

Thought Leader

The incarceration of Jacob Zuma is poetic justice

During his tenure as president he enabled state capture and the building of the prison industrial complex

COMMENT
Casper Lötter

What we need is not a better theory of crime, but a more powerful critique of crime," said Dutch criminologist Willem de Haan.

Former president Jacob Zuma is quoted as claiming that he has "not done anything wrong" despite being jailed, yet many people end up in prison not strictly for committing crime but for the presence of the prison-industrial complex (PIC), which gained a significant footprint during his term in office.

In a recent paper, I contend that "[f]rom a criminological point of view, the presence of the PIC on South African soil is an important phenomenon to consider, since it skews the picture of [and perpetuates] crime and recidivism rates". It is also bound to affect public policy formulation negatively. In this, Bosasa, which provided services to the government, played a central role.

The company's corrupt relationship with the department of correctional services since at least 2009, as the Special Investigation Unit's (SIU's) 2009 report into the Bosasa scandal suggests, has distorted our understanding of and stimulated the commission of crime by recycling offenders in and out of prison primarily for reasons of profit and not, as one would have hoped, to benefit the security and safety of South Africans.

By focusing on selected populations and particular crimes, as Marxist-inspired criminologists such as Jeffery Reiman and Richard Quinney demonstrate, people have indeed ended up in prison which, had it not been for the presence of the prison-industrial complex, might conceivably not have happened.

In my paper, I argue that "the stigmatisation of ex-offenders (directly) and the profit-motive, as it has come to be embedded in the PIC (indirectly), are important, though certainly not exclusive drivers of South Africa's unsustainable rates of incarceration and reoffending".

South Africa has one of the highest rates of incarceration in Africa, according to the online database World Prison Brief, and one of the highest rates of recidivism (between 86% and 94%) in the world.

The evil embedded in the prison-industrial complex is not as simple as saying "innocent" people are being sent to prison. Nobody is making that argument. The situation is considerably more nuanced than that.

The point is that the prison-industrial complex was able to gain a footing in South Africa precisely because we are such a deeply unequal capitalist society and state capture ena-



Profitable: The prison-industrial complex succeeded in South Africa because of state capture.
Photo: Michele Spatari/AFP

bled this business venture model to succeed exponentially.

Recall the definition of the prison-industrial complex as "prison expansion without any actual need". An example is Bosasa preparing meals for offenders when they could do, and are now doing it for themselves, under supervision of prison wardens. This happens for three reasons.

First, the prison-industrial complex was able to succeed so spectacularly in a profoundly unequal society because our criminal justice system in a capitalist society is bent on identifying and prosecuting almost exclusively selected communities — the poor, the homeless. Others — the rich and the powerful — are able to a large extent escape prosecution for their crimes because they have the resources to play for time — Zuma being a case in point — and exhaust the system because they get the best legal minds to navigate the legalities to exploit technical loopholes in criminal law.

In the words of the anti-prison activist, Angela Davis, explaining why we should not be duped into the ideological brainwashing that punishment (necessarily, linearly) follows crime: "Well, the link that is usually assumed in popular and scholarly discourse is that crime produces punishment."

"What I have tried to do — together with many other public intellectuals, activists, scholars — is to encourage people to think about the possibility that punishment may be the consequence of other forces and not the inevitable consequence of the com-

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mission of crime. Which is not to say that people in prisons have not committed what we call 'crimes' — I am not making that argument at all."

Incarceration certainly does not necessarily follow the commission of crime and definitely does not do so in a linear fashion. As Eugene McLaughlin, known as a radical criminologist and serving as professor of criminology in the City University of London, argues: "The blind spot of conventional criminology retains its steadfast refusal to research victimisation by the powerful, not least because the state does not recognise nor fund such research."

As Stanley Cohen, a South African anti-apartheid activist who went on to become professor of sociology at the London School of Economics, points out, the harmful behaviour of the wealthy and powerful are not even recognised as being crimes (climate crime and state capture being cases in point).

The prison-industrial complex was not an invention of state capture, but is a form of state capture and succeeded in South Africa largely because of state capture. It is state capture because funds were diverted from legitimate socioeconomic projects (road maintenance, health care, education, job creation) to service an industry (prison expansion) that was arguably not a priority and was perpetuated by vested interests.

James-Brent Styan and Paul Vecchiato, the authors of the book *The Bosasa Billions: How the ANC Sold its Soul*, note further the disturbing trend that "money was not being used by the department for the programmes it was intended for". This form of fiscal "dumping" is nothing if not fraud.

Second, the prison-industrial complex could not have had the effect it had, had it not been for incarceration being our dominant sentencing regime (as opposed to African indig-

enous punishments of an integrative shaming nature, such as community service) in the context of a harsh stigmatising shaming culture. In the words of McLaughlin, "[t]hese particular commercial enterprises [the prison-industrial complex] have a built-in 'growth dynamic' because they have a vested interest in seeing the problem of crime growing".

Third, in view of the redundancy of the rehabilitation paradigm (the idea that offenders can be reformed to desist from future re-offending) in the West, so ably demonstrated by Pat Carlen, former editor-in-chief of the *British Journal of Criminology*, incarceration is seen as the (inappropriate and inept) solution of a range of social problems. The rider to this statement, though, is that it was done for reasons of profit, as Davis points out.

The nub of my argument is that while Zuma complains that he has gone to prison even though he "did nothing", it could be argued that a great many people (even if they had committed what are called "crimes") were sent to prison during Zuma's time in office and would, strictly speaking, not have been imprisoned had it not been for the presence of the prison-industrial complex, which gained such enormous stature through his enabling state capture.

But the hypocrisy with which Zuma and his cronies dismiss his imprisonment while he has done nothing to "deserve it", is beyond reason and should disgust every right-thinking South African.

For the insidious way in which he empowered the prison-industrial complex in this country, a Msholozhi on the ropes deserves to be excluded from society and taste the bitter fruits to which he condemned countless South Africans.

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25 YEARS AGO

Free State Premier Patrick "Terror" Lekota is losing the fight for his political life, having been abandoned by the ANC leadership in his battle with party rivals in the province.

As pressure mounts to oust him from his position, there were indications this week that the ANC leadership was not backing him in his fight against alleged corruption in the province — leaving him to the fate of bitter enemies who have taken control of the provincial party machinery.

Lekota said this week he had decided not to speak to the media, but his political allies confirmed that he is extremely worried about his future.

The premier is embroiled in a row with the ANC is his province following his suspension of senior government officials on allegations of fraud. Lekota was not re-elected to the ANC provincial working committee last weekend after it met in his absence.

The ANC's national working committee is to hear a report from a delegation sent to the province by its national executive committee meeting. —

Mail & Guardian, 2 to 8 August 1996

VERBATIM

"We should be talking about how to live with the virus. The tremendous success that has materialised with Covid-19 vaccines allows us to do this without getting into the herd immunity threshold. Peddling the concept of herd immunity creates a misconception that we are going to get to a stage where this virus is going to be eliminated. That's unlikely to happen. It will continue circulating." — Professor Shabir Madhi, Dean of the Faculty of Health Sciences and Professor of Vaccinology at the University of the Witwatersrand, in his column for *TimesLive*.

"We are very proud. But at the same time, it takes a village to raise a child. We are not the only people. There are so many people behind these athletes. The medical staff, the support team, the coaches, friends, teammates and families." — Renske Schoenmaker, the mother of Olympic champion Tatjana Schoenmaker, after her victory in the 200m breaststroke at the Tokyo Olympics.

"It may be that a leader of that group appears and offers us the opportunity for a dialogue that leads to an end" [to armed violence] — Former Mozambican president Joaquim Chissano, calling on the government to consider dialogue with the armed groups in the conflict-hit Cabo Delgado region.

"People didn't believe it," said a doctor at the hospital. They resisted, they doubted its [Covid's] existence. They thought it was a disease that killed white people." — Jean-Paul Nsimba, a doctor at Mama Yemo Hospital in Kinshasa.

"It was a dream, one that we didn't realistically say would come true. The great thing about going for your dreams is that sometimes they come true." — Ross Zondag, cofounder of Veldskoek, on Team SA wearing their shoes at the Olympics.