs somehow turned out to be a blessing in disguise to me as I had tried unsuccessfully to get authorization from the DCS to conduct interviews within various prisons so as to substantiate my study concerning gang culture and the Cape Coon Carnival. My lock-up time provided me with an invaluable spinal tap into both prison gang culture and contemporary gang culture as a whole. The otherwise tightly-locked prison institution was now conveniently open to me to be researched, given a careful negotiation with the policy makers within the prison confines, and this authority was not limited to only DCS personnel – the prison gangs played an integral part in prison culture, I had learnt. The twelve-day incarceration, limited in that the charges brought against me were dropped on the thirteenth day, demanded that I utilize my imprisonment time productively. Negotiating the difficult terrain that imprisonment brings, I used my time to secure as many interviews with gang members as my prisoner status permitted. Twenty interviews were conducted inside Goodwood prison (32 interviews were conducted outside the confines of prison).

The Honours thesis showed a distinct correlation with gangs outside of prison itself. The study, however, also unearthed an array of features to gang culture (both inside and outside prison) that showed this subject to still be under-researched and thus prompted me to further investigate this paradigm. As I was detained as a trial awaiting prisoner, I was thus given a first-hand look into the dynamics that informs the existence of the *Number gangs*. I conducted interviews without the consent of the DCS in an official sense. As a trial awaiting prisoner I was free to speak with whomever I wanted (and I could address whichever subject matter I so chose). The DCS administrative staff knew that I was interviewing prisoners, but as I noticed first hand, they gave scant regard for administrative protocols, and were self-serving to corrupt ends. As an inmate I found my very existence contingent upon the prescriptive detail that prisoners adhere to everyday. The study employed a qualitative research approach. The prison interviews necessitated a combination of one-on-one interviews and observational studies given the fact that the *Number*

*gangs* illicit both philosophical and experiential relevance. My knowledge of the *Number gangs*' organisation and operation greatly helped my prison interviews. I informed interviewees that it was a research paper for the University of Cape Town and that the study was in no way aligned to the Department of Correctional Services. Although I was armed with an interview schedule, I found that all interviewees were so excited just to contribute to this study that I often encouraged the interview format to become less formal enabling subjects to speak freely. In so doing, I found the participants almost recklessly revealing the nature of the *Number gangs* unto me. Negotiating the difficult terrain that imprisonment brings, I used my time to secure as many interviews with gang members as my prisoner status permitted. Hereafter my research focused on a high-ranking member of the *28s prison gang* called *Sling Blade*, who agreed to be interviewed by me regarding prison gang structure, function and operation.<sup>34</sup> He agreed to give insight into prison gang influences, at least to his knowledge. He had been a prisoner in South African prisons for every decade since the 1960s. He was thus a stalwart within the *28s gang* since 1968 up and until present day.

The study would not be credible in its pursuit of prison gang influences if it did not engage with the relevant governmental polices related to prisons and also DCS and its administrative path. To this end my interviewees were limited in their scope as they could only give subjective insight into prison managerial practices. The study thus tackles prison administration and policy reform (or attempts at reform), as an instrument of influence to prison gang dominance, by analyzing the respective administrative drives and engaging with the various literatures vocal about this context.

### **(3) Participants**

The subjects were 52 *coloured* males ranging from 18 to 78 years old. The interviews were conducted in English but participants were encouraged to speak in their chosen language so as that they could speak freely and give a comprehensive contribution to the study. No time limit was assigned to any of the interviews. The prison interviews that had time limits were dictated by the degree of 'exercise time' I was afforded as a

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<sup>34</sup> *Sling Blade* is an alias to protect the participant's identity.

trial-awaiting prisoner – my interviews were not conducted with the authority and consent of the DCS. The participants were all informed of the aims of the thesis and all volunteered to individually contribute their knowledge regarding the subject matter. The participants, more especially the prison interviewees, were surprisingly excited to contribute to this written work. I recall, at the time, interpreting this enthusiasm to participate in the research as possibly being an escape for the immediate confinement of prison life. Thirty-two of the participants were civilians who had previously spent time in prison and were either active gang members or had previously belonged to a gang. The remaining 20 subjects were trial awaiting prisoners detained at Goodwood prison. My go-between and translator, who himself agreed to be interviewed, aided my interpretation of the interviews conducted with the civilian participants. Much of gang communication is embedded in the hybrid prison language (called *sabela*). My go-between is fluent in this vernacular and his insight into gangs both inside and outside of prison was vital in translating and analysing the data gathered from the in-depth interviews. The prison interviewees were all members of the *Number gangs* and they all, in turn, shared a gang affiliation outside of prison. My insight into the *Number gangs* served as go-between and translator for the duration of the interviews conducted in prison. As I have conducted the civilian interviews first, and through an unfortunate (or fortunate?) set of circumstances conducted the prison interview thereafter, I again turned to my go-between to aid with translating the prison interviews when I was released from custody.

The prison interviews were used to validate and reference the propositions of *Sling Blade*, the battle-scarred and prison-hardened exponent of prison gang ethos. My interviews conducted with Sling Blade happened at his convenience and interview times were often contingent upon his court appearances as he was (at the time) out on bail for charges related to murder. *Sling Blade* volunteered to be a subject of my research after my father suggested it to him. My father had met him in prison years before, where they had forged a strong fellowship. My father, having also decided to become a prison gang member, relied upon its strict sense of loyalty when addressing *Sling Blade* regarding the interviews. It could thus be said that *Sling Blade* agreed to be interviewed because my father told him that the interviews would be necessary and no threat to him, or to the *Number gangs'* constitution. *Sling Blade* showed

valuable insight into prison gang dynamics. All of my interviews confirmed his propositions. *Sling Blade* made an attractive subject as he had spent most of his life in South African prisons and had worked his way up the 28s rank and file to become both feared and revered within prison gang settings. He claimed to be an assassin outside of prison. Many people that I had interviewed (including high-ranking gang members) confirmed his proposition, as did my go-between. While I interviewed *Sling Blade*, I learnt that he was recruiting 28s outside prison while he was out on bail for attempted murder charges. *Sling Blade* gives a vivid account of his life within the *Number gangs* and his narrative is one riddled with emotion and conviction. As mentioned, I used the prison interviews (coupled with the outside interviews) to substantiate the claims made by *Sling Blade*. I found this approach necessary, given that a subject's account of a life premised in a mythology is often difficult to validate and easy to conflate. What makes *Sling Blade's* interviews even more compelling is the fact that he was murdered eight months after I concluded my interviews with him.

#### **(4) Procedure**

The study has relied heavily on interviews conducted both inside and outside of prison as part of an Honours dissertation.<sup>35</sup> The approximately fifty persons (thirty civilians that all were previously jailed and participated in a prison Coon Carnival, and twenty prisoners incarcerated at Goodwood prison) had all generously agreed to be interviewed and have their memories, opinions, and experiences recorded and shared as part of this thesis. They have relayed their history with, and, except in two instances where the interviewees asked to remain anonymous, they were all delighted at the prospect of having their names aligned with both (1) a university thesis, and (2) a university thesis concerning the gangs. The zeal with which the proposed interviews were received was interpreted (to a degree) with suspicion, as the prison *Numbers (gangs)* are notorious for their closed ranks and ironclad secrecy regarding their operations. When quoting from these interviews, which were conducted in English in the presence (for many interviewees) of my go-between who translated the much-used Cape Town dialect of Afrikaans, I have attempted to preserve as much of the original language and oral style as possible. A go-between also

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<sup>35</sup> LL Skywalker Honours dissertation UCT (2007).



translated the prison gang language, called '*sabela*' which is a hybrid language created to confuse authorities and keep them in the dark regarding communications between the prison gangs.<sup>36</sup> The prison language is highlighted by the use of inverted commas, italics or capital letters. The prison interviews, although structured to empower the Coon Carnival base Honours thesis yielded much more than its projected outcomes – the interviewees showed a tendency to give in-depth answers that gave insight into the inner workings of the gangs themselves.<sup>37</sup> I permitted them to speak freely, enjoying the detailed access into the still-today heavily vanguarded prison gang doctrine.

As earlier mentioned, the limited and often prejudiced accounts that I received from my interviewee-sample regarding prison reform and administration, demanded that I tackle the relevant legislation head-on and also analyze the relevant studies that had already engaged with the subject matter.

### **(5) Interview Schedule**

Much of prison happenings remain unrecorded and if a study is to be objective, it must account for the possible degree of fiction yielded from interviews, especially when the subjects rely solely on their memories as a source for factual recall. The study used two different question scales as a means to elicit subject consistency from responses given by participants. It was important to set an interview question scale as prison gangs' ethos, 'coloured identity,' and all the other components related to gang dynamics tends to generate answers from interviewees that strays from the subject matter. The first scale was composed in collaboration with Mr. Mervin Mathis, the C.E.O. one of the Cape Coon Carnival companies. Mr. Mathis is knowledgeable and influential in Coon carnival (including prison Coon carnival) and has an extensive background in gangsterism, including the fact that he himself has a ranking position with the '26s' prison gang.<sup>38</sup> The second question scale was drafted inside Goodwood Prison and carried the essence of the first question set, but was amended so as to secure honest responses from the inmates; it was also designed to put the prison inmate at ease with the nature of questioning (given that none of them had

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<sup>36</sup> Steinberg op cit (5) 87.

<sup>37</sup> Skywalker op cit (1) 17.

<sup>38</sup> Ibid.

been interviewed in their lives before!) and with the interview process itself. The question sets provide a skeleton for the interview itself. As a Dictaphone was used to record the civilian interviews, I allowed the interviewees to speak as much as possible, interrupting their responses only when I felt that they were straying from the subject matter. The inmate interviews were not audio-recorded but they were also afforded the same freedom to talk of their experiences and understandings of the subject matter. The appendix illustrates a copy of both these question sets.

## **(6) Use of Interview Schedule**

### **(6.1) Negotiating Access for Civilian Interviews**

Mr. Mathis arranged the civilian interviews as per my request. He provided a list of possible candidates; he also referenced each candidate interviewee according to stature in both gang and coon societies. I selected interviewees according to the degree of influence that they shared in gangs. All the candidates presented to me had previously spent time in prison for some particular offence. Interviews were conducted in various locations ranging from my car, an interviewees' home, and the interviewees themselves selected the interview locations. Mr. Mathis told the interviewees that I was his son and that I was doing research on the prevalence of prison Coon carnivals and the various factors that motivate its existence. The interviewees received no compensation for their input and all relayed an eagerness and pride in the fact that they could somehow contribute to the study. I was guided by my go-between not to ask specific questions regarding the prison number gangs, especially not to pose the question, 'Are you a number in the prison gangs?' He warned that this would compromise the interview since 'only a number can ask a number that question...' My translator was illustrating the powerful hold that the subscriptions of the gang foundations have over individuals even outside of prison. I tested this theory while conducting an interview at the interviewees' home. The interviewee responded in Afrikaans, '*...maar hy praat mos nou vannie Nommer. Jy weet mos ons praat nie vannie Nommer nie...*'<sup>39</sup> The interviewee proceeded by leaving the room and the interview ended.

### **(6.2) Negotiating Access for Prison Interviews**

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<sup>39</sup> "...He's talking about the Number. You know that we cannot talk about the Number..."

With regards to my personal safety, the prison interviews were more intense than the civilian interviews as I was forced to assimilate an alpha-male type character in order to survive my stay at Goodwood prison. The prison itself is a hive of corruption and misadministration. My 24 years experience in martial arts afforded me some degree of slack in that I continued my intense training schedule within prison walls and with prisoners and warders alike being an audience, my commitment to martial arts in many ways left me clear of being a target for violence or bullying of any kind. The prison staff instructed me not to impart any of my knowledge in martial arts to the rest of the prison population in fear of reprisals where prisoners would use such skill against them in times of violent protest. The prison gangs, at the same time, sent scouts to ensure that I was not forming a *vierde kamp*<sup>40</sup>. The various gang scouts approached me to ‘put me at their gate’ – in some way viewing my exercise as a way in which I was strengthening myself to join and empower any one of the prison gangs. This process they referred to as ‘*hy maak hom sterk vir die nommer*’.<sup>41</sup> Befriending the most senior gang members served my study well as it allowed for easy access interviews. I afforded every prisoner the dignity of being called ‘Mr.’ even if they had only given me their first name when we were introduced. Thus being introduced to a man known as ‘No Fear’, I immediately addressed him as ‘Mr. No Fear’. I found that such shows of respect softened the prisoners’ resolve and they immediately revealed more personal aspects of their identities to me<sup>42</sup>.

After obtaining clearance from the highest-ranking gang members, I scanned the communal cells asking every prisoner if they knew of the prison Coon Carnival and if they would be willing to be interviewed. Albeit that a prison Coon Carnival was the primary theme, the interviews elicited much more insight into prison gang operations.<sup>43</sup> After securing the candidate interviewees, I arranged a time for the interview and venue with the said prisoner. Most interviews were conducted in the courtyard during ‘exercise’ time; I would, for the most, isolate us in a corner so as not to be disturbed, as the courtyard is public space for all prisoners and warders. Some interviews, especially those with high-ranking gang members, were conducted in that prisoner’s communal living cell.

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<sup>40</sup> Another gang to rival the *Number gangs*. Skywalker op cit (3) 12.

<sup>41</sup> He is strengthening himself to be assimilated into the gangs. Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

The interviews were interrupted on some occasions: on one occasion a senior warder, who had arrived at work late approached me for a telephone card. Telephone phone-card cards are trade-worthy assets in prison and well sought after items. I told the warder that my talk-time vouchers are to be used to contact my legal council and cannot be wasted. Within an hour five gang members interrupted an interview that I was conducting to demand a phone-card. I gave them one that had two rands on it; I had hidden the rest on my person. They left after threatening to take my notebook, in which I recorded all my interviews. When I returned to my cell later that afternoon, it had been ransacked and all my previously recorded interview notes had been stolen. A non-gang inmate (called a *frans*) told me that the warder was in cahoots with the gang members and felt insulted by my earlier comments. The warder had thus sent the gang members to loot my cell. I had pre-empted such a response and in preparation had devised a simple abbreviation system that encrypted my notes. The fact that I was studying the *Number gangs* was dangerous and all safety measures had to be put in place so as not to compromise my life. These gangs are an integral part of prison life and their ways were protected from outside influence by a code of conduct and a sworn oath of silence, compromise of which is punishable with a death sentence meted out by the prison gang council. I was forced to hide my notes and smuggle them out of prison via my university supervisors that came to visit me, my family, and mostly I recited them daily so as to commit them to my long-term memory. When I was released from prison, I immediately penned the interview detail that was too dangerous too records within the confines of prison.

## **LIMITATIONS**

Limitations to the study are rooted in the fact that only fifty interviews were conducted and this makes it difficult to generalize conclusions from it, given the small research sample. The esprit de corps evidenced within the ranks of prison gang members make it extremely difficult for members to be encouraged to compromise the 'silence sworn' to their gang ethic and give an account of their gang culture. The study had to contend with the fact that interviewees may have embellished their accounts in order to elevate their standing and contribution to the study. The lack of literature to substantiate gang culture (including its vagueness in the public domain) has made it difficult to compare details regarding this phenomenon.

Time constraints as a limitation to the interview schedule did not deter subjects, who preferred to speak without being interrupted. I used my mandate as researcher to 'direct' the interviews whenever I felt that it strayed too far from the research topic. Albeit that the then focal point was Coon Carnival dynamics both inside and outside prison, I found that my subjects were willing to speak on matters related to gang culture without being prompted to do so. As this was unprecedented, given that gang structure and operation is a secretive and powerful socialization both inside and outside prison, I was intrigued to elicit as much intelligence from the interviewees as possible. I had to double-check certain questions with different interviewees so as to confirm that I was being given an accurate account or if I was being bamboozled. My experience as a researcher nagged me to account for participant ego and a possible tendency to conflate scenarios and thus taint the credibility of data elicited from the interviews. I did all my capacity to utilise my time spent in prison in a way so as to get the truest account of the world of the *Wetslaners* (another name for the *Number gangs*, literally meaning law-makers).<sup>44</sup> My observational study was initiated so as to gain a more accurate perspective of the prison life dynamic which included a study of the behaviour and movements of many prisoners and prison officials.

As all my interviewees were biased and expressed negative views about DCS and governmental policy related to prisons, their insight into the matter limited my research. I was forced to look at literature regarding South African prison reform and analyze its impact on prison gangs and the prison population as a whole. This limitation also begged that I do comparative analysis with international models so as to assess their impact on prison gangs. Significantly, many of my interviewees refuted much of Steinberg's propositions as being fictitious.<sup>45</sup> This is significant in that much of the foundations being observed are premised in a mythology and its operations are fiercely safeguarded by its proponents through threat of death, and by an intense desire to see this mythology surviving any threats to its existence. This leads to researchers alike being nagged by insecurities that their subjects may, in some way, be untruthful in their accounts relating to any operations of the South African prison *Number gangs*.

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<sup>44</sup> Schurink (1989) 16.

<sup>45</sup> Steinberg op cit (6) 54.

## ETHICAL CONCERNS

The study has adhered to the ethical definitions of academic research. The critical issue of reflexivity had to be given careful consideration as my perceptions of prisons, prisoners, and deviance alike had been dramatically influenced by my research. The fact that my biological father had acted as a go-between was never to be an issue that would impinge upon the ethical standard of the research paper, as he (my father) had long since been an absent parent, and I believe that he gave as much of himself to his role as go-between as possible in the hopes of making amends for not being there for me as a parent. Using him as a go-between, however, proved to often put my interviewees in an ethical dilemma in that they were torn between their gang code (which demanded secrecy) and their blood-brother pact with my go-between to tell me what I needed to know.

*Sling Blade* approved of any submission regarding his interviews to be published. The one-on-one interviews lasted as long as prison times permitted them to; this negotiation was both fragile and dangerous as the *Number gangs* (in the section where I was detained) considered me to be a *sterk frans* (an influential non-gang member). To this end, and according to them, I was considered an asset albeit that in the greater prison gang socialization I was afforded no rights – including no rights to negotiate interviews, more especially no rights to speak about the *Number gangs*. A literature review of prison gang dynamics proved to be highly debatable as the subjects often gave conflicting interpretations of gang mythology. To this end, the published works thus far cannot be completely substantiated. What is more, information regarding gangs has been found to be lacking in the public domain. Thus my interviews were many times unstructured, as my intention was to be exposed to the world of the *Number gangs* given a prisoner's perspective. The study was conducted with a more than cautious approach, not only for my reflexivity, validity and authenticity of the thesis, but also for my own personal safety. After all, I was a trail awaiting prisoner at the time with no gang affiliation. The qualitative nature of the subject matter demanded that I refrain from adopting a close-ended questioning approach. Instead, the research suited a flexibility that allowed the interviewees to talk freely. In so doing, I found that I could do more comprehensive probing. The source would at times want to direct the flow of information, and as the researcher I would sometimes permit leniency with the hope that this direction would

elicit more information, but many times I felt compelled to redirect and force the interview questionnaire. Access to information, albeit initially agreed upon was constantly re-negotiated in an attempt to harness the most factual account of prison gang dynamics. This approach was necessary, given that a subject's account of a life premised in a mythology is often difficult to validate and easy to conflate. The other contentious aspect of such research is man's ego and thus a subject's possible inability to give a true account of events, especially in scenarios where the subject is shown in a weakened position (e.g. prison rape). In such a situation the subject may feel too ashamed to admit that he was raped or participated in acts of sodomy. To this end, my interview catalogue proved to be a useful reference; moreover, I was able to access my previous subjects that had submitted to interviews outside prison to corroborate many participants' propositions.

Given that I had been given a comprehensive account of the prison gang structure by my biological father – who had been a member of the *Number gangs* - I used this insight into the gangs to negotiate more information. This was a proverbial 'double-edged sword' as my method could either have elicited an abundance of research value, or the *Number gangs* could have regarded me as a threat, as I had been given insight into their mythical lore and organization. The research context was ever threatening my personal safety. My father had equipped me with the 'inner circle' mannerisms, including code language (*sabela*) used by the *Number gangs*. The subjects were surprised at my insight into their world and thus spoke on subjects where I showed proficiency. I summoned courage and many times contested for truth when I felt that an interviewee was seeking to distort truth and (at least in their minds) "protect *the Number*." This I can attribute to one of two factors: (1) they were misleading me all along, ever suspicious of my knowledge and suspecting me of belonging to a *vierde kamp*(who are often killed as they are regarded as enemies of the *Number gangs*), or (2) they were confused by the exact phenomenon now crippling the *Number gangs*, where incumbents are being exposed and initiated into a diluted version of the *Number gangs* outside of prison, and when they become prisoners they are unable to substantiate the *Number gangs* code to its full extent as

they were ‘born’ outside and to a new, modernized and bastardized version of the *Number gangs* ethos.<sup>46</sup>

## IMPLICATIONS

The study has found, through analysis of fifty interviews, that South Africa’s colonial and apartheid legacy has been pervasive in all attributes of its society and that it has had a devastating impact on millions of lives. The very essence of living as a member of South African society invokes this legacy that has led to severe dislocations within communities and dysfunctions within many government institutions including the prison system. Crime and criminality was thus also affected and this has implications for all living in South Africa. Being incarcerated disenfranchises individuals to such a degree that they lose their sense of self; the *Number gangs* provide a means for prisoners to assert a sense of dignity and identity inside an institution clearly designed to rob individuals of any such identity.<sup>47</sup>

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<sup>46</sup> *Sling Blade* interview, *vierde kamp* is a rival gang. Another gang to rival the *Number gangs*, Skywalker op cit (4) 12.

<sup>47</sup> *Slingblade* interview op cit (2) 14.



## DISCUSSION:

### PRISON GANGS AND THEIR OPERATIONAL INFLUENCES

Gangs originated from the drive of young men belonging to the poorest tier of Cape Town's society seeking to order themselves into organizations.<sup>48</sup> These individuals had little or no access to education, formal employment, and were objects of scorn. The government, embracing harsh discriminatory legislation, actively disempowered and disenfranchised them. The contemporary psychological gauge that measures the effects of such disenfranchisement is called 'the emasculation of the *Black man*'.<sup>49</sup>

#### (1) Prison gangs

*Coloured* and *Black* inmates mostly populate South African prisons.<sup>50</sup> What makes South African prison gangs distinctive from prison gangs in other countries are their operation, their nation-wide organization, and their historical foundations. These gangs have an elaborate structure, disciplinary code and ranking that pre-dates the South African Department of Correctional services.<sup>51</sup> In effect, there is only one genealogy for the principle gangs. Prisons are dominated by the notorious *Number gangs* of which the *28s* are the strongest, followed by the *26s*, and the once-powerful *27s* gang is now almost defunct. Although other smaller gangs are still prevalent, notably the *Big 5* and the *Airforce gangs*, their existence in South African prisons is part of an intricate symbiosis carefully dictated by the *Number gangs*.<sup>52</sup> The gangs organize themselves in a hierarchically ordered quasi-military structure. They refer to themselves as '*men of the Number*'.<sup>53</sup>

My research argues that the very organization of the prison gangs promotes its influence both inside and outside of prison.<sup>54</sup> The militaristic programming is presumed to give a degree of esprit de corps – a meaningful bonding and support structure for people disadvantaged by colonialism and apartheid.<sup>55</sup> As the prison gangs organized themselves as a means to oppose their 'unjust custodians',

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<sup>48</sup> Ibid.

<sup>49</sup> Lewis (1996) 112.

<sup>50</sup> Lötter (1988) 34.

<sup>51</sup> Frankie Duivel et al (alias) interview (2007) Jon 'Lockjaw' Bruin (alias) et al interview (2007).

<sup>52</sup> Jon 'Lockjaw' Bruin interview, 07 July 2007.

<sup>53</sup> Interview Mr. M. Mathis (2007) 2.

<sup>54</sup> All subjects congruent on this proposition.

<sup>55</sup> Ibid.

contemporary outside gangs assimilate similar quasi-militaristic ranking structures so as to remain powerfully organized against whomever they deem to be opponents. This thesis must thus analyse, at least in abridged form, the organizational structures adopted by the prison gangs as its proponents are fiercely honour-bound to it.<sup>56</sup> Membership is in theory (although not in reality) voluntary. Although the gangs share a principle genealogy, each gang draws from its own oral tradition and champions its own distinctive (albeit mostly imaginary) uniforms, tattoos, flags, salutes, and other military characteristics. Prison gangs specify hierarchical duties for each rank, and the gangs themselves are primarily distinguished according to specific gang objectives: the 28s protect, pamper, and organize sexual partners (wives) or ‘*wyflies*’, the 27s kill to protect and enforce the codes of the 26s and 27s, and the 26s employ patience and cunning tactics to steal and rob inmates. Smaller gangs like the Big Five (who seek to maximize their privileges by informing and collaborating with prison authorities) and the Royal Air Force (who organize mass escapes) also have set goals and, in theory, each gang ought to respect the work of other the gangs.<sup>57</sup> Not only are the goals of each gang mutually exclusive, but according to tradition their hours of operation also differ: the 28s work at night, their symbol is sunset; the 26s work during the day and they may not kill after sunset except in self-defense – their symbol is sunrise. All my interviewees substantiated *Lotter’s* operational layout for prison gangs.<sup>58</sup>

The *Number gangs’* code also legitimises their tendency to leech off *mpatas* (non-gang inmates). This code states that they (the *Number gangs*) are empowered to obtain contraband and other items from *mpatas* (also called *franse*) through various means including deception, intimidation, or acts of violence.<sup>59</sup> The *Number gangs* regard the *mpatas* as a potential prey and to this end they (*mpatas*) have no entitlements. Beyond economic profiteering, the *Number gangs* also influence and regulate the mental, social, and sexual victimization of the prison population.

The *Number gangs* employ labelling techniques that deepens the rifts between the already segregated prison populations. Here prisoners (including gangs) are labelled as being either *skoon* (clean) or *vuil* (dirty). The *Big 5* gang, generally viewed as

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Lötter op cit (1) 12.

<sup>59</sup> All subjects congruent on this proposition.

informants, are regarded as being *vuil mpatas* while the *Airforce gang*, renowned as escapees, are regarded as being *skoon mpatas*. This labelling technique is a vital component of the *Number gangs* code as any contravention of the prison gang code is labelled as being *vuil* or as being aligned to a *vierde kamp* (a new and opposing gang).<sup>60</sup> *Vuil mpatas* are targeted and acts of violence are generally directed at them.

The *Number gangs* are code-bound to respect each other and peacefully co-exist; to an extreme end, the code dictates that the respective *Number gangs* should be willing to die for one another.<sup>61</sup> This doctrine, in practice, becomes difficult to enforce as conflict between the *Number gangs* is common and relations are tense often negotiated. To this end, the gang code entrenches certain foundations that prohibit fighting amongst the *Number gangs*. This thesis finds with Lötter who argues that one such institution is a communication restriction between individuals in the different number gangs. Only certain ‘office officials’ are thus permitted to communicate or liaise with other gang members. It is common to find examples of gangs punishing their own members for contravening this communication limitation in instances where conflict is to be avoided. It is of paramount importance that the *Number gangs* maintain respectful and orderly inter-gang relations under the *Number* ethos which dictates that they each have an understanding and commitment to ‘conduct their own operations without undue interruption’.<sup>62</sup> The *26s* work with money matters which they obtain through deceiving techniques and trickery. The *27s*, an almost extinct gang, are charged with ‘blood’ work, implying that violence and assault related operations are their domain. The *28s* work with ‘blood and poison’, which refers to their assault and poisoning hit squads; the *28s* also renowned (albeit greatly contested by many of its members) for the provision and service of catamites to the various *Number gangs*. Whenever a gang (or any of its individual members) or prison staff impinges upon the work ethic of another gang, conflict results e.g. when the *26s* are found to keep *wyflies* (catamites) they will come into conflict with the *28s*.<sup>63</sup>

Old gang members are retired from active duty according to the *Numbers gang* ethos, and may continue to serve the respective gang in an administrative capacity or as a

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<sup>60</sup> Ibid.

<sup>61</sup> *Sling Blade* et al interviews. All subjects congruent on this proposition.

<sup>62</sup> Op cit *Sling Blade* et al interviews.

<sup>63</sup> Ibid.

wise elder. Trial awaiting prisoners are also subjected to the power and influence of the *Number gangs* during a process called *stimela*. During this process new inmates may be stripped of their possessions or fall prey to sexual attacks.<sup>64</sup> In these scenarios, gang membership becomes an attractive feature as real or perceived benefits may include protection, companionship, *access* to contraband, and status.<sup>65</sup>

My research finds that street gangs both organize themselves and operate in similar ways when compared to prison gangs.<sup>66</sup> Although the street gangs' execution of organization is not exact, the mythology of the *Number gangs* endures through this process. *Irwin and Cressey*, in contrast, argues that the prisoner code was an extension of the criminal code that is found outside prison and is brought to prison from the streets by newly sentenced criminals.<sup>67</sup> This issue is contentious and will be explained under the section titled *Mythology* as the prison gangs themselves have different origins, viz the 28s and 27s originated outside prison, whereas the 26s have their fount inside prison. It becomes evident that some prison gangs are appendages of criminal structures operating outside prison, while others originate in prison. The introduction of outside super-gangs that are economically powerful, hardened and violent into the prison gang dynamics infuses new prison gang orthodoxy, one that is not code bound, however.<sup>68</sup> To this end, the age-old traditions and ethos of the *Number gangs* become diluted through it being mutated by the volatile super-gang culture that permeates the prison subculture. The *Number gangs* thus struggle to attain solidarity and order, and function in a crippled state, whereas outside prison their mutated mythology (in the form of gangs fashioned on the *Number gangs*) engenders a more economically powerful apparatus.<sup>69</sup>

## **(2) *Number gangs*' origins: Nongoloza**

My research uncovered an astounding paradigm: members of the *Number gangs* who were overwhelmingly brainwashed by *Number gangs*' creed and mythology were in some way unable to abandon its influence.<sup>70</sup> Many such individuals, when released

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<sup>64</sup> Ibid. Also Lötter op cit (2) 88.

<sup>65</sup> *Sling Blade* et al interviews.

<sup>66</sup> *Sling Blade* et al interviews. All subjects congruent on this proposition.

<sup>67</sup> Ibid.

<sup>68</sup> *Sling Blade* et al interviews. All subjects congruent on this proposition. Steinberg op cit (7) 213.

<sup>69</sup> Mathis interview (2011).

<sup>70</sup> *Sling Blade* et al interviews. All subjects congruent on this proposition.

from prison, had problems adapting to everyday life outside the confines of the prison fraternity and thus continued their *Number gangs* practices outside of prison (the paper will later address high recidivism rates in South Africa as a function of this paradigm).<sup>71</sup> Notably, my protagonist participant, *Sling Blade*, was found wholly integrating his prison personality with his civilian being. As a result, *Sling Blade* was found to choose living in an informal settlement with seven young men after being released from prison instead of going home to his beautiful wife and children. He left prison and sought to live the *Number gangs*' mythology in a literal sense. This phenomenon further substantiates as an example of prison gang influences as the *Number gang* members that are unable to be rehabilitated by the prison experience, continue to foster and promote prison *Number gang* credo and operation outside of prison. What is more, my research found that many ex prison gang members were living out the mythology with almost biblical dedication. Thus my research must analyse the *Number gangs*' mythology in an attempt to understand its potency in its delivery as a brainwashing device that facilitates prison gang prevalence and dominance. As many of the interviewees confirmed that *Number gang* exponents continued to live the mythology if they were released from prison, the paper undertakes to start the analysis with the forefather of the *Number gangs*, a man called *Nongoloza*.

My research confirms with both *Steinberg and Lewis*, and identifies two distinct versions of *Nongoloza*: (1) The actual man, Mzuzephi Mathebula, who adopted the name *Nongoloza* when he started his reign within the criminal underworld, and (2) the great-king *Nongoloza*, whose mythology was invented and continues to be transmitted as truth within all South African prisons.<sup>72</sup> Steinberg posits that the real-life *Nongoloza* drifted into mediocrity at the same time that his mythical alter-identity ascended to become the great-king of South African prisons.<sup>73</sup> The real *Nongoloza* was given a pauper's funeral when he died in 1948. Most of the exponents of the *Number gangs*, however, refute this as *Nongoloza* is the central theme in the prison gang ethos. The *Number gangs* have their fount in the early 20<sup>th</sup> century bandits called the *Ninevites gang* which was composed of young *black* men

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<sup>71</sup> Ibid.

<sup>72</sup> Steinberg op cit (8) 145. Also Lewis (2010) 32.

<sup>73</sup> Ibid.

who had refused employment with the *white* management in the mining task outside of Johannesburg.<sup>74</sup> A spirited and determined Zulu migrant, the self-named *Nongoloza* Mathebula molded his group of bandits according to the organizational rank and structure found in the Transvaal Republic's military and the Natal Colony's judiciary. This quasi-military organization of the *Ninevites gang* came with its own imaginary uniforms and other imagined paraphernalia<sup>75</sup>. *Nongoloza* decreed a *Nineveh Law* that was a doctrine based upon biblical sanctions.<sup>76</sup> Such and many other imaginings were embraced by the many thousand of disenfranchised *black* young men, victimized and criminalized by both the colonial legacy and apartheid's discriminatory laws, as they wandered into and out of prisons at the beginning of the 20<sup>th</sup> century.

### (3) Mythology

The Brandvlei Report, which details the structures, functions, and modus operandi of the *Number gangs*, was (and still is) influential in exposing much of the prison *Number gangs'* mythology to outside audiences.<sup>77</sup> The report captures the origins of *Nongoloza*, the sacred prison gang language (called *sabela*) and gives insight into the mythological narratives and rites of passage.<sup>78</sup> The Brandvlei Report is so insightful, that it had many (if not all of my subjects) bemoaning its existence. It is regarded as a betrayal to the *Number gangs'* ethos since it was elicited from a prison gang member in exchange for better living conditions (alleged to be information exchanged for Kentucky Fried Chicken rations, according to *Sling Blade*).<sup>79</sup> The *Number gangs'* mythology is regarded as sacred and a threat to the gangs' existence if non-members were able to readily interpret its foundations.<sup>80</sup>

My interviews confirm *Steinberg's* assertion that various versions of the *Ninevites gang* could be found in all South African prisons by 1930, testaments to the gang's infectious doctrine and the prevailing orthodoxy that compelled young men to join

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<sup>74</sup> *Sling Blade* interview. Perdekop (alias) et al interview. Mr. Killa (alias) et al interview.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Brandvlei Prison Report (1983) 86.

<sup>78</sup> Lewis op cit (2) 96.

<sup>79</sup> *Sling Blade* interview, 2012. Brandvlei Prison Report op cit (2) 66.

<sup>80</sup> *Sling Blade* et al interviews for this study confirm this argument.

such fraternities.<sup>81</sup> These prison gangs have endured and remained resilient to attempts at destroying them, and they remain as pervasive in South African prisons today. *Nongoloza's* doctrine is still celebrated and embraced (albeit diluted in many contemporary settings), along with all the paramilitary mythology, and is transmitted along the prisoner generations.<sup>82</sup> The *Number gangs'* mythology is riddled with both contradictions and congruencies, either contingent upon which version of the oral history is being examined, viz. that of the 26s, 27s, or the 28s. This paradigm of varied retelling is significant of many if not all mythologies. The 26s, 27s, and the 28s are in disagreement regarding a variety of *Nongoloza's* alleged actions, and there exists great dissent about the manner in which the *Number gangs* ought to co-exist within the contemporary framework.<sup>83</sup> Since the mythology is such a pivotal component of the *Number gangs'* operations, this study thus explores the abridged narrative and gives an account of how my interviewees interpreted the mythology in contemporary settings:

*The arcane tale starts in a remote village somewhere in South Africa at the time of industrialization. The 28s argue that the village is a Zulu one but the 27s contest this demographic. An elderly soothsayer (the 27s call him Paul Mobasa or Po, while the 28s call him Nkulukut) is a protagonist within the village. The village's young men leave for the gold mines to seek their fortunes and never return from their journey. The old seer treks to the mines himself to find out what has happened to the village's progeny. While living at the all-men mining compounds Nkulukut discovers that the young men are being worked like slaves and die in the process of mining the white man's gold. Nkulukut thus leaves the mining compounds and retires to a cave on the outskirts of the Pietermaritzburg, which serves as his lair. His cave is a place of meditation and is regarded as being agter die berge (behind the mountains). Nkulukut devises a secretive language with which to address the young men whom he intends to save from the death awaiting them at the white man's mines – the white man must not know what is being discussed when he addresses his soon-to-be-followers. From the vantage point of his lair, Nkulukut observes a dust-cloud moving on the road from Zululand toward the mines. Nkulukut leaves his cave to meet the*

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<sup>81</sup> Steinberg op cit (8) 78.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

*cloud and find a young man named Nongoloza inside. After warning Nongoloza of the dangers of the mines, Nkulukut convinces him to steal the gold from the white man instead and entices him to his (Nkulukut's) den<sup>84</sup>. The following day, Nkulukut witnesses the same dust-cloud, albeit this time coming from Pondoland. He intercepts the cloud to find a young Pondo man, Nkilikijan, and does the same enticing ritual as before. This procedure continues until Nkulukut has 15 disciples in his cave. He grooms them in his secret language and the skill of banditry.<sup>85</sup>*

This aspect of the mythology is significant *Sling Blade* in the same way recruited minions into his 28s gang after he was released from prison. Many of my other subjects also attest to similar accounts. Part of *Sling Blade*'s indoctrination policy was that it was healthier to steal as a means to make a living than scavenge in the 'white man's world'.<sup>86</sup> Furthermore, it is found that *Sling Blade* initiated his recruits by teaching them to *sabela* as a means of communication. Such practice is consistent with other subjects that I had interviewed.

*The mythology continues: The young thieves become skilled bandits and soon their booty includes army surplus in the form of munitions and uniforms. The law now hunted Nkulukut's bandits. They hid in the caves outside the mining towns and subdivided into two parties, notably Nkilikijan took seven bandits and operated during the day whilst Nongoloza took six bandits and plunders at nighttime.<sup>87</sup> At some point hereafter, the two groups of bandits went plundering together, which was unusual as it was tradition that Nongoloza would work at night whilst Nkilikijan toiled during the day. On this particular occasion, however, Nongoloza claimed that he felt ill and he requested that one of Nkilikijan's minions, a young man called Magubane, stay behind with him and nurse him. To this end, thirteen left the cave to plunder, while Nongoloza and Magubane stayed behind. Nkilikijan allegedly returns to the cave earlier than expected and finds Nongoloza and Magubane engaged in sexual congress under a cowhide. Nkilikijan is repulsed by this and challenges Nongoloza to fight. Nongoloza defends that he and Magubane are entitled to have sex as it is decreed that women are poisonous transmitters of disease and that soldiers are instead allowed to select wives from the younger recruits within their*

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<sup>84</sup> Mr. Mathis, interview (2007). Frankie Duiwel et al interview (2012).

<sup>85</sup> *Sling Blade* et al interviews for this study confirm this argument.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.



respective divisions. Nkikijian apparently then attacks Nongoloza with his saber and the two engage in battle until Nongoloza stands ankle-deep and Nkikijian knee-deep in blood. The wise Nkulukut demands that the two bandits stop fighting and instructs Nkikijian to investigate if homosexual practices are practiced at the mining compounds of Delagoa Bay.<sup>88</sup> Taking heed of Nkulukut's orders, Nkikijian heads for Delagoa Bay with only seven followers, leaving Magubane with Nongoloza, who in turn, heads for Germiston on the Moliva River with eight men in his arsenal. This is one version of the origins of the 27s and the 28s where the '2' becomes symbolic of the originators, namely Nongoloza and Nkikijian.<sup>89</sup> The two agree to go their separate ways and agree to follow the old tradition of toiling at different times, the 27s during the day and the 28s at night. Both will later agree that Nkikijian did find homosexual practices at the compounds, but the gangs disagree about its implications: the 28s argue that this validates Nongoloza's claim that homosexuality is legitimate, while the 27s assert that homosexuality is symptomatic of the unnatural practices that whites expose blacks to.<sup>90</sup>

This part of the mythology is further corroborated by all my interviewees and is part of the foundations that *Sling Blade* used to initiate his minions outside of prison. According to *Sling Blade*, it is imperative to continue the traditions without distorting them so as to further the ideals of giving the *Number gangs* a sense of continuance and heritage. It is confirmed that the 28s will do execute what they consider to be their work (thievery etc) at night whilst the 27s do their 'work' during the day.<sup>91</sup> To this end, I found that *Sling Blade* and his bandits were robbing people and plundering houses at night in various areas across the Western Cape. My subjects all confirmed that the traditions are still adhered to today and that it is a grave offense for a particular gang to be found executing its activities at the wrong time of day. The punishments for such transgressions are harsh, and could even lead to assassinations. These aspects of the mythology serve to further influence *Number gangs* 'dominance.

This abridged version of the *Number gangs*' origins also exposes highly contested recruitment protocols that besiege purists within the *Number gangs*' parliaments. The

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<sup>88</sup> Ibid.

<sup>89</sup> All subjects confirmed this proposition. Steinberg op cit (9) 112. Lewis (3) 10.

<sup>90</sup> Mr. Vervoer (alias) et al interview (2012). Steinberg op cit (9) 87. Mr. Killa interview (2007).

<sup>91</sup> Mr. Vervoer (alias) et al interview (2012). Steinberg op cit (10) 87. Mr. Killa interview(2007).

paper will further explore this issue under the section named *Recruitment* as it is found to influence prison gang dominance when regulation rites regarding *Number gang* member recruitment is done contrary to the prescribed mythology. Moreover, it is found that 26s are recruiting outside of prison, where the mythology forbids such practice as only the 28s and 27s are permitted to recruit outside of prison as they (28s and 27s) originated outside of prison. According to the mythology the 26s were ‘born’ in prison, thus they are only permitted to recruit inside prison – outside of prison recruitment is the sole mandate of 28s and 27s.<sup>92</sup>

*The mythology continues where both the bandits Nongoloza and Nkilikijan found themselves imprisoned together at Point Prison in Durban.<sup>93</sup> The 27s and the 28s agreed that their prison influence would extend to the practice of confiscating the possessions of franse (non-gang affiliated inmates). The mythology contends that Nongoloza and Nkilikijan found six franse sitting in a corner flipping a silver coin. When Nongoloza demanded that their leader, Grey, hand over their possessions, he refused. Nongoloza then fought with Nkilikijan regarding the rights of the six franse to kringisit (congregate). Albeit that there exists different versions of the agreement that finally allows Grey’s and his followers to become a gang inside prison (26s), this version is most salient: Upon his arrival at Point Prison, Nongoloza stabbed a warder and was put in solitary confinement as a result; his food was rationed and salt less and Nkilikijan smuggled nourishing foodstuffs and salt to him in concern; when Nongoloza is taken out of solitary confinement, Nkilikijan informs him that Grey and his followers had secured the nourishments through their cunning and trickery and that they (Grey’s men) could, in turn, serve the 27s and the 28s. Nongoloza finally accepts Nkilikijan’s advice and they concede that Grey and his followers may constitute into the third and final bandit gang, called the 26s. They decree that any other gang (fourth camp) will be destroyed and that all other inmates will be regarded as being franse. Nongoloza and Nkilikijan also agree that the 27s will take responsibility for the 26s’ transgressions and that the 28s will come into*

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<sup>92</sup> *Sling Blade* et al interviews for this study confirm this argument.

<sup>93</sup> All my subjects confirmed these propositions.

*conflict with the 27s if they wrong the 26s. They agree that the three gangs would regard each other like brothers and that they are avowed to die for each other.*<sup>94</sup>

It is apparent that the gangs originated outside of prison. The prison gang, however, is a prison-based phenomenon and history reveals how even the genesis of the gang was determined by, and crystallized out of the all-male institutions of compounds and prisons. Gangs are also born out of prison culture as a means of coping with the hardships of prison life. Prison gangs influence both the formal and informal social organization of prison life. It is found that prison gangs, through enforcing both gang codes and “the more generic inmate code”, controls the interface between both prisoners and prison staff and largely contribute to continued negative sentiment and opposition to the prison administration and its employees. Prison gangs rule through fear and intimidation and will not hesitate to enforce violence to secure their power status within the prison hierarchy. Furthermore, the *Number gangs* operate according to their creed and mythology, which demands that they and only they are the legitimate authority in prison. To this end, they are intolerant of any other gangs being formed in prison, even to the extent of physically eliminating them.<sup>95</sup> This makes them a dominant feature in prison landscape, often (where necessary) rivalling management and thus it contributes to the *Number gangs* maintaining an overall influential status.<sup>96</sup>

#### **(4)The homosexual *Nongoloza***

Van Onselen asserts that the practice of homosexual activities amongst the bandits may have their roots in the fact that early 20<sup>th</sup> century Johannesburg saw an increase in sexually transmitted diseases, especially amongst the mining communities where miners often subscribed to prostitution services.<sup>97</sup> In response, *Nongoloza* prohibited his gang of *Ninevites* to engage in sexual congress with the source of this “poison” (venereal disease) – women/prostitutes. Instead, the *Ninevites* were permitted to pair

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<sup>94</sup> Steinberg op cit (11) 95.

<sup>95</sup> Mr. Vervoer (alias) et al interview (2012). Steinberg op cit (12) 52. Mr. Killa interview (2007). Also *Sling Blade* et al interviews for this study confirm this argument.

<sup>96</sup> Ibid.

<sup>97</sup> Van Onselen (1984) 33.

with younger male recruits and keep them as ‘boy-wives’.<sup>98</sup> As a result, prisons and mining compounds showed an increased acceptance of homosexual behavior. Steinberg argues that much of the prison conflict has its fount in the dynamics of sexual relationships inside prisons as seen in the 1977 example where an inmate implicated his catamite in the hope that he could have “her” on death row with him.<sup>99</sup> The explanation given was that in all relationships, we move with our partners – they do not stay behind but face adversity with us. This mentality speaks of an inculcated prison pathology that shows the potency of the male-male bonding experience within the prison confines, as well as the intensity of prison relationships, amongst other things.

All 28s interviewed vehemently deny homosexual practices within their rank and file. Instead, they argue that the sex between men is face-to-face, implying that there is no anal penetration during such acts. As it is a stereotype propagated by the 26s and 27s, the (28s) assert in retaliation that the 27s and 26s are the culprits that have penetrative sex.<sup>100</sup> Steinberg argues that this practice is stolen from the Zulu tradition that permits unmarried couples to have sex before they marry on the condition that there is no penetration, that is, that it happens ‘*deur die boude*’ (between the thighs).<sup>101</sup> Many of my subjects argued that *Nongoloza* never had penetrative sex with *Magubane*, as it was always ‘*deur die boude*’. To this end, *Sling Blade* asserts that whenever 28s have sexual congress, that there should be no penetration, as in accordance with the law of *Nongolza*. If penetrative sex is discovered between men of the 28s, a death sentence may be passed in retaliation to this transgression. *Sling Blade* contends that *Nongoloza* condemned one of his own (a man named *Mtjutjies*) to death when he found the disciple to have anal intercourse with another. In order to remind all 28s of this event, an office still exists within the gangs’ parliament in the name of *Mtjutjies*, but that the office is empty, since *Mtjutjies* was killed for his transgression. *Sling Blade* argues that all 28s are aware of this sanction and that they are code-bound to honour it.<sup>102</sup>

<sup>98</sup> *Sling Blade* et al. interviews for this study confirm this argument.

<sup>99</sup> Steinberg op cit (13) prologue.

<sup>100</sup> *Sling Blade* et al interviews for this study confirm this argument.

<sup>101</sup> Steinberg op cit(14) 72.

<sup>102</sup> Mr. M. Mathis interview (2009). Interview Perdekop (alias) et al (2012).

So why would the sexual activities of the *Number gangs* constitute as being influential in the pervasive nature of the gangs themselves? Gear and Ngubeni's study on sexual violence in South African prisons is insightful as it explores the social circumstances that engenders such behaviour. The study asserts that both sex and violence have a common denominator in instances where sex is coercive/non-coercive or pursued in the form of violence.<sup>103</sup> When men are incarcerated, their contexts become life-changing in that the lack of rehabilitation often alters their perception of society and leaves them unable to easily adapt or adjust to contemporary social settings.<sup>104</sup> Thus society of treats them like pariahs or they themselves [released prisoners] perceive rejection from society. This may in turn, impact upon recidivism rates as it speaks to those individuals' capacity (or incapacity) to adapt and realign with society after they have been released.

Many of my subjects claimed that sexual violence was part and parcel of prison life in that many prison gangs initiate members by sexual violating them. The argument is thus that prison gangs purposively legitimate sexual violence as part of its operational activities.<sup>105</sup> This paper later addresses the impact of such practice on both the victims and the prison institute as a whole in a section titled '*Stunted transformation and the endorsement of violence*'. My research concludes that similar practices occur outside prison when the *Number gangs*' mythology is enforced outside the confines of the prison establishment. As previously mentioned, my research found that *Sling Blade* had elected to live with seven young men in an informal settlement instead of going home to his wife and children after he had been released. I found that he was earnestly attempting to mirror *Nongoloza's* life by living with the young men in a cave like environment. As they were all men living together, I (cautiously) enquired as to whether any sexual congress prevailed amongst the men. Although the men responded that there was no such physical intimacy, I could assess that some of the younger men were contracted to doing what the *Number gangs* consider to be '*wyfie werk*' (female work), namely cleaning duties and other household chores. The collective all asserted that they '*bandiet*' (rob and plunder) at night. Since this sexual practice is an integral part of both the *Number*

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<sup>103</sup> Gear & Ngubeni (2002) 45.

<sup>104</sup> Ibid.

<sup>105</sup> Gear op cit (2) 27.

*gangs'* mythology and operations, it serves as an undeniable influence in their (the *Number gangs'*) continued dominance.

### **(5) *Number Gangs'* Recruitment**

The recruitment technique and procedure, also heavily immersed in mythology, varies amongst the *Number gangs* and is found to be contingent upon the respective gangs' function within prison.<sup>106</sup> This process is a detailed one and is a substantial contributor to the influence that the *Number gangs* have within South African society. My research finds that there are three distinct recruitment paradigms at play: the first method is the purist's version where candidate recruits are initiated using the traditional method, that is, where the full mythology is imparted; the second method is when candidate gang members are initiated (outside of prison) with only an abridged version of the mythology, a 'mutated' version of the '*Number*' according to purist; the third method is a product of the first two methods, where recruits are initiated whilst waiting to be sentenced, that is, trial-awaiting prisoners are given initiation into the *Number gangs* even before they (alternately if they ever do) get sentenced to be imprisoned. Notably the third version of recruitment is also employs only a diluted version of the *Number gangs'* mythology.

My research concludes that *28s and 26s* are mostly involved with the recruitment process, where for example, an incumbent of the *26s* will be brought to the *kamp* (gang territory) by the gang *inspector*. The prison recruitment process is intimately linked to prison gang genealogy. As mentioned, the recruitment of new gang members is in accordance with the *Number gangs'* mythology that enslaves its membership to its doctrine. An abridged version of the (*26s*) recruitment process follows:

The incumbent recruit is given to the care of a gatekeeper and is forbidden for six days to enter the *hekke* (imaginary gates) that give him access to the gang. During this period he is examined and a possible spy or as one with *spots* (dirty marks which alludes to the incumbent's character). It is the *inspector's* (gang investigator) responsibility to investigate the recruit's background and validate his character. When the *hekke* (gates) are opened to the recruit he is admitted. Training begins

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<sup>106</sup> All subjects interviewed confirm this proposition.

through instruction regarding inter alia: the gang code, his duties, details regarding the ranks and structure, and a description of his uniform and equipment (both imaginary) that are issued unto him.<sup>107</sup> My research agrees with Steinberg's thesis that a prisoner's ability to assimilate and recall the gang creed is his most powerful survival tool.<sup>108</sup> The recruit is officially inducted in a special gathering of officers. At this stage the *inspector* will again search the recruit for markings from other gangs. The *Nyangi* (doctor) will examine the recruit to assess his status as a healthy, prepared new member. A foot stamping tribute called *one-time shotgun* and *two-time shotgun* is enacted and the *Mabalang* (clerk) records the recruit's name into the book (imaginary) of the *26s*.

My subjects all confirm this practice, but argue that the *shotgun salute* is done during the '*taking off stimela*' period. The incumbent has now graduated and becomes a '*Ndota*' (brother). His journey through the ranks of the gang will give him more access to *die boek* (imaginary book containing the *26s* ethos).

The gang creed thus also legitimizes an active recruitment program that includes assimilating gang members that have been transferred from other prison facilities, so as to strengthen the *Number gangs*. This process increases the population numbers of the respective *Number gangs* and is thus an influential factor. The gangs are found to perform specific functions within the unitary *Numbers gang* foundation: the *28s* work with *blood* and *poison* and are in the business of *wyflies* (catamites), while at the same time being generally in charge of maintaining adequate prison conditions.<sup>109</sup> Thus the recruitment process is an integral part in what plays out to be a proverbial 'human resources' function as it offers a means for new members to be assimilated into specific roles within the respective gangs. The *Number gangs*' code enforces organizational aims, which dictate that all members – if need be – will *wetslaan* (oppose authorities) and compel better living conditions for all prisoners. The *28s* are therefore expected to correct conditions that are perceived to be unsatisfactory, for example, if there are bed lice or the food is rationed, the *28s* will stab either prison wardens or *vuil mpatas*. This process itself contributes toward the continued dominance of the *Number gangs* within the South African prisons landscape as their

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<sup>107</sup> Ibid.

<sup>108</sup> Steinberg op cit (14) 99.

<sup>109</sup> All subjects interviewed confirm this proposition. Lötter op cit (2) 30.

(the *Number gangs*’) opposition to (and sometimes attacks on) prison administration affords them a certain status which argues that the *Number gangs* are a substantial authority in their own right. The gangs are code-bound to engage in acts of violence targeting either authorities or *vuil mpatas* to attain better living conditions. All my subjects confirmed that either authorities or *vuil mpatas* can be targeted for physical assaults if the *Number gangs*’ pleas for better conditions are not met.

As mentioned, the *Numbers gang* all share a pseudo-military organisation with either civil or military rank and file. These include detailed paraphernalia such as flags and equipment that are all imaginary. The imaginary uniforms imitated from the early Boer Republic, including .303 bayonet rifles, are still an integral part of the *Number gangs*’ doctrine; the paramilitary hierarchy - devised by *Nongoloza* - which divided exponents into judicial officers and soldiers (where the former are further subdivided into upper and lower divisions) is still operational.<sup>110</sup> The recruitment process decides upon the relevant ranking of the new recruits. Promotion and ranking are assessed according to competence and knowledge of the gang but also through acts of violence in the fighting line. Each rank is a symbolic replica of position in the ‘white’ military, police or justice administration with its own associated imaginary and real duties.<sup>111</sup> *Nongoloza* and his successors’ choice of symbols used by the gangs give insight into the motives and value systems of the ‘*Number*.’<sup>112</sup>

The gangs have, in effect, created elaborate alternate societies and borrowed the terminology and symbols of the powerful agents of the colonial administration, the army, the police, and the courts. The choice of symbol is not surprising given that these agents all represented power as they delivered fierce discriminatory blows to all that failed to fit in colonial and ultimately apartheid based designs.<sup>113</sup> The *26s* are comprised of two sections, namely the junior section composed of inter alia soldiers and sergeants whilst the captain and judge ranks can be found in the senior section.<sup>114</sup> The *28s* on the other hand, have two lines: the blood line, composed of a junior and

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<sup>110</sup> All subjects interviewed confirm this proposition. Steinberg op cit (15) 104.

<sup>111</sup> All subjects interviewed confirm this proposition.

<sup>112</sup> ‘*the Number*’ is the *Number gangs*’ *ethos*. All subjects interviewed confirm this proposition.

<sup>113</sup> Standing op cit (4) 2006.

<sup>114</sup> All subjects interviewed confirm this proposition.



senior section, which define the soldiers or fighting line; and the private line, also composed of junior and senior sections but this time denoting *wyflies* and those higher ranked who have ascended through the *wyfie* rank.<sup>115</sup> Notably, the *Number gangs*' recruitment policies enable its tendency to legitimise sexual violence (and violence in its own right) by subjugating certain members into distinct feminine roles.<sup>116</sup>

As mentioned, the recruitment process itself, nowadays, is fraught with contestation as it is done in pure and mutated ways. According to my sources, the process of initiating members outside of prison, often using only a diluted mythology, has led to conflict within the *Number gangs* as its prison members view recruits that were not initiated using the traditional and complete mythology with suspicion. As the diluted mythology does not provide the full tradition, prison *ndotas* often treat the 'half-initiated' recruits with contempt and often treat them like *vuil mpatas* who were sent by the authorities to infiltrate the *Number gangs* so as to dissolve their (the *Number gangs*') power. Furthermore, the newly observed trend to initiate and recruit trial-awaiting prisoners adds to this distortion of the *Number gangs*' mythology. It is found that the *Number gangs* tend to recruit in trial-awaiting prison sections when their influence is threatened; they thus initiate and recruit trial-awaiting prisoners through intimidation or force so as to consolidate numbers against whomever the opposing force would be (viz a rival gang or prison administration).

The problem, according to stalwarts and purists alike, is that the mythology is distorted due to either time constraints or due to the incumbent recruit being released from prison (as he was trial-awaiting and not guaranteed a prison stay). Thus the newly-initiated trial-awaiting member that gets freed from the trial awaiting prison could easily join a gang outside of prison and convey the diluted mythology. And thus the cycle of contestation regarding *Number gang* members who were recruited incorrectly continues whenever any gang members outside of prison, recruited using this 'bastardized' version of *nongoloza*'s mythology, enters prison claiming to be a 'son of *Nongoloza*'.<sup>117</sup> The principle of initiating and recruiting members into the

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<sup>115</sup> Ibid.

<sup>116</sup> Steinberg op cit (16) 201.

<sup>117</sup> *Son of Nongoloza* is an *Ndota* or a *Number gang* member.

*Number gangs* using a diluted mythology is called ‘*panthle numbers*’ and is discussed later in the section titled *Diluted Numbers*.<sup>118</sup> This paradoxically dysfunctional (albeit effective) recruitment trend functions to amplify the powerbase yielded by the *Number gangs* as it remains a highly populated, organised and operational thorn at the side of South African prison administration.

#### **(6) *Number Gangs*’ Communication**

As each gang has developed its own mythical uniforms, so too have they developed their own languages, which are variants of the prison slang (*sabela*) and constituted of an Afrikaans-African language hybrid. The distinction between gang and non-gang members is exemplified by the use of this detailed slang. The gangs have further mutated their prison slang into a variant called ‘*stellenbom*’ in an attempt to protect their gang activity.<sup>119</sup> Few outside gang culture understand it. A police expert explained how someone could be ‘sitting in a room with them and they would talk about how they were going to kill you and you wouldn’t know what was going on’.<sup>120</sup> Communication plays an integral part of the day-to-day activities of the *Number gangs*. To aid the exchange of communication, various principles and contexts have to be put into place so as to facilitate a less tense or volatile prison environment. Prison gangs require an ability to communicate and exchange information; if communication is stifled a real threat of violence confronts either prisoners or prison staff or both.

My research reveals a scenario where the *28s* in Pollsmore Prison are found disciplining one of their own members for transgressing a prison code. In this example, a detailed communication relay follows from one section of the prison to another section so as to attain an internal judgment on the matter from the *28s* senior parliament. If the principle members were not consulted regarding the relevant disciplinary procedure to be followed, a judgment could be passed regarding the matter. This would therefore imply that the *Number gangs* have a host of possible reasons to stage a violent uprising, inter alia an unannounced coup or an unsolicited theft from one of the gangs’ moneymaking enterprises (eg drug smuggling). If the

<sup>118</sup> Drunk numbers, or drunken gang members.

<sup>119</sup> Interview with ‘Mr. Killa’ (alias) on 23 September 2007.

<sup>120</sup> A variant slang of the *sabela*, employed to confused authorities and those suspected of eve’s dropping – All interviews confirmation.

*glas* (information officer/investigator) is not permitted access to certain primary places that elicit communication within prisons, for example the kitchen, then the gangs will revolt. The *glas* is an official within all the *Number gangs* and has an imaginary pair of binoculars and keys hanging around his neck - symbolic of his capacity to see everything and go anywhere in prison. The work of the *glas* is contingent upon a prison that permits a degree of communication within the prison fraternity.<sup>121</sup> The prison authorities are thus tasked with this very difficult task of restricting prisoner communication so as to limit contraband traffic, whilst at the same time keeping it “open” enough to permit a degree of communication between the prisoner population so as not to get the gangs to revolt due to the prison environment being stifled or too restricted. Thus prisoner communication channels are an important feature of *Number gangs*’ dominance in that it facilitates the execution of its various operations.

#### **(7) *Number Gangs*’ Parliamentary Influence:**

As prison authorities are ever vigilant of gang activity and are keen (at least they appear keen) to eradicate the gang culture, the *Number gangs* have shown resilience by evolving their decision-making and management structures. Among other things, the *Number gangs* have evolved their security features, negotiation criteria, war agenda, covert activity, securing goods and contraband profiteering rackets, sexual activity regulation, member infirmary, elder retirement, general discipline and code enforcement.<sup>122</sup>

Steinberg’s recollection of *The State v Pietersen and two others* is a crucial example of both power and authority-in-execution that the *Number gangs* have at their disposal.<sup>123</sup> It also distinguishes the magnitude of the evolution that these processes have undergone. The case tells of how an inmate, *Marthinus Hollander*, a suspected member of the informant gang, *The Big 5*, was ruthlessly murdered by assassins who assigned to execute the informant. The execution came in response to perceived in deplorable prison conditions and a combined counsel of the 26s, 27s, and 28s decided to kill an informant as a symbol of the *Number gangs*’ disapproval of

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<sup>121</sup> Ibid.

<sup>122</sup> All subjects interviewed confirm this proposition.

<sup>123</sup> Steinberg op cit (17) 77.

existing prison conditions. Steinberg alleges that the *Number gangs*' parliaments meticulously planned and orchestrated the murder, the subsequent investigation, the trial, and the cover-up.<sup>124</sup> This proposition alludes to the *Number gangs* having influential appendages extending far beyond the realms of prison confines. This argument is not unlike examples argued by this paper's interviewees, who all attest to the *Number gangs*'s ability to swing court outcomes and show the extent of the *Number gangs*'s influence outside the confines of the South African prison services.<sup>125</sup> The murder was a symbolic cleansing ritual enacted in an attempt to stem the violent conflict that happened between the *26s* and *28s* in Western Cape prisons from 1974 to 1978. Whether or not *Marthinus Hollander* was a *vuil mpata* (a fifth columnist or collaborator with the authorities) is of no consequence; he was the scapegoat used to regulate and consolidate the *Number gangs*' authority within the prison subcultures.

The very proposition of the *Number gangs* having such powerful influence is testament to their pervasive nature – the study suggests that the *Number gangs* have parliamentary influence that extends even into the sacred chambers of South Africa's court rooms. Further testament to the *Number gangs*' cohesiveness and esprit de corps is Steinberg's assertion that the men accused of the execution were carefully selected by the joint parliament of the *26s*, *27s*, and *28s* – the joint councils had decreed that two *27s* would be the fall guys for the cleansing ritual.<sup>126</sup> The *27s*, according to the *Number gangs*' creed, are charged with the task of maintaining peace between the *26s* and *28s*. Since the war in the late 1970's lasted for four years, the joint parliaments ruled that the *27s* had reneged on their commitment to maintain peace and two of their (*27s*) principal members would be sacrificed to correct this wrong. The allegation is thus that the two inmates sentenced to death for Hollander's murder were these exact sacrificial lambs. To this end, the sophistication of the mythology that binds these gangs becomes apparent.

The *Number gangs*' alleged ability to strategise and implement such intricate operations, which appear to have influence outside of the prison institute itself, have

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<sup>124</sup> Ibid.

<sup>125</sup> All subjects interviewed confirm this proposition.

<sup>126</sup> Steinberg op cit (18) 29.

a resultant knee-jerk response from the respective prison administration. My research argues that in many instances, where it can be seen that the *Number gangs* both yield and execute far-reaching power that influences even courtroom outcomes, the prison management has taken drastic retaliatory and punitive sanction in response. An example lies within The Barberton Maximum Security Report<sup>127</sup> which cites administrative malpractice regarding physical abuse toward prisoners who were allegedly stripped naked and paraded whilst being flogged with pipes and clubs. The report also alludes to a protracted assassination of more than one prisoner in instances where warders armed certain prisoners and put them in a *tight corner* scenario where a particular gang by far outnumbers the other – the context is enforced to elicit an outcome where the decimation of the smaller gang prevails.<sup>128</sup> My subjects all cite similar cases that suggest instances of apparent malpractice and abuse within the Prison Services administration in retaliation to powerful executive stances taken by the *Number gangs*' parliaments. It is argued that prison management, in such instances, are guilty of human rights violations. Undeniably, the *Number gangs*' parliamentary function outside the confines of the South African prisons is a testament to its intensity and powerful influence.

### **(8) International Numbers**

A remarkable account of the *Number gangs*' extent of geographical influence can be observed where it is found to operate outside South African borders. My research has yielded many subjects to substantiate this claim, most notably a Zimbabwean national *Marcus Ndlovungu* (30 years old) who claims that he served time at Khami Medium Prison (Bulawayo, Zimbabwe) between 2004 and 2005.<sup>129</sup> Whilst serving 18 months of a 30 month sentence for stealing a cell phone, *Ndlovungu* asserts that he met a substantial representation of the 28s *Number gangs* (thus far only prevalent in South African prisons) in the Zimbabwean jail. He argues that the 28s were militaristically organized and spoke a combination of Ndabele, Zulu, and Afrikaans. Khami Medium Prison is renowned for its "Starforce" dominated prison gang, and a rival "Inkhatha" prison gang. It thus presents itself as a testament to the phenomenal pervasive capability that the South African *Number gangs* exude in its ability to

<sup>127</sup> Barberton Maximum Security Report (1983) 19.

<sup>128</sup> A *tight corner* is a difficult situation that would seem inescapable. All subjects interviewed confirm this proposition.

<sup>129</sup> Interview 12 January 2009; interviewee protected by an alias.

penetrate international boundaries and take root outside South African borders. Another Zimbabwean, *Silas Tsvangeri* (24 years old) claims to have encountered Nongoloza's 28s at Chikuriubi Prison (Manika Province, Masvingo City Zimbabwe) in 2002.<sup>130</sup> He claims that they had a substantial following and were highly organized. I have since conducted many more interviews with foreigners whose motherland are neighbouring African states and they all posit that the *Number* gangs are prevalent in their prisons too. All these subjects argue that the *Number gangs'* credibility and power stems from their almost (if not) fanatical adherence to the *Nongolza* mythology. This attributes to the considerable influence that the *Number* gangs have in their ability to transcend even international borders.

### **(9) Diluted Numbers:**

As earlier mentioned, it is argued that Western Cape street gangs have evolved themselves into sophisticated criminal empires, using its knowledge of the *Number gangs'* lore to manufacture a diluted version of *Nongoloza's* ideology<sup>131</sup>. This bastardized interpretation of the *Number gangs'* creed is being absorbed into most street gangs, giving the gangs a sophisticated ideology to adhere to that was previously absent. This newfound ideology, being infused into ghetto life, was an important factor in the creation of these new and powerful super-gangs as it anoints its members with a history and philosophy that sets them above their previous identity status – that of street thugs having no honor or code.<sup>132</sup> My research finds congruence with Pinnock's proposition that, although it is forbidden within the *Numbers gang* creed for its exponents to recruit outside the confines of prison walls, this practice actually occurs and is gaining momentum.<sup>133</sup> That is, some components of the prison gangs are adapting and enhancing its dominance by challenging its own mythology in order to safeguard their survival. The correlation between prison gangs and gangs outside becomes stronger as more outside gangs adopt prison gang practices and embraces its mythology, albeit most times in a diluted form. Irrespective of its potency, this phenomenon bears testament to the pervasive nature of *Nongoloza's* doctrine and is thus a vivid representation of the far reaching influence of the South African prison *Number gangs*.

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<sup>130</sup> Interview 19 January 2009; interviewee protected by an alias.

<sup>131</sup> All subjects interviewed confirm this proposition.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

Pinnock argues that the relative lack of conscious ‘ideology’ compelled the then gangs into a stagnant mess that forced them to be thugs utilizing physical force to attain deviant ends.<sup>134</sup> In the late 1980s one of the Cape’s biggest and most influential criminal syndicates, *The Firm*, began adopting the 28s doctrine by recruiting and initiating new gang members inline with *Nongoloza’s* rituals. *The Firm* thus operates like and calls itself 28s and has even adopted a diluted version of the 28s military-styled organization and code. Another Western Cape based super-gang (often rivaling *The Firm*), *The Americans*, adopted a similar adapted version of the 26s doctrine, and negotiates its policies in accordance.

Steinberg asserts that this very paradigm that shows outside super-gangs adopting *Nongoloza’s* ideology creates an unprecedented distortion within the prison *Number gangs* code: within the confines of Pollsmore prison, the gang dynamic is influenced by an increasingly antagonistic relationship between the 28s and the 26s that is similar to and rooted in the rivalry between *The Firm* and *The Americans*.<sup>135</sup> How does this come to be? Western Cape street gangs are involved in criminal activity and ultimately when exponents of either of these super-gangs (with their bastardized account of the *Number gangs’* doctrine) are arrested they end up in prison and seek refuge within the undiluted doctrine of the *Number gangs*. Stalwarts (those who did time in prison as members of prison gangs in the 1970s and 1980s) within the *Number gangs* frowned upon these outside gangs tampering with the sacred traditions of *Nongoloza’s* mythology.<sup>136</sup> They considered the *Number gangs* to operate like brothers that all embrace an anti-colonial heritage, and were repulsed at the threat of war between the 26s and 28s due to street gang influence. Moreover, where the then *white* government failed to distort the authority of the *Number gangs*, a simple combination of the fledgling democracy’s transition, drug capitalism, police corruption and inefficiency easily diluted the arcane traditions of the *Number gangs*.<sup>137</sup> Thus, indirectly, a concert of socio-economic and political factors created and continues to germinate new and more influential versions of *Nongoloza’s* ethos,

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<sup>134</sup> Pinnock op cit (3) 20.

<sup>135</sup> Steinberg op cit (19) 94.

<sup>136</sup> All subjects interviewed confirm this proposition.

<sup>137</sup> Ibid.

each inadvertently generating a stronger platform for the *Number gangs* to command power from.

Steinberg further shows an account of a powerful drug lord named *Rashid* who was sent to Pollsmore Prison and brought with him the access to drugs that could easily be smuggled in via prisoners acting as drug mules, or warders that could be bribed to smuggle the drugs into prison.<sup>138</sup> *Rashid's* story is an important piece of the tapestry of a changing prison system as it gives insight into how the *Number gangs* adapt in tune with the changing world. *Rashid* was initiated into the *26s* by foregoing any of the compulsory traditions and rites of passage required by creed of the *26s*. The decision to let *Rashid* bypass the mores of initiation led to the threat of war within the ranks of the *26s*. Initiates are traditionally compelled to commit a violent act, then they have to be brutalized by the prison authorities in response to the deed and then they have to show the discipline of enduring the punishment without crying. When they (the incumbent initiates) return from solitary confinement, they are initiated into the gang by being shown the traditions and customs by its core members.<sup>139</sup>

Traditionally, recruitment is also only the domain of the already sentenced sections of prison, as it was regarded too much of a risk to recruit trial-awaiting prisoners. The risk lies in the possibility that the incumbent could be acquitted inside his training period, which implies that the said candidate intern would be released from prison 'half-caste'.<sup>140</sup> In this half-internalised state, the incumbent is regarded a threat to the *Number gangs* alike. *Rashid's* case thus presented both the *26s* parliament and ultimately the *Number gangs* as a whole with a dilemma: the *Number gangs'* sacred code had been transgressed in that *Rashid* had been granted instant membership into the *26s* without having experienced the traditions of violence and learning, and he had made his ascent whilst awaiting trial. In response, according to Steinberg, the *Number gangs* decreed that *Rashid* must stab either a warder or an *mpata*.<sup>141</sup> The individuals responsible for *Rashid's* premature initiation would also be

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<sup>138</sup> Steinberg op cit (20) 64.

<sup>139</sup> All subjects interviewed confirm this proposition..

<sup>140</sup> Ibid.

<sup>141</sup> Steinberg op cit (21) 109.



face disciplinary measures meted out by the *Number gangs*' parliaments.<sup>142</sup> Punishment is harsh and a death instruction is not outside of such sanction if conditions ask for it. Within each gang, decisions are made in accordance with the prescribed code – gang members submit to gang punishment ranging from '*klappe*', to the '*beker*'.<sup>143</sup> A death sentence is also subscribed to as a punitive measure. The litany, which accompanies the initiation of a *26s* gang member succinctly, illustrates this gang doctrine in this example:

The *Nyanghi* (doctor)<sup>144</sup> takes the initiate's arm and says, "*I bend your arm and break your power and share it with all the members of the 26. We are equally strong. If you do wrong, you must take your punishment. If you refuse, then you will still have your own strength but then your brothers will kill you because we have on 26 thoughts and we share our power equally.*"<sup>145</sup>

Another telling account of the pervasive nature of this 'corruption' of *Nongoloza*'s creed (this is ambiguous as it can also be regarded as an example of the sporadically explosive nature of the *Numbers* gangs) became apparent when I experienced a socialization of its *sabela* vernacular within the communities that I conducted my interviews. Since all my interviews (excluding the prison interviews) were conducted in impoverished *coloured* communities, the gang culture within those communities had become so overpoweringly salient that non-gang members within these communities were found to be incorporating its linguistic patterns into their respective vernaculars. *Number gangs* slogans such as *minute* (denoting a temporary position) and *kroon* (money) are only two examples of already incorporated and socialized prison gang influences on contemporary society.

My research suggests that, at least informally, there is a strong relationship between gangs outside and inside prison – prison gang members who are also members of an outside gang will persuade old colleagues to join his gang and vice versa. This dynamic becomes complex when, for example, an ex-*26s* (now in a street gang) hypothetically injured another *26* in a rival gang. He would, upon returning to prison, have to appear before the '*Twelve Points*' and risk severe punishment (even

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<sup>142</sup> All subjects interviewed confirm this proposition.

<sup>143</sup> *Klappe* are ten slaps with an open hand. *Beker* are blows to the head with an enamel cup fastened in a sock.

<sup>144</sup> *Nyangi* is the gang rank that ensures that no poison (weapons) is brought into the 'Twelve Point Circle', their seat of government.

<sup>145</sup> All subjects interviewed confirm this proposition. Lötter op cit (3) 20.

death).<sup>146</sup> The prison gangs do not tolerate external loyalties. Moreover, the high crime rate, coupled with the rate of recidivism in South Africa, leads many prisoners to feel that there is a great possibility that they will return to prison and thus they will again be able to assume their rank within ‘the *Number*’.<sup>147</sup> New inmates with existing associations with outside gangs are almost singularly predisposed to align with prison gangs. Albeit that these outside gangs have no formal relationship with the *Number gangs*, contemporary socio-cultural dynamics within the criminal underworld have led to a dedicated correlation between gangs inside and outside prison. Lötter asserts that this paradigm became prevalent when most of the *Cape Town Scorpions* and *Mafias* joined the ranks of the *28s* while the *Born Free Kids* and the *Mongrels* aligned with the *26s*.<sup>148</sup> This recruitment trend brought about congruency between prison gang stratification and street gang rivalry. This, in turn, encouraged contemporary segregation within the *Numbers gangs*. Incumbent members are indoctrinated to believe that they join the *Number gangs* at their discretion but this policy is not however strictly adhered to as new inmates are often actively recruited through various forms of cohesion, intimidation and entrapment.<sup>149</sup> Although this ‘diluted’ initiation trend remains ever relevant and contentious amongst the prison *Number gangs*’ parliaments, if analysed from the perspective of population growth influences, it definitely ranks as a substantial contributor.

### **(10) The South African Liberation’s Lost Sons**

With the advent of democracy in 1994, Western Cape prisoners expected a declaration of general amnesty. When this did not prevail, the *Number gangs*’ parliaments collectively ordered that the prisons be razed and burnt in revolt.<sup>150</sup> This was done to *maak die Nommer rond* (*making the number round* – implying that causality must bring a logical conclusion).<sup>151</sup> *Number gangs* exponents vehemently argued that they had fought for prisoners’ rights under the apartheid government: the argument contends that the new dispensation of 1994 negates the ‘liberation struggle’ within the prison fraternity and thus the advent of democracy in South Africa fails to

<sup>146</sup> Interview with ‘Mr. Killa’ (alias) on 23 September 2007.

<sup>147</sup> All subjects interviewed confirm this proposition. Standing op cit (4) 27.

<sup>148</sup> Lötter op cit (4) 32.

<sup>149</sup> All subjects interviewed confirm this proposition.

<sup>150</sup> Steinberg op cit (22) 48.

<sup>151</sup> *Sling Blade* et al. interviews for this study confirm this argument.

recognize the sacrifices and blood shed by the ‘*soldiers*’ in prisons in order to secure the very same democracy.<sup>152</sup> This argument is contentious as it wholly relies upon the proposition that many, if not all *non-white* prisoners were jailed as a result of damning socio-cultural and political factors that mitigate their descent into criminal activity. Significantly, the *Number gangs* also argue that they fought to protect the rights and dignity of political prisoners who fought for democracy ‘outside’. The argument contends that the political prisoners would have been further victimized inside prison were it not for the opposition movement led by the *Number gangs*. The *Number gangs* fought for basic human rights that were absent from the apartheid prisons.<sup>153</sup> Prison conditions were adverse (where prisoners were subjected to beatings, solitary confinement, food rationing, etc.) with prison staff having full autonomy to treat prisoners as they pleased, and this included living out their various racially motivated hatreds.<sup>154</sup> The *Number gangs* assert that they are the liberation struggle’s abandoned soldiers who are still waiting to be acknowledged and, by conclusion, compensated.<sup>155</sup>

Steinberg’s theory regarding the 1996 *Flower Gang* murders in the Namaqualand town of Niewoudville is an example of the degree of resilience that the *Number gangs* show in the face of possible extinction due to a changing administrative climate found in today’s South African prisons.<sup>156</sup> The theory argues that an *ndota* with the 26s gang, nicknamed *Doggy Dog*, recruited a few non-members into the 27s gang. What is significant about this proposition is that the recruitment occurred outside prison (as examine earlier). Moreover, *Doggy Dog* was a 26 that converted himself into a 27 at the time so as to affect this new generation of 27s preaching the gospel of *Nkilikijan*. This type of transition inside the prison gang mythology sets a precedent and speaks to the dynamic ability of the prison gangs to reconstitute itself as a survival instinct. The act was done in the spirit of *maak die Nommer vol* (to make the *Number complete*- implying that it was prophetically done to strengthen the influence of the *Number gangs*). The Niewoudville murders engendered a symbolism suggesting that once obsolete *Nkilikijan* (the 27s) is alive again, the murders

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<sup>152</sup> Ibid. All subjects interviewed confirm this proposition. ‘*soldiers*’ refers to *number gang* members.

<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

<sup>155</sup> Steinberg op cit (23) 119.

<sup>156</sup> Ibid.

representative of the *Nongoloza* mythology, and that the status quo still remains, that is, authorities are still operating according to their old ways ‘*and that bandits are still bandits*’.<sup>157</sup>

My research aligns with this understanding that prison gangs exhibit an aggressive sense of collective identity when they are threatened. Just like a soldier does not abandon a post after securing a victory because a new dispensation has to be defended, exponents within the *Number gangs* argue that the gangs still operate because to secure the fragile democracy.<sup>158</sup> Many disciples of the *Number gangs* assert that they can make prisons in South Africa ungovernable if conditions in prisons regress to their oppressive ways of old.<sup>159</sup> Why do the *Number gangs* persist even though their previous aims have been realized (that is, if their proposition that they were ‘soldiers for the South African liberation’ is true)? Prisons have, at least according to legislation, become more human rights orientated and thus the struggle to make conditions in prisons better for prisoners is almost obsolete. Or is this just spin doctoring on the part of prison management? For this reason my thesis also comprehensively explores both legislative policy and prison administrative reform (or attempts at reform, at least) that impact upon prison gang dominance. As my interviewees were unable to elaborate on constitutional/policy reform that influenced prison management, my study is limited in that I can only engage with the proposed political bureaucracy and its administrative operations both pre- and post-apartheid and compare its efficacy in terms of meaningful change for individuals caught in the harsh South African prison landscape:

#### **CONSTITUTIONAL AND MANAGERIAL INFLUENCES :**

Albeit that the various *Number gangs* dispute their respective origins within *Nongoloza*'s timeline, they all find congruency in the assertion that *Nongoloza*'s then circumstances dictated the path that he chose – he was forced into banditry because he, and many other young *blacks* like him, was disinherited from his ancestral land and forced to assimilate the identity of mine-workers by an oppressive and racist government. Did South Africa's race laws engender a criminal culture within the

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<sup>157</sup> Ibid. ‘*and that bandits are still bandits*’ - The way of the *Number gangs* are still prevalent.

<sup>158</sup> All subjects interviewed confirm this proposition.

<sup>159</sup> Ibid.

‘non-White’ demographic? Something must be said about the alarming numbers of young ‘Black’ men criminalized by race legislation and aimlessly wandering in and out of South African prisons in the early twentieth century. *Sling Blade*’s account is testament to this proposition as he too argued that he was trapped in South Africa’s political apparatus and ultimately savagely crippled by the debilitating nature of South African prison culture.<sup>160</sup> The socio-economic and political factors, according to *Sling Blade*, gave him little or no choice but to pursue a criminal culture. To this end, Steinberg correctly posits (as my research yields the same results) that South African prisons have ‘incubated a fiercely anti-colonial ideology.’<sup>161</sup> This proposition is difficult to refute given the pervasive nature of the *Number gangs*, its substantial history and influence in South African prisons, and its militant doctrine that was born in response to discriminatory legislation and its subsequent unjust dispensations. Amidst the prevalent predatory behaviour elicited by the gangs, *Sykes* posits that gangs offer a meaningful response to the dislocation and dysfunction that imprisonment brings to individuals.<sup>162</sup>

According to *Lötter*, some of the personal freedoms compromised by imprisonment include, inter alia, institutionalisation, boredom, loss of dignity, deprivation of goods and communication, powerlessness and even frustration due to sexual impoverishment.<sup>163</sup> The spoils of criminal activity (flashy cars etc.) and the strong correlation between prison gangs and outside gangs also act as strong draw cards for previous inmates to stay engaged in the criminal economy.<sup>164</sup> Perceived stereotypes also make assimilation into normal life difficult for prisoners who are set free. Since former prisoners are many times regarded with suspicion and contempt, prisoners and parolees alike argue that it becomes increasingly difficult for former prisoners to change and adapt when the world that they are assimilated into is unchanging and still intolerant of former prisoners.<sup>165</sup> Many times, this leads to high recidivism rates and a significant plea for proactive re-integration programs becomes apparent. What is tragic is that many of the authors cited here found their conclusions up to 40years ago and, the fact that my research finds congruence with data from that timeline

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<sup>160</sup> *Slingblade* interview

<sup>161</sup> Steinberg op cit (25) 117.

<sup>162</sup> *Sykes* (1970) 55.

<sup>163</sup> *Lötter* op cit (5) 32.

<sup>164</sup> All subjects interviewed confirm this proposition.

<sup>165</sup> All subjects interviewed confirm this proposition.

implies that little or nothing has changed in terms of prison gang operations within the South African prison system. The paper thus examines the contentious and troubled prison reform ambitions and policies adopted by both management and government with the aim of attaining a more humanitarian, progressive, and ultimately rehabilitatory function within the South African prisons context:

### **(1) South African ‘prison transformation’**

The global escalation of reported crime, and particularly violent crime, has shifted a strong focus upon the criminal justice system in South Africa. The correctional system, an element of the criminal justice system, along with all state institutions in South Africa, was nurtured to serve the needs of the apartheid regime – characterised by racism, violence and critically without transparency and accountability.<sup>166</sup> The new regime that was democratically elected in 1994 was faced with the insurmountable challenge of transforming these departments in accordance with successful international trends, and thus better services the needs of the fledgling democracy. In many areas, reform initiatives were set in motion, inter alia: demilitarisation, affirmative action implementation, civil society involvement in the correctional perimeter, and changes to health policy regarding HIV/AIDS sufferers.<sup>167</sup> These drives have, however, been largely isolated and unplanned, and in addition, have been incomplete.<sup>168</sup> There are many reasons for the difficulties experienced in realizing this transformation: barriers may be structural in nature (prison numbers crisis, overcrowding, sentencing policy, and the lack of co-ordination between various criminal justice departments); others may be human factors, given the institutional culture and policy inherited from the apartheid legacy.<sup>169</sup> Unless government confronts both structural and human obstacles head on, no significant transformation will be possible – inevitably thus enabling the *Number gangs*’ dominance within the prison landscape.

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<sup>166</sup> Van Zyl Smit (1998) 91.

<sup>167</sup> Ibid.

<sup>168</sup> Super op cit (2) 210.

<sup>169</sup> Steinberg op cit (27) 104.

## (2) A Wolf in Sheep's Skin

It becomes apparent that the post-apartheid African National Congress (ANC) government adopts a policy to increase long-term imprisonment in terms of its attitude toward prison administration (not unlike its predecessor the old National Party government), even though it (the ANC) proclaims humanitarian standards.<sup>170</sup> Clear argues that unlike its Northern counterparts (USA, much of Europe and many other Western democracies) who have adopted a prison reform policy where at least two or three inmates get given community supervision for every inmate confined, the chosen South African model appears in stark contrast where it is typical to find up to ten people incarcerated in ratio to a single parolee.<sup>171</sup> Thus it can be argued that the new dispensation of 1994 did not simply eject the repressive administrative policies of old and replace them with a pro-active and human rights focussed regime, but instead embraced much of the old order and continued to build on its foundations. There is thus evidence of much management continuance that mirrors the ways of the old order, especially in the context of penal governance and *Van Zyl Smit* is accurate in his assessment when he posits that the history of the South African prison administration is a tale about both change and continuity.<sup>172</sup> This is significant regarding the (mal)treatment of prisoners in South Africa as the parliaments of the *Number gangs* assert are more progressively oppositional stance in retaliation.<sup>173</sup> The respective prison gangs are found to polarize against prison administration when they perceive a continuance of the 'apartheid-styled' prison administration apparatus, often viewing the ANC prison policies as the proverbial 'wolf in sheep skin'.<sup>174</sup>

The apartheid state was a paradigm that was a synergy of both repressive and liberal welfare, which privileged its 'white' citizens whereas the post-apartheid ANC-led government increased the limits of government institutions to have its citizenry include all people, thus disregarding race.<sup>175</sup> This transition entailed a process that recalibrated these institutional reforms, including enterprise that added new institutions. *Super* argues that this stance was adopted due to adherence to the principles of actuarialism, responsabilization, risk, compassion and restoration that

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<sup>170</sup> Ibid.

<sup>171</sup> Clear (2008) 32.

<sup>172</sup> Van Zyl Smit op cit (1) 102.

<sup>173</sup> All subjects interviewed confirm this proposition.

<sup>174</sup> Ibid.

<sup>175</sup> Super op cit (3) 223.

can succeed to exist within a climate of blatantly repressive sovereign rule; the new dispensation can co-exist with the older techniques as the former are flexible and have the ability to adapt to diverse and contradictory contexts.<sup>176</sup> When the ANC assumed power in 1994, they were (as an organization) ill prepared to deal with the increasing violent crime index, as they were a liberation organization that prior to 1994 had little or no interest in everyday crimes; the ANC at the time were themselves focussed upon promoting ungovernability within the apartheid state.<sup>177</sup> Suddenly the ANC-led government had to be responsible for governing the South African nation, which included showing confidence in stemming rampant crime rates. Public outcry exposing corruption and increasing pressures due to prison misadministration all served to inflame perceptions that the new government had been able to fulfil its obligation to shield its citizenry from the negative impact of crime.<sup>178</sup> In its wake, a paradox is exposed: as crime continues to flourish unabated, so more people are imprisoned and the issue prison overcrowding becomes more pertinent, yet the government continues its official position of embracing ‘rehabilitation’ amidst its draconically harsh penal sanctions.<sup>179</sup> How else is the new government, a former champion of freedom and liberty, able to justify its heavily punishment-orientated ‘prison is the solution’ orthodoxy other than to adopt a stance promoting ‘pseudo-rehabilitation’? *Super* asserts that there is a distinction between what is considered to be ‘democracy on paper’ and the numerous repressive policies and inequalities that are the hallmark of many officially democratic states; furthermore, whilst there is no denying that the prison system itself in no way represents freedom irrespective how empowering it is portrayed or how often it is ‘re-legitimised’.<sup>180</sup> It is accurate to cite Foucault in viewing this paradigm as ‘a constantly failing project’. The prison *Number gangs* are aware of this dysfunction as they live within the context that it supports. As with the harsh penalty policies adopted by the apartheid regime, the *Number gangs* are fiercely oppositional to these trends and constantly evolve its (the *Number gangs*’) functions to assert power

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<sup>176</sup> Ibid.

<sup>177</sup> Steinberg op cit (28) 223.

<sup>178</sup> Super opcit (4) 224.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.



against management in response. Thus government's current stance is seen as inadvertently promoting prison gang dominance.<sup>181</sup>

### (3) Prison institutional reform

The paper now brings the said 'more-punitive than humanitarian' policy adopted by the ANC under examination:

Significant legal changes were initiated by the adoption of both the so-called interim Constitution of 1993 and the current 'final' Constitution in 1996, as South Africa became a constitutional democracy. Detention without trial was abolished and both the Death sentence and corporal punishment were ruled unconstitutional by the newly established Constitutional Court.<sup>182</sup> Both the interim and final Constitutions guaranteed general rights of human dignity, equality and liberty for all and also provided specifically for the protection of the rights of all detainees including sentenced prisoners. Section 35(2) of the 1996 Constitution provides:

'Everyone who is detained, including every sentenced prisoner, has the right –

- (a) To be fully informed of the reason for being detained;
- (b) To choose, and to consult with a legal practitioner, and to be informed of this right promptly;
- (c) To have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
- (d) To challenge the lawfulness of the detention in person before a court and, if the detention is unlawful, to be released;
- (e) 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 matter and medical treatment; and
- (f) To communicate with, and be visited by, that person's –
  - i) Spouse or partner;
  - ii) Next of kin;
  - iii) Chosen religious counselor; and
  - iv) Medical practitioner.'

The Constitution and the Bill of Rights must be interpreted against the background of international law. Section 39 of the Constitution provides specifically that consideration be given to international law, when the Bill of Rights is interpreted. This means that instruments such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights are constitutionally binding. The provisions relating to prisons are, however, very general. They have be

<sup>181</sup> All subjects interviewed confirm this proposition.

<sup>182</sup> *S v. Makwanyan* (1995). *S v Williams* (1995).

interpreted by relying on secondary instruments which, while not directly binding international law, can be used to interpret general provisions that provide for the treatment of prisoners with human dignity and outlaw cruel, inhuman or degrading treatment or punishment.<sup>183</sup> At an international level the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners have been referred to by South African courts.<sup>184</sup> In the African context the Kampala Declaration on Prison Conditions in Africa may be seen as supplementary to the African Charter. The policy environment during the period 1994-2002 was ascertained predominantly by the fact that, earlier, a standoff existed between the (ANC) chairperson of the Portfolio Committee and the (IFP).<sup>185</sup> The debate regarding the nature of civil society involvement in correctional reform dissipated in the absence of ministerial commitment and Departmental reluctance to participate. It goes without saying that instability at management level over a prolonged period has significantly contributed to some of the challenges facing correctional policy and practice today.<sup>186</sup>

Another step in the process of fundamentally changing the law and philosophy relating to imprisonment was the adoption of the new Correctional Services Act 111 of 1998.<sup>187</sup> The Act became law on 19 November 1998. Initially only a few provisions were brought into force, but since October 2004 the new Act has been fully in operation. This has led to many legal changes to the prison system, as the 1998 Act aimed at incorporating the values enunciated in the Bill of Rights and at promoting a fresh approach to imprisonment.<sup>188</sup> The 1998 emphasis of the rights and duties of prisoners rather than on the system required implementation. It provided that, while prisons are required to accept the authority of correctional officials, duties and restrictions must not be imposed on prisoners to a great extent and for a longer period than is necessary for the maintenance of security and good order. Moreover, the minimum rights relating to matters such as accommodation, hygiene, clothing and bedding, exercise, health care, contact with the community, and religion, belief and opinion, may not be violated for disciplinary or any other purposes.<sup>189</sup> Even

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<sup>183</sup> Van Zyl Smit op cit (4) 128.

<sup>184</sup> Van Zyl Smit & Steyn (2007) 78.

<sup>185</sup> Sloth-Nielsen (2005) 24.

<sup>186</sup> Van Zyl Smit & Steyn op cit (1) 57.

<sup>187</sup> Sloth-Nielsen op cit (2) 19.

<sup>188</sup> Ibid.

<sup>189</sup> Van Zyl Smit & Steyn op cit (2) 86.

though these provisions are legally entrenched, my research argues that prisoners' rights are still continually violated. The *Number gangs'* opposition to unconstitutional prison practices continues to grow (as does its influence) while the government drives its hidden agenda of 'imprisonment is the solution' versus its public policy of quasi-humanitarian reform.<sup>190</sup>

#### **(4) Demilitarisation and implementation flaws:**

The law, however, does not operate in a vacuum: hence one should examine what impact the new legislation had on the DCS and how it transformed generally in the past decade. The DCS is an independent government department: at the head is the Minister of Correctional Services, followed by the Commissioner of Correctional Services who reports directly to him and is the accounting officer for the Department as a whole. In the past the DCS was organised on fully military lines with the Commissioner holding the substantive rank of general, but in April 1996 this was changed.<sup>191</sup> With the decision to demilitarize came the undertaking that not only were military ranks abolished but also that only custodial staff continued to wear uniforms. This process paid scant regard to the outcry over the new bright orange prisoner garb that has the word 'prisoner' branded all over it. In late 2004 three prisoners who alleged that the uniform was an infringement of their constitutional right to dignity brought an application before the Johannesburg High Court.<sup>192</sup> A new civilian character to the DCS was on the department's primary agenda.<sup>193</sup> This was premised in the culmination of a growing realisation of the need to portray a more coherent corporate identity. Poor communication of the new policy, combined with shoddy implementation and an apparent lack of contingency planning catalysed great resistance to this flawed process of demilitarisation.<sup>194</sup> The change was not unproblematic, as the staff as a whole had to adjust to a different way of exercising authority without much re-training. A measure of disruption was probably inevitable, however, as a modification in the manner of interaction between staff and prisoners made it harder to maintain order. Whilst the demilitarisation was necessary to change the culture, the manner in which it was done and the pace with which it was

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<sup>190</sup> Super op cit (5) 222.

<sup>191</sup> Sloth-Nielsen op cit (3) 23.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Giffard op cit (1) 211.

implemented left members confused and unprepared to deal with colleagues or prisoners under the newly introduced structure.<sup>195</sup>

The demilitarisation process coincided with a substantial affirmative action campaign (aimed to transform the staff corps), which rolled out without due planning and consideration of the training and development needs of the affirmed appointees.<sup>196</sup> This led to a situation where officials, who were also facing militant trade unionism amongst prison officers for the first time, were not capable of disciplining junior officials because they have not been trained in how to deal with the demands of the new situation. This then resulted in a great deal of tension, unhappiness and a decline in morale of the members, which in turn caused general instability in the DCS.<sup>197</sup> Staff disciplinary procedures had to be redefined, for example, and laxity in implementing disciplinary procedures for infringement continues to plague the correctional arena.<sup>198</sup> Prisoners, being an integral part of this entire process, were affected by every shift within the prison administration and staged various protests as their world became less predictable. My research confirms that much of the new recruitment strategies adopted by the *Number gangs* were implemented during this period so as to consolidate and mobilize against the prison administration. Again, it could be argued in such an instance that dysfunctional policy implementation unintentionally enables the influence and pervasiveness of the *Number gangs*.

#### **(5) A white paper to resolve the crisis?**

The aforementioned crisis in the administration was exacerbated by the absence of a clear vision and sound, consistent leadership. Recently the DCS has attempted to form a long-term strategic vision (policy) for the correctional system in the country by issuing a White Paper (2005) that is aimed at outlining the way forward for prison services in the country and replaces the hastily adopted White Paper of 1994.<sup>199</sup> After nearly two decades of democracy, the DCS is still trying to move away from its military structure that emphasised the safe custody of prisoners to an approach that focuses strongly on the rehabilitation of prisoners. The 2005 White Paper thus

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<sup>195</sup> Dissel (1996) 53.

<sup>196</sup> White Paper par 2.7.9.

<sup>197</sup> Sloth-Nielsen op cit (4) 29.

<sup>198</sup> Tapscott (2005) 213.

<sup>199</sup> Ibid.

significantly overcomes the lack of vision and coherence of the 1994 White Paper by setting an agenda for transformation of the correctional sphere so as to at least endeavour to infuse safe custody with the ideal of rehabilitation.<sup>200</sup> The White Paper is also frank about the challenges and obstacles prevalent in its quest to attaining the high goals it sets. Notably, the White Paper focussed not only on external factors such as overcrowding, but also internal hurdles such as inappropriate organisational culture and poor staffing skills.<sup>201</sup> The reality however, is that the increasing numbers of those incarcerated continues to overwhelm both available space and planned future space; overcrowding may present itself to be a substantial barrier to the achievement of the ideals of the 2005 White Paper.<sup>202</sup> The White Paper becomes an idealistic mirage in light of ongoing corruption and human rights violations within prisons.<sup>203</sup> A transformation of the prison sub-culture demands not only law and policy reform, it demands dedicated leadership and sustained management. The Jali Commission exposed gross misadministration in South African prisons and such lack of transparency and accountability showed prisoners to be vulnerable and said little for the rule of law in South Africa.<sup>204</sup> As earlier mentioned, these factors affect the administration of prisons and thus motivate *Number gangs*' parliaments to mobilize against prison authorities.

#### **(6) Trade unions:**

A factor that has had bearing on the implementation of policy and transformation regarding prisons is unionism. After 1994 it became necessary that the DCS comply with the constitutional principles and norms enunciated in the Interim Constitution also in respect of labour matters.<sup>205</sup> The transformation of the DCS, in this respect, focussed on recognising trade unionism and on introducing affirmative action to change the racial composition of the prison staff, in particular of those in senior management positions (Section 9 of Interim Constitution gave all workers the right to join trade unions). The unions' management are met with challenges that their predecessors did not face in more repressive times.<sup>206</sup> The *Number gangs*, initially

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<sup>200</sup> Sloth-Nielsen op cit (5) 37.

<sup>201</sup> Ibid.

<sup>202</sup> Luyt (2001) 253.

<sup>203</sup> Muntingh op cit (2) 107.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Daily Dispatch, 2002.

confused by the demilitarisation process, soon become optimistic as the staff transformed from a ‘*White*’ face to a more familiar one. The confidence in the changing administration was short-lived as the *Number gangs* revolted against the new administration.<sup>207</sup>

### **(7) Privatization:**

Previously, all prison staff were found under the direct employ of a single national department. This changed, however, when a policy decision was taken to privatize some prisons. The commissioning of privately constructed and managed prisons was influenced by the practice of the United States, and the preference of the then Minister (Mzimela) for correctional policies from those areas.<sup>208</sup> The policy provided for so-called joint venture prisons, which allowed the private sector to build and to manage, and therefore also to staff such prisons.<sup>209</sup> A key objective was to alleviate overcrowding through more rapid construction of facilities – the private sector would finance the costs of design and erection of the buildings in the short term, with the government repaying both capital and management costs over a substantial period of time. This move was controversial as detractors argued that importing new ideas from abroad would lead to complications as those countries themselves battled with prison overcrowding, especially in the USA.<sup>210</sup> *Mauer* argues that contemporary the American society should not as much be concerned about whether or not the prison system is good, but rather focus on whether it is wise to expand its already world record sized prison population.<sup>211</sup> Two such prisons, however, were procured by the Department of Public Works on behalf of the Department, using private-sector capital and expertise for their finance design, construction, operations and maintenance. The first privately operated prison was the Mangaung Security Prison near Bloemfontein. The second to be built was the Kutama Sinthumele Maximum Prison in Limpopo.<sup>212</sup> A legislative framework was created for them, which includes provision for the appointment of ‘custodial officers’ who are in the employ of private companies rather than the state.

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<sup>207</sup> Steinberg op cit (29) 59.

<sup>208</sup> Luyt (2001) 35.

<sup>209</sup> Giffard op cit (3) 22.

<sup>210</sup> Luyt, op cit (2) 92.

<sup>211</sup> Mauer (2008) 123.

<sup>212</sup> South Africa Yearbook, 2004/5.

The international controversy surrounding the privatization of prisons notwithstanding, the South African context begged questions of cost almost immediately after the ink dried.<sup>213</sup> This would indicate continued ambivalence as to what actual costs are (excluding capital repayments) what affordability should be, and whether the cake is proverbially worth the candle – supposing that rehabilitation is more achievable in private prison settings. The implications of the move toward privitisation have been controversial to say the least – the process has generated increasing complaints of human rights violations from the prisoner populations.<sup>214</sup> Moreover, the prison gangs were complaining that they were being targeted and unfairly victimized, and this set the premise for a ‘powder keg ready to blow’ scenario between gangs and administration, notably at the Manguang prison facility.<sup>215</sup> The details of this debacle follow.

#### **Subsequent privitization flaws:**

The Manguang Security Prison came under fire in 2013 when reports were rife that clashes between the various *Number gangs* had escalated to such a level that alleged torture and abuse were being employed by its prison administration as a means to subdue ‘hardened’ prisoners at the model private prison.<sup>216</sup> In 2000, the DCS entered into a public private partnership (PPP) with the British-Danish partner security firm ‘G4S’ to build, manage and monitor the Manguang prison. The prison opened in 2001 and was designed with a holding capacity of approximately 3000 to cater for predominantly maximum security and long term prisoners.<sup>217</sup> In 2013 the Manguang Prison was spotlighted when prisoners alleged that the facility was more of a torture institute than a rehabilitation centre.<sup>218</sup> The Manguang prison has been rocked by violent stabbings, riots and at least three hostage takings in September 2013. Reports confirm that 331 warders were dismissed for participation in an unprotected strike.<sup>219</sup> The said warders demanded the reinstatement of two dismissed POPCRU

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<sup>213</sup> Cape Times, 2005.

<sup>214</sup> Wits Justice Project (2013).

<sup>215</sup> Carte Blanche television broadcast, DSTV. S13/E30-2013/30.

<sup>216</sup> Wits Justice Project (2013).

<sup>217</sup> Ibid.

<sup>218</sup> Carte Blanche broadcast.

<sup>219</sup> Wits Justice Project op cit (3).

shop stewards. G4S replaced the dismissed warders with uncertified staff, one of whom was taken hostage by prisoners.<sup>220</sup> Shortly thereafter, the DCS investigated the situation and temporarily took over the management of the Manguang prison facility. The DCS acting national commissioner argued that they (the DCS) found G4S to have lost effective control of the facility and therefore DCS was forced to take over. G4S has a 25 year contract with DCS to manage the Manguang Prison. According to G4S management, they (G4S) have invested millions in the contract and maintain that they were in control of the contract.<sup>221</sup> G4S further assert that they asked for DCS's help. According to the contract, G4S has to uphold a minimum standards protocol and they are fined if these standards are compromised. If they provide the minimum standards, DCS pays G4S a fee linked to inflation. The contract also allows for fines attributed to non-compliance or the breach of specifications. According to DCS, G4S was fined R1.4 million for the recent violence that erupted on its [G4S's] watch in August 2013. G4S's Emergency Support Team (EST) is commonly called "Ninjas" at Manguang Prison. These 'Ninjas' are alleged to use torture through, inter alia, electric shock methods, extreme isolation, solitary confinement methods, and applying force to subdue prisoners while privately contracted medical staff administer psychotropic drugs injected involuntarily into prisoners.<sup>222</sup> Drug injections are alleged to be used to subdue and alter the behavior of troublesome prisoners. Reports argue that prisoners felt symptomatically depressed or suicidal after forced drugs were administered.<sup>223</sup> G4S maintains that it operates within strict accordance of the standard operational procedures and governing legislation as prescribed by DCS and the South African Constitution. The maladministration debacle has left prison gangs polarized and almost militantly defiant against all management at Manguang; another example of reinforced gang behavior.<sup>224</sup>

#### **(8) Unit management:**

*Van Zyl Smit* argues that prison over-population has reached critical capacity to the degree that even the most effectively administered and organized South African

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<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Carte Blanche interview.

<sup>224</sup> Wits Justice Project.



prison will fail to comply with the conditions for prisoner treatment as set out by the Constitution.<sup>225</sup> Moreover, if this increase continues unabated, the overcrowded prison population and its subsequent negative social effects threaten to feature prominently and permanently within the South African socio-economic and political landscape.<sup>226</sup> Mauer echoes this sentiment when he asserts that mass incarceration is socially detrimental in that it engenders human rights infringements and racial polarization.<sup>227</sup>

Another factor that caused a major philosophical shift in managing and transforming South African prisons is the adoption of a unit management system.<sup>228</sup> The American-inspired idea is that prisons must be largely decentralized by dividing the prisons population into small manageable entities. It is claimed that in this way significantly more effective development and rehabilitation services can be rendered. The success of unit management depends to a large extent on a physical environment that allows small groups to be established and dealt with in terms of the new philosophy.<sup>229</sup> It has major implications for prison design: the new philosophy is being implemented in the designs of new prisons that have recently been built and that are now on the drawing board.<sup>230</sup> Although the White Paper patently has unit management as a cornerstone of its overall grand design, the existing South African prison cell infrastructure provides an entirely antithetical environment for its implementation.<sup>231</sup> Whether it can be applied also to existing overcrowding prisons designed with a different philosophy in mind is a question that needs to be answered. Moreover, it is alarming that prisons, punishment, and rehabilitation remains an under-researched field in South Africa while crucial law and policy ratifications were enforced in this grossly misunderstood landscape.<sup>232</sup> As prison overcrowding is a crucial factor in prisoner co-existence and subsequent violence (which inadvertently forms part of *Number gangs*' influence), possible solutions to the problem (such as unit management) must be carefully strategized and cautiously implemented.<sup>233</sup>

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<sup>225</sup> Van Zyl Smit (2004) 59.

<sup>226</sup> Ibid.

<sup>227</sup> Mauer (2008) 65.

<sup>228</sup> Luyt op cit (4) 213.

<sup>229</sup> Sloth-Nielsen op cit (6) 25.

<sup>230</sup> DCS Annual Report (1999).

<sup>231</sup> Mauer op cit (2) 128.

<sup>232</sup> Muntingh op cit (4) 37.

<sup>233</sup> Steinberg op cit (30) 14.

### (9) Maximum Isolation

Another contentious aspect of the South African prison system has been the development of maximum-security prisons. The *Number gangs* have been shown to oppose harsh prison conditions. Thus the introduction of maximum security prisons, with its accompanying punitive sanctions has had its fair share of prisoner opposition and protests regarding victimization and human rights violations.<sup>234</sup> Inter alia solitary confinement protocols that are employed at the maximum security prisons were contested as being unconstitutional.<sup>235</sup> The first such prison, known as 'C-Max', was installed in part of Pretoria Central Prison in 1997. Only sentenced prisoners with a maximum-security classification, who are mainly problematic cases or regarded as dangerous, and trial awaiting prisoners with a high escape risk are incarcerated at Pretoria C-Max Prison.<sup>236</sup> Other maximum-security units have subsequently been opened too. There has been no scientific study of conditions in these maximum prisons but journalistic accounts suggest their regimes are closely modelled on American maximum-security units<sup>237</sup>. Criticism has been of two kinds. First, it has been suggested that the regimes amount to 'de facto' segregation, without the legal criteria for segregation necessarily being applicable to the prisoners housed there.<sup>238</sup> This, it is argued, is particularly unfair to prisoners who are awaiting trial or those that might be selected because of the notoriety of their crimes rather than the security risk they present.<sup>239</sup> The authorities deny this criticism and claim that all the prisoners are there because of the security risk they present and that the regime is tailored to this risk.<sup>240</sup> Secondly, it is argued that the expense of maintaining these units is not justified in an under-funded system and that the money could better be spent on the many prisoners who demonstrably require assistance if the prison experience is to be positive in any way. *Van Zyl Smit* argues that the introduction of the new C-Max prisons engenders an institutional threat in that it is being employed as an informal means of 'internal punishment' to circumvent the statutory discipline system with its accompanying oversight commissions.<sup>241</sup>

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<sup>234</sup> Van Zyl Smit (2005) 44.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> *Sunday Insight* (1998).

<sup>238</sup> Sloth-Nielsen op cit (5) 26.

<sup>239</sup> Van Zyl Smit op cit (1) 105.

<sup>240</sup> Ramafoko (1998) 33.

<sup>241</sup> Van Zyl Smit op cit (2) 76.

The 1998 Act provides strict rules for segregated detention (Section 25 deals with solitary confinement while section 30 of the 1998 Act deals with segregation). It is clear that such detention should be used sparingly and that it should be controlled. Whether the Department will succeed in using it as an exception rather than norm remains to be seen. Segregated detention may be akin to solitary confinement. Its practical effect on inmates may be very harsh and may even constitute a constitutionally forbidden form of cruel, inhumane or degrading treatment.<sup>242</sup>

In terms of s 24(5)(d) of the 1998 Act, solitary confinement, properly so-called, for a period not exceeding thirty (30) days may be imposed in the case of serious or repeated infringements. The 1998 Act, however, makes provision for some safeguards in the event that prisoners who are placed in solitary confinement are not abused. Section 25(1) provides:

‘A penalty of solitary confinement must be referred to the Inspecting Judge for review. The Inspecting Judge must, within three (3) days, after considering the records of the proceedings and a report from a registered nurse, psychologist or the medical officer, on the health status of the prisoner concerned, confirm or set aside the decision or penalty and substitute an appropriate order for it.’

The danger is that segregated detention may amount to a form of solitary confinement without the necessary safeguards being in place to monitor and limit its imposition and implementation.<sup>243</sup> The *Number gangs*’ parliaments are vigilantly monitored where such segregated detention occurs as their agendas are usually combined in an attempt to polarize opposition against prison authorities.<sup>244</sup> In such instances, attempts at taking the lives of prison staff are rife and the respective *Number gangs*’ parliaments collude to remain influential so as to inform better living conditions for all prisoners.<sup>245</sup>

#### **(10) Custodial partnerships:**

*Garces et al.* assert that informal prison dynamics within the post-colonial framework continue to have a profound influence on prison administrative practices,

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<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Steinberg op cit (31) 18.

<sup>245</sup> *Sling Blade* et al interviews for this study confirm this argument.

more especially on the African and South American continents.<sup>246</sup> It is argued that alarming prison population explosions coupled with pleas for human rights reform in such countries offer little insight into the power base yielded by the ‘informal inmate authority’ and the resultant lack of efficacy in implementing relevant and humanitarian penal reform. Furthermore, *Garces et al.* posit that the staff-inmate opposition that defines the penal administrative character in Northern countries (where security-based technological structures are implemented to facilitate their bureaucratic function) is contrary to their Southern counterparts who, even when implementing the same technological contexts aimed at attaining prison reform, are unable to function in a meaningful manner without mutual staff-inmate dependencies and situational adjustments.<sup>247</sup> These contexts show that prisoner authority is part and parcel of the prison governance. This trend is important in understanding the powerbase yielded by the South African *Number gangs*’ in instances where the prison administration is forced to partner certain managerial tasks (eg cleaning, food teams etc) with the *Number gangs* in an attempt to elicit effective and efficient operation of such prison facilities.<sup>248</sup>

As it stands, human rights jurisprudence is oppositional to prisoner self-governance, the illegal exploitation of captive labour, and ‘contraband economies’, but at the same time dynamic security remains a prison administrative concept that promotes the idea of staff-inmate communications and relations instead of the institutionally cold walls, locks and security scanners that distance staff from the prison climate.<sup>249</sup> This new staff-inmate collaborative design is gaining popularity with both prison staff and inmates alike as it also promotes the opportunity for identity adjustment in that prisoners are now seen as counsellors, teachers, and prison-representatives instead of being slandered as ‘post-colonial convict-guards’.<sup>250</sup> All my subjects confirm that such collaborations tend to empower prisoners and, in some way, enable a degree of dignity in an environment that is known to institutionally leave prisoners (collectively) bereft of such personal affirmation.

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<sup>246</sup> Garces et al., (2013) 26.

<sup>247</sup> Ibid.

<sup>248</sup> Steinberg op cit (32) 19.

<sup>249</sup> Garces et al op cit (2) 23.

<sup>250</sup> Munting op cit (4) 72.

**(11) Medical dilemma:**

Medical treatment of prisoners in South Africa remains a controversial issue. It also reflects on the role of policy and the impact of transformation on service delivery. Some of the controversy centres on the detail of how the constitutional right (which every prisoner is due) to ‘adequate medical treatment’ has been developed in legislation. Particularly controversial is *s 12(1)* of the 1998 Act provides:

‘The Department must provide, within its available resources, adequate health care services, based on the principle of primary health care in order to allow every prisoner to lead a healthy life.’

In this context health care is a wider concept than medical treatment, which, *s 12(2)* specifies, must be provided with the only qualification that no prisoner is entitled to cosmetic treatment at state expense. What is problematic about *s 12(1)* is the double qualification of the right to health care. On the one hand, this is limited to primary health care, which is arguably justifiable as in a poor country the state cannot afford to provide comprehensive health care to all its citizens and must perforce limit what it offers to primary intervention such as the prevention of infectious diseases through vaccination. The further qualification that even primary health care must be provided only within the available resources of the department goes too far, however. One consolation is that, if primary health care were to be restricted significantly because of a lack of resources, a court would be able to hold that the resultant conditions of detention would be an unconstitutional infringement of the fundamental right to detention in conditions of human dignity.

The right to medical treatment has been controversial for the opposite reason, namely that prisoners are afforded treatment that is not available to private citizens.<sup>251</sup> In prison law the leading case in this regard is the decision in *Van Biljon v. Minister of Correctional Services* in which the Cape Provincial Division of the Supreme Court ruled that a prisoner’s constitutional right to adequate medical treatment meant that expensive anti-viral therapy had to be provided for an AIDS sufferer.<sup>252</sup> The Court explained that although the state did not provide such therapy for indigent free people this did not mean that it did not have to do so for prisoners. Prisoners had no

<sup>251</sup> Sloth-Nielsen op cit (7) 29.

<sup>252</sup> Case *Van Biljon v. Minister of Correctional Services* (1997).

access to alternative sources of income to finance their treatment and the state had a duty to prisoners, which it did not have to all citizens. This contrast was highlighted by a decision of the Constitutional Court, which held that the state did not have a duty to find the resources for expensive kidney dialysis for a free person who would die if it were not provided.<sup>253</sup>

Much controversy was engendered by the questions as to whether the increase in natural deaths is attributable to HIV and AIDS and how the spread of AIDS in prison should be prevented.<sup>254</sup> Current policy is that prisoners may only be tested for HIV with their informed consent. Prisoners who are known to be HIV positive or to have AIDS are not automatically segregated from other prisoners. Instead, reliance is placed on education and making condoms available to prisoners in order to prevent the spread of the disease.<sup>255</sup> In these circumstances figures will not reflect the actual number of cases.

The plight of prisoners who are HIV positive and their lack of access to medical treatment have remained under the spotlight since 2005. In the case of *Magida vs. The State*, the Supreme Court of Appeal held that conditions in prison are such that there is an increased risk of being exposed to opportunistic infections due to overcrowding and inadequate diet.<sup>256</sup> The court indicated that the state of health of the accused must be taken into account as a relevant consideration in imposing an appropriate sentence. It is anticipated that the judgment will place increased challenges on the Department to ensure that HIV/AIDS policies are in place. Although the White Paper outlines that the DCS should focus on programmes to reduce the impact of HIV/AIDS and other communicable diseases to allow people under correction to leave the system as healthy as possible, a review of the DCS's policies on health and the cases which reflect the reality of the services delivery show that there is yet a long way to go before this crucial health issue is dealt with adequately by the DCS.<sup>257</sup> As the *Number gangs* legitimize both violence and sexual violence as an institutional part of prison life in its daily operations, it is important

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<sup>253</sup> *Soobramoney v. Minister of Health, KwaZulu-Natal* (1998).

<sup>254</sup> Achmat and Heywood, 1996.

<sup>255</sup> *C v. Minister of Correctional Services* (1996).

<sup>256</sup> *Magida vs. State*, 2004.

<sup>257</sup> Sloth-Nielsen op cit (8) 45.

that the respective policies are carefully and effectively instituted by prison authorities.<sup>258</sup> The DCS must prioritise medical care for prisoners, especially in the South African context where prisoners are without adequate defence from violence (including sexual violence that could lead to AIDS) in the hostile environments that they are trapped in.

**(12) Stunted transformation and the endorsement of violence:**

*Gear* argues that the prevailing male inmate populations in South African prisons, more especially the powerful *Number gangs*, all support prison rape and by extension endorse long-term relationships that are based upon sexual violence.<sup>259</sup> The prison gangs are thus instrumental in the socialisation of the prison culture and they attain this by legitimising inmate violence and by indoctrinating inmate populations into accepting that such violent relationships are normal as they mimic heterosexual marriages. When the gangs mirror a society's prescriptions of both gender and sexuality, they force prison cultures into believing that a man becomes a woman when he is raped in prison and he is thereafter treated ('cared for') like wife/bride or 'wyfie'.<sup>260</sup> Thus far, the DCS and its staff have failed to curtail or even meaningfully engage with the pervasive nature of prison violence, and have also been unable to provide much needed support structures for the many casualties of prison violence.<sup>261</sup> The DCS's official position regarding prison sexual violence has been both inconsistent and without commitment, if referenced by its policy shifts and actions (or lack thereof). Since the new dispensation in 1994 the DCS has initiated numerous failed policies and initiatives aimed at prison reform and more especially focussed upon attending to the alarming casualization of inmate sexual violence. These drives have however been continually marred various institutional and transformational issues, including leadership and personnel shuffles, distorted commitments to objectives by succeeding leaderships, red tape, restructuring glitches, an inability to assign due diligence to pertinent issues, and a consistent lack of follow through when critical issues are ear-marked for closure.<sup>262</sup> In many instances, DCS staff are left to use their own initiative in an attempt to address

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<sup>258</sup> *Gear op cit* (4) 28.

<sup>259</sup> *Ibid.*

<sup>260</sup> *Ibid.*

<sup>261</sup> *The Cape Times* (02 October 2013).

<sup>262</sup> *Gear op cit* (5) 28.

inmate violence, without guiding policy or framework from DCS management as evidenced by the Correctional Services Act (1998) which fails to mention sexual violence.<sup>263</sup> Resultant DCS staff grievances thus include a distinct lack of both executive prioritisations of the sexual violence issue, and of no clear referenced framework to make perpetrators accountable for their actions and at the same time offer support and protection for victims of these heinous offences.<sup>264</sup> As a consequence, the pervasive violence in South African prisons fails to get the immediate attention that it requires and the DCS is overwhelmed in its failure to protect its prison populations from sexual violence and victimization, moreover it fails in its executive obligation to keep prisoners safe. Another astounding inconsistency in DCS policy is that its data gathering systems has no categorization for rape/sexual assault and subsequently whenever a male prisoner is raped it is documented as an 'assault'.<sup>265</sup> Gear posits that anecdotal proof yielded from workshops and meetings with prison staff reveal a trend to perceive forced sexual encounters between prisoners as being consensual.<sup>266</sup> Consensual sex is not differentiated from sexual violence. This is problematic for DCS staff as they become inept in assessing consensual sex from sexual violence and this inability to categorize different sexual behaviours amongst the inmate population is the result of an apparent lack of functional policy and framework from management. Thus the DCS complaints registry for inmates is further beleaguered and proven to be inconsistent in assessing serious and sensitive complaints, leaving prisoners to regard it with apathy, scepticism and disdain. Although men that are raped are now recognised in South African law under the Criminal Law (Sexual offences and related matters) Amendment Act of 2007, Gear argues that this legislation fails to provide substantial clarity regarding sexual violence in prison contexts.<sup>267</sup> In its design to stem sexual violence in South African prisons, the DCS needs to implement an all-encompassing program that can be pro-active in both prevention and succeed in the context-related response when such offences occur. A very important consideration for any policy or framework development is the prevailing socio-cultural dynamics in prison anthropologies and the subsequent contexts that

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<sup>263</sup> Correctional Services Act (1998).

<sup>264</sup> Gear op cit (6) 26.

<sup>265</sup> Muntingh & Tapscott (2010) 31.

<sup>266</sup> Gear op cit (7) 27.

<sup>267</sup> Ibid.



both sculpt and motivate sexual violence. *Gear* asserts that this is fertile ground for the DCS to pioneer the reformation of prison culture by challenging oppressive ideologies of masculinity that make respect contingent upon violence, in the same breath it denies the right for men to express vulnerability, and this in turn engenders prison violence that perpetuates itself beyond the confines of prison and devastates our very society.<sup>268</sup>

## POSSIBLE SOLUTIONS

Germany's Prison Act stipulates that prison administration should be informed by 3 principles:

- (1) Life in prison should as far as possible, reflect the general relationships of the outside world,
- (2) Administrators should work to limit the damaging effects of prison, and
- (3) The administration of prison is to be aimed at assisting the prisoners to adapt to a life of freedom.<sup>269</sup>

Prison reform initiatives should include larger constituencies and must endeavour to embrace a problem solving approach regarding crime instead of one that is punitive.<sup>270</sup> Reform policy should express a more optimistic view of public safety and be less reliant on repressive or punitive response. Strategies should provide communities with the necessary resources that will engender strong families and a stable citizenry. Restorative justice initiatives should be ratified so as to take into account the plight of both the victim and the offender. The model used in Norway and the Netherlands seems an attractive option: prisoners are put on a waiting list, much the same as one used in hospitals so as to avoid prison overcrowding<sup>271</sup>. Such a system may, however, undermine the legitimacy of the judicial authority and thus receive hostile response from the courts and the public. The lengthening of sentences for serious crimes is a direct cause of prison overcrowding. Garland<sup>272</sup> asserts that societies that espouse mass imprisonment develop pathology where imprisonment serves to incarcerate not individuals, but entire population groups instead – a political agenda is deployed. The DCS should become accountable to its statutory and constitutional obligations by securing medical, nutritional, and human rights related

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<sup>268</sup> Ibid.

<sup>269</sup> Business Day (2005).

<sup>270</sup> Mauer op cit (5) 18.

<sup>271</sup> Van Zyl Smit op cit (3) 72.

<sup>272</sup> Garland (2001) 18.

rights to prisoners. The government is obligated to fulfill its constitutional commitment to protect and advocate the rights of the entire citizenry. To this end, the government must design opportunities for offenders to attain their full potential through the ratification of prison services and administration. It is possible to make South African prisons compliant with the tenets of the Constitution, but that meaningful transformation can only happen when law and policy reform adheres strictly and is implemented in accordance with the subscriptions the said Constitution.

**CONCLUSION:**

The *Number gangs* provide a tragic and potent gauge by which to assess why so many *non-white* South African men lived devastatingly violent lives in the past, and why many more generations will follow in their footsteps, irrespective of the democratic underpinnings or lack thereof. The prison gangs embrace a fierce anti-colonial sentiment and are disturbingly pathological. This violent doctrine is deliberate in its execution as it presents an enigmatic paradox: the quest for social equality and regeneration versus an almost blatant disdain for social order. The inherited legacy of apartheid has crippled the process of transformation in the South African correctional system. This study's ultimate aim was to provoke more research into the compelling influence of South Africa's prison *Number gangs*. In so doing, I hoped that it would also generate a greater understanding of a people and South African nation that struggles to define itself amidst a history that is rooted in a pervasive attempt to keep its citizens segregated from one another. A multi-pronged approach is needed to enable the way to developing a socially inclusive South African citizenry that is so blatantly necessary. Prison overcrowding still remains an overwhelming problem and the numbers appear likely to increase. Scarcity of resources and the unfettered power of gangs in most prisons prioritize the need for urgent action. DCS's few successes, among them, commitment to affirmative action implementation and a decision to separate HIV prisoners are in themselves aligned to the Department's shortcomings, e.g. affirmative action policy being unevenly implemented and generating some labor unrest at local level. Failures of the DCS are seated in structural reasons that involve inter alia a lack of resources, pressure from the public on the government to be tougher on crime, and an inherent lack of coordination in the criminal justice system as a whole. More subjective or human factors such as embracing a police officer culture also heavily influence the failed transformation. The distinct lack of humanitarianism becomes apparent despite the façade that such decency is being prioritized. A reluctance to develop a transformational plan, authorities preferring instead to leave major decisions at the discretion of leadership eschews civil participation in the process. Effective reform and transformation demands a redirection of resources and a fundamental restructuring of the management corps at all levels. Economic, social and political change in South Africa should first and foremost aim to improve and transform the standards of living of the poor, foster the social well-being of the deprived, and

promote the participation in the political process. Development (and the social policies implemented in its name) should aim to address the dilemma of distributive justice, and advance the cause of equality. This would proactively combat crime at street level instead of pushing out reactionary policy, which extends into all spheres including prison reform. Is prison transformation the remedy to disjunctions within the prisoner population? Will this have meaningful impact upon the already failing criminal justice system, and inadvertently give new premise for hope for a unified and crime free South Africa? The answer quite simply stated is “No”. To fix the state of affairs that burden DCS asks more than just policy reform – it demands a redesign of the South African government and its implementation of constitutional foundations.

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## **APPENDIX**

### **INTERVIEW QUESTIONS:**

1. How long have you been involved with gangs?
2. Are you currently affiliated with any particular gang?
3. Give me your understanding of why young men turn to gang activity?
4. What factors in your life, in your opinion, contributed to you becoming involved with gangs?
5. Is/Was your father an active part of your life?
6. Tell me about your experiences with drugs or alcohol.
7. Tell me about your earliest experiences of violence.
8. How did this affect your life?
9. Tell me about your experience regarding gang-related violence.
10. Tell me of your life in gangs, detailing your initiation and your current position.
11. Tell me of your experiences in prison.
12. Tell me of your experience with prison gangs. Detail its origins and your initiation into the gang.
13. In your opinion, how has the demilitarization strategy and prison reform affected prison gang dynamics?
14. Do you have children?
15. How are they affected by your choices?
16. Tell me about contraband and how it is administered in prison.
17. Tell me about any links between gangs inside and outside of prison.
18. What, in your opinion, is the solution to the crime dilemma in South Africa?
19. How do you feel speaking about your role in gang activity?
20. How do you feel after telling me about such gruesome acts of violence?
21. What do you think is the motivation behind prison gangs/gangs outside?
22. Tell me about your tattoos.
23. How would you feel if one of your children followed your path regarding gangs?
24. How has (your) gang activity affected your family?
25. Tell me about prison corruption/maladministration, specifically regarding gangs.
26. Tell me about police corruption regarding gangs.