Administrative Death: Bureaucracy, capital punishment and governmentality in South Africa during the 1960s

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DECLARATION

I, Bianca Paige van Laun, declare that "Administrative Death: Bureaucracy, capital punishment and governmentality in South Africa during the 1960s" is my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Bianca van Laun
27 June 2018

DEDICATION

This dissertation is dedicated to Meg Wilding who instilled in me a deep love of history from an early age.

ACKNOWLEDGEMENTS

The dissertation would not have been possible without the support of several people whose various contributions deserve special mention. I owe my deepest gratitude to my supervisors, Nicky Rousseau and Premesh Lalu, whose invaluable assistance, knowledge, supervision and guidance from the preliminary to the final phases of this thesis has enabled me to develop it from a mere question to a coherent argument. I am tremendously thankful for their patience, time and diligence in helping me work through several versions of this thesis.

Heartfelt thanks must go to my family for their inseparable love, encouragement and prayers. My husband, Daniel Nicholson deserves special mention as this dissertation has spanned the duration of our marriage and he has not given up on me yet! I would like to express my deepest appreciation for his help with archival research but mostly for his love, support and persistent confidence in me.

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Introduction

On 15 December 2011, the now ousted South African President Jacob Zuma officiated the opening of the Gallows Memorial Museum at the Pretoria Central Correctional Facility, a project undertaken by the Department of Correctional Services. This Project saw the gallows at what was previously Pretoria Central Maximum (C-Max) Prison, which had been dismantled in 1996 following the abolition of the death penalty in South Africa, restored and reopened as a museum. At the top of the notorious 52 steps that condemned prisoners climbed to reach the execution room, the then president unveiled a dedicated wall with individualised plaques for each of the political prisoners who had died there between 1960 and 1989. "Today" the president announced, "all 134 names are officially being enshrined for eternity so that future generations will know what this country went through, so that we never go through a similar horror ever again."[1]
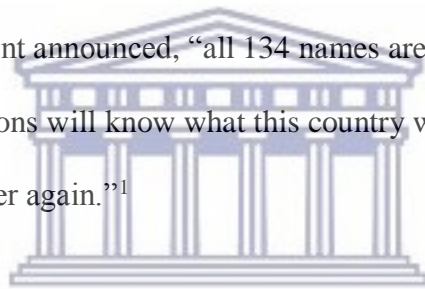
The Museum is meant to act as an anti-death penalty monument, to honour the anti-apartheid activists who were hanged by the apartheid state and to encourage "healing." This was to be "a place where the political prisoners who were hanged there can be honoured and the past can be buried."[2] Reflecting the African National Congress (hereafter ANC)- centered dominant narrative of resistance in South Africa, Zuma emphasised the executions of ANC cadres. He failed to note that the Pan Africanist Congress was the organisation that had lost the greatest number of its members to judicial executions.

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[1] "South Africa's gallows now instrument of healing," *Associated Press*, 1 March 2012. "Inside South Africa's factory of death" in the *Saturday Star* (12 December 2011).

[2] Keynote Address by President Jacob Zuma on the occasion of the launch of the Gallows Museum at the Pretoria Central Correctional Center, 15 December 2011, accessed at http://www.anc.org.za/content/keynote-address-president-jacob-zuma-occasion-launch-gallows-museum-pretoria-central on 12 March 2014

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Some 101 political prisoners were hanged between 1960 and 1969. Almost all of these were linked to the Pan Africanist Congress (hereafter PAC) or its armed wing, Poqo.[3] Indeed, more people were put to death during the 1960s for politically-motivated crimes than any other decade in South African history. How then do we account for the fact that so many were executed during the 1960s in connection with what were in some cases relatively minor acts of political resistance, as compared to a relatively small number of executions over the following two decades, despite this later period constituting what many claim as the apotheosis of resistance politics in South Africa? The 1960s it would seem is therefore important for any consideration of the history of political executions carried out in South Africa. However, most of the political executions performed during the 1960s have been side-lined in the historical accounts of this period. Many of these executions occurred in a somewhat anonymous manner with most of the executed, suffice a few exceptions, remaining largely unidentified.[4]

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[3] Fullard, M., "State Repression in the 1960's," in *The Road to Democracy in South Africa,* South African Democracy Education Trust, Volume 1 [1960-1970] (South Africa: Unisa Press, 2006), 382. Fullard later suggested that 131 political prisoners were hanged between 1960 and February 1990. She argues that three-quarters of this number were hanged during the 1960s. Madeleine Fullard, unpublished manuscript, 142. State discourse represented Poqo as an extension of the PAC and a formal political organization. Poqo has most often been discussed as an extension of the PAC, as the PAC's armed wing, or as the PAC reincarnated after it's banning in 1960, and as the forerunner of the Azanian People's Liberation Army (APLA). See Submission by APLA to the TRC (Cape Town, 1997). Gerhardt argues that Poqo was simply a reconstruction of the PAC after Sharpeville and that the word represented a shortened version of the Xhosa name for the PAC, UmAfrika Poqo or "Africans alone." Varying translations have also suggested that it meant "pure" or independent" all of which referred to the movement's racially exclusive nature. Thomas Karis, Gwendolyn Carter and Gail Gerhart, *From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964, Volume 3* (USA: Hoover Institution Publication, 1978), 669. Gail Gerhart, *Black Power in South Africa: The Evolution of an Ideology* (Los Angeles: University of California Press, 1978), 225. Thami Ka Plaatjie suggests that the word 'Poqo' emerged when Robert Sobukwe, president of the PAC, asked some of his colleagues to translate Pan Africanist Congress into Xhosa. See Thami ka Plaatjie, "The PAC's Internal Underground Activities," in *The Road to Democracy in South Africa,* South African Democracy Education Trust, Volume 2 [1970-1980] (South Africa: Unisa Press, 2006), 678. See also Tom Lodge, *Black Politics in South Africa Since 1945* (Braamfontein: Longman Group Ltd, 1983), 231, 241. Brown Maaba, "The PAC's War Against the State, 1960-1963," in *The road to democracy in South Africa*, South African Democracy Education Trust, Volume 1 [1960-1970], (South Africa: Unisa Press, 2006), 263

[4] Fullard, M., "State Repression in the 1960's," 382

With specific reference to the 1960s then, this thesis is concerned to examine the very bureaucratic structures and procedures through which a person was systematically processed from the time of sentencing, to death in the execution chamber, and beyond, to burial in unmarked paupers graves. What, we might ask, was the role of bureaucratic mechanisms and how did these function to facilitate and justify the practice of capital punishment in South Africa? I am interested to specifically understand how the apartheid state employed certain technologies and normative discourses, and a bureaucratic rationality to the killing of certain subjects, representing executions as not only necessary but even essential. This thesis examines how an extensive bureaucracy, which included the police, courts and prison system, operated under the helm of the National Party government to regulate and punish "political deviance" and threats to state sovereignty, and shows how a reading of official documents and prisoner files reveals something of the procedures, technologies and administration at work in carrying out a judicial execution in South Africa under apartheid.

As a period of intensive repression by the apartheid state and the decade in which the most significant number of political executions occurred, the 1960s provides a key node through which to examine these issues. However, perhaps owing to the secrecy that surrounded the administration of prisons and the execution process for so long, scholarly account of the bureaucratic processes that facilitated capital punishment in South Africa is especially sparse. Even less is known about the processes involved after the prisoner received the notice of execution.

Considering the hanging machine

In an effort to understand the workings of the prison system and the administration of capital sentences from the moment of sentencing to the disposal of the hanged body, this thesis

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proposes a detailed reading of bureaucratic records. Analysing trial records of selected 1960s cases and individual prison files, this thesis is concerned to examine what these documents may reveal about the procedures, technologies and administration at work in carrying out a judicial execution, as well as the actors who participated in these processes. Furthermore, it asks how such bureaucratic writing might enable an understanding of the nature and mind of the apartheid state? Drawing on wider scholarship on state formation, governmentality, and bureaucratic writing as well as debates around the development of an extensive and centralised bureaucratic apparatus in South Africa, particularly after the National Party election victory in 1948, this thesis seeks to understand the operation of justice, prisons and executions as part of this bureaucratic machine. It considers how apartheid legislation, particularly as relates to capital punishment, operated as a response to social developments that threatened the plans of the Nationalist leaders and the privilege of white society; how this rationality worked- or appeared to work- at every level of the state structures; and how it filtered into the prison system and the execution of death sentences for political prisoners.
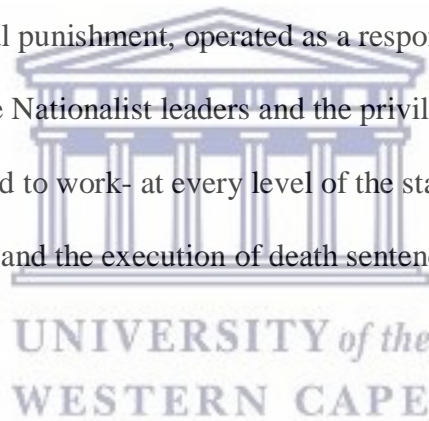
Drawing on the work of Michel Foucault, I am interested to ask how judicial executions of political opponents might be thought of as an exercise of absolute sovereignty or biopolitics or both, as the state involved itself both in the process of perpetrating violent executions and at the same time, through the existence of an entire bureaucracy and administrative system, was concerned to measure, photograph and categorise the condemned? As Foucault argues, judicial executions both invoked an older system of sovereign power, which could "put to

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death" or "let live," and a biopolitical logic, which was concerned to preserve the life of the population, of which the condemned individual was no longer considered to be a part.[5]

Executions could be explained and justified then, according to Foucault, on the basis of life itself and the defense and protection of the lives of "the innocent" from the threatening figure of "the deviant criminal." To what extent then were judicial executions in South Africa as historian Robert Turrell suggests "a symbolic expression of political power" and/or about the apartheid state's anxiety to defend and maintain both its rule and the welfare and safety of the white population?[6] Drawing on Paul Virilio, I want to suggest that in its various processes, the death penalty was configuring an "administration of fear."[7] This thesis seeks then to examine the death penalty in South Africa both in terms of its biopolitical administration and as a discourse of the administration of fear that is distributed unevenly across political organisations and across time.
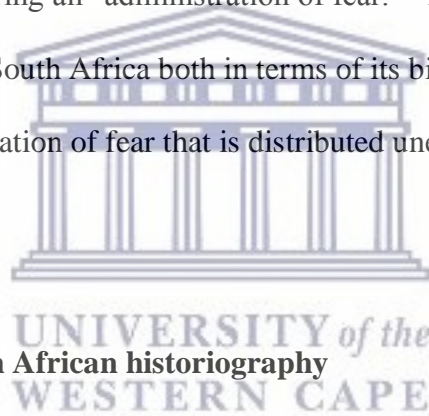
Capital punishment in South African historiography

There have been relatively few historical studies of capital punishment in South Africa. Our understanding of the inner workings of apartheid-era prisons or the bureaucratic administration of judicial executions is barely considered as an aspect of the meaning of apartheid. The sparse body of literature on capital punishment in South Africa tends most often to cohere around particular themes, which include questions of race and capital punishment, and the psychological effects of capital punishment and life on death row. Aside

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[5] Michel Foucault, *History of Sexuality, Vol 1: An Introduction* (New York: Pantheon Books, 1978), 135-136
Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998)
[6] Robert Turrell, *White Mercy: A Study of the Death Penalty in South Africa* (Connecticut: Praeger Publishers, 2004), 7
[7] Paul Virilio, *The Administration of Fear* (Los Angeles: Semiotext(e), 2012)

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from Madeleine Fullard and Robert Turrell, South African historians have not examined capital punishment at all. A considerable emphasis in the literature on capital punishment in South Africa, including the Truth and Reconciliation Commission (hereafter TRC), which declared judicial executions for politically-motivated offences a gross human rights violation, is concerned in one way or the other with a human rights discourse and the inhumanity of capital punishment.[8] Moreover, that which has been written on this subject seems to focus more on the period of the 1980s, a decade that accounts for far fewer cases of death sentences carried out.

The only full length book on the subject of capital punishment in South Africa is that by historian Robert Turrell. Although the book's subtitle suggests that it is "a Study of the Death Penalty in South Africa" it is far from a comprehensive history on the subject. Turrell's study is primarily interested in mercy records, that is cases where clemency was granted under the British tradition of the royal prerogative of mercy, between 1900 and 1950. He does not set out to explore capital punishment in either the period before 1900 or the latter half of the 20th Century in any detail. That said, Turrell's analysis of the mercy process and the procedures that determined the reprieve of condemned prisoners provides an understanding of one part of the bureaucratic road from sentencing to judicial death- the records of the colonial governor and his Executive Council for the confirmation of execution or the exercise of mercy.

Turrell is interested in the basis on which governors and executive councils could grant mercy between 1900 and 1950, and he finds ultimately that racism, sexism and political concerns were more significant than the legal merits of the individual cases in establishing

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[8] Report of the Truth and Reconciliation Commission of South Africa, Volume 2 (Cape Town: Juta, 1998),169-174

whether or not mercy would be exercised.[9] Turrell's book shows us the effectiveness of the law's design but also where it seemed to miss the mark especially as it was applied to African communities. Race and racial difference featured notably in debates over whether or not to commute death sentences handed to African people. As decisions to commute a convicted African person's death sentence were based on a British colonial understanding of premeditation, malice and motive in homicide cases these were often commuted, according to Turrell, because of their supposed "savagery." Liberal Britons and South Africans alike accepted the pseudo-scientific logic that belief in witchcraft and evil could be understood as an extenuating circumstance for "natives." Here Turrell suggests that the race of the victim of a crime had a more significant part than the race of the perpetrator in leading to executions.[10] This meant that crimes that did not affect the white community were generally considered unimportant. This race-of-victim bias, which was important in the 1940s and 1950s, as Turrell shows, shifts from the 1960s to a race-of-perpetrator bias.[11]
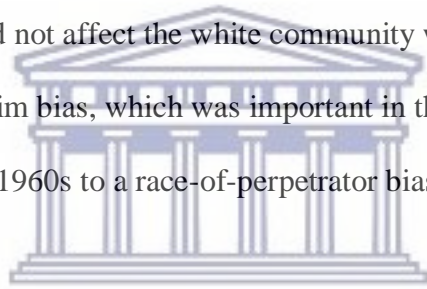
Turrell's book is significant in its tracking of the path of death penalty legislation in South Africa during the first half of the 20th Century as well as in its argument for the link between capital punishment and an attempt to protect white society and the sovereignty of the state. As he put it, "whites required the retention of the death penalty for racial self-defense."[12] Turrell argues that death sentences were applied as an attempt to protect the white population against black criminals, white political opponents and white racial "degenerates." He maintains that, "over the 1930s the death penalty was transformed from a form of class self-defense into a form of racial self-defense, and until the 1950s it was a punishment that white

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[9] Turrell, *White Mercy*
[10] Turrell, *White Mercy*, 237
[11] Turrell, *White Mercy,* 14
[12] Turrell, *White Mercy*, 223

state officials inflicted on black condemned."[13] The exercise of mercy, he argued could be considered "a weather vane of the stability or instability of a government" and executions were "a powerful display of sovereign power."[14] Turrell provocatively considers the relationship between the colonial state and its subjects, where the defense of the state sovereign in early 20th Century South Africa demanded strict punishments for anyone who did not adhere, although in my view this is not adequately theorized in terms of understanding the bureaucratic underbelly of apartheid power.

While valuable then, for his study of South African legal policies and political feeling during the first half of the 20th Century, Turrell's study tells us little about the administrative and bureaucratic procedures and processes that followed after a final sentence had been agreed to, about the actual executions or their administrative systems. This is important to consider because an examination of the administrative and bureaucratic processes that facilitated judicial executions might enable an understanding of the nature of the state. Where he does consider important documents he does not make a sufficient attempt to carefully examine what are, as Trevor Getz put it, "obviously code-laden documents" produced by a massive and very effective bureaucracy.[15]

Madeleine Fullard is the only writer who deals with political executions carried out during the 1960s in any detail. Fullard's work tracks the imposition of the death penalty for political activities and its evolution between the 1960s and the 1980s. She shows that following the expansion of militant African resistance in South Africa during the 1960s, the death sentence

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[13] Turrell, *White Mercy*, 232

[14] Turrell, *White Mercy*, 231

[15] Trevor Getz, "Review of Pierce, Steven; Rao, Anupama, eds., *Discipline and the Other Body: Correction, Corporeality, Colonialism* and Turrell, Robert Vicat, *White Mercy: A Study of the Death Penalty in South Africa*" H-SAfrica Resources (2007) accessed at https://networks.h-net.org/.../reviews/.../getz-pierce-and-rao-discipline-and-other-body.. on 4 June 2014

was increasingly imposed as part of the state's arsenal of legislated repression. It was during this decade that sabotage and terrorism, both purposefully broadly defined, were incorporated into the list of capital offences. Fullard shows that this decade was further characterised by group hangings with between four and 15 men being hanged for the same crime. [16]

Nearly all of the scholarly work on the death penalty in South Africa comes out of the abolitionist movement against capital punishment mainly formed in legal discourse.[17] Several scholars recognised that by the 1960s the application of the death penalty in South Africa had become a politicised issue and an instrument used by the apartheid government to suppress "non-white races" and quash political opposition.[18] In response, several voices emerged to condemn the use of capital punishment. Strong moral and legal arguments were made in opposition to the death penalty. The abolitionists argued that capital punishment was ineffectual as a deterrent to crime, that execution by hanging was a barbaric act that was out of place in a civilised Christian community, and that capital punishment was a violation of human rights.[19]

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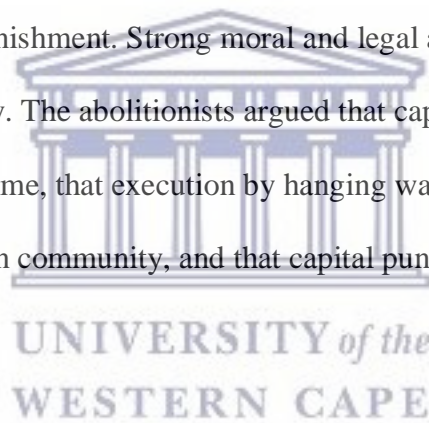
[16] Fullard, "State Repression in the 1960's," 382

[17] Van Niekerk, "Hanged by the Neck Until You Are Dead: Some Thoughts on the Application of the Death Penalty in South Africa" *South African Law Journal*, 457 (1969), 457-475. George E. Devenish, "The Application of the Death Penalty in South Africa: Its Historical and Jurisprudential Evolution and Background and its Relationship with Constitutional and Political Reform" Inaugural Lecture delivered at the University of Natal, Durban (29 May 1989). David Welsh, "Capital Punishment in South Africa" in Alan Milner (ed), *African Penal Systems* (London: Routledge, 1969), 397-427. John Dugard, Andy Durbach and Charlene Lea, *South Africa's Death Penalty: New Perspectives on Extenuation* (Johannesburg: Society for the Abolition of the Death Penalty in South Africa, Centre for Applied Legal Studies, University of Witwatersrand, 1989). *Pretoria's Busy Rope: The Death Penalty, Part 2* (South African Pressclips, 1988). Lloyd Vogelman, *The Living Dead: Living on Death Row* (Johannesburg: Project for the study of Violence, University of Witwatersrand, 1989), 1. Phyllis Naidoo, *Waiting to die in Pretoria* (Harare, Mazongororo Paper Converters Ltd, 1990)

[18] Van Niekerk, "Hanged by the Neck Until You Are Dead," 457-475. Helen Suzman, *In No Uncertain Terms: Memoirs* (Johannesburg: Ball Publishers, 1993). Welsh, "Capital Punishment in South Africa," 397-427

[19] Devenish, "The Application of the Death Penalty in South Africa." Welsh, "Capital Punishment in South Africa," 397-427. Fanny Gross, *Who Hangs the Hangman? A Modern Approach to Punishment* (Cape Town: Juta, 1966). Van Niekerk, "Hanged by the Neck Until You Are Dead," 457-475

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In 1969 Helen Suzman, a liberal Member of Parliament for Houghton, made a private motion to Parliament recommending that the government appoint a commission of enquiry into the application of the death penalty in South Africa. The then Minister of Justice however turned down her proposal arguing that there was no public demand for abolition. As Suzman recalls, "all the Nat (National Party) members were eagerly in favour of retention; they seemed to assume that there were thousands of would-be murderers, straining at the leash, ready to do people in if the death penalty were abolished."[20]

The Lansdown Commission, assigned by the Smuts government in 1947, was the only enquiry into the death penalty in South African legal history. The main function of the Commission was a wider study on the country's penal institutions and policies and only tangentially reported on the death penalty. The Commission, named after its chairman Charles W.H. Lansdown, was appointed by the Union government "to enquire into and report upon several matters pertaining to penal and prison reform in South Africa."[21] It considered capital punishment as one of a vast number of other problems. Here the key question was whether the death penalty acted as a sufficient deterrent to violent crimes.

The Commission argued that according to public opinion "the abolition of the death penalty would not be tolerated."[22] This "public opinion" however comprised views of those classified as white. The Commission was concerned with and relied upon the opinions and views of men who had "long experience of the administration of law and of human nature" to argue

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[20] Suzman, *In No Uncertain Terms: Memoirs*, 108-109. "One-woman attack on hanging," *Cape Argus* (3 March 1969). "Death sentence no deterrence says woman M.P. call for inquiry," *Cape Argus* (15 March 1969). "New bid by Suzman to end death penalty," *Cape Argus* (14 April 1973)

[21] *Report of the Commission for Penal and Prison Reform* (Lansdown Commission) (Pretoria: Government Printer, 1947)

[22] *Report of the Commission for Penal and Prison Reform,* 67

that "the retention of the death penalty is necessary in the interests of society."[23] It was held to be in the best interests of white society as it was argued that a large section of the African population "has not yet emerged from a state of barbarism."[24] Ultimately, the Commission concluded that, "the abolitionists have not made out a case which would justify a recommendation for amendment of the law in this country."[25] In 1976 another commission of enquiry, the Viljoen Commission, was appointed to inquire into the South African penal system and to propose recommendations for its improvement, but it was stipulated that the question of the retention of the death penalty was not to be inquired into.[26]

Several legal scholars were concerned with the racial bias of the application of the death penalty.[27] During the 1960s, a senior lecturer in the School of Law of the University of the Witwatersrand, Barend van Niekerk, produced controversial research highlighting the racial bias in the application of the death penalty in South Africa. Van Niekerk published articles in two consecutive issues of the *South African Law Journal* calling for the abolition of capital punishment in South Africa.[28] In 1967 Van Niekerk compared South Africa's execution figures with that of the rest of the world and found that in a space of two years, from 1 July 1963 to 30 June 1965, South Africa accounted for 47 per cent of the worlds executions.[29]

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[23] *Report of the Commission for Penal and Prison Reform,* 64

[24] *Report of the Commission for Penal and Prison Reform,* 64

[25] *Report of the Commission for Penal and Prison Reform,* 67. See S. Singh, "The Historical Development of Prisons in South Africa: A Penological Perspective," *New Contree,* No. 50 (2005), 26

[26] *Report of the Commission of Inquiry into the Penal System of the Republic of South Africa* (Pretoria: Government Printers, 1976)

[27] Van Niekerk, "Hanged by the Neck Until You Are Dead," 457-475. Etienne Mureinik, "Caring About Capital Punishment," in C. Visser, *Essays in Honour of Ellison Kahn* (Cape Town: Juta, 1989), 216-224. John Dugard *Human Rights and the South African Legal Order* (Princeton: Princeton University Press, 1978), 127. Ellison Kahn, "How Did We Get Our Lopsided Law on the Death Penalty for Common-law Crimes and What Should We Do About It," *South African Journal of Criminal Justice* (1989), 137-163

[28] Van Niekerk, "Hanged by the Neck Until You Are Dead," 457-475.   Barend van Niekerk, "Hanged by the neck until you are dead: Some thoughts on the application of the death penalty in South Africa (Continued from (1969) 86 S.A.L.J. 475)," *South African Law Journal,* 87 (1970), 60-75

[29] Van Niekerk, "Hanged by the Neck until You Are Dead," 458. "Death sentence probe urged by law expert," *Cape Argus* (28 August 1968). Brian Rudden, "Racial aspect of executions: van Niekerk case defense revealed by law journal," *Sunday Times* (8 August 1971)

Van Niekerk found that a black man tried for a capital offense was more likely to be sentenced to death than a white man and clearly argued that the death penalty in South Africa was being enforced in a racially discriminatory manner.

Based on questionnaires sent to the practicing members of the South African bar enquiring into several aspects relating to the death penalty, van Niekerk concluded that almost 50 percent of advocates who responded to the questionnaire believed that justice in the form of capital punishment was administered in a racially differentiated manner.[30] Furthermore, the results of the questionnaire suggested that this differentiation was "conscious and deliberate."[31] As a consequence of this work, van Niekerk was prosecuted twice and once convicted of contempt of court on the grounds that he had questioned the impartiality of South African judges and cast suspicion on the administration of justice in the courts.[32] Without allowing the defense to respond to the prosecution against van Niekerk, the court acquitted him. However, van Niekerk had succeeded in showing that something had gone wrong with the administration of justice in South Africa.

Following van Niekerk, other legal scholars made similar arguments regarding the racially discriminatory application of the death penalty in South Africa. Law professor John Dugard, argued that, "it is impossible to divorce the racial factor from the death penalty in South Africa."[33] A decade later another legal scholar, Etienne Mureinik, argued that there was a psychological logic to the race-of-perpetrator bias in the implementation of capital

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[30] See copy of such a questionnaire in Society for the Abolition of the death Penalty Records, Historical Papers Research Archive, University of the Witwatersrand, A3224.

[31] Van Niekerk, "Hanged by the Neck Until You Are Dead," 467

[32] H. Hahlo, "Scandalizing Justice: The van Niekerk Story," *University of Toronto Law Journal,* vol. 21, No. 3 (1971), 378-392. "Law lecturer in court," *Cape Argus* (8 August 1970). "Why I reject the death penalty," *Cape Argus* (21 August 1970)

[33] Dugard *Human Rights and the South African Legal Order*, 127

punishment. He posited that it was possible for judges to condemn so many black people to death based on racist opinion, which viewed them as "less than fully human."[34] This according to Mureinik accounted for the significant numbers of death sentences handed down during the 1980s.

Abolitionist David Welsh's chapter on capital punishment in South Africa published in 1969 recapitulated on the discriminatory application of the death penalty by exclusively white judges and predominantly white attorneys and advocates.[35] In many ways the application of the death sentence was arbitrary and some judges were known to be more likely to impose the death penalty while others never did.[36] Many black South Africans tried on capital charges were poorly defended, if at all. In cases where the accused could not afford a lawyer the state would appoint *pro deo* (that is charitable) counsel for his/her defense. Such *pro deo* work was often done by the most junior and less experienced advocates. This system also allowed legal counsel minimal time for consultation with their clients. This was further compounded by the fact that court cases were often held in Afrikaans and the accused were reliant upon interpreters.[37] Some of these studies clearly provide a useful sketch of the historical and jurisprudential background and evolution of the death penalty in South Africa. However, they are most often primarily driven by abolitionist debates, legal and humanitarian

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[34] Mureinik, "Caring About Capital Punishment," 221

[35] Welsh, "Capital Punishment in South Africa," 413. Welsh provides statistics for persons prosecuted for murder and rape that clearly show these disparities. See Welsh, "Capital Punishment in South Africa," 415.

[36] At the relaunch of the Society for the Abolition of Capital Punishment, former Supreme Court Judge R.M Leon said that "some judges convict more easily than others." He added; "I know from my own experience that some judges find extenuating circumstances more easily than others. I know judges who impose the death sentence not infrequently, and I know one judge who has been on the bench for some years who has never passed the death sentence. Should a man's life depend upon the chance of the judge before whom he appears?" cited in *Inside South Africa's Death Factory,* Black Sash Research Project (February 1989), 9. "Will you hang? It all depends on the judge you get," *Weekly Mail* (15 September 1989)

[37] Welsh, "Capital Punishment in South Africa," 417. Devenish, "The Application of the Death Penalty in South Africa," 14. See also Roelien Theron, Julian Sloth-Nielsen, and Hugh Corder, *Death by Decree: South Africa and the Death Penalty* (Cape Town: Society for the Abolition of Death Penalty in South Africa and SJPR, 1991), 8-9

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discourse and are therefore insufficient as they cannot provide us with a history of the death penalty. [38]

For the most part there was little sustained effort to fight for the majority of the men who went to the gallows during the 1960s. As Fullard suggests, many truly went to the gallows anonymously as far as the local and international community were concerned. Only a very small number of 1960s cases were the subject of mass political campaigns.[39] However, as the South African state intensified its application of the death penalty, the abolitionist sentiment both in South Africa and abroad grew. Various political movements and supporters of the abolitionist cause launched isolated campaigns to save particular prisoners from the gallows.[40]
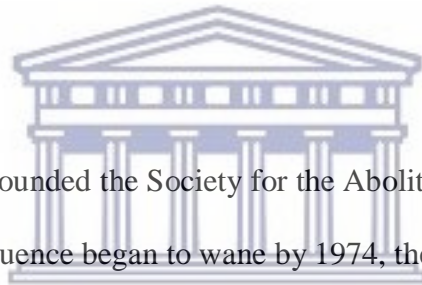
In 1971 Barend Van Niekerk founded the Society for the Abolition of the Death Penalty in South Africa. Although its influence began to wane by 1974, the Society was relaunched in 1988 and several publications were generated by the work of this society.[41] Various mainline English-speaking churches and the Black Sash liberal women's organisation also took a forceful moral stand against capital punishment, arguing for the sanctity of life. Various campaigns produced letters to the state president and posters for public support calling both

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[38] Devenish, "The Application of the Death Penalty in South Africa." Welsh, "Capital Punishment in South Africa," 397-427. Fanny Gross, *Who Hangs the Hangman?* Van Niekerk, "Hanged by the Neck Until You Are Dead," 457-475. John Dugard, "The Death Penalty and Prisoner-of-war Status," in John Dugard, Andy Durbach and Charlene Lea, South Africa's Death Penalty: New Perspectives on Extenuation (Johannesburg: Society for the Abolition of the Death Penalty in South Africa, 1989), 5-10. Dugard, *Human Rights and the South African Legal Order*. Ellison Kahn, "The Death Penalty in South Africa," *Tydskrift vir Hedendaagse Romeinse-Hollandse Reg* (1970). Albie Sachs, *Justice in South Africa* (Berkeley: University of California Press, 1973). Fanny Gross, *The Perennial Question: To Hang or Not to Hang?* (Cape Town: CTP Book Printers, 1998)

[39] Fullard, "The Ultimate Penalty: Political Executions in the Period 1960 to 1994" unpublished paper

[40] These included the Detainees Parents Support Committee, the Black Sash, the Society for the Abolition of the Death Penalty amongst others.

[41] Devenish, "The Application of the Death Penalty in South Africa," 9. Dugard, Durbach and Lea, *South Africa's Death Penalty*. Theron, Sloth-Nielsen and Corder, *Death by Decree: South Africa and the Death Penalty*

for the release of particular prisoners and for an end to the application of the death penalty in political cases.[42] However, from the 1960s until the mid-1980s, no real widespread opposition to the death penalty existed.

Campaigns against capital punishment in South Africa aimed to expand the campaign against the death penalty and to create awareness of those on death row by harnessing moral and legal arguments. However, the focus of much of this work is much more evident in the period of the 1980s. In 1990, anti-apartheid activist Phyllis Naidoo published something of a handbook or guide to death row in attempts to create such awareness. Here she is writing to the prisoner who finds him/herself on death row in Pretoria, whom she addresses at different moments as "my young friend" and "my dying friend," and for whom she describes "the road to the gallows" from the moment one entered the gates of the prison to the moment of burial. "Let me be your guide," Naidoo proposes, as she maps out various aspects of life on death row. Naidoo's book is critical in its efforts to track the procedures that were enacted from the moment the prisoner entered the prison, to her discussion of the "Service of the Order of Execution."[43] However, Naidoo's tracking of these procedures is primarily meant, and remains within the register of a critique of the death penalty, and particularly its use as a weapon against political activists.

There is some commentary concerned with the psychological effects of capital punishment on the condemned, the warders and other prisoners living on death row. In 1989 the Witwatersrand University Press and the Project for the Study of Violence issued Lloyd Vogelman's short book, *The Living Dead: Living on Death Row.* Based on interviews with

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[42] For some of these public protest posters see The Poster Book Collective, *Images of Defiance: South African Resistance Posters of the 1980s* (Johannesburg: Ravan Press, 1991). Jon Berndt, *From Weapon to Ornament: The CAP Media Project Posters (1982 to 1994)* (San Francisco: Arts and Media Access Centre, 2007)

[43] Naidoo, *Waiting to Die in Pretoria*

eight ex-inmates who had served time on death row, Vogelman, a clinical psychologist, focuses on the conditions of life on death row for its inmates and the process leading up to hanging. His is an argument about the inhumanity of capital punishment and the psychological effects of life on death row for all involved.[44] What is useful however in Vogelman's study is his brief description of the procedures over the last seven days of the prisoner's life including the prisoner's transfer on the receipt of the Warrant of Execution and the recording of the prisoner's body measurements so as to ensure that everything was "properly" prepared prior to execution.[45]

A Black Sash research project produced similar material in 1989. Based on interviews with former death row inmates and the family and friends of a sample of men on death row, this publication produces a "profile of a death row prisoner" and sketches a picture of life on death row in Pretoria Maximum Prison. Drawing on the court records of a sample of individual prisoners the publication further provides a significant image of the legal path to death row in South Africa.[46]
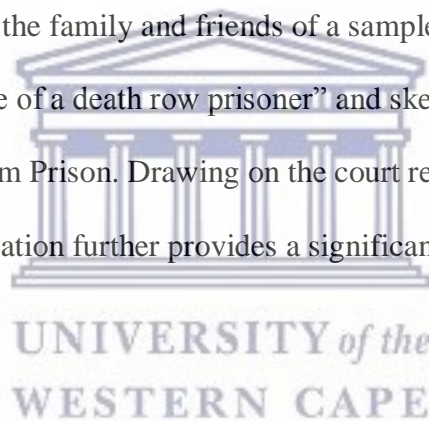
Aside from these studies, novels and films provide some sense of the execution process in South Africa. Some former political prisoners have written of their own experiences of death row.[47] Others have written the stories of particular individuals condemned to death.[48] Based on their own association with capital cases in South Africa or arising out of a deep sense of

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[44] Vogelman, *The Living Dead*

[45] Vogelman, *The Living Dead*, 9. See also Black Sash, *Inside South Africa's Death Factory,* 38-39.

[46] Black Sash, *Inside South Africa's Death Factory*

[47] Hugh Lewin, *Bandiet: Seven Years in a South African Prison (*Harmondsworth: Penguin, 1976). Breyten Breytenbach, *The True Confessions of an Albino Terrorist* (London: Faber and Faber, 1985). Raymond Suttner, *Inside Apartheid's Prison* (South Africa: Jacana Media, 2017)

[48] Fatima Meer, *The Trial of Andrew Zondo: A Sociological Insight* (Johannesburg: Skotaville, 1987). Judy Froman, *Solomon's Story* (Johannesburg: Pan Macmillan, 2011). Andrew Zondo, an *Umkhonto we Sizwe* operative, was convicted and sentenced to death for five counts of murder after he detonated a bomb at a shopping center in December 1985. He was hanged on 9 September 1986 at the age of 19

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urgency provoked by the large numbers of executions carried out during the 1980s, Peter

Harris, Chris Marnewick and Bernard Levinson have each produced novels that aid in our

understanding of the apartheid state's administration of its conception of "justice" in the form

of the death penalty.[49] Although they cannot provide a detailed description of the

bureaucratic apparatuses of the prisons department, much of which would have been beyond

the purview of prisoners, these affective reflections on the enactment of executions need to be

taken seriously.

Each have in their own way emphasised the sanitised, efficient and mechanical operation of

death row at Pretoria Central Maximum Prison. Levinson, whose text emerges out of a

psychiatric report he was asked to assemble by a team of lawyers defending a man

condemned to death, describes death row as "an enormous, highly organised…hanging

machine," and as a "conveyor belt" that processed prisoners towards death.[50]

Marnewick was an advocate in Durban during the 1980s. Drawing from interviews with a

former death row warder and a reading of 1980s capital cases, Marnewick provides a detailed

picture of the execution process, the people involved and the conditions on death row. In an

interview in 2016 Marnewick noted the difficulty in penetrating the wall of secrecy that

existed around the processes of execution in South Africa until one of the former death row

warders, J.S. Steinberg described these procedures in his testimony to the TRC in July 1997.

Marnewick's book describes the processes of identification, fingerprinting and certification,

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[49] Bernard Levinson, *The Hanging Machine* (Pretoria: Gutenberg Book Printers, 1990). Chris Marnewick, *Shepherds and Butchers* (Cape Town: Umuzi, 2008). Peter Harris, *In a Different Time: The Inside Story of the Delmas Four* (Cape Town: Umuzi, 2008)

[50] Levinson, *The Hanging Machine*, 28

the work of the various actors, the meticulous attention to detail, and the routinisation and efficiency of the killing.[51]

The moratorium on all executions declared in February 1990 was a precondition of the African National Congress for the start of negotiations with the National Party (apartheid) government. Since the abolition of the death penalty was so integral to the South African transition to democracy, we cannot think this transition without a history of the death penalty in South Africa. Indeed, it seems that the figuring of the negotiations that enabled South Africa's transition is dependent upon something that has been underrepresented historically. It is clear that there are some instances in South African history where we encounter the problem of the death penalty. The studies noted above provide a history of law and a humanitarian discourse, of colonialism and resistance, of apartheid and its violence. What is missing, however, is a history of the biopolitics that intercedes in the history of the death penalty.
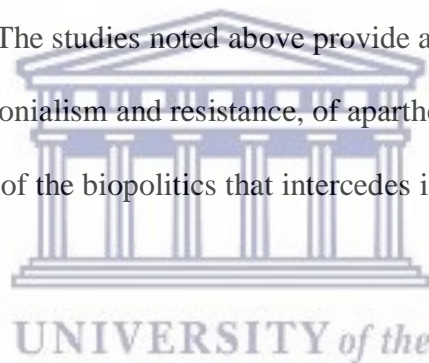
Besides the brief tracking of the procedures that governed life on death row by those seeking to make an argument for abolition in academic and literary forms, no significant attempt has been made to investigate the bureaucratic technologies at work within the apparatus that facilitated judicial executions in South Africa. The literature is, as I have suggested, caught up within a human rights discourse, which of course reflects the frustrations and anxieties of the time in which it was written. This thesis seeks to look beyond these well-worn debates to produce a history of a technology of death under apartheid. This thesis however does not

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[51]Marnewick, *Shepherds and Butchers*. In 2016 this novel was made into a film by the same name by producer Anant Singh. "Must-see film, Shepherds and Butchers, tells a different story about apartheid," Cape Talk radio interview, Eusebias MaKaiser with author Chris Marnewick and film producer Anant Singh, 27 October 2016.Accessed at www.capetalk.co.za/.../shepherds-and-butchers-film-unveils-trauma-of-white-men-un.. on 8 February 2018.

purport to produce a history of the death penalty in South Africa. Rather this thesis is interested in the administration of the death penalty and the bureaucratic procedures that facilitated it. Given this emphasis, it may prove useful here to provide a trace of the evolution of capital cases in South Africa particularly in order to understand the large incidence of executions during the 1960s, the political background and the arbitrary distinction between political and common-law offences.

Capital punishment and South Africa

Capital punishment had been carried out in South Africa since the Cape's colonisation by the Dutch in 1652. The death penalty was an instrument of Roman-Dutch law and was enforced for a number of crimes, including murder, rape, arson, theft, robbery, fraud, sodomy, and public violence. During the 17th and 18th centuries, the Dutch East India Company in South Africa meted out severe physical punishment and executions in response to behavior considered to be criminal. These punishments were carried out in public and were often excessively violent.[52] From the very beginning of colonisation at the Cape, the colonial powers meted out punishment as a mechanism of social control and the spectacle of public execution displayed the might of the colonial powers.[53]

Studying the treatment of suicides at the Cape at this time, historian Kerry Ward recounts a story of the slave couple, September and Sibella, who in 1746 hanged themselves in their

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[52] Public executions included torture, branding, suffocation, breaking on the wheel and beheading. See Andrew Novak, *The Death Penalty in Africa: Foundations and Future Prospects* (New York: Palgrave Macmillan, 2014), 26

[53] Novak, *The Death Penalty in Africa*. A. Milner (ed.), African Penal Systems (New York: Praeger, 1969). There are many studies of the colonial state's practices of punishment. Jocelyn Alexander and Gary Kynoch, "Introduction: Histories and Legacies of Punishment in Southern Africa," *Journal of Southern African Studies*, Vol. 37, No. 3 (2011), 395-413. Florence Bernault (ed), *A History of Prison and Confinement in Africa* (Portsmouth: Heinemann, 2003). Steven Pierce and Anupama Rao (eds.), *Discipline and the Other Body: Correction, Corporeality, Colonialism* (Michigan: Duke University Press, 2006). Richard Ward (ed.), *A Global History of Execution and the Criminal Corpse* (Basingstoke: Palgrave Macmillan, 2015)

prison cells before the court had the chance to convict them of murder.[54] Angered by this "presumptuous act" and robbed of its opportunity to demonstrate its authority through the imposition of justice, the Dutch East India Company had the corpses dragged through the streets of Cape Town and hung upside down on the gallows. This was done as a public spectacle, not as a punishment for the murder they had committed but for their suicides, which as Ward maintains, threatened the Company's control over the use of legitimised violence. Interested in the ways in which suicide challenged different claims to control over the individual, Ward poses the question; "who owned the body: God, the state or the individual?"[55] This is a question that this thesis will return to again and again. Similarly, in the case of another slave's (Sara's) suicide also during the period of Dutch rule at the Cape, Premesh Lalu argues that colonial legality was cast "into disarray by bringing its very hegemonic pretensions into question."[56]
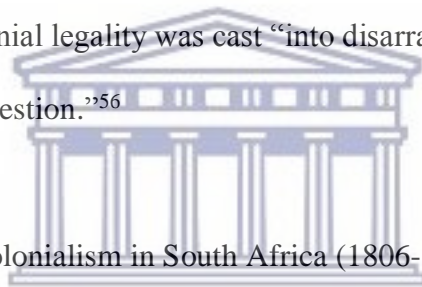
During the period of British colonialism in South Africa (1806-1910), capital punishment was further cemented as part of the Colony's legal tradition and administration of justice. The legal system came to combine elements of Roman-Dutch law, English Common Law and African customary law, although the criminal code imposed was patently British.[57] Capital

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[54] Kerry Ward, "Defining and Defiling the Criminal Body at the Cape of Good Hope: Punishing the Crime of Suicide under Dutch East India Company Rule, circa 1652-1795" in Steven Pierce and Anupama Rao, *Discipline and the Other Body: Correction, Corporeality, Colonialism* (Michigan: Duke University Press, 2006), 36-60

[55] Ward, "Defining and Defiling the Criminal Body at the Cape of Good Hope," 37

[56] Premesh Lalu, "Sara's Suicide: History and the Representational Limit," *Kronos*, No. 26 (2000), 89-101. Susie Newton-King has examined the trials and application of the death penalty in the Cape during the second decade of the eighteenth century for the crime of sodomy. See Susie Newton-King, "For the Love of Adam: Two Sodomy Trials at the Cape of Good Hope," *Kronos*, no. 28 (2002), 21-42. Susie Newton-King, "Sodomy, Race and Respectability in Stellenbosch and Drakenstein, 1689-1762: The Story of a Family, loosely defined," *Kronos*, no. 33 (2007), 6-44

[57] Capital punishment had been part of the criminal justice systems of various precolonial African societies. Different forms of punishment existed in different societies and for different crimes. The Xhosa chiefs executed people for witchcraft. Novak, *The Death Penalty in Africa,* 18. See Jeff Peires, *The Dead Will Arise: Nongqawuse and the great Xhosa cattle-killing movement of 1856-7* (Jeppestown: Jonathan Ball, 2003),71. Some abolition arguments emphasised the lack of precolonial roots for capital punishment as a reason for abolition but Andrew Novak argues that imprisonment was a more foreign colonial import than capital

punishment was vital to the display of power of the advancing colonial state, and for

instituting and maintaining the "law and order" required for it to function effectively.

Hanging was the method of execution used in metropolitan Britain and was believed to be the

"most effective and humane, and least violent, method of death, making it the most

acceptable to British colonial regimes."[58] In the Cape, two gallows were built and utilised

throughout the 18th Century- one located near the Castle in Buitenkant Street and the other

near the Green Point Common, still today known as Gallows Hill.[59]

British legislation and penology imposed on colonies throughout the African continent

favoured capital punishment as an instrument and a "stark enactment of colonial power."[60]

Historian Stacey Hynd has written extensively about the practice of capital punishment in

British Africa, particularly in Malawi.[61] Hynd importantly argues that the use of capital

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punishment. See D. van Zyl Smit, "The Death Penalty in Africa," *African Human Rights Law Journal*, Vol. 4, No.1 (2004), 1-17

[58] Stacey Hynd, "Killing the Condemned: The Practice and Process of Capital Punishment in British Africa, 1900s-1950s," *The Journal of African History*, Vol. 49, No. 3 (2008), 407

[59] Russel Viljoen, "'Cape of Execution:' The gallows at the Cape of Good Hope as Represented in the Colonial Art of Johannes Rach and Lady Anne Barnard," *South African Journal of Art History*, Vol. 26, No, 1 (2011), 156-170

[60] Hynd, "Killing the Condemned," 403. Novak shows that, with the exception of Portugal, all of the colonial powers in Africa enforced capital punishment in their colonies. See Novak, *The Death Penalty in Africa*, 25. The death penalty was also used as an instrument of political oppression against African nationalist besides South Africa, in Kenya, Algeria, Rhodesia and South African-governed South West Africa (Namibia). See David Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (New York: W.W. Norton & Company, 2005). Andrew Novak, "Constitutional Reform and the Abolition of the Mandatory Death Penalty in Kenya," *Suffolk University Law Review*, 285 (2012), 285-356. Claire Palley, "Law and the Unequal Society: Discriminatory Legislation in Rhodesia under the Rhodesia Front from 1963 to 1969 Part 1," in *Race* (London, 1970), 15-47. Nikki Kalbing, "A Matter of Life and Death: Criminal Law and the Death Penalty in South West Africa (SWA) under South African Rule, 1915-1939," *South African Historical Journal,* Vol. 66, No. 2 (2014), 249-269. Patricia Hayes has examined the case of Nduuvu Filemon Nangolo who on 30 May 1977 became the only person categorized as a "terrorist" to be judicially executed in Namibia during the struggle against South African occupation. Nangolo's jailers not only oversaw his execution but commissioned a plaster of paris mold of his body which was hanged in a staged re-enactment of hangings in at Windhoek prison in 1991 for a television program on capital punishment in Namibia. See photographs of the hanging of this cast by photographer John Liebenberg in John Liebenberg and Patricia Hayes*, Bush of Ghosts: Life and War in Namibia, 1986-90* (Cape Town: Umuzi, 2010), 233. Patricia Hayes, "Nduuvu & Canisius: Forensic Episodes and the Death Penalty in Namibia, 1976-7," paper presented at the Visual Gateways Workshop, District Six Museum Homecoming Center, Cape Town, 22 October 2016.

[61] Hynd, "Killing the Condemned," 403-418. Stacey Hynd, "Murder and Mercy: Capital Punishment in Colonial Kenya, ca.1909-1956," *International Journal of African Historical Studies*, Vol. 45, No. 1 (2012), 81-101. Stacey Hynd, "'The Extreme Penalty of the Law': Mercy and the Death Penalty as Aspects of State Power in Colonial Nyasaland, c. 1930-47," *Journal of Eastern African Studies*, Vol. 4, No. 3 (2010), 542-559.

punishment in the British African colonies "was not a method of crime control or individual punishment, but an integral aspect of colonial networks of power and violence."[62] For the most part the main aim of the death penalty was one of deterrence rather than retribution against an individual. As Hynd says, "an execution was a didactic measure seeking to deter others from challenging colonial order."[63]

For Hynd, the practice and rituals of capital punishment reflected developments in the process of colonisation itself. As British colonial states became increasingly modernised and bureaucratised, and as they aspired to greater efficiency, "civilisation" and "humanity," capital punishment developed from a public expression of British power to private, sanitised judicial executions. This is a genealogy that corresponds to Foucault's study in *Discipline and Punish*.[64] By the mid-19th Century, shifts in cultural sensibilities and politico-legal strategies saw public executions recast as barbaric and scandalous. Britain banned public executions in 1868 and the Colonial Office began to express its disdain at their use in the colonies. A circular sent to all colonial governors in 1905 instructed them to adhere to the British Home Office's execution procedures. It stipulated that, "executions were to occur behind closed doors, in prison and using long-drop gallows, carefully calibrated to ensure near instantaneous death through the dislocation of vertebrae."[65] As a consequence, judicial

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[62] Hynd, "Killing the Condemned," 403

[63] Hynd, "Killing the Condemned," 404. Denver Webb's study of the first public execution in King William's Town, in what was British Kaffraria in 1858, reveals something of the nature of colonial power. Denver Webb, "More Than Just a Public Execution: Martial Law, Crime and the Nature of Colonial Power in British Kaffraria," *South African Historical Journal*, Vol. 65, No. 2 (2013), 293-316. These first executions in KWT were to deal with politically conscious white citizens among the newly arrived white settlers. Peter Delius has written about the murder trial of a Swazi man in 1875 in the Boer state- the Zuid Afrikaanse Republik which gave substance to the local power of the state and "provided a pointed reminder of the dangers of the challenging the legitimacy of the ZAR." This case clearly shows how colonial notions of crime and punishment were foreign conceptions to African societies. See Peter Delius, *The Conversion: Death Cell Conversations of 'Rooizak' and the missionaries-Lydenburg 1875* (Braamfontein: Ravan Press, 1984), 13

[64] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1995)

[65] Hynd, "Killing the Condemned," 409

executions increasingly shifted from public spectacles to private affairs centralised within prison walls and sanitised by adherence to the British procedures for hanging.

During the 1830s the Supreme Court judges imposed death sentences for arson, cattle killing, theft, incest, rape and attempted murder.[66] In the latter part of the 19th Century, courts in both the British colonies and the Boer states (Transvaal and Orange Free State) restricted the death penalty to the offences of murder, rape and treason. However, by the time of Union in 1910 there were still many differences between the merged powers in terms of the statutes relating to the death penalty. Clarity came in 1917 with the Criminal Procedure and Evidence Act (Act 31 of 1917), which served to expressly stipulate capital cases.[67] According to this statute the death penalty was made permissible for the crimes of rape and treason and mandatory for murder, except in the case of offenders under the age of 16 and women found guilty of infanticide.[68]
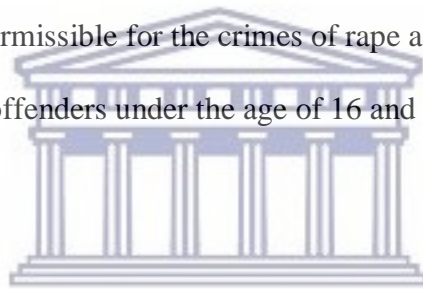
The General Law Amendment (Act 46) of 1935 formed the jurisprudential framework for the capital punishment system that would continue into the 1990s. According to this Act the mandatory death sentence for murder was also adapted by the introduction of the doctrine of extenuating circumstances. The incidence of extenuating circumstances allowed the courts the discretionary power to impose "any sentence other than the death sentence if it so chose."[69] Extenuating circumstances were defined as "factors which reduce the moral

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[66] Sachs, *Justice in South Africa*, 57

[67] Devenish, "The Application of the Death Penalty in South Africa," 6

[68] In 1959 this age limit was raised to 18. See J.C de Wet and H.C Swanepoel, *Die Suid-Afrikaanse Strafreg,* Second edition (Durban: Butterworth & Co. (Africa) Ltd, 1960). Welsh, "Capital Punishment in South Africa," 397. Turrell, *White Mercy.* Sachs, *Justice in South Africa*. Jolandi Le Roux, "The Impact of the Death Penalty on Criminality," paper presented at a conference on Convergence of Criminal Justice Systems: Building Bridges – Bridging the Gaps hosted by the International Society for the Reform of Criminal Law in the Hague(August 2003) accessed at www.isrcl.org/Papers/**LeRoux**.pdf on 25 March 2014.

[69] Welsh, "Capital Punishment in South Africa," 398

blameworthiness of the accused, such as provocation, intoxication, youthfulness, the

accused's mental condition etc."[70]

It was under the rule of the National Party (1948-1994) that the number of capital offences

on the statute book increased. From 1958 a proliferation of capital offenses was recorded.

Faced with a growing surge of underground activity in resistance to the apartheid state's

policies after 1960, the government made several changes to the criminal law through the

General Law Amendment Act of 1962. This statute, known as the Sabotage Act, was to

define the crime of sabotage to include "any person who committed any wrongful and willful

act whereby he/she injured, obstructed, tampered with or destroyed the health or safety of the

public, the maintenance of law and order, the supply of water, light, power, fuel or foodstuffs,

sanitary, medical or fire extinguishing services."[71] The Terrorism Act of 1967 further allowed

for the application of the death penalty in the case of "participation in terroristic activities."

This act synthesized much of the existing legislation and became a central piece of security

legislation that was used to criminalise most forms of opposition to the apartheid state.[72] As a

result, by 1969 there were as many as eleven capital crimes. Three of these were the

common-law crimes of murder, treason and rape while the other eight were statutory crimes

including robbery/ house-breaking with aggravating circumstances, sabotage (General Law

Amendment Act), kidnapping, participation in terrorist activities (Terrorism Act), and

receiving training that could further the aims of communism (Internal Security Act 44 of

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[70] For a list of extenuating circumstances see Welsh, "Capital Punishment in South Africa," 399. See also "The Death Penalty for Political Crimes" in Human Rights Commission Records, Historical Papers Research Archive, University of the Witwatersrand, AG2413

[71] See offences defined as relating to security matters in Muriel Horrell, *Race Relations as Regulated by Law in South Africa 1948-1979* (Johannesburg, SAIRR, 1982), 225

[72] Paul Gready argues that the definitions of communism and terrorism were rewritten "to the extent that they became a nonsense." See Paul Gready, "Autobiography and the 'Power of Writing': Political Prison Writing in the Apartheid Era," *Journal of Southern African Studies*, Vol.19, No. 3 (1993), 492

1950).[73] This expansion of what constituted a capital offence was accompanied by the increased use of the death penalty, coinciding with the intensification of political oppression by the apartheid state from the 1960s. Indeed, these legal changes forestalled intensified opposition to the apartheid state, which it aimed to restrain and discourage before it advanced any further.

By the 1980s South Africa had become notorious for a high rate of judicial executions that were met with sustained domestic and international calls for the reform and abolition of the death penalty. According to Vogelman, in 1987 a judicial execution was carried out every two days on average.[74] The Amnesty International publication, *Focus*, in November 1988 lamented the fact that South Africa had one of the highest rates of judicial executions in the world.[75] Finally, on 2 February 1990 after negotiations with the ANC, the State President FW de Klerk announced a moratorium on all executions. During the same year, the new Criminal Law Amendment Act was implemented. This Act removed the compulsory application of the death sentence and allowed judges more authority to decide the suitability of capital punishment in specific cases. The death sentence however continued to be passed by the courts, although to a lesser extent, until it was finally abolished on 6 June 1995.

Hangings in South Africa were centralised to the Pretoria Central Prison except in the case of death sentences imposed in the apartheid "homelands" or Bantustans of Transkei, Ciskei, Venda and Bophutatswana, which each had their own gallows.[76] The history of the prison in

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[73] Le Roux, "The impact of the death penalty on criminality," 2. Ann Colvin, "Proposed Campaign Against Capital Punishment," Records of the Black Sash, AE 862, D36.2.16, Historical Papers Research Archive, University of the Witwatersrand. Devenish, "The Application of the Death Penalty in South Africa," 7

[74] Vogelman, *The Living Dead,*1

[75] Amnesty International, "The Death Penalty in South Africa" in *Focus* (November 1988), Kairos Collection, Historical Papers Research Archive, University of the Witwatersrand accessed at www.**historicalpapers**.**wits**.ac.za/ *on 9 May 2014.*

[76] Madeleine Fullard, "The Ultimate Penalty," 7. See Also Madeleine Fullard, unpublished manuscript, 150. Sheena Duncan, "On Hanging," Records of the Black Sash, AE 862, D36.2.15, Historical Papers Research

Pretoria, from its humble beginnings as a small building within the town limits to the current Maximum Security Prison and massive military complex removed from the city, also reveals the shift in the practice and rituals of capital punishment. Here too, capital punishment evolved from a public spectacle to a sanitised practice hidden behind the prison walls. In the late 19th Century public executions were carried out at the gallows, which was located in the prison garden. Hangings took place on Saturday mornings on which occasions the streets were filled with people. In 1907 the construction of the Central Prison was completed at its current site "far from Pretoria in the veld."[77] Executions were carried out inside this prison until 1965. In 1966 a death row building built to specifications was constructed outside the main block of Pretoria Central Prison at the modern Maximum Security Prison (known during apartheid as Pretoria Maximum). Aside from those in the homelands (which are often forgotten), it was here that all death sentences handed down in South African courts were carried out.
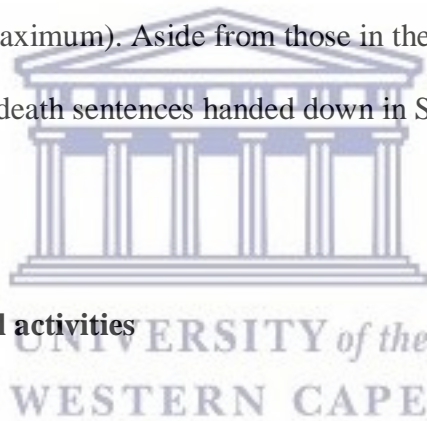
A death sentence for political activities

The increased use of violent state repression during the 1960s must be considered in relation to the surge of anti-apartheid sentiment and militant black protest during this decade. In 1960 both the ANC and PAC launched anti-pass campaigns and called for people to leave their passes at home and present themselves at police stations for arrest.[78] The PAC sought to forestall the ANC's anti-pass campaign by launching its own at an earlier date. However, the

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Archive, University of the Witwatersrand. Black Sash noted that it was not always possible to obtain statistics of hangings in the 'homelands.' Hangings in South Africa: Total number of executions in South Africa for the period, 1979-1988 Compiled by Christina Murray and Julia Sloth-Nielsen notes the numbers of executions in South Africa, Namibia, Transkei, Venda, Bophutatswana and Ciskei. See Human Rights Commission Records, Historical Papers Research Archive, University of the Witwatersrand, AG 2413

[77] M. J. Strydom, "Pretoria Sentraal: So het did tot stand gekom," *Nexus* (February 1982). Herman Venter, "Die Ontstaan van die Sentrale Gevangenis, Pretoria," in Herman Venter, *Suid Afrikaanse Gevangenisse.* Department of Correctional Services Museum, Pretoria.

[78] See Gerhart, Black Power in South Africa. See also Gwendolyn Carter, "African Nationalist Movements in South Africa," *The Massachusetts Review*, Vol.5, No.1 (1963), 147-163

PAC-led anti-pass demonstrations at the police station in the Transvaal township of Sharpeville on 21 March 1960 resulted in 69 deaths.[79] This event was followed by massive demonstrations at the police station in Langa township, Cape Town, which were met with tear gas and police batons.[80] On 30 March the young PAC leader, Philip Kgosana, led a group of 30,000 people into Cape Town's city center in protest against the pass laws.[81] The march prompted the announcement of a State of Emergency and the arrests of hundreds of ANC and PAC activists and leaders.[82]

After the banning of the ANC and PAC both organisations spawned underground armed wings, illegal movements in the eyes of the state. As unrest spread, state organisations responded with increasing repression and violence, the 1960's was a decade in which the apartheid state rapidly reorganised its security structures as political undercurrents throughout South Africa became increasingly militant.[83] Much of the activities of the PAC's armed wing, Poqo, that had resulted in trials and death sentences took place during the early 1960s, particularly 1962.
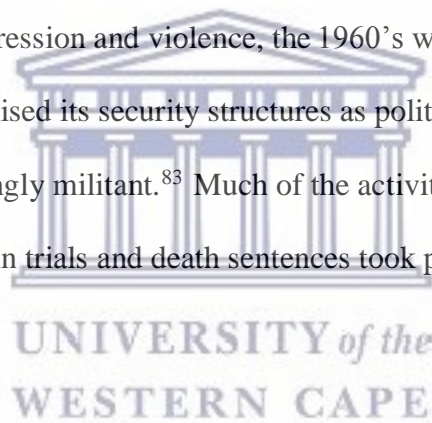
A number of Poqo-related disturbances and violent events in the Transkei, the Western Cape and the Transvaal reflected the various Poqo cells' interpretation of a PAC plan to overthrow the white state by 1963.[84] Aside from the Transvaal, Poqo centers emerged in Langa

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[79] Tom Lodge, "The Cape Town Troubles, March-April 1960," *Journal of Southern African Studies*, Vol. 4 (1978), 216.

[80] Phillip Kgosana, *Lest We Forget* (Johannesburg: Skotaville Publishers, 1988). Lodge, "The Cape Town Troubles," 216-239

[81] Lodge, "The Cape Town Troubles," 216

[82] Maaba, "The PAC's War Against the State," 252. Fullard, "State Repression in the 1960's," 343-344.

[83] Fullard, "State Repression in the 1960's," 349. At this time violent uprisings took place in Durban's Cato Manor (February 1960) in response to forced removals, and political sentiment in Cape Town's townships, particularly, Langa, became increasingly militant. Mxolisi "Bra Ace" Mgxashe, *Are You With us? The Story of a PAC Activist* (Cape Town: Tafelberg, 2006), 38. Kgosana, *Lest We Forget.* "Riots erupt in Cato Manor," accessed at www.sahistory.org.za/dated-event/riots-erupt-cato-manor.htm on 30 April 2012

[84] Potlako Leballo (the PAC's acting president after the organisation's banning and PAC leader Robert Sobukwe's arrest) boasted at a press conference in March 1963 that the PAC had been planning a revolution to

township outside Cape Town and Mbekweni in Paarl. By 1962 Lodge posits that about 300 people belonged to the Poqo branch in Mbekweni, which consequently came to be seen by the state as the "breeding ground for Poqo" and "the hottest spot in the Western Cape."[85] Poqo is often connected to two instances of violence in particular- the Paarl march of 22 November 1962 and an "attack" on a road worker's camp near the Mbashe/ Bashee River Bridge in the Transkei, which involved the killing of two white road workers as well as the wife and two daughters of one of the men on the night of 4-5 February 1963- both of which resulted in several death sentences.[86]

Up until the mid 1950s, it was mostly white men who were sentenced to death for political offences including acts of treason and sabotage. Such cases included the 1914 rebellion of army officers in the Boer states of the Transvaal and the Orange Free State, the 1922 general strike driven by white miners' efforts to prevent changes to the Industrial Colour Bar, and during the Second World War the activities of two pro-Nazi organisations- the *Ossewabrandwag* and the *Stormjaers*.[87] Most of these sentences were however commuted to prison sentences as the government worried that executing the death sentences in these cases would enrage the white electorate. Sixteen death sentences incurred for involvement in the Sekhukhuneland revolt of 1958 were similarly commuted after much objection.[88]

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take place in April 1963 throughout the country. A general uprising was to be carried out on 8 April when members were to "rise up and set about slaughtering as many whites as possible..." Benjamin Pogrund, *Sobukwe and Apartheid* (Johannesburg: Jonathan Ball Publishers, 1990), 180

[85] Lodge, *Black politics in South Africa,* 250. "Inside Poqo," *Drum* Magazine (February 1963)

[86] In what Brown Maaba describes as "the most widely publicised Poqo attack" five white people were hacked to death on the night of 4-5 February 1963 near the Bashee/Mbashe River bridge in the Transkei. See Maaba, "The PAC's War Against the State, 1960-1963," 282. See "Transkei-Gruwel: Polisie op spoor," *Die Burger* (6 February 1963).

[87] In the aftermath of the Rand Rebellion of 1922, 46 men were charged with murder and many more with high treason and incitement to rebellion. Sixty-seven men were convicted of treason although no death sentences were carried out, but 18 were sentenced to death for murder. See Turrell, *White Mercy*, 122. Welsh, "Capital Punishment in South Africa," 422

[88] This revolt was sparked when a meeting of "tribal" leaders rejected the government's attempts to enforce Bantu Authorities and Bantu Education in May 1956.Riots broke out in various villages. Some 200 people were arrested in relation to just one incident. Govan Mbeki argues that a trial resulted in 11 death sentences (although these were later commuted to life imprisonment). Mbeki provides the names of these 11 people. However,

According to Fullard, such leniency and commutations would no longer be a general feature after 1960. In fact, commutations were unusual in the 1960s although more common during the 1980s. Between 1960 and 1989 the death penalty was enforced for murders motivated by or related to political activities as well as acts of sabotage or treason. Fullard notes that at least 101 men were hanged during the 1960s, just one in the 1970s and at least 26 during the 1980s.[89] The 101 executions carried out during the 1960s all resulted from just four years of resistance and political upheaval between 1960 and 1964 and were for the most part linked to the PAC and its armed wing Poqo.[90] In comparison the executions carried out during the 1980s were connected mostly to ANC or United Democratic Front (hereafter UDF) activities with no further PAC members being sentenced to death during this period.[91]

Fullard similarly points out that more people were put to death during the 1960s for politically-motivated crimes than any other decade in South African history. Of the 101 men executed during the 1960s, all were African with the exception of one white man, John Harris, a member of the African Resistance Movement (ARM) of the Liberal Party.[92] Most executions carried out during this period were on charges of murder, although several had been convicted of sabotage under the newly introduced Sabotage Act. The last person to be executed during this decade was hanged in 1968. Thereafter no more political executions were carried out until 1979.

Fullard refers to the 1959-1960 reports of the South Africa Institute of Race Relations Annual Survey which cites sixteen death sentences in this case. Fullard, "The Ultimate Penalty," 4. See Govan Mbeki, *South Africa: The Peasants Revolt* (London: International Defense and Aid for Southern Africa, 1984),115.

[89] Fullard later suggests the number of executions carried out during the 1960s was 131. Fullard, unpublished manuscript, 142

[90] Fullard, "State Repression in the 1960s," 382

[91] Fullard, "The Ultimate Penalty"

[92] Fullard, "State Repression in the 1960s," 382

The capital cases of the PAC and Poqo during 1960s cases never received the iconic status of the Rivonia Trialists such as Nelson Mandela and Walter Sisulu, who were in fact ultimately not given death sentences as the apartheid state feared that this would make them martyrs and inspire even greater resistance.[93] The exceptions included seven ANC members especially Vuyisile Mini and his two comrades, Zinakile Mkaba and Wilson Khayingo, whose executions were extensively publicised with Minister of Justice, B.J. Vorster, receiving letters of protest from around the world.[94] Mini and his comrades continue to be remembered as among the first cadres of the armed wing of the ANC, *Umkhonto we Sizwe*, to be hanged for military operations.[95] The case of John Harris, the only white person to be executed during this period for political-related offences, was also largely covered by the media, no doubt primarily due to his racial classification under apartheid law.[96]

The numerous trials relating to the 1960s cases and the death sentences were part of the state's attempts to crush black opposition and political protest. Indeed, the resulting political executions and long-term imprisonment of its members virtually destroyed the Poqo movement. Yet, the names of these Poqo members remain largely unknown in South African historiography. Historian, Tom Lodge, who has written extensively on the rise of African political organisations and resistance during the 1960s, only makes mention of one instance

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[93] On 30 October 1963 in what became known as the Rivonia Trial 10 defendants, including Nelson Mandela, Walter Sisulu, Ahmed Kathrada and other members of the *Umkhonto we Sizwe* high command, appeared in the Pretoria Supreme Court on charges of sabotage. From the beginning the accused were advised to expect the death sentence. However, as the trial came to an end on 12 June 1964 eight of the accused were sentenced to life imprisonment. See "The Rivonia Trial 1963-1964" accessed at *www.sahistory.org.za › politics and society › 20th Century South Africa on 12 May 2016.*

[94] According to a newspaper report Kenneth Kaunda, then Prime Minister of Zambia, U. Thant, then Secretary General of the United Nations and Soviet President, Leonid Breshnev, all made appeals to South Africa's president to commute the sentences of Mini and his comrades. See "Three hanged in Pretoria in spite of world appeals," *Cape Argus* (6 November 1964)

[95] "South Africa's gallows now instrument of healing," *Associated Press* (1 March 2012). Neo Lekgotla, "They Died Singing: A Historical Perspective in the Liberation of South Africa," *The Thinker,* Vol. 29 (2011), 40-43

[96] "Harris to hang on Thursday," *Cape Argus* (30 March 1965). "Why do they protest about Harris," *Cape Argus* (7 April 1965).

of executions following Poqo activities in his doctoral dissertation, those resulting from the Mbashe River murders.[97] According to Fullard, the South African Institute of Race Relations annual reports only cite a few death sentence cases despite a detailed study of more minor charges against ANC members. The Human Rights Committee's analysis of state repression only recorded nineteen executions during the 1960s.[98] PAC literature and members autobiographies do however make mention of these executions. In his memoirs as a PAC activist, Mxolisi Mgxashe notes the numbers and names of those hanged as a consequence of Poqo-led events in Paarl, Queenstown, the Mbashe River and other sporadic revolts across the country.[99]

As this thesis will draw greatly on the records of the trials and executions relating to the Paarl march it is worth describing this event in some detail. During 1962, Poqo members living in "bachelor" hostels in Mbekweni township, in the Western Cape town of Paarl, were involved in a series of "violent attacks."[100] These events culminated in a violent march on the town of Paarl in the early morning hours of 22 November 1962. On this occasion a group of about 250 men, armed with axes, pangas and other home-made weapons, marched from the nearby Mbekweni township to the police station in the town's center.

This event received unprecedented press coverage, incited intensive repressive measures and became the subject of a state-appointed Commission of Inquiry (The Snyman Commission) especially as the killing of two young white victims as well as the attack on an elderly couple

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[97] Tom Lodge, "Insurrectionism in South Africa: The Pan-Africanist Congress and the Poqo Movement, 1959-1965," PhD Thesis, University of York, Centre for Southern African Studies (1984)

[98] See Max Coleman, *A Crime Against Humanity: Analysing the Repression of the Apartheid State* (Cape Town: David Philip Publishers,1998), 84

[99] In Queenstown in the Eastern Cape several Poqo members were involved in an attack on policemen, killing a white police officer and injuring three others, including two white civilians. Mgxashe, *Are You with us? 128*

[100] These included the murders of two alleged informers, George Tshisa (29 April 1962) and Klaas Hoza (27 January 1962), the killing of three women, Magriet Samuels, Sarah Kamos and Susie Noriet (16 June 1962) and the murder of white shop-keeper, Maurice Berger (September 1962).

in their bed, by men with "primitive weapons," incited massive latent white anxieties throughout South Africa.[101] This uprising was a comparatively small event, with comparatively few casualties but it took place against the backdrop of the turn to armed struggle that followed the banning of the ANC and the PAC.[102] In the sense that it seemed to directly threaten white civilians, this was an event constructed as most closely resembling the anti-colonialist Mau Mau rebellion in Kenya between 1952 and 1960 during which time press reports focused most often on the brutal killings of white women and children by groups represented as violent "terrorist gangs."[103]

As part of the intensified security establishment built up after the Paarl march, the police dragnet closed in on the PAC/Poqo and hundreds of men alleged to be Poqo members were arrested leading to at least six trials dealing with the Paarl march and the prior murders in the area, which played out between 1963 and1966. As I have argued elsewhere, these trials continued much the same logic of representation as that set out by the Snyman Commission, and were largely intended to demonstrate the nature and extent of the Poqo threat.[104] Death sentences in these cases were intended to show the might of the apartheid state to restore law and order and protect white society.

In what was perhaps the chief trial held on 11 March 1963 before the Paarl Circuit Division Court three of the 21 accused, Lennox Madikane, Vezile Felix Jaxa and Mxolisi Damane,

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[101] "Quiet, Conservative Paarl is shaken by Riot Horror," *Cape Argus* (23 November 1962).
[102] Fullard, "State Repression in the 1960's," 341-390. These included for example rioting and violence in Durban's Cato Manor township (February 1960), Sharpeville and Langa marches (March 1960), Pondo revolts in the Transkei (from February 1960.) See Lodge, *Black Politics in South Africa*. Gail Gerhart, *Black Power in South Africa*. Karis et al, *From Protest to Challenge*. Kgosana, *Lest We Forget*. Mgxashe, *Are you with us?* Lodge, "The Cape Town Troubles," 216-239. Mbeki, *South Africa: The Peasants Revolt.*
[103] Marshall Clough, *Mau Mau Memories: History, Memory and Politics* (Boulder: Lynne Reinner Publishers, 1998), 155. Anderson, *Histories of the Hanged*

[104] Bianca van Laun, "In the Shadows of the Archive: Investigating the Paarl March of November 22nd 1962," unpublished masters thesis, University of the Western Cape (2012)

were charged under the General Law Amendment (Sabotage) Act and given death sentences for their alleged leading roles in the uprising and belonging to an illegal organisation (since Poqo was equated with the banned PAC), making them the first people sentenced to death for the crime of sabotage in South Africa.[105] Some were further charged with murder as in the case of Titus Nyovu, found to have participated in the killing of 17 year-old Rentia Vermeulen.[106] Ultimately 21 men were hanged as a result of the events in Paarl during 1962. As another major site of Poqo-operations Langa township in Cape Town also saw its share of violent disturbances during 1962. Poqo was further implicated in two separate incidents involving the killing of policemen in 1962 alone. Six trials followed the events in Langa, and six men were subsequently hanged during the course of the 1960s on charges relating to the killing of two police officers.[107]
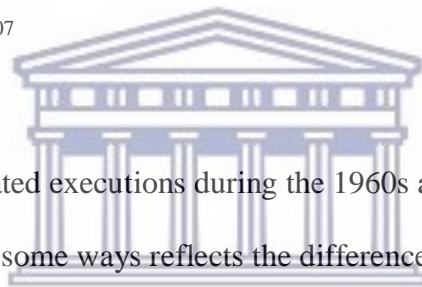
The large number of Poqo-related executions during the 1960s as compared to more prison sentences for MK members in some ways reflects the differences between the two organisations' resistance strategies. The ANC and its armed wing, *Umkhonto We Sizwe* (hereafter MK) carefully distinguished themselves and their methods from that of the PAC and Poqo. The turn to an armed struggle and formation of the ANC's armed wing in the 1960's is represented as a last resort following the failure of non-violent means. MK is remembered as implementing a carefully organised campaign that targeted state installations rather than people and that, at least initially, aimed to avoid bloodshed. Poqo's often spontaneous and violent activities are often juxtaposed with this depiction of MK's more

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[105] Supreme Court case, State vs Action Makatezi and 20 others, March 1963. National archive, Box1/1/1/544. Madikane, Jaxa and Damane were hanged on 1 November 1963, a mere six months after their sentencing.
[106] Supreme Court case, State vs Titus Nyovu, June 1963. National archives, Box 1/1/1/561. Nyovu was hanged at Pretoria Central Prison on 14 October 1963.
[107] See names of these six men in *The Road to Democracy in South Africa,* South African Democracy Education Trust, Volume 1 [1960-1970] (South Africa: Unisa Press, 2006), 696

strategic resistance struggle.[108] The ANC often spoke with contempt of Poqo and its activities especially in terms of the "attacks" launched at the Mbashe River Bridge, Langa and Paarl as it argued that, "there are more effective ways of busting the White supremacy state."[109] The ANC and MK argued that not only was Poqo acting against the wrong target, but that it was unable to conduct the kind of conflict that was necessary under the conditions in South Africa.[110]

During this same period (1960s) seven MK members of the ANC were hanged on charges of sabotage and murder. Six of the seven executions related to a single case, the killing of an alleged informer- Sipho Mange on 12 January 1963. Those convicted in this case included Vuyisile Mini, Wilson Khayingo and Zinakile Mkaba of the ANC branch in New Brighton, Port Elizabeth. They were convicted of one count of murder, 17 counts of sabotage, one count of housebreaking and theft and six counts under the Suppression of Communism Act and sentenced to death in March 1964.[111] Another MK member, Solomon Mahlangu, was the only person to be executed during the 1970s as well as the first ANC operative trained in exile to meet this fate. Mahlangu's case also received widespread publicity and his execution on 6 April 1979 triggered extraordinary international condemnation of the South African government.[112]

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[108]Lodge, *Black Politics in South Africa*, 231, 241. Gerhart, *Black Power in South Africa*. Maaba, "The PAC's War Against the State," 258.

[109] Edward Feit, *Urban Revolt in South Africa 1960-1964* (USA: North Western University Press, 1971), 6. According to Fatima Meer, "Nelson [Mandela] found the violence of Poqo reprehensible. Its ruthless brutality sent a shudder down his spine." Fatima Meer, *Higher than Hope: The Authorized Biography of Nelson Mandela* (London: Hamish Hamilton, 1990), 145-146

[110] "The ANC spearheads Revolution: Leballo? No! Leaflet issued by the ANC," May 1963 accessed at www.anc.org.za on 23 September 2011. Also reproduced in Karis et al, *From Protest to Challenge*, 754

[111] See "Three hanged in Pretoria in spite of world appeals," *Cape Argus* (6 November 1964)

[112] In his trial (1977-78) Mahlangu was charged with two counts of murder, two counts of attempted murder, and sabotage under the Terrorism Act. Although Mahlangu himself had not shot and killed the two civilians or wounded two others, the Prosecution argued that under the law of Common Purpose, he had acted in common purpose with the two men who had fired the shots and that he was therefore equally guilty. The office of the State President, B.J. Vorster received telegraphs and letters from around the world appealing for clemency on behalf of Solomon Mahlangu. These included letters and telegraphs from the "Algemeine Studentenausschuss der Universitaet Bremen (9 February 1979), the British Society of Conservative Lawyers (6 April 1979), the

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Mahlangu's execution was the beginning of many trials involving MK members, several of which resulted in death sentences. Between 1980 and 1989 at least 150 people were handed death sentences.[113] However, only 26 of these 150 sentences were carried out. Seven of these were MK members and the remainder included persons associated with the UDF or popular local protests and campaigns. It is clear then that while the numbers of people handed death sentences grew exponentially during the 1980s, attracting international attention and much debate, the number of hangings actually carried out decreased. This seems to correspond with the increased pressure from international and domestic campaigns.

Many people consequently languished on death row for several years during the 1980s while the executions of the 1960s were performed briskly with relatively short periods between sentencing and execution. Some managed to have their sentences commuted to prison terms by the Appeal Court or were granted Presidential pardon. For many others their stay of execution resulted from the moratorium placed on the death penalty in 1990 that put a stop to judicial executions with the onset of negotiations. These included famous cases such as the Upington 14 and Sharpeville Six who were saved by the scale of the international and domestic campaigns launched on their behalf.[114]

"Sozialistische Deutsche Arbeiterjugend," Frankfurt (6 April 1979) and a moving letter from Bishop Desmond Tutu asking for the opportunity for himself and Mrs. Mahlangu to meet with President Vorster to appeal personal for a stay of execution. Records of the Executive Council, MJU 25/4 National Archive, Pretoria. "Clemency bid for Solomon Mahlangu," *Cape Argus* (5 April 1979). "Mahlangu dies despite world outcry," *Cape Argus* (6 August 1979). "Clemency or death? Views differ on terrorist executions," *Cape Argus* (7 April 1979). "Protest over Mahlangu burial," *Cape Argus* (9 April 1979)

[113] Fullard, "The Ultimate Penalty"

[114] Fullard, "The Ultimate Penalty." The Upington 14 were a group of 14 people charged with killing a policeman in the Northern Cape town of Upington in 1985 and sentenced to death. The case attracted the attention of international anti-apartheid campaigns. The sentences were overturned in 1991 by the Appeal Court in Bloemfontein. The Sharpeville 6 included six protesters (5 men and one woman) convicted of the murder of Deputy Mayor of Sharpeville and sentenced to death in 1984. This case also attracted worldwide pleas for clemency and the sentences were also later overturned.

Perhaps one reason for the lower number of judicial executions during the 1980s owes in part to the covert extra-judicial executions carried out by the state security forces especially as relates to MK operatives.[115] Fullard suggests that this is likely the reason for the relatively small contingent of MK members on death row after 1985 in spite of the acceleration in violent MK operations.[116] The TRC reported that, "as levels of conflict intensified, the security forces came to believe that it was no longer possible to rely on the due process of the law…In some cases it was necessary to eliminate activists by killing them. This was the only way in which effective action could be taken against activists in a war situation…to charge someone in the normal court structure and go through the whole process was cumbersome and occasionally totally inadequate and impossible."[117] It may be necessary to consider the extent to which the turn to extra-judicial executions during the 1980s was driven by a frustration with the inconvenience of the cumbersome bureaucratic and legal processes of judicial executions with which this thesis is concerned.
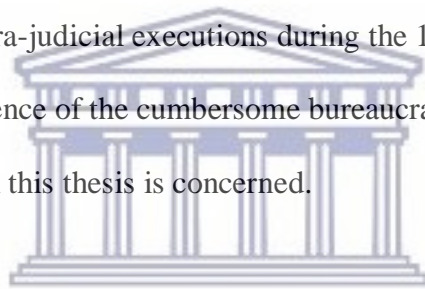
"We are not normal criminals": Political or criminal?[118]

Apartheid legislation sanctioned the killing of the political accused by way of judicial execution particularly for the offences of terrorism, sabotage and treason. This legislation differentiated between criminal and political offences. However, despite the argument of abolitionists that socio-economic conditions and the political context or motivation for offences should be considered as extenuating circumstances that could prevent the mandatory

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[115] Although Nicky Rousseau has argued that in fact the numbers of extra-judicial killings by state operatives were relatively small. Nicky Rousseau, "Death and Dismemberment: The Body and Counter-revolutionary Warfare in Apartheid South Africa," in Elisabeth Anstett and Jean-Marc Dreyfus, *Destruction and Human Remains: Disposal and Concealment in genocide and mass violence* (Manchester: Manchester University Press, 2014), 215
[116] Fullard, "The Ultimate Penalty," 7
[117] Report of the Truth and Reconciliation Commission of South Africa, Volume 2, 220
[118] Harris, *In a Different Time*, 59

application of the death sentence, the courts did not accept this.[119] Beyond cases where the accused was charged with sabotage, treason or terrorism, the state often sought to treat offences arising from instances of political violence as a criminal matter or common murder. As Welsh noted, during the 1960s the state did not acknowledge the concept of "political offender" and the political motivations were obscured by other motivations within the published data.[120] Many of the 1960s cases were consequently tried as criminal cases even though they were very clearly politically motivated. In the case of the Paarl march- aside from the three men given death sentences on charges of sabotage- the majority of cases related to this event were tried as criminal cases of murder. Indeed, as George Devenish, professor of public law at the University of Natal, Durban argued, the state's distinction between the political and the criminal was "artificial and open to question."[121]
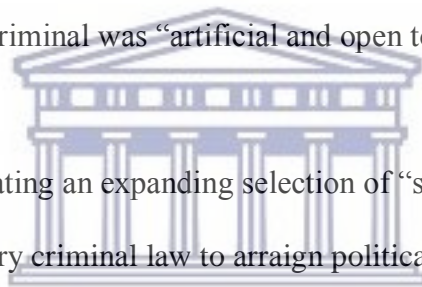
At the same time as it was creating an expanding selection of "security" legislation, the apartheid state used the ordinary criminal law to arraign political offenders. However, during the mid-1960s a Security Section, linked to the Security Police, was established within the Prisons Service.[122] This Security Section was primarily interested in political prisoners, or what it referred to as "security prisoners" (those who were risks to its security) from the mid-1960s.[123] The apartheid state favoured the term "security" prisoners as it denied the existence

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[119] Devenish's argument suggests that even crimes which the state defined as criminal were in fact political owing to the fact that many of these crimes were driven by the poverty and social deprivation that were consequences of the policy of apartheid. Devenish, "The Application of the Death Penalty in South Africa," 11

[120] Welsh, "Capital Punishment in South Africa," 423. Welsh noted that while a Survey of Race Relations in South Africa of 1963 and 1964 had calculated that by the end of 1964, 51 death sentences had been imposed for murder and sabotage committed by members of MK and Poqo, another estimate from 1965 suggested that 50 political prisoners had been hanged since 1963.

[121] Devenish, "The Application of the Death Penalty in South Africa,"11. See also George Devenish, "The Historical and Jurisprudential Evolution and Background to the Application of the Death Penalty in South Africa and its Relationship with Constitutional and Political Reform," *SACJ* (1992), 14

[122] Fran Buntman, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge: Cambridge University Press, 2003), 27

[123] Buntman, *Robben Island and Prisoner Resistance to Apartheid,* 206

of political prisoners.[124] Indeed, the state had developed a rhetoric that produced political

opponents as ordinary criminals who threatened the security of the nation.

The offenders tried in the massive trials that marked the early 1960s could be sent to Robben

Island (a prison for political prisoners) or to an institution like Pollsmoor Prison near Cape

Town that was principally designated for common-law offenders. Historian Natacha Filippi

shows how during the 1960s PAC and Poqo members sent to Pollsmoor Prison were housed

together with common-law inmates.[125] As sociologist Fran Buntman notes, large numbers of

political prisoners were sent to Robben Island from 1963 and 1964, most of whom were

members of the PAC and Poqo.[126] Filippi argues that this separation of political and

common-law prisoners hinged on two requirements: the need to protect political prisoners

from gang violence in common-law prisons and, perhaps more importantly for the state, to

prevent political activists from recruiting and encouraging a political consciousness in other

inmates. Yet, Filippi suggests that the contradiction between these imperatives and the

placement of PAC members in Pollsmoor's criminal sections demonstrates how fluid the line

between politics and crime was within the prison.[127]

The TRC however, asserted that, "all executions of persons convicted of political offences

and/or which were politically motivated in the mandate period constituted gross violations of

the rights of those so killed, for which the former government is held accountable."[128] The

TRC heard evidence about the execution of death sentences in South Africa and life on death

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[124] Buntman, *Robben Island and Prisoner Resistance to Apartheid,* 27

[125] Natacha Filippi, "Deviance, Punishment and Logics of Subjectification during Apartheid: Insane, Political and Common-law Prisoners in a South African Gaol," *Journal of Southern African Studies*, Vol. 37, no. 3 (2011), 627-643

[126] Buntman, *Robben Island and Prisoner Resistance to Apartheid,* 19

[127] Filippi, "Deviance, Punishment and Logics of Subjectification during Apartheid," 631. See also Kelly Gillespie, "Against Reconciliation: The Politics of Crime," paper presented at the South African Contemporary History and Humanities Seminar, University of the Western Cape, 14 April 2015

[128] Report of the Truth and Reconciliation Commission of South Africa, Volume 2, 174

row during its mandate period (21 March 1961 to 10 May 1994) as part of special hearings on prisons. Relatives of the hanged implored the Commission to investigate the hanging of particular individuals. However, the Commission's mandate confined it to the investigation of cases where a political context was clearly evident.

In the post-apartheid period the same cases defined as "criminal" by the apartheid state have been redefined as political and this categorisation has enabled the hanged individuals to be memorialised and honoured not as common criminals but rather as members of the liberation struggle and heroes of the nation. The Gallows Memorialisation Project has chosen to focus on memorialising the names and stories of those hanged for politically-related offences. Although the Gallows Memorial Museum provides the names of every person hanged at the prison between 1902 and 1989, the Museum focuses primarily on the stories of political prisoners and the names of those hanged for politically-related offences are quite literally highlighted. This categorisation as members of the nation's political dead has further involved the exhumation of these remains and their reburial as part of extensive politicised ceremonies. It is these political cases with which this thesis is primarily interested and, at the risk of being complicit in ignoring those hanged on common-law charges in my focus on political executions, I am interested in how we think about this arbitrary categorisation of offences as criminal or political and how these categories determine the post-apartheid memorial practices.

An archive of the hanging machine

Much of what follows draws on prison files housed in an archive held by the Department of Correctional Services as well as Executive Council records held at the National Archives in Pretoria. While I read mostly the files of political prisoners hanged during the 1960s, I also

selected the files of both criminal and political prisoners from the 1970s and 1980s. I am

interested in what these files and the documents contained within them might reveal of the

rationality, bureaucratic networks and procedures involved in the execution of capital

sentences. In an effort to track the bureaucratic processes from the moment of sentencing, I

have read several of the original trial transcripts, pertaining particularly to the Paarl cases.

These are held in the National Archives in Cape Town. I have further consulted annual

reports of government departments, parliamentary debates and other public state

documentation, as well as the extensive newspaper collection housed at the National Library

in Cape Town.[129] At the University of the Witwatersrand Department of Historical Papers, I

consulted the collections of various lawyers involved in death sentence cases, as well as that

of the Society for the Abolition of the Death Penalty, the Black Sash, the Detainee Parents

Support Committee and the Human Rights Committee. The Missing Persons Task Team, an

investigative and forensic team established in the Priority Crimes Litigation Unit in the

National Prosecuting Authority in 2004, also has an archive of documents and research

amassed in its investigation into the deaths and location of the graves of political prisoners,

which I was generously allowed access to.

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[129] There is clearly much dependence on state documents which I am aware are integrally connected to the formations of state power. I am fully aware that this material therefore needs to be read within the framework of scholarship which seeks to trouble an unproblematic use of the sources. There are always power relations involved in the practice of archiving as the archive comes to demarcate who has history and who does not, who is the subject or object of that history, who produces history and for what purpose. As Verne Harris and Sello Hatang argue, "the archive is always about power...[it] never speaks to us as a thing in and of itself." Verne Harris and Sello Hatang, "Freedom of Information in South Africa and Archives for Justice," Paper presented at the 'Transactions of Public Culture Workshop,' Cape Town (January 2003),4, 5. Rather it is always "primarily the product of a judgement, the result of the exercise of a specific power and authority, which involves placing certain documents in an archive at the same time as others are discarded." See Achille Mbembe, "The Power of the Archive and its Limits," in Carolyn Hamilton et al (eds), *Reconfiguring the Archive* (Cape Town: David Philip, 2002), 20. Subaltern Studies scholar, Ranajit Guha therefore stresses the need for the historian to develop a conscious strategy for reading the archives which will go beyond simply identifying and shifting the biases of the elites, to examine the very textual properties of these documents so as to understand the history of power that produced them. See Dipesh Chakrabarty, *Habitations of Modernity: Essays in the wake of Subaltern Studies (*Chicago: Chicago University Press, 2004*)*, 16. See also, Ann Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Commonsense* (Princeton and Oxford: Princeton University Press, 2009), Premesh Lalu, *The Deaths of Hintsa: Postapartheid South Africa and the Shape of Recurring Pasts* (Cape Town: HSRC Press, 2009)

Yet, it was the visit to the Gallows Memorial Museum that placed the sheer force of apartheid administration into perspective. This experience as well as the opportunity to be present at the exhumation of the remains of eighteen of the Paarl condemned forms the backbone of my overall inquiry and the conclusions about the Gallows Memorial Museum and the Gallows Exhumation Project serve as the inspiration behind this project.

Chapter Outline

Chapter One, *'Untangling the Red Tape: investigating the bureaucratic apparatus of the apartheid state,'* is concerned to trace the development of a documentary culture, the politics of writing and a bureaucratic logic in South Africa and how this system, however flawed, developed across all state institutions. It tracks the development of the "power of writing" and a biometric project that later extended from labour control into the police and prison systems and laid the foundation for the kinds of bureaucratic discourses, ideologies and networks that processed the condemned to death on the gallows.[130]

In **Chapter Two**, *'Bureaucratically administered executions,'* I investigate the bureaucratic rationality that facilitated and justified the executions of individuals categorised as "security threats" as not only necessary but essential.[131] Building on Chapter One, this chapter is concerned with a reading of the functioning of the various bureaucratic systems that processed an individual from the point of sentencing towards the gallows and then claimed ownership of the body after death. The chapter thus traces the hanging process as it came to be at Pretoria Central Prison as well as the activities of the various role players involved in carrying out capital sentences in an attempt to understand how the legally sanctioned killing

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[130] Foucault, *Discipline and Punish,* 189
[131] Buntman, *Robben Island and Prisoner Resistance to Apartheid,* 27

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of the political prisoners existed as a cool, bureaucratic operation. I am interested here to understand the rationale and mind of apartheid as it operated within the realm of security, justice and punishment.

Chapter Three, *'Following the Paper,'* delves into the archive and undertakes a careful reading of prison files, executive council records and trial transcripts in an effort to ask whether such a reading of the official documents produced by the administrative structures that reflect the state's "power of writing" might allow an understanding of how the state's modes of evidence operated and how prisoners were situated within a network of documents that "captured and fixed them."[132] In this chapter I study the material qualities- including stamps, signatures, typefaces, letterheads and so forth- of the documents in the hope that these might enable a tracking of the bureaucratic procedures that processed the prisoner from sentencing to death and beyond.
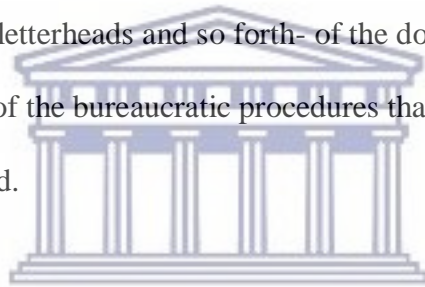
Chapter Four, *'The afterlives of files: The Gallows Memorialisation Project,'* examines the repurposing of the prison documents and identification photographs described in the previous chapter, for post-apartheid nation-building and memorialisation projects. This chapter examines the afterlives of these documents and photographs in the context of the Gallows Memorialisation Project and considers how they have been reimagined as part of an attempt at post-apartheid reckoning. The chapter considers what becomes of the bureaucratic rationalities that documents and prison identification photographs reflect when they move into the new spaces of the Gallows Memorial Museum and the related Gallows Exhumation Project.

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[132] Foucault, *Discipline and Punish,* 189

Chapter One: Untangling the red tape: investigating the bureaucratic apparatus of the apartheid state

"The laws, the courts, the prisons, the documents, the police, and the bureaucrats- these are the primary agents of domination. They ensure that the authorities keep track of individuals and control over communities."[1]

Before we can understand the seemingly mundane bureaucratic practices surrounding the execution of capital punishment in South Africa, it is worth tracking the apartheid state's attempts to develop a modern centralised state more generally. Despite the failures of the apartheid project, the chapter proposes to examine the development of a bureaucratic and documentary culture, a "politics of writing," which had its roots in colonial rule, ideologies and legislation and was developed further under the apartheid state. Indeed, apartheid was driven and maintained by an immense bureaucracy.[2] This chapter is concerned to understand how this bureaucratic culture and logic, however flawed, developed across all state institutions. What, we might ask, was the logic behind the intricate recording of minute details of people's lives? And how did the growth of a massive bureaucratic apparatus after the National Party election victory in 1948 serve to identify and control its subjects, and more especially those considered to be enemies of the state as state repression began to intensify from the 1960s onwards?

The interest to trace the emergence of the modern bureaucratic state, stems in part from the work of German sociologist Max Weber who emphasises the significance of depersonalisation, writing and efficiency as key to a successful bureaucracy. The chapter will argue that writing and documentary practices are central to the modelling of the bureaucratic

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[1] Albie Sachs, "The Instruments of Domination in South Africa," in Leonard Thompson and Jeffrey Butler (eds), *Change in Contemporary South Africa* (Berkeley: University of California Press, 1975), 247

[2] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1995),189

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state. From the beginning of colonial rule in South Africa, writing played an important role in situating, knowing and controlling the colonial subject. The chapter sets out to show how a centralised bureaucratic state developed under the National Party government after 1948 that sought to restructure and develop civil administration, as well as other state institutions such as the South African Police, which formed its first line of defense. Desperate to know and control its subjects, initially in an attempt to harness their labour resources, the apartheid state and its extensive bureaucratic apparatus was later able to furnish its security structures with extensive information that could be drawn upon to surveil and eliminate those it considered threats. While some scholars have written about the administration, centralisation, and militarisation of the South African Police (SAP) and the army under the apartheid state particularly as relates to the 1980s,[3] comparable literature on the apartheid era prisons system is virtually non-existent.[4] The work on the apartheid security forces is patchy and there is no body of work that looks at the issues with which I am concerned.
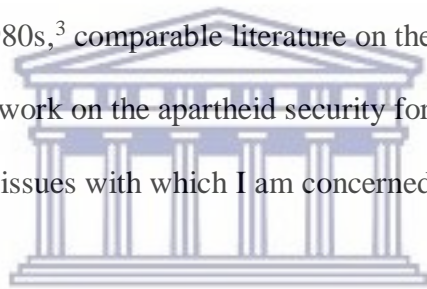
While scholars like Deborah Posel and Keith Breckenridge have argued that the apartheid state was ultimately in no way as omniscient and the well-oiled machine that is often portrayed, its development of a biometric order and a large bureaucracy for administering populations is significant. An understanding of these developments is important because it

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[3] Sachs, 'The Instruments of Domination in South Africa." Annette Seegers, *The Military in the Making of Modern South Africa* (London: I.B. Tauris and Co Ltd., 1996). Marius de Witt Dippenaar, *The History of the South African Police, 1913-1988: S.A. Police Commemorative Album* (Silverton: South Africa, 1988). Keith Shear, "Tested Loyalties: Police and Politics in South Africa, 1939-63," *Journal of African History,* 53 (2012). Gavin Cawthra, *Policing South Africa: The SAP and the Transition from Apartheid* (South Africa: David Philip Publishers, 1994)

[4] Much of the literature that does exist on apartheid-era prisons comes out of a human rights discourse and focuses on the prison conditions and treatment of prisoners. Much of this is also written in the form of autobiographical accounts of prison life by individuals detained by the apartheid state. See Hugh Lewin, *Bandiet: Seven Years in a South African Prison (*Harmondsworth: Penguin, 1976). Breyten Breytenbach, *The True Confessions of an Albino Terrorist* (London: Faber and Faber, 1985). Ruth First, *One Hundred and Seventeen Days: An Account of Confinement and Interrogation under the South African Ninety-Day Detention Law* (Harmondsworth: Penguin, 1965). Tsholoba, M.E., *In and Out of Robben Island Prison: An Autobiography of M. E. Tsholoba* (Cape Town: Mr. Menziwe Esau Tsholoba, 2010). Ace Mgxashe, *Are You With Us? The Story of a PAC Activist* (Cape Town: Tafelberg, 2006). The list goes on. See Ciraj Rassool, "The Individual, Auto/biography and History in South Africa," PhD Thesis, University of the Western Cape (2004)

may help us to understand how a bureaucratic and documentary rationality that emphasised knowing and disciplining the subject also accompanied and justified the rationalising of capital punishment.

Bureaucracy and Writing

The 1922 work by Weber, *Economy and Society* provided the most influential statement on bureaucracy. Weber's interest in the characteristics of power and authority, as well as the modern tendencies of rationalisation, lead him to examine the function of large-scale, modern initiatives in the political, administrative and economic field. Weber, who was himself schooled in the administrative sciences (polizeiwissenschaften) that developed in early 19th Century Germany, showed how the bureaucratic organisation of activities was a distinguishing feature of the modern age.[5] The 20th Century is characterised by the "bureaucratization of the world."[6] As Weber reasoned, "it is obvious that technically the great modern state is absolutely dependent upon a bureaucratic basis. The larger the state, and the more it is or the more it becomes a great power state, the more unconditionally this is the case."[7] The bureaucratic coordination and systematic management of the actions of many individuals became the major structural attribute of modern forms of organisation. This organisational mechanism enabled large-scale planning for both the modern state and the modern economy. Through it, state leaders were able to coordinate and centralise resources of political power, and mobilise economic resources. For Weber then, bureaucratic organisation is the instrumentality that has formed the modern state, modern economy and

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[5] Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978)

[6] David Nachmias and David Rosenbloom, *Bureaucratic Culture: Citizens and administrators in Israel* (New York: St. Martin's Press, 1978), 11

[7] Weber, *Economy and Society*, 211

modern technology. Weber characterises the "ideal type" bureaucracy and examines the main features that would characterise the most fully developed form of bureaucratic organisation.

Central to the modern bureaucracy, Weber argued, was the office, clerks, documents and files. For Weber "[b]ureaucratic administration means fundamentally domination through knowledge."[8] Writing and documentation, according to Weber's understanding, created a connection between words and things necessary for bureaucracies to successfully apply systems of control. The regulation of any number of components that concerned the modern state necessitated the mechanism of scribes and officials. As Weber put it, "the management of the modern office is based upon written documents ('the files'), which are preserved in their original or draft form. There is, therefore, a staff of subaltern officials and scribes of all sorts. The body of officials actively engaged in a 'public' office, along with the respective apparatus of material implements and the files, make up a 'bureau.'"[9] The modern structure of the office- and the state, if we are to compare the functioning of state institutions to that of an office - is dependent upon expert training, specialisation, discipline, a hierarchy of authority, a system of regulations and depersonalisation.

Weber argued that this depersonalisation and a division of labour made for a more efficient system. Referring to bureaucracy's "special virtue" as "dehumanisation," Weber alluded to the elimination "from official business [of] love, hatred, and all purely personal, irrational, and emotional elements which escape calculation."[10] Bureaucratic administration was more productive the more it became "dehumanised" as modern culture demanded the "personally

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[8] Weber, *Economy and Society*, 225
[9] Weber, *Economy and Society*, 197
[10] Nachmias and Rosenbloom, *Bureaucratic Culture,* 17

detached and strictly "objective" *expert*."[11] As Weber put it, "the fully bureaucratic

mechanism compares with other organisations exactly as does the machine with the non-

mechanical modes of production."[12] This objectivity and impersonality supposedly increased

organisational efficiency as "efficiency also suffers when emotions or personal

considerations influence administrative decisions."[13] Insofar as administrators conduct their

work on the basis of orders from those higher up the organisational ladder, those making the

decisions are clearly often removed from the human costs of such decisions. While Weber

argued that bureaucracy is the most rational and efficient mode of organisation, some have

rightly reasoned that bureaucracy is not always entirely efficient in its operations.[14] This

becomes clear in the South African case. As this chapter seeks to show, the apartheid state

bureaucracy was never the entirely efficient, all-encompassing machine that its engineers

envisioned it to be.
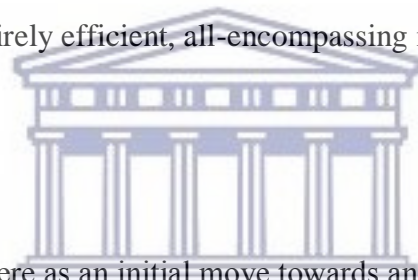
I outline Weber's arguments here as an initial move towards an analysis of the burgeoning

apartheid bureaucracy and the processes meant to expand the ambit and powers of the

apartheid state during the 1950s and 1960s. This chapter will examine the restructuring of

state institutions by the National Party in South Africa after 1948 and how it became

dependent on a corpus of administrators. Writing and record keeping performed a particularly

central function in the area of governance.[15]

The connection between writing and bureaucracy is a particular concern of postcolonial

scholarship. Jack Goody, amongst others has stressed the importance of writing in the

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[11] Weber, *Economy and Society*, 216
[12] Weber, *Economy and Society*, 214
[13] Nachmias and Rosenbloom, *Bureaucratic Culture*, 18
[14] Nachmias and Rosenbloom, *Bureaucratic Culture*, 17
[15] Nachmias and Rosenbloom, *Bureaucratic Culture*, 10

formation of bureaucracies. "Writing" Goody argues "was not essential to the development of the state but of a certain type of state, the bureaucratic one."[16] Insofar as writing is pivotal to bureaucratic states, it is also conceived as the instrumentality through which bureaucratic rule is brought to bear over populations.[17] This Akhil Gupta argues, with reference to India, is especially the case when the population is largely non-literate.[18]

Gupta suggests that writing is central to the modelling of the state. While writing is often understood as a result of state activities, as if writing is simply that which records the exploits of state officials, Gupta argues that the state itself is constituted through writing. One must not only consider writing's instrumental role in administration and governance but, Gupta argues, we ought to grasp its fundamental part as that which describes what a state is and what it does.[19] Indeed, writing is one of the core activities of bureaucrats, it is their main task. Writing, Gupta argues is not merely an afterthought, but occurs before, during and after state actions. Writing does not simply document an event but is the central preoccupation of bureaucratic work.[20]
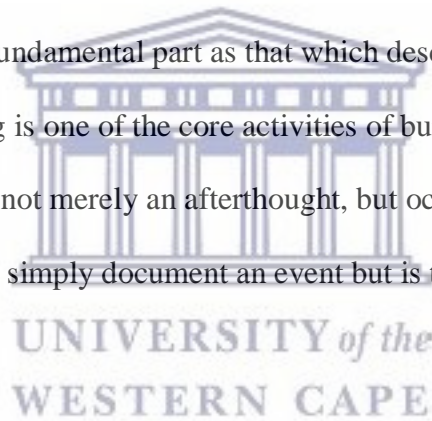
In a similar vein, Bhavani Raman argues that writing "formed the sinews of government."[21] Raman considers the British East India Company's documentary regime in India during the

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[16] Jack Goody, *The Logic of Writing and the Organization of Society* (Cambridge: Cambridge University Press, 1988), 92

[17] Goody's argument that writing had a central part in shaping the structure and work of organisations has however also been widely challenged. See Matthew Hull, "Documents and Bureaucracy," *Annual Review of Anthropology*, 41 (2012), 254. Hull argues that Goody has disproportionately highlighted the role of writing as a device of organisational control through the storage and transmission of information. Hull, "Documents and Bureaucracy," 257

[18] Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence and Poverty in India* (Duke University Press, 2012), 142

[19] Gupta, *Red Tape*, 153

[20] Gupta, *Red Tape,* 150

[21] Bhavani Raman, *Document Raj: Writing and Scribes in Early Colonial South India* (University of Chicago Press, 2012), 11

early 19th Century. Beyond military might and other forces involved in the making of empire, Raman highlights the significant part and power of bureaucracy in this. Raman shows how from the end of the 18th Century the Company introduced a government of writing or "document raj" constructing its administrative offices in the vicinity of its South Indian colony, Madras. Raman suggests that through a vast bureaucracy that relied on a hierarchy dependent on the assistance of native subordinates, a small group of Europeans were able to establish control over a vast colony.[22]

The establishment of the Company's bureaucratic state occurred at the time when the concept of "bureaucracy" was gaining prevalence as a formidable organisational form of office-holding, expertise and rule-based governance.[23] At this time, constant writing in its various forms became the idealised response to the problem of maintaining trust and responsibility from a distance. The assumption was that continuous writing back and forth to the British government would keep the Company, and later colonial officials, accountable and would check the misuse of power by making *all* their actions visible and legible. However, this practice remained inadequate. As Homi Bahbha similarly notes, "the practice of writing as a strategy of colonial regulation left the mimetic adequacy of draft and dispatch somewhat in doubt."[24] Raman's book goes on to tell the story of a bureaucracy gone awry as obsessive documentary practices became increasingly abstract and the huge volume of documents produced allowed colonial officials to do exactly what such 'transparent' documentation had been meant to prevent- they began to manipulate the records to their own ends. She cites Veena Das' important point, which holds that, when a state "institutes forms of governance

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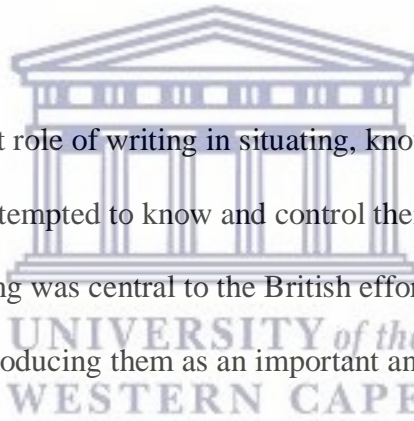
[22] Raman, *Document Raj,* 6. See also Durba Mitra, "Translation as Techne: Female Sexuality and the Science of Social Progress in Colonial India," *History and Technology*, Vol. 31, 4 (2015), 350-375

[23] Raman, *Document Raj,* 2

[24] Homi Bahbha, *The Location of Culture* (London: Routledge, 1994), 94. Cited in Raman, *Document Raj*, 11

through technologies of writing, it simultaneously institutes the possibility of forgery, imitation, and the mimetic performances of power."[25]

With reference to Northern Ghana, Sean Hawkins examines the role and influence of writing in the imperial project. As Hawkins put it, "colonialism attempted to appropriate people through the medium of writing, to colonise them through the power of writing, and to regulate their lives through the order of writing."[26] The fact that it was not entirely successful, he suggests, should not devalue its role. As Hawkins remarks, "More than steamboats, quinine, breech loading rifles, machine guns, or any other material instruments commonly associated with conquest, writing made colonialism possible."[27]

 Hawkins shows the significant role of writing in situating, knowing, controlling and using people, as British colonisers attempted to know and control their colonial subjects, and expropriate their labour. Writing was central to the British efforts to transform African people into colonial subjects and in producing them as an important and regulated labour source. Hawkins' book clearly shows the convergence of writing and power. However, his argument is not that European administration would have been impossible without writing, but rather that writing was an apparatus of control and an articulation of power, which enabled the seizure of colonial subjects and the regulation of their lives.[28]

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[25] Raman, *Document Raj,* 3. See Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley: University of California Press, 2007), 163

[26] Sean Hawkins, *Writing and Colonialism in Northern Ghana: The Encounter Between the LoDagga and 'the World on Paper'* (Toronto: University of Toronto Press, 2002). See also Catharine Newbury, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860 to 1960* (New York: Columbia University Press, 1988)

[27] Hawkins, *Writing and Colonialism in Northern Ghana*, 3

[28] See also Jacques Derrida, "The Violence of the Letter: From Levi-Strauss to Rousseau," in Jacques Derrida, *Of Grammatology* (Baltimore: Johns Hopkins University Press)

Michel Foucault has argued that registration and writing were central to governance. Foucault identifies what he calls "a power of writing" as forming a key part in the work of disciplining.[29] He argues that individuals are situated within "a network of writing," "in a whole mass of documents that capture and fix them."[30] "Surveillance," according to Foucault, "is based on a system of permanent registration" and of "documentary accumulation."[31] Drawing on the work of philosopher Friedrich Nietzsche, Foucault argued that power and knowledge were intrinsically linked. As Foucault put it in *Discipline and Punish*, "there is no power relation without the correlative constitution of a field of knowledge."[32] One of the regulatory modes of power/knowledge that Foucault draws upon is the panopticon, an architectural design put forward by Jeremy Bentham in the mid-19th Century as a model for prisons, schools, hospitals and so forth. This model allowed for constant surveillance, which enabled the supervision of all movements and the recording of all events, and therefore functioned as a mechanism of control. As we shall see, while the workings of the apartheid state, its bureaucratic centralisation and its obsessive documentary practices seem to reflect the Foucauldian panopticon model, some have offered important critiques of the application of Foucauldian theory in the South African case.[33]

Many have noted that writing was an especially important tool for the practical activities of colonial administration and governance.[34] As Goody insisted, even though colonial

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[29] Foucault, *Discipline and Punish*,189

[30] Foucault, *Discipline and Punish,* 189

[31] Foucault, *Discipline and Punish*, 189

[32] Foucault, *Discipline and Punish,* 27. Foucault, M. *Knowledge/ Power: Selected Interviews and Other Writings, 1972-1977* (New York: Pantheon Books, 1980)

[33] Deborah Posel,"Modernity and Measurement: Further Thoughts on the Apartheid State," Seminar Paper, University of the Witwatersrand Institute for Advanced Social Research (19 August 1996), 4-5

[34] Hawkins, *Writing and Colonialism in Northern Ghana.* Raman, *Document Raj.* Gupta, *Red Tape.* Ann Stoler, "Colonial Archives and the Arts of Governance: On the Content in the Form," in Carolyn Hamilton et al (eds), *Refiguring the Archive* (Cape Town: David Philip, 2002), 83-102. Ajay Skaria, "Writing, Orality and Power in the Dangs, Western India, 1800s-1920s," in Shahid Amin and Dipesh Chakrabarty (eds.)*, Subaltern Studies IX: Writings of South Asian History and Society* (New Delhi: Oxford University Press), 13-58. There are many others.

bureaucracies were not highly developed, "knowability meant governability, and both entailed the extensive use of written record."[35] As James Scott suggests projects of modern, centralised state formation enforced "maps of legibility" on nature, space and people for the purposes of administration and control.[36] In his study of European plans for Egypt in the 19th Century, Tim Mitchell has argued that "colonial power required the country to become readable, like a book."[37] Isabel Hofmeyr, with reference to a chiefdom in the Transvaal, argued that writing was "a, if not *the*, key cultural institution of colonialism."[38] A spotlight on bureaucratic writing is therefore not only important but essential to an understanding of the nature and work of the modern state. This is an argument that I will return to in Chapter 3.

The bureaucratic state in South Africa

Bureaucracy and writing played a significant role in the colonisation and governance of South Africa. It was through writing and extensive written records that the colonial state sought and succeeded to colonise and regulate the lives of its subjects. The practices of gathering and preserving knowledge about the colony and its peoples were a necessary part of imperialism during the 19th Century. Written documents regulated the movements, labour and lives of African subjects. Just as in the Indian case described by Raman, indirect rule in South Africa depended upon written dispatches back and forth to the British government. Prior to the Union of South Africa in 1910, three different administrative schemes co-existed,

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[35] Goody, *The Logic of Writing and the Organization of Society,* 113, 115, 116
[36] James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New York: Vail-Ballou Press, 1998)
[37] Tim Mitchell, *Colonising Egypt* (Berkeley: University of California Press, 1988), 33
[38] Isabel Hofmeyr, *"We Spend Our Years as a Tale Told": Oral Historical Narrative in a South African Kingdom* (Portsmouth: Heinemann, 1993), 51

all three dependent on paper-based pass laws to regulate the lives and movement of Africans.[39]

Any study of the emergence of a bureaucratic apparatus and the making of the South African state must consider what was referred to as "native affairs." Central as it was to racial ordering and the administration of the early South African state, native affairs has been the subject of extensive study. The subject seems to emerge in almost all South African historical studies of labour and the economy, health, housing, and public administration.[40] However, most studies of "native affairs," particularly those concerning the segregation period (1910-1948), have centered around the justification of policy and the struggles that informed the process. Most of this scholarship has done little in the way of an analysis of administrative processes.[41]

In the first half of the 20th Century, the ruling orders discussed the central issues of state formation as the "Native Question." It came to dominate policy, comprising technical matters of administration and "problems" requiring "solution."[42] Realignments of state power

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[39] Breckenridge, "Power Without Knowledge: Three Nineteenth Century Colonialisms in South Africa," *Journal of Natal and Zulu History*, 26 (2008), 3-31

[40] Saul Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919–1936* (Oxford: Springer, 1989). Some of the classical sources include Edgar Brookes, *The History of Native Policy in South Africa from 1830 to the Present Day* (Cape Town: University of Michigan,1924). David Welsh, *The Roots of Segregation: Native Policy in Colonial Natal, 1854–1910* (Cape Town: Oxford University Press, 1973). Martin Legassick "The Making of South African 'Native Policy,' 1903–1923" (seminar paper, Institute of Commonwealth Studies, London University, 1973). William Beinart and Saul Dubow (eds), "Introduction: The Historiography of Segregation and Apartheid," in William Beinart and Saul Dubow, *Segregation and Apartheid in Twentieth Century South Africa* (London & New York: Routledge, 1995), 1-24.

[41] Ivan Evans, *Bureaucracy and Race: Native Administration in South Africa* (Berkeley: University of California Press, 1997), 13

[42] The 'Native Question' had been a central theme of South African official debate since the early 20th century as the state troubled over managing and controlling African populations, specifically in terms of the need for African labour in fast industrialising cities. Ashforth shows how each of the commissions of inquiry which he discusses was concerned with the "Native Question" and thus were explicitly about creating and controlling a "homogenised Other." Adam Ashforth, "On the 'Native Question': A Reading of the Grand Tradition of Commissions of Inquiry into the 'Native Question' in Twentieth century South Africa," PhD Thesis, University of Oxford (1987). Adam Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa* (Oxford: Clarendon Press, 1990). Jonathan Boyarin, "An Inquiry into Inquiries and a Representation of

required new conceptions of the place of "natives" within the political economy. Adam

Ashforth's insightful study of commissions of inquiry as an institution to which political

leaders turned in order to "solve" successive "crises" between the early 1900s and 1980s,

reveals discursive continuities in how the state spoke to and of its African "others."

Ashforth's text seeks to deconstruct official discourse. However, while Ashforth's dissection

of the contexts in which the commission reports were published is significant, he does not

examine the issue of administration.

The literature on the organisational work of the apartheid state is far more extensive. Yet

most of the studies that examine the interventionist apparatus of the apartheid state have most

often focused on labour control.[43] The Native Affairs Department (hereafter NAD)

appropriately dominates much of this literature, because it was largely this Department that

took intellectual ownership of the apartheid project, providing legislative form for its policies

and direction to their application.[44] Most studies on the development of the NAD have thus

focused on the Department's control of African labour.

Historian Deborah Posel's important work reveals many inconsistencies within the

department and importantly rejects the notion that the National Party had a fully-conceived

"grand plan" for administering the South African state.[45] Posel examines the work of the

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Representations," *Sociological Forum*, Vo. 6, No. 2 (1991), 387-395. Premesh Lalu, "Restless Natives, Native Questions," *Mail and Guardian* (26 August 2011)

[43] Douglas Hindson, *Pass Controls and the Urban African Proletariat in South Africa* (Johannesburg: Witwatersrand University Press, 1987). Simon Bekker and Richard Humphries, *From Control to Confusion: The Changing Role of Administration Boards in South Africa* (Pietermaritzburg: Schuter and Shooter,1985). Stanley Greenberg, *Legitimating the Illegitimate: State, Markets and Resistance in South Africa* (Berkeley and Los Angeles, University of California Press, 1989). Hermann Giliomee and Lawrence Schlemmer (eds.), *Up Against the Fences: Passes and Privilege in South Africa* (Cape Town and Johannesburg: David Philip, 1980). Deborah Posel, *The Making of Apartheid, 1948-1961: Conflict and Compromise* (Oxford: Clarendon Press, 1991)

[44] Posel, *The Making of Apartheid*. Deborah Posel, Phil Bonner, Peter Delius (eds), *Apartheid's Genesis, 1935-1962* (Johannesburg: Ravan Press, 1993). Evans, *Bureaucracy and Race*.

[45] Posel, *The Making of Apartheid*

NAD as "the vanguard of apartheid policy-making."[46] According to Posel, the Department's bureaucrats "engaged in rituals of often absurdly detailed qualitative measurement in their continuous efforts to count and classify the population."[47] The apartheid state, and more especially the NAD, aimed at an omniscience that would allow it to quantify and easily confront any problems the state may have faced. This it believed possible through the collection, production and control of information. Posel's work concerning the apartheid state's association between record-keeping and power is important for understanding the state's attempts to know and control its subjects.

Posel poses a critique of the application of Foucauldian theory to the South African case. She argues that while the exercises of classification and counting units of a population did act both as discourse and technique of power by rendering society in a form pliant to bureaucratic modes of control, the South African state was never the panoptic structure of which Foucault wrote. Rather, Posel suggests, South Africa presents a much messier portrayal of the relationship between knowledge and power. The measurements it collected were never "wholly reliable, comprehensive or comprehensible" and while the measurement of the population was certainly intimately connected with the exercise of power, this power was "spasmodic and uneven (rather than capillaric, as Foucault's argument would have it.)"[48] It is this argument that I would like us to hold on to as we think about the ways in which the apartheid bureaucratic machine developed and operated.

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[46]Posel, "Modernity and Measurement," 14. See also Deborah Posel, "A Mania for Measurement: Statistics and Statecraft in the Transition to Apartheid," in Saul Dubow (ed), *Science and Society in Southern Africa* (London: Manchester University Press, 2000), 116 - 142.

[47] Posel, "A Mania for Measurement," 116

[48] Posel, "Modernity and Measurement," 4-5

The move towards a centralised interventionist state and "a mania for measurement," Posel suggests, marked a move towards the apartheid project being understood and represented as a "modernising" one. As Posel writes, "the apartheid version of the 'modern' state was one which was sufficiently large, powerful, bureaucratically expert and knowledgeable to keep each race in its proper place, economically, politically and socially."[49] The apartheid engineers sought to emulate the norms, expectations and problem-solving capacities that were typical of modern states. Clearly the standardisation and centralisation that the apartheid state sought to establish as it pertained to the racial ordering of the South African society followed the formation of a rationalising state bureaucracy the likes of which Scott examines in his book *Seeing Like a State*.[50]

Posel suggests that already from the late 1930s white South African society associated with the global intellectual and political trends that emphasised a large, effective and interventionist centralised state as essential to social and economic development. Such a state demanded a larger and more efficient civil service. Posel quotes from a report produced by the Union of South Africa Social and Economic Planning Council published in 1944 as saying; "as the State steadily assumes these wider responsibilities, the public service as part of the permanent machinery expands. It also wields greater powers."[51] So emerged an "administrative state" in which "many of the legislative functions of government are performed, not by Parliament, but by administrative officials and institutions."[52] Posel suggests then that South Africa would most likely have witnessed the development of a larger and more aggressive state regardless of the outcome of the 1948 election. The National Party

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[49] Posel, "A Mania for Measurement," 116

[50] Scott, *Seeing Like a State*

[51] Deborah Posel, "Whiteness and Power in the South African Civil Service: Paradoxes of the Apartheid State," *Journal of Southern African Studies*, Vol. 25, No. 1 (1999), 102

[52] Posel, "Whiteness and Power in the South African Civil Service," 102

however, Posel argues, gave its own specific spin to this process and enlarged the size and supremacy of the state to a far greater extent than many other states in the West.[53] The National Party connected ideas of statecraft operating in other parts of the world to its own project of "modernising racial domination."[54] As Posel put it, "giving Keynesian notions of statecraft a distinctively racist spin, the Nationalist government recrafted the state into an increasingly more centralized, institutionally vast and labyrinthine apparatus, with correspondingly grand claims to power on widening fronts."[55]

Shifting away from a focus on ideology, policy and economy, professor of sociology Ivan Evans offers an analysis of the processes of administration itself.[56] Rather than mark the establishment of the apartheid state in 1948 as a decisive turning point, Evans argues that some of the central themes that came to define apartheid were already in existence during the 1930s.[57] He does however show how under the governance of the National Party, the state restructured itself significantly, locating his analysis of this transformation of the South African state and society as central to the recurrent attempt to resolve the "Native Question." Shifting away from the noninterventionist approach to public administration that marked the segregationist period, Evans shows that the apartheid state came to create bureaucratic procedures that governed everything from the destruction of communities to the official sanctioning of political executions. He argues importantly that the administration of apartheid did not rely solely on terror and coercion but rather that apartheid was largely driven and maintained by an immense bureaucracy.[58]

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[53] Posel, "Whiteness and Power in the South African Civil Service," 102-103
[54] Posel, "Whiteness and Power in the South African Civil Service," 103
[55] Posel, "Whiteness and Power in the South African Civil Service," 118
[56] Evans, *Bureaucracy and Race*
[57] Evans, *Bureaucracy and Race*, 14
[58] Evans, *Bureaucracy and Race, ix*

Invested in tracking the development of this bureaucracy, Evans also focuses on the NAD. The Department, he shows, had been in decline before 1948 but during the 1950s was restored and became the rigid stronghold of apartheid as the state reoriented itself, "evolving into an authoritarian structure controlled by a highly visible army of clerks, bureaucrats and administrators."[59] In fact this development was part of a trend that saw state bureaucracies across the board growing in size and number by the mid-1950s. Evans conducts a detailed study of the development of the NAD and Native Administration and how these developments, and the desire for a more authoritative and centralised state, gave way to the state's repressive apparatuses that emerged from the 1960s onwards.

Prior to the National Party election victory in 1948 the NAD had been a minor and poorly resourced department. Administration was largely decentralised as urban African communities were delegated to local authorities. However, with the end of the Second World War and the Nationalist election victory, calls began for the NAD to make more integrated, centrally planned and coordinated interventions. Under the leadership of Hendrik Verwoerd, then Minister of Native Affairs, Evans shows how the NAD reorganised native administration, introducing a new system to replace the older unreliable documentary order that had governed South Africa from 1900.[60] It was meant to simplify the old tax and pass regulations and aid in implementing the new apartheid policies. Old contracts, tax receipts, and paper passes would be accordingly dispensed with and replaced with just two official documents- an identity card and a "personal file." This booklet was to contain the personal history and movements of every African worker as well as various official permissions, which had previously been granted on separate pieces of paper. The document issued to every

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[59] Evans, *Bureaucracy and Race*, 2
[60] Evans, *Bureaucracy and Race*, 110, 111. Breckenridge, "Power Without Knowledge," 3-31

adult African in the course of the 1950s and 1960s was called the Reference book or more commonly "the Dompas." After March 1954 the Reference book number or "persoonsnommer" (or identity number) was issued along with the Reference book to every adult African "from registration to death" and thus became the main index of personal identification for black people. This project intended to erase "the politics of writing associated with the archival state of the early 20ᵗʰ century."[61]

In order to co-ordinate all of this, a new Central Identity Bureau was established. This was a huge step towards Verwoerd's ideal of a universal, centralised registration and control of all African adults. What was imagined as a massive panoptic mechanism of identification, taxation and policing was to follow. This new system brought with it a project of universal fingerprinting and- because fingerprints were indexed by the "persoonsnommer" (identity number)- the promise of enabling the South African Police to immediately identify and trace any "native whose number is known, or whose fingerprints are available."[62] Drawing on the work of Francis Galton, pioneer in fingerprint technology, and the French police official Alphonse Bertillon's filing system of criminal identification photographs, dactyloscopy (that is the method of fingerprint identification) as well as photography became key to the visualisation of the "native subject" and to this indexical system in South Africa. [63] Described as "the modern, bureaucratic equivalent of Bentham's panopticon," the "Bewysburo" or Central Reference Bureau produced a card "in respect of each native and properly filed in a filing cabinet accommodating 60,000 cards. Looming over these cards,

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[61] Keith Breckenridge, *Biometric State: The Global Politics of Identification and Surveillance, 1850 to the Present,* (United Kingdom: University of Cambridge Press, 2014), 138. Michael Savage, "The Imposition of Pass Laws on the African Population in South Africa 1916-1984," *African Affairs,* Vol. 85 (1986), 181-220
[62] Breckenridge, *Biometric State,* 144
[63] See Allan Sekula, "The Body and the Archive" *The MIT Press,* Vol. 39 (1986), 18. Lorena Rizzo, "Visual Impersonation-: Population Registration, Reference Books and Identification in the Eastern Cape, 1950s-1960s," *History in Africa*, Vol. 41 (2014), 221-248

each cabinet would be controlled by 'a female clerk' who would have, at her fingertips, the identity and location of 60,000 individuals."[64]

Although central to the logic of apartheid, it was not long before the labour bureau system surpassed its initial objective of limiting African movement into urban areas and channeling labour "efficiently" across the economy. As Evans shows, within a matter of years the system had morphed from a principally civil department into "a powerful and oppressive apparatus."[65] By the 1960s the authoritarian bureaucratic culture that had begun with the labour bureau system set the wheels in motion for the repressive apparatuses that dominated that decade. The civil concerns of Bantu administration were now firmly combined with the state's repressive operations. Just one year after the events at Sharpeville in March 1960 the Ministers of Justice and Defense announced a massive reorganisation of the South African Police and Defense forces "so that they can provide a single fast striking force to crush any uprising regarded as a threat to the security of the state."[66] The labour bureau system, as Evans suggests, prefigured this development by creating a bureaucratic culture among state agents and white South Africans that perceived (and produced) Africans as an internal threat. Owing to this system's efforts the South African Police were furnished with sophisticated surveillance that could be used to follow the activities of the state's many "enemies."
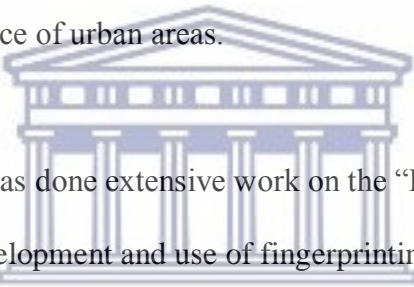
In his effort to show certain continuities in administrative practices before and after 1948, Mahmood Mamdani has argued that Evans made two problematic assumptions. First, Mamdani suggests that Evans too easily equated the legacy of British colonial rule in Africa

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[64] Keith Breckenridge, "Verwoerd's Bureau of Proof: Total Information in the Making of Apartheid," *History Workshop Journal,* No.59 (2005), 83-108. See also Keith Breckenridge, "Verwoerd's Bureau of Proof: The Apartheid Bewysburo and the End of Documentary Government" in Breckenridge, *Biometric State*, 138-163

[65] Evans, *Bureaucracy and Race*, 109

[66] Evans, *Bureaucracy and Race*, 137. Evans takes this from the *South African Digest* of 17 March 1961. See Introduction for description of events at Sharpeville on 21 March 1960

with the vestiges of the segregation period in South Africa. Secondly, Evans equated the mechanisms of apartheid directly with those of the NAD.[67] As a result, Mamdani argues, because the NAD was restructured into mainly an urban affairs organisation under apartheid, Evans was inclined to connect apartheid primarily with its urban administration. Native administration during the segregation period, Mamdani argues, had more in common with the legacy of 19th Century British direct rule than 20th Century British indirect rule. Evans' book notably highlights the reasoning and exercise of apartheid as direct rule in the urban areas. However, Mamdani argues that Evans understated the extent to which, at least in the rural areas, apartheid replicated the legacy of British indirect rule.[68] Mamdani is concerned here to note the differences between the apartheid state's indirect rule of rural areas through chiefs and the NAD's direct governance of urban areas.

Historian Keith Breckenridge has done extensive work on the "Bewysburo" (Central Reference Bureau) and the development and use of fingerprinting for the purposes of identification. In his recent book, *Biometric State,* Breckenridge tracks the history of civil registration in South Africa and shows how attempts to create panoptic systems for registering and governing the population (especially the African population) worked and failed at different times and in different localised contexts.[69] The failure of the state in the first half of the 20th Century to register African people owed, according to Breckenridge, to the division within the state between those officials who advocated for fingerprinting systems as a means of native administration "on the cheap" (those concerned primarily with the

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[67] Mahmood Mamdani, "The Distinctive Face of Apartheid: Review of Ivan Evans Bureaucracy and Race: Native Administration in South Africa," *The Journal of African History,* Vol. 40, No. 1 (1999), 157-159
[68] Mahmood Mamdani, "The Distinctive Face of Apartheid," 157-159. See also reviews of Evans, *Bureaucracy and Race* by Michael Lobban and Anthony Marx. Michael Lobban, "Review: Bureaucracy and Race: Native Administration in South Africa by Ivan Evans," *Law and History Review*, Vol. 18, No. 1 (2000), 249-251. Anthony Marx, "Review: Bureaucracy and Race: Native Administration in South Africa by Ivan Evans," *The American Political Science Review,* Vol. 92, No. 2 (1998), 482-483
[69] Breckenridge, *Biometric State,147*

control of labour and policing) and those who supported the more detailed registration of births and deaths (concerned more with the administration of public health).[70] Universal biometric fingerprinting faced great scepticism and it was only under the apartheid state that plans for compulsory fingerprint registration were put into place.[71] However, while Verwoerd's project may have encouraged a bureaucratic culture as Evans has shown, and developed surveillance systems dependent on biometric fingerprinting, this project ultimately failed. The apartheid state was never the all-knowing or all-powerful panoptic machine that it imagined itself to be.

Breckenridge shows that Verwoerd's project to index the fingerprints of the whole African population ultimately proved too vast and failed due to insufficient staffing and funding. He shows that in reality the system was not as comprehensive as had been imagined. Storing and sorting fingerprints and drawing on them to locate individuals proved to be a far more difficult task than its advocates had been prepared to admit. The system could not keep up with the records pouring in to the Bureau in Pretoria from the various districts and the fingerprinting project became increasingly unfeasible. People began to express their resentment and resistance at having to carry passes and the NAD began to call for increasingly harsh policing.[72] Breckenridge shows that by December 1955 the "Bewysburo" (Central Reference Bureau) was in a state of chaos- its panoptic efficacy beginning to crumble. He suggests that Verwoerd's decision in the late 1950's to impose independence on the Bantustans may have resulted from his failed efforts at an efficient and centralised surveillance system as this move meant that the regulation of African subjects was decentralised to African headmen and chiefs. This move completely invalidated the system.

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[70] Breckenridge, *Biometric State,* 169
[71] Breckenridge, *Biometric State,* 106
[72] Breckenridge, "Verwoerd's Bureau of Proof," 100

Posel too shows how the vast expansion of state institutions and bureaucracies coupled with serious staff shortages exacerbated by Afrikanerisation had devastating consequences for labour productivity and efficiency within the public service.[73] As the National Party government alienated English-speakers and was unwilling to employ black individuals, the civil service's endeavor to find a sufficiently trained workforce failed horribly. Ultimately the apartheid state had produced its own labour shortage problem.[74] This was the major paradox, which she describes, "the state grew bigger and more ambitious, and yet this proceeded alongside a relative decline in the productivity, efficiency and competence of its bureaucracy."[75] Inefficiency and low productivity existed to such an extent after 1960 that a caricature of an incompetent and senseless Afrikaner bureaucrat emerged and gained extensive social prevalence by the mid-60s.[76]
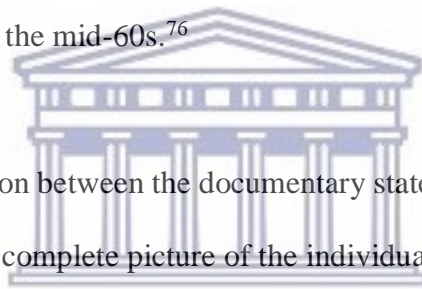
Breckenridge draws a distinction between the documentary state and the biometric state. The former seeks to collect a more complete picture of the individual subject through the use of several documents recording identity, while the latter reflects a disregard of all details about the individual beyond what could be gleaned from the physical body, relying only on a minimal engagement with the subject through fingerprinting.[77] Breckenridge subsequently critiques the idea of the apartheid state as all pervasive and obsessively interested in "knowing" every detail of its subjects' lives. He argues that most scholarship on apartheid or

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[73] This meant that certain English-speaking state employees who were considered to be 'liberal' were coerced into retirement while the Nation Party encouraged the employment of pliable Afrikaans-speakers in their place.

[74] Posel, "Whiteness and Power in the South African Civil Service," 109

[75] Posel, "Whiteness and Power in the South African Civil Service," 118. See Hermann Giliomee, *The Afrikaners: Biography of a People* (Cape Town: Tafelberg, 2003). Saul Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of Race," *Journal of African History*, Vol. 33 (1992), 209-237. Herman Giliomee, *The Last Afrikaner Leaders: A Supreme Test of Power* (Cape Town: Tafelberg, 2012). Christi van der Westhuizen, *White Power & the Rise and Fall of the National Party* (Cape Town: Zebra Press, 2007)

[76] Posel, "Whiteness and Power in the South African Civil Service," 100

[77] Breckenridge, *Biometric State*. Keith Breckenridge, "No Will to Know: The Rise and Fall of African Civil Registration in Twentieth-Century South Africa," in Keith Breckenridge and Simon Szreter, *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012), 357-383

on the South African state and society has overemphasised the state's successful policing of every aspect of its subjects' lives.

Breckenridge therefore critiques the argument made by Posel and others who characterise the work of the apartheid government as scientific and "knowledge-driven."[78] Instead, he shows how the move towards the application of biometrics revealed an inability or even indifference of the South African state to really know much about its African population. In fact he suggests that at times "the state consciously chose not to gather the most basic information about its African subjects."[79] Breckenridge and Simon Szreter critique the way in which scholars such as Scott have overstated the universal information gathering impulses of the state. They argue that the state is not always necessarily propelled by the desire to know. They go on to challenge Foucault's argument about the intrinsic link between power and knowledge. This link that Foucault claims in *Discipline and Punish*, Breckenridge and Szreter argue, has led many scholars to exaggerate the bureaucratic fervor for information gathering, which, they suggest, has consequently hindered research into the possible limits of bureaucratic knowledge.[80]

Breckenridge tracks the emergence of modern biometric surveillance in South Africa from the time of the arrival of European scientists particularly Francis Galton and Edward Henry, both of whom had been involved in promoting the new technology of fingerprinting.[81] His book seeks to show that rather than being a Western technology imposed on Africa, biometric

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[78] Breckenridge, "No Will to Know," 359-360
[79] Breckenridge, "No Will to know," 362
[80] Simon Szreter and Keith Breckenridge, "Recognition and Registration: The Infrastructure of Personhood in World History," in Simon Szreter and Keith Breckenridge (eds.), *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012), 6-7
[81] Breckenridge, *Biometric State*. See Simon Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Harvard: Harvard University Press, 2001)

identification was a mode of governance forged in South Africa. According to this view the South African state is figured as a laboratory for the development of a new kind of government, a model that was then taken up and adapted by various states around the world.[82]

This argument has of course sparked much debate. Kenneth Grundy argues convincingly that it is illogical and difficult to accept that South Africa, as a state that was not especially technologically developed at the beginning of the 20th Century, advanced biometric identification techniques that required modern technology and thus led the way into the 21st Century bureaucratic mode.[83] While the state used biometric devices to manage some aspects of statecraft, these did not completely replace the older documentary order. Historian, Uma Duphelia-Mesthrie in her comments delivered at the launch of his book, similarly pointed to Breckenridge's problematic binary arrangement of the biometric state and the documentary state. Duphelia-Mesthrie argued that Breckenridge made "too stark a distinction" between the two.[84]
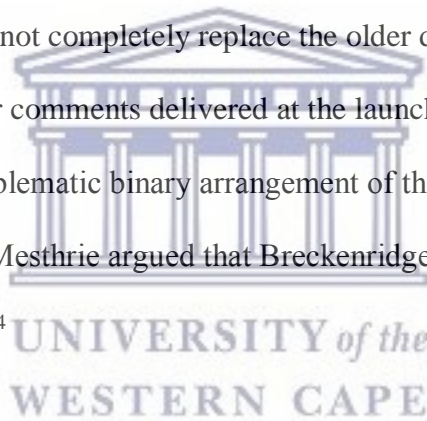
Frederick Cooper, in his review of Breckenridge's book makes an important point that is worth quoting: "the biometric state, of course, was never just a biometric state. Indeed no adjective placed in front of this noun can fully describe what states do, how their elites conceive of themselves, and how their power is constrained and challenged."[85] Posel too has critiqued Breckenridge's naming of this as a biometric state arguing instead that it might

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[82] Breckenridge, *Biometric State*, 166

[83] Kenneth Grundy, "*Biometric State: The Global Politics of Identification and Surveillance in South Africa, 1850 to the Present* by Keith Breckenridge," *IJAHS,* Vol. 48, No. 1 (2015), 148-150

[84] Uma Duphelia-Mesthrie discussant notes. Panel discussion at the launch of Breckenridge's book, The Biometric State, The Centre for Humanities Research, University of the Western Cape, 19 February 2015.

[85] Frederick Cooper, "Keith Breckenridge. Biometric State: The Global Politics of Identification and Surveillance in South Africa, 1850 to the Present," *African Studies Review,* Vol. 59, No. 2 (2016), 252

more appropriately be called a biometric project as just one of the South African states' attempts at governing its African populations. This was not an over-arching biometric state and the modes of biometric ordering did not run through every level of administration.[86]

Contrary to Breckenridge's argument, the South African state certainly maintained a documentary culture and a drive to collect knowledge about its subjects and more particularly its "enemies." Although not always successful, the state and its functionaries did continue the desired attempt to collect as complete a picture of individual lives as possible. I want to suggest then that documentary and biometric projects may be seen to have co-existed rather than the latter completely replacing the former. Despite the ultimate failures of the apartheid project, the development of a biometric project along with the creation of a more extensive centralised bureaucracy had significant implications for the period of intensified resistance against apartheid. The development of a "bureaucratic culture" is important here and my abiding interest is in how this bureaucratic culture and rationality extended to the security forces and prisons.

Even the covert activities of the infamous security police were subject to bureaucracy and bureaucratic documentation. Historian Nicky Rousseau notes that the security police were not obliged, and in fact urged not, to keep detailed written records of their covert operations, Nonetheless, as historian Jacob Dlamini argues, security forces remained organised structures that were required to observe bureaucratic routine and even when not recording what happened covertly there is a bureaucratic system that allows us to track some of their

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[86] Deborah Posel, discussant comments. Panel discussion at the launch of Breckenridge's book, The Biometric State, The Centre for Humanities Research, University of the Western Cape, 19 February 2015.

actions.[87] Whether they always completed the necessary documentation or did so truthfully is another question, which brings us back to Das' point that writing always contains the possibility of forgery.[88] Ultimately the security forces accumulated a massive intelligence database and produced continuous reports for the growing security apparatus. However, many of these documents were destroyed during the period before the 1994 elections.[89]

While the bureaucratic culture that I have described in this chapter worked to produce the myth of the state's omniscience and complete sovereignty, ironically this bureaucracy itself at times revealed the limits of the state. The limits of the apartheid state's documentary practices are evident in the case of Demitros Tsafendas, a man of mixed-racial descent and with a history of madness, who succeeded in subverting the system and what is more, was able to get close enough to then Prime Minister Verwoerd to assassinate him in 1966. An immediate attempt to discover how Tsafendas had managed to evade a system designed to keep out people exactly like him found that there had been no breach of security and thus lay the blame squarely at the feet of a bureaucracy known for its extreme recordkeeping. The Commission of Inquiry established to investigate Verwoerd's murder revealed the fissures within the state's bureaucratic apparatus- a bureaucracy and procedures meant to ease white anxieties.[90] In her work on this Commission, Zuleiga Adams argues that "the assassination of Verwoerd revealed the core of irrationality at the center of apartheid's bureaucratic rationalism."[91] Apartheid's bureaucratic rationalism may have been fundamentally irrational

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[87] Nicky Rousseau, "Counter-Revolutionary Warfare: The Soweto Intelligence Unit and Southern Itineries," *Journal of Southern African Studies,* Vol. 40, No. 6 (2014), 1347. Jacob Dlamini, *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle* (Johannesburg: Jacana Media, 2014), 14

[88] Das, *Life and Words,* 163. See also Ranajit Guha, 'The Prose of Counter Insurgency' in Subaltern Studies Volume 11 (Oxford: Oxford University Press, 1983).

[89] Verne Harris, '"They Should Have Destroyed More": The Destruction of Public Records by the South African State in the Final Years of Apartheid 1990–94', *Transformations,* 42 (2000), 29–56.
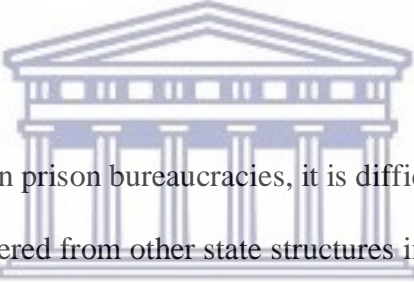
[90] Zuleiga Adams, "Demitrios Tsafendas and the Subversion of Apartheid's Paper Regime," *Kronos*, Vol. 40 (2014), 200

[91] Adams, "Demitrios Tsafendas and the Subversion of Apartheid's Paper Regime," 200

as Adams suggests, or at least seem that way looking back, but I remain concerned with how this rationalism operated and the procedures that it generated.

Conclusion

Following Deborah Posel, Keith Breckenridge and others, this chapter has attempted to show that the apartheid state was ultimately in no way as omniscient and the well-oiled machine that Verwoerd had imagined it to be. However, for all of its faults, the apartheid state had developed the first universal biometric order, a bureaucratic culture and rationality, and a system for the identification and surveillance of its subjects, which was only to intensify along with increased repression of resistance to the state's various policies in the decades to follow.

Given that there is little work on prison bureaucracies, it is difficult to say whether a single unified bureaucratic culture filtered from other state structures into the Prisons Department. However, an emphasis on writing and recording certainly did. Much of the information gathered by the security police and other intelligence structures and 'testimonies' secured by police upon arrest filtered through to the courts where details about the individual's political involvement and actions were relied upon in securing convictions, and much of this information followed the individual in his police or prison file. Indeed, the state security apparatus' including police, prisons and courts also relied upon writing and bureaucratic systems for the identification and surveillance of its subjects in much the same way as other state structures did.

Prisons certainly served a key role in the process of maintaining law and order including their role in carrying out the state's ultimate sanction. The next chapter will further examine the

bureaucratic procedures that functioned within prisons like Pretoria Central Prison to effect this outcome. Based on Weber's bureaucratic theory laid out in this chapter, the following chapter will examine how the dehumanisation, which Weber called bureaucracy's "special virtue," worked to enable and rationalise judicial executions.

In the next chapter I endeavour to understand the bureaucratic rationality that worked to justify and bring about judicial executions in South Africa. How was it that the execution of a political opponent came to seem rational and routine? Despite the failures of apartheid rule at the national level, it is the rationale and mind of apartheid as it operated within the realm of security, justice and punishment that I am interested to understand in Chapter 2. How did the apartheid state's panoptic dreams and bureaucratic obsessions signaled in this chapter function within the space of the prison to individuate, punish and eliminate those considered enemies of the state or threats to the population in a biopolitical sense?
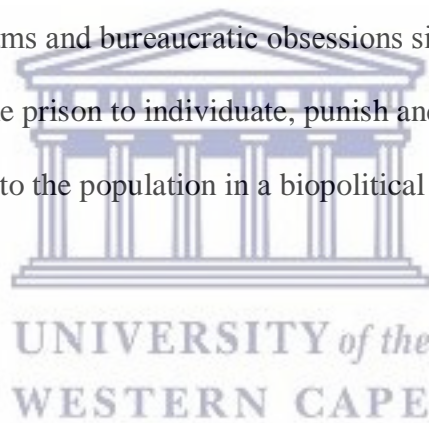
Chapter 2: Bureaucratically administered death

"Death Row is like a factory…It's a factory which produces corpses…You go in live and you come out dead. To produce that product a system is developed. The whole place is serviced. They provide food. They make gardens. They give notice of execution. They hang. And they bury."[1]

In an article on the work of radical Afrikaner Nationalist Geoffrey Cronje and his contribution to the theory of apartheid, South African novelist, J.M. Coetzee has argued that apartheid legislation was a rational response to social developments that threatened the plans of Afrikaners and the privilege of white South Africans more generally. Coetzee posits that we cannot simply dismiss apartheid policies as madness. Rather, it is necessary to interrogate "the logic that makes apartheid sane because rational, rational because governed by self-interest."[2]

What interests me in this chapter is this rationality which worked- or appeared to work- at every level of the state structures in apartheid-era South Africa, and how it filtered into the prison system and the execution of death sentences for political prisoners. Having traced the apartheid state's attempts to develop a modern, centralised state more generally in the previous chapter, this chapter seeks to understand the seemingly mundane bureaucratic practices surrounding the execution of capital punishment in South Africa.

In this chapter then, I propose a reading of the functioning of the various bureaucratic systems that processed an individual from the point of sentencing towards the gallows. If the administrative machinery relied on specific forms of knowledge and expertise, this chapter is concerned with what these were and how they participated in enabling death sentences to be

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[1] Brian Currin, Director for Lawyers for Human Rights, quoted Lloyd Vogelman, *The Living Dead: Living on Death Row* (Johannesburg: Project for the study of Violence, University of Witwatersrand, 1989), 12
[2] J.M., Coetzee, "The Mind of Apartheid: Geoffrey Cronje (1907-)," *Social Dynamics*, Vol. 17, Issue 1 (1991), 2

carried out "efficiently." Indeed, behind the technical apparatus used to execute people, "and inseparable from it, is a bureaucratic apparatus that includes politicians and prosecutors, judges and juries, and warders and prison guards, among others."[3] It is this bureaucratic apparatus that interests me here and this chapter considers how this may expose the apartheid state's internal mechanisms and the effects of a power that justified the killing of its subjects and political opponents.

Drawing on the work of Zygmunt Bauman and Hannah Arendt, the chapter shows how different scholars have endeavoured to understand how a modern bureaucratic mode of rationalisation made killing, and genocide as in the case of the Holocaust, thinkable, possible and even mundane. Similarly, we might ask, how was it that the killing of the apartheid state's political opponents was rationalised and justified? Following Bauman, I want to suggest that this was done through the discourse of bureaucratic rationality, which made legally-sanctioned killings routine and banal. While some may turn to an examination of the psyche and motives of the perpetrators involved in state-killing, I am interested in the roles of the various functionaries involved as part of a bureaucratic system that put people to death. While the psychologising route has been one of the strongest strands and comes directly out of the focus on the act of killing itself, I am more concerned to examine the bureaucratic regime and apparatus and the roles of those that formed part of it.

Invoking Michel Foucault, this chapter asks to what extent capital punishment, cast as a solution to the threat posed by the apartheid state's political opponents, can be figured as a question of biopolitics? Were executions explained and justified on the basis of life itself and

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[3] Robert Lifton and Greg Mitchell, *Who Owns Death? Capital Punishment, the American Conscience, and the End of Executions* (New York: Morrow, 2000), 231

the defense and protection of the lives of the "innocent" from the "threatening figure" of the "deviant criminal" or political enemy? Put differently, was this about managing the apartheid state's anxiety to defend and maintain both its rule, and the welfare and safety of specific populations?[4] And according to this rationale, did the execution of those cast as "security threats" and the administrative bureaucracy constitute a rationality? The chapter is concerned then to track how judicial executions of political opponents might be thought of as an exercise of absolute sovereignty or biopolitics or both, as the state involved itself both in the process of perpetrating violent executions and at the same time- through the existence of an entire bureaucracy and administrative system- was concerned to measure, to photograph and categorise the condemned, and to make their bodies legible. The question that the chapter seeks to ask then is; how might we think of judicial executions of individuals considered to be political or "security threats" as constituting a form of rationality made possible through its bureaucratic regime?

"A conveyor belt of men preparing for death": The hanging process[5]

As suggested by anti-apartheid activist, Phyllis Naidoo, the route to the gallows and the bureaucracy of death began in court at sentencing "when the judge says: 'You will hang by the neck until you are dead.' Sometimes he adds, 'And may the Lord have mercy on your soul.'"[6] Despite this latter spiritual invocation, capital punishment was a legal construction. Under the apartheid government, as I have suggested earlier, legislation was expanded so as to encompass the categories of those the state defined as "security threats."[7] The new laws

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[4] Robert Turrell, *White Mercy: A Study of the Death Penalty in South Africa* (London: Praeger Publishers, 2004), 7. See also Nancy Rose Hunt, *A Nervous State: Violence, Remedies and Reverie in Colonial Congo* (Durham: Duke University Press, 2016)

[5] Bernard Levinson, *The Hanging Machine* (South Africa: Premier Book Publishers, 1990), 28

[6] Phyllis Naidoo, *Waiting to die in Pretoria* (Harare: Mazongororo Paper Converters, 1990), 1

[7] Fran Buntman, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge: Cambridge University Press, 2003), 27

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and trials of the 1960s and beyond provided for heavy potential or mandatory penalties. Judicial executions operated as a legal device employed in response to the increased resistance to state policies from the 1960s onwards. The chapter will return to the significant part of the capital trial and the bureaucratic procedures that processed offenders towards their death. First allow me to provide a brief outline of the procedures followed at Pretoria Central Prison in the carrying out of a death sentence.

Once a death sentence had been passed, prisoners from all around the country were sent to Pretoria Central Maximum Security Prison where the gallows were situated to await the execution of their sentence on death row. In the cases of people sentenced to death in the apartheid "homelands" or Bantustans, executions would be carried out at maximum security prisons in Venda, Ciskei, Transkei or Bophutatswana.[8] After a death sentence had been handed down, prosecuting counsel, or in some cases defending counsel, or the Attorney General would send reports on the person's case to the Minister of Justice. The report would be sent via the Minister of Justice to the State President on the basis of which the President could make a recommendation for mercy. The reports would lay out the details of the whole case. These cases were considered by an Executive Council. In each case the Clerk of the Executive Council would send a letter to the Secretary for Justice informing him of the Council's resolution in respect to certain cases which would be listed. The advice of the Cabinet (or in practice that of the Minister of Justice) was submitted to the State President who would take action based on this counsel. If no reprieve was agreed to, the Minister of Justice would give the go-ahead for the execution.[9] It was then left to the Deputy Sheriff of Pretoria to schedule a date for the execution. Alternatively the condemned person would be

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[8] Madeleine Fullard, "The Ultimate Penalty," 7. See Also Madeleine Fullard, unpublished manuscript, 150
[9] See records of the Executive Council ("Halssake"), Pretoria National Archives, EM 22/12/3 Part 10 (1962-1963). Pretoria National Archives, MJU 25/4

allowed to appeal the sentence.[10]

Until the execution, or alternatively commutation of sentence, condemned prisoners were kept in Pretoria Central Prison's death row section under heavy restrictions and constant surveillance. Once received into the custody of the prison in Pretoria, the condemned prisoners were each given a prison number by which they were entered into the prison bureaucracy. These were the V numbers- an abbreviation for "veroordeelde" or condemned-a numbering system that began in 1960 and continued through to beyond the last execution in South Africa.[11] Once a date for execution was set, the Sheriff of the Court would visit the prison with the execution warrant and inform the specific prisoner/s of their fate. The Sheriff of the Court would inform the prisoner that two family members would be issued with second-class train tickets to Pretoria paid for by the Department of Justice and would take the addresses of these two family members so as to inform them of the execution date. The prisoner would be asked for a list of people he would like to see during these last days and was informed that he would be allowed one 30-minute non-contact visit per day over the last seven days.

Once the death row prisoner had received his official date of execution, within a week of said date he would be transferred to the single holding cells that became known as "the pot," so named because it was believed to be a place where people would "stew before they die."[12] During their first days in "the pot" prisoners would be taken for photographs and neck and body measurements. The ropes needed to be the correct strength and the length of the drop

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[10] David Welsh, "Capital Punishment in South Africa" in Alan Milner (ed), *African Penal Systems* (London: Routledge, 1969), 408. Pretoria National Archives, EM 22/12/3 Part 10 (1962-1963) Pretoria National Archives, MJU 25/4

[11] Madeleine Fullard, unpublished manuscript, 149

[12] Vogelman, *The Living Dead*, 9

needed to be worked out in relation to the prisoner's weight and height. These measurements would be recorded on a specific form and kept in the prisoner's file.

Clerks, secretaries and various other bureaucrats completed forms and reports, and made sure that these followed the necessary channels. As I have shown in Chapter 1, Max Weber suggests that a successful bureaucracy depends on efficiency and depersonalisation and this seems to have been the case here. The execution process relied upon well-synchronised and impersonal coordination with each official involved performing their part as a link in the chain of the bureaucratic process. The system of judicial killing relied on skills that were well developed and firmly entrenched, a precise division of labour and an efficient flow of command. Prison warders, spiritual advisors and doctors all had their part in the process. Prison warders and physicians oversaw the physical health while spiritual advisors took care of the mental health of prisoners.
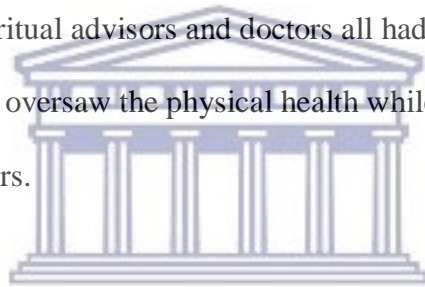
Each of the processes involved in the administration of death row had their own accompanying administrative and bureaucratic procedures. Aside from their part in the execution of condemned prisoners, death row warders and functionaries had various daily tasks that replicated the ways in which other prisons were administered, in some ways normalising the violence that was pending. Aside from the measurements and fingerprinting of prisoners, food had to be ordered, prisoners needed to be fed, allowed to wash and exercise, the ropes used to make nooses needed to be maintained and when old, replaced, visitor's records were kept as were records of the prisoners' correspondence. Newly arrived prisoners and the documents that accompanied them needed to be recorded and filed, their personal items confiscated, recorded and stored away, later to be returned on a prisoner's

release or, as in the case of those who never left Pretoria Central alive, given to family or distributed to others.[13]

Upon being moved to "the pot," the prisoners experienced even tighter surveillance and several items were confiscated including toothbrushes, vests and underwear so as to prevent the occupants of these cells from committing suicide- "just to make sure that you wouldn't take away from the hangman and from the State, the duty of death."[14] The lights burned day and night and armed guards patrolled on catwalks overhead. On the morning of the execution everything happened according to a strict time frame with a single prison official, always a warrant officer, in charge of all of the proceedings. Each phase of the activities of the scheduled hanging was carefully planned. On these days, warders resumed duty by 05:30 in the morning as opposed to the usual 06:45.[15] The prisoners were collected from their cells by 6am and, after being searched, each man was escorted from his cell by warders who were chosen to deliver the prisoners to the gallows and handle their corpses.

On the morning of an execution a policeman would be brought in to take a final set of the prisoners' fingerprints in order to confirm his/her identity and that the sentence, and therefore the state's justice, was exacted against the correct individual. The policeman would compare the fingerprint he had taken with that on the death warrant before completing the certificate on which he placed the fingerprint, and submitted this to the warrant officer in charge to be included in the death warrant.[16] From here the prisoners were taken to the chapel, where a

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[13] *Prison Administration in South Africa* (Pretoria: Government Printer, 1969), 39
[14] Testimony of Ms. Paula McBride, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 21 July 1997 accessed at www.justice.gov.za/trc/special/ on 5 June 2014.
[15] Testimony of Warrant Officer J. S. Steinberg, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 22 July 1997 accessed at www.justice.gov.za/trc/special/ on 5 June 2014
[16] Chris Marnewick, *Shepherds and Butchers* (Cape Town: Umuzi, 2008), 19

prison chaplain would pray with them for half an hour before the procession to the gallows began.[17]

What, we might ask, was the role that religion was meant to perform here in the case of individuals for whom it had been decided that they could no longer belong to this world? When the prisoners moved on, the chaplain waited at the bottom of the stairs and would notify the family that the execution was complete. The place of the small chapel and the religious practice seems to fit uneasily with the violence for which the death row building was created. Perhaps it functions as a demonstration of a system that saw itself as moral and its's justice as tinged with mercy in providing prisoners with some form of spiritual comfort. At least one political prisoner, Thelle Simon Mogoerane, declined the prayers before- and the religious ceremony after- his hanging, perhaps as one last effort to defy the system and the religion that was so often used to justify it.[18]
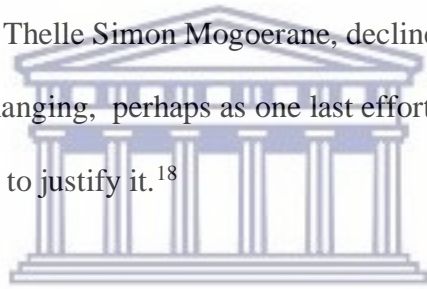
Almost until the last moment of their lives, the bureaucratic machinery was evident. Moving through various gates, prisoners were lead up the stairs, each accompanied by a warder holding onto their right arm. From every report this seemed to happen like a formal procession, each one walking in his place like a "well-drilled unit."[19] In the reception room at the top of the stairs the Sheriff of the Court, the head of the prison, the head of security and someone from the Department of Justice would be waiting. The Sheriff of the Court along with a policeman would have the prisoner's files, including their photograph taken on their

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[17] This is reminiscent of the missionaries who visited and baptised 'Rooizak,' the Swazi murder accused whom Peter Delius has written about, before he was hanged. Peter Delius, *The Conversion: Death Cell Conversations of 'Rooizak' and the Missionaries- Lydenburg 1875* (Braamfontein: Ravan Press, 1984)*, 13.* These religious visits to the condemned prisoner were intended "to introduce him to a God whom he did not know but whose laws he had infringed."

[18] See Madeleine Fullard, unpublished manuscript, 152

[19] Marnewick, *Shepherds and Butchers*, 20

admission, and would confirm their identities one last time. It is here that the condemned prisoners would have been lined up in the order in which they would be lead onto the trap doors and the order in which they would hang with the ropes, prepared and customised according to calculations of the prisoner's height and weight, waiting for them. A white hood was placed over each prisoner's head, however the flap over the face was still kept open.

In the gallows room, the executioner, warders on standby duty and the doctor would be waiting. The attendance of these officials as well as the presence of a telephone in case of a last minute stay of execution, signals the presence of the bureaucratic regime here in the chamber of death. The hangman would perform a final inspection of his equipment and the ropes. The prisoners were lead onto a wooden trapdoor with seven pairs of white painted footprints evenly spaced. The prisoners would be precisely positioned on said marks and the warders would continue to hold onto their arm from the other side of a metal railing. The hangman would move down the row of prisoners and in each case adjust the noose to ensure a tight fit and position the metal ring on the rope behind the prisoner's left ear, and then close the flap over the prisoner's eyes. Facing away from the prisoners, the hangman then pulled the lever- sending the bodies falling about two meters through to a room bellow, suspended over a tiled catchment pit approximately a foot deep with a drain in the centre. What, we might ask, was the function of the hood and the hangman facing away from the prisoners? In a sense these both work to remove the violence from the executors.

The hangman by law generally required experience and training in order to effect successful executions. However, it seems from the testimony of a Pretoria Central warder, a Mr. J. S. Steinberg given to the Truth and Reconciliation Commission (hereafter TRC) during the special hearings regarding prisons, that warders did not receive specific training but that skill

was acquired through the outcome of the experience of predecessors.[20] The work of hangman was performed by a warder or in some cases by policemen looking to substitute their income.[21] The hangman was to handle the killing and its preparations. Most important was to ensure that the drop was correctly calculated so as to cause an immediate and "humane" death by dislocation and not by strangulation, whereby there would be less bodily mess. This reflected the mid-19th Century shifts in British cultural sensibilities and politico-legal strategies that aspired to greater efficiency, "civilization" and "humanity" in the execution of capital sentences.[22] It entailed intricate measurements of the prisoner's height, weight and neck size checked against a "Table of Drops." By obtaining the correct measurements the hangman could ensure that the rope was properly prepared before the execution. The rope itself had to be of a specific kind and specific thickness. The gallows machine too needed to be carefully calibrated so as to ensure near immediate death through the dislocation of cervical vertebrae. An iron washer on the noose placed carefully behind the condemned's ear was to ensure such an end was achieved more quickly and efficiently.
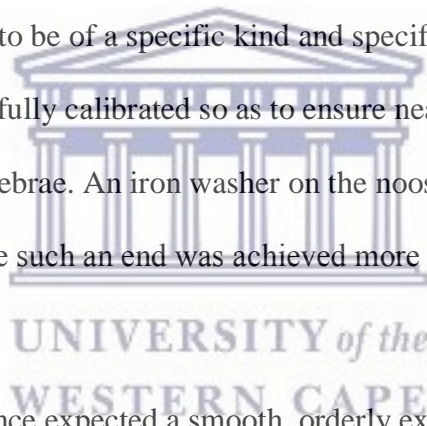
The prison officials in attendance expected a smooth, orderly execution that appeared "humane" and "dignified" and that was not tainted by any obvious violence. Dr. Chris Barnard, famous heart surgeon, however, disputed the depiction of judicial executions as quick and clean. His description of the effects of hanging on the human body suggest that this death is anything but humane and dignified. As Barnard writes, "the man's spinal cord will rupture at the point where it enters the skull, electro-chemical discharges will send his limbs

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[20] Testimony of Warrant Officer J. S. Steinberg, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 22 July 1997

[21] Warrant Officer Chris Barnard was a policeman who also worked as the chief executioner between 1962 and 1986 during which time he was responsible for the hanging of some 1500 people. "Hangman describes executions in SA," *The Star* (3 January 1990). "Hangman tells of death row horrors," *Cape Times* (4 January 1990), "I was the hangman," *The Saturday Star* (15 October 1988)

[22] See Stacey Hynd, "Killing the Condemned: The Practice and Process of Capital Punishment in British Africa, 1900s-1950s," *The Journal of African History*, Vol. 49, No. 3 (2008), 403-418

flailing in a grotesque dance, eyes and tongue will start from the facial apertures under the assault of the rope and his bowels and bladder may simultaneously void themselves to soil the legs and drip onto the floor- unless of course you are an efficient hangman who has thoughtfully fitted your subject with a nappy or rubber pants."[23]

After the bodies fell through the trapdoors, the doctor and the warders who had escorted the prisoners, moved down the stairs as a group into the pit room. They would push a stainless steel scaffold trolley over the pit beneath the still hanging bodies while the doctor performed his role, which was to confirm that each prisoner was dead - that "the gallows machine had done its work."[24] In some sense there is a brief period after the prisoners fell through the trapdoors and at the moment of death when the state bureaucracy does not seem to enter and power loses its hold over life. However, as the doctor stepped in to confirm and record the death we see the reinsertion of the bureaucratic and administrative regime.
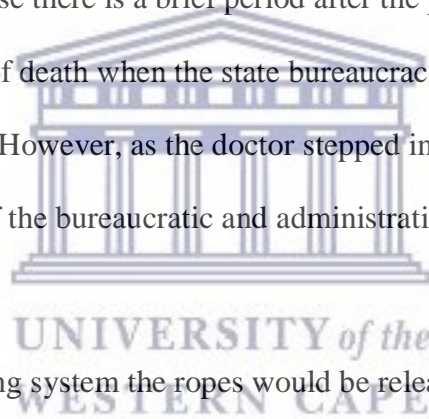
With the use of a jack trolleying system the ropes would be released and a circular rope tied around the bodies would be used to hoist the bodies upwards. This allowed for warders in the gallows room to untie the noose from the necks and the bodies could then be lowered back down to the room below. The warders involved would then untie the dead prisoners' hands, remove the clothes soiled in faeces, urine, vomit and blood and hose down the bodies with a hosepipe. A smaller stainless steel trolley would be used to move the body, naked and probably still wet, to a chipboard coffin made in the prison workshop. A tag with the individual's prison number was placed on the big toe- an act that sought to reinstate the

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[23] "The Chris Barnard Column," *Rand Daily Mail* (12 June 1978)

[24] Marnewick, *Shepherds and Butchers*, 15

bureaucratic regime over the corpse. The coffins were nailed closed and another tag inscribed with the prisoner's name and prison number was attached to the coffin handle.

Once everyone had completed this task, the coffins were placed into a lift and ferried down to the chapel on the ground floor for a brief funeral service- again signalling the Christianity and supposed "compassion" of the state. In some ways this reflects the limit of state power in that even in this place of death and after an execution, the humanity of the victims could not be entirely erased and the state still had to adhere to these formal routines of religion and "compassion."[25] The Commanding Officer of the Prison, the Sheriff of the Court, the hangman and the medical official used the time during the funeral service to complete the necessary forms and handed them over to the reception clerk to circulate and file the forms as required.
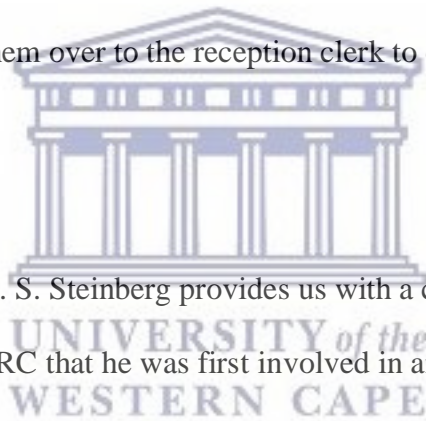
 Pretoria Central warder, Mr. J. S. Steinberg provides us with a clear description of the order of events. Steinberg told the TRC that he was first involved in an execution only three days after starting work at Pretoria Central. He described the execution process as follows:

I came on duty before six o'clock in the morning. All of us moved into the section. The people who were responsible for the accompaniment and certain other assistants went to or met one another at the cells, in the prison, and we were told which people we would accompany…The prisoners were unlocked, we searched them. They were then identified in terms of photographs, they were placed in a row or in a queue so that the first person due for execution would be in front…We then took them one by one to a table in front of the Commanding Officer's office. We accompanied them to this table where their thumb prints were taken away, where they again compared their thumb prints and looked at the photographs again…After they took the finger prints…we accompanied the people to the church…At about ten to seven or there about, we would then move with them down the passage and by then it was deadly quiet…They were then identified again against their photographs and then the executioner would come to them and ask them about their last wishes…Between the trap doors there would have been a pipe railing. The person who was due to be hanged, would go on the left of the railing and the person accompanying, would go

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[25] See Deborah Posel and Pamila Gupta, "Introduction. The Life of the Corpse: Framing Reflections and Questions," *African Studies*, Vol. 68, No. 3 (2009), 307

on the right. Then on the trap door, there would be two foot prints painted, and you had to make sure that the person was standing on that mark…When I looked down, I noted as the people were swinging from the momentum and had their spastic movements, I noted how they moved…What went through my thoughts is that this person is now dying.[26]

Family members, who had been informed of their loved ones' date of execution and who were present, were allowed to attend a brief interdenominational church service after the execution. Coffins, identified by a small tag on the handle, were lined up at the front of the chapel before the service. Following the service, families would have to leave the prison. Prison officials would be sent to the Department of Internal Affairs to register the deaths entering the hanged prisoners into the ordinary bureaucracy of death.[27] Families were not permitted to see the body, to take it home for burial or even to accompany the body to the cemetery.[28] A prison manual used on death row describes the processes that accompanied an execution and notes very clearly that, "requests by family to see the corpses before the burial will not be considered."[29] The body, even in death, remained the property of the state.[30]

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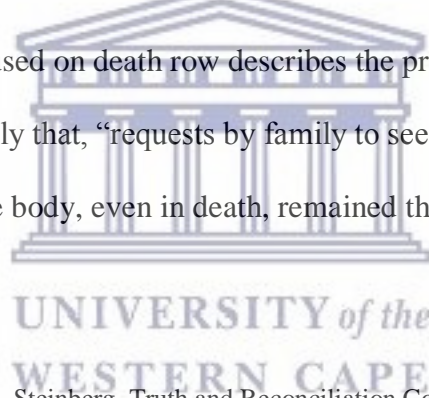
[26] Testimony of Warrant Officer J. S. Steinberg, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 22 July 1997

[27] Testimony of Warrant Officer J. S. Steinberg, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 22 July 1997

[28] This burial of bodies without ceremony was a source of great sadness and frustration for families. Mark Sanders has argued that through witness testimonies given before the TRC apartheid was revealed to be a "proscription on mourning, specifically of the other." Mark Sanders, *Ambiguities of Witnessing: Law and Literature in the time of Truth Commissions* (Standford: Stanford University Press,2007), 35. See also Maurits van Bever Donker, Ross Truscot, Gary Minkley and Premesh Lalu, "Traversing the Social," in Maurits van Bever Donker, Ross Truscot, Gary Minkley and Premesh Lalu(eds) *Remains of the Social: Desiring the Postapartheid* (South Africa: Wits University Press, 2017). Drawing on Garrey Dennie's work, Nicky Rousseau has written of how pauper's burials were a source of great grief and loathing for families particularly as it implies that particular "bodies fell outside the boundaries of the sacred." See Nicky Rousseau, "Identification, Politics, Disciplines: Missing Persons and Colonial Skeletons in South Africa," in Elizabeth Anstett and Jean-Marc Dreyfus, *Human Remains and Identification: Mass Violence, Genocide and the 'Forensic Turn,'* (Manchester University Press, 2015), 181. Dennie has written of the raced treatment of dead bodies in South Africa and how African families struggled to prevent the burial of their relatives as paupers. Garrey Dennie, "The Standard of Dying: Race, Indigence and the Disposal of the Dead Body in Johannesburg, 1886-1960," *African Studies*, 68: 3 (December 2009), 310-330

[29] A ring bound file contains a manual with procedures to be followed before, during and after executions. Death Row Prison Manual. Department of Correctional Services Museum, Pretoria

[30] The state did want a body and a gravesite to be given to families as that might enable the notion of the martyr. See Katherine Verdery, *The Political lives of Dead Bodies: Reburial and Postsocialist Change* (Columbia University Press, 2000)

This entire process took only an hour, so that by seven o'clock in the morning the hangings had been completed and the regular daily program of the prison would begin for the rest of the prison's inmates. After the funeral service, the coffins would be ferried back up a level to the autopsy room to be taken to the cemetery. Burials too required extensive administration. Undertakers contracted to the prison, accompanied by members of the prison service, would transport the bodies to racially designated cemeteries around Pretoria.[31] Undertakers were to arrive at 07h15, accompanied by a prison staff member at all times and not permitted to see into the gallows room. A member of the prison service was to accompany the undertakers to the cemetery and witness the burial of the prisoners until the graves were closed.[32] The prisoners were buried in the pauper sections of municipal cemeteries around Pretoria and the grave numbers- the only thing that distinguished their graves- would be recorded in the cemetery records. The name of the cemetery and the grave number would be sent to the families in a letter at a later time, and relatives could apply in writing for a copy of the death certificate. The executions of prisoners, particularly those who were considered "security threats," were reported on in the national media often on the same day as if to reassure the reading public that the state had restored order by executing these men who are clearly named, and served also to deter others.[33]

Death row at Pretoria Central Prison, and its execution of capital sentences, certainly had a reputation for efficiency. On all accounts the death row section of Pretoria Central functioned efficiently and with machine-like precision, with death row discussed in conjunction with

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[31] The following funeral firms were contracted to handle all execution burials between 1960 and 1989: E.J. Grobbelaar, W.F. Carstens, and W.H. Rogers. Thanks to Madeleine Fullard who provided me with this information gleaned from the Mamelodi cemetery register. Email Correspondence with Madeleine Fullard (19 February 2018). Madeleine Fullard, unpublished manuscript, 147

[32] Death Row Prison Manual- "Procedures After an Execution." Department of Correctional Services Museum, Pretoria

[33] "4 Executions at Pretoria," *Cape Argus* (4 November 1963). "First Hangings for Sabotage," *Cape Argus* (1 November 1963). "Paarl killer is hanged," *Cape Argus* (27 September 1963), "3 Paarl killers hanged," *Cape Argus* (14 October 1963). "First Poqo men hanged," *Cape Argus* (9 May 1963)

words like "machine," "conveyor belt" and "factory."[34] However, I want to suggest that death row and executions were not always as orderly and efficiently managed as is suggested. There were cases when prisoners resisted or refused to leave their cells on the morning of their execution and where violence was used to bring them under control. A prison manual used on death row outlines the procedures for the use of teargas and force when prisoners should become rebellious.[35]

Yet the image of an efficient operation remains. As in the words of Brian Currin of Lawyers for Human Rights quoted in the epigraph of this chapter, one cannot help but be struck by the kind of inconsequential way in which hanging a human being is discussed alongside the kind of everyday activities of cooking and gardening. Various descriptions of Pretoria Central's death row describe "lush and colourful" gardens where "turtles and rabbits grazed at the side of a gravel path."[36] Retired senior advocate, Chris Marnewick's well-researched novel similarly describes the contradiction of a "lush artificial paradise" – a garden filled with various animals and birds- watched over by heavily armed men in guard towers.[37] In this place, killing was part of a routine and became entirely banal with various functionaries and bureaucrats performing the roles of skilled and knowledgeable administrative practitioners.

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[34] Levinson, *The Hanging Machine, 28.* Naidoo, *Waiting to die in Pretoria.* Vogelman, *The Living Dead,* 12. Marnewick, *Shepherds and Butchers*

[35] Death Row Prison Manual, 66-70. Department of Correctional Services Museum, Pretoria. In 1981 *The Star* newspaper reported that teargas was used to "calm down" four prisoners who refused to leave their cells on the morning of their execution. *The Star* (17 July 1981) cited in *Inside South Africa's Death Factory,* Black Sash Research Project (February 1989), 36.

[36] Levinson, *The Hanging Machine,* ix

[37] Marnewick, *Shepherds and Butchers,* 172

"What sort of person is a hangman?"[38] Rationalising state killing

One of the most common ways that people have sought to understand such state-approved

killing has been by looking at how it is possible. Such a psychologising of the perpetrators

draws the focus to the individuals who carry out the executions and to the act of killing itself.

Many scholars have been invested in questions of how a state can kill its subjects with little

more consideration than it would give to any other administrative task. Questions around the

rationalisation of killing have inevitably involved questions about the psyche and morality of

the perpetrators and attempts to psychologise their motives. State-sanctioned killing, whether

legitimate or not, has most commonly been understood through the discourse of the monster

or an inherent evil. Often in the cases of state killing, perpetrators claim to have simply

followed orders and so drawing ordinary people into monstrous deeds.

Hannah Arendt has argued that people like Adolf Eichmann, a Lieutenant Colonel in the SS

(*Schutzstaffel*- the elite guard of the Nazi state) and a top administrator of the Nazi death

camps, who carry out horrifying crimes, may in fact not be fanatical extremists at all but

rather ordinary individuals who simply resigned themselves to the hypotheses of their state

and took part in its projects as good bureaucrats.[39] Arendt's well-known work poses the

question of how killing comes to be trivialised to the point of dull routine.

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[38] Benjamin Bennett, *South African Crime Writer* Magazine (7 July 1979)

[39] Here one might consider someone like Albert Speer, Hitler's architect and later his Minister of Armaments who, although never actually personally killing another person, used his technical expertise to enable the Nazi regime to kill millions of people. See Gitta Sereny, *Albert Speer: His Battle with Truth* (New York: Alfred A. Knopf, 1995). Architecture is another interesting area of expertise and technology which enabled prisons to carry out the death penalty efficiently. There is much written on the role of penal architecture in the operation of punishment and institutional discipline. See Dior Konté "Prison Architecture: An Essay on Prison Designs in Colonial Senegal" in Fassil Demissie, *Colonial Architecture and Urbanism in Africa: Intertwined and Contested Histories* (Surrey: Ashgate Publishing Company, 2012). Florence Bernault (ed), *A History of Prison and Confinement in Africa* (Portsmouth: Heinemann, 2003)

Studying Eichmann's 1961 trial, Arendt asked exactly this question around what is now

famously phrased as the "banality of evil."[40] Eichmann's defense of his crimes was, like that

of other Nazis, that he had simply been following orders. While seemingly incomprehensible,

Arendt found, in Eichmann's instance that this was indeed the case. Ultimately rejecting the

concept of "radical evil" that she had held onto in an earlier book, *The Origins of*

Totalitarianism, Arendt argued that for the most part, it was not monsters that had engineered

the deaths of millions but ordinary people following orders.[41] "The trouble with Eichmann,"

Arendt argued "was precisely that so many were like him, and that the many were neither

perverted nor sadistic, that they were and still are, terribly and terrifyingly normal."[42]

One of the ways in which executions have been thought about is in terms of a theatre

performance in which the various functionaries involved are the actors, each performing a

particular role. Ethnographer, Dwight Conquergood, argues that we might think about the

power enacted at judicial executions in terms of elaborate theatrical productions.[43] According

to Conquergood, executions might be thought of as elaborately staged and paced

performances in which each of the individuals present including the condemned, the prison

warders, policemen, doctor and prison chaplain had a part to play. As he put it, "the entire

scenography and choreography of the event signal order, control, propriety, and inevitability.

The real violence of state killing is veiled behind protocols of civility and the pretense of

courtesy toward the condemned."[44] To prevent any mistakes from happening everything is

carefully micro-managed, scripted, choreographed, and directed. These are as Conquergood

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[40] Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin Books, 1977)
[41] Hannah Arendt, *The Origins of Totalitarianism* (Cleveland: The World Publishing Company, 1958)
[42] Arendt, *Eichmann in Jerusalem*, 276
[43] Dwight Conquergood, "Lethal Theatre: Performance, Punishment and the Death Penalty," *Theatre Journal,* 54, 3 (2002), 339-367
[44] Conquergood, "Lethal Theatre," 360.

suggests "controlled, engineered, and bureaucratised performances."[45] Yet to some extent

the precise stage directions and compulsive planning, according to Conquergood, exposes the

fragile and volatile nature of modern rituals of state killing.

Writing together Robert Lifton, a psychiatrist, and Greg Mitchell, a journalist, have followed

the route of attempting to psychologise the actions of officials involved in judicial executions

in the United States.[46] While the work of the medical profession might seem to

fundamentally contradict the work of killing, the authors remind us that physicians have been

involved in executions for centuries, not only in a cursory role but some have been implicated

in the very design of methods of execution, including the electric chair, the guillotine and

lethal injection.[47] In totalitarian states, Lifton and Mitchell suggest that, physicians might not

have considered their involvement in facilitating death unethical, as a claim to a higher

purpose could supplant the rules of medical ethics.

Similarly, as applies to warders and hangmen, Lifton and Mitchell suggest that the claim that

they were simply following orders or doing their job served as a distancing mechanism and

their collective involvement as part of group of functionaries- not only those present in the

gallows chamber but also the larger bureaucratic apparatus that sentenced people to death-

served to dissolve a sense of responsibility. Lifton and Mitchell further claim that the

hangman's responsibility for deaths was technologically dissolved. As they put it, "an

impersonal machine would do the dirty work, all the executioner had to do was set in motion

one mechanical stroke 'with clocklike precision.'"[48] Once all the preparations were in order,

the hangman simply had to pull the lever and "the hanging machine" took care of the rest.

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[45] Conquergood, "Lethal Theatre," 362.
[46] Lifton and Mitchell, *Who Owns Death?*
[47] Lifton and Mitchell, *Who Owns Death?* 235
[48] Lifton and Mitchell, *Who Owns Death*? 87

The authors suggest that in fact the "human executioner and machine become indistinguishable in carrying out the killing."[49] Through this distancing technology, they argue, even the most ordinary people could be socialised into willing executioners.[50] Drawing on Bruno Latour's "actor-network theory," which posits a link between the social and technology, we might consider the way in which the technology and the executioners worked together and cannot be disentangled.[51]

As I have already suggested, one way in which death row in South Africa has been considered is in terms of a machine that produced death. This killing machine has a series of different parts made possible by a combination, aggregation and disaggregation of different tasks.[52] It is precisely the disaggregation of the parts that enables the kind of clinical treatment of death and distancing. While a single person, the hangman, pulled the lever thus effecting death, there is an entire apparatus that has been constructed which works to absolve individual responsibility. The authorisation of decision makers (prosecutors, judges, the Executive Committee, and state president), and the routinisation of cold aloof procedure were key to the implementation of capital punishment and the distancing of any one particular individual responsible for the killing.

What we know of the procedures involved in the judicial executions in South Africa comes from the invaluable descriptions in the writing of post-apartheid historical novels and memoirs, from the testimony of a former death row warder at the TRC, and from the bureaucratic networks that are hinted at in the various administrative records in prison files.[53]

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[49] Lifton and Mitchell, *Who Owns Death*? 87
[50] Lifton and Mitchell, *Who Owns Death*? 87
[51] Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (New York: Oxford University Press, 2005)
[52] Lifton and Mitchell also make this argument. See Lifton and Mitchell, *Who Owns Death?* 231-263
[53] Marnewick, *Shepherds and Butchers*. Levinson, *The Hanging Machine*. Peter Harris, *In a Different Time: The Inside Story of the Delmas Four* (Cape Town: Umuzi, 2008)

While such novels are instrumental, they also tend to focus on the psyche and motives of the perpetrators or produce the image of an evil that operates like a machine. As I showed in the introduction to this thesis, much of the literature that exists around capital punishment in South Africa has been driven primarily by a human rights discourse that has argued for the barbarity of capital punishment and therefore motivated for its abolition. It questions the motivations of people who do the work of killing and the psychological effects of life on death row both for the prisoners and the officials who work on death row.[54] Marnewick's novel is one such attempt to comment on the traumatic impact of executions on young white warders and how executions can set off violent impulses.

Through the legal process the judge was able to distance himself from the violence involved in imposing 'justice.' As Foucault has suggested, the death penalty comes to be marked by a "bureaucratic concealment of the penalty itself" in which justice is then released from any responsibility or blame.[55] As Foucault put it, "if it is still necessary for the law to reach and manipulate the body of the convict, it will be at a distance, in the proper way, according to strict rules…As a result of this new restraint, a whole army of technicians took over from the executioner, the immediate anatomist of pain: warders, doctors, chaplains, psychiatrists, psychologists, educationalists."[56] Here Foucault points to the involvement of different officials in an execution and in some senses also the notion of a killing machine.

Many have questioned the character and mindsets of individuals involved in carrying out judicial killings. In an interview with the *Saturday Star* in 1988 Chris Barnard, a hangman who had performed 1500 executions in South Africa before he retired, like so many others,

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[54] Vogelman, *The Living Dead*
[55] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1995),10
[56] Foucault, *Discipline and Punish,* 11

maintained that he had only been doing his job.[57] Steinberg, in his testimony to the TRC

about his experience as a warder assigned to escort condemned prisoners to the gallows,

maintains that he had not received any specific training once he started work at Pretoria

Central with regard to handling prisoners on death row or participating in their execution. He

only received three months basic training once he joined the Department of Correctional

Services at a training college in Kroonstad where he was taught the laws and regulations,

self-defense and the use of firearms. Steinberg recalls that he received some information

regarding the execution process from the warrant officer before his first execution, "who

briefly told us what we had to do, what we were not allowed to do and you learnt from the

old members there. You followed their example and you picked up your habits from them."

In fact, Steinberg describes having incorrectly fitted the hood on the head of his charge. "I

put the flap on the side of the person's head. You are very nervous when you do this and you

don't want to ask questions, no one is talking."[58]
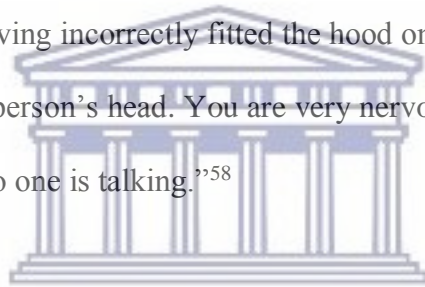
To some extent the prisoner is also a part of the efficient functioning of the machine as they

are subjected to forms of disciplinary power as much as the warders that escorted them to the

gallows. Through written insertion and capturing into the system, routine, the "administration

of fear," and violence, the bureaucratic systems also act to discipline the subjects of the death

penalty.[59]

A medical doctor too formed part of "the execution team."[60] His task was to examine the

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[57] "I was the Hangman," *Saturday Star* (15 October 1988)

[58] Testimony of Warrant Officer J. S. Steinberg, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 22 July 1997. Even though Steinberg's service spans from the late 1980s into the 90s, his testimony as a death row warder and participant in executions provides key insight into the work of warders on death row at Pretoria Central as well as the procedures involved in carrying out a hanging. He clearly explains the administration of the process of execution as well as the procedures involved in the burials of executed prisoners- administration processes that I suspect had been much the same during the 1960s.

[59] Paul Virilio, *The Administration of Fear* (Los Angeles: Semiotext(e), 2012)

[60] Lifton and Mitchell, *Who Owns Death?*

body(ies) after a hanging to confirm death, pronounce death and set the time of death. The doctor would then complete and sign a notice of death and autopsy report clearly entering himself, through the written, into the bureaucratic regime that facilitated judicial executions.[61] Doctors worked to maintain the health of the prisoners of death row, which could not be allowed to deteriorate before the state had the chance to exact its version of justice. Condemned prisoners seemingly needed to be healthy enough to undertake their "last walk." Similar to the doctor, death row warders occupied an ambiguous space- tasked with tending to condemned prisoners on a daily basis- maintaining life but at the same time responsible for escorting them to their death.[62] It is for this reason that Marnewick suggests that warders were both "shepherds and butchers."[63]

In attempting to understand the mind and psyche of the perpetrators of the apartheid state, a chapter of the TRC Report considered the individualised psychological factors, with specific interest in whether the perpetrators were "people with particular kinds of personality predispositions who are drawn to certain careers and circumstances to emerge as killers and torturers."[64] Were these people predisposed to violence or were these, as the Report also proposes, "crimes of obedience" involving "obedience to authority even to the point of acting violently"? Such "crimes of obedience," the Report suggests, occurred for three main reasons: authorisation, routinisation and dehumanization.[65] In other words, this allowed for victims "transformed into creatures to whom normal morality does not apply" to be

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[61] Whether they indeed conducted autopsies on each of the hanged prisoners is unclear and does not seem to fit into the procedures as we know that the coffins needed to be sent up to the chapel for the church service.

[62] Much work into the psychological effects of this work on those involved including not only warders, but doctors, hangmen and others. This is not my intention. See for example the novel by Chris Marnewick *Shepherds and Butchers* and the recent film by the same title which examines the kinds of violent behavior that results from doing this work.

[63] Marnewick, *Shepherds and Butchers*

[64] "Causes, Motives and Perspectives of Perpetrators," in Report of the Truth and Reconciliation Commission, Volume 5 (Cape Town: Juta, 1998), 285

[65] See Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germany and the Holocaust* (New York: Alfred A. Knopf, 1996)

eliminated based on an official's order (the execution of which equated to "doing one's duty") without needing to make a decision or think seriously about one's actions. "The greater the degree of psychological distance from the victim," the Report suggests "the more the perpetrator is reduced to a link in the chain of orders (the bureaucratic process), the more substantial is the degree of violence."[66]

Political theorist Suren Pillay, in studying this chapter of the Report, has suggested that we locate violent acts committed by state actors within the framework of the dominant political rationalities that existed at the time as a way of understanding how particular forms of state violence came to be considered justifiable.[67] It is necessary then, Pillay argues, to consider the conditions that made it possible and even essential to conceive of and participate in certain techniques and actions with regard to particular ideas about life, its governance and its security. In Pillay's case, this is done through the notion of the "enemy" or a threat against which state forces believed they were fighting.
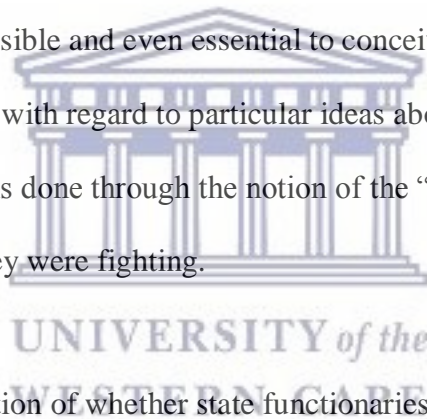
Pillay argues that an investigation of whether state functionaries truly believed in the apartheid ideology as a justification for their actions is not a productive route to follow as it ultimately leads to attempts either to psychologise their motives or to find their 'real' motives.[68] A more productive move, according to Pillay, might be to turn the analysis "from consciousness to conduct, from the realm of subjectivity to subjection, the process of individuation, the apparatuses and the institutions of the military."[69] This, he suggests, might offer us a way to delve into a different line of inquiry- one which is interested in how

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[66] "Causes, Motives and Perspectives of Perpetrators," in Report of the Truth and Reconciliation Commission, Volume 5, 293
[67] Suren Pillay, "Locations of Violence: Political Rationality and Death Squads in Apartheid South Africa," *Journal of Contemporary African Studies*, Vol. 23, 3 (2005), 417-429
[68] Pillay, "Locations of Violence," 423
[69] Pillay, "Locations of Violence," 425

disciplinary power acts upon bodies of those drafted into its operations and leads to particular choices. This approach is much closer to my own because I am interested in the part that the officials performed within the administrative regimes that processed an individual towards death on the gallows. However, while Pillay is interested in the subjectification of perpetrators, I am interested to understand the work of the apparatuses, the bureaucratic and administrative regimes.

Zygmunt Bauman offers us another way of contemplating the work of killing beyond the psychologising thread. Bauman suggests that one of the key factors that facilitated the practice of the Holocaust in Europe was a discourse of bureaucratic rationality. As opposed to an explanation that views the Holocaust as a reversion to barbarism, Bauman maintains that the mechanisms of the Holocaust were made possible by those very features of society that made it "civilised" and modern, especially the discourse and practice of rational bureaucracy.[70]
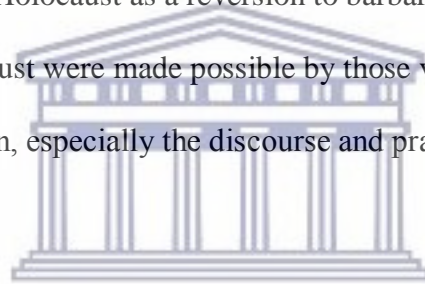
In the wake of the Holocaust, much thought has gone into explaining how a state might rationalise the killing of its subjects. Bauman suggests that we might take the example of the Holocaust as fundamental to our understanding of the modern bureaucratic mode of rationalisation. According to Bauman, it was such a discourse and practice of bureaucratic rationality that made an extensive genocide like the Holocaust thinkable and possible. The idea of the Final Solution to the "problem" presented by the Jewish population and other "undesirables" in Europe was, according to Bauman's argument, itself a product of the bureaucratic culture and the result of an attempt to find "rational solutions."[71] The decision to seek physical extermination as solution to "the Jewish problem" was an outcome of routine

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[70] Zygmunt Bauman, *Modernity and the Holocaust* (New York: Cornell University Press,1989)
[71] Bauman, *Modernity and the Holocaust*, 16. David Nachmias and David Rosenbloom, *Bureaucratic Culture: Citizens and Administrators in Israel* (London: Croom Helm, 1978)

bureaucratic practices including means-ends calculus and budget balancing.[72] As Bauman put it, "at no point of its long and tortuous execution did the Holocaust come in conflict with the principles of rationality. The Final Solution did not clash at any stage with the rational pursuit of efficient, optimal goal- implementation. On the contrary, it arose out of a genuinely rational concern, and it was generated by bureaucracy true to its form and purpose."[73]

The Holocaust was both an organisational and technical achievement, according to Bauman. It relied on "well-developed and firmly entrenched skills and habits of meticulous and precise division of labour, of maintaining a smooth flow of command and information, or of impersonal, well-synchronised co-ordination of autonomous yet complementary actions: on those skills and habits, in short, which best grow and thrive in an atmosphere of the office."[74] Inconceivable without a modern bureaucracy, including the skills and technologies it authorises, Bauman shows that the Holocaust required a web of co-operation between various departments of the state bureaucracy, intricate planning, carefully calculated budgets, and the design of the necessary technology and technical equipment. As Bauman puts it, killing became a "matter of dull bureaucratic routine."[75] Ultimately, based on the attitude of instrumental rationality and its modern bureaucratic method of organisation, a "solution" such as the Holocaust was not only possible but highly reasonable to those involved.[76] How might we then think of the executions of individuals considered by the apartheid state to be political or "security threats" as similarly arising out of a rational concern and generated by bureaucracy?

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[72] Bauman, *Modernity and the Holocaust*, 16
[73] Bauman, *Modernity and the Holocaust*, 17
[74] Bauman, *Modernity and the Holocaust*, 16
[75] Bauman, *Modernity and the Holocaust*, 16
[76] Bauman, *Modernity and the Holocaust*, 19

Both Pillay and Bauman enable us to consider the limits of the psychologising thread. While Pillay gets at the problem via the notion of the "enemy," Bauman emphasises the function of a bureaucratic rationality. Their work reveals the limits of the psychologising focus, which draws us into the act itself rather than enabling us to think about the extensive machinery that had been constructed and the forms of bureaucratic rationality that worked to facilitate and justify executions. Rather than consider how the various officials involved in executions rationalised their actions, I am interested in how each of their roles in the execution process were performed in adherence with an administrative regime.

Foucault, biopolitics and the justification of judicial executions in South Africa

Any attempt at an understanding of the rationality of capital punishment must now be threaded through the philosophical-historical studies of Michel Foucault into modern institutionalisation, incarceration and subjectivity. Foucault's forays into the genealogies of punitive systems have proven formative to understandings of modern modalities of power and punishment. While the psychologising focus turns to the executioner, Foucault helps us to think about what the executioners or the bureaucratic regime does to the condemned.

Foucault shows how the classical sovereign exercised an absolute and unconditional power over the lives of his subjects. In a right derived from the Roman father's right to "dispose" of the lives of his children and slaves, the sovereign exercised the right to *take* life or *let* live.[77] The power to *take* life was justified in defense of the sovereign's body and laws, such that "if someone dared to rise up against him and transgress his laws, then he could exercise a direct power over the offender's life: as punishment, the latter would be put to death."[78] This power,

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[77] Michel Foucault, *History of Sexuality, Vol 1: An Introduction* (New York: Pantheon Books, 1978), 135-136
[78] Foucault, *History of Sexuality,* 135

Foucault suggests, had a "right of seizure" to take hold of wealth, objects, bodies and ultimately life itself.[79]

The sovereign right of life and death was asymmetrical according to Foucault- always balanced in favour of death. While the sovereign exercised the right to life or death, in reality the emphasis was placed on the right to take life. As he put it, "the very essence of the right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life."[80] Foucault, however, argues that the second half of the 18th Century saw the gradual development of a new technology of power and political right. This new technology of power, which was regulatory rather than disciplinary, did not replace the sovereign right and disciplinary technology but filtered through it and transformed it to some extent.[81] Biopolitics, as this new technology of power is defined, entailed a power that went beyond the disciplinary measures centered on the individual body.[82] Rather this second seizure of power Foucault describes as "massifying… directed not at man-as-body but at man-as-species."[83]

Biopolitics, for Foucault, moved beyond the control over life and death to a focus rather on power as the administration of life. As Foucault put it, biopolitics sought to take "control of life and biological processes of man as species and ensuring that they are not disciplined but regularised."[84] This power of regularisation consists therefore of the power to "make live and let die," or to *foster* life or *disallow* it to the point of death" as opposed to the sovereign's

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[79] Timothy Campbell and Adam Sitze, *Biopolitics: A Reader* (London: Duke University Press, 2013), 42

[80] Campbell and Sitze, *Biopolitics*, 62. Michel Foucault, *Society Must Be Defended: Lectures at the College De France, 1975-76* (New York: Picador, 1997), 240

[81] Campbell and Sitze, *Biopolitics,* 64

[82] Foucault did not coin the term biopolitics but rather "reproposed and redefined it" according to Roberto Esposito, *Bios: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2008), 13

[83] Foucault, *Society Must Be Defended*, 242-243.

[84] Foucault, *Society Must Be Defended,* 247.

absolute and arbitrary right to "put to death" or "let live."[85] Biopolitics was thus essentially

concerned to govern and enhance life with emphasis placed on birth rates, mortality rates,

various biological disabilities and the effects of the environment along with a series of

economic and political problems as its primary objects of knowledge and control.[86] This shift

thus accompanied developments in the emerging fields of medicine, psychology and

education, so that for Foucault, power assumes a productive logic that "exerts a positive

influence on life, endeavors to administer, optimize, and multiply it."[87] Regulatory

mechanisms needed to be put into place so as to establish and maintain an equilibrium in an

effort to influence birth rates, mortality rates and life expectancy. As Foucault crisply notes,

"security mechanisms have to be installed around the random element inherent in a

population of living beings so as to optimise a state of life."[88]
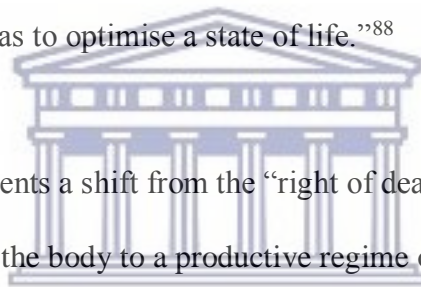
Foucault therefore clearly presents a shift from the "right of death" to the "power over life",

from a destructive power over the body to a productive regime of bio-power concerned with

producing knowledge and a healthy population. As Foucault put it, "it is no longer a matter of

bringing death into play in the field of sovereignty, but of distributing the living in the

domain of value and utility. Such a power has to qualify, measure, appraise and hierarchize,

rather than display itself in its murderous splendour."[89] The practice of capital punishment

seems to contradict this formulation, existing seemingly as a remnant of the sovereign's

absolute power to put people to death or let them die. The contradiction is specifically

worked through in *The History of Sexuality* where he asks, "how could power exercise its

highest prerogatives by putting people to death, when its main role was to ensure, sustain,

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[85] Foucault, *Society Must Be Defended,* 247. Foucault, *The History of Sexuality,* 138
[86] Foucault, *Society Must Be Defended*, 244.
[87] Foucault, *The History of Sexuality,* 137
[88] Foucault, *Society Must Be Defended,* 246.
[89] Foucault, *The History of Sexuality*, 144

and multiply life, to put this life in order?" For a power that stressed the sustenance of life, execution was, according to Foucault, "a limit, a scandal, and a contradiction."[90]

The answer, Foucault insists, is in the inscription of racism.[91] For Foucault, racism was the prerequisite for linking the functions of biopower and sovereignty. Racism, according to Foucault, draws a line between "what must live and what must die."[92] It is racism that makes the death of the "other" or "racial inferior" justifiable and consistent with the work of biopower as the solution to preserving the life of the population. Put differently, racism granted the use of violence for the sake of security without undercutting the role of preserving life. As Foucault put it, "in a normalising society, race or racism is the precondition that makes killing acceptable. Once the state functions in the biopower mode, racism alone can justify the murderous function of the state…Racism is the precondition for exercising the right to kill. If the power of normalization wished to exercise the old sovereign right to kill, it must become racist."[93] Indeed as I will show, in South Africa, apartheid courts sought to rationalise the killing of the "security threat"- and usually- "racial other" as essential to the protection of the population and the preservation of apartheid.

The only way to maintain capital punishment then, according to Foucault, was "by invoking less the enormity of the crime itself than the monstrosity of the criminal, his incorrigibility,

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[90] Foucault, *The History of Sexuality*, 138.
[91] Foucault views modern racism as a form of biopolitical government. Rather than the common conception of racism as a form of irrational prejudice, social discrimination or political ideology, Foucault suggests that we rethink racism as a form of biopolitical government that has a bearing on the relationships between individuals and themselves and others. The racism experienced in the biopolitical field cannot be relegated to either "biological essentialism" or to "neo-racism." "It is a paradoxical form of racism, a racism that sorts out and hierarchizes populations." For further description of Foucault's understanding of racism see Timothy Campbell and Adam Sitze, "Biopolitics: An Encounter," in Campbell and Sitze, *Biopolitics*, 18-19
[92] Foucault, *Society Must Be Defended*, 254
[93] Foucault, *Society Must Be Defended,* 256

and the safeguard of society. One had the right to kill those who represented a kind of

biological danger to others."[94] Killing in a biopolitical state could only be explained and

justified, according to Foucault, on the basis of life itself and the defense and protection of

the life of the population from the threatening figure of the "racial other" or "deviant

criminal" (or both). Of course, this reached intensely violent levels in the 20th Century during

National Socialist (Nazi) rule. While war was legitimised as protecting the population against

an external threat, capital punishment was validated as a defense against internal "monsters."

Figuring the criminal as a monster that is dangerous to the population enables him to be

produced as non-human and therefore in need of eradication. This dehumanisation relies on

the individual not being considered to be a "person" but reduced to the part of man that is

animal or a thing. The condemned would be given the status of "non-person" who could be

disposed of.[95] According to this reasoning the execution of the death penalty occurs not as a

remainder of an antiquated compulsion but through the scientific and moral separation of

those considered to be irredeemable. But while Foucault focuses on how capital punishment

is compatible with biopolitics via figuring the criminal as a monster, he does not ask about

those who must put to death. Foucault turns our attention to what the executioners or the

bureaucratic regime does to the condemned, however he does not ask what it does to the

executioners.

Foucault examines capital punishment alongside warfare as "the other form of the right of the

sword."[96] Capital punishment, as in the case of war, constituted the response by the sovereign

for those who transgressed his laws or his will. Here, Foucault is locating the death penalty

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[94] Foucault, *The History of Sexuality*, 138
[95] For a description of the distinction between two different categories of man- one that ascribes to the category
of person and the other who is defined only as "members of the species of *homo sapiens*," see Roberto Esposito,
"The Dispositif of the Person," *Law, Culture and the Humanities,* Vol. 8, 1 (2012), 17-30
[96] Foucault, *The History of Sexuality*, 137

within broader domain of protecting the society- organised first around the sovereign's person and later around the social body. Those who transgressed the sovereign, or state's laws, owed it a debt- a debt which the state through its ultimate power could reclaim through demanding the life or head of the transgressor. After all the etymology of capital punishment is *caput*- the head.[97] As Jacques Derrida put it, "capital execution is what costs the condemned his head, literally or figuratively."[98]

The death penalty displayed the violence of sovereignty but at the same time marked its limit. According to Foucault's reasoning, this was the moment when power took hold of the body but simultaneously the moment that signified sovereignty's loss of control over the individual. For biopower too, death constituted a limit. It sought to rule over, control and maintain life, however this is no longer possible once the body escapes power through death. As Foucault argues, "death becomes insofar as it is the end of life, the term, the limit, or the end of power too. Death is outside the power relationship. Death is beyond the reach of power, and power has a grip on it only in general, overall, or statistical terms. Power has no control over death."[99] It is for this reason that Foucault suggests that death became something to be hidden away, a taboo. In the late 18th Century, capital sentences began to move from public displays of the sovereign's absolute power, "spectral ceremonies" attended by whole communities to being conducted in private behind prison walls with a select audience. As Foucault put it, "[p]unishment (has) become the most hidden part of the penal process."[100]

[97] Peter Fitzpatrick, "Always More to Do: Capital Punishment and the (De) composition of the Law," in Austin Sarat, *The Killing State: Capital Punishment in law, politics and culture* (Oxford: Oxford University Press, 1999), 117-136

[98] Jacques Derrida, *The Death Penalty, Volume 1* (London: The University of Chicago Press, 2014), 41

[99] Foucault, *Society Must Be Defended,* 248

[100] Foucault, *Discipline and Punish,* 9

As is clear in *Discipline and Punish*, public executions acted as a stark enactment of the sovereign's power and served not only to punish the transgressor but as a warning to all others, producing terrified, if not, compliant subjects. Foucault shows that executions were "more than an act of justice;" they were a "manifestation of force."[101] Their main function was one of spectacle- a display of the power of sovereignty as it was manifested on the body of the condemned. Here violence was linked to spectatorship and meant that a death sentence carried out without a public audience was futile. As Foucault put it, "not only must people know, they must see with their own eyes. Because they must be made to be afraid; but also because they must be the witnesses, the guarantors, of the punishment, and because they must to a certain extent take part in it."[102]
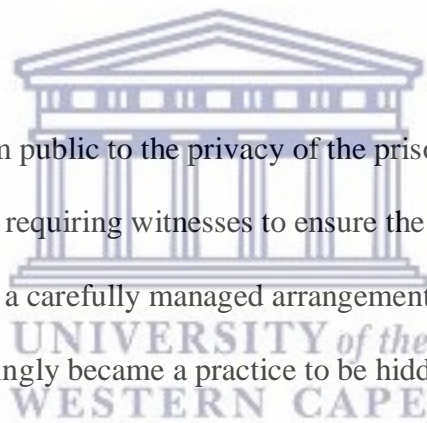
Therefore, while removed from public to the privacy of the prison, capital punishment continued to be a visual event, requiring witnesses to ensure the implementation of the law. A select few would be present in a carefully managed arrangement so as to witness the killing. As capital punishment increasingly became a practice to be hidden away behind prison walls in "semiprivate, sacrificial ceremonies" the trial rather than the execution itself became the moment in which the power of the sovereign or state was exhibited to the public. As Foucault argued, "the publicity has shifted to the trial, and to the sentence; the execution itself is like an additional shame that justice is ashamed to impose on the condemned man; so it keeps its distance from the act, tending always to entrust it to others, under the seal of secrecy."[103] Similarly, as political theorist Austin Sarat puts it, "the privatization of

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[101] Foucault, *Discipline and Punish*, 50
[102] Foucault, *Discipline and Punish*, 52
[103] Foucault, *Discipline and Punish*, 9-10. Austin Sarat, "Violence, Representation, and Responsibility in Capital Trials: The View from the Jury," *Indiana Law Journal*, vol. 70, no, 4 (1995), 1103-1135. Robert Emerson, "Capital Trials and Representations of Violence: Comment," *Law & Society Review*, Vol. 27, No. 1 (1993), 59-64

execution, has not ended the pedagogy of the scaffold. It has been redirected into the medium of the capital trial…capital trials, not executions, are the moment when sovereignty is most vividly on display."[104] Sarat suggests then that the state's sovereignty is demonstrated by its ability to create laws that carry the death penalty and at the same time to convert those laws into "a calm, bureaucratic bloodletting."[105]

The modern practice of execution demonstrated not only the removal of the spectacle but also endeavored to eliminate pain.[106] With developments in medicine and technology, a new ethics of legal death meant that long cruel methods of execution gave way to an attempt to produce swift and inconspicuous deaths, with executions turned into carefully calculated affairs meant to reduce pain and increase efficiency.[107] This was what Foucault called the "age of sobriety in punishment."[108]

One way of rationalising and justifying executions in this sort of civilising, "humane" discourse was through the developments and use of official manuals and handbooks that placed executions firmly within the realm of a bureaucratic and administrative regime that seemed to control and validate violence and killing. Instructions on how to calculate the length of the drop for each individual prisoner would allow for hangings to be effected fast and efficiently.

One British executioner, James Berry, published a book in 1892 about his experiences as a hangman between 1884 and 1892.[109] Berry carefully explains the calculations and physics

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[104] Sarat, *The Killing State*, 10
[105] Sarat, *The Killing State*, 3
[106] Foucault, *Discipline and Punish,* 11
[107] Developments in science, medicine and technology in the 19th and 20th centuries made the killing of those considered criminally or racially other possible on a larger and more efficient scale. The obvious example being the Holocaust.
[108] Foucault, *Discipline and Punish*, 14
[109] James Berry, *My Experiences as an Executioner* (Great Britain: David & Charles Publishers, 1972)

involved in hanging a human being. He devised a table for calculating the drops necessary to dislocate the neck of a person of "average build" as well as a table "of the striking force of falling bodies of various weights falling through different distances."[110] Berry discusses these achievements in the method of execution with frightening banality, as if working out the force necessary to dislocate a human neck with efficiency is no different from any other mathematical calculation. It is clear from Berry's text that methods were being devised to improve the outcome of hangings and to ensure a certain, "rapid and painless" death. *The Handbook on Hanging* written by another former executioner in England, Charles Duff, provides a precise formula: "412 divided by the square of the weight of the body in stones equals the length of the drop."[111] These developments would certainly have been carried over to the colonies where it seems that much the same kinds of calculations were relied on until the abolition of executions in South Africa.
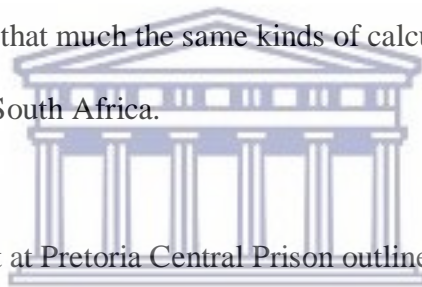
In South Africa, a manual kept at Pretoria Central Prison outlined the procedures for warders and prison officials to follow while dealing with death row prisoners.[112] The manual provides a rundown for the procedures before, at and after execution but also provides procedures for daily life of death row including the cell inspections and exercise routines. It defined incidents that justified the use of teargas and the use of violence, the searching of prisoners, and the procedures to be followed when a condemned prisoner became rebellious. It further provided a list of persons and departments to be informed once a prisoner had been notified that he would be executed. That the first named on this list are government branches reminds us again that the prison and its work of killing was part of a larger bureaucratic apparatus.

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[110] Berry, *My Experiences as an Executioner*, 32
[111] Vogelman, *The Living Dead,* 9. Charles Duff*, A Handbook on Hanging* (New York: New York Review Books, 2001)
[112] Death Row Prison Manual. Department of Correctional Services Museum, Pretoria

The manual further delineated the different cemeteries at which people of different races were to be buried- "Whites- Sandfontein, Coloured-Eesterust, Asians and Muslims-Laudium, and Blacks-Mamelodi."[113]   Ironically while condemned prisoners were not racially segregated on death row, racism seems to reenter at death as regards their remains. Under "Exceptions" it is noted that while families would under no circumstances be allowed to see the bodies of the executed prisoners, certain requests by next of kin would be considered. Requests by Muslim families to perform the ritual washing and handling of a body would be allowed. Relatives of the deceased could apply to erect a headstone at their own cost, but the inscription needed to be approved by the state.[114] Requests for the cremation of hanged bodies would also be approved provided that the family or next of kin carried the costs, but the families would not be allowed to dispose of the ashes themselves. Even the ashes belonged to the state.[115] In applying for these permissions relating to the hanged prisoner's corpse, their relatives too entered into written relations with the bureaucratic regime.

As Foucault argued, it is within the courts and through the passing of sentences that the sovereign state demonstrates its power. Through the trial process, the apartheid state

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[113] Death Row Prison Manual. Department of Correctional Services Museum, Pretoria

[114] A telegraph from the Prison Administration to the Officer Commanding at Central Prison tells us that Solomon Mahlangu's family had paid an amount of five Rand for a grave. This amount was divided as follows: R2,50 for reservation fees and R2,50 for the digging of the grave. The telegraph notes that a further reservation fee is required to erect a grave stone. It is further clearly noted that the institutional orders allow for the request to buy a grave to be permitted. Another letter confirms that a tombstone was in fact erected on the grave of Solomon Mahlangu on 28 April 1980. File V.2111, Box No. 1104, Department of Correctional Services Archives, Pretoria

[115] Frederick John Harris was one such example. Permission was granted to his family for the cremation of his body. A letter to the magistrate of Pretoria from the Officer Commanding of the Central Prison dated 31 March 1965 serves to report that the office of the latter had given permission for the "body of the abovementioned condemned prisoner (i.e. Harris) to be cremated after his execution on Thursday 1 April 1965. All costs associated with cremation will be carried by the family." File V677 Box No. 183, Department of Correctional Services Archives, Pretoria. However, for thirty years Harris' family did not know what had become of his remains. The prison authorities kept the ashes for several years before giving them to the prison chaplain. Harris's ashes were later interred at the crematorium near the Rebecca Street cemetery in Pretoria. His family later added a plaque that read, "John Harris: True Patriot." See Fullard, unpublished manuscript, 148. See Phyllis Naidoo, "Hamba Kahle John," *The Witness* (4 January 2010) accessed at https://www.news24.com/Archives/Witness/Hamba-kahle-John-20150430 on 10 February 2018

demonstrated (or sought to) its power to punish and deter. The courts were enlisted to serve political goals and trials themselves were wielded as a weapon by the state. The trials sought to produce the accused through this performance as irredeemable savages against whom action needed to be taken. Capital trials allowed the state to distance and sanitise its violence, casting legal violence and the death penalty as necessary and distinguishing it from the violence of the offender.[116] Thereafter, the execution itself became simply a problem of administration - condemned prisoners and their executions to be dealt with discreetly by a series of bureaucrats. "The legal construction of state killing," Sarat suggests, "works to differentiate state killing from murder and to hierarchize the relationship between the state and those whose lives it takes."[117] It "marks the distinction between law's violence and violence outside the law, between a death we call capital punishment and a death we call murder."[118]
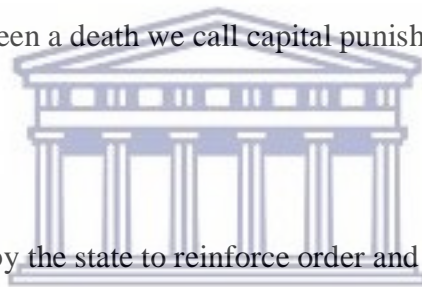
As a legal device relied upon by the state to reinforce order and more importantly maintain and demonstrate its own authority, the death penalty in its aim and conception was considered entirely different from 'ordinary' murder or criminal violence.[119] The state believed its use of violence to be legitimate as distinguished from the illegitimate violence employed by anti-apartheid groups. In the 1920s Walter Benjamin defined violence as the origin of law and conceptualised a distinction between what he called "law-making violence"- referring to the violence that establishes the law- and "law-preserving violence"- referring to the violence intended to maintain the law and ensure its administration.[120] The

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[116] Emerson, "Capital Trials and Representations of Violence," 59
[117] Austin Sarat, "Killing Me Softly: Execution and the Technologies for Taking Life," in Desmond Manderson, *Courting Death: The Law of Mortality* (London: Pluto Press, 1999), 55
[118] Sarat, "Killing Me Softly," 56
[119] Derrida, *The Death Penalty*, 45
[120] Walter Benjamin, "Critique of Violence" in Walter Benjamin, *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1986), 284

latter, represents a violence imposed administratively as embodied in the formation of judicial and police apparatuses.

It would seem that the apartheid state conceptualised its use of violence and the capital punishment as law-preserving. However, Benjamin shows that the separation between law-making and law-preserving violence is interrupted in the institution of the police and in capital punishment whereby "something rotten in law is revealed" – that is, that law is an expression of violent control for its own sake.[121] The police, Benjamin argues, are always involved in law-making functions at the same time as conserving the law. Facilitated by the legal category of "security reasons" the police have the authority to employ forms of violence that might previously have been illegal. This category enables the police to "make law" at the same time as preserving it as they are thereby able to translate any end reached by police action into a legal end. Capital punishment- "the highest violence"- in the same way is not only a punishment for a crime but the creation of a new law.[122] It is in the application of violence over life and death, Benjamin proposes, that law reasserts itself.

In South Africa under the apartheid government, capital trials and executions certainly served to demonstrate the state's power to punish subjects who transgressed its laws but at the same time the sentence of death contained within it a biopolitical logic, rationalising the killing of the "criminal" or "security threat"- and usually- "racial other" as essential to the protection of the population, or more specifically the white population, and the preservation of its rule. This rationale relied on a fundamentally racist view that Robert Turrell encounters in mercy records between 1910 and 1948, which suggests that Africans were prone to violence and had

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[121] Benjamin, "Critique of Violence," 286
[122] Benjamin, "Critique of Violence," 286

low levels of morality and self-restraint.[123] According to this view, Turrell suggests that the death penalty was intended to teach the "uncivilised" the sanctity of life.[124] In 1947, the Lansdown Commission, as discussed in the Introduction, therefore maintained that, "the retention of the death penalty is necessary in the interests of society."[125]

The trials of the 1960s were partly a response to increasing popular resistance and the emergence of a guerilla struggle. Through new laws and extensive trials, the apartheid state endeavoured to curb such resistance and deter the mobilisation of further resistance before it matured. It sought to punish those who challenged the apartheid state and deter others from contemplating involvement in mobilising resistance. It was part of such attempts to deter and to create "an administration of fear," drawing on Paul Virilio, that the apartheid state also placed detained activists in cells near to the death row section of Pretoria Central Prison where they could hear the singing of the condemned and the shudder of the trapdoors as they flung open on execution days.[126]
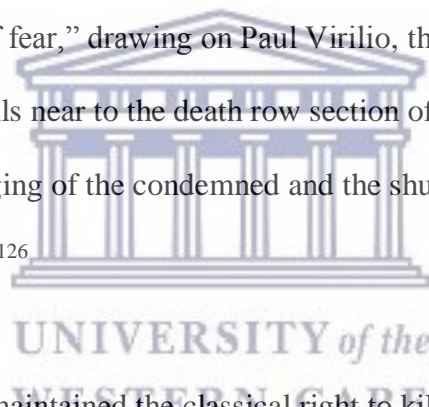
The apartheid state therefore maintained the classical right to kill in order to preserve the life of a select population. To do so however, it needed to produce the accused as "incorrigible monsters or as biohazards so that their demise and final disposal can be represented as an unpleasant but necessary task that the state reluctantly but decisively undertakes for the well-

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[123] Turrell, *White Mercy,* 9

[124] Turrell, *White Mercy,* 7

[125] *Report of the Commission for Penal and Prison Reform* (Lansdown Commission) (Pretoria: Government Printers, 1947), 64

[126] Virilio, *The Administration of Fear*. See Hugh Lewin, *Bandiet: Seven Years in a South African Prison* (Harmondsworth: Penguin, 1976), Breyten Breytenbach, *The True Confessions of an Albino Terrorist* (London: Faber and Faber, 1985), Raymond Suttner, *Inside Apartheid's Prison* (South Africa: Jacana Media, 2017). Video interview with Renfrew Christie (27 May 2005) accessed at http://overcomingapartheid.msu.edu/video.php?id=65-24F-7F on 12 March 2018

being of its citizens."[127]   Indeed, as was the case with the Paarl march, the media and trials

served to reconstruct and rewrite the events as perceived by the state and produced the picture

of a good and just society threatened by individuals and an organisation that violently

pursued its destruction. This picture worked to justify the actions taken by the state against

these opponents. We might consider the law then as the supreme bureaucracy, meant to

contend with savagery, madness and criminality.

In order to justify the execution of political prisoners or those cast as "security threats," these

individuals were dehumanised. They needed to be cast as "dangerously 'Other,' something

violent, uncivilized and less than fully human."[128] This production of the prisoners as savages

was a lengthy process. As in the case of the men sentenced for participation in the Paarl

march, it was through the media, the legal processes- the trials as well as the state-appointed

Snyman Commission of Inquiry- that the accused were dehumanised and stereotyped, along

with the organisation they represented, as savage and dangerous.[129] The very positioned

language employed, even in the English liberal press, immediately fostered an image of the

marchers as a "crazed mob" or "gang of natives" who "stormed" into the town "chanting and

brandishing their pangas" and "shouting war cries," and who "besieged" homes and engaged

in "vicious" and "coldblooded killings."[130]

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[127] Austin Sarat and Jennifer Culbert, "Introduction: Interpreting the Violent State," in Austin Sarat and Jennifer Culbert (eds), *States of Violence: War, Capital Punishment and Letting Die* (New York: Cambridge University Press, 2009), 6

[128] Foucault, *Society Must Be Defended*, 254-7. Hynd, "Killing the Condemned," 405

[129] Transcripts of the Snyman Commission hearings, University of Cape Town, Manuscripts and Archives. Report of the Paarl Commission of Enquiry, consisting of the Honourable Mr Justice Snyman, Judge of the Transvaal Provincial Division of the Supreme Court of South Africa, upon the events on the 20th to the 22nd November, 1962, at Paarl in the province of the Cape of Good Hope, and the causes which gave rise thereto, (Pretoria: Government Printers, 1963)

[130] "Quiet, Conservative Paarl is shaken by Riot Horror," *Cape Argus* (23 November 1962). "'Burger' stresses role of Paarl riot Inquiry," *Cape Argus* (23 November 1962). "Grim Story of Riot-Struck Paarl," *Cape Times* (23 November 1962).

Poqo and the Paarl march spoke to white fears of "swart gevaar," or "the black menace," and by extension to the problem facing the apartheid state's dilemma on how to deal with and control black populations, in other words the "Native Question." This discourse was compounded by the political affiliations and motives of the accused. The anxieties expressed around the Paarl march and Poqo were no doubt stoked by fears about violent independence struggles in other African countries during the 1960's where nationalist sentiment had become increasingly radical and demanded the removal of white minority rule. Questions of race relations and the survival of white South Africa bubbled to the surface.

Often referred to in this way as in the league of the violent Mau Mau rebellion in Kenya between 1952 and 1960, Poqo was written into a larger grand narrative of black organisations, which attempted to overthrow their white colonial governments. Without really understanding the events in Kenya, parallels were immediately drawn with Mau Mau's secret oathing ceremonies, its aims to overthrow the white British government and its extreme violence against white settlers. Like Mau Mau, Poqo was viewed as a "savage, violent, and depraved tribal cult, an expression of unrestrained emotion rather than reason."[131] Reports on Poqo continued and expressed even more urgency after the "Poqo attack" on a road worker's camp near the Mbashe/ "Bashee" River Bridge in the Transkei and killing of two white road workers as well as the wife and two daughters of one of the men on the night of 4-5 February 1963.[132]

The Paarl march and the Mbashe River Bridge killings had stirred up white anxieties of a

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[131] See Bruce Berman, "Nationalism, Ethnicity, and Modernity: The paradox of Mau Mau," *Canadian Journal of African Studies*, Vol. 25, 2 (1991), 181–206.

[132] See Introduction for description of this event. See Brown Maaba, "The PAC's War Against the State, 1960-1963," in *The Road to Democracy in South Africa*, South African Democracy Education Trust, Volume 1 [1960-1970], (South Africa: Unisa Press, 2006), 282. "Transkei- Gruwel: Polisie op spoor," *Die Burger* (6 February 1963)

Mau Mau type movement in South Africa. The Snyman Commission into the Paarl march and subsequent trials consequently sought to represent Poqo as a violent "terrorist" movement that represented a significant threat to the apartheid state. The Commission paid specific attention to the features and activities of Poqo and the word appeared repeatedly in newspapers almost daily as they reported on the Commission's findings of "Poqo plans to eliminate whites," thus increasing white fears.[133]

The apartheid state described the PAC as "a violent body pledged to 'drive the whites into the sea'" and described Poqo groups (which it viewed as synonymous with the PAC) as "gangs of hooligans" and "political thugs."[134] A document issued by the ANC in May 1963 noted that: "The newspapers have been full of Poqo...A horrific image of bloodthirsty savage hordes intent on the blood of a white man has sent shivers down the spines of a reading public conditioned by propaganda to accepting everything without questioning."[135] This representation of Poqo members served to provide a clear justification for the hanging of those involved as a "rational solution" to the "problem" they posed for the apartheid state. These 1960s Poqo trials were framed as criminal cases although in their attempts to counteract and deter a political movement they were clearly politically concerned. Clearly more was at stake than a transgression of the criminal code.[136]

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[133] "Poqo aims to rule the world," *Cape Times* (11 December 1962). "Poqo plans to eliminate whites by 1963," *Cape Times* (14 December 1962). "Inquiry told of Poqo rituals," *Cape Times* (11 December 1962). "Poqo se leiers sou witmense uitwis, land oorneem," *Die Burger* (1 March 1963).
[134] Ken Owen, "Poqo," *Cape Times* (5 October 1962).
[135] See "Amandla Ngawethu," ANC editorial issued May 1963 reproduced in Thomas Karis, Gwendolyn Carter, and Gail Gerhart (eds), *From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964* (USA: Hoover Institution Publication, 1978), 758
[136] Ronald Christenson theorizes over the typology of the political trial and the distinction between political and criminal trials. Ronald Christenson, "A Political Theory of Political Trials," *Journal of Criminal Law and Criminology,* Vol. 74, 2 (1983), 547-577

A threat was constructed in the national consciousness and, through extensive trials and legal procedures, capital sentences functioned as law-making and law-preserving violence meant to maintain apartheid rule and protect the white population in a biopolitical sense. Hence, as James Tyner and Alex Colucci argue, capital punishment must be read in the context of both sovereignty and biopower.[137] Foucault's argument about the part of racism that justifies the execution of the "other" could certainly by applied to the South African case. Racism allowed for the use of violence supposedly for the sake of security without challenging the state's role of maintaining life. This discourse meant that the power and supposed correctness of this mission took precedence over any moral qualms about legal killing.

The measures and laws put into place by the apartheid state in attempt to deal with the threat of political opponents, particularly those that carried the death penalty, reaffirmed and justified the state's "ownership of death and its entitlement to kill."[138] As previously suggested, the condemned prisoners on death row at Pretoria Central were provided with spiritual and medical treatment to keep them alive until the state, and the state alone, could take their lives. The control of the state over the bodies of its subjects continued even after death. I would argue then that while Foucault suggests that sovereignty finds its limit in death, the executions at Pretoria Central Prison would suggest that while the formally living person may have escaped the state's power, his body had not, and in some ways continues to perform for the state. Power continues beyond death although the individual had escaped state power. Through its control over the execution and burial of the prisoner, the state reaffirmed its sovereignty. By refusing a traditional burial or allowing relatives to see the body, the state's punishment of the prisoner and his family continued.

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[137] James Tyner, and Alex Colucci, "Bare Life, Dead Labour and Capital(ist) Punishment," *ACME: An International Journal of Critical Geographies,* Vol. 14, No.4 (2015), 1085
[138] Lifton and Mitchell, *Who Owns Death?* 232

The prison retained such strict control over the dead prisoners' bodies and the procedures involved in executions that were hidden from public view and kept strictly secret, that what people knew about the execution of death sentences at Pretoria Central was highly mediated and couched in rumour and myths. Due to the fact the families were prohibited from seeing the body of their hanged kin, touching the coffin or attending the burial another myth developed around death row at Pretoria. It was believed that people were not hanged but were sent to work in a mint (or industrial facility) located in the hill behind Pretoria Central Prison where they made money and lived out the rest of their days. This was a myth that emerged in part probably- as Paula McBride, the wife of Robert McBride, an *Umkhonto We Sizwe* member who spent time on death row, suggested in her testimony before the TRC- out of denial as family members who were denied one last view of the body refused to believe that their loved one was in fact dead.[139] In some ways the invisibility of judicial executions served to intensify its power to alarm and control. As Foucault put it, punishment "leaves the domain of more or less everyday perception and enters that of abstract consciousness; its effectiveness is seen as resulting from its inevitability, not from its visible intensity; it is the certainty of being punished and not horrifying spectacle of public punishment that must discourage crime."[140]

Conclusion

This chapter has been concerned to trace the hanging process as it existed at Pretoria Central Prison as well as the activities of the various actors involved in carrying out capital sentences in an attempt to understand how the legally sanctioned killing of the political prisoners existed as a cool, bureaucratic operation. I have argued that behind the technical apparatus

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[139] Testimony of Ms. Paula McBride, Truth and Reconciliation Commission, Special hearing on prisons, Johannesburg, 21 July 1997 accessed at www.justice.gov.za/trc/special/ on 5 June 2014
[140] Foucault, *Discipline and Punish*, 9

involved in executions and intimately bound up with it, was a bureaucratic regime that involved politicians and prosecutors, judges, warders, prison guards, policemen and doctors among other individuals involved in generating executions. The whole system was geared to operate with efficiency and routinise killing to the extent that it became almost mundane.

Pretoria Central Prison operated as a "hanging machine" propelled by a bureaucratic momentum that oversaw the transfer of a live body into the death row and a corpse out of it. It relied upon a rational administrative system that included a web of cooperation between different state departments, intricate planning and budgets. Drawing on Bauman, I argue that a bureaucratic rationality made such killing thinkable and possible and framed it as banal. It acted to focus attention and responsibility away from the act of killing but rather to the smaller, disaggregated functions that made up the larger system.
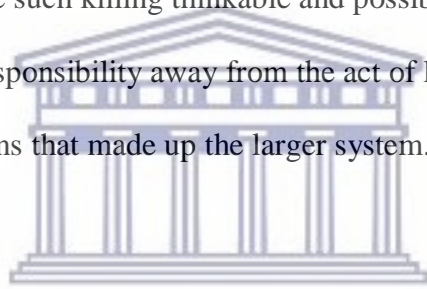
Through these administrative procedures and a biopolitical logic, the apartheid state was able to justify these executions as necessary to protect "society" and framed its violence, and capital punishment specifically, as legitimate violence, distinct from the violence charged against the accused. While these were deaths planned, organised and staged by the state and through its bureaucratic networks, the existing judicial discourse never understood these killings as murder. As a result, capital punishment should be understood in the context of both sovereignty and biopolitics.

To return to Coetzee then, apartheid legislation- including the use and extension of capital sentences- was considered to be a rational response to political developments that threatened the power of the National Party or the welfare and security of white society. The new

legislation rushed onto the statute books in the 1960s and the extensive trials were considered

by the state as a rational and even imperative response to anxieties about the mounting

popular resistance and the emergence of guerilla struggle, stoked by horror stories of violence

in Kenya and elsewhere. Indeed, as Coetzee would have it such actions were "rational

because governed by self-interest."[141] These arguments will extend into the next chapter,

which delves into a reading of the bureaucratic records and documents produced at various

stages of the execution process outlined in this chapter in an effort to show the part of writing

and the documentary within the bureaucratic regime.

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[141] Coetzee, "The Mind of Apartheid," 2

Chapter 3: Following the paper

"In their totality the documents attest to the existence of a large bureaucracy- a bureaucracy of repression."[1]

This chapter is concerned primarily with an analysis of the documents and files of condemned prisoners in South Africa.[2] In proposing a careful reading of these files and the documents they contain, the chapter is informed by the material turn. As I noted in Chapter 1, writing has been recognised as central to bureaucratic organisation and rationalisation. Scholars have recognised the centrality of a focus on bureaucratic writing to understanding the nature of the modern state. This chapter however traces the departure from Max Weber and the shift from an older way of thinking about bureaucratic documents as a result of a mainly anthropological debate on the status of the document.

The chapter consists of two broad parts. In the first part I will outline these shifts, many of which have occurred because of the way in which Michel Foucault has reoriented our attention to the document. In this section then, the chapter engages the mainly anthropological interventions that come after Foucault. There are four key scholars here and this chapter will outline their interventions. These include Bruno Latour, Arjun Appadurai, Matthew Hull and Annelise Riles.[3] Hull and Riles in particular begin to ask us to think about

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[1] Joost Hilterman, *Bureaucracy of Repression: The Iraqui Government in its Own Words* (New York: Human Rights Watch, 1994), x

[2] I use the words documents and records interchangeably here to refer to written texts and paperwork produced by bureaucracies and upon which they rely. I am aware of Ian Hodder's argument that there is an important distinction between documents and records. See Ian Hodder, "The Interpretation of Documents and Material Culture," in Norman K. Denzin and Yvonna S. Lincoln (eds), *Handbook of Qualitative Research*, (Thousand Oaks: SAGE Publications,1994), 111. Ben Kafka refers to "paperwork" as "all those documents produced in response to a demand-real or imagined-by the state." See Ben Kafka, *The Demon of Writing: Powers and Failures of Paperwork* (New York: Zone Books, 2012), 10. Lisa Gitelman also offers an etymology and explanation of the word document. See Lisa Gittelman, *Paper Knowledge: Toward a Media History of Documents* (Durham & London: Duke University Press, 2014)

[3] Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (New York: Oxford University Press, 2005). Arjun Appadurai, "Introduction: Commodities and the Politics of Value," in Arjun Appadurai (ed), *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge Univ. Press, 1986), 3–63. Matthew Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*

the document as a material but also as an aesthetic object. It is necessary to consider these shifts because it allows for a reorientation towards the documentary trace of capital punishment. An engagement with the work of these scholars dramatically alters the way in which we read the archive of capital punishment.

The second section of this chapter then sets to work on the archive of the death penalty by not treating the files as evidence, but as objects that accompany the process of death. My interest then is in individual prison files pertaining to prisoners condemned to death by the apartheid state. I have made a selection of files of prisoners executed at Pretoria Central Prison mainly during the 1960s and resulting mainly from politically-motivated offences related to events in Langa, Paarl and the former Transkei. From these I have selected particular documents as a way of tracking the bureaucratic record that accompanied the prisoner's journey to the gallows. The chapter is interested in the documentary practices involved in the processing of prisoners from their trial to their execution. What is necessary to understand here is the way in which the document or file related to the political prisoners is the site of individuation and the subject is the site of deindividuation.

In studying these files this chapter is concerned to examine what these documents, through both their content and the underlying meanings mediated by their material features, can tell us about the procedures, technologies and administration at work in carrying out a judicial execution as well as the officials who had a part to play in this process. Having described in the previous chapter how judicial executions relied on a bureaucratic rationality that functioned through an extended system or machine, this chapter considers the function of

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(Berkeley: University of California Press, 2012). Annelise Riles, "Introduction: In Response" in Annelise Riles (ed.), *Documents: Artifacts of Modern Knowledge* (Ann Arbor: University of Michigan Press, 2006), 1-38

official documents and visual records in these processes. My reading of these records is informed by two main historiographies. First that dealing with the material production and use of paper documents, which takes seriously how these documents came to exist, their functions, what their forms may reveal and what kinds of state knowledge and action they reflect and provoke. The second dealing with archives and knowledge production that suggests that these archives be read not merely as sources of evidence to be retrieved but as the products of political and repressive action produced and regulated by the apartheid state.

"We have to follow the things themselves"[4]: Materiality and written records

Matthew Hull, an anthropologist who studies issues of bureaucracy and governance, provides an important review of the various ways in which scholars have thought about bureaucracy and written documents.[5] Studies of writing and documents especially sociological studies of formal organisation have a long history. Yet for a number of reasons, Hull suggests that historians and anthropologists have tended to look through, rather than at, written records. As historians we are always excited by the prospect of finding documents that can provide some insight into the past, an event, a life. Yet interested as we often are in the content or information to be retrieved from such documents, historians often tend to look "through paperwork, but seldom paused to look at it."[6] As Hull suggests, it is precisely because of the very mundane nature of documents and their function as mechanisms and symbols of the formal dimension of bureaucracy that they have received relatively little attention themselves. They are viewed as simply providing access to the information they

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[4] Appadurai, "Introduction," 5. See also Arjun Appadurai, "The Thing Itself," *Media, Culture & Communication,* Vol. 18, No. 1 (2006), 5-21
[5] Matthew Hull, "Documents and Bureaucracy," *Annual Review of Anthropology*, 41 (2012), 251-267
[6] Ben Kafka, "Paperwork: The State of the Discipline," *Book History,* Vol. 12 (2009), 341. Jon Agar, *The Government Machine: A Revolutionary History of the Computer* (Massachusetts: The MIT Press, 2003), 1

record.[7] Bureaucratic documents as well as "their consequences remain, in large part because of their very ordinariness, analytically invisible."[8] Bruno Latour argues that it is because "they are so practical, so modest, so pervasive, so close to the hands and eyes that they escape attention."[9] Several scholars have therefore produced work that has helped us to think about bureaucratic documents differently.

Much of the scholarship relating to the study of documents has tended to discuss documents in terms of their disciplinary and constitutive potentialities. Following Foucault, scholars have tended to emphasise the role of documents in the production of subjects and as facilitating administrative control through "the power of writing" (as mentioned in Chapter 1).[10] In *Discipline and Punish* Foucault suggested that documents are directly related to regimes of control. Foucault draws attention to the discursive power of documents suggesting that we might consider them not simply as tools but as texts for producing or objectifying the subjects that use them or are marked by them. Foucault argues that individuals are situated within "a network of writing," or within a "whole mass of documents that capture and fix them."[11] Thinking with Foucault we might therefore argue that the prison documents with which this chapter is concerned work to produce a disciplined subject, and that we should therefore read such documents as mechanisms of political control.

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[7] Hull, "Documents and Bureaucracy," 252

[8] Don Brenneis, "Reforming Promise," in Annelise Riles, *Documents: Artifacts of Modern Knowledge* (Ann Arbor: University of Michigan Press, 2006), 42

[9] Bruno Latour, "Drawing Things Together," in M. Lynch and S. Woolgar (eds.), *Representation in Scientific Practice* (Cambridge: MIT Press, 1990), 21

[10] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1995). Timothy Mitchell, *Rule of Experts: Egypt, Techno-politics, Modernity* (Berkeley: University of California Press, 2002). James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New York: Vail-Ballou Press, 1998)

[11] Foucault, *Discipline and Punish,* 189

Foucault uses hospitals of the 18ᵗʰ Century as a key example of the disciplinary "power of writing," arguing that this institution functioned as a laboratory for "scriptuary and documentary methods" as written documents were used to identify patients, map the evolution of diseases and compare similar cases.[12] Documents functioned as part of a classificatory survey which provided a basis for surveillance and comparison in a disciplined institution. These documentary methods enabled institutions such as hospitals and prisons to "isolate and capture" an individuals' bodily markers and features in "ignoble" archives.[13] These functions Foucault links to the new form of power of the century-biopower, which, as indicated in the previous chapter, was intended as a mechanism for the preservation of the well-being of the population. Foucault suggests an intrinsic correspondence between the biopolitical and the statistical and that written documents are the modality by which the biopolitical is converted into the statistical. Foucault's analysis is significant in its focus not only on documentary vehicles like files, but also on the kinds of institutions for which the "power of writing" becomes so important.
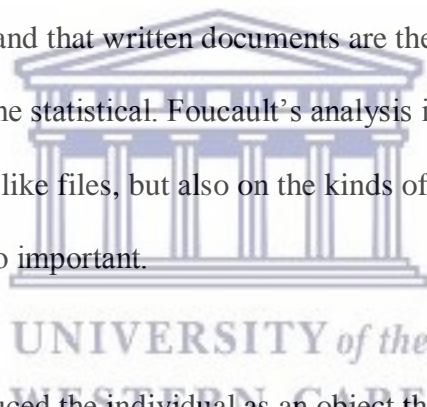
The apparatus of writing produced the individual as an object that is subject to definition and analysis. It functioned to individualise and to render the individual as an object of power and knowledge.[14] For Foucault, modern bureaucratic documents have a constitutive power. By this he means that each individual could be produced as a "case" – "a case which at once constitutes an object for a branch of knowledge and a hold for a branch of power."[15] Following Foucault, many scholars have studied how individuals marked as insane or deviant

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[12] Foucault, *Discipline and Punish*, 189
[13] Foucault, *Discipline and Punish,* 190
[14] Foucault, *Discipline and Punish*, 192
[15] Foucault, *Discipline and Punish,* 191

are produced and directed into systems of punishment or rehabilitation through the "ritualistic" production of various kinds of documents.[16]

Foucault enables us to argue that documents- with particular reference to various kinds of prison documents- work to produce a disciplined subject and that these documents therefore "belong to a certain political function of writing."[17] The prison documents with which I am concerned were most certainly meant to have a constitutive and disciplinary role as they worked to identify, define, individuate and objectify the subject/prisoner. They were centrally involved in classification and are certainly products of the same documentary logic that used writing to identify and control as described in Chapter 1. These documents individuate at the same time as they are involved in a process of serialisation. By recording each prisoner's information, they work to separate the individual from others for the purposes of documentation and control. The body is thus individuated, made into a subject and subjected, becoming a discursive object within a disciplinary apparatus.[18] However, I want to suggest that there is something more that we can learn from official documents and this is where a turn to materiality might be especially useful. The trend in the study of documents has been to focus on their content, the information that they convey about the individual in question. Perhaps a turn to a focus on the materiality of the document can tell us something of the system, the bureaucracy at work as well as the ideologies and discourses that it involves.

This turn to the study of the material qualities of bureaucratic documents is informed by the material turn and new approaches to materiality and sociotechnical processes by scholars like Arjun Appadurai and Bruno Latour. The central theories of material culture that developed

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[16] Hull, "Documents and Bureaucracy," 259
[17] Foucault, *Discipline and Punish,* 192
[18] John Pugliese, *Biometrics: Bodies, Technologies, Biopolitics* (New York: Routledge, 2000), 54

during the 1980s showed that social worlds were formed and organised by materiality as much as the other way around.[19] The work of scholars like Latour, and anthropologist, Daniel Miller, consequently endeavored to trounce the separation between humans and objects. Rather than focus solely on the content, "facts," knowledge or information that documents are meant to convey, such scholarship has argued that we might consider studying documents as something more or other than mere vehicles of representation or tools used for purposes of constitution and control.[20] Rather than focus on representation then, scholars have turned their attention to a focus on documents' genre, material qualities and the sociotechnical processes involved in their creation and movement. This literature argues that the information conveyed in documents cannot be separated or abstracted from the material mediums through which they are expressed such as files, forms, graphs and the like. As a result, scholars have investigated the material aspects of documents including paper quality, typefaces, graphic design, composition, stamps, signatures, and letterheads.[21]
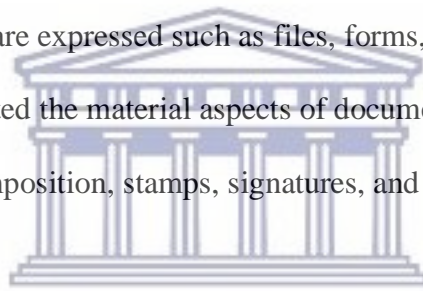
Bruno Latour's study of science and technology has made a significant mark in this broader inquiry. Latour traces the trails of the associations between the material and the social. Society and technology, according to Latour, do not exist as two separate entities but might be considered as phases of the same action. Therefore, rather than drawing a distinction

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[19] Latour, *Reassembling the Social.* Appadurai, "Introduction." Daniel Miller, "Why Some Things Matter," in Daniel Miller(ed), *Material Cultures: Why Some Things Matter* (London: UCL Press, 1998), 3-25. Daniel Miller, *Material Culture and Mass Consumption* (Cambridge, MA: Basil Blackwell,1987)

[20] Hull, "Documents and Bureaucracy," 253

[21] Matthew Hull, "The File: Agency, Authority and Autography in an Islamabad Bureaucracy," *Language & Communication,* 23 (2003),287–314. Hull, *Government of Paper.* Ilana Feldman, *Governing Gaza: Bureaucracy, Authority and the Work of Rule, 1917-1967* (Durham: Duke University Press, 2008). Annelise Riles, "Infinity Within the Brackets," *American Ethnologist*, vol.25,3 (1998), 378-398. Annelise Riles, *The Network Inside Out* (Ann Arbor: University of Michigan Press, 2000). Brenneis, "Reforming Promise," 41–70. Lee Komito, "The Culture of Paper, Information and Power: An Irish Example," *Anthropology in Action*, Vol. 16, No.1 (2009), 41–55. Andrea Pellegram, "The Message in Paper," in Daniel Miller (ed) *Material Cultures: Why Some Things Matter* (Chicago: University of Chicago Press, 1998),103–120. Kurt Campbell, "Night Writing: The Textual Ideation of Andrew Jeptha," Doctoral dissertation, the University of the Western Cape (2015)

between social relations and mechanisms or objects, Latour suggests that the two are joined together in "chains of associations" with neither the human nor the nonhuman completely in power but instead, power is a property of the chain.[22] Latour insists that non-humans are actors and assigns them a kind of agency as they participate in a course of action.[23] This is not to say that nonhuman actors wholly "determine" the course of action. Yet objects have a mediating function- what Latour calls a "script" or a "program of action."[24] "Each artifact" Latour argues "has its script, its potential to take hold of passersby and force them to play roles in its story."[25] What this suggests is that things or non-humans have the ability to act upon humans and determine or shape their actions.

Latour directs attention then to the study of an entity's material aspects and how these impact the work that the entity does, how it is used, how it moves, and the kinds of associations it is drawn into. "In addition to 'determining' and serving as a 'backdrop for human action,'" Latour maintains, "things might authorize, allow, afford, encourage, permit, suggest, influence, block, render possible, forbid and so on."[26] In relation to written records and files then, Latour's work is significant as it helps us to think about the significance of technology and the work of paper records. Latour prompts a careful consideration of the document's material characteristics and how these shape its function.[27]

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[22] Bruno Latour, "Technology is Society Made Durable," in John Law (ed.), *A Sociology of Monsters: Essays on Power, Technology and Domination* (London: Routledge, 1991),110

[23] Latour, *Reassembling the Social,* 10. He defines an actor as: "*Any thing* that does modify a state of affairs by making a difference," 71

[24] Latour, *Pandora's Hope* (Cambridge: Harvard University Press, 1999), 177

[25] Latour, *Pandora's Hope*, 177

[26] Latour, *Reassembling the Social,* 72

[27] I am aware here of Kafka's critique of the suggestion that paperwork might have agency. Kafka's analysis of paperwork is influenced by Bruno Latour's thesis about how objects and materials generate the effect of human agency. However, Kafka is unpersuaded by Latour's depiction of a flat network of object and humans. "I was never going to come around to the argument that things have agency like people. Rather I am committed to the idea that people are ruled by unconscious processes, which is simply not true of even the most 'agentic' things." See Kafka, *The Demon of Writing,* 14

If we were to think of the prison files that I am concerned with in relation to Latour's work then, we might consider such records and files as actors that have some agency. Each of the documents that I have examined have a "script" or "program of action" to borrow from Latour. There are actions that the document or form prescribes by virtue of its material features- actions that the non-human actor requires of the human actor. In this way the materiality and semiotic technologies of the document can influence the discourses that they mediate.[28] Drawing on Latour, in studying the files of condemned prisoners, we must pay attention to the document's material aspects and how these impact the work it does, its meaning or message, how it is used, how it moves, and the kinds of associations that it is drawn into. Such a reading that attends to the document's material qualities may tell us something of the nature of the encounter between prisoners and the warders or other officials who were required to complete these forms.
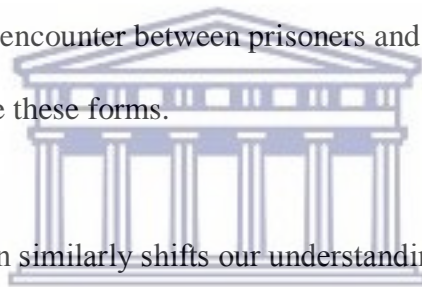
Arjun Appadurai's intervention similarly shifts our understanding of the relationship between object and subject, particularly through his argument that objects have a "social life."[29] Appadurai too suggests that people and things are not completely separate categories, and that the transactions surrounding objects are endowed with the properties of social relations.[30] Following Appadurai then, I propose that we look beyond the document's content alone to consider the document itself. Drawing on Appadurai we should explore the ways that objects circulate and how they can evolve from one type of thing to another during the different phases of their "social life."[31] He suggests that "we have to follow the things themselves, for their meanings are inscribed in their forms, their uses, their trajectories."[32] By studying these

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[28] Semiotic technology refers to the potential for meaning-making that is part of the technology through different kinds of semiotic modes such as texture, design, layout, typeface, colour and so forth.

[29] Appadurai, "Introduction," 3-63

[30] Appadurai, "Introduction," 15

[31] Appadurai, "Introduction," 15

[32] Appadurai, "Introduction," 4

trajectories Appadurai argues we can make sense of the human reckoning and negotiations that animate things.

Drawing on Appadurai then, as we follow the trails of the prison records that this chapter enquires into, one might consider them as having "social lives" or "careers." Appadurai enables us to consider the biography of these files and their "social lives" by asking questions like: Who produced these files and their various components? What work did they do? Who was allowed to engage with them? Who writes what? Why were they necessary and for whom? Who were the people that engaged with them? How did they circulate across bureaucratic hierarchies? And what became of them once they had reached the end of their usefulness? As I will show these documents and prison files travelled between offices into the hands of various people, in various places and at various times, gaining specific biographies as they did. The significance and meaning of files and documents is therefore rooted in their histories. After they were created, these files experienced intense activity as various pieces of paper were added to them, documents were duplicated, completed and attached to other documents. As they travelled things happened to them which left their traces on the documents themselves. Officials signed them, dated and stamped them. The holes left where a staple once was, suggest that a form was once attached to other documents. Has it torn free with time and handling or was it removed for a particular reason?

As things travel from one place to another, from one hand to another, they obtain very specific biographies. This is an argument that has also been made by anthropologist Igor Kopytoff who is interested in the biography of things.[33] He too is concerned with the way in

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[33] Igor Kopytoff, "The Cultural Biography of Things: Commoditization as Process" in Arjun Appadurai(ed), *The Social Life of Things: Commodities in Cultural Perspective (*Cambridge: Cambridge University Press, 1986), 64-91

which things move through different contexts, people and uses, endowing them with a specific biography or set of biographies. Kopytoff prompts us to ask the same questions of things as we would of people such as: "Where does the thing come from and who made it? What has its career been so far, and what do people consider an ideal career for such things? How does the thing's use change with age, and what happens when it reaches its usefulness?"[34] Such questions can allow us to construct a biography of an object and such biographies of things "can make salient what might otherwise remain obscure."[35] These interventions by Kopytoff help us to think about the prison files that this chapter examines as having biographies and to consider how the stamps and signatures and the like allow us to track the life and movements of these files.

Such social lives of things are not only dependent then upon people but upon their own material qualities. While artifacts are human creations, their production, circulation, use and meaning often hinge largely on their material characteristics and are not merely decided by social factors.[36] Andrea Pellegram, a planning manager for a United Kingdom statutory authority, offers us a clear example of the relationship between medium and the messages conveyed in her study of the messages carried by one class of object- paper- as it takes on different forms within an office setting.[37]

Pellegram helps us to conceptualise of official documents as having an apparent message that may also be supplemented by a veiled message conveyed through the document's material qualities and design aspects. Pellegram argues that objects have unspoken meanings. She posits that the document's underlying message is shaped by its physical and sensory
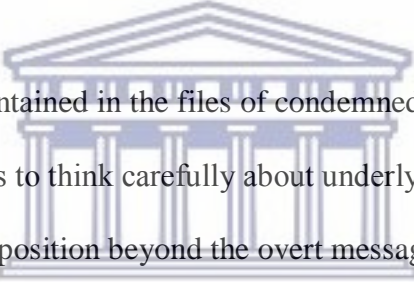
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[34] Kopytoff, "The Cultural Biography of Things," 66-67
[35] Kopytoff, "The Cultural Biography of Things," 67
[36] Daniel Miller, *Materiality* (Durham & London: Duke University Press, 2005)
[37] Pellegram, "The Message in Paper," 103–120.

attributes. To study the underlying and incidental message of objects, Pellegram argues, can reveal something of the meaning of the document- perhaps more so than the overtly intended message. Besides the content contained within the sheets of paper, the letterhead, pattern, text, paper type can convey a message. She offers us an understanding then of how the physical nature of paper relates directly to the message it conveys.[38] Documents, she posits, carry different messages, not only through their content but through their medium. In the case of official correspondence for instance a different caliber of paper and a distinguishable letterhead are used.[39] Pellegram therefore provides an understanding of the ways in which specific material qualities such as signatures and stamps may help us to discern the hierarchies within an office or bureaucratic network.

In relation to the documents contained in the files of condemned prisoners in South Africa then, Pellegram's work helps us to think carefully about underlying messages that may be contained in their material composition beyond the overt message carried in their content.[40] These underlying messages might reveal something of the bureaucracy and the ideology that informs them.[41] As a result, the information conveyed in these documents cannot be abstracted or separated from their material mediums.

Much of these earlier arguments has been crystallised in the work of Matthew Hull. Inspired by the material turn, Matthew Hull studies the work of the Pakistani government and particularly the governance of the city of Islamabad during the late 1990s as it is carried out

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[38] Historian Isabel Hofmeyr has also been interested in the materiality of books- their texture, smell, and the margins and marginalia and so forth. Isabel Hofmeyr, "South African Remains: E.P. Thompson, Biko, and the Limits of the Making of the English Working Class," *Historical Reflections* (2015)

[39] Pellegram, "The Message in Paper," 106

[40] Pellegram, "The Message in Paper," 103

[41] Matthew Hull, "Ruled by Records: The Expropriation of Land and the Misappropriation of Lists in Islamabad," *American Ethnologist,* Vol. 35, No. 4 (2008), 505

in and through paper documents. "Governing paper" Hull maintains "is central to governing the city."[42] Hull shows how the Pakistani government created a "regime of paper documents" to govern the city of Islamabad particularly through two bureaucratic institutions that he studies. He analyses the file system used by these institutions that has its roots in the "paper rule" of the British colonial administration.[43] These files provide a sense of the scale of the institutions' planning and administrative pursuits.

Hull's work has sparked debate and, while his work has been noted as a novel contribution, reviewers have offered some critiques and questions around what he means by "graphic artifacts" and "bureaucratic infrastructure."[44] A key contribution of Hull's work is his development of an approach to modern governance as a communicative process that is primarily arranged by what he terms "graphic artifacts" by which he refers to different material forms of documentation and communication including files, maps, letters, and reports.[45] Hull's book shows how each of these documentary forms works to both support, and at times undermine, governance strategies.[46] State governance, according to Hull, is therefore essentially a material practice and he shows how government discourse is directly influenced by the particular material forms that it takes. Hull offers us the greatest possible way of entering the archive of apartheid prison files by thinking about the relationship between the document and the individual. There are five points that I would like us to consider as we read Hull.

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[42] Hull, *Government of Paper*, 1

[43] Hull, "The File," 293

[44] Constantine Nakassis argues that while Hull's analysis of "graphic artifacts" is guided by the analytic materiality he does not explain what is meant by it. Constantine Nakassis, "Comment on Hull. 2012. Government of Paper," *Journal of Ethnographic Theory*, 3(2013), 399-406. Kregg Hetherington insists that Hull does not explain what he means by bureaucratic infrastructure. See Kregg Hetherington, "Government of Paper," *Political and Legal Anthropology Review,* Vol. 37, No.10 (2014), 195-197. Jonathan Anjaria, "Government of Paper," *American Ethnologist*, Vol. 40, No.3 (2013), 587-588. Ruchi Chaturvedi, "Review," *Kronos*, Vol. 40 (2014), 307-309

[45] He offers an explanation of this formulation. See Hull, "The File," 291

[46] Hull, *Government of Paper.* See also Hull, "The File," 287-314

Hull critiques the Weberian tradition and makes an important argument that writing cannot be solely placed within the area of administrative control. He posits that "graphic artifacts" are not merely the tools of social organisations already in existence, but rather they should be recognised for their part in advancing the making of ever-changing associations of people and things both within and beyond the bureaucracy.[47] He critiques Weber's depiction of documents as passive devices of bureaucratic organisations created and shaped through norms and rules. Rather, he argues that "graphic artifacts" must be seen as constitutive of the bureaucratic actions and social relations created through them.[48]

Official documents, Hull suggests go beyond mere representations of a reality that they intend to depict and control. Through their physical features, patterns of circulation, and potential for manipulation, they are inserted into the self-same reality that they intend to represent and control. Owing to Weber's influence on most scholarly debate about bureaucracy and documents, the file is recognised as the pivotal technology of bureaucracy. However, Hull draws attention to the fact that government files are rarely described within this scholarship at least in terms of their materiality and associations. Hull asks key questions of such files such as, "what genres of writing they include, what physical form they take, who produces their contents, how they are assembled, how they are controlled and so forth."[49]

The first important point that I would like to draw out of Hull's work is his argument for the mediating role of documents. The disavowal of such a mediating function of documents, Hull posits, has been a strategy of power in support of claims of transparency. Yet if we are to focus on the visibility and materiality of documents rather than look through them at their

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[47] Hull, "The File," 291
[48] Hull, *Government of Paper*, 19
[49] Hull, "The File," 291

content, we might treat them as mediators- following Latour, things that "transform, translate, distort, and modify the meaning or the elements that they are supposed to carry."[50] Influenced by debates around materiality then, several scholars who have begun to think critically about bureaucratic documents have sought to treat them, as Hull suggests, "not as neutral purveyors of discourse, but as mediators that shape the significance of the signs inscribed on them and their relations to the objects they refer to."[51] As a result, such documents cannot be treated as impartial evidence. They are always the product of mediations and processes that shape their production. Hull argues that any study of governance must seriously consider the "graphic artifacts" as mediators that continually move through any given bureaucracy and are enmeshed with the people, places, events and other artifacts that they are to represent. As he put it, he is concerned with studying the "paper mediation of relations among people, things, places and purposes."[52]

Secondly, Hull is invested in understanding the associations that develop through the creation and circulation of documents, and how this might provide an understanding of the "social range of graphic artifacts" and the interactions between activities inside offices and those beyond them.[53] Owing to Latour's influence, Hull argues that we must pay attention to the associations created by "graphic artifacts" with human actors and other artifacts and how they form these associations. "Graphic artifacts," he insists, are both formed through and form broader associations of people, places and things.[54] Borrowing from Appadurai, Hull studies the production and circulation and "social career" of "graphic artifacts." He argues that "the study of writing must attend not only to communicative practices but to the social life of

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[50] Latour, *Reassembling the Social*, 39
[51] Hull, "Documents and Bureaucracy," 253
[52] Hull, *Government of Paper,* 1. Hull, "Ruled by Records," 506
[53] Hull, *Government of Paper*, 21
[54] Hull, *Government of Paper*, 18

things."[55] He shows how, in Islamabad, "graphic artifacts" are not just written and read, but they undergo many processes and are subject to various defining events. They are duplicated, attached to other artifacts, enhanced, counterfeited, damaged, and destroyed.

Thirdly then, Hull shows how an attentive reading must take note of how these kinds of events mark the social career or life of a file and are significant to any study or understanding of the case represented.[56] What is important here then is Hull's argument that outlining the "careers" of "graphic artifacts" might enable insights into the boundaries of this bureaucratic association. The best way to understand bureaucratic activities according to Hull then is to "follow the paper."[57] A focus on how "graphic artifacts" linger or disappear, circulate and change is important as it enables a move beyond notions of information storage to an insight into how material artifacts can influence the discourses that they mediate.[58]

Fourthly Hull shows how in following the "social careers" of documents and files, we might discern the ideologies and systems from which "graphic artifacts" emerge. Official documents are often rooted in official protocols and bureaucratic processes and a careful reading of the biography of such documents can provide us with an insight into these processes. "Graphic artifacts," according to Hull, reflect "graphic ideologies" and are shaped by their user's position on "graphic artifacts."[59] The graphic ideology presiding over artifacts in Islamabad, according to Hull, controls how official documents are made and distributed. Such standardising practices that define how the bureaucracy is to operate are elaborated and put into place through manuals created for every area of administration.

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[55] Hull, "The File," 293
[56] See also Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence and Poverty in India* (Durham & London: Duke University Press, 2012), 145
[57] Hull, *Government of Paper*, 21
[58] Hull, *Government of Paper,* 23
[59] Hull, "The File," 293

Fifthly, Hull importantly underlines the relationship between the material features of "graphic artifacts" on the one hand and the semiotic processes they mediate on the other. Put differently, he is concerned to study the meaning-making possibilities inherent in the technology through the various semiotic modes used, such as the layout, size, shape, colour, typeface, paper type and so forth. Such material qualities, Hull suggests, can indicate the kind of discourse that its writings represent. As Hull put it, "semiotic technologies are material means for producing, interpreting, and regulating significance for particular ends."[60] This is important because it shows how such technologies function through "graphic artifacts," especially for instance a document's material features and influences or adds to its meanings.[61] This is clear when he says that, "the physical composition of artifacts, how the surfaces are ordered and physically linked to one another, may also shape the significance of the discourse they carry."[62] Hull therefore proposes that scholars must examine the material aspects of bureaucratic semiotic technologies if one is to understand the mechanisms of governance.
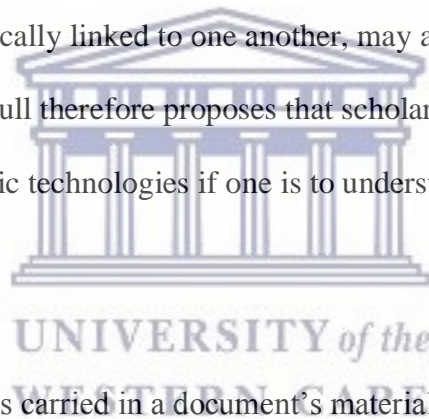
Such a reading of the meanings carried in a document's material qualities or semiotic technologies is important as these impact the way in which they are read, used and engaged with. The semiotic technologies at work in many documents prompts a specific response by particular actors. Actions on "graphic artifacts" may be the result of discourses that they mediate such as in the case of an inscription on a file that dictates where it is to be sent next. At the same time as the semiotic technologies of "graphic artifacts" might demand particular actions from specific individuals and thereby fix individual identities, as they are circulated

[60] Hull, "Ruled by Records," 501
[61] Hull, *Government of Paper,* 13
[62] Hull, *Government of Paper*, 17

between different offices and bureaucrats they also result in the production of a "collective agency" and "corporate authority" in bureaucratic institutions.[63]

As a result, Hull points out that for the attentive reader of bureaucracy, the significance of "graphic artifacts," as in the case of other kinds of artifacts, is rooted in their histories. He thus poses questions that might provide insight into their making and distribution.[64] Hull shows how files are especially interesting, as one often finds the signs of their pasts literally inscribed upon them through the occurrence of stamps, signatures, dates and so forth. In effect it is such signs and graphic forms that create the file. They come to graphically represent and reflect the file's (or some of its pieces') movement through time and space, in effect documenting its own part in the social world.[65] As Hull puts it, "through the mute medium of stamps, clerks create a metatext which emplots the official career of the artifact in time, space, organizational order, and the order of other graphic artifacts."[66]

Hull's work alters the way we might read the archive of capital punishment. Rather than reading the documents contained within the files of executed prisoner's as passive devices of bureaucratic organisations we must consider them as constitutive of the bureaucratic actions and processes that accompany capital punishment. A reading that pays close attention to the document's material aspects reveals that the file or individual document's movement through time and space is graphically represented- documenting its part in the bureaucracy of prisons and the state more widely. A reading of the ways in which these paper objects are taken up and used or engaged with also carries meaning that might be as important as the content they convey in revealing their value.

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[63] Hull, *Government of Paper*, 150
[64] Hull, "The File," 296. Influenced here by Appadurai, "Introduction," 3-63
[65] Hull, "The File," 296
[66] Hull, "The File," 297

Beyond thinking of written records in relation to their part in formal organisational practice, Professor of law and anthropology, Annelise Riles asks us to be less certain of the function of such documents. She proposes a reading of documents that pays attention to their aesthetic elements, their status as artifact and the work of their design.[67] Elsewhere Riles has staged a beautiful comparison between documents and Fijian woven mats as she studies one form of documentation- the legal documents produced by United Nations-sponsored informational conferences.[68] Very few studies, she suggests, have thought about legal documents or other such "artifacts of bureaucratic knowledge" as aesthetic objects that may have other roles besides their potential as "texts."[69]

Through her careful crafting of a comparison between documents and the mats that are valued objects for the Fijians, Riles prompts us to think about the materiality, aesthetics and tactility of documents by considering the careful design of documents, the textures, and the layering of text, images, tables and rubrics. Riles considers how the production of documents, like the weaving of these mats, is a labour intensive process that requires attention to detail. In its design and shaping, decisions have been made about what the document should contain, what should be included and what left out. The language itself is carefully crafted or chosen such that as Riles put it "language has a shape, a rhythm, a feel, not simply a meaning."[70] The production of documents, as with these mats, is also as she notes collective and anonymous. Riles work is useful as it asks us to think about the aesthetics and patterns that are at work in the organisation of the document- a logic that links words, paragraphs, tables and images in particular ways. She further reminds us to pay attention to the ways in which

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[67] Riles, "Introduction," 1-38

[68] Riles, "Infinity Within the Brackets," 378-398

[69] Riles, "Infinity Within the Brackets," 378. It is worth considering "Setting Apart," the installation on the Group Areas by Hilton Judin in the Castle in Cape Town in 1995. See also Hilton Judin and Ivan Vladislavic (eds.), *Blank: Architecture, Apartheid and After* (Rotterdam: NAi Publishers, 1998)

[70] Riles, "Infinity Within the Brackets," 386

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an adherence to strict technical standards also causes official documents to replicate each other in terms of their structure, layout, language, format and typeface.

Following this focus on materiality and drawing on the work outlined above, in the next section I propose a detailed reading of the prison files of individuals hanged by the apartheid state. I propose to examine how their material aspects- colour, size, typeface, paper quality and so forth- impacted the work that they did, the way that they circulated and how they were (and are) interpreted. What messages do they carry through their medium and what can a study of the production, circulation and "social careers" of these files tell us about the bureaucratic regime at work?

Turning to the documents

The prisoner files are kept in standard brown cardboard archive boxes at the Department of Correctional Services Archive in Pretoria. From the 1960s onwards these files were referenced according to the individual's prison number or V number- an abbreviation for "veroordeelde" or condemned- and are consequently referred to as the "V files."[71] Some boxes are filled with multiple files while others contain only one or two files. Files of individuals connected to a common case are filed together. At the same time, as the files are archived by year, in some cases a box may contain the files of prisoners who have no connection to one another. Inside these files there are a myriad of different documents- police identification forms, police dockets, prison transfer forms, letters, telegraphs, requests for leave to appeal and so much more. They contain original documents with annotations made by officials and copies of outgoing correspondence. These papers are of different sizes and

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[71] Madeleine Fullard, unpublished manuscript, 149

qualities, some typed and others handwritten. Each of the official documents contains a code positioned on the top right corner allowing any bureaucrat flicking through the prisoner's file to quickly locate the form he requires. Each file contains such coded forms that intricately document every movement of the prisoner from the moment he/she was first arrested to that of his/her death.

The brown file in which each prisoner's documents were assembled is marked as P.D. 81 (a) with the heading "Description Register of Prisoner." The front of the folder has sections to be completed on behalf of each prisoner. This was a general folder, used for all prisoners, not only for capital cases. There are thus sections to be completed that anticipate future events such as whether the prisoner had been discharged, sentences commuted, fined, given lashes, escaped or recaptured. In the cases of those ultimately executed, these sections were left blank as these prisoners had no future beyond Pretoria Central prison. This Description Register of the Prisoner folder was later revised and recoded as G355.[72] The later form, still printed on a brown folder bore the emblem of the South African Prisons Service.

Sections on this folder were initially completed at the prison where the prisoner was detained and the folder accompanied him on his journey to Pretoria. Recording the biographical and identifying details of the prisoner was key. Fields that have been completed on each of these files includes the name, and prison number of the individual, the name of the prison to which he had originally been admitted, where and when the prisoner was photographed, the date of sentence, the court and place of sentencing, the crime and the final sentence, in these cases-death.

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[72] File V3488 Box No. 1128 Department of Correctional Services Archives, Pretoria. File V4096 Box No. 1156 Department of Correctional Services Archive, Pretoria.

The inner flap of the file cover records the prisoner's personal information under the subsection "Detailed description (Reg. 91)." This section, meticulously completed by hand in most cases, records the prisoner's age, sex, race, place of birth, profession or occupation, religion, father's tribal name, chief's name, name of kraal - with the latter fields clearly marked for "bantoes only." It further records the prisoner's physical features including but not limited to height, weight, build, complexion, eyes, nose, teeth, hair and shape of the face and forehead. Scars and other marks on the body including piercings, acne scarring, tattoos, vaccination marks and "tribal marks" are also recorded in great detail. This is to be our introduction to the prisoner and no detail seems too trivial. Any personal possessions or monies belonging to the prisoner were confiscated and carefully recorded on the inside flap of this folder- a section often returned to after their execution with it noted in pen that these belongings had been distributed or returned to the prisoner's relatives. The inscriptions in red pen suggest that this folder had been returned to at a later stage to record the fate of the prisoner. In cases where the prisoner had been discharged or died in prison custody this is recorded in red ink on the front of this file along with a date, signature and prison stamp. In cases where death sentences were carried out, the word "Tereggestel" (or executed) appears in red ink along with the date, an official's signature and the dated prison stamp.
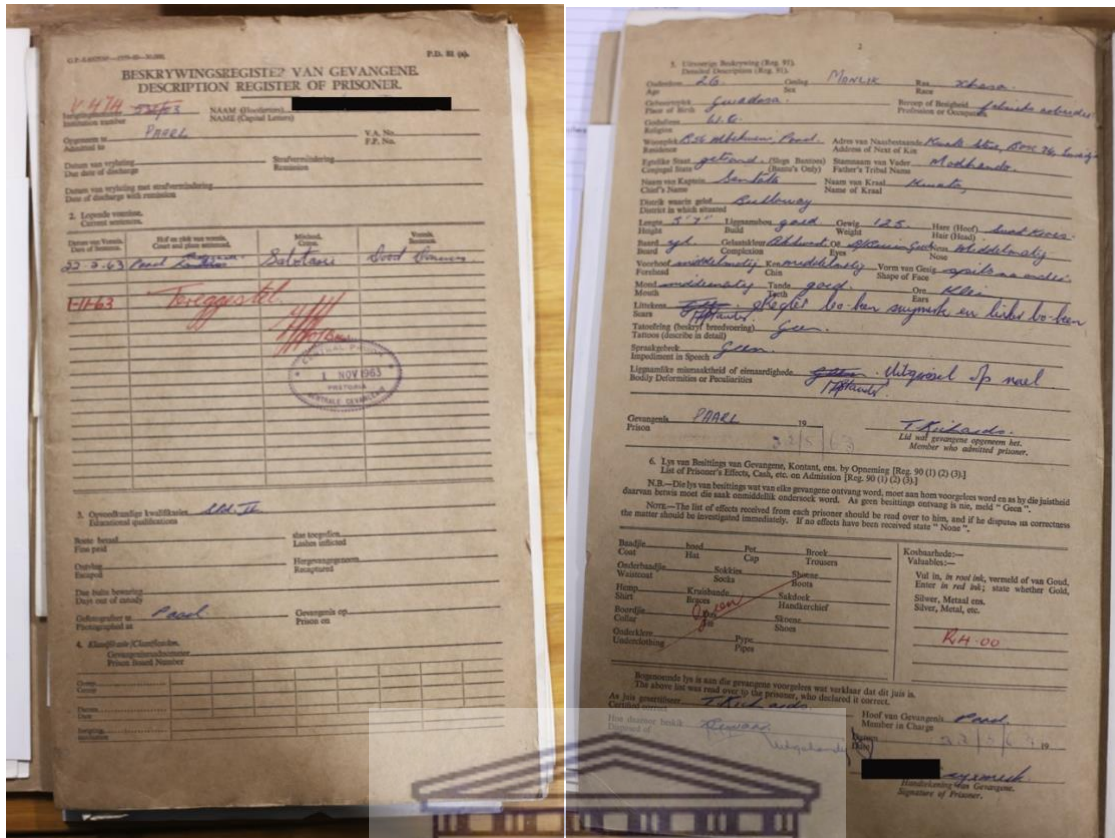
Figure 1: Description Register of Prisoner (PD 81a)[73]

In varying ways each of the documents that this chapter will analyse exist as artifacts of a transaction- however one-sided- between warders, policemen or other state officials and prisoners on their arrival at the prison into which they were first received and again at Pretoria Central Prison. A prison functionary needed to complete the necessary criteria- a time consuming affair- and examine the entire body of the prisoner in order to record the above-mentioned body marks that the forms required.[74] This is what Foucault calls the "power of writing." Thinking with Foucault, we might say that these prisoners are situated within "a network of writing," a set of documents and forms that "capture and fix them" in

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[73] File V476 Box No. 126 Department of Correctional Services Archive, Pretoria

[74] This examination of the body is reminiscent of the surveillance and medical examination of the bodies of black miners. See Alexander Butchart, "The Industrial Panopticon: Mining and the Medical Construction of Migrant African Labour in South Africa, 1900-1950," *Social Science & Medicine,* Vol. 42, Issue 2 (1996), 185-197, Alexander Butchart, *The Anatomy of Power: European construction of the African* Body (Pretoria: Unisa Press, 1998)

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ways that are beyond the prisoner's control.[75] One might say then that this transaction in which the documents play such a central part is better expressed as an interaction between state functionaries- an interaction that excludes the prisoner completely. Indeed, the documents refer to a set of interactions happening as the prisoner as object is passed along through the system.

Riles argues that there are always particular aesthetic conventions at work that regulate the creation and completion of documents, which must in some ways adhere to a certain documentary genre.[76] The aesthetics approach taken by Riles and others is invested in the question of how the document's user responds to its patterns. Thinking with Latour, Riles argues that the material qualities and document design compels the responses of different individual users to conform to set patterns.[77] They might call for a stamp here or a signature there. Documents anticipate or enable particular actions from others whether it be to extend or modify both form and content. Such actions of completing or extending forms, Riles contends, constitute "modalities" of authorship and agency. However, at the same time the design of the document already contains certain pieces of information and determines the response. One might suggest then that agency in this case to a large extent also lies with the document technology.[78]

While for most of the prison documents considered here, the design of the form seems to make the individual response conform to a particular pattern, in some cases, especially the fields pertaining to the prisoner's physical features and body marks, so much detailed

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[75] Foucault, *Discipline and Punish,* 189
[76] Riles, "Introduction," 19
[77] Adam Reed, "Documents Unfolding," in Annelise Riles (ed), *Documents: Artifacts of Modern Knowledge* (Ann Arbor: University of Michigan Press, 2006), 168
[78] Reed, "Documents Unfolding," 168

information is included that it often exceeds the provided response space in the structured form. In some files this information is so lengthy that instead of being completed in the space provided on the form it has been typed and taped to the back of the form. It becomes clear then how respondents make modifications or extensions to documents.

Some of the files reflect more jumbled arrays but most of these files begin with the Death Warrant or warrant of execution. The warrant of execution is a particularly fascinating document. This three-page document is marked as form U.D.J. 221 or J. 221. Framed by a centimeter-thick bold black border, the first page of this document appears at first glimpse like some sort of certificate. It is addressed to "The Sherriff or his Deputy" and in a large bold black calligraphy extends the word "Greeting" or in the Afrikaans "Saluut!" The sections to be completed are typed rather than handwritten and the case is clearly addressed as the state versus the prisoner in question. In the cases from the early 1960s this line of the form still invokes the authority of "The Crown" rather than the state. Here "The Crown" is crossed out and replaced with the words "The State" - a sign that these forms had not been updated since South Africa left the British Commonwealth in 1961. It notes the date and court where the accused was sentenced, names the judge responsible for the case and records the crime. Here follows the standard wording, which explicitly states that the accused was to be "sentenced by the said court to be returned to custody and to be hanged by the neck until 'he' is dead." The objective of the document is clearly stated as follows:

This is therefore to inform you after the receipt by you of a notice in writing signed by the Minister of Justice, or any other Minister of State acting for him in his absence, that the State President has decided not to pardon or reprieve the said prisoner, to cause execution of the said prisoner in the Central Prison, Pretoria, accordingly as soon as fitting arrangements for the carrying out thereof can be made…And to keep and detain 'him' in your custody in the said prison until 'he' shall have undergone the said sentence, or been discharged therefrom in accordance with written notice under the hand of the Minister of Justice or any other minister of state acting for him, that the State President has decided to pardon or reprieve the said

prisoner, or otherwise to exercise His prerogative of mercy with regard to 'him'….For which this shall be your warrant.[79]

With this the Prison was given control over the body of the prisoner. The form is signed by the judge responsible for sentencing and the court registrar and a note at the bottom of the page clarifies that "the Central Prison, Pretoria, is the place designated by the Minister of Justice as the place for the execution of Capital sentences." It seems that this form was later revised, with "the Crown" replaced with "The State."[80] Although it still included the thick black border around the first two pages, the word "Greeting" had been removed altogether as well as the phrase "sentenced by the said court to be returned to custody and to be hanged by the neck until 'he' is dead" had been replaced by the more muted phrase "sentenced to death by the said Court."[81]
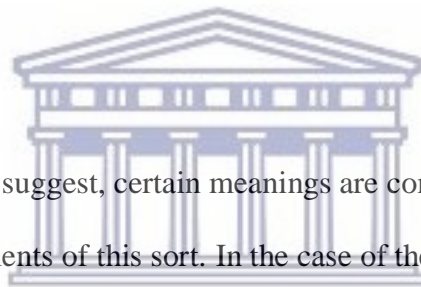
As Hull, Pellegram and others suggest, certain meanings are conveyed through the semiotic technologies at work in documents of this sort. In the case of the Warrant of Execution for instance, the thick black border and bold word "Greeting" as well as the thicker, higher quality paper on which it is printed marks it as an important document, yet the actual notice of death is nondescript.[82] The word "Greeting," or "Saluut" in the Afrikaans version, is the only word typed in a calligraphy typeface and is larger than the rest of the writing drawing the eye's attention and declaring the document's importance.

 The third page of this document is made up of several layers of excessively repeated fingerprints, signatures, stamps and other hand-written inscriptions. This is the section of the form that bears several sets of the prisoner's left and right thumbprints taken by and signed

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[79] Death Warrant, U.D.J. 221. Department of Correctional Services Archives, Pretoria
[80] File V502 Box No. 134 Department of Correctional Services Archives, Pretoria
[81] File V.3488, Box No. 1128, Department of Correctional Services Archives, Pretoria
[82] Pellegram, "The Message in Paper," 103-120

off by various bureaucrats including the detective in charge and the Deputy-Sheriff, and then

by the Deputy-Sheriff of Pretoria once the prisoner and his documents had reached Pretoria

Central Prison, and is authorised by the Prison's official stamp. Above the fingerprints, the

abbreviations RTP and LTP note the placement of the "right thumb print" and "left thumb

print," each set accompanied by a date and signature written in blue ink.

A black and white photograph of the prisoner is attached to the first page of this document in

each instance with a metal ring. Along with the fingerprints, the attachment of this

photograph to the Warrant of Execution was important to confirm the prisoner's identity at

several moments before his/her death. Indeed, these photographs were intended as visual

evidence used for the purposes of identification and subjectification.[83] The images were

produced to conform to a set standard and a single compositional regime prevails in these

photographs. Meant to visually command the body of the accused, very specific agendas of

visibility were at work in their production.[84]
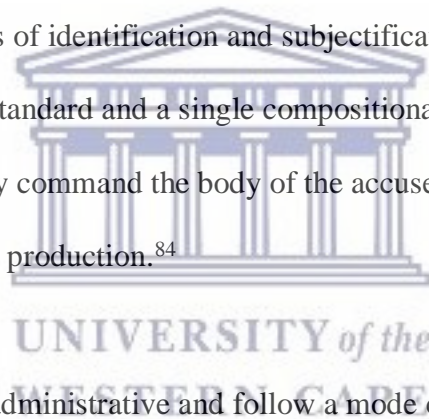
These images are principally administrative and follow a mode of vision in which the

prisoner's physiognomic features and particularly the face were to be clearly visible so that

identity could be easily confirmed. These are front profile head and shoulders mugshot-style

portraits in which the prisoner has been positioned in front of a white backdrop or wall with a

black line meant to indicate exactly where the prisoner was to stand. The black line that is

visible above the prisoner's head is a strange precursor of the noose that the prisoner was to

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[83] In this sense these photographs are not unlike the photographic portrait which appeared in passbooks carried by black people which identified, segregated and controlled the subject. For work on the part of visuality in this process of bureaucratic identification, registration and surveillance see Allen Feldman, "Violence and Vision: The prosthetics and aesthetics of terror," in Vena Das, *Violence and Subjectivity* (Berkeley: University of California Press, 2000), 49. Lorena Rizzo, "Visual Aperture: Bureaucratic Systems of Identification, Photography and Personhood in Colonial Southern Africa," *History of Photography*, Vol.37 (3) (2013), 263-282.

[84] Patricia Hayes, Jeremy Silvester and Wolfram Hartman, "Picturing the Past in Namibia: The Visual Archive and its Energies," in Carolyn Hamilton et al. (eds), *Refiguring the Archive* (Cape Town: David Philip, 2002),114

wear. The prisoners are dressed in prison clothing, which often consists of a jacket with a striped jersey beneath it. Above the prisoner there are two boards, one bearing his prison number, the other his fingerprint number. Appadurai refers to such photographs stitched to official forms and documents as "face prints" –images that are intended to capture the subject's individuality not through any documentary technique but by reiterating their indexical associates, fingerprints. Here Appadurai suggests the written backdrops to which such photographs are attached are in fact foregrounds. The detail and official indexicality of the backdrop determines the meaning of these photographs and how they are perceived.[85]
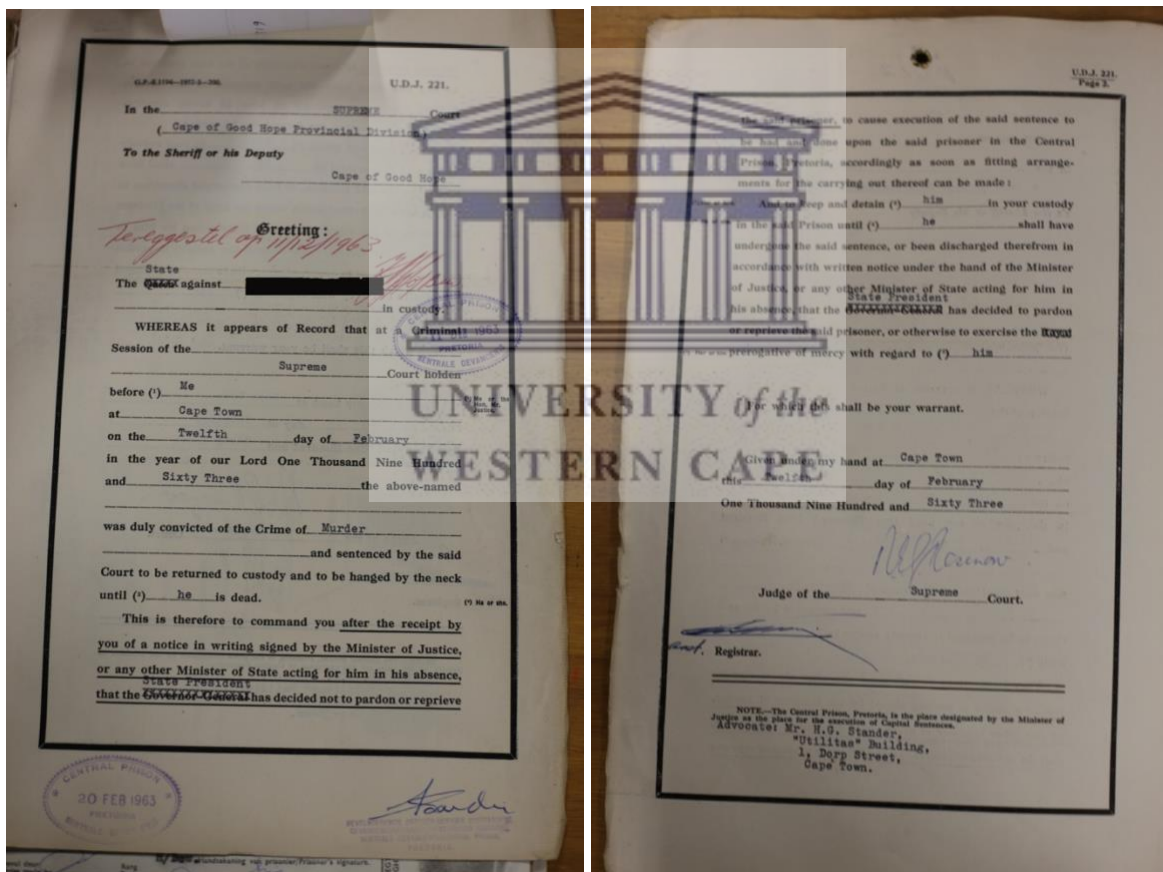

Figure 2: Warrant of execution (U.D.J 221) Pages 1 and 2[86]

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[85] Arjun Appadurai, "The Colonial Backdrop," *Afterimage* (1997), 4
[86] File V412 Box No. 109, Department of Correctional Services Archives, Pretoria
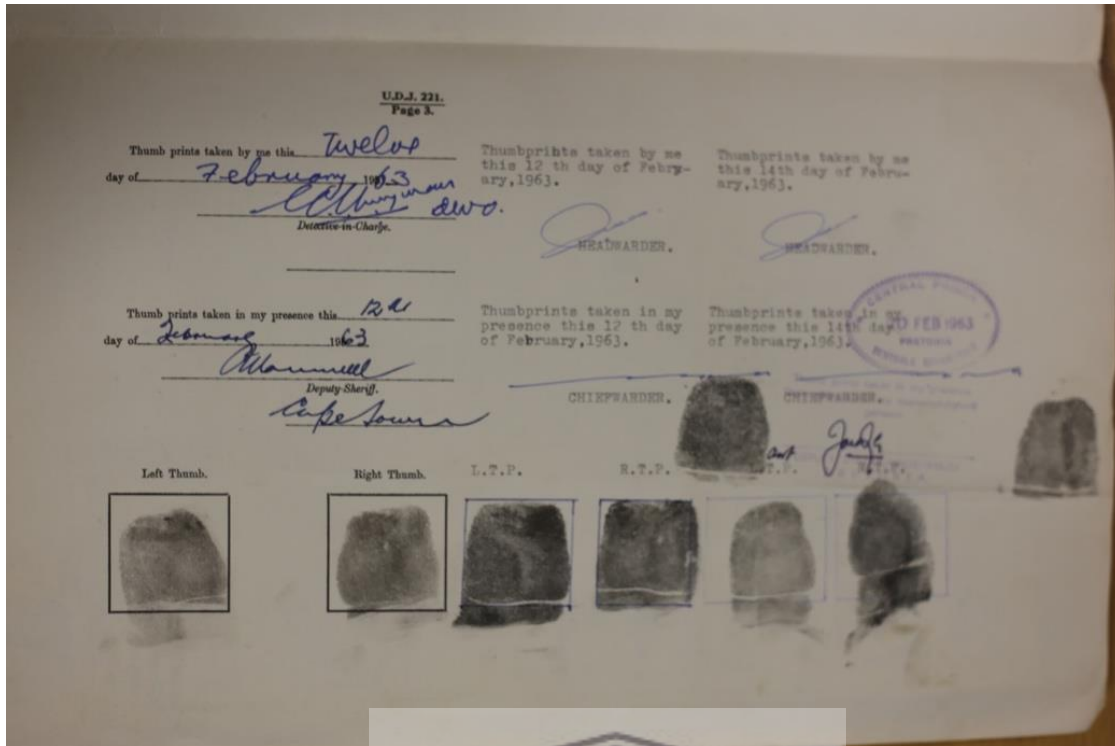
Figure 3: U.D.J 221 Page 3

Studying several of the documents in the prisoners' files allows one to map out their

movement as they were processed through the prison system. "Warrants of Removal" and

"Warrants of Commitment for further examination" addressed to "the Member in Charge" of

a specific jail where the prisoner was being held and signed by the town's magistrate

authorised the movement of prisoners between different penal institutions. As in the case of

one of the men hanged for his part in the Paarl March, these warrants allow us to follow his

movement between Paarl Gaol, Stellenbosch Gaol, Worcester Gaol, a temporary stint at

Bellville Gaol, Roeland Street Gaol (Cape Town) while his case was tried at the Supreme

Court in Cape Town, and finally Pretoria Central Prison, between the time of his initial arrest

on 7 December 1962 and his arrival at his final destination- Pretoria Central Prison on 23

May 1963 where he stayed until his execution on 1 November 1963. In many cases once

sentenced the move to Pretoria Central seemed to happen very fast. This prisoner was

sentenced to death in the Paarl Circuit Divisional Court on 22 May 1963 and "received" at
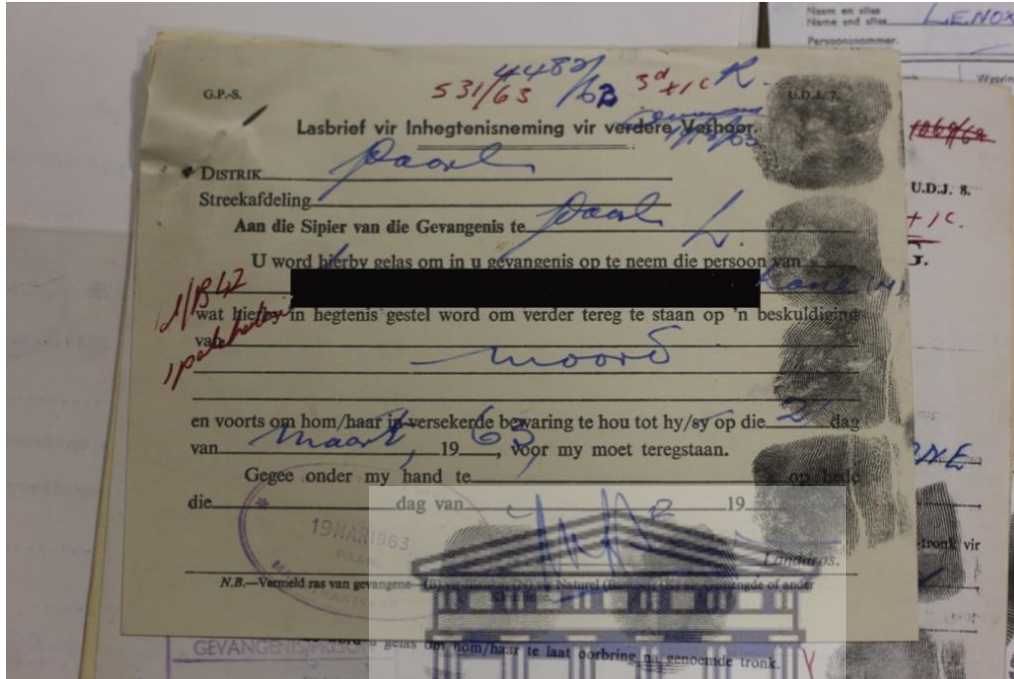
Pretoria Central the very next day.[87]

Figure 4: Warrant of Commitment for further examination.[88]

A typed form addressed to "the Commissioner of Prisons" from Commanding Officer of

Pretoria Central Prison and dated 23 May 1963 notes the receipt of a "condemned prisoner

(sentenced to death) at the Central Prison." The subject line written in capital letters states:

"Receipt of Condemned Prisoner Central Prison." The wording suggests that the latter has the

"honour" to inform the former of the prison's receipt of this particular prisoner. Information

noted here includes the prisoner's prison number, name, race, and sex as well as his crime,

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[87] File V474 Box No. 126, Department of Correctional Services Archive, Pretoria. In some ways the bureaucratic recording of the movement of prisoners relates to the colonial and later apartheid state's efforts to monitor and control mobility and the movements of people into South Africa. For more on documents of passage See Lorena Rizzo, "Visual Impersonation-: Population Registration, Reference Books and Identification in the Eastern Cape, 1950s-1960s," *History in Africa*, Vol. 41 (2014), 221-248. Rizzo, "Visual Aperture." Uma Duphelia-Mesthrie, "The Form, the Permit and the Photograph: An Archive of Mobility between South Africa and India," *Journal of Southern African Studies*, Vol. 46 (6) (2011), 650-662

[88] File V476, Box No. 126, Department of Correctional Services Archive, Pretoria

sentence and the date and court of sentencing. Again, these documents reflect the interactions

between various bureaucratic levels as the prisoner was passed between them.
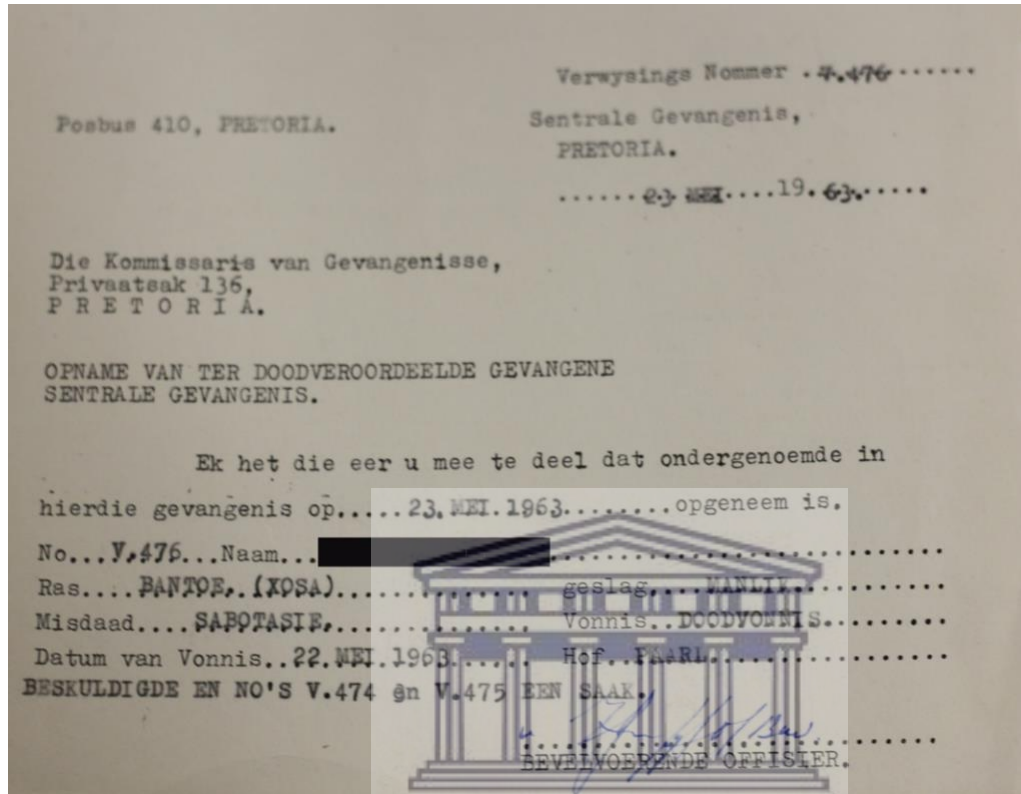

Figure 5: Receipt of Condemned Prisoner Central Prison[89]

It seems to have been of utmost importance to maintain an unbroken chain of identification

and bureaucratic record from the time the prisoner was first arrested and entered into the

system until his execution. In some files one finds a document completed by the officer in

charge of escorting the prisoner from the prison where he was being held, to Pretoria Central.

Here it is clearly noted that "an unbroken chain of identification has been maintained from

the time the prisoner was received in custody until his departure for Central Prison, Pretoria."

It certifies that the named prisoner is the same condemned man identified in the execution

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[89] File V476, Box No. 126, Department of Correctional Services Archives, Pretoria

warrant (U.D.J 221) and provides the names of his "European escorts."[90] The prisoner's

thumbprints are included in this document, but without a specific field for their placement

they are often haphazardly stamped along the sides of this small document covering some of

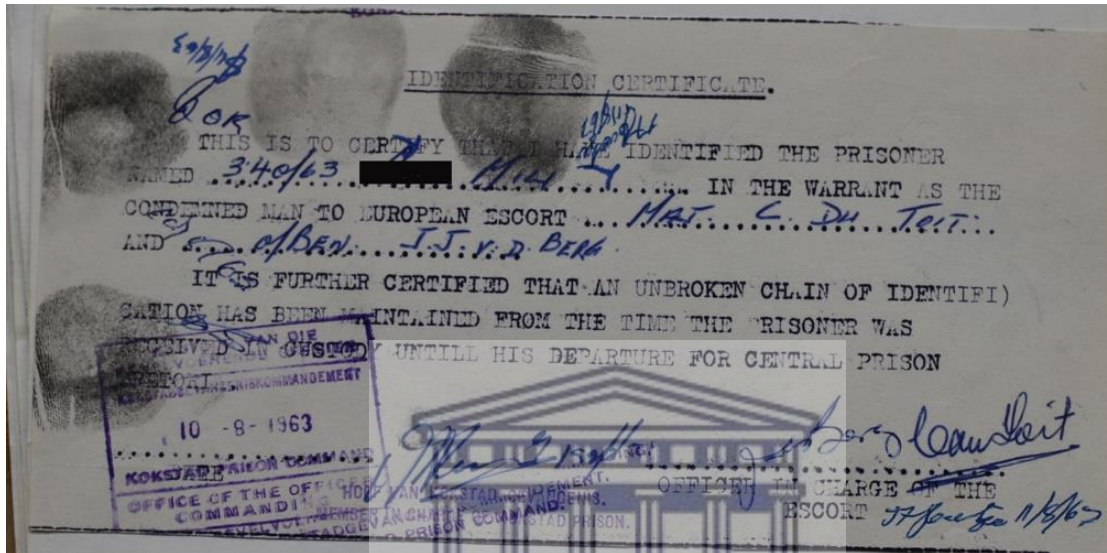the text and in some ways disrupting the design of the form.

Figure 6: Identification Certificate[91]

It is clear then that on arrival at Pretoria Central Prison, the Reception Officer or a clerk was

tasked with continuing the chain of custody and chain of identification by examining the

prisoner as well as all of the accompanying documents that had travelled with him. An old

brown ledger with scuffed and tattered edges kept at the Prison's archives records the

reception of prisoners from 1960 until it seems to have fizzled out in 1977. Handwritten in

black ink the ledger is marked as a record of "Opnames vanaf 1960" (Intakes as from 1960).

The ledger begins with the prisoner assigned the number V.1- the start of the V numbering

regime- and ends with the prisoner numbered V.2060. Each page contains 20 entries and on

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[90] File V508, Box No. 134, Department of Correctional Services Archives, Pretoria. File V502, Box No. 134, Department of Correctional Services Archives, Pretoria. Both of these prisoners were moved from Kokstad Prison

[91] File V508, Box No. 134, Department of Correctional Services Archives, Pretoria

each page the double spread is divided into fourteen neatly drawn columns that record the prisoner's prison number, name, race, date and place of sentencing, level of schooling, church, age, crime, outcome (life sentence, released or executed) and the date (the latter two in red ink.)[92] The details of prisoners classified as white are recorded in red ink as opposed to the blue-inked entries of all those classified non-white.[93] Each prisoner needed to arrive at Pretoria Central accompanied by a set of documents. These included the forms coded S.A.P 78, P.D.62 and P.D.69. It seems as if the document becomes the person as the documents- and thereby the individual-were passed along the system.

The forms P.D. 69 and P.D.62 are forms of the Prisons Department relating to the prisoner's charge, the particulars of the case, previous convictions, trial and sentence. P.D. 69 is the police docket and P.D. 62 is the "Report for the Prison Board," both completed at the police station to which the prisoners were first admitted. These documents that outline particulars of the case also accompanied the prisoner to Pretoria. The "Report for the Prison Board" is a particularly compelling document as it provides a summary of the case and particulars of the prisoner. In the cases of men arrested in relation to instances of violence attributed to Poqo these forms provide insight into the discourse surrounding the events and the organisation. They provide details about Poqo's origins, membership, secret meetings, membership fees, and objectives to overthrow the state. The section on the particulars of the prisoner focuses entirely on the accused's political affiliations- defining them as Poqo members. They go on to express harsh judgements on the prisoner' character- depictions that ultimately aid in justifying and necessitating the prisoner's execution. In one case, the "Report for the Prison Board" defines the prisoner as follows:

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[92] Black prisoners' race is recorded as "Xhosa," "Zulu," "Pondo," "Msuthu," and "Fingo."
[93] Prisoner intake register, 1960-1977, Department of Correctional Services Museum, Pretoria

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A member of Poqo. He is one of the leaders that organised the attack (on Paarl). He threatened other innocent bantus to join and participate in the attack. He is cruel and merciless. He is impertinent and has no feelings. He is of no use to society and is a danger to the state and his own people.[94]

In another case this section defined the accused as "an aggressive person and will fight against whites for the rest of his life."[95] Another typed document produced and signed in Paarl in the cases of three men accused of having had leading roles in the Paarl march- provides a description of Poqo and the goals of its leadership and outlines the activities of these men on the night of the Paarl March (22 November 1962). An identical copy appears in each of their files.[96]

The form marked in the top right hand corner as S.A.P. 78 and clearly marked in bold capital lettering as a form to be used in the case of a "Bantu male" is a particularly interesting one. This form is printed on both sides and in most cases the information has been typed onto this form. On the first page it has blocks for the taking of all 5 fingerprints of both hands, blocks for the thumbprints clearly marked as left and right and two larger fields for the prints of four fingers together.[97] Fields to be filled out require information about the crime, conviction and sentence. The signature and rank of the official responsible for taking the fingerprints appears at the bottom of the page and the Commander, Section Head or Gaoler are all required to "certify that form has been properly completed." The information of the police station and the

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[94] File V.474, Box No. 126, Department of Correctional Services Archives, Pretoria

[95] File V. 974, Box No. 278, Department of Correctional Services Archives, Pretoria

[96] Files V. 474, V.475 and V.476, Box No. 126, Department of Correctional Services Archives, Pretoria

[97] This dactyloscopy on this police form is very similar to that on older police forms used by the South African administration in the control of "extraterritorial natives" from Namibia which Lorena Rizzo includes in her article "Visual Aperture" as well as a form used by the German colonial police in the former South West Africa (Namibia) in the early twentieth century. See Rizzo, "Visual Aperture." Lorena Rizzo, "Shades of Empire: Police Photography in German South West Africa," *Visual Anthropology*, 26 (2013), 328-354. Patricia Hayes includes the image of a South African Police fingerprint form used to document the arrest of Namibian Nduuvu Nangolo hanged in Windhoek prison, Namibia as a "terrorist" in 1977. Patricia Hayes, "Nduuvu & Canisius: Forensic Episodes and the Death Penalty in Namibia, 1976-7," paper presented at the Visual Gateways Workshop, District Six Museum Homecoming Center, Cape Town, 22 October 2016

officer who was dealing with the particular case are also recorded. Here is a clear indication of the working of police and prison bureaucracy as one functionary was required to check another's work demonstrating to us the kinds of multiple interactions that occurred over these documents.

As a note at the bottom right hand corner directs us to "turn over" one comes to the second, and perhaps more interesting, part of this document. This page has several diagrams of faces, ears, noses and lips. Intended here for the purpose of identification, these physiognomic diagrams were to be used to record the shape of the prisoner's face, forehead, occipital, eyes, nose, chin, lips and ears.[98] A diagram of a man's head in left side, right side and frontal profile is provided on which the official is meant to indicate "the positions, shapes and relative sizes of (a) tattoo-marks in red ink; (b) scars, pierced ears and tribal cuts etc. in blue ink." Here we see how the document directs the user to respond to it in particular ways and in particular colours. This description register and record of the accused's fingerprints as well as a photograph (all part of the same regulatory regime of visualising the individual) would be completed at the police station into which the prisoner was first received and would accompany the condemned prisoner to Pretoria Central Prison where it would be relied on to confirm the identity of the said prisoner prior to his execution.[99]

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[98] Physiognomy is the study of the human face and depended on the notion that one could assess an individual's character or personality based on their outer appearance, particularly the face. Phrenology was a very popular pseudoscience during the 19th century which focused on measurements of the human skull.

[99] Photography has a long history as a medium and technology of policing. Following Foucault's notion of the panopticon, police photographs were considered a central tool of disciplinary practices. See Allan Sekula, "The Body and the Archive" *The MIT Press,* Vol. 39 (1986), 3-64. John Tagg, *The Burden of Representation: Essays on Photographies and Histories* (USA: University of Minnesota Press, 1988). Rizzo, "Shades of Empire." Elizabeth Edwards, "Ordering Others: Photography, Anthropologies and Taxonomies," in Chrissie Iles and Russel Roberts (eds.) In *Visible Light: Photography and Classification in Art, Science and the Everyday* (Oxford: Museum of Modern Art, 1997), 54-68

This process of producing and documenting the prisoner reflects the work of Alphonse

Bertillon who, as mentioned in Chapter 1, introduced the use of fingerprints and the police

identity photograph during the 19th Century. Bertillon's system required a combination of

portrait photography, anthropometric description, and written notes on a single card.[100]

Bertillon's file index was a technology of individuation in its classifying and identifying of a

subject's corporeal characteristics. On one level this technology produced the subject as a

corporeal particularity and at another-biopolitical- level, the file index works as a mode of

dissemination causing the individuated subject to be distributed through interconnected

networks and databases.[101]

Form S.A.P. 76 is an almost identical document, intended for the same purposes as the S.A.P.

78 form described above. Yet there are some compelling differences that are worth noting.

While the latter is clearly marked "Bantu male," the former printed entirely in red ink rather

than black, is marked "Blanke Mans/ European Male." It becomes clear then that, although

meant for the same purpose- that is the record of the prisoner's identification including

fingerprints and physical characteristics- a separate form existed for prisoners of different

racial groupings as classified by the apartheid state. A closer look at the diagrams on the

second page of this form reveals something very interesting. The physiognomic diagrams of

the male figure differ between these two forms as the diagrams on the S.A.P 76 are meant to

depict a white male while those of the S.A.P 78 depict a black male.

The descriptions provided through these categories reflect the state's racist discourses. These

forms provide a detailed record of the prisoner's physical appearance and facial features.

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[100] Sekula, "The Body and the Archive," 18
[101] Kelly Gates, *Our Biometric Future: Facial Recognition Technology and the Culture of Surveillance* (New York: NYU Press, 2011), 33

Many of the documents contained in the prisoner files, particularly those that work to identify the individual, clearly reflect the underlying mode of racial reasoning central to the apartheid government. These forms rely on multiple bodily signifiers of race where racial difference was read into skin colour, hair texture, and almost every aspect of the person's size and shape. This reflects the techniques of racialisation produced by the Population Registration Act of 1950, principles of difference, the desire to classify, limit and control the "racial other," and the biometric project referred to in Chapter 1- reflecting the bureaucratic rationality and the mind of apartheid.[102]

 On the "Bantu Males" form (S.A.P 78) for instance, the set of qualities given to choose from under the category of "hair" include "peppercorn," an option that does not exist on the "European Male" form (S.A.P 76). The "Bantu Males" form also provides the options under the category of "complexion" as "yellow," "brown" or "pitch black." Furthermore, while the form used for "European Males" requires the respondent to indicate on the diagrams the existence and position of more natural body marks including "moles and birthmarks" or "scars etc.," the form to be used for "Bantu males" assumes the possibility of "tattoo-marks" and "pierced ears, tribal cuts, etc.," and such distinguishing body marks were recorded in great detail, often exceeding the space provided for this purpose. These physical descriptions serve to provide a written portrait of the prisoner's body that could be consulted alongside the prisoner's photograph and compensate for the limitations of the visual image.[103] Interestingly

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[102] See J.M., Coetzee, "The Mind of Apartheid: Geoffrey Cronje (1907-)," *Social Dynamics*, Vol. 17, Issue 1 (1991), 1-35. Deborah Posel, "What's in a Name? Racial Categorisations Under Apartheid and Their Afterlife" *Transformation,* 47 (2001), 50-74. Butchart, *The Anatomy of Power*. Breckenridge, "The Book of Life: The South African Population Register and the Invention of Racial Descent, 1950-1980," *Kronos,* Vol. 40 (2014)
[103] Several of these prison photographs are out of focus and therefore do not record the facial features of the subject necessary for identification. Studying the part of visuality in the administration of South African pass laws Lorena Rizzo shows that he 1922 "Report of the Inter-Departmental Committee on the Native Pass Laws" (Godley Commission) had determined that photography was often inadequate for the identification of those classified as "natives" and called for the use of the thumb print (with its implied account of potential criminalization) as the symbol of bureaucratic visualization of the native subject. See Lorena Rizzo, "Visual Aperture," 263-282

these diagrams, as well as those recording the shape of the head, forehead, ears, nose, lips and chin were removed from later versions of this form, although the categories to be selected from remained much the same.[104] The later version of this form seems to have been simplified and, now printed in green, it seems as if one form (coded S.A.P 76) had replaced the racially distinct forms. Instead of stipulating the racial group to which the form applies, this form simply requires the individual's race to be filled in.[105]
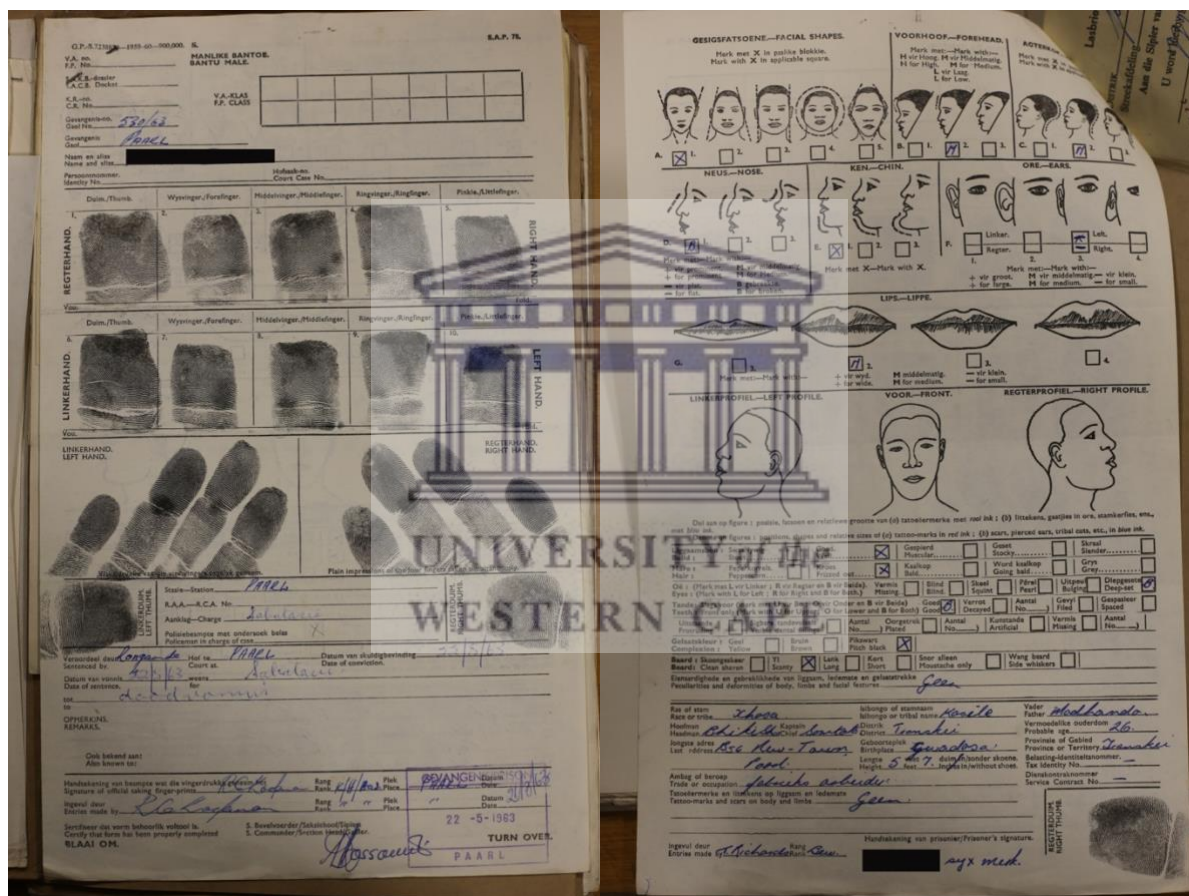

Figure 7: Form S.A.P 78[106]

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[104] File V. 3488, Box No. 1128, Department of Correctional Services Archives, Pretoria. File V.2111, Box No. 1104, Department of Correctional Services, Pretoria
[105] File V. 3488, Box No. 1128, Department of Correctional Services Archives, Pretoria. File V4096, Box No.1156, File V. 3488, Box No. 1128, Department of Correctional Services Archives, Pretoria.
[106] File V.474, Box No. 126, Department of Correctional Services Archives, Pretoria
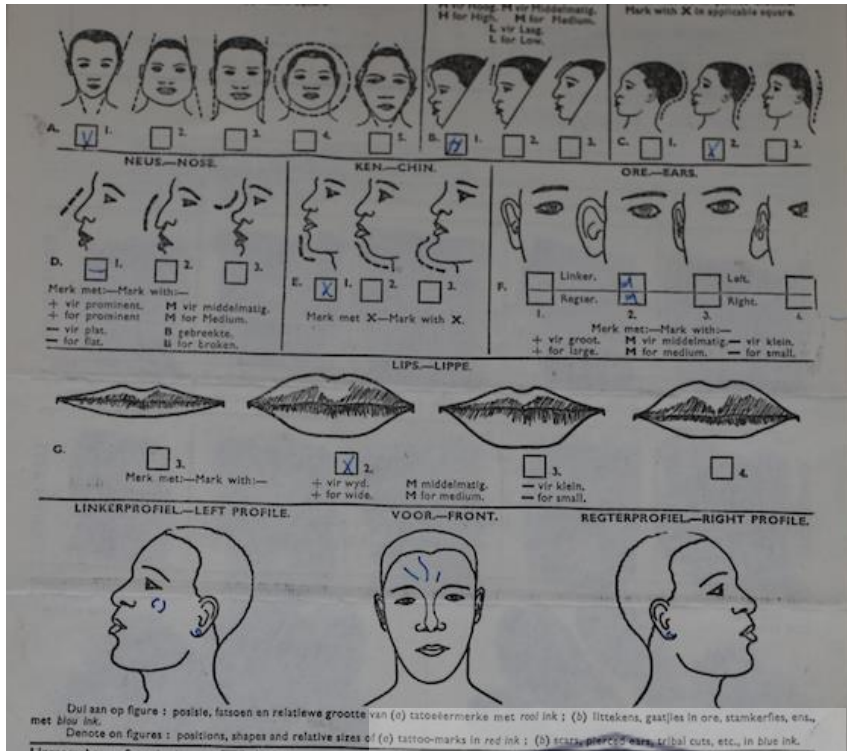
Figure 8: S.A.P 78[107]

Figure 9: S.A.P.76[108]

[107] File V. 508, Box No. 134, Department of Correctional Services Archives, Pretoria
[108] File V. 677, Box No. 183-185, Department of Correctional Services Archives, Pretoria

A close reading of some of these files, however, provides a clear sense that the bureaucracy did not always work as effectively as one might expect. In the each of the cases of three of the Paarl accused, a letter from the Commanding Officer of Pretoria Central Prison to the Commanding Officer of the Paarl Police Station dated 24 May 1963 (the day after their arrival at Pretoria Central on 23 May 1963) tells us that the documents that were supposed to accompany each of these three prisoners had not arrived in Pretoria with them. Arriving in Pretoria as they did without the documents that captured and fixed them, one might argue then that it was as if the prisoners had not arrived at all. A response on a South African Police letterhead from the District Commander in Paarl to Pretoria Central Prison's Commanding Officer on the matter of the missing forms S.A.P. 69 and 62 suggests that the said forms had been completed and handed over by the Paarl Gaol from which the accused had been removed after his sentencing. It further notes that after some inquiries at the Paarl Gaol it had been determined that the said forms had been sent to Cape Town's Roeland Street Prison after the accused had been sent there.
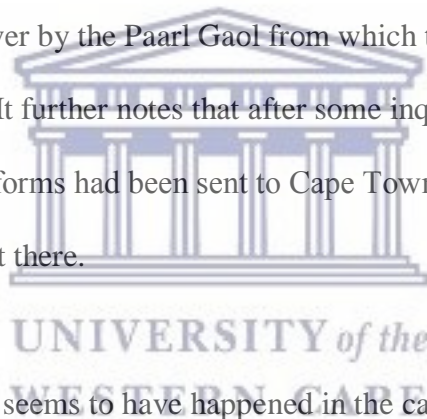
A similar bureaucratic mishap seems to have happened in the case of another Poqo member (sentenced to death for his part in the killing of subheadman Maqewu in Pondoland). In this prisoner's case there is an official form with the heading "Central Prison, Pretoria" which is addressed to the station commander at Bizana Police Station in the Transkei. In bold lettering the subject line is clearly inscribed as "form S.A.P 69 and 62." One wonders whether this mishap was a common occurrence so as to warrant a special form. On this form it is noted that "in terms of Part II Section 3 (1) (b) of page 34 of Justice Department Instructions relating to fingerprints etc., it is very necessary that in every instance covered thereby, the record sheet (Form S.A.P. 69) duly completed at foot thereof, should accompany the Prisoner's Committal Warrant, to enable the Prison Officials to deal with questions of

classification, recidivism, remission of sentence, etc."[109] We are reminded here that these documents and the kinds of actions they command and accompany are rooted in specific protocols and bureaucratic procedures.

In amongst all of these official documents produced by state functionaries some more personal traces of the prisoners remain. In some files, letters written by the prisoners themselves provide us with a glimpse of their own voices. In a moving letter written on folio paper in pencil and in the cursive script of the prisoner, sentenced to death for his role in the killing of three women in Paarl, he asks that he might be allowed to send money to his brother who was ill to cover his hospital bills. The letter was written while he was imprisoned at Pretoria Central and notes exchanged at the bottom of his letter between two different officials with the first enquiring into the prisoner's credit and the second responding with the amount, shows that this letter moved between desks or offices.[110] Other files contain letters written by the prisoner's to their erstwhile employers regarding their outstanding wages.[111] One prisoner's file contains a letter from his sister written on blue letter paper. The deeply personal inscription "Dear Brother" is offset by a dated Victor Verster Prison stamp in purple ink.[112]

Many have been concerned to read prisoner's archives for their voices, their interpretations of the prison experience and their attempts to reclaim the "power of writing." Former South African president, Nelson Mandela's archive including his prison files and his notebooks has attracted particular attention. These, it has been argued, offer a window into the political prisoner's experience, reveal a web of surveillance and the apartheid state's processes of

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[109] File V220, Box No.58, Department of Correctional Services Archives, Pretoria
[110] File V.412, Box No. 109, Department of Correctional Services Archives, Pretoria
[111] File V.481, Box No. 131, Department of Correctional Services Archives, Pretoria
[112] File V.974, Box No.278, Department of Correctional Services Archives, Pretoria

repression. At the same time as these documents attest to the state's attempts to maintain a coercive and rigidly disciplined system, the writing of prisoners themselves served to challenge the official "power of writing."[113] Such writing is important but I remain invested in the question of what a reading of the official files and documents themselves offer us and how they might reveal the bureaucratic rationality and processes involved in judicial executions.

Some of the files contain a record of the ordinary prison bureaucracy with letter registers and visitor lists.[114] Other letters and telegraphs contained in these files include those to and from advocates involved in the respective cases. One especially heart-wrenching letter is one written to one of the Paarl accused by his Advocate in Cape Town, an Adv. C.B. van Ryneveld. In the letter van Ryneveld expresses his regret at the news that the prisoner's death sentence had been confirmed. He further notes that he had been in contact with the prisoner's parents in Queenstown whom he had informed that he had exhausted all of the options for appeal in this case, including having written to the Minister of Justice personally but without success. He notes that it would not be possible for him to come to Pretoria but that he had requested of the Prison's Commanding Officer that he may be allowed to speak to the prisoner over the telephone. A note written in red pen at the bottom of the letter by a prison official at Pretoria Central notes that the "letter arrived too late, the abovementioned was already executed." Van Ryneveld's letter is dated 30 October 1963, two days before the man was hanged.[115]

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[113] Paul Gready, "Autobiography and the 'Power of Writing:' Political Prison Writing in the Apartheid Era," *Journal of Southern African Studies,* Vol. 19, No. 3 (1993), 489-523. *A Prisoner in the Garden: Opening Nelson Mandela's Prison Archive* (South Africa: Penguin Books, 2005)

[114] File V.4096, Box No.1156, Department of Correctional Services Archives, Pretoria

[115] File V.475, Box No. 126, Department of Correctional Services Archives, Pretoria

Once it was decided by the State President in accordance with the verdict of the Executive Committee (mentioned in the previous chapter) that the law was to "take its course" and a death sentence was to be carried out, correspondence circulated between various different government offices. In several files one finds a form headed "Republic of South Africa," from the Acting Commissioner of Prisons to the Commanding Officer of Pretoria Central Prison that served to inform the latter that notice had been received from the Sheriff of the Court (Transvaal) that the death sentence on a particular prisoner was to be carried out on a particular date or as soon as possible thereafter. The former further asks the latter to provide his office with a description of the prisoner, details of his identity and a copy of his photograph. A letter printed on a Republic of South Africa letterhead from the Department of Justice in Pretoria was also sent to the Registrar of the Cape of Good Hope Provincial Division of the Supreme Court of South Africa in the cases of the accused tried in Cape Town, which served to inform the court of the President's final decision in each death sentence case.[116] This document was then filed in the prisoner's court case file that remained in Cape Town.

A letter typed on a paper headed with the letterhead of the Office of the Deputy Sheriff in Pretoria and the Republic of South Africa emblem, is addressed to the Sheriff of the Transvaal in each case to inform the latter that the prisoner named had been informed on a specific date that his death sentenced was to be carried out on a particular date and time. In some cases, it further notes the names of the persons who the prisoner had asked to see before his execution. A typed note addressed to the Commissioner of Prisons from the Commissioner of the South African Police in the case of three main Paarl accused and dated

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[116] See case file of Mxolisi Damane. Supreme Court case, State vs Action Makatezi and 20 others, March 1963. National archives, Cape Town, Box 1/1/1/544.

almost a month after their execution notes the cases for which railway tickets were allocated. In one man's case it notes that no tickets were allocated. In the cases of the other two, one return third class train ticket was allocated on 29 October 1963 (3 days before their execution) with the names of the recipients and reference number of the tickets noted.[117]
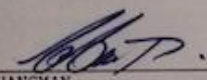
As noted in the previous chapter, once a date of execution had been confirmed various preparations needed to be made including the taking of a prisoner's body measurements. Another important document then is the form headed "Report of judicial execution" coded G360, which records these measurements. There are two sections to this form. Section A is clearly marked in capital letters- "MOET DEUR HANGMAN INGEVUL WORD" (Must be filled in by hangman). This section records the time, date and place of the execution; the name, age, race and sex of the condemned prisoner; the size of his neck, height and weight, physical build, any illnesses or scars; the scale of length and the drop, actual drop, the adaption of the scale of length of the drop, the total length of the rope and the thickness of the rope. These measurements are recorded in the imperial measuring system of feet and pounds. This section is then signed off by the hangman. Section B clearly states "MOET DEUR MEDIESE BEAMPTE INGEVUL WORD" (Must be filled in by the medical official). Here the medical official on duty was required to record any remarks or observations relating the prisoner's physical condition. As the prison was charged with terminating the condemned's physical existence, their bodies were an obsession of the state. The prisoner's social and cultural identity is reduced to his physicality. The person is reduced to the non-person and all that they once were was reduced to their physical measurements.

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[117] File V.474/V.475/V.476. Department of Correctional Services Archives, Pretoria

Figure 10: Report of Judicial execution (G360)[118]

An important part of the procedure at this stage was to confirm the identity of the prisoners one last time. The Sheriff of the Court or his deputy would have the file of each prisoner about to be hanged on hand and would check the fingerprints and photograph on file against the prisoner before him. An A5-sized form headed "Certificate of Identification" was to be signed off by the Chief Warder Clerk. This document was completed by the Reception Officer, a Frederick Johannes van Zyl, at Pretoria Central Prison on the day of a prisoner's execution and served to certify that the Reception Officer, in the presence of the Deputy Sheriff, had checked the fingerprints, physical description and copy of the photograph of the condemned prisoner first received on his initial arrival at Pretoria Central and confirmed that this was in fact the correct prisoner. In some cases, the name and address of the condemned prisoner's next of kin were included at the bottom of this document.[119]

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[118] File V.3488, Box No. 1128, Department of Correctional Services Archives, Pretoria
[119] Files V.988, Box No. 282, Department of Correctional Services Archives, Pretoria. File V.1048, Box No.301, Department of Correctional Services Archives, Pretoria
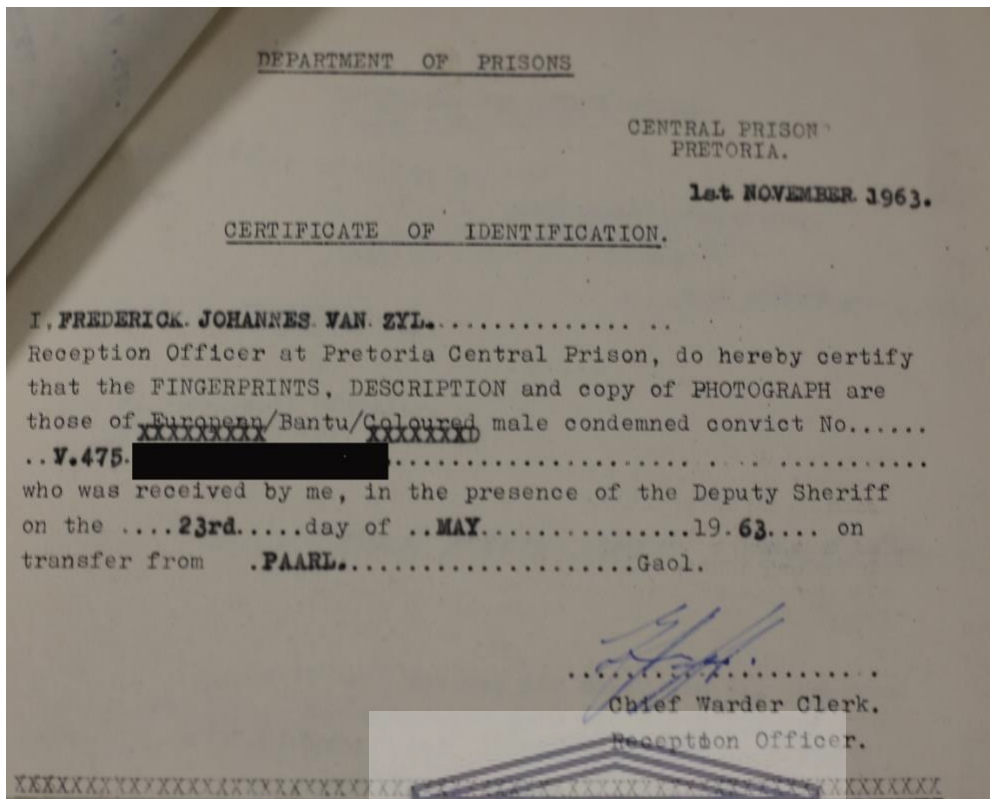
Figure 11: Certificate of Identification[120]

Once the sentence of death had been carried out there was much paperwork to be completed.

One of the last documents in each file is the "Notice of Death of Prisoner or Confined Person

Detained in Prison." This is form P.D.96 and appears under the heading of "The Department

of Prisons." Rather than a form particular to executions this seems to be a general form to be

completed in the case of any prisoner's death while in prison regardless of the circumstances

surrounding the death. This form is addressed to the Officer Commanding and signed by the

Medical Officer responsible for examining the bodies to confirm that the prisoner was

deceased. It begins with the following phrase: "Dear Sir, I have the honour to inform you that

the Prisoner/Detained Person No…..Died on…" The fields that have been completed note the

date on which the execution was carried out, the fact that it was conducted during the

morning and that it happened in the gallows at Pretoria Central Prison. Information typed into

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[120] File V.475, Box No. 126, Department of Correctional Services Archives, Pretoria

the various fields records the prisoner's name, race, age, sex and prison number. It is very clearly noted that the prisoner's death "originated *after* his receipt into custody" (my emphasis)- a note that the prison had kept the prisoner alive and healthy until the state saw fit to take his/her life. The cause of death is recorded in each hanging case as the "fractured dislocation of the 1st and 2nd cervical vertebrae" and the probable cause as "judicial hanging." The medical officer's signature appears in its assigned field. The bottom half of this form is addressed to the Commissioner of Prisons in Pretoria and signed by the Officer Commanding of Pretoria Central Prison. This section notes the prisoner's fingerprint number and Prison Boarding Number and whether the prisoner's nearest relatives or friends had been informed, amongst other things.

The flip side of this form is the "Report of Autopsy on Body of a Prisoner/Detained Person." This report is also addressed to the Officer Commanding and was to be completed and signed off by the doctor who had confirmed that the prisoner was deceased and the medical officer who conducted the autopsy. Here it is noted that the Medical Officer had the "honour" to conduct an autopsy on the hanged prisoner's body. The Medical Officer again noted the cause of death as "fractured dislocation of the 1st and 2nd cervical vertebrae." Under "Post Mortem Appearances" everything is recorded as "normal" in each case that I have looked at. It is unlikely that autopsies were actually conducted in these cases yet in each case this autopsy report is completed- perhaps only as a bureaucratic formality. This form was also later revised, recoded (G362) and the Prisons Service emblem was added.[121]

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[121] File V.3488, Box No. 1128, Department of Correctional Services Archives, Pretoria. File V4096, Box No. 1156, Department of Correctional Services Archives, Pretoria
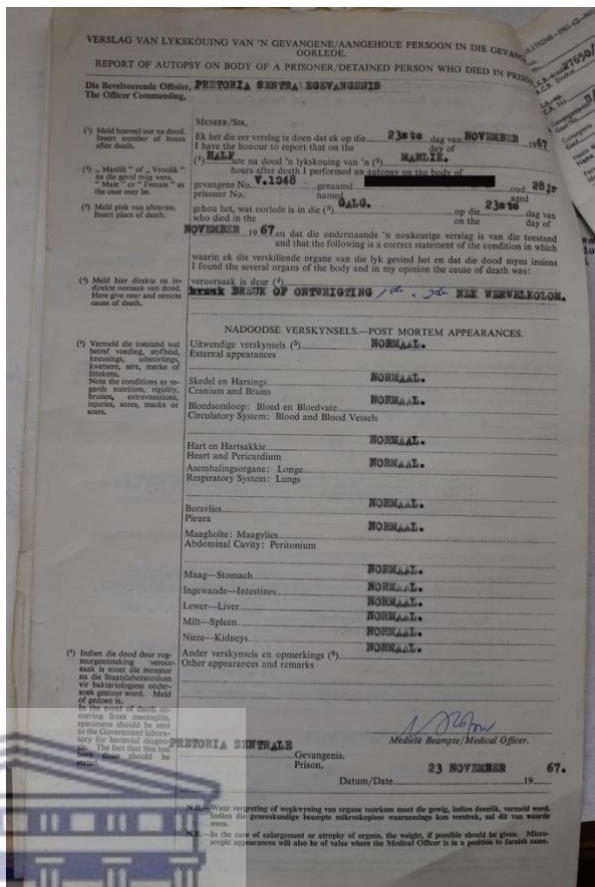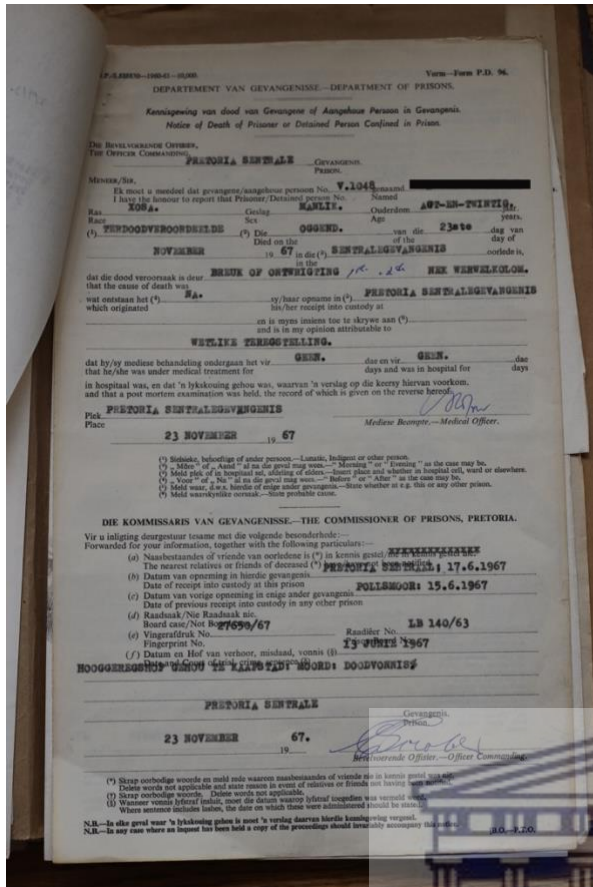
Figure 12(Left): Notice of Death (P.D. 96)
Figure 13(Right): Report of Autopsy (P.D. 96)[122]

While the prisoner's physical life had come to an end, the documents pertaining to the particular prisoner continued to move and have an afterlife. After a death sentence was carried out, a letter would be sent to the Secretary for Justice in Pretoria from the office of the Sheriff of the Transvaal on the same day that the condemned prisoner was hanged to inform the former that the sentence had been successfully carried out. A handwritten note in blue ink stating "bêre" (put away) directed its recipients to file the letter.

The Notice of Death of a Prisoner and the Autopsy Report (form P.D.96), as well as other forms including S.A.P. 78 (the Descriptive Register) together with the description of the

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[122] File V.1048, Box No.301, Department of Correctional Services Archives, Pretoria

deceased prisoner, particulars of his identity and a copy of his photograph would be enclosed with letters to various officials after an execution had been carried out. These documents were included with a letter from Pretoria Central's Commanding Officer to the Acting Commissioner of Prisons meant to inform the latter that a "Bantu male condemned prisoner was executed here (Pretoria Central Prison)" on a particular date. A letter from the office of the Superintendent of Prisons in Pretoria to the Acting Commissioner of Prisons, which is printed on a Department of Prisons letterhead, serves the same function and employs the same wording as that cited above.[123] A copy of the completed forms as well as the fingerprints and photograph of the executed prisoner would similarly be sent to the magistrate at Pretoria and the Office of the Bantu Commissioner along with notification of the execution. A form headed "the Office of the Sheriff of the Transvaal" was also sent to the Registrar of the Supreme Court in Cape Town where many of the Paarl accused were tried, to inform him once the sentence of death had been carried out. The warrant of execution and the death certificate were attached to this document.[124] These documents were then filed in the prisoners' court case files kept in Cape Town.
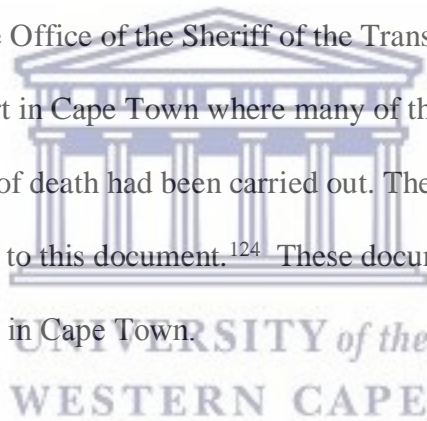
Several of these documents were not completed all at once but seem to have been returned to at a later time or multiple times. Many of these files and documents reveal continuous dialogue between various functionaries. After an execution had been carried out, several documents including the front cover of each of the hanged prisoner's files (the Description Register Prisoner, P.D 81 (a)), the Warrant of Execution (U.D.J. 221A), and the S.A.P 78 all seem to have been returned to by the Prison's Commanding Officer where in each case the word "Tereggestel" (executed) has been handwritten in a red pen along with the date of

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[123] File V.427, Box No.112, Department of Correctional Services Archives, Pretoria

[124] See Case file of Vezile Jaxa. Supreme Court case, State vs Action Makatezi and 20 others, March 1963. National archives, Cape Town, Box 1/1/1/544

execution and his signature as well as the dated Central Prison stamp. It is clear then that even after the condemned prisoner's death, the documents referencing them continued to move and have a "life."

In many cases such a return to the document is directed by the document itself. Some forms prescribe their destination whether it be to a particular office or individual or that they should be filed. The S.A.P 78 and 76 for example command the respondent to record certain kinds of body marks on the diagrams in red ink and others in blue. The Death Notice has a note at the bottom of the page prescribing the documents that should accompany it in particular cases. The S.A.P 62 or Report for the Prison Board also has a note at the bottom, which stipulates that this form "be completed in triplicate. The original and one copy is to be forwarded as soon as possible to the prison/institution to which the prisoner is committed after sentence, the other copy filed in the docket of the case."
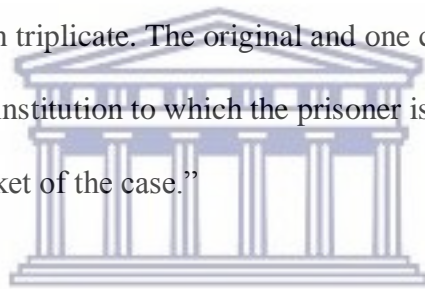
The meanings that the documents convey both in their content and the document technology, design and material qualities are beyond the control of the prisoner subject to whom they refer. As human rights scholar, Paul Gready argues, through the recording of the prisoner's statement, through legislation and the trial and the regulations governing imprisonment, prisoners are continuously and "violently rewritten."[125] The words of the state, Gready suggests, come to replace the life of the prisoner.[126] I want to suggest that these forms tell us more about state or prison bureaucracy than they do about the individual prisoners themselves. These documents reduced the prisoner- particularly through the fingerprints and the written description- to "a mere visual residue and technical effect, configured a power

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[125] Paul Gready, "Autobiography and the 'Power of Writing," 492
[126] Paul Gready, *Writing as Resistance: Life Stories of Imprisonment, Exile, and Homecoming from Apartheid South Africa* (New York & Oxford: Lexington Books, 2003), 27

iconography of the non-person."[127] While these forms may provide us with the individuals'

names, and personal and physical information, aside from in personal letters, the prisoner's

voice remains "constrained by the needs of the state."[128]

These documents, through their classifications and categories, the taking and collection of

prisoner statements and profiles, produced and rewrote the individuals in ways beyond their

control. These forms were completed on behalf of the prisoners by a state functionary. In

some cases, where the document requires the prisoner's signature the respondent has simply

provided an X even in cases where the prisoner was literate. Despite the almost manic

attention to detail, especially in terms of accurately identifying the condemned prisoner, there

is often a misspelling of the prisoners' names. Whether this has to do with a misspelling on

their actual identification booklet, a language barrier, or a general lack of interest in making

sure that names were spelt correctly is unclear. In some cases, there are multiple spellings of

the same prisoner's name as they appear on different forms. This is strange however in the

light of the obsession with accurately identifying individuals.
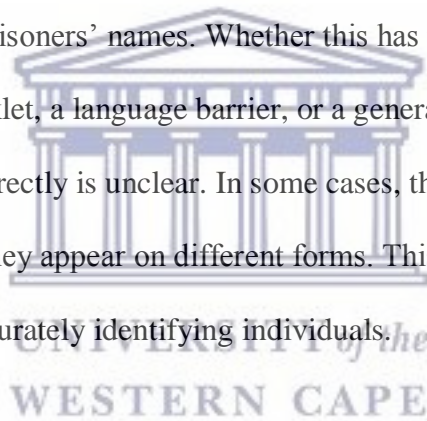
The description of the prisoner's character that we might find in documents like the "Report

for the Prison Board" (P.D. 62) is recorded from the perspective of the state or its police

forces. As a result, as I have shown, these serve to depict the prisoners as aggressive and

dangerous men who, if left unchecked, would threaten the security of the state and white

society. This kind of portrayal of the prisoner's character together with the record of their

race, physical features, age, occupation, religious beliefs and conjugal state produces a

limited narrative of the person's life- a narrative entirely determined by what the police,

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[127] Lorena Rizzo uses this formulation is referring to official documents drawing from Roberto Esposito's discussion of the concept of the person. See Rizzo, "Visual Aperture," 280. Roberto Esposito, "The Dispositif of the Person," *Law, Culture and the Humanities,* Vol. 8(1) (2012), 17-30
[128] Duphelia-Mesthrie, "The File, the Permit and the Photograph," 651

Department of Prisons and other state institutions deemed necessary to know about the individual. As historian Uma Duphelia-Mesthrie suggests, following James Scott, these are "state simplifications since they represented only that slice…that interested the official observer."[129] Again this lends itself more to a focus on the state.

Rather than an accurate and complete biography of the prisoners, these documents lend themselves to an analysis of a biography of the files and documents themselves. As Hull has argued, "a file is a chronicle of its own production, a sedimentation of its own history."[130] By this he means that a tracing of the stamps, signatures, inscriptions and semiotic technologies can reveal something of the life of the file and documents contained in it. The file or individual document's movement through time and space is graphically represented-documenting its part in the bureaucracy of prisons and the state more widely. How they circulated also adds to their meaning and, as Hull suggests, might be as important as the content they convey in revealing their value. The documents may tell us something of the nature of the encounter between prisoners and warders who were required to complete these forms. But again, I would argue that they tell us more about the person completing the form, the one imposing himself on the document and stamping his mark on the record in a distinctive way, and the bureaucratic regime to which they belong, than the prisoners themselves. They testify to the effort put into maintaining a rigidly disciplined system.

These documents reflect the kind of disciplinary power that Foucault invoked. This disciplinary power demanded that subjects are examined and made visible and knowable. Central to the examination of the body is the procedure of recording, the power of inscription

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[129] Duphelia-Mesthrie, "The Form, the Permit and the Photograph," 658
[130] Hull, "The File," 296

by which the identity and attributes of the individuals that it produces are traced in a "network of writing." The examination thus functions to produce the individual and fixes the individual as a calculable entity. The documents and files thus produce the individual as object, effect and target of power. Each individual is produced as a case that power needs to define, deal with, monitor and punish. This is what we read in these files, they are part of a process of individuation. Rather than study the individual or individuated being that these documents and files seem to present, a reading of these documents and files allows us to examine the processes through which the prisoner as individual or as "case" was constituted. French philosopher, Gilbert Simondon has argued that we need to take account of the process(es) that results in individuation, to understand individuation as a process of becoming. We should "understand the individual from the perspective of the process of individuation rather than the process of individuation by means of the individual."[131] A reading of these prisoner files, I want to suggest, allows us to do just that. Indeed, the files are the site of individuation.
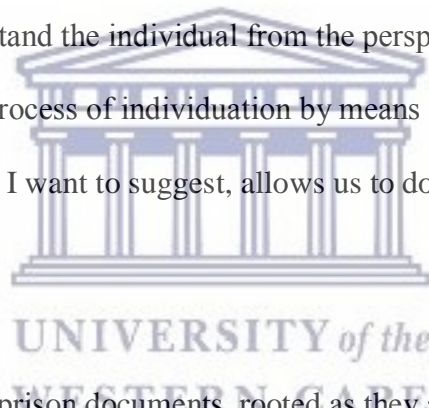
I want to argue then that such prison documents, rooted as they are in protocols and bureaucratic processes, can help us to sketch a picture- however incomplete-of the workings of prison bureaucracy in South Africa under apartheid particularly as it pertained to death sentence cases. We see here the bureaucratic regulation of the prison experience and of death. A careful reading that is attentive to the documents' material qualities including stamps, signatures and the numbering regime of documents allows us to track the movement of the individual and the documents as the document (but actually the prisoner) gets passed along the bureaucracy. Even in this movement there is individuation. As one document leads to

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[131] Gilbert Simondon, "The Genesis of the Individual," in Jonathan Crary & Sanford Kwinter (eds.), *Incorporations* (New York: Zone Books, 1992), 299-300. See also Gilles Deleuze, "On Gilbert Simondon," in Gilles Deleuze, *Desert Islands and Other Texts, 1953-1974* (New York: Semiotext(e), 2004). Pascal Chabot, *The Philosophy of Simondon: Between Technology and Individuation* (London: Bloomsbury, 2003)

another a reading of these files reveals the literal tracking of the body and identity through the period between sentencing and execution. As Madeleine Fullard puts it, the documents in the prisoner files "advance to death like the fifty-two steps to the gallows themselves."[132] We cannot disaggregate the subject from the institution within which its absolutely ensnared, nor can we read the files and their contents and the individual prisoner as separate entities. There is a conflation between the individual and the document, between technicity and subject.

These documents and files served to mediate a particular engagement between the state and the prisoners or rather between different offices and departments within the state bureaucracy as the documents (and prisoner) were passed along. As different state functionaries and offices of the bureaucracy engaged over these documents there seems to be an erasure of the person. At the same time as these documents facilitate a process of individuation, the individual does not appear here. As the various officials engaged with the documents, responsibility for the ultimate deaths that the paperwork facilitated was bureaucratically dissolved.
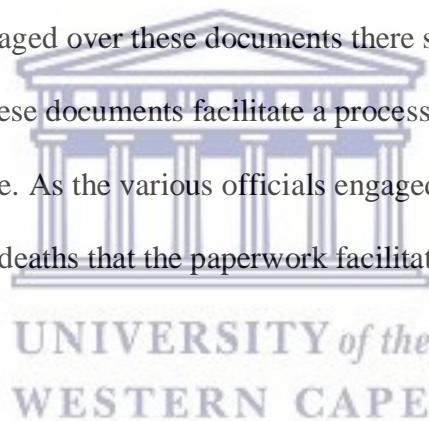
At some moments these documents shed significant light on the laws in place, referencing the specific articles and laws under which the prisoners were arrested and sentenced, and the ways in which these laws were facilitated. Following the various stamps and signatures, as the documents travelled between courts, police stations, prisons and the like, provides a picture of the ways in which the bureaucratic hierarchy worked. Indeed, the files provide a vivid image of the bureaucratic backdrop of the prison system and the administration of the death penalty.

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[132] Fullard, unpublished manuscript, 150

Paperwork, History and Archives

I have suggested that one needs to read these prison documents not only for their content but for what underlying messages might be mediated through their material qualities. Of course these documents are products and mechanisms of the apartheid state and remained part of a state archive. How then should historians engage with such documents? As Hull reminds us, such documents are never unmediated or neutral. They are informed by the ideologies and discourses and rooted in the bureaucratic procedures and protocols that produced and shaped them. It is precisely for this reason that I analyse these documents for what they can tell us about these procedures and protocols. Yet it is for this same reason that historians must read these archives "against the grain." At the same time in this chapter I am influenced by Ann Stoler's suggestion that we read the archives "along the grain" or "along their fault line"- an approach that requires the reading of the archive "for its regularities, for its logic of recall, for its densities and distributions, for its consistencies of misinformation, omission and mistake…"[133] I want to suggest that at the same time as we read these records 'along' and 'against' the grain, we must also contemplate the material nature of the archive itself.
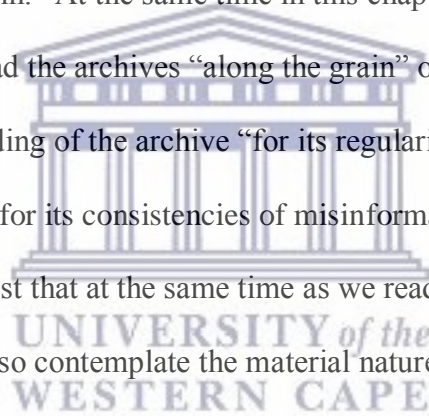
I have argued elsewhere that the archives produced around the Paarl march need to be interpreted first and foremost as produced by the counterinsurgency measures of the state and its functionaries.[134] They reflect the "power of writing" to which Foucault referred. The Snyman Commission of Inquiry into the events of the Paarl march, and the trials dealing with these events each respectively archived the evidence that it required to support the history it

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[133] Ann Stoler, "Colonial Archives and the Arts of Governance: On the Content in the Form," in Carolyn Hamilton et al (eds), *Refiguring the Archive* (Cape Town: David Philip, 2002), 92. Ann Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Commonsense* (Princeton and Oxford: Princeton University Press, 2009)

[134] Bianca van Laun, "In the Shadow of the Archive: Investigating the Paarl march of November 22nd 1962," Masters thesis (University of the Western Cape, 2012), 142

had manufactured, and by archiving its evidence, it guaranteed the 'truth' of the history it produced. A 'history' and 'truth' that was carried through to the Pretoria Prison archives in the cases of those sentenced to death for their participation in the Paarl killings- a narrative that produced and rewrote the condemned prisoners as Poqo members and threats to the security of the state. These archival records therefore reflect 'reality' as interpreted by the state and act through specific channels, including the people who produced them, the functionaries who directed them, the archivists who selected them for conservation, and the researchers who employ them in composing specific versions of the past.[135]

Despite the near obsessive recording of details about the prisoner's identity and crimes in these files certain things were undoubtedly silenced, particular things were considered irrelevant and left out, sections were left blank, and names were incorrectly spelt.[136] As I have already suggested, following Scott, only the information that interested the prisons and the state were recorded in these files. Silences would certainly also have entered at the moment when these files were assembled. This links with the argument that these files and documents had a social life in which they were duplicated, circulated, filed or destroyed.

These documents were produced and controlled by discourses that were not the prisoner's own. Gayatri Spivak might suggest that the prisoners cannot speak through these documents just as they could not speak through their trials, but rather that it is a representation of their speech that remains. In these court cases, as Spivak suggests of a colonial Indian context, the

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[135] See Michel-Rolph Trouillot, *Silencing the Past* (Boston: Beacon Press, 1995)

[136] In writing of the history of the Haitian revolution, anthropologist Michel Rolph Trouillot suggests that it is precisely at the moments when histories are produced that sections of the past are silenced. Trouillot identifies four crucial moments at which he argues silences enter. Here he includes the procedures that produce sources ("the moment of fact creation"), the production of archives ("the moment of fact assembly"), the use of these sources and archives to shape narratives ("the moment of fact retrieval), and lastly the making of history ("the moment of retrospective significance"). Trouillot, *Silencing the Past*

'subject's' consciousness and representation are rendered dislocated and incoherent. In some sense Spivak suggests that the representation of the subaltern was in fact more like a replacement of their own voices with that of others. These men cannot represent themselves but come to be represented rather by someone else who then has the power over what is said.[137] To a large extent then, what remains in these documents that we encounter as researchers, is a representation of the prisoner's voice and, as Duphelia-Mesthrie suggests, a biography that is limited to that which the state deemed necessary to know and record about the individual.[138] What is more, as Michel de Certeau argues in writing of the arraignment of a female sorcerer, it is a representation by an other- be it a judge, police officer, doctor, state witness, interpreter, warder or clerk.[139] In many ways then it is the discourse of the state that remains, rather than that of the subject.
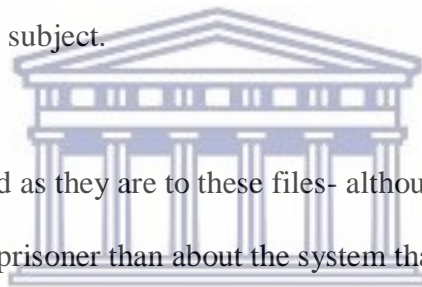
Even the photographs -attached as they are to these files- although actually depicting the prisoner, tell us less about the prisoner than about the system that produced them and the discourse that informed them. Ultimately they remain part of the state record, like the documents to which they are attached, and must be read as involving very specific modes of representation. The production of these images, and their use and archiving as part of prison files has a significant impact then on the way in which they should be interpreted. In the same way as I have argued of the documents, the photographs must be thought of in relation to their production, circulation and use.[140] In these files the photographic images of the

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[137] Gayatri Spivak, "Can the Subaltern Speak," in Cary Nelson and Lawrence Grossberg (eds)*Marxism and the Interpretation of Culture* (USA: University of Illinois Press, 1988), 71
[138] Duphelia-Mesthrie, "The File, the Permit and the Photograph," 651
[139] Michel De Certeau, *The Writing of History* (Columbia: Columbia University Press, 1988), 252
[140] For more on the materiality of images see Patricia Hayes, "Power, Secrecy, Proximity: A Short History of South African Photography," *Kronos*, 33 (2007), 139–162. Deborah Poole, *Vision, Race, Modernity: A Visual Economy of the Andean Image World* (Princeton: Princeton University Press, 1997). Elisabeth Edwards, *Raw Histories. Photography, Anthropology, Museums* (Oxford &New York: Berg, 2001). Christopher Pinney, *Photography and Anthropology* (London: Reaktion Books, 2011). Elizabeth Edwards and Janice Hart (eds) "Introduction: Photographs as Objects," in Elizabeth Edwards and Janice Hart, *Photographs Objects Histories: On the Materiality of Images* (New York: Routledge, 2004)

prisoners do not appear alone, they are accompanied by documents, fingerprints, prison and fingerprint numbers, or reports that shape the way in which we read these images. As Appadurai argues, their official backgrounds come to form the foregrounds that determine what the photographs represent.[141] John Taylor therefore argues that photographs are not a coherent medium in themselves, "by themselves they have no identity."[142] As legal scholar and historian Katherine Biber put it then, "though mute the photograph is always engaged in a discourse outside of itself."[143] As such these images lead us to much the same impasse, as the complicit and mediated archives that tell us more about the bureaucratic processes and continue to keep the prisoner just beyond our reach.[144]

Conclusion

In its analysis of the prison documents of those condemned to death by the apartheid state, this chapter has sought to track the procedures and processes involved in processing a condemned prisoner from the court room to the gallows and beyond. It has also revealed the bureaucratic procedures involved in processing the paperwork to this end. A close reading of these files and their various components consequently sheds light on the procedures that were followed, the ideologies and discourses from which they emerged, the laws that governed the prisoners' arrest and sentencing, how the state kept track of prisoners, and the functioning of bureaucratic hierarchies and status as we see who was allowed to engage with which documents and in what ways. They allow us glimpses of the discourses of power and the

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[141] Appadurai, "The Colonial Backdrop," 4

[142] John Taylor, *Body Horror: Photojournalism, Catastrophe and War* (New York: New York University Press, 1998), 52

[143] Katherine Biber, *Captive Images: Race, Class and Photography* (New York: Routledge- Cavendish, 2007), 11. Abigail Solomon-Godeau, "Who is Speaking Thus? Some Questions about Documentary Photography," in Solomon-Godeau, *Photography at the Dock: Essays on Photographic History, Institutions, and Practices* (Minneapolis: University of Minnesota Press, 1991), 169- 183

[144] See van Laun, "In the Shadows of the Archive," 78-111

state's modes of evidence.[145]

Both in their material features and design, and through their completion by some functionary, these documents lend themselves to particular discourses and involve exclusions and "cycles of silences."[146] Layers of selection, inclusions and exclusions ensued at various moments in the document's life- as they were produced, filled out, circulated and filed. The mapping of the document's circulation and the sections excluded or missing can be as important as a reading of its content. Ultimately these silences and exclusions mean that these archives and documents continue to condition the way we read them, interact with them and use them. These documents were produced as tools of political action and "technologies of rule" and must be approached as such.[147] Reading these archives along the grain reveals the discourses of power and allows us to engage with the modes of representation and procedures of knowing.
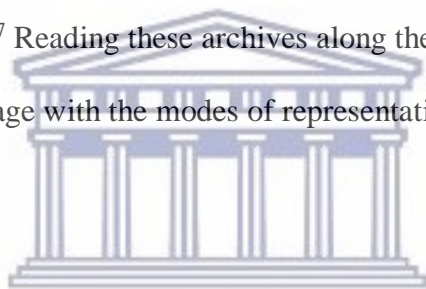
Ultimately I have suggested that these documents tell us more about the state or prison bureaucracy than they do about the individual prisoners. The biography of the prisoner produced through these files is limited to that which the state deemed necessary to know. The prisoners are situated within "a network of writing" through documents that "capture and fix them" in ways beyond their control. These prisoners thus remain inaccessible to us through these files as the discourse remaining is always that of another.

Although these files are most certainly products of disciplinary and regulatory modalities and

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[145] Premesh Lalu, "The Grammar of Domination and the Subjection of Agency: Colonial texts and modes of evidence," *History and Theory,* 39 (2000). Premesh Lalu, *The Deaths of Hintsa: Postapartheid South Africa and the Shape of Recurring* Pasts (Cape Town: HSRC Press,2009).
[146] Trouillot, *Silencing the Past*
[147] Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Gautemala* (Durham & London: Duke University Press, 2014), 61

functioned as instruments of bureaucracy and organisational control, this chapter has chosen to look beyond these functions to consider how these documents acquired their power and meaning. A focus on the social lives or biographies of these files allows us to transcend notions of information storage and enables some insight into how their materiality can influence the discourses that they mediate. Following Latour, I have argued that each of the documents has a mediating function- a "program of action" or a "script" according to which it acts. I have argued then that we must pay attention to the document's material aspects and how these impacted the work that they did, their meanings, how they were used and how they circulated. Unravelling the layers of paperwork and following the graphic traces- like signatures, stamps and dates-left on these documents reveals aspects of their life histories, the bureaucratic rationalities that informed them, the associations (both with people and other documents) that they entered into and that shaped them, and the functioning of bureaucratic hierarchies. They ultimately tell the story of their own production, circulation and use. It is this story that this chapter has proposed to tell in an effort to understand the bureaucratic technologies at work within the apparatus that facilitated judicial executions in South Africa.
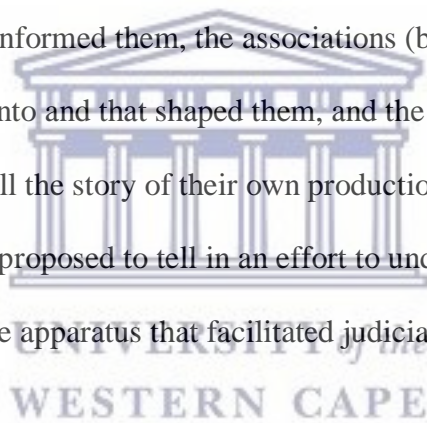
An attentive reading of these material qualities I have suggested allows us to track the movement of the document and thereby also the prisoner through the bureaucracy from the moment they were first sentenced, to death and beyond. They reflect the interactions between state functionaries- interactions that in fact often exclude the prisoner completely. Indeed, it is as if the prisoner is erased altogether. I have argued that while these documents facilitate a process of individuation, the individual does not appear here. How then do we hope to recover the individual if the individual does not appear? And how do we give them a sense of personhood if these documents contain only the non-person? This is a challenge of the post-apartheid attempts to recover these prisoners as national heroes.

These documents continued to have lives and circulate independently of the prisoner even after the prisoner was dead. Ultimately the files were archived and have laid dormant. However, as Appadurai argued objects can evolve from one type of thing to another during the different phases of their "social life." Today these documents are being taken out of hibernation and given new life as part of a national project. The next chapter will consider the ways in which these "paper cadavers" are being resurrected and reimagined in a post-apartheid setting and what happens to the bureaucratic rationality that they reflect in these new contexts.[148]

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[148] Weld, *Paper Cadavers*, 35

Chapter Four

The afterlives of files: The Gallows Memorialisation Project

In this chapter I am concerned to examine the ways in which the prisoner files and documents analysed in the previous chapter have been resurrected and reimagined as part of a post-apartheid memorial project. Following the suggestion in the previous chapter that these prison files and documents might be thought to have "social lives" directed and shaped by their creators and their material features, I want to suggest that these documents and photographs have afterlives that their creators could never have imagined. The very same documents to which I have referred in the previous chapter have been taken up in various ways as part of the Gallows Memorialisation Project, which involves both the production of a Gallows Memorial Museum and the exhumation of hanged political prisoners through the related Gallows Exhumation Project, both of which are intended to honour political prisoners hanged by the apartheid state between 1961 and 1989. I suggest that this resurrection and reinterpretation of documents in various contexts constitutes a logic that seeks to honour the political contributions of these men.

This chapter is interested then to examine the ways in which the prisoner files, documents and photographs, produced as part of efforts by the apartheid state bureaucratic regime to know, control and discipline the prisoner, have been reclaimed and repurposed by post-apartheid[1] nation building and memorialisation projects. I am concerned to examine the ways in which the Gallows Memorial Museum and the Gallows Exhumation Project re-present the prisoner documents and photographs, how these form part of the Project's particular political narrative, and how these documents and photographs in some ways continue to "act" in

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[1] I use the term here to refer to the new dispensation created by the democratic government in 1994

particular ways and to provoke particular responses as I have suggested of the documents in the previous chapter. I am interested in how the discursive power of the documents and photographs works within the new contexts offered by the Gallows Memorialisation Project and what it might say about the bureaucratic rationalities that they reflect as they move into these new spaces as well as a brief engagement with the bureaucratic rationalities of the agencies involved in the memorial projects.

Thus far I have demonstrated how administrative systems constituted the procedures and processes involved in carrying out judicial executions in particular ways. As I have suggested in Chapter 2, an entire apparatus was constructed and worked to carry out executions constituting a form of rationality made possible through its bureaucratic regime. This was a rationality that, through a biopolitical logic, justified the use of capital punishment and that, through a bureaucratic administration, dissolved any individual responsibility for the killing. Chapter 3 has shown how the specter of this apparatus can be revealed through the archive of the death penalty. In the current chapter I consider what happens to this bureaucratic rationality and the larger killing machine in the post-apartheid in an attempt to memorialise, and make the argument that the memorial projects obscure the work of the wider bureaucratic system that facilitated judicial executions by focusing on the event of killing. This chapter will show how, despite the inclusion of the same documents and identification photographs described in Chapter 3 as part of the Museum's collection, the whole bureaucratic regime seems to largely disappear as the Project works primarily within the register of nation-building, honouring the dead, educating about capital punishment and "burying the past."

In the sections that follow I will introduce the Gallows Memorialisation Project before briefly discussing the Gallows Memorial Museum's tour in order to show the ways in which the

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Museum has reclaimed both the space of death row and the official documents and photographs. I will then consider the ways in which the Gallows Exhumation project has similarly reimagined these documents and images in ways that exceed but at times also seem to fit comfortably within the bureaucratic rationality that first produced them. This chapter will show how the logic that sees the documents and photographs reproduced in the contexts of the Gallows Museum and Gallows Exhumation Project, which is supposed to be one that honours the political hanged, is ultimately not completely dissimilar to the bureaucratic rationality that functioned through their production by the apartheid state structures to fix and discipline particular individuals.

"South Africa's gallows now instrument of healing"[2]- launching the Gallows Memorial Museum

On 15 December 2011, the now ousted South African State President, Jacob Zuma, officially unveiled the old death row block and the gallows at the Pretoria Central Maximum Prison (later renamed Kgosi Mampuru II Correctional Facility) as a national memorial museum.[3] The official Gallows Memorial Museum opening event, which involved a two-day ceremony, was attended by a number of delegates including cabinet ministers, political party leaders, kings and chiefs, human rights lawyers, as well as more than 200 relatives of mostly political prisoners hanged in South Africa between 1961 and 1989. In a bid to help them find closure, so the narrative went, relatives- along with these other official visitors- were taken on a tour guided by a former death row warder, Andre Steyn, following the precise route that their

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[2] "South Africa's gallows now instrument of healing," *Associated Press*, 1 March 2012

[3] The Prison was officially renamed Kgosi Mampuru II Management Area by then president Jacob Zuma in April 2013. The Prison is named after Kgosi Mampuru II who was hanged on 22 November 1883 in Pretoria Prison for his refusal to recognise the oppressive hut tax law imposed on African households by the British colonial government in the 1860s.

condemned relatives would have walked to the gallows and which I have described in detail in Chapter 2.

The Department of Correctional Services (DCS) with the help of the affected political parties and other government departments had contacted the families of hanged political prisoners and invited two members from each family to come to Pretoria to visit the gallows and participate in a cleansing ceremony.[4] This cleansing ceremony took place on 14 December 2011, the day before the official launch. During this ceremony various religious leaders and relatives of those hanged offered prayers, burned a traditional incense called imphepho and laid wreaths of flowers in remembrance. Thereafter relatives and guests were taken to two Pretoria cemeteries where death row prisoners had been buried in order to pay their respects to their dead.
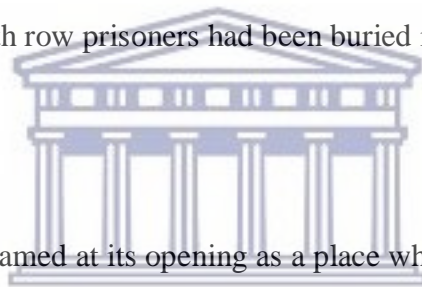
The Memorial Museum was framed at its opening as a place where relatives of the hanged, former death row warders and South Africans more broadly could confront and reflect on the violence of the past and supposedly heal and move forward. It was referred to as "a place of healing" and "a symbol of hope for the future."[5] The Gallows Memorialisation Project therefore saw the renovation and restoration of the gallows and the whole death row section of Pretoria Central Prison, which had fallen into disuse and

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[4] Here I refer to particular cleansing ceremonial practices used as part of bereavement rituals by some communities in South Africa. Death is often considered as a form of pollution to the society as a whole and certain purification and cleansing rituals are needed to counteract it. In places of death, like the gallows, it is necessary to conduct certain cleansing rites in order to purify the space and imphepho is burned as incense to clear the air for the ancestors. A cleansing ceremony was also done at Vlakplaas, a farm near Pretoria that was covertly used by the apartheid state to murder and torture those it considered political threats. This was done to "exorcise evil spirits," to "put the souls of the victims to rest and to appease their ancestors." See "Witch doctors 'cleanse' Vlakplaas," *The Telegraph* (17 December 2001). See Anne Hutchings, "Ritual Cleansing, Incense and the Tree of Life: Observations on some indigenous plant usage in traditional Zulu and Xhosa Purification and Burial Rites," *Alternation,* Vol. 14, No.2 (2007), 189-218

[5] Keynote Address by President Jacob Zuma on the occasion of the launch of the Gallows Museum at the Pretoria Central Correctional Center, 15 December 2011, accessed at http://www.anc.org.za/content/keynote-address-president-jacob-zuma-occasion-launch-gallows-museum-pretoria-central on 12 March 2014.

disrepair after the gallows had been dismantled in 1996 by the new South African government. The Museum was meant to open in 2012 with its own entrance and exit, separate from the working high-security prison. The project had planned to build a separate entrance, which was to include an underground passage with reinforced walls under the new 300-cell Maximum Security Prison.[6] Visitors to the Memorial Museum would enter through this tunnel via a visitor's center, but this has yet to happen.[7] Due to security concerns regarding the movement of visitors through a working prison, seven years later at the time of writing, the Gallows Memorial Museum is still closed to the general public.

At the opening of the Museum Zuma unveiled a dedicated wall with individual plaques for 134 political prisoners who had died at this prison, saying, "Today all 134 names are officially enshrined for eternity so that future generations will know what this country went through, so that we never go through a similar horror ever again."[8] Zuma described the Museum as "a place where the political prisoners who were hanged there can be honoured and the past can be buried."[9] As he put it, "we therefore open this museum as a place of healing. We are opening this museum so that future generations can learn how things can go wrong if we lose our common humanness and shared nationhood, when we lose that sense of

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[6] Kevin Ritchie, "Inside SA's factory of death," *Saturday Star* (12 December 2011)

[7] Email correspondence with Anneliese Burgess (7 February 2018)

[8] Keynote Address by President Jacob Zuma on the occasion of the launch of the Gallows Museum at the Pretoria Central Correctional Center, 15 December 2011, accessed at http://www.anc.org.za/content/keynote-address-president-jacob-zuma-occasion-launch-gallows-museum-pretoria-central on 12 March 2014. There had been previous efforts to commemorate several of the political hanged. The Apartheid Museum in Johannesburg has an exhibit reflecting the history of judicial executions. The Red Location Museum (now closed) in the New Brighton township in Port Elizabeth also had an exhibit commenting on judicial executions of political opponents of the apartheid state particularly Vuyisile Mini. The Apartheid Museum has a room in which 121 ropes with hangman's knots descend from the ceiling- supposedly representing 121 political prisoners executed during the apartheid era.

[9] Keynote Address by President Jacob Zuma on the occasion of the launch of the Gallows Museum at the Pretoria Central Correctional Center, 15 December 2011, accessed at http://www.anc.org.za/content/keynote-address-president-jacob-zuma-occasion-launch-gallows-museum-pretoria-central on 12 March 2014.

respecting each other as human beings."[10] For Nosiviwe Mapisa-Nqakula, who was Minister of Correctional Services at the time, there was no question that the gallows needed to be reconstructed, describing the earlier dismantling of the gallows by a predecessor as, "an attempt to rob the people of South Africa of an opportunity to understand the painful history of executions."[11]

Each of the speeches made at the inauguration of the Memorial Museum expressed a similar attitude- one that maintained that the Museum would offer closure and healing for the families of death row prisoners, former death row warders and the South African nation more broadly.[12] This would supposedly enable an opportunity to confront the wounds and hurt of the past, "make peace with the past," and allow people to move forward; preventing such violence from ever occurring again.[13] The Gallows Memorial Museum was therefore
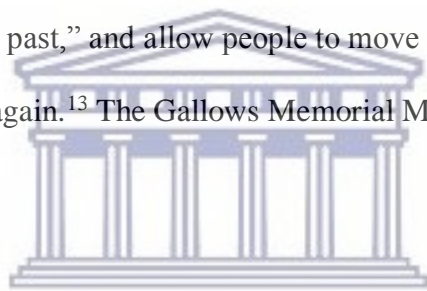
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[10] Keynote Address by President Jacob Zuma on the occasion of the launch of the Gallows Museum at the Pretoria Central Correctional Center, 15 December 2011, accessed at http://www.anc.org.za/content/keynote-address-president-jacob-zuma-occasion-launch-gallows-museum-pretoria-central on 12 March 2014.

[11] "Gallows Museum honours the dead" *The Star*, 16 December, 2011, Accessed at https://www.iol.co.za/the-star/gallows-museum-honours-the-dead-1199814 on 12 February 2014. Mapisa-Nqakula was herself an MK member in exile during apartheid and later Secretary General of the ANC Women's League.

[12] See "Pretoria central prison gallows to be restored as a museum," *Sunday Times* (23 October 2011). Former National Assembly House Chairperson and Member of Parliament, M.B. Skosana (once also the Minister of Correctional Services under Mandela and Mbeki's governments) spoke at the opening of the Gallows Memorial Museum. See "Remarks by Hon M.B. Skosana MP on the occasion of the Inauguration of the Memorial Museum at the Gallows in Pretoria," accessed at archive.ifp.org.za/Speeches/141211sp.htm on 5 March 2015. George Bizos, human rights lawyer who had acted as defense in many political trials, also made a speech at the opening of the Gallows Memorial Museum. See "Inauguration of a Memorial Museum: The Gallows, Pretoria Central," Speech by Adv. George Bizos SC (15 December 2011) accessed at http://lrc.org.za/lrcarchive/publications/papers/item/inauguration-of-a-memorial-museum-the-gallows-pretoria-central-speech-by-adv-george-bizos-sc on 5 March 2015

[13] "Families visit gallows to mourn loved ones" *SA News* (14 December 2011) accessed at www.sanews.gov.za/south-africa?page=2821 on 13 August 2016. Indeed, this is a discourse based on the notion that finding the 'truth' about past injustices can lead to reconciliation, closure and putting the past 'to rest' so as to move forward collectively to a future unburdened by the past. Berber Bevernage critiques such notions of effecting a break with the past often put forward by truth and reconciliation commissions in post-conflict societies. Bevernage argues that there can be no such clean break in time that might divorce the present from the traumatic past. Berber Bevernage, *History, Memory and State-Sponsored Violence: Time and Justice* (New York: Routledge, 2012). See also Berber Bevernage and Koen Aerts, "Haunting Pasts: Time and Historicity as Constructed by the Argentine *Madres de Plaza de Mayo* and Radical Flemish nationalists," *Social History,* Vol. 34, No. 4 (2009), 391-408

envisioned as a space that would reveal the "truth" of the past and inspire healing, social cohesion, and nation-building.

In his address, Zuma made special mention of some of the first *Umkhonto we Siwe* (MK) cadres who had been hanged for military operations including Vuyisile Mini, Zinakile Mkaba and Wilson Khayinga (hanged in 1964). He further mentioned Solomon Mahlangu and Andrew Zondo.[14] While he conceded that the PAC had also lost a number of their cadres, Zuma maintained that most of those executed for political crimes were ANC members.[15] However, this is patently wrong by a huge margin. He failed to mention that the first people to be executed on charges of sabotage (on 1st November 1963) under the Sabotage Act of 1962 were PAC members, or, as noted in the introduction to this thesis, that the majority of the people hanged during the 1960s, and overall the largest number of political executions, were of PAC or Poqo members despite its historic status as a far smaller movement. Indeed, this reflects the ANC- centered dominant narrative of resistance in South Africa and affirms an old rivalry between the ANC and PAC as they each attempt to lay claim to sacrifices and achievements made in the struggle against apartheid.

"Is this the most ghoulish tourist attraction in the world?"[16]- the Gallows Memorialisation Project and memorialisation in post-apartheid South Africa

The Gallows Memorial Museum must be viewed within the logic of the post-apartheid memorialisation and heritage discourses that emphasise the drive for nation-building, reconciliation and a new, shared national identity. Under the Legacy Project, the post-

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[14] See introduction for some discussion of the cases of these individuals.

[15] Keynote Address by President Jacob Zuma on the occasion of the launch of the Gallows Museum at the Pretoria Central Correctional Center, 15 December 2011, accessed at http://www.anc.org.za/content/keynote-address-president-jacob-zuma-occasion-launch-gallows-museum-pretoria-central on 12 March 2014.

[16] "Is this the most ghoulish tourist attraction in the world? Gallows where 3500 were hanged declared a national monument in South Africa," *Daily Mail Online* (15 December 2011)

apartheid government promoted the establishment of heritage institutions meant to act as sites of memory that would challenge the existing dominant narratives and perceptions, and operate as spaces that would present and engage with previously marginalised voices. Various heritage sites and exhibitions sought to directly confront difficult legacies of apartheid and emphasised reconciliation, national unity, and the need to address historical imbalances.[17] These included the Robben Island Museum, the Apartheid Museum in Johannesburg, and Freedom Park, a memorial that has inscribed the names of people killed in the South African Wars, the First and Second World Wars, as well as during the apartheid period.

The Gallows Memorialisation Project fits into this attempt to create an official history in its intended contribution to healing and nation-building.[18] It forms part of efforts to reckon with apartheid's corrosive legacies. It is intended to symbolise the triumph over a repressive system and it seeks to memorialise the marginalised voices and lives of many of those who went to the apartheid gallows somewhat anonymously.[19] It places great emphasis on restoring the names and dignity of those who died as prisoners –their ultimate sacrifice commemorated as part of the narrative of the making of democracy. However, in much the same way as has

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[17] See Leslie Witz, Gary Minkley and Ciraj Rassool, *Unsettled History: Making South African Public Pasts* (University of Michigan Press, 2017). Derek Peterson, Kodzo Gavua and Ciraj Rassool (eds.), *The Politics of Heritage in South Africa: Economies, Histories and Infrastructures* (South Africa: Academic Press, 2015). Ciraj Rassool, "The Rise of Heritage and the Reconstitution of History in South Africa," *Kronos: Southern African Histories,* 26 (2000), 1-21. Heather Hughes, "Rainbow, Renaissance, Tribes and Townships: Tourism and Heritage in South Africa Since 1994" in Sakhela Buhlungu, John Daniel, Roger Southall and Jessica Lutchman (eds.), *State of the Nation: South Africa* (Cape Town: HSRC Press, 2007). Sarah Nuttall and Carli Coetzee, *Negotiating the Past: The Making of Memory in South Africa* (Cape Town: Oxford University Press, 1998). Joseph O'Reilly, "Memories in Transition: Memory and Museums in the "New" South Africa," *The Journal of Museum Education,* 29 (2004), 12-15. Sabine Marschall, "Gestures of Compensation: Post-apartheid Monuments and Memorials," *Transformation: Critical Perspectives on Southern Africa,* 55 (2004), 78-95. Ciraj Rassool, "The Individual, Auto/biography and History in South Africa," Doctoral Dissertation, University of the Western Cape (2004). Sabine Marschall, "Pointing to the Dead: Victims, Martyrs and Public Memory in South Africa," *South African Historical Journal,* 60 (2008), 103-123
[18] See "Pretoria Central Prison gallows to be restored as a museum," *Sunday Times* (23 October 2011)
[19] "South Africa: Gallows to be restored," *BuaNews* (1 November 2011) accessed at allafrica.com/stories/201111020099.html on 10 April 2014

been suggested of "the tomb of the Unknown Soldier" and Freedom Park, through its wall of photographs and plaques of names, the Gallows Memorial Museum marks "the presence of absence" with the remains of many of the hanged political prisoners, with which it is concerned, still lying in unmarked graves at the time of its official opening in December 2011.[20]

This Project is associated then with a names verification process, which we also see happening at Freedom Park, that in some senses works to fix the identity of particular individuals in much the same way as the apartheid bureaucratic regime had done. Particular individuals were selected to be commemorated by the Gallows Memorialisation Project based on their alleged political role or the political nature of their crime despite the fact that, as I suggested in the introduction, many of the 1960s political cases were classified and tried by the apartheid state as criminal cases. In the case of the Gallows Exhumation Project too, a list of cases to be exhumed had to be prepared in accordance with the mandate of the Gallows Memorialisation Project "as there were some non-political cases that crept in."[21] Here again we see the problematic binary between criminal and political, flagged in the thesis introduction, extending to the area of post-apartheid memorialisation.

The Gallows Memorialisation Project endeavours to restore the humanity of the political hanged. As I have suggested in Chapter 2, the state had stripped the condemned of their humanity and produced them as "savage" and irredeemable in order to justify their execution

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[20] See Richard Werbner, "Smoke from the Barrel of a Gun: Postwars of the Dead, Memory and Reinscription in Zimbabwe," in Richard Werbner (ed), Memory and the Postcolony: African Anthropology and the Critique of Power (London: Zed Books, 1998), 72. Jacques Laqueur, "Memory and Naming in the Great War," in John Gillis (ed.), *Commemorations* (Princeton: Princeton University Press, 1994). See also Daniel Sherman, "Bodies and Names: The Emergence of Commemoration in Interwar France," *The American Historical Review*, Vol.103, No. 2 (1998), 443-466. Marita Sturken, "The Aesthetics of Absence: Rebuilding Ground Zero," *American Ethnologist,* Vol. 31, Issue 3 (2004)

[21] Email correspondence with Madeleine Fullard (19 February 2018)

in a move of racism that, following Foucault, allowed for the use of violence supposedly for the sake of security without challenging the state's biopolitical role of maintaining life. Therefore, in the same way, as Sylvia Karl argues of the *Casa de la Memoria Indomita* (House of Untamed Memory) opened in Mexico City in 2012 in memory of those disappeared during Mexico's dirty war, the Gallows Memorial Museum is a space of memory that is also a space of rehumanisation of victims of violence.[22] Karl defined rehumanisation as meaning that "the disappeared are being given back their erased and stolen identities through political rituals by showing photographs of the disappeared in public spaces, calling out their names, giving testimonies or calling for information on their whereabouts."[23] At the same time, in the case of the Gallows Memorialisation Project, through the focus on political contribution and heroism, and through the processes of verification that fixed identity and defined the prisoner as political (as opposed to criminal) offender, the identities of the hanged are subject to another erasure as we see the production of a subject of memorialisation and an identity that is of and for the nation.
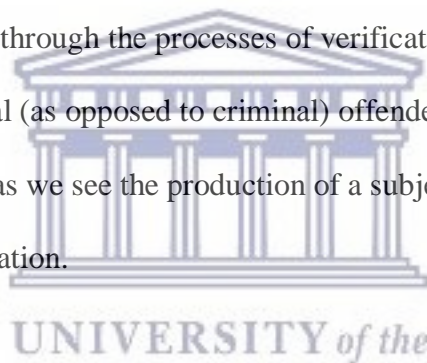
Karl shows how in a museum's selection and highlighting of some victims over others, a "hierarchy of victimhood" is created.[24] The Gallows Memorial Museum has clearly chosen to include only political prisoners who were executed for their roles in defying the apartheid state's legislation between 1961 and 1989. A roll of honour has the names of all those executed in South Africa between 1912 and 1989 (some 4003 names) inscribed on them.[25] However, here a distinction is made between common law crime and political prisoners, with

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[22] Sylvia Karl, "Rehumanizing the Disappeared: Spaces of Memory in Mexico and the Liminality of Transitional Justice," *American Quarterly,* Vol.66, No. 3 (2014), 727-748
[23] Karl, "Rehumanizing the Disappeared," 730
[24] Karl, "Rehumanizing the Disappeared," 742
[25] Not all of these 4003 executions were carried out at this prison, although many of the most prominent were. As previously noted, death sentences imposed in the apartheid homelands were carried out in their own maximum prisons.

the names of the political prisoners printed in bold white letters. Very clearly then, the cases of political executions are made to stand out as significant and as the focus of the Museum. This means that, of thousands of people (mainly men) executed at this prison the Museum has created a "hierarchy of victimhood" and chosen to focus on 134 prisoners whose crimes could be defined as politically-inspired.

Figure 1: Roll of honour with shade cloth covering outside the museum. Photo: B. van Laun, June 2015

Figure 2(left): Roll of honour. Photo: B.van Laun, August 2017
Figure 3(right): Close up of roll of honour showing the highlighted names of political prisoners.
Photo: B. van Laun, August 2017

The decision to create the Memorial Museum and exhume the remains of political prisoners

must be seen as a political intervention as much as it was supposedly an authentic opening of

what had previously been unseen and secret. Sociologist Tony Bennett provides a comparison

between Foucault's penitentiary and the work of a museum. While Foucault's work suggests

the ways in which punishment moved from public to private spaces, Bennett shows how

museums and institutions comprising "the exhibitionary complex" involved "the transfer of

objects and bodies from the enclosed and private domains in which they had previously been

displayed (but to a restricted public) into progressively more open and public arenas."[26] As

museums arrange objects for public viewing, and order the public that views the exhibits in

particular ways, Bennett suggests that museums have "the power to command and arrange

things and bodies for public display."[27] Through the opening, making public and refiguring of

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[26] Tony Bennett, "The Exhibitionary Complex," in *The Birth of the Museum* (London: Routledge, 1995), 60-61
[27] Bennett, "The Exhibitionary Complex," 61

death row in Pretoria, this kind of power is inscribed. This power of the curators, the Project's mandate and the present state's political priorities, has reclaimed and reinvented the space and transformed its social function, enabling it to take hold of and command the visitor in particular ways and, as I will show, to particular ends. As I showed in Chapter 2, executions at Pretoria Central were kept entirely secret and even the undertakers contracted by the prison to remove and bury the bodies of the hanged were not allowed in the prison unaccompanied by a member of the prison's staff.[28] Refashioning death row into a memorial museum and opening it to the public- or for now at least, the families of the hanged- allows for a witnessing that had previously been forbidden.

I have previously suggested that the bureaucratic rationality that operated to facilitate and legitimate judicial killings worked by creating an entire system or machine that disaggregates and reaggregates around the act of killing. This is the bureaucratic rationality of which Zygmunt Bauman speaks and which 'civilised' and 'modernised' the work of judicial killing. In this move, as I have shown in Chapter 2 through Foucault, the spectacle was removed. However, it seems in some senses that the Gallows Memorial Museum's opening of the tour of the route to the gallows, and its explanation of the processes and the event of killing that seems to take the visitor into a moment of re-experiencing the event, returns us to the spectacle.

This seems to fit with how the apartheid state's "death factory" has been reimagined as a particular kind of institution- a memorial museum. Examining similar projects around the

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[28] Death Row Prison manual. Correctional Services Museum, Pretoria. The prison manual, in its section on procedures to be followed after an execution, notes that "9. No photos may be taken…10. Under no circumstances may the undertakers go through to the room next to the execution chamber or the execution chamber itself…11. The execution chamber doors may not be unlocked or opened while the undertakers are in the building…12. No private person may have access to the gallows."

world, Paul Williams, a professor of Indian philosophy, uses the term "memorial museum" to refer to "a specific kind of museum dedicated to a historic event commemorating mass suffering of some kind."[29] Memorial museums work in particular to represent and recreate events of violence by focusing solely on a specific event or practice.

Memorial museums, according to sociologist Amy Sodaro's recent study, reflect a new approach to memory work and educating about the past. Sodaro suggests that these institutions are intended as "truth-telling" and "transitional justice mechanisms."[30] Driven by efforts to educate the public about the "truth" of past events or practices, and to thereby promote human rights and an ethic of "never again," memorial museums have emerged at sites associated with past violence around the world. In Rwanda, the Kigali Genocide Memorial Centre, for instance, memorialises the victims of the 1994 Rwandan genocide through, amongst other strategies, the display of human remains.[31] According to Sodaro, memorial museums make use of experiential strategies to invoke emotional, affective responses in visitors as they endeavour to "give visitors an impactful encounter with the past and inspire empathy in them."[32]

This is precisely the case with the Gallows Memorial Museum as its tour and exhibits work to create in the visitor the sense that one is re-experiencing the walk to the gallows and the event of killing. The function of the traumatic experience is ultimately to focus entirely on

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[29] Paul Williams, *Memorial Museums: The Global Rush to Commemorate Atrocities* (Oxford: Berg Publishers, 2007), 8

[30] Amy Sodaro, *Exhibiting Atrocity: Memorial Museums and the Politics of Past Violence* (London: Rutgers University Press, 2018), 11, 168

[31] Pat Caplan, "'Never Again:' Genocide Memorials in Rwanda," *Anthropology Today* (2007). Rachel Ibreck, "The Politics of Mourning: Survivor Contributions to Memorials in Post-genocide Rwanda," *Memory Studies,* Vol. 3, Issue 4 (2010). Mona Friedrich, "Beauty Versus Tragedy: Thanatourism and the Memorialisation of the 1994 Rwandan Genocide," *Journal of Tourism and Cultural Change*, Vol. 11 (2003), 303-320

[32] Sodaro, *Exhibiting Atrocity*, 5

the event. In so doing however, it does not consider the larger bureaucratic machine that, as I have shown in the previous chapters, worked to facilitate such killing.

Touring the Gallows Memorial Museum

Although the intended sequence of the Museum is not yet possible without a separate entrance and due to security concerns, the Museum's design is intended to follow the narrative of the death row prisoner as he moved from the general prison into the death row section up until his execution in the gallows chamber and the body's final removal from the prison premises. As a result, the tour in many ways replicates the sequence of events and procedures as described in Chapter 2. Visitors are taken through death row from "the pot" (the holding cells where the condemned were placed seven days prior to execution) to the small chapel where the post-execution funeral services were held, up the now numbered fifty-two steps that lead to the room where the condemned's identities were confirmed and the hoods placed over their heads, through the gallows chamber, down the stairs to the room below the gallows, through two autopsy rooms and finally to the hearse room where the coffins were collected by the undertakers. Through this route, visitors to the Museum are made to imagine what the condemned experienced as they walk in their proverbial shoes.

A caption on a wall near "the pot" informs us that "more than 3500 people were hanged in South Africa's gallows" over the last century.[33] It further notes: "of these, 134 were patriots whose only crime was fighting oppression."[34] It is essentially these prisoners that this

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[33] Although the roll of honour records some 4003 names of people hanged between 1912 and 1989, this quote only suggests that it was "more than 3500 people."
[34] Gallows Memorial Museum exhibit

Memorial Museum seeks to honour. Information boards commemorate selected prisoners who had been hanged by the apartheid state including Vuyisile Mini, Frederick John Harris, Zibongile Dodo and Solomon Mahlangu. The cases of both Mini and Mahlangu (both members of MK), as mentioned in the introduction to this thesis received significant publicity and appeals from around the world for their lives to be spared. Both figure as liberation struggle icons and have already been commemorated through monuments and in museums elsewhere.[35] John Harris, a member of the African Resistance Movement (ARM) of the Liberal Party, is included as the only white person to be executed for politically-related offences. Zibongile Dodo, hanged in 1968, is the only Poqo/PAC member among these.

Also on display are posters in protest of capital punishment in South Africa. These posters, many from international anti-apartheid organisations and mainly from the 1980s, express sentiments like "stop apartheid murders," "save our comrades" and "stop the execution of Solomon Mahlangu: sentenced to death for fighting apartheid." These posters suggest the part of the national movements and the international community in attempts to appeal capital sentences and gesture towards a wider history of the mobilisation of art as a weapon in the struggle against apartheid injustices.[36] Here we see the commingling of unofficial, anti-apartheid documents with the official state documents suggesting the different work that documents do. While the documents from the prison files are, as I have shown, part of the system that processed people towards death, the anti-apartheid posters sought to save them

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[35] Before it closed the Red Location Museum in the New Brighton township in Port Elizabeth had a room and display reflecting the history of judicial executions that is dedicated to Vuyisile Mini. Mini also has a square in Port Elizabeth names after him and there is also a statue of him. There is a statue of Solomon Mahlangu at Solomon Mahlangu Freedom Square in Mamelodi.

[36] See Jon Berndt, *From Weapon to Ornament: The CAP Media Project Posters (1982 to 1994)* (San Francisco: Arts and Media Access Centre, 2007). The Poster Book Collective, *Images of Defiance: South African Resistance Posters of the 1980s* (Johannesburg: Ravan Press, 1991)

from the gallows. In some ways this commingling makes the official system and the

documents that facilitated the deaths and ignored such clemency pleas seem even more cruel.

Figure 4: Gallows Memorial. Display of anti-death penalty posters. Photo: B. van Laun, June 2015
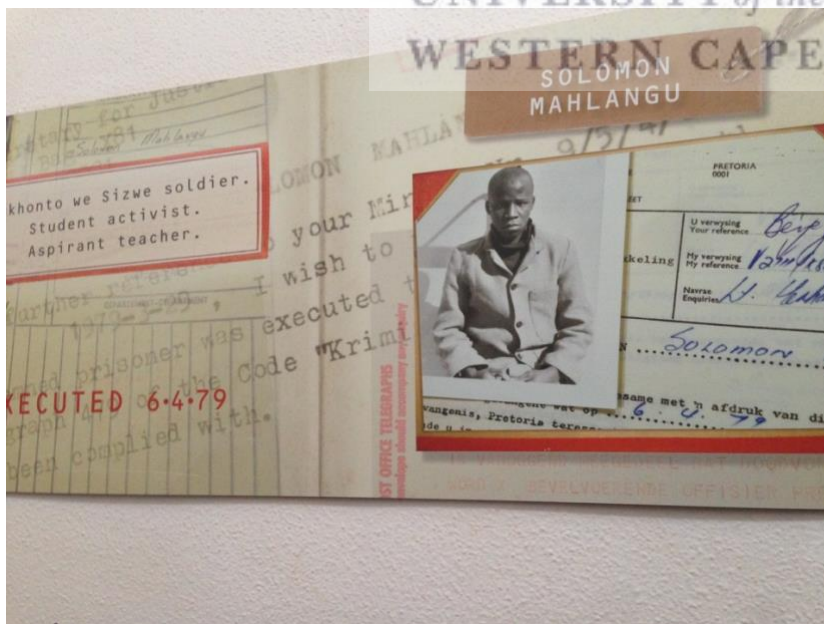

Figure 5: Information board on Solomon Mahlangu. Photo: B. van Laun, June 2015

As one ascends the four-story staircase, each landing features a short biography of the particular prisoners on which the Museum has chosen to focus. These boards comprise photographs, news articles, personal letters and sections of official documents. In some ways these short biographies attempt to restore humanity to their subjects by constructing a brief life history. They include some family history and anecdotes about conversations when relatives or friends visited the prison. However, more emphasis is placed on the individual's political biography, his arrest, charge and sentence, representing these men as heroic political figures.
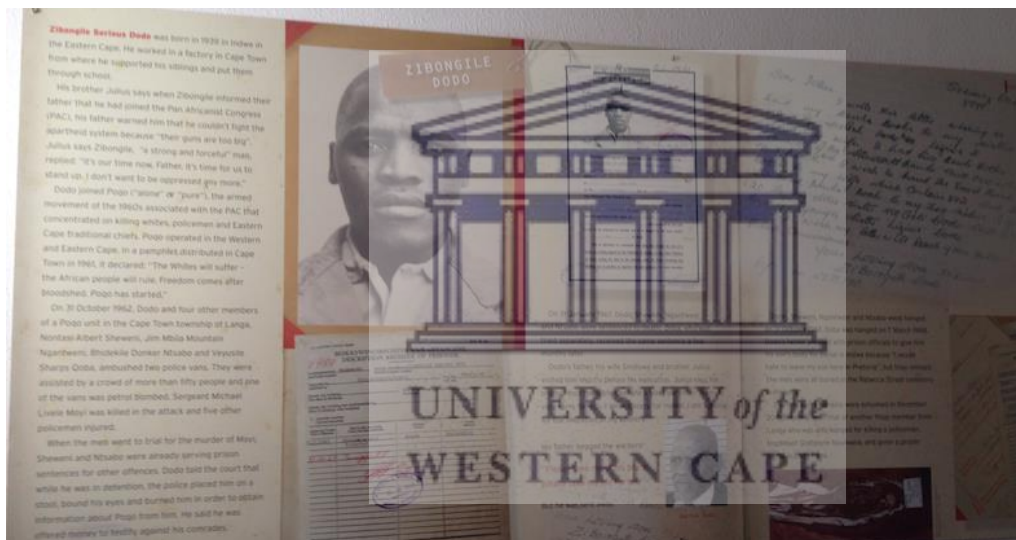
Figure 6: Information board providing a biography of Zibongile Dodo. Photo: B. van Laun, June 2015

At various points along the tour the displays include details about the procedures followed at specific times on the morning of an execution. At every point we are reminded of the rote sequence of the system of killing that death row facilitated. One wall along the route upstairs features a vinyl sticker of the shadow-like figures of a prisoner, head bowed with that of a warder right behind him holding his cuffed hands, that allows the visitor to imagine them on their way up the stairs. Adding to this imagery, a recollection from a former death row warder quoted on a wall informs us that, "some prisoners sang religious songs while they

climbed the stairs. Some walked very slowly and you needed to almost pull them up. Most climbed the 52 steps briskly and most of them did not say a single word."[37] The Museum produces the notion that "most" prisoners were wholly compliant, offering no resistance to the escorts ushering them towards their death, walking "briskly" and quietly as if they too were contributing to the efficiency and seemingly well-ordered and disciplined flow of procedures. Indeed, as suggested in Chapter 2, in some ways it was as if the prisoners themselves were disciplined to become part of the killing machine.

Figure 7: Vinyl sticker on the wall leading up the 52 steps to the gallows room. Photo: B. van Laun, June 2015

At the top of the stairs one enters a room where four life-size cardboard figures in khaki prison clothes and white hoods have been propped up against a wall. These serve to demonstrate the way in which prisoners would have been lined up in this room before

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[37] Gallows Memorial Museum exhibit

moving into the adjacent gallows chamber. It was in this room, before entering the gallows chamber, that the Sheriff of the Court would check the prisoners' photographs and confirm their identities one last time before the hood was placed over their heads. The Museum designers demonstrate this original use of this room by the Sheriff of the Court through the display of the enlarged identification photographs of the 134 political prisoners identified by the Project.
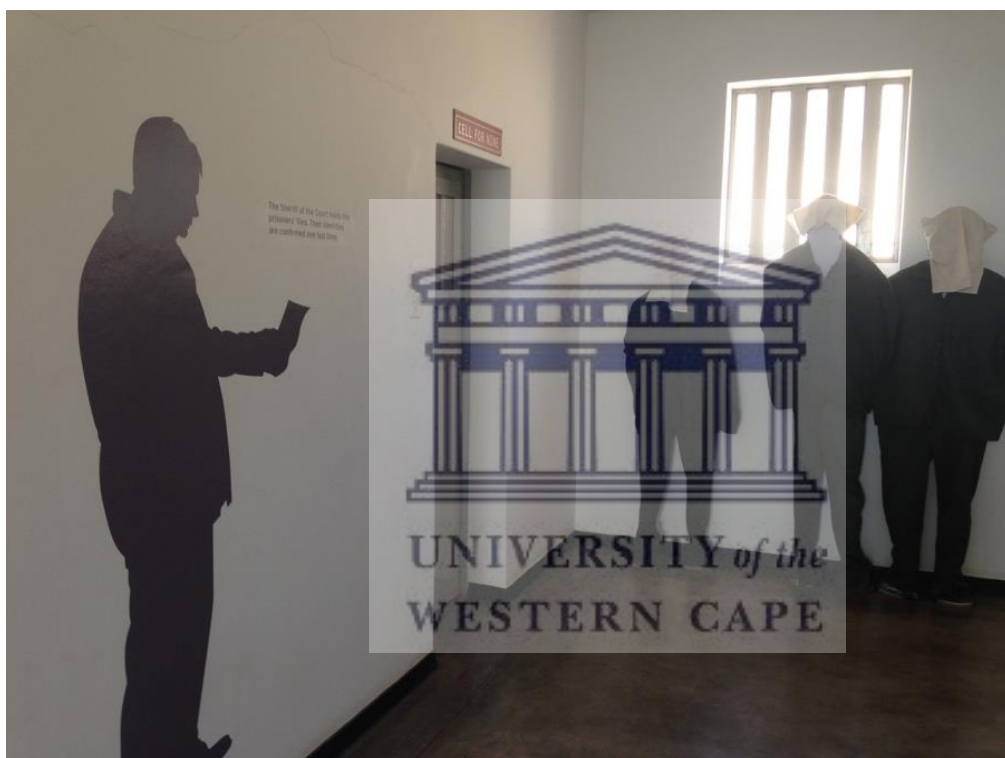

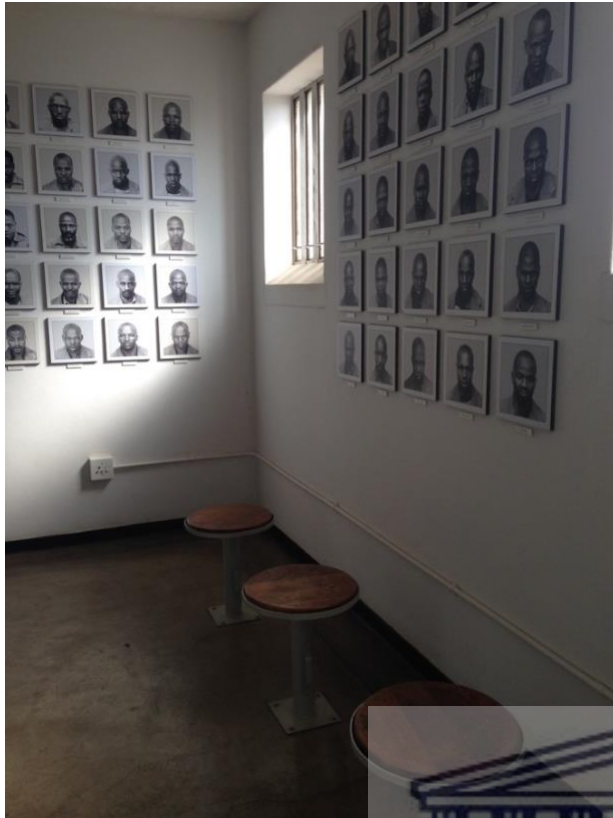Figure 8: Display of prisoners lined up before execution. Photo: B. van Laun, June 2015

Figure 9: Photographs of 134 political prisoners. Photo: B. van Laun, June 2015

Figure 10: Photographs of 134 political prisoners. Photo: B. van Laun, June 2015

In the gallows chamber a rack is suspended from the ceiling, fitted with seven nooses that hang from iron loops at different lengths to indicate the detailed measurements of height and weight for each prisoner, and the seven sets of footprints on the wooden trap doors show how the seven prisoners would have been positioned. Several pieces of furniture originally used in this room, including a cupboard that contained ropes, and a table with an old telephone intended for last minute stays of execution, add to the sense of authenticity and lend further weight to the narrative.

A commemorative granite plaque on the wall notes that the memorial "is dedicated to the memory of all those who laid down their lives for our freedom."[38] The names, age and date of execution of 134 political prisoners who were executed in this room between 1961 and 1989 are memorialised on individual plaques lining the walls of this room. As the curators fill the space of the previous room with photographs of the hanged, and this room with plaques there seems to be an intentional effort to represent the names and faces en masse. Anneliese Burgess, a journalist who was part of this Project since its inception, suggests that in their collective display, the photographs were also meant to portray a group targeted for political reasons.[39] However, the collapsing of all of these individuals into a single group of executed people is problematic in itself.

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[38] Gallows Memorial Museum exhibit
[39] Email correspondence with Anneliese Burgess (7 February 2018). Burgess had been part of a team of investigative journalists who compiled the weekly reports for the eighty-seven-part television series "Truth Commission Special Report" that was aired by the South African Broadcasting Corporation (SABC) every week between 21 April 1996 and 29 March 1998

Figure 11: The gallows chamber. Photo: B. van Laun, June 2015

Figure 12: Plaques in the gallows chamber bear the names of political prisoners. Photo: B. van Laun, June, 2015

At this point one descends another staircase that takes you to the room directly below the gallows into which bodies would fall once the trapdoors clapped open. Adjacent to the pit room is the autopsy room, which is filled with several steel autopsy tables. The mortuary fridges and the autopsy tables on display produce something of a myth as bodies would have been placed directly into coffins after washing in order to be ferried down to the chapel and back up again to await transportation to the cemeteries.

Above the door frame before moving to the final room, the visitor is met with the words of Brian Currin of Lawyers for Human Rights who remarked that, "Death Row is like a factory…It's a factory which produces corpses…You go in live and you come out dead. To produce that product a system is developed. The whole place is serviced. They provide food. They make gardens. They give notice of execution. They hang. And they bury."[40] The Museum uses this comparison between death row and a machine to evoke horror but does not consider how the work of killing did in fact form part of a larger machine-like system that involved other agencies and technologies, which produced identification, arrest, trial and judgement. With Currin's notion of death row as an efficiently managed "factory" in mind, one is ushered into the final room of the Museum- the hearse room where coffins were stacked before the contracted undertakers collected them for burial.

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[40] Brian Currin, Director for Human Rights, quoted in Lloyd Vogelman, *The Living Dead: Living on Death Row* (Johannesburg: Project for the study of Violence, University of Witwatersrand, 1989), 12
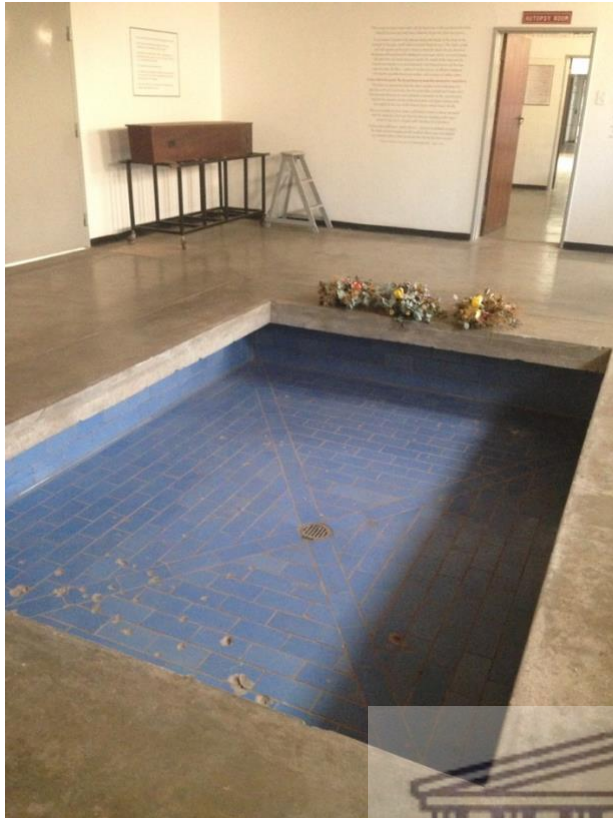
Figure 13: The "blood catchment area" in the room below the gallows. Wreaths of flowers have been placed at the far end by relatives of the hanged at the opening of the Memorial Museum. Photo: B. van Laun, June 2015

Figure 14: The autopsy room. Photo: B. van Laun, June 2015

Figure 15: The second autopsy room. Photo: B. van Laun, June 2015

The fact that this Museum is located at the very site of the gallows and death row section of the formerly named Pretoria Central Prison, such a powerful symbol of oppression, violence and death under the apartheid government, endows it with significant meaning. Indeed, the *in situ* technique and staging allows the visitor to understand how every factor- from the architectural design to the doctors and officials on hand to sign off the necessary documentation- was designed to work together seamlessly to produce a "successful" hanging.

The curators have drawn largely on the recollections of former death row warders as witnesses to the practices and procedures of death row to ensure the accuracy of details down to the thickness of the rope. As a result, it is largely the narrative of former warders that directs the Museum with quotes from former death row warders included at various moments along the route to the gallows. The curators further employed the prison documents from the

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Correctional Services Archives to reflect the bureaucratic processes involved in carrying out executions. These documents enabled the curators to reconstitute the Museum and the space of death row itself. The Museum has attempted to reclaim and reflect the "authenticity" of the space through stage-set like rooms, the use of original furniture, the reconstruction of the gallows, the invocation of personal testimony, and the incorporation of documents and photographs pertaining to actual people who had been hanged there.

The Museum relies upon experiential and affective strategies and the visitor is scripted into its narrative. There is an oversaturation of trauma as the visitor sees the equipment used to measure the prisoner's height, weight and neck; sits in the chapel; reads the quotes that invoke the sounds of prisoners singing; climbs the numbered staircase to the gallows; witnesses the gallows, the pit below and the autopsy tables. All this leaves little space for critical thinking as it overwhelms the senses. As a result, the Museum seems to lose any regard for the ways in which the larger administrative systems constituted the process of hanging.
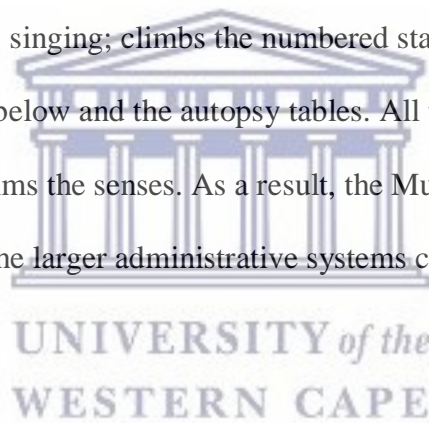
Furthermore, as the Museum's narrative begins with the prisoner's transfer to "the pot" that occurred after the receipt of the Warrant of Execution, it displaces an entire system that came before this including the judges, courts, Executive Council and other state bureaucrats that facilitated the final decision of death and this transfer to "the pot." What the Museum does is to focus on the morning of an execution and the seven days of preparation that preceded it. The horror evoked by the narrative of the procedures carried out on the morning of an execution does not allow for any engagement with the larger system that facilitated and legitimised judicial killing as a whole. Consequently, it seems that the bureaucratic rationality, that I have suggested was at work in the execution of capital sentences,

disappears. The use of prison documents and identification photographs here do not provide for a critical engagement with them or how they figured in the bureaucratic regime that facilitated executions. Rather their place in the Museum's collection seems to be wholly as illustrations of the horror of death row. It seems there is no room in this narrative of martyr, hero and struggle icon for the prisoner who was violently rewritten, "captured and fixed" in ways beyond their control, and directly connected to the file that was inscribed and passed along the bureaucracy.

Resurrecting the archives: Documents, photographs and memorialisation

Memorial museums according to Williams are dependent upon three things- the object, the image and the space. Williams notes that in the case of many memorial museums at sites of violence around the world the collection is often defined by, or even bound, to what perpetrators had produced.[41] Institutions therefore need to decide whether (and how) to incorporate and frame, or alternatively to reject, objects related directly to violence.

In the case of the Gallows Memorial Museum, many of the objects that are on display are rather mundane- a chair, a table, a cupboard, a telephone- but given the context in which they were used and their proximity to the reconstructed gallows machine, they are loaded with affective and historic weight. The acts of physical violence that took place here and the hanging itself are of course ephemeral and it is difficult to capture what happened in displays. Instead, the Museum curators have captured a narrative of procedures that process the visitors- along with the condemned- through death row to the gallows and beyond.

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[41] Williams, *Memorial Museums, 26*

Alongside objects and text, photographs play a key part in the production of meaning in the Gallows Memorial Museum's exhibition. The identification photograph produced and used by the police and prison authorities to identify the prisoner at various moments in the lead up to an execution, has been reproduced repeatedly in the Museum, most striking is the display of the 134 block mounted identification photographs.

As part of the Museum's endeavour to emphasise the individuality of the prisoners, the photographs have been block mounted with a white border and a caption underneath each image that contains the individual's name. Although these photographs are the same identification photographs from prisoner files that I have described in the previous chapter, they have undergone some interesting changes as they have been reclaimed from the state archive and reimagined according to the objectives of the Gallows Memorialisation Project. The black line that was visible behind the prisoner in each of the original photographs has been erased from these newly imagined images. Further, the prison number and fingerprint number that appeared above each prisoner in the originals have also been removed in this rendition. Rather than a prison number, each of these photographs is accompanied by the individual's name. In this exhibition the photographs have gained a new meaning that is intended to be honorific rather than repressive, restoring to each individual a name rather than a prison number.[42]

These same prison photographs have been resurrected in yet another form. At the Gallows Memorial opening ceremony, representatives of the families of those hanged at Pretoria Central were each presented with a framed copy of the edited identification photograph of

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[42] For the argument about the honorific and repressive functions of photography see Allan Sekula, "The Body and the Archive," *The MIT Press,* Vol. 39 (1986), 3-64

their loved one, and a plaque with a message from Minister Mapisa-Nqakula. These, according to *The Star*, "brought joy to some as they had never seen their loved ones either because they were babies at the time or the families had never had their photos."[43]

These framed photographs might be put on display in the homes of the relatives of the political hanged and become part of private commemorative collections. Taken up in a new relationship with the living, these images are now read differently. Patricia Hayes has illustrated how photographs that were once part of identity documents- a repressive apparatus devised to control the movements and lives of black South Africans- can and have been copied, enlarged and framed by families, particularly in cases where no other photograph of the individual existed. These once repressive photographs were reimagined and reclaimed, and became cherished family possessions. Referring to such images, Hayes suggests that "some 'portraits' have a kind of double effect: many viewers today find them honorific, and then realise they were repressive. But they can flicker back as well, as the personal force or dignity shines through the prison or anthropometric backdrop."[44]

In the context of the Memorial Museum, these photographs are intended to act as a visual reminder of the humanity of those pictured- each face representing a life. Burgess suggests that, "a key challenge for us was to humanise the political prisoners again, and the best way we could think of was to give them back their names and their faces."[45] Driven by this memorialising and honorific agenda however, little attention is given to how the photographs might further our understanding of the administrative violence of capital punishment.[46]

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[43] "Gallows Museum honours the dead," *The Star* (16 December 2011)

[44] Patricia Hayes, "Power, Secrecy, Proximity: A Short History of South African Photography," *Kronos*, 33 (2007),142-143

[45] Email correspondence with Anneliese Burgess (7 February 2018)

[46] I draw here from the work of James Tyner and Christabel Devadoss on the photographs of the Tuol Send Security Center in Cambodia. The authors are drawing here on Benjamin's conception of administrative

Several little stools placed in the photograph room were meant to encourage visitors to sit down and reflect on these photographs, to really "see" each face. Yet, again, the large number of faces that seem to stare out of these images overwhelms the visitor and there is no space to consider how what we "see" in these photographs is what the state/police/prison wanted to "see." Indeed, aside from the deliberate erasure of the line behind the prisoner and the prison and fingerprint numbers, the function of these photographs in the Memorial Museum in some ways replicates the processes of identification that first produced them as their display is also part of the process of verification and identification of particular individuals to be memorialised.
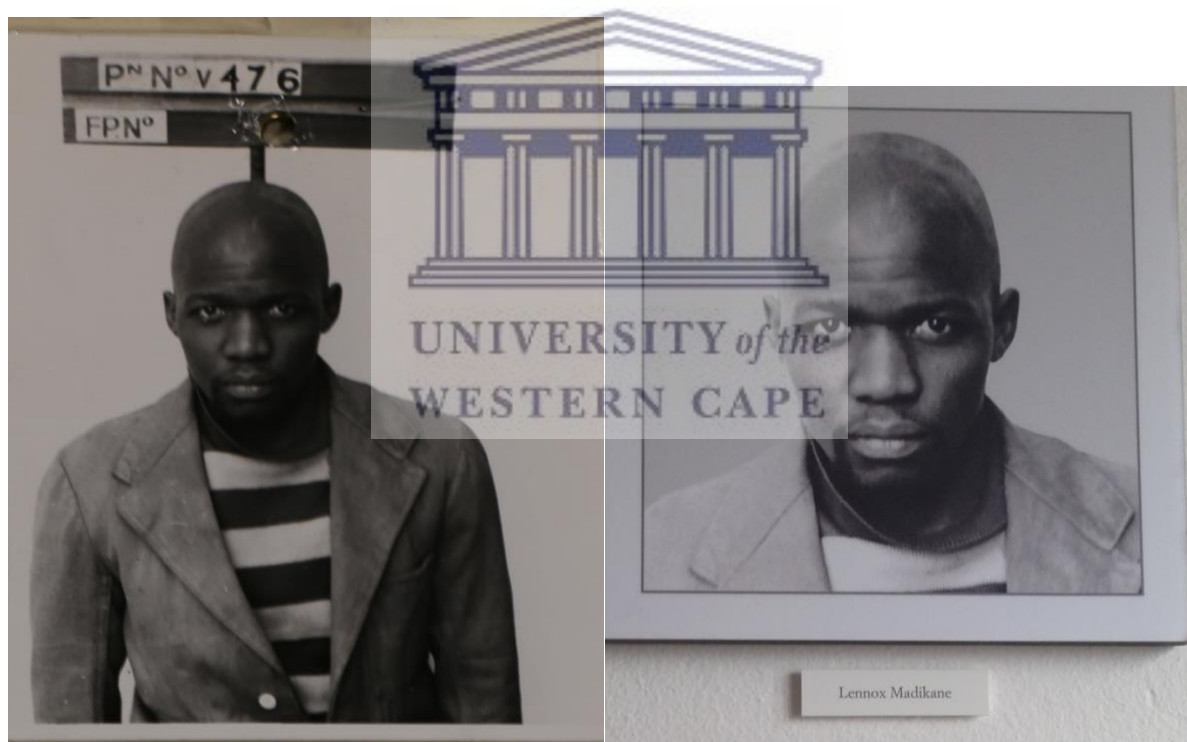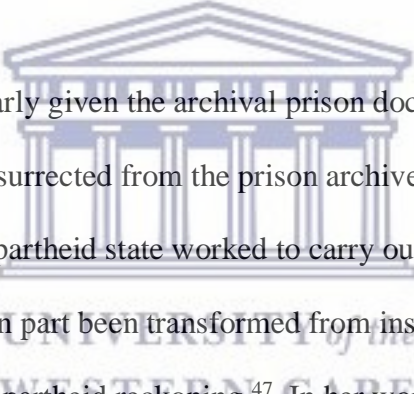
Figure 16 (left): Prison photograph of Lennnox Madikane bearing his prison and fingerprint number. Figure 17 (right): Photograph of Lennox Madikane in the Gallows Memorial exhibition. Photo: B. van Laun. June 2015

violence as "law-making violence" and "law-preserving violence" which I have discussed in Chapter 2 of this dissertation. See James Tyner and Christabel Devadoss, "Administrative Violence, Prison Geographies and the Photographs of Tuol Sleng Security Center, Cambodia," *Area,* Vol. 46, Issue 4 (2014), 361-368

The official documents are partially responsible for telling the story of the bureaucratic procedures of judicial killing at the Gallows Memorial Museum. A paper trail, some of which is on display, from the Warrant of Execution, to the Notice of Death and Autopsy Report of a prisoner, clearly attest to the routinised and bureaucratic administration of death and every aspect of the process, although this is not adequately explored by the curators. It is in part through the display of the bureaucratic documents and identification photographs that the violence and brutality of this system of state-sanctioned killing is conveyed. At the same time these documents reference particular individuals and produce something of a biography of the executed, the effect of which is to distract from any consideration of anything else that the documents may tell us.

The Museum exhibits have clearly given the archival prison documents discussed in the previous chapter a new life. Resurrected from the prison archives, they are intended to tell the story of the way in which the apartheid state worked to carry out judicial executions. In this setting, these documents have in part been transformed from instruments of repression and control into a medium of post-apartheid reckoning.[47] In her work on the police archives in Guatemala, historian Kirsten Weld is invested in the question of whether these archives could "offer a new chance at postwar reckoning."[48] Weld's book considers the discovery of a collection of an estimated 80 million decaying pages of once-secret police documents and their restoration, organisation and rehousing in the newly created *Archivo Historico de la Policia Nacional* (Historical Archives of the National Police, AHPN). These documents were uncovered in a decaying state and Weld describes them as " 'paper cadavers' in need of restoration."[49] Weld is interested then to consider the ways in which these documents have

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[47] My thinking here is informed by the work of Kirsten Weld. Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Durham: Duke University Press, 2014)
[48] Weld, *Paper Cadavers*, 34
[49] Weld, *Paper Cadavers*, 35

been reimagined in a post-war setting and shows how a small group of human rights activists used the files produced by former perpetrators as "part of an unprecedented effort to rewrite history."[50]

Weld points out that these documents of the Guatemalan police archives represent two different archival logics at different moments in time. The first logic is the one that produced them- a logic driven by ideas of surveillance, ideological and social regulation that saw these documents used as a weapon against those considered to be enemies of the state. The second logic arose out of the documents' recovery- a logic of "democratic opening, historical memory and the pursuit of justice for war crimes."[51] This latter logic also utilised the archives as a weapon but for a different purpose. Weld is invested in the question of how this evolution from the first logic to the second happened and how this was reflective of Guatemala's transition from war to peace.[52]
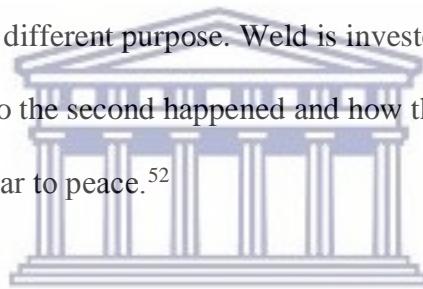
As Dutch archivist Eric Ketelaar argues, repressive state records originally produced for surveillance and tyranny "can also become instruments of empowerment and liberation, salvation and freedom"- a dynamic that is familiar to those who have used Soviet, Nazi and other documentary collections in the processes of historical, moral and legal reparation.[53] Both Weld and Ketelaar are useful to think with as the prison files, documents and photographs produced as part of repressive measures by the apartheid state have clearly been "resurrected" from the prison archives and reimagined in a post-apartheid setting through the projects I am describing. In the context of the Gallows Memorial Museum, these state

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[50] Weld, *Paper Cadavers,* 36
[51] Weld, *Paper Cadavers,* 6
[52] Weld, *Paper Cadavers*, 44
[53] Eric Ketelaar, "Archival Temples, Archival Prisons: Modes of Power and Protection," *Archival Science,* Vol. 2 (2002), 229

documents and photographs have been "resurrected" for the purpose of restoring humanity, honouring the men executed, and representing a history of apartheid-era judicial executions.

We might consider then how the recovering of the documents and photographs in the case of the Gallows Memorialisation Project might also be thought of in terms of the two logics that Weld has pointed out. The logic that produced these records, as I have shown in the previous chapters, was one that worked to fix identities and make the individual the subject of definition, analysis and power. This functioned within the larger efficient and organised bureaucratic regime to justify and produce the deaths of these subjects. The second logic is the one that saw them recovered from the prison archive and re-presented in different formats by the Gallows Memorial Museum and the Gallows Exhumation Project as part of the logic of nation-building, political commemoration and "healing." However, I want to suggest that the bureaucratic rationality that functioned through the original production of these documents is not entirely different from the logic that sees them reproduced in the contexts of the Gallows Museum and Exhumation Project. In some senses they continue to do the work of fixing the same identity of particular individuals although flipped over and now enacting present political priorities.

Enlarged copies of official prison documents have also been mounted on the white tiled walls of the autopsy room. These documents include official notices of the death of prisoners, the Autopsy Reports, as well as the document that contains the physical description of the prisoner and dactyloscopy (S.A.P 78) described in the previous chapter. Without captions, these documents are largely expected to speak for themselves. No explanation is provided as to how they formed part of the system nor of the archives that housed and preserved them. The documents function as evidence of deaths by hanging and autopsies completed after an

execution, but they are not examined as objects that accompanied the process of death and that, as I suggest in Chapter 3, eloquently reflect the bureaucratic mind of the apartheid state.

At no point on the tour are these documents discussed and there is no concerted effort to engage with them or the bureaucratic regime, the kinds of state knowledge or the actions that they reflect. There is no discussion of how these documents, as I have argued in Chapter 3, were constitutive of bureaucratic actions and processes that accompanied and facilitated capital punishment. In some ways this is expected to be self-evident. Most visitors pass through the autopsy room without stopping to read these documents. The focus for the relatives, who are the Museum's only visitors for now, is largely directed to the moment of hanging and seeing their dead commemorated in the photographic exhibition and by means of the individual plaques in the gallows room. The emphasis is on the cruelty of apartheid and the sacrifice of the hanged rather than any effort to understand how the judicial executions carried out at this prison were deeply enmeshed within a larger bureaucratic apparatus that, as I have argued, may help us to understand the bureaucratic mind of apartheid.
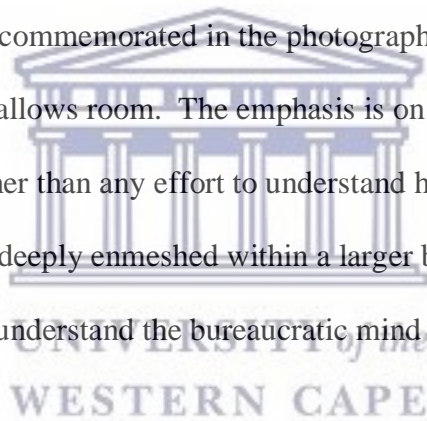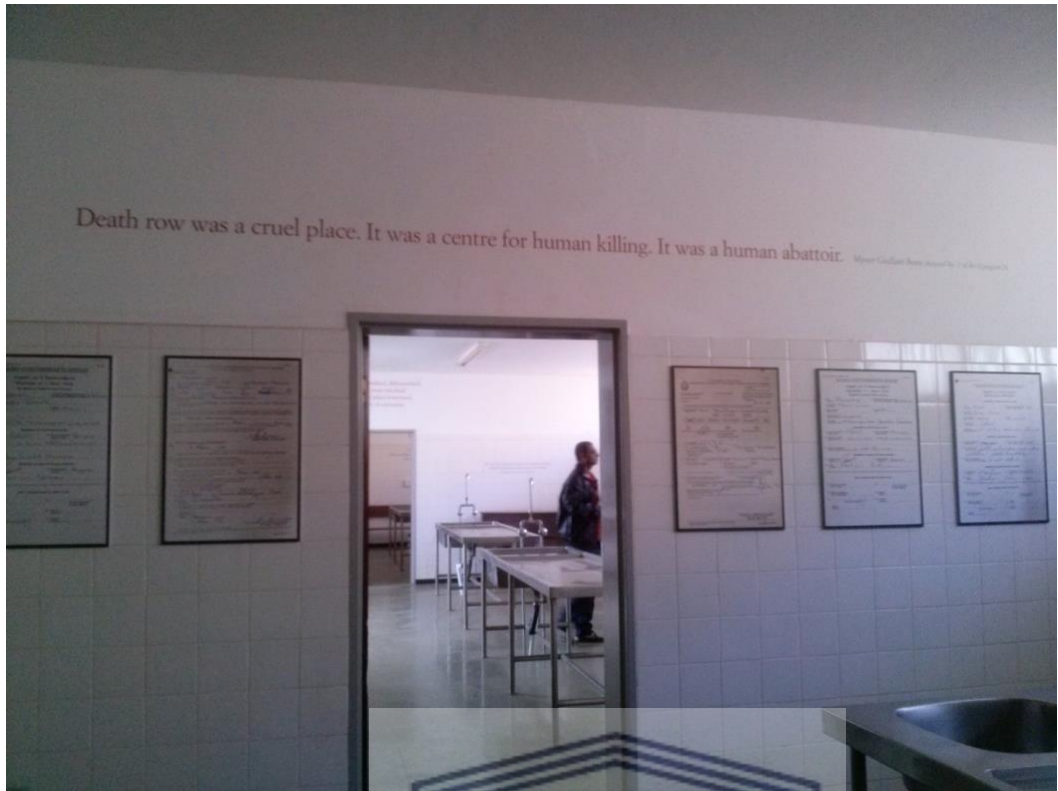
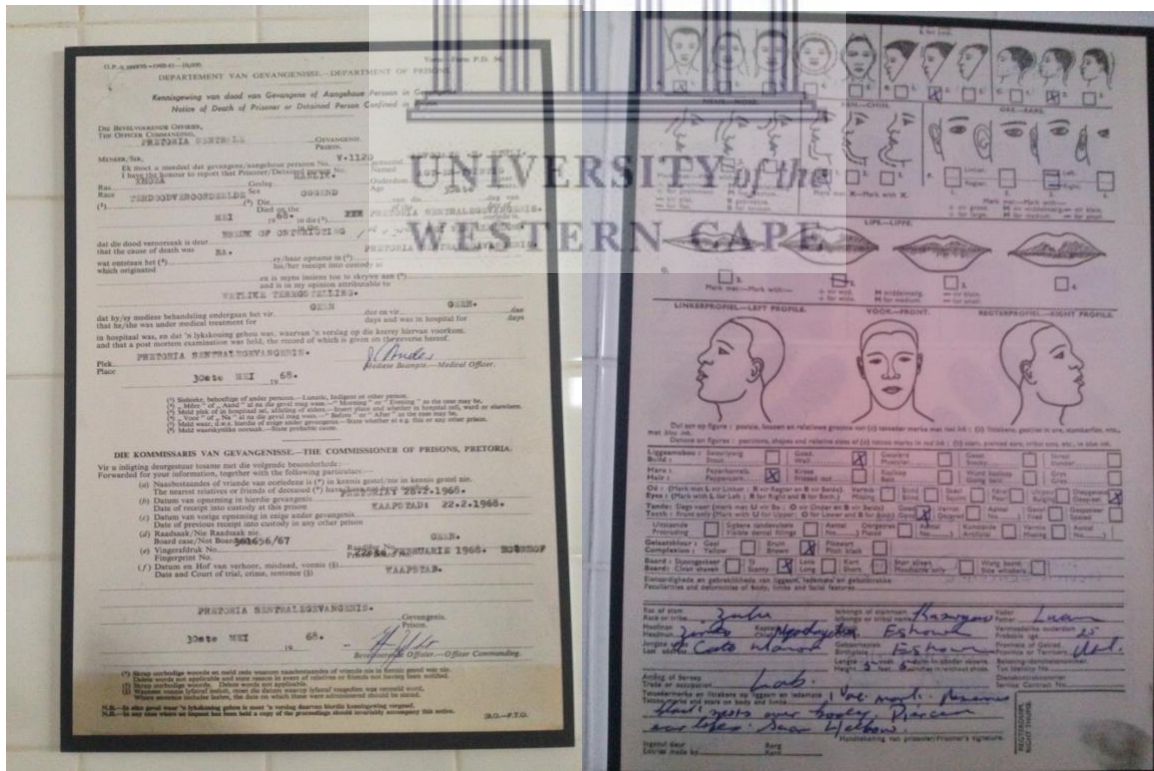Figure 18: Documents on the walls of the autopsy room. Photo: B. van Laun, June 2015

Figure 19 (Left): Enlarged copy of the Death Notice of a Prisoner (P.D.96) on the wall of the autopsy room. Photo: B. van Laun, June 2015
Figure 20 (Right): Enlarged copy of document S.A.P. 78. Photo: B. van Laun, June 2015

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The information boards relating brief biographic narratives of selected individuals that I have

mentioned also include fragments of documents taken from their prison files. Across these

biographies of the four selected prisoners we see the inclusion of the "Description Register of

a Prisoner," the "Warrant of Execution" and various other official documents, yet here again

there is no discussion of the production or function of these documents. The kinds of

questions that I suggested in Chapter 3 we must ask of these documents as the "artifacts of

bureaucratic knowledge" do not feature here.[54] Often the narrative provided on these boards

does not refer to the documents that have been included. Here they are merely illustrative and

included as part of the biographic detail. Ultimately, the official documents on display tell us

little about the lives of the people represented. They are only symbolic of a life within a

larger tragic historical and political narrative. Even though I have argued in Chapter 3 that

these documents have the possibility to reveal something of the mind of the state, in this

rendering in this new context they do not, other than to portray the evilness of the apartheid
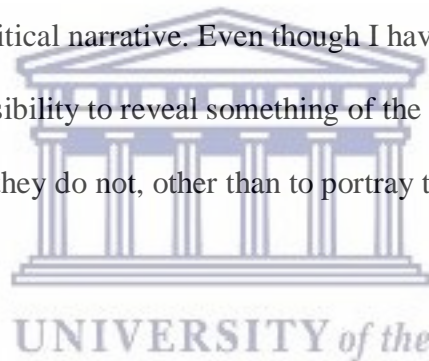
state.

As a result, what the relatives of the hanged find here is not the individual, irreplaceable

person that they might wish to know or recover, but rather what remains in these documents

is the abstract, documented individual of state bureaucracy. As Weld argues resurrecting

"paper cadavers" ultimately only provides us with "a testament to the repression suffered…a

thin and tragic representation of a once-full life."[55] If, as I have suggested in Chapter 3 it is

often as if the person becomes the paper document that is passed through the bureaucracy,

then in some senses the person remains the paper even in these post-apartheid reproductions.

If these documents never really represented the person to whom they referred but rather

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[54] Annelise Riles, "Infinity Within the Brackets," *American Ethnologist*, vol.25,3 (1998), 378
[55] Weld, *Paper Cadavers,* 67

represented the bureaucratic regime that produced them, then it can really only ever be the "paper cadaver" that is resurrected from the archive and not the person.

Yet, in the context of the Memorial Museum they are incorporated into these biographies as evidence of the hanged individual's political narrative that seeks to show what this contribution cost them- their lives. Incorporated into these new assemblages that create a layering of various different documents, we can see perhaps even more clearly how, as I suggested in Chapter 3 drawing on Annelise Riles, that the documents are also aesthetic objects.[56] In these new assemblages they are intended to form part of biographies that rehumanise and honour the hanged prisoner for his political contribution in ways that appeal to the visitor.
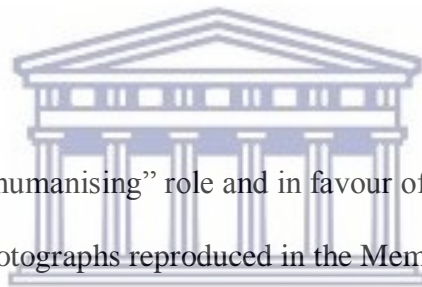
In their commemorative and "humanising" role and in favour of providing an overall narrative, the identification photographs reproduced in the Memorial Museum similarly seem to ignore and obscure attention from their original source, the context of their production and how they might reflect the inner logics of the bureaucratic and administrative systems that produced them. Thus this use of the photographs tells us nothing about the material practice of photography within an apartheid prison setting. These photographs are just a trace of a much larger and extended administrative violence. As James Tyner and Christabell Devadoss suggest, it is precisely in the visual documentation of prisoners that administrative violence is manifested. However, "an excessive focus on the 'afterlife' of the photograph obscures the administrative violence that is revealed by the production of the photographs themselves."[57]

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[56] Riles, "Infinity Within the Brackets," 378-398. Annelise Riles, "Introduction: In Response" in Annelise Riles (ed.), *Documents: Artifacts of Modern Knowledge* (Ann Arbor: University of Michigan Press, 2006), 1-38
[57] Tyner and Devadoss, "Administrative Violence, Prison Geographies and the Photographs of Tuol Sleng Security Center, Cambodia," 366
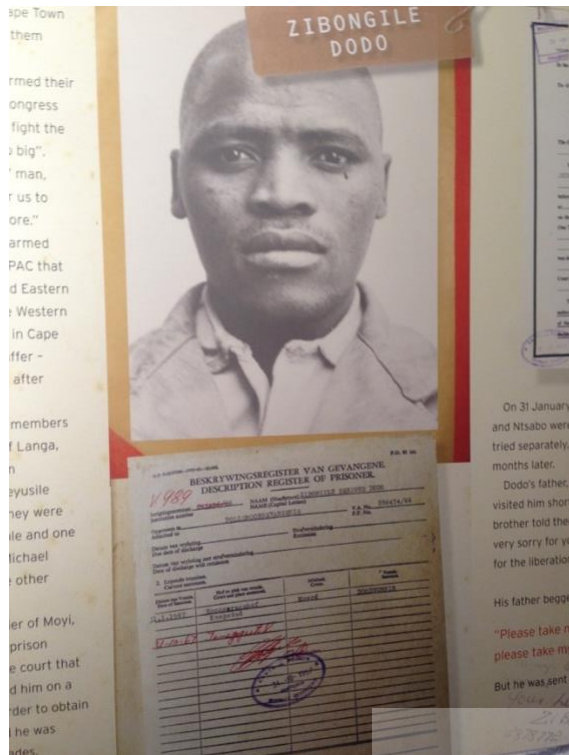
Figure 21: Fragments of documents included in the information board providing a biography of Zibongile Dodo. Photo: B. van Laun, June 2015
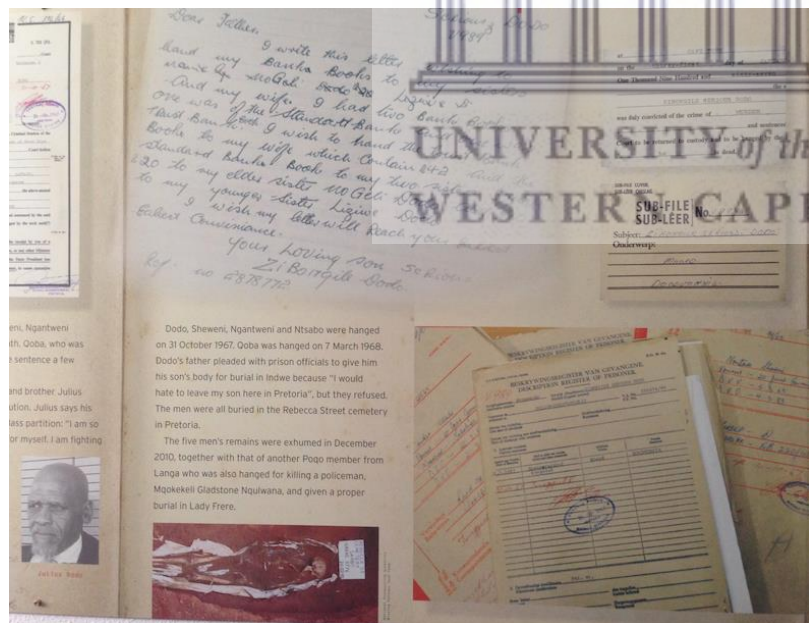
Figure 22: Fragments of documents included in the information board providing a biography of Zibongile Dodo. Photo: B. van Laun, June 2015
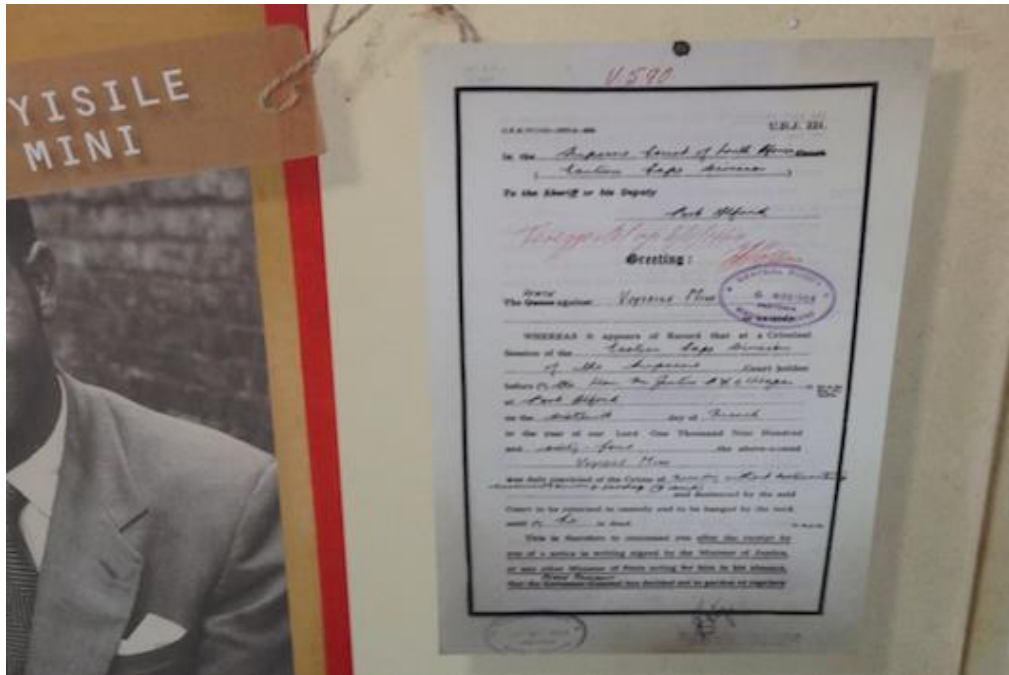
Figure 23: Copy of the Warrant of Execution included in the information board providing a biography of Vuyisile Mini. Photo: B. van Laun, June 2015

Resurrecting "paper cadavers" and "Laying the gallows ghosts to rest"[58]: The Gallows Exhumation Project

On 23 March 2016, the Minister of Justice and Correctional Services, Michael Masutha, officially launched the next phase of the Gallows Memorialisation Project.[59] This phase involves the exhumation and reburial of 83 political prisoners who had been hanged at the prison.[60] After several delays, the first of these exhumations began in December 2016.[61]

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[58] Wim Pretorius, "Laying the gallows' ghosts to rest," *News24*, 23 March 2016

[59] " Gallows Exhumation Project to launch today," 23 March 2016, accessed at http://m.ewn.co.za/2016/03/23/83-political-activists-hanged-in-the-gallows-will-be-exhumed-today on 5 April 2016. Masego Rahlaga, "Masutha launches Gallows Exhumation Project," *Eyewitness News*, 23 March 2016, accessed at http://ewn.co.za/2016/03/23/Masutha-launches-gallows-exhumation-project on 5 April 2016. "Exhumation project to be launched at Pretoria prison," 26 March 2016, accessed at https://www.enca.com/south-africa/exhumation-project-be-launched-pretoria-prison on 5 April 2016. "Exhumation of 83 political prisoners to commence on 04 April 2016," 23 March 2016, Accessed at http://www.justice.gov.za/m_statements/2016/20160323-GEproject.html on 5 April 2016.

[60] The remains of 47 political activists executed during the 1960s, among them six PAC activists known as the Langa Six had already been exhumed. " Langa Six remains exhumed," 25 February 2010 accessed at www.iol.co.za/news/politics/langa-six-remains-exhumed-474565 on 10 October 2014. "Activists' remains to be exhumed," 23 February 2010, accessed at www.news24.com/.../news/**activists**-remains-to-be-**exhumed**-20100223 on 10 October 2014

[61] These were the 12 Mbashe River cases. According to Fullard the Eastern Cape Provincial Government had requested that the MPTT start with these cases as the majority of hanged individuals were Eastern Cape cases.

This project is clearly driven by a nation-building agenda reflecting the same logic as that of the Gallows Memorial Museum and is intended as a further step towards the goal of providing some form of closure for families of the hanged.[62] Research and exhumations have been conducted by the Missing Persons Task Team (hereafter MPTT) together with the Truth and Reconciliation Commission (TRC) Unit in the Department of Justice and Constitutional Development.[63]

The MPTT has its origins in the TRC. The Promotion of National Unity and Reconciliation Act (1995) provided the TRC with the mandate to make recommendations to the State President. Among these recommendations was the proposal for the establishment of a team that would investigate the still unsettled cases of missing persons that had been reported to the TRC. The result was the establishment of the MPTT in the Priority Crimes Litigation Unit (PCLU) in the National Prosecuting Authority (NPA) in 2004, tasked to investigate the cases of missing persons who disappeared between 1 March 1960 and 10 May 1994.[64] As the Gallows Memorialisation Project began, it fell on the MPTT to locate, exhume and accurately identify the remains of hanged political prisoners and the TRC Unit to return them to their families.

The Eastern Cape Provincial Government had also contributed significantly to the process. Email correspondence with Madeleine Fullard (19 February 2018). The process was delayed by several logistical processes including the transporting of families to Pretoria and finances.

[62] " Gallows Exhumation Project to launch today," 23 March 2016, accessed at http://m.ewn.co.za/2016/03/23/83-political-activists-hanged-in-the-gallows-will-be-exhumed-today on 5 April 2016. "Gallows Exhumation Project to bring closure to families of executed political prisoners," 23 March 2016, accessed at https://www.enca.com/media/video/gallows-exhumation-project-bring-closure-families-executed-political-prisoners?playlist=107 on 5 April 2016

[63] As I write this chapter, some of these remains are being formally handed back to families and reburied. As of the 19th of February 2018 the MPTT has around 45 sets of remains remaining to be exhumed. Email correspondence with Madeleine Fullard (19 February 2018)

[64] See the TRC's definition of missing persons. See Report of the Truth and Reconciliation Commission, Volume 6 (Cape Town: Juta, 2003)

The preliminary work of the MPTT is historical and investigative. Much time is spent trawling through archives with a particular focus on police/prison documents, trial records, mortuary books and cemetery records.[65] The team makes use of professional surveyors to map the graves, cemetery records (to confirm the grave numbers obtained from the Prison) and various archaeological practices. As Madeleine Fullard, the head of the MPTT, told journalists at the launch of the Gallows Exhumation Project, "there are records but they are partial, they are not complete. We have records of about 80 percent of the cases. So what we've done over the past few years is the process of verification and research and working through documentation…In these cemeteries they have separate pauper sections that do not have grave numbers. We have had to use a process of verification to reconstruct the maps of the cemeteries and reconstruct the graves."[66]
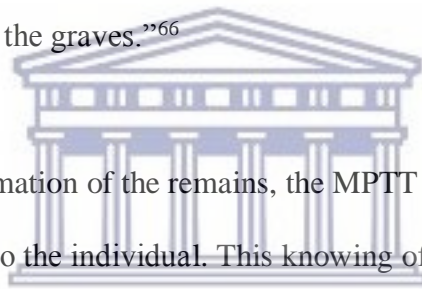
Beyond the locating and exhumation of the remains, the MPTT works to uncover and reveal "the story" of what happened to the individual. This knowing of the circumstances surrounding the individual's death- and in the case of the hanged, the procedures followed on death row- involves archival research and a tracking of the bureaucracy of death. The MPTT researches the individual's path to death through the trial records, newspaper reports and prison archives and produces a brief history of each case for the purposes of the Minister of the NPA and the media.[67] However, again it seems that for the families, what becomes important is not an understanding of the whole bureaucratic machine or process, but re-experiencing the moment of death and reclaiming the remains.

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[65] According to Fullard, the cemetery records are used to confirm the grave numbers of the individuals they are to exhume, as well as the physical information of the individuals buried beside them to aid in making accurate identifications. Correspondence with Madeleine Fullard (19 February 2018)

[66] "Exhumation of political prisoners' remains begins," *The Star* (5 April 2016)

[67] Correspondence with Madeleine Fullard (19 February 2018)

When exhumations are carried out, the TRC Unit arranges for relatives of those being exhumed to be brought to Pretoria, and taken on a tour of the Gallows Memorial Museum and provided with a detailed explanation of the processes of death row and hanging.[68] In the Museum, family members actively engage with the copies of prison documents, photographs and the names represented. They fill the space of the photograph room, each taking their turn to get up close and point out the photograph of their relative. They whip out their cell phones and take photographs of the photograph or ask someone to take a photograph of the family with the image in the background almost as if reinserting the hanged relative into a family portrait.

Figure 24 (left): Relatives of some of those hanged for events in Paarl point out the photographs of their relative during a visit to the Gallows Memorial Museum. Photo: B. van Laun, August 2017. Figure 25 (right): Relatives of some of those hanged for events in Paarl point out the names of their hanged relatives during a visit to the Gallows Memorial Museum. Photo: B. van Laun, August 2017.

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[68] "Families visit gallows to mourn loved ones," *SA News*, 16 December 2011, accessed at http://allafrica.com/stories/201112161231.html on 10 July 2014. "52 Steps to death," *City Press,* 13 August 2017, accessed at https://www.news24.com/SouthAfrica/News/52-steps-to-death-20170812 on 13 August 2017

After their tour of the Gallows Memorial Museum, family members are often also taken to Freedom Park where they are shown the names of their hanged relatives inscribed on the Wall of Names amongst the names of thousands of others who had lost their lives in numerous conflicts in South Africa's history- a reminder that this is part of a larger nation-building project. They are then bussed to the municipal cemetery where the MPTT has worked all morning to expose the remains for the families' viewing. Crowding around the open graves, it is significant for families to see the grave and the remains and to conduct the rituals that had been denied them at the time of death.

While the prison manual that I have mentioned in the previous chapters, in its section on procedures to be followed after an execution had noted that "No photos may be taken," the exhumations are made visually accessible through the media, and images of almost every stage of the exhumation process from the initial ground breaking with pick axes to the exposed remains in open graves have accompanied media articles. The relatives present at exhumations take photographs and video clips of the gravesite and exhumed remains on their cell phones and distribute these to other family members not present at the site. The MPTT members too, record their findings in photographs taken with digital cameras and cell phones before the bones are removed from the grave. Scholars Francisco Ferrandiz and Alejandro Baer show how the visual recording has become an important aspect of exhumations. The digital register, instant visual consumption, and extensive distribution, they suggest, have become an essential part of the process of restitution for victims and relatives who had previously been robbed of memory.[69]

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[69] Francisco Ferrandiz and Alejandro Baer, "Digital Memory: The Visual Recording of Mass Grave Exhumations in Contemporary Spain," *Forum: Qualitative Social Research*, Vol.9, No.3 (2008). Francisco Ferrandiz, "From Tear to Pixel: Political Correctness and Digital Emotions in the Exhumation of Civil War Mass Graves in Spain Today," in Elena Delgado, Pura Fernandez and Jo Labanyi (eds.), *Engaging the Emotions in Spanish Culture and History* (Nashville: Vanderbilt, 2016), 242-261

In preparation for exhumations, the MPTT too has mined and reproduced the same state documents and photographs to which I have referred in compelling ways that exceed but also often reproduce their original logic and purpose. The bureaucratic documents have been used to locate the remains and to make an accurate identification. The MPTT relies directly on the identification photographs as well as the physical description of the prisoner provided in form S.A.P. 78 to confirm the race, age, height, dental information, the shape of the occipital, skull, nose, eye sockets, notes about significant injuries and scars that might suggest old fractures or have affected the bones, and look at the sets of fingerprints specifically in cases where a finger was missing.[70] They take note of the Prison death certificates and the specification of cause of death as "fractured dislocation of the 1st and 2nd cervical vertebrae" and look for these fractures on the remains.[71] The MPTT collects and makes notes on this data, which helps them to positively identify the remains of hanged individuals. In some cases, where the remains are in a poor condition, the MPTT must rely entirely on the presumed accuracy or "truth" contained in such documents and burial records.[72]

One might say then that the recovery of the paper remains referring to the hanged prisoner enables the recovery of the physical remains. The very measurements and details that were required for their identification, subjectification and execution, now aid in the locating,

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[70] Several of the 1960s cases have the same cultural feature among mainly Xhosa people from Pondoland (ethnically identifying them as Pondo) where the top portion of the fifth phalanx or pinkie finger on the left hand was amputated.

[71] However, as Madeleine Fullard notes the MPTT rarely finds such fractures on the remains particularly those hanged during the 1960s and buried in Mamelodi cemetery which are often very disintegrated. Madeleine Fullard, unpublished manuscript, 154

[72] This was the case with the remains of Poqo members hanged for Paarl incidents as well as many others of the remains of those hanged in the 1960s and buried at Mamelodi Cemetery and exhumed in August 2017. The remains were so severely disintegrated that the MPTT could not do age or sex matching. In these cases, it was decided that they would not do DNA identification based on "the reliability of the burial records and the challenges involved in doing DNA identification (length of time involved in doing DNA tests, deterioration of the remains themselves meaning we would face problems getting DNA from the bones, the lack of immediate relations to compare the bone DNA samples with etc." Correspondence with Madeleine Fullard (19 February 2018). See also Fullard, unpublished manuscript, 141-159

exhumation and rehumanisation of the hanged prisoners. These documents had been intended for- and key to-fixing and confirming the identity of the prisoner. In part, the MPTT's interest in these records has the same rationale. However, they put this information to work in ways that the apartheid state could not have foreseen. It seems that the same rationale that required that these people be made to die, that is because of the political threat they posed to the apartheid state, operates in the post-apartheid dispensation to require that they are resurrected both physically and in paper form. The flipping over of the same logic that saw it necessary to "make die" in a biopolitical sense, now makes them "live" as "ancestors of the nation."[73]

This work of the MPTT itself requires several bureaucratic processes. In order to exhume the skeletal remains of the cases that fall under the Gallows Exhumation Project, the MPTT must complete an application to the municipality of Gauteng for exhumation and re-interment. They must further record and report on their investigation and findings in each case. When skeletons or what remains thereof (even if only a few bone fragments) are forensically examined after exhumation, there are a set of forms and diagrams that are completed to record the findings or what is present of the remains and what is absent.[74]

If these photographs and documents were produced through forensic methods (that include documentary and identificatory practices), their repurposing by the MPTT could be considered a practice in counter-forensics in Allan Sekula's sense of the notion. Borrowing Sekula's notion of the counter-forensic, Thomas Keenan shows that by this term Sekula does not refer to the professional meaning of counter-forensics (which would involve efforts to disrupt or prevent an accurate forensic analysis) but rather raises the question of the way in

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[73] Ciraj Rassool, "Human Remains, the Disciplines of the Dead, and the South African Memorial Complex," in Derek Peterson, Kodzo Gavua and Ciraj Rassool (eds.), *The Politics of Heritage in South Africa: Economies, Histories and Infrastructures* (South Africa: Academic Press, 2015), 145

[74] Correspondence with Madeleine Fullard (14 June 2018)

which forensic techniques as taken up by oppressive states are reversed such that "forensic methods have also become tools of opposition."[75] Sekula suggests that the same forensic techniques once used for repression can be embraced as a practice of "political maneuvering."[76] In expressing this Sekula produces the "sequence of actions" as follows: "Identification-Annihilation-Identification."[77]

Indeed, in the case of the judicial executions in South Africa, the identification photographs and documenting of prisoners were central in the bureaucratic process of killing them. Today, these same images and documents are being taken up as evidence and reinterpreted in the forensic processes and procedures of the MPTT, and the memorialisation project, in their attempts at reidentifying or rehumanising the dead. This re-interpretation of the evidence is, as Sekula would suggest, a matter of "political maneuvering." This is similar then to Weld's argument regarding the shift between the two logics of documentary records. This is a counter-forensic moment but it also does political work that is to consolidate the political/ criminal divide among the hanged and it is this political work that is perhaps more troubling. Photographic meaning, as Sekula reminds us, is always relatively indeterminate and here the Gallows Memorialisation Project has decided to reframe what the prisoner identification photographs and documents say and do by placing them into new "presentational circumstances."[78] Keenan suggests that Sekula's diagram is not entirely symmetrical precisely because a post-conflict ascribing of names and histories differs from the initial establishing of identities that was complicit in their killing.[79] I want to suggest that in the case

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[75] Keenan, "Counter-forensics and Photography," *Grey Room,* 55 (2014), 69. Allan Sekula, "Photography and the Limits of National Identity," *Grey Room,* 55 (2014), 30

[76] Allan Sekula, "Dismantling Modernism, Reinventing Documentary," *Massachusetts Review,* Vol. 19, No. 4 (1978), 875

[77] Sekula, "Photography and the Limits of National Identity," 30

[78] Sekula, "Dismantling Modernism, Reinventing Documentary," 863

[79] Keenan, "Counter-forensics and Photography," 71

of the Gallows Memorial Museum and the Exhumation Project this is more ambivalent as the logic that drives the use of state documents and photographs in order to memorialise particular individuals does not entirely disrupt the bureaucratic rationality that first produced them. The logic of their use by the Gallows Memorialisation Project similarly fixes the identities of particular individuals through the use of names, documents and identification photographs, although to a different end.

Aside from the actual exhumation of the remains, identity is restored through yet another resurrection of the same identification photographs. During exhumations, these photographs are often copied onto A3 pieces of white paper that are pasted onto cardboard with a stake attached. Like temporary headstones they are pushed into the ground above the grave. Directly below the image, the individual's name, age and date of execution are included. Above the image is the phrase, "in honour of political prisoners executed during the national liberation struggle"- identifying them again as political figures. There is an attempt here to restore individual personhood[80] and dignity in the form of even a temporary tombstone bearing the individual's biographical details above graves that were previously unmarked. This is seemingly performed for the benefit of the families who come to witness the exhumations and view the remains.

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[80] See Karl, "Rehumanizing the Disappeared," 727-748

Figure 26: Photographs of three Poqo members placed above their shared grave. Photo: B. van Laun, Mamelodi Cemetery, August 2017

The re-presentation of the same prison identification photograph in these multiple guises reveals the way in which photographs too can have multiple lives and can be reimagined in myriad ways. Removed from their original context and incorporated into different documents in very different contexts, these photographs now lend themselves to an honorific discourse.[81] Any and all reference to their production as tools of identification and repression have been removed. They are reproduced on posters, in the programs at the handover and reburial ceremonies and even attached to each of the coffins. Here they are inserted into new documents that include the political organisation's colours and insignia. They work to reinsert the hanged political prisoners into the anti-apartheid organisation- reclaimed as "its" members and heroes who had laid down their lives in the liberation struggle, and located in the discourse of nation-building. Instead of the apartheid prisoner they are meant to represent

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[81] Sekula, "The Body and the Archive," 3-64

and honour the struggle hero and martyr. Ultimately, their identity is now defined as members of a particular organisation and a political biography is conferred upon them.

Yet, again, in these new configurations, there seems to be no space for a critical engagement with the wider bureaucratic systems and ideologies that first produced the photographs and documents. They are entirely scripted into an honorific role and there is no recognition of how, in seeking to fix the identities of particular individuals, they in part continue to work within the same logic as the one that produced them. This is particularly the case as they are used at the gravesite during exhumations to identify particular graves as belonging to particular individuals, or as they are attached to the coffins at the handover ceremonies where they continue in some senses to identify the person with the apartheid prisoner portrayed in the photographs.

Figure 27: Programme for the official hand-over of the remains of Langa Six. Photo: Madeleine Fullard, December 2010

Figure 28: Official handover of the remains of 17 Paarl Poqo members, Queenstown. Photo: Madeleine Fullard, 23 March 2018

What is restored to these individuals then is not so much a personal narrative, but a political

biography and affiliation. In death, the men involved in the 1960's instances of Poqo violence

are claimed by their families, by the current state and by the PAC leadership as politically-

driven soldiers and heroes.[82] The emphasis placed on families' opportunity to mourn and heal

was, as Rousseau argues, overwritten by the bodies' inscription into what historian Ciraj

Rassool called a narrative of "ancestral heroes of the nation."[83] This is an example of what

Katherine Verdery refers to as the "political lives of dead bodies" as she maintains that dead

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[82] This despite the fact that during the 1960s within the PAC itself the activities attributed to Poqo had received significant criticism and at different moments Poqo had been claimed and disowned by the PAC. Brown Maaba, "The PAC's War Against the State, 1960-1963," in *The Road to Democracy in South Africa,* South African Democracy Education Trust, Volume 1 [1960-1970], (South Africa: Unisa Press, 2006), 285. Thami ka Plaatjie, "The PAC's Internal Underground Activities," in *The Road to Democracy in South Africa,* South African Democracy Education Trust, Volume 2 [1970-1980] (South Africa: Unisa Press, 2006), 670, 680. Kwandiwe Kondlo, In the Twilight of the Revolution: The Pan Africanist Congress of South Africa 1959-1994 (Basel: Basler Afrika Bibliographien, 2009), 235. Bianca van Laun, "In the Shadows of the Archive: Investigating the Paarl March of November 22nd 1962," Masters dissertation, University of the Western Cape (2012), 69-71
[83] Nicky Rousseau, "Identification, Politics, Disciplines: Missing Persons and Colonial Skeletons in South Africa," in Elizabeth Anstett and Jean-Marc Dreyfus, *Human Remains and Identification: Mass Violence, Genocide and the 'Forensic Turn,'* (Manchester University Press, 2015), 175-202, 195. Rassool, "Human Remains, the Disciplines of the Dead, and the South African Memorial Complex," 145

bodies come to animate particular kinds of politics.[84] This political biography allows for their remains to be exhumed by the MPTT and returned to their families. This is a case where, as Jenny Edkins suggests, individuals are seen to count on the basis not of *who* they were but *what* they were, that is a concern with their political biography rather than their private life history. This is, as Edkins put it, "a politics that *misses* the person."[85] Indeed, this might be thought of as yet another subjectification of the individual as it is the political subject that is recovered. Rather than as prisoner, the same identity is fixed as member of a particular political organisation and as subject of its power.

Figure 29: PAC banner hangs over excavated graves of Langa Six. Photo: Madeleine Fullard, Pretoria, February 2010

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[84] Katherine Verdery, *The Political lives of Dead Bodies: Reburial and Postsocialist Change* (Columbia University Press, 2000)

[85] Jenny Edkins, *Missing: Persons and Politics* (London: Cornell University Press, 2011), 9

Figure 30: PAC members carry party flags at the exhumation of Poqo members. Photo: B. van Laun, Mamelodi Cemetery, August 2017

Conclusion

This chapter has sought to investigate the various ways in which bureaucratic documents produced in the service of carrying out judicial executions have been recuperated and employed as a practice of counter-forensics. Just as Weld shows of the Guatemalan case that she studies, the Gallows Memorialisation Project has seen both the "resurrection" of the literal bones (or what remains thereof) of the prisoners and of the "paper cadavers" or the archival documents and photographs produced by the apartheid state bureaucracy and now reimagined in attempts at figuring the post-apartheid. Indeed, this archival reincarnation has facilitated the exhumation and identification of the remains.

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Following Sekula and Keenan, I suggest that this has involved a counter-forensic practice as these bureaucratic records and photographs have been resurrected from the state archives, reinterpreted and placed into different and new "presentational circumstances" that seeks to overturn their original oppressive logic. Repressive state documents and photographs are intended to be refigured as honorific. However, as the documents and photographs are used to fix the identities of particular individuals that the Project seeks to commemorate, the logic that drives their reproduction in the new configurations and contexts seems in some ways to replicate the bureaucratic rationality that produced them. In this sense there is a symmetry as Sekula suggests in his diagram of "Identification-Annihilation-Identification." The documents and photographs are intended to rehumanise the hanged prisoners but in some ways, by producing these men as political figures and heroes of the nation they are still disciplined and produced as subjects albeit of a different kind.

As the documents and photographs are resurrected within the logic of memorialisation and rehumanising the dead of apartheid's political execution campaign rather than a renewed critique of the bureaucracy of death involved in the apartheid state's political executions, no space is left to engage with the conditions of their creation or the bureaucratic rationalities that they reflect. Although the recovery of these documents and photographs is significant in their contribution to identifying the prisoners' remains and revealing the history of capital punishment under apartheid, what is recovered is the bureaucratic state subject and not the individual person. The prisoners are referenced in the records and some biographical information is provided, yet the individual remains missing within the bureaucracy.

In some ways in the Gallows Memorial Museum, the documents and photographs work along with the description of the processes involved in the last seven days and the day of an

execution to completely overpower the visitor's senses. Here these records seem to act as illustration of the horror of the death penalty rather than enable any engagement with its wider bureaucratic regime and the kinds of state knowledge that created them. Ultimately the tour of the Gallows Memorial Museum takes the visitor into a moment of re-experiencing the event of killing and evokes horror. In so doing, it seems to displace the larger bureaucratic system that worked to facilitate and legitimate judicial executions. I want to suggest however that it is not the event or moment of execution that requires our attention so much as the whole machine and administrative regime that worked to effect judicial killing including the aggregation of people and function, the documents and the gallows. I want to suggest that it is by fully comprehending the logic of apartheid's bureaucracy of death, that its post-apartheid reincarnation expressed as a practice of counter-forensics or "political maneuvering" may be better understood. [86]

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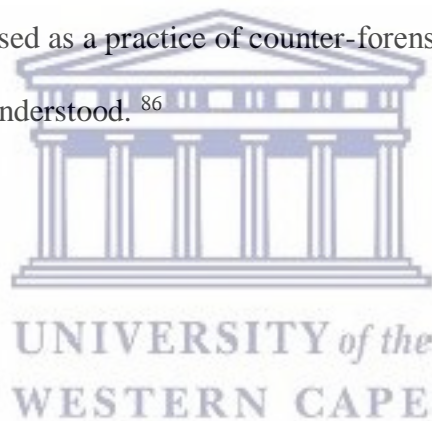
[86] Some of these suggestions and thoughts stem from conversations in the Forensic History reading group in the History Department at the University of the Western Cape and in conversations with my colleague Riedwaan Moosage.

Conclusion

On 23 March 2018, as part of commemorating what is Human Rights month in South Africa, the remains of 17 Poqo members hanged during the 1960s in connection with the events in Paarl in 1962 were officially handed back to their families in a handover ceremony in Queenstown (Eastern Cape) officiated by the Minister of Justice and Correctional Services. After more than five decades, the families of these men would be allowed to bury them alongside their family and perform the necessary burial rites. These men, exhumed as part of the Gallows Memorialisation Project in August 2017 and March 2018, were claimed by the PAC as its members, soldiers and martyrs and the coffins were each draped with the PAC flags. They were further claimed by the South African state more generally as heroes of the liberation struggle and the nation's ancestors with their ultimate sacrifice commemorated as part of the narrative of the making of democracy.

Just as Kirsten Weld suggests in the case of Guatemala that the evolution of police documents from instruments of state repression to mechanisms for "democratic opening" reflects the transition from war to peace, the exhumation and memorialisation of hanged political cadres in post-apartheid South Africa similarly reflects the transition to a new political order in South Africa.[1] Under this dispensation these individuals are seen to be commemorated for their political roles, in other words for very same reason that the apartheid state had extinguished their lives. Executions brought about by the supposed political threat that they posed to the apartheid state makes the subject of executions available to the post-

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[1] Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Durham: Duke University Press, 2014), 44. There is of course contestation over whether the post-1994 democratic and de-racialised state constituted a new political order. There are continuities with the past that continue to place pressure on the extent to which this has been a significant change

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apartheid dispensation through processes of reburial and public memorialisation. The reconfiguring of the same logic that made it necessary to "make die" in a biopolitical sense, now brings them back to "life" in the memory of the nation.[2]

Despite the presence of their names and photographs in the Gallows Memorial Museum and their exhumations and reburial ceremonies, the Poqo and PAC members who were hanged in such great numbers during the 1960s continue to be marginalised in the national narrative that emphasises the later judicial executions of MK and ANC members. Here we may consider the place of the PAC and Poqo and its ambivalent relationship to that of the larger, more normative narrative of the anti-apartheid struggle that emerged after 1994. Over the past two years *Umkhonto we Sizwe* cadre Solomon Mahlangu's date of execution has not passed without significant commemoration and comment. Last year (2017) on this date, the 6th of April, Mahlangu's family members and correctional services officials toured the Gallows Memorial Museum.[3] This year again the Mahlangu family and various ministers lead by the new Deputy President David Mabuza visited the Gallows Memorial Museum on the 39th anniversary of Mahlangu's execution.[4] A Facebook page created around the time of the release of the film *Kalushi* also used every significant date including Human Rights Day (21 March), Youth Day (16 June) and Mahlangu's birthdate (10 July) to commemorate Mahlangu and encourage people to see the film.[5]

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[2] Nicky Rousseau, "Identification, Politics, Disciplines: Missing Persons and Colonial Skeletons in South Africa," in Elizabeth Anstett and Jean-Marc Dreyfus, *Human Remains and Identification: Mass Violence, Genocide and the 'Forensic Turn,'* (Manchester University Press, 2015), 175-202

[3] Iavan Pijoos, "Solomon Mahlangu wanted to die like a soldier," News24 (6 April 2017) accessed at https://www.news24.com/SouthAfrica/News/solomon-mahlangu-wanted-to-die-like-a-soldier-20170406 on 6 April 2018

[4] "Mabuza honours SA liberation hero," *New Age* (5 April 2018). Avantika Seeth, "Mabuza pays tribute to Solomon Mahlangu, marks 39th Anniversary," *City Press* (6 April 2018) accessed at https://city-press.news24.com/News/mabuza-pays-tribute-to-solomon-mahlangu-marks-39th-anniversary-20180406 on 6 April 2018

[5] Kalushi Facebook page

Now that the hanged of the 1960s, who were mostly Poqo and PAC members, have been honoured through the Gallows Memorialisation Project and their remains handed over to their families for reburial, they largely fall back into the shadows of national memory while particular individuals continue to be kept alive in the nation's consciousness. Indeed, it has often been suggested that the existence of museums and memorials enables forgetting.[6] Nonetheless, the Gallows Memorialisation Project is an important one in its efforts to reveal and comment on the history of capital punishment in South Africa. It seems to have opened the way for various attempts to publicly reckon with the legacy of the death penalty in South Africa. After the launch of the Gallows Memorialisation Project and in a time in which exhumations and reburials of hanged political activists are happening, we have seen a renewed engagement with the death penalty. However, in its emphasis on the event of killing and the cruelty of capital punishment, there has been no real effort to confront the larger bureaucratic system that worked in South Africa to facilitate and justify judicial executions.
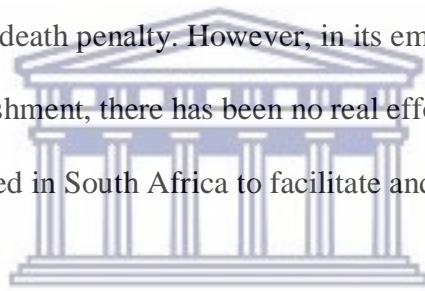
This is especially evident in two recent films that deal with the subject of the death penalty in South Africa. Unlike the Gallows Memorialisation Project, these films reveal the repressed dynamic of bureaucratic systems that enabled the death penalty. In filmic treatments of the death penalty, we soon learn that the bureaucratic is a source of the affective triggers of a public imagination. In 2016, retired senior advocate Chris Marnewick's 2008 novel *Shepherds and Butchers* was released as a film. Similarly, *Kalushi,* a film that follows the story of Solomon Mahlangu, was released in 2017.[7] Both films reflect the experience of

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[6] See John Gillis, *Commemorations: The Politics of National Identity* (Princeton: Princeton University Press, 1994). Daniel Walkowitz and Lisa Knauer (eds.), *Contested Histories in Public Spaces: Memory, Race and Nation* (Duke University Press, 2008). Berber Bevernage, and Koen Aerts, "Haunting Pasts: Time and Historicity as Constructed by the Argentine *Madres de Plaza de Mayo* and Radical Flemish nationalists," *Social History,* Vol. 34, No. 4 (2009), 391-408

[7] Chris Marnewick, *Shepherds and Butchers* (Cape Town: Umuzi, 2008)

death row at Pretoria Central Maximum Prison and the processes involved in judicial hanging at this Prison under apartheid.

Kalushi in particular provides a sense of the journey from the trial through to the execution on the gallows. We can see the functioning of the bureaucracy that worked to effect death at various moments in this film. In between scenes of the violent torture of Mahlangu and his comrades, a suddenly slowed down scene in which an official in uniform holding a brown file in hand with an identification photograph pinned to the cover descends a staircase, speaks to the bureaucratic and administrative regime functioning behind the violence. The filmmakers provide some sense of the larger system as the film reflects some of the trial process that ultimately sends Mahlangu to death row. As Mahlangu is transferred to Pretoria Central Maximum Security Prison he is welcomed by a warder and informed: "when you leave here it will be in a coffin." At the end of the trial process we see the judge sentence Mahlangu to "be hanged by the neck until you die." After sentencing the film clearly shows how Mahlangu's naked body is measured as a woman sitting at a desk records each of the measurements. Thereafter the film depicts the procedures and route followed to the gallows where Mahlangu is positioned on the painted footprints on the trapdoors. The camera focuses on a hand as it pulls the lever of the gallows machine and we see the bodies drop. *Kalushi* works within the discourse that seeks to honour Mahlangu as an important liberation hero and ends with his famous words: "My blood will nourish the tree that will bear the fruits of freedom. Tell my people I love them. They must continue to fight." However, at various moments it hints at the bureaucratic regime that worked to put him to death. This focus on the bureaucracy of the death penalty ironically only became available because of the reopening of death row as the Gallows Memorial Museum.

Marnewick's novel reproduced as a film also named *Shepherds and Butchers* by producer Anant Singh similarly reflects the administrative regime and carefully scripted processes that worked to carry out death sentences at Pretoria Central Maximum Prison. Based on the novel, the film also makes Marnewick's comment on the trauma and violent impulses triggered by the work of killing as it follows the story of a teenaged white death row warder fresh out of school. He is tried for the murder of seven civilians in a psychotic episode that the defence attempts to prove resulted from his experience of working on death row, escorting prisoners to the gallows and handling their copses.

While the film works within the psychologising thread, that as I have suggested is concerned with the mind and psyche of the perpetrators, and serves to draw the whole system of capital punishment into question, it is significant in its tracing of the procedures followed in executing the death penalty. It references the table of drops and an explanation of how to calculate how much rope was needed to effect "a clean break." The film reflects the strict timing, the sequence of events and the attention to detail on mornings when executions were carried out. A scene in which an identification photograph is held up next to the face of a prisoner by the warrant officer in charge, references the bureaucratic and disciplinary regimes that, as I have shown, involved portrait photography, fingerprints, anthropometric description, and written notes.

The film reflects the various procedures from the time prisoners were collected from their cells by their escorts until they were positioned on the trapdoors. In a detailed scene of the hanging we see the bodies falling and bouncing at the end of the ropes, performing the "grotesque dance" of which Dr. Chris Barnard wrote, as their bodily fluids empty into the pit

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below.[8] As the warders wait to perform their duties after the execution, we see the doctor check the pulse of each prisoner. The film shows how the corpses are undressed, hosed down and carried naked on a metal stretcher and dumped into the coffins.

Both films, although driven by different objectives, clearly reflect the bureaucratic regime and the various processes that I have drawn out in this dissertation. This is a memory that is absent in statist recollections of the exercise of the death penalty in South Africa. It is clear that the death penalty remains a burden of the nation state as a part of the history of apartheid violence that has not been adequately dealt with. As suggested in the introduction to this dissertation, as the abolition of the death penalty was a significant factor in the negotiations between the ANC and the National Party, we cannot think the South African transition without a history of the death penalty. While the Gallows Memorialisation Project has commemorated the sacrifice of particular political activists who died on the gallows within a set time frame, and sought to comment on the barbarity of the death penalty, it does not fully consider the death penalty as a larger system and bureaucratic rationality that might allow us to question of the mind of the apartheid state and its violence or the monopoly of the state in authorising violence.

This dissertation has examined the bureaucratic structures and procedures through which an individual was processed from the time of sentencing to the execution on the gallows at Pretoria Central Prison. It has asked after the role and function of the bureaucratic mechanisms that facilitated and justified the practice of capital punishment in South Africa. I have argued then that we need to look beyond the act of killing and the motives or convictions of the individual perpetrators, in order to contemplate the system or machine as a

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[8] "The Chris Barnard Column," *Rand Daily Mail* (12 June 1978)

whole. This could be done by considering the documentary culture of the apartheid state that worked to fix identity and discipline particular subjects, the biopolitical justification for official state killing, the bureaucratic rationality, the aggregation and disaggregation of people and function, and the official files and documents that were constitutive of the bureaucratic actions and processes that accompanied capital punishment.

In this dissertation I have traced the development of a biometric project, a politics of writing and a system for the identification and surveillance of its subjects in South Africa through an attempt to understand how this seeped into different sectors of the state, particularly the security sectors. Such sectors relied upon the "power of writing" to capture and fix individuals in particular ways.[9] I have endeavoured to understand the operation of justice, prisons and judicial executions as part of the same bureaucratic machine. This dissertation is committed to examining how a documentary culture and bureaucratic rationality, which extended from the Native Affairs Department (NAD) through a network of state institutions, functioned to justify and facilitate the administration of judicial executions. This dissertation has revealed a significant gap in the area of the apartheid security forces and prisons. I argue that scholars have not sufficiently engaged with these institutions in relation to the arguments about the biometric state leading to the idea that apartheid's violence was merely an instance of an irrational state, and not a product of the state as such.

I have been invested in the question of the rationality of apartheid as it operated within the realm of security, justice and punishment and the logic that made judicial executions rational. Through the lens of capital punishment, this dissertation has therefore sought to understand the exercise of power by the apartheid state. To this end, I track the hanging process as it

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[9] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1995)

existed at Pretoria Central Prison, particularly during the 1960s, and the bureaucratic momentum that oversaw the transfer of a lived body into death row and a corpse out of it, as well as the activities of the various actors involved in carrying out capital sentences in an attempt to understand how the legally sanctioned killing of the political prisoners existed as a bureaucratic operation. Following Zygmunt Bauman, I have suggested that a bureaucratic rationality worked to make judicial killing thinkable and possible.[10]

Rather than consider the pyche and motives of the officials involved in judicial executions, I have argued that we need to think about the extensive machinery that had been constructed and the forms of bureaucratic rationality that worked to facilitate and justify executions. Rather than consider how the various officials involved in executions rationalised their actions, I have shown how each of their roles in the execution process were performed in adherence with an administrative regime.

The apartheid state conceptualised its use of violence and capital punishment as law-preserving and utilised judicial executions to demonstrate its power to punish subjects who transgressed its laws. At the same time the sentence of death contained within it a biopolitical logic, rationalising the killing of the "criminal" or "security threat"- and usually- "racial other" as essential to the protection of the population, or more specifically the white population, and the preservation of its rule. As Robert Turrell put it, the death penalty in South Africa operated as a form of "racial self-defense" (although in a more literal way than that suggested by Foucault.) Following South African novelist J.M. Coetzee, this kind of thinking rendered the judicial executions of particular individuals "rational because governed by self-interest." [11]

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[10] Zygmunt Bauman, *Modernity and the Holocaust* (New York: Cornell University Press,1989)
[11] J.M., Coetzee, "The Mind of Apartheid: Geoffrey Cronje (1907-)," *Social Dynamics*, Vol. 17, Issue 1 (1991), 2

I have suggested that it was through a biopolitical logic that the apartheid state was able to justify these executions as necessary to protect 'society' and framed its violence, and capital punishment specifically, as legitimate. Through new laws and extensive trials of the 1960s, the apartheid state endeavoured to curb political resistance. It sought to punish those who challenged the apartheid state and deter others from contemplating involvement in mobilising resistance. The apartheid state maintained the classical right to kill in order to preserve the life of a select population by depicting the accused as incorrigible savages. The law came to function then as the supreme bureaucracy, meant to contend with savagery, madness and criminality.

In order to justify the execution of political prisoners or those cast as "security threats," these individuals were dehumanised. A threat was constructed in the national consciousness and, through extensive trials and legal procedures, capital sentences functioned as "law-making" and "law-preserving violence" meant to maintain apartheid rule and protect the white population in a biopolitical sense.[12] Racism and the production of the "other" allowed for the use of violence supposedly for the sake of security without challenging the state's role of maintaining life. It has become clear then that the death penalty in South Africa operated within a biopolitical logic and enabled an "administration of fear."[13]

In an effort to understand this rationality and the administrative procedures that processed the condemned towards the gallows, I have offered a detailed reading of the files of hanged political prisoners. These files are both mechanisms of control and an important technology of the bureaucracy. The documents contained within these files and an attentive reading of

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[12] Walter Benjamin, "Critique of Violence" in Walter Benjamin, *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1986), 284
[13] Paul Virilio, *The Administration of Fear* (Los Angeles: Semiotext(e), 2012)

their material qualities, I have suggested, allows us to track the movement of the document and thereby also the prisoner through the bureaucracy from the moment they were first sentenced, to death and beyond. It is as if the document comes to stand in for the person. Through the file and documents' material qualities they reflect the interactions between state functionaries- interactions that in fact often exclude the prisoner. I have also argued that while these documents facilitate a process of individuation, the individual does not appear here. Ultimately it is not the individual person but the bureaucratic state subject that appears in these documents and photographs.

I have thus suggested that these documents tell us more about the state or prison bureaucracy than they do about the individual prisoners. These documents allow us glimpses of the bureaucratic rationality, the discourses of power, the state's modes of evidence and the functioning of bureaucratic hierarchies that enabled the state to "put to death."[14] Reading these files along the grain reveals the discourses of power and allows us to engage with modes of representation and procedures of knowing.

Finally, I have examined the ways in which the prisoner files and documents have been resurrected and reimagined in a post-apartheid setting. These bureaucratic documents produced in the service of carrying out judicial executions have been recuperated and employed as a practice of counter-forensics.[15] Following Appadurai, we might say that these documents and official photographs have evolved from one type of thing to another –or following Weld, from one logic to another- during the different phases of their "social life."[16]

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[14] Michel Foucault, *Society Must Be Defended: Lectures at the College De France, 1975-76* (New York: Picador, 1997), 247

[15] Keenan, "Counter-forensics and Photography," *Grey Room,* 55 (2014), 58-77

[16] Arjun Appadurai, "Introduction: Commodities and the Politics of Value," in Arjun Appadurai (ed), *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge Univ. Press, 1986), 15. Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Durham: Duke University Press, 2014), 6

Resurrected from the state archives, reinterpreted and placed into different and new "presentational circumstances" these bureaucratic records and photographs acquire new meaning.[17] This repurposing is part of the effort to overturn their original oppressive logic, refiguring the documents and photographs as honorific. However, this particular reframing there is no space left to engage with the conditions of their creation or the bureaucratic rationalities that they reflect. They are reimagined in the purpose of rehumanising and memorialising the dead of apartheid's political execution campaign. Yet, I have argued that the processes of verification and the use of these documents and photographs to fix the identities of particular individuals that the Project seeks to commemorate, seems to work within a similar logic as the bureaucratic rationality that produced them. In producing the particular 134 hanged men as political figures and heroes of the nation they continue to be disciplined and produced as subjects albeit of a different kind.

I have further suggested that the Gallows Memorial Museum displaces the larger bureaucratic machine that constituted the process of hanging, as it emphasises the event of killing and the human remains it produced and overwhelms the visitor with horror. Here these records seem to act as illustration of the horror of the death penalty rather than enable any engagement with its wider bureaucratic regime and the kinds of state knowledge that created them.

The Gallows Memorialisation Project is certainly an important effort to engage with the history of capital punishment in South Africa, and identifying the place of death and recovering the physical remains of those who died for the "imagined community of the nation" is important to nationalist and nation-building efforts.[18] However, I argue that

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[17] Allan Sekula, "Dismantling Modernism, Reinventing Documentary," *Massachusetts Review,* Vol. 19, No. 4 (1978), 863

[18] See Deborah Posel and Pamila Gupta, "Introduction. The Life of the Corpse: Framing Reflections and Questions," *African Studies*, Vol. 68, No. 3 (2009), 301

without understanding the larger bureaucratic system and the rationality that produced these

deaths we cannot fully comprehend the history of capital punishment.

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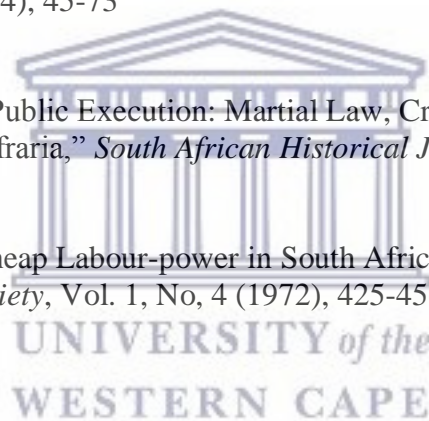
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