

# Thoughts on the **management of undesirability**, with relevance to the **increasing prison population**

S A Craven, MA, BM, BCh, PGD, LRCP, MRCS, Visiting Principal Medical Officer, Pollsmoor Prison

9 Remington Road, Wynberg, Cape Town

This paper discusses the management of undesirability from ancient times to the present day, and shows how changing social, political and economic circumstances have led to the current situation in South Africa and elsewhere where prison populations are increasing as the traditional institutions decline or are abolished.

Since time immemorial every community in the world has had to make provision for those who are deemed, for whatever reason, to be undesirable. The definition of undesirability varies according to time and place, but undesirables can be classified into three main groups — 'the bad', 'the mad' and 'the sad'.<sup>1</sup> As with all attempts to classify *Homo sapiens*, the boundaries are not clearly defined.

The bad include murderers, rapists, armed robbers, etc.

The mad are the psychotics, schizophrenics, personality disordered, drug addicts who steal to finance their habit, and those with low intelligence quotients. Political prisoners can be included in this category because, in the eyes of their captors, they must be mad to want to change the utopia in which they are living.

The sad, who form the largest category of undesirables, are the socially inadequate with no job, no home, no family, no education, and no asset other than the rags in which they stand. Especially in winter they commit petty crime in the expectation that they will be sent to prison where they will be fed, housed and receive medical attention. They tend to receive repeated short sentences for minor offences, known as the 'revolving door syndrome'.

Because all three categories of undesirables are to be found in

the increasingly overcrowded prisons in many countries of the world, it is appropriate to examine the traditional methods of managing undesirability, and to enquire if any lessons can be learned which may be relevant to the 21st century.

## The bad

### Execution

A traditional method of dealing with the bad was execution, which has the advantages of permanence and economy. The arguments against capital punishment today include the right to life (but what about the right of the citizen to walk the streets without fear?), and the inhumanity of execution. On the other hand it can be argued that life imprisonment in a squalid overcrowded prison is not humane. It is certainly very expensive for the taxpayer — assuming 25 years of imprisonment. The average cost per convict is R1.4 million at current costs in South Africa, and \$700 000 in Georgia, USA.<sup>2</sup>

### Corporal punishment and mutilation

Other methods of managing the bad, and lesser offenders, are corporal punishment and mutilation, with the severity of the flogging and mutilation reflecting the severity of the offence. The advantages of corporal punishment and mutilation are economy and expedition, and a permanent reminder of the disadvantages of undesirable behaviour. Arguments pertaining to the inhumanity of such punishments are similar to those for and against execution.



Fig. 1. Woodcut depicting a triple hanging at York.



Fig. 2. The Halifax gibbet.

## The mad

There have traditionally been three methods of managing mentally disturbed undesirables.

### The village idiot

The village idiot was indulged and looked after by the rural community into which he was born and where his parents were known. This option has become largely unavailable with increasing mobility of the population, depopulation of the countryside and migration to the cities.

### The idiot in the attic

Similarly, the urban mental defective was cared for by the family. The decline of the extended family and the increasing necessity for both partners to work are rendering this option obsolete.

### The mental asylum

Most large conurbations used to have architecturally impressive asylas a few kilometres out of town in the green belt, served by public transport and surrounded by a home farm. The definition of asylum is 'an institution for shelter and support of afflicted or destitute persons, esp. lunatics'.<sup>3</sup> The traditional asylum grew much of its own food and had its own workshops. The patients worked on the land and in the workshops, and enjoyed a disciplined but caring environment. Surplus produce was sold to defray costs. As time went by the trade unions and chambers of commerce successfully persuaded the managing authorities that the system put their members out of work and business. The land was sold and the workshops were closed, and the patients lost their occupational therapy.

Because everything now had to be purchased, costs began to

rise steeply. The politicians demanded economy. Many patients were discharged into the community where, lacking the close, caring supervision they needed, they came to the attention of the courts. Pollsmoor prison contains many of these former patients who, for whatever reason, have not returned to the community clinics for their monthly injections and repeat supply of tablets necessary for control of their condition. Sooner or later after the default they relapse and find their way to prison. Indeed, in some states in the USA the prisons department is the biggest provider of mental health care,<sup>4</sup> even though prisons are not conducive to good mental health.<sup>5</sup>

The mentally ill do not belong in prison; they should be in mental asyla.<sup>6</sup> If these asyla are closed or downsized, there will be a corresponding increase in the prison population. In Cape Town, Valkenberg Hospital had 23 psychiatric posts, now considerably reduced due to rationalisation and redistribution of services according to policy (Professor T Zabow — personal communication). In greater Cape Town there has been a 36% reduction of psychiatric beds between 1997 and 2002 (from 3 500 to 2 229), even though the population is rising (Dr L Hering, Director: Associated Psychiatric Hospitals, Western Cape — personal communication). Provincial health may well be saving money on mental hospitals, but the State will be spending far more money on the inappropriate Departments of Police, Justice and Prisons.

## The sad

Over the centuries there have been many methods of managing the socially inadequate, most of which have become obsolete as social conditions have changed.

### The army

For many generations the army provided a suitable environment for those unable to look after themselves. All food and accommodation were provided, and soldiers did not have to make decisions for themselves. High battle casualties and inevitable communicable diseases ensured that they had short life expectancies, thereby reducing the size of the problem.

The modern technological army has very little need of the traditional infantryman, and therefore has little to offer the socially inadequate.

### The navy

Similarly, the modern navy has no need of galley slaves and their more recent equivalents.

### The monasteries

In mediaeval times the European monasteries owned vast estates requiring large numbers of lay brothers to do the non-religious work.<sup>7</sup> These lay brothers (and many of the monks) enjoyed a disciplined environment; they were housed, fed, clothed and gainfully employed. The dissolution of the English monasteries in the late 15th century resulted in the vagrancy problem. This early example of kleptocracy had major social repercussions and led to parliament passing the Poor Laws (*vide infra*).

### The feudal system

Similarly, the feudal system, which tied the serf to his master's land, ensured that he was housed, fed and gainfully employed. The disappearance of this method of social control also contributed to the vagrancy problem.

### Slavery

Although it is currently fashionable to condemn the institution of slavery, it must be remembered that it provided support for many thousands of destitute people for several centuries. The slave owner had a vested interest in looking after his slaves properly; and the slaves were housed, fed and gainfully employed. The abolition of slavery in the USA led to a vagrancy and indolence problem.<sup>8</sup>

### Financial penalty

An appropriate fine defrays the cost of dispensing justice — but only if the convict has the necessary funds. If the money is not available, other methods must be used.

### Public humiliation

In the past this included the stocks and the pillory, in which offenders were publicly confined for a period of time and pelted with rotten eggs, tomatoes, etc.

### Exile

Many European countries used to exile their undesirables to the



Fig. 3. The stocks, from a 14th century engraving.



Fig. 4. Convicts in chains await transportation to prison colonies abroad (1770s).

remote colonies, in particular Australia and the eastern provinces of Russia. Another version of this practice, employed by wealthy families, was the remittance man. The black sheep of the family would be despatched to the colonies, with a small monthly allowance, on the understanding that he would not return home.

Long before they achieved independence the British colonies refused to continue accepting convicts. Today Russia is probably the only country with the geographical ability to exile its undesirables.

### The workhouse

In 16th century England, parliament responded to the vagrancy problem by passing the Poor Laws which required each parish to look after its own destitute residents. The parishes responded by erecting workhouses into which their poor were received. The inmates were required to work in return for their keep. Towards the middle of the 20th century the Poor Laws were repealed, and the residents were evicted onto the streets. Inevitably many of them stole to survive and found their way into prison because they were unable to survive outside the disciplined, regimented environment.

### Industrial schools

A short-term variation on the workhouse is the industrial school, Borstal, reformatory, etc. where young first offenders are sent with a view to teaching them discipline and a trade, in the hope that they will become desirable citizens on their release. In Cape Town it is not coincidental that four local reform schools have recently closed, and that the juvenile prison is grossly overcrowded. The Provincial Education Department may well have reduced its budget, but at the cost of increased expenditure by the State on Police, Justice and Prisons.

In South Africa a variation on the industrial school was the Special Service Battalion which functioned between 1933 and 1939. It recruited unemployed youngsters between the ages of 17 and 23 years and taught them appropriate skills. By 1936 its annual output was 2 000 youths who were then placed in the army, government service, on the railways and in private industry. The Battalion was disbanded in September 1939 when the members were transferred to the regular army.<sup>9</sup>

## Conclusion

In attempting to compare the management strategies of various countries with regard to their undesirables, one must remember that they have differing legislation and sentencing policies. Thus Stalinist Russia probably had the largest 'mad' prison population of any country at any time.<sup>10</sup> Political prisoners were required to serve as labourers for the many state civil engineering projects, and served to discourage those who might have been tempted to oppose the government. On the other hand the USA currently incarcerates more prisoners than any other country. This has been attributed to legislation which requires any person convicted of a third crime to be sentenced to life imprisonment, and also to the vested interests of the privatised prison industry.<sup>11</sup>

Prisons in many countries have become convenient and expensive dumping grounds for large numbers of 'the bad, the mad and the sad' who could and should be managed more appropriately and, in the long run less expensively, elsewhere.

*If the gallows are demolished, the prisons are filled.  
If the mental asylums are closed, the prisons are filled.  
If the workhouses, Borstals, industrial schools, etc. are closed,  
the prisons are filled.*<sup>12</sup>

Our political masters would be well advised to devise a more cost-effective management system for undesirables, bearing in mind that prison does not reform or deter criminals.<sup>13</sup>

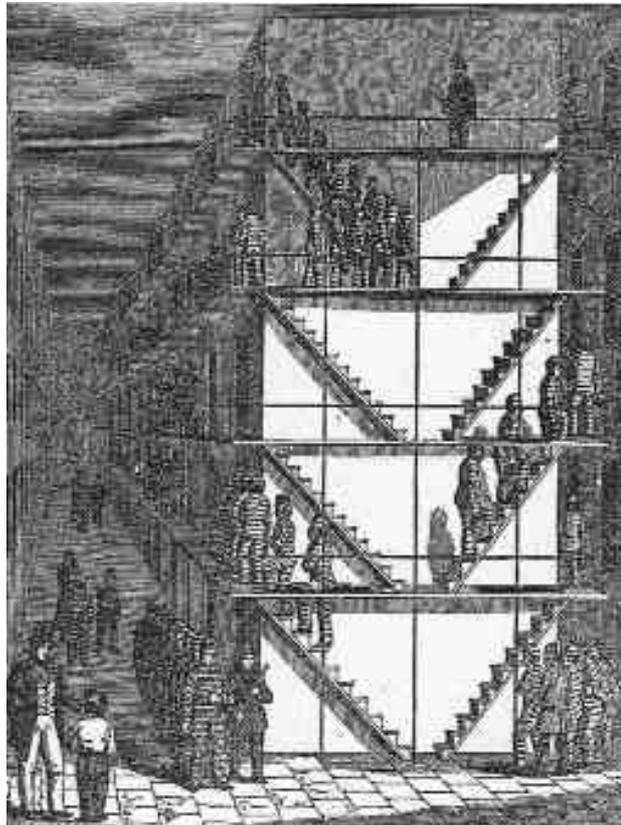


Fig. 5. Ohio state prison, 1850.

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