

JOHANNESBURG JOINT COUNCIL OF EUROPEANS AND AFRICANSNATIVE JUVENILE DESTITUTION AND DELINQUENCY

South Africa is increasingly concerned about the extent and the spread of juvenile delinquency and not without cause. With a population of (1933 estimated mean) 1,889,500 Europeans and 5,519,500 Non-Europeans, the number of juvenile offenders admitted to prisons in 1933 was 21,526 of whom 319 were Europeans and the remaining 21,207 were Non-Europeans. This is a sufficiently alarming state of affairs in a young country, but its alarming feature from our point of view is the degree to which the Native juvenile population is involved.

POVERTY AND DELINQUENCY

We have no figures of Native destitution and can only guess at its extent; but scientific investigation has established a connection which common sense would suggest between poverty and delinquency. Poverty imposes unnatural strains on family organisation and, with its usual concomitant under modern conditions, of bad physical surroundings, opens the door to all sorts of bad moral influences and encourages the youthful victim of want to become the enemy of the society which denies him satisfaction and security for the satisfaction of his needs. The absence of both parents from the home during the day, which the attempt to earn enough to meet the needs of the family involves, is a common feature of the life of the poor in every country; but it has generally been found incompatible with the maintenance of family discipline and is recognised as a fruitful source of delinquency among the children. In South Africa, such absences are the only basis on which large numbers of our Native population can survive at all; and here their effects are aggravated by the distances of the Locations from the employment centres and the time spent in travelling to and from work which so often means that the parents do not see their children from early

morning till late at night.

Even more disastrous to the moral welfare of the children is the only easy alternative to work that takes the mother abroad, the carrying on of illicit occupations in the home itself. In South Africa, the most usual of these occupations is beer brewing and sale. This, of course, means not only neglect, but the children's early familiarity with society as an enemy and the law as something to be broken rather than to be maintained in the common interest and it provides a certain field for the production of criminals.

The experience of older countries has revealed a progressive decline in delinquency with a progressive rise in the standard of living and it is generally recognised that increased economic security for the family, which usually involves improved living conditions together with educational facilities and occupational opportunities for the children provide the only true road to social welfare.

CIRCUMSTANCES AGGRAVATING THE EFFECTS OF POVERTY AMONG THE BANTU IN SOUTH AFRICA

Juvenile delinquency is primarily, although not altogether, a product of town life and its main incidence is urban. That is natural since wage-earners are mainly centered in the towns, while the temptations for youth in the towns are so much more varied than those of the rural areas. (1)

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- (1) It is true we have some 2,000,000 Native workers on farms, but the Labour Service tenancy system modifies the merely wage-earning basis of their labour while such delinquency as arises from the very unsatisfactory conditions of the system eventually falls on the towns since the children who become dissatisfied with the obligations imposed on them under the contract of the kraal head invariably run away to the towns.

It is natural that, in South Africa, the numbers of Native delinquents should be so much larger, even proportionally than those of the Europeans since the Native population constitutes the poorest section of the community. But there are special circumstances which tend to aggravate a poverty which is always in danger of becoming actual destitution, and to weaken family ties so that discipline is lost even where actual want does not occur.

1. The absence, under our laws, of any security for Native Family life in towns. The conception of our Native locations as reservoirs of labour rather than as homes for our town Native population and the operation of the trek pass system which obliges a man to "move on" in the event of his losing his job and failing to find another within a certain time, results often in women and children being left without any claim to remain in the town in which the children may have ^{been} born. Usually the only alternative in such circumstances are to live precariously, dodging the police, or to wander homeless about the country. The family as a unit cannot stand such a strain

2. The large proportion of irregular unions among the Native people in the urban areas. This is also due to the absence of security for family life which discourages men from bringing their womenfolk with them when they come to the towns in search of work, coupled with the attitude of the Municipal authorities who do not favour men bringing their wives with them as lending too great an appearance of permanence to the Native town population.

The lot of the children of such unions is hopelessly insecure, owing not only to the inevitable instability of the relations between the parents but to the inevitable absence of those family connections whose services in ordinary circumstances do so much to alleviate the effects of poverty among the Bantu. Here it is important to notice that there is growing up in our towns a generation of Natives many of whom have no family connections but are as unrelated as many members of our
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European population.

3. The large number of statutory and revenue offences which lead Native men to gaol. In 1933, the most common of these offences-Native Taxation Act, Possession of Native Liquor, Urban Areas Act, Municipal Regulations, Pass Laws Native Labour Regulations, Drunkenness, Master and Servants law-accounts for 264,640 convictions of which 69,591 were for tax defaulting and 25,456 for pass law offences. ⁽¹⁾ This frequent imprisonment of Native males seriously aggravates the poverty of the people. Earning time is lost while sentences are being served; again also in the case of short term hard sentences, offenders have to wear their own clothes which thus sustain for harder service than they would in ordinary circumstances; while in the case of imprisonment for tax defaulting and rent debt to the municipality the debt remains after the sentence is served. But in addition, it means that again the family is left to fend for itself and wife and children are alike forced to find a livelihood as and where they can.

All these facts make for an exceptional instability in family life among Natives in the Union and must be held largely accountable for the extent of juvenile delinquency. To be added to these there is of course:-

4. The absence of free and compulsory education. Such education as is procurable is outside the means of many of our Native families; in many cases, the parents cannot even find adequate clothing in which to send their children to school. ⁽²⁾

PROVISION FOR DESTITUTE CHILDREN

There is no regular provision for Native orphans

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(1) Figures taken from the Memorandum of the Institute of Race Relations on "Justice and the Native" by J.D.R. Jones.

(2) See Addendum.

and destitute children. Hitherto, it has been assumed, and it has usually happened that homes have been provided for destitute children by relations or neighbours; but as the pressure of economic circumstances increase with the growth of individualist ambitions among the towns people, and as the townspeople themselves drift farther away in time as well as in fact from the communal life and tradition of the kraal, such a solution is less dependable both as to frequency and as to results. Parents who are struggling to provide some sort of security for their own children are less willing to take in strays, and if tradition exerts sufficient influence on them to induce them to do so, the adopted child's lot is not so certainly equal to that of the other children as it once was.

It is difficult to give chapter and verse for these statements but they are based on the general experience of missionaries and social workers and there are prima facie reasons for assuming their truth in the absence of direct evidence.

In a few instances, destitute children have been dealt with by the magistrates at the Juvenile Court at Auckland Park under the Children's Protection Act and have been sent to Mariaanhill, to Lourdes or to some other missionary institution. For the most part, however, the needs of destitute or needy children are not known until the children come into the Courts as delinquents.

SPECIAL FEATURES OF NATIVE DELINQUENCY

In regard to the large numbers under the heading of delinquents in the annual records of our Prisons Department there are again several particular circumstances to be noted.

I. OFFENCES

The first of these is that Native juveniles like Native adults are committed for statutory offences which do not apply to Europeans, or under laws which are not so rigidly administered in respect of Europeans e.g. (1)

- (a) Offences under pass laws and failure to pay tax which account for a considerable number of the juvenile-adult males who pass through the courts. Natives become liable to pay tax at the age of 18 and the result may be seen in the rapid rise in numbers in the later age groups of those dealt with as delinquents e.g. in 1933, out of 21,825 Native juveniles and juvenile-adults committed to prison, 186 were under 14, 833 from 14 to 16, 4,000 from 16 to 18, while there were 16,507 from 18 to 21. (2)

This early tax liability tends to have an indirect as well as direct effect on the numbers committed as delinquents. Where youths under 18 are engaged for service, the contracts must be registered for payment of the monthly pass as in the case of adults. But many Europeans do not know this and while many Natives are equally ignorant of it, those who do know and those who are told alike endeavour to evade registration since they fear that it will result in liability for tax paying being assumed. In the event, however, of the failure to register the contract being discovered, as usually happens when subsequent contracts are made, the youth is liable to fine or imprisonment for the omission.

- (b) Offences under municipal bye-laws e.g. obstructing passage on the pavements, touting for bag-carrying etc.
- (c) Causing noise or commotion - Native shouting to one another in the streets.

These are not in any real sense offences and should not be treated as such.

A considerable number of the female juvenile offenders are committed of theft - a good deal of

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- (1) In April 1934 a Native employed at the University, Johannesburg was held up as he rode quietly on a bicycle through Florida on the West Rand. On demand he produced (1) his current tax receipt; (2) his employment pass; (3) a special pass entitling him to proceed to Randfontein. He failed to produce a bicycle licence receipt and was arrested. On the next day he was sentenced to 5/- fine or four days imprisonment. As he had no money on his person he went to goal, being released two days later on payment of the proportion of the fine not served. Case quoted by J.D.R. Jones in the memorandum of Institute of Race Relations on "Justice and the Native".
 - (2) Figures from Annual Report of the Department of Prisons for 1933. U.G. 35-1934.

it petty theft usually from the mistresses by whom the girls have been employed. It is likely that, while much of this is, traceable to small wages, some at least, is due to the failure of mistresses to pay money earned.

The absence of any security for the servants in the absence of a contract of service.

II. TREATMENT OF NATIVE DELINQUENTS

Native delinquents are in fact, although not in principle, treated differently from European Delinquents. Generally speaking, the tide of recent opinion has set against any treatment which might contaminate or harden youthful offenders and seeks a treatment that will provide a substitute for effective parental authority. In the case of European juveniles in South Africa, this has been to some extent achieved through the Hostel System. The Police Report for 1930-31 states "In view of the provision which has been made for the detention of children in reformatories and certified hostels, it is rarely necessary to sentence a child to detention in a prison". But this does not apply to Non-European children. For them there are at present no hostels and their only alternatives are Reformatories, or Gaol. Even this is not an effective alternative since there are only 2 reformatories in the country for Natives, Diep Kloof for male juveniles and juvenile adults and Eshowe for Native girls. These accommodate only a very small proportion of the juvenile offenders who pass through the courts. In 1932, for example, 167 Native juveniles adult were admitted to those Reformatories but 17500 went to prison.

RECOMMENDATIONS

A. For Prevention of Delinquency.

I. THE FAMILY

The first concern of the Community should be the

prevention of the spread of juvenile delinquency and the decrease in its present incidence. The first step towards this is greater economic security for the Native residents in the towns - and within rural areas whence much of the floating population of the towns is recruited. Better conditions in Native Reserve and on farms, and the establishment of a system of Native leasehold in respect of land not at present under development would go far to ease the urban situation by assisting towards that stabilisation of the town population which is the first condition of its general economic improvement. In the towns themselves, Native employers should be brought under the operation of the statutory machinery such as the Wage Board, created to safeguard the interests of employers.

II. THE CHILDREN

Such changes, however even if set in motion immediately, must take time to produce results and would not of themselves be sufficient to meet the needs of the children. Here there are two points worthy of note.

(a) The town child will probably have to be dealt with as a town child. Officers of long experience have found that to send town children to the country with the object of getting them away from bad company and surroundings has not been successful. The children, accustomed to the variety of town life, are bored in the country and take the first opportunity to return to the town where unless some provision is made for them, they again get into mischief.

(b) Again experience was tended to show that, of the Native youths who fall under the heading of delinquents, a very small proportion are sub-normal. The tendency indeed is for such children to be the brighter children of the district - to be rather above than below the average in intelligence. Again there is prima facie reason to believe-

believe that this time. It suggests, however, the urgent need for legitimate occupations for, and avenues, for the satisfaction of the ambitions of such children if they are to be made the friends and not the enemies of society. In this connection we would suggest:-

1. The urgent need for the extension of educational facilities for our Native children as a healthier and better method of dealing with them than through the gaols. This means an increase both in the number of schools and in the number of teachers. But Schools, while they have every advantage from the social aspect have in this particular instance, the additional merit, they tend to cost less. Today the country spends £19.17.3 per head on the education of European children and £2.16.7 per head on the education of Non-European children. Today the country spends £27.0.7 $\frac{3}{4}$ per unit per annum on offenders in prisons and £54.19.11 $\frac{3}{4}$ per unit per annum on offenders in Reformatories.

Indeed we would suggest that the time has come for the country seriously to consider the advisability of providing free compulsory education for the children of all sections of our community. Some at least of the cost of such constructive work would certainly be saved on the operation of the various departments of government concerned with penalties.

II. With education should go organised recreation so that the physical energy as well as the mental energy of the child may be directed into legitimate channels. The in-

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(1) Figures from Report of Department of Prisons, 1933, U.G. 33-1934. Note these figures do not include the cost of bringing offenders to the courts nor do they include the cost of the Head Office administration of the Department of Prisons itself, the cost being listed under the Department of Justice since 1931.

independent testimony of missionaries on Native townships goes to show that the hooligan gang which has been the chief feature of Negro slum quarters in American cities is springing up in our towns in similar circumstances, and if we are to avoid the spread of the gangsters spirit which is the greatest danger to healthy social life in America today, we must deal with it early and in the only way in which it can be effectively dealt with, by education and healthy exercise which will establish self respect and respect for others. (2) Organised sport through boys clubs could be made to teach lessons of loyalty to group well-being and the encouragement of the use of a boy's hands by the teaching of boxing will go far to banish the use of the knife at present all too frequent.

III. But while educational and recreational facilities will put the children on the road to social well-being, the goal will not be reached unless the needs of the juvenile adults are also provided for. Today many Native parents are less concerned than they might be about the inability of their children to go to school through poverty since today it is so difficult for the young Native to obtain work and in the struggle for employment, education does not assist them to any great extent. One of the most anti-social forces at work among the Natives of the towns is the narrowing of their labour market and the difficulty of obtaining employment. Here again the primary need is the stabilisation of the town population which can only be achieved through rural progress. But this in itself is not sufficient. Their young men of the towns must be helped to find work if
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(2) See Addendum.

if they are not to drift into evil ~~courses~~ and we would strongly recommend the extension of the Juvenile Affairs Board to cover the needs of Natives. This would have the combined effect of saving much of the waste of time and energy - and hope - involved in the present unorganised search for work by Natives and of inspiring a confidence on the part of the people in the good intentions of the white community towards them. But the effectiveness of all such constructive work for Native rehabilitation and progress must depend on the abolition of those statutory offences which make it ^{less} almost impossible for even the best intentioned to keep out of gaol and therefore out of contact with the worst influences in the community. It is of the very first importance that statutory offences, of which only the most obnoxious and damaging are pass laws offences and defaulting, with their high rate of imprisonment for adults should be reduced in the interests of family stability, but it is essential that they should be abolished in the case of juvenile and juvenile adults if any social betterment is to be achieved.

B. TREATMENT OF DELINQUENCY

In so far as real delinquency would remain and in the interval required for constructive reforms to take effect we would recommend:-

- I. The extended use of the Children's Protection Act in preference to criminal proceedings.
- II. The possibility of committing children to the care of Native foster parents. Family life as against institution life has much to be said in its favour and if respectable Natives could be got to take charge of children committed under the children ^{Pro}tection Act, this would have the advantage of keeping the children in the circumstance in
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which they will be expected to live later on. Such foster parents would of course, be under the supervision of probation officers.

III. The desirability of providing hostels for Natives on the lines of those provided for Europeans and of the Talitha Hostel to be opened soon in the Western Native Township.

On the purely financial side, it is possible that these means of dealing with the children who come to the courts would not on the whole, prove more expensive and should be much more effective than the present system. Today the cost per unit per day in prisons and gaols is $1/5\frac{3}{4}$. The cost per unit per day in Reformatories is $3/-$.⁽¹⁾ Against this,

ADDITIONAL RECOMMENDATIONS.

In addition:-

1. An increase in the probation staff and the inclusion on such staff of Native probation officers, trained by and working under the European probation officers.
2. The employment of an officer or officers of the same type by possible the Education Department ~~or~~^{by} private organisations such as the Children's Aid Society, to place and look after destitute as distinct from delinquent children before they reach the courts, such officers to work in collaboration with the probation officers.
3. But the great need, we feel, is for research workers to :-

- (1) Do a more extended social investigation of cases that come to court that probation officers can do and
- (2) To investigate destitution as distinct from delinquency which can only be done by working in the Native sections of the towns.

What we need is information in regard to a town problem that is not only new to South Africa but is altogether
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new in some of its features. This can only be supplied by people whose special business is to get it and who are free to concentrate on the fact finding.

SUMMARY OF RECOMMENDATIONS

For the prevention of the spread of delinquency and the reduction in its present extent.

- I. An improvement in the general economic and social position of the Native population of the towns; towards which the first step is to be sought in the improvement of rural conditions, the development of the Reserves, and the inauguration of leasehold for Natives in areas where land is today lying idle; and the second step the application of the principle of wage regulation to occupations in which Natives are employed.
- II. Increased educational facilities for Native children.
- III. Increased recreational facilities to avoid the growth of anti-social gangs.
- IV. The extension of the activities of the Juvenile Affairs Board to assist in bridging the gaps between school and regular employment for juvenile-adults.
- V. And essential to the effectiveness of these recommendations, the reduction in the number of statutory offences for Natives and in the use of prison methods for dealing with such offences.

THE TREATMENT OF REAL DELINQUENCY

1. The extended use of the Children's Protection Act in preference to criminal proceedings.
2. The use of Native foster parents in preference to detention in prisons or reformatories.
3. The establishment of certified hostels for Native children committed by the courts.
4. An increase in the numbers of probation officers

of whom some should be Natives.

ADDITIONAL

1. Appointment of officers of the probation type either by the Education Department or by private societies to place and look after destitute as distinct from delinquent children.
 2. Appointment of research officers to find the facts of a situation which is not only new to South Africa, but which in some respects, is entirely new.
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ADDENDUM

CASES:

1. OF POVERTY

(I). Case of a boy of 12, in substandard who had not clothes to go to school. Got work as a herd boy at 5/- per week. Worked for two weeks. Got clothes and returned to school. He has no father and his mother was ill.

(II). From the same school, another boy of 12, also in substandard. Got a job as a messenger for a building contractor at the same wage and left school to keep his aunt to meet the needs of the home.

These are cases from the Klipspruit Location collected by Paul Mosake in an enquiry for the Institute of Race Relations into the extent and the causes of school leaving. They show the influence of poverty in instances where, however, the boys were evidently able to make good in spite of their great disabilities. But as against this are to be placed cases where the results are not so encouraging e.g.

(i) Case from Boksburg.

I do know of a small Coloured boy who was destitute. Father a Goat-bird. Mother drank (I do not know these parents) He was BEING TAUGHT HOW TO BREAK INTO STORES, when his uncle adopted him and his eldest brother, and they are two fine little fellows today, and are most reliable and trustworthy. His uncle, hitherto blameless, was convicted on Monday on two charges of indecency. The Magistrate accepted that he had hitherto had a good character, and thought that he had a curious mental kink, but if sent to a mental hospital he would probably be kept there for years, so the more merciful course was to send him to goal for 10 weeks. Now he is in goal what is the poor family to do. He has EIGHT dependents. Wife, old Mother-in-law, four small children, eldest a cripple

and two adopted nephews. £2.10.0. was collected for his legal defence by fellow workmen who knew his good character and most of the money came from Natives, not Europeans or Coloured.

(ii) Case from Sophiatown.

This week, I came across a boy of 11, who since his Mother had to go away to see another sick child, has taken to staying out until 11 and 12 at night, playing truant from school joining with bigger boys in smoking dagga, and generally getting very wild and out of hand. He ran away from home when he was reprovved and stayed away for three days, and the Mother is in despair.

Beside this latter case may be placed a case quoted in a study of Negro Family Life in Chicago, by A. Franklin Frazier, Professor of Sociology, Fisk University, under the title of "The Negro Family in Chicago".

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