

**THE THEORY AND PRACTICE  
OF IMPRISONMENT IN  
NORTHERN RHODESIA,  
1907 - 1964.**

The Theory and Practice of Imprisonment in

Northern Rhodesia, 1907 - 1964

by

Euston Kasongo Chiputa.

A dissertation submitted to the University of Zambia in partial fulfillment of the requirements  
for the award of the Degree of Master of Arts in History.

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The University of Zambia

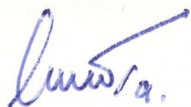
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DECLARATION

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## APPROVAL

This dissertation of Euston Kasongo Chiputa is approved as fulfilling part of the requirements for the award of the degree of Master of Arts in History by the University of Zambia.

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## ABSTRACT

The punishment and reform of offenders are responsibilities performed by every state. They are the conventional reasons why imprisonment continues to be used. In Northern Rhodesia the use of imprisonment was introduced by the British South Africa Company (BSAC) during the first decade of the twentieth century. Its use and importance grew with the development of the Northern Rhodesia colonial state. Although the Territory was governed in three successive administrative phases, the use of imprisonment continually failed to accord with the requirements of prisoner reform and rehabilitation.

This dissertation attempts to explain how and why the function of imprisonment in Northern Rhodesia diverged from the conventional purposes. The main aim is to provide a historical analysis of the factors behind the failure of imprisonment to function accordingly between 1907 and 1964.

The dissertation is organised into three main chapters and a fourth one consisting of the conclusion. Chapter one focuses on the origin and development of the Northern Rhodesia prison system up to the end of the BSAC administration in 1924. In this chapter, the underlying theme is that the BSAC used imprisonment as an instrument of coercion and intimidation for the imposition and support of British colonial rule.

The central thrust of the second chapter is the contention that although prisoner reform and rehabilitation became official prison policy from 1924 onwards, with some efforts directed to this end, the policy objectives were not achieved. The chapter addresses the various limitations that contributed to the failure to implement prisoner reform and rehabilitation.

The third chapter discusses imprisonment during the Federal period up to independence in 1964. The chapter investigates the failure of the prisoner reform policy. The factors that hindered this realisation are also investigated.

The final chapter is made up of the conclusion. The conclusion of the study is that the function of imprisonment failed to accord with the conventional purposes due to several factors. The major ones were the continued use of imprisonment as an instrument of coercion,

shortage of resources, the impact of the two World Wars and the World Economic Depression of 1929-35, as well as the colonial ideology in Northern Rhodesia.



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Special thanks go to the Librarians in the Serials and Special Collections sections of the University of Zambia Library, as well as the National Archives of Zambia Librarians. This is for their patience and valuable assistance in supplying me with the various documents that I needed to consult from time to time during the course of my research.

My grateful appreciation is also extended to the various officers in the Ministry of Home Affairs who afforded me the opportunity to visit some of the prisons around the country. I also thank all the people that I was able to interview during my research. Of these the following should be mentioned: Dr. Kenneth D. Kaunda, Messrs: Jonathan M. Mwanza, Musonda Kapembwa, Max Mumba, John C. Chisata, Stanslous Chikonde, D.A. Chimwenda, S.N. Kanyinji and Zakeyo Mbosha.

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Finally, I am very grateful to my wife, Evelyn Mukosa Chiputa, and children, Kabamba, Lwamba, Chilinda and Kasongo Junior, for their love, understanding and perseverance during my long absence from them.



However, the responsibility for this dissertation, in spite of the outstanding advice and assistance that I received, is solely mine.

## DEDICATION

Faithfully dedicated to my wife Evelyn Mukosa Chiputa and children, Kabamba, Lwamba, Chilinda and Kasongo Junior, for their enduring love, support and trust.

'Of the various civic institutions, the prison has been most relegated to the background of the social conscience.... Yet the prison cannot be a fully effective agency of society unless its work is known and understood by the citizens it serves...'

- John Barker Waite -

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**LIST OF ABBREVIATIONS**

BSAC	.....	British South Africa Company
HMSO	.....	Her Majesty's Stationary Office
NAZ	.....	National Archives of Zambia
NER	.....	North - Eastern Rhodesia
NWR	.....	North - Western Rhodesia
SWA	.....	South West Africa

## INTRODUCTION

This study focuses on the development of the prison system in Northern Rhodesia. The study examines how and why the prison system failed to function as an instrument for the reform and rehabilitation of offenders. The factors that contributed to the failure are investigated. In this study imprisonment is taken to mean the 'detention of persons suspected or convicted of contravening the law in institutions organised to protect society against what are perceived as intentional dangers to it'.<sup>1</sup>

Available evidence shows that imprisonment was introduced to Northern Rhodesia by the British South Africa Company (BSAC) during the first decade of the present century, having been developed in Europe several centuries earlier.<sup>2</sup> Ivor Graham records that as early as 1907 an Order in Council was issued to effect the Colonial Prisoners Removal Act of 1884 in North-Western Rhodesia.<sup>3</sup> This was intended to give a legal basis for the transfer of mostly white prisoners, whose numbers were accumulating rapidly, to prisons in Southern Rhodesia where facilities existed for the purpose. The commencement of the use of 'suitable buildings' as prisons in 1908 in North-Eastern Rhodesia also heralded the effective use of designated buildings as prisons there.<sup>4</sup>

In 1912 the first prisons ordinance and regulations for the whole of Northern Rhodesia were effected thereby officially inaugurating the Northern Rhodesia prison system. Up to 1927 the prisons were administered by the office of the Attorney General. Prison staff were drawn from the Northern Rhodesia Police, the District messengers in respective districts and the rest were those recruited directly as prison officers and warders.<sup>5</sup> From 1927 the police assumed full responsibility of the prisons until 1947 when a separate prison service was established. This service controlled the prisons up to independence in 1964.

Northern Rhodesia was colonised as two separate territories of North-Western Rhodesia and North-Eastern Rhodesia, both by the BSAC under a Royal Charter granted by the Queen of Great Britain.<sup>6</sup> In 1905 the boundary between the two territories came to be 'an approximately north-south line across the hundred mile "waist" of the Territory', but later the Cape-to-Cairo railway route became the tenuous boundary.<sup>7</sup> Their respective capitals were at

Kalomo and Fort Jameson. In 1911 the two territories were unified into Northern Rhodesia, and Livingstone became the capital. However, in 1935 the capital was moved to Lusaka due to the latter's geographical centrality and for purposes of economic and administrative convenience.<sup>8</sup> Lusaka lies at the country's crossroads, with road communications from the East, West, North and South all converging there.

Up to the end of the BSAC administration in 1924 no attempts were made to make imprisonment play the role of protecting society and reforming and rehabilitating prisoners. Instead it was used as a mechanism for enforcing the colonisation of the Territory and for maintaining 'colonial order'. This was evidenced in the incarceration of technical offenders who were perceived as a threat to the colonial regime. Failure to honour tax, labour and other colonial obligations on the part of Africans entailed imprisonment.<sup>9</sup> The BSAC's centre of interest was unhindered exploitation of the Territory's material and human resources.<sup>10</sup>

Imprisonment was made even more coercive during the BSAC's administration due to limitations imposed by inadequate resources for the prison service in particular. The outbreak and consequences of the First World War disrupted all spheres of colonial administration and the prison service was no exception.<sup>11</sup> In addition, enforcement of the prisoner reform and rehabilitation policy was made difficult by racial prejudice among some colonial officials, and the treatment of Northern Rhodesia as a mere appendage of, and source of raw materials and labour for, the territories south of the Zambezi river.

Although reform and rehabilitation became the official prison policy from 1924 onwards, imprisonment was still unable to fulfil the policy requirements throughout the Protectorate period. The study examines how imprisonment functioned and why it failed to achieve the policy objectives. It is argued that in spite of the serious attempts that were made to reform the prison institution itself various limitations hindered the realisation of the objectives. The continued use of imprisonment as a means of coercion made implementation of the reform policy a very difficult undertaking. The prisons were also dogged by the endemic problems of shortage of resources. The impact of the World Economic Depression hindered

many policy innovations between 1929 and 1935, as did the ravages of the Second World War between 1939 and 1945.

Emphasis on the policy of prisoner reform and rehabilitation continued throughout the Federal period as well. However, despite the spirited attempts at policy implementation the prison institution still failed to live up to the policy requirements. The chronic problems of inadequate prison accommodation, insufficient staffing, financial difficulties as well as the racial prejudice among some colonial officials and Northern Rhodesia's position in the sub-region's economic scheme, continued to haunt the prison service. The effects of urbanisation that had begun during the Protectorate period continued unabated throughout the Federal period. To an extent the nationalist struggle also contributed to straining prison facilities.<sup>12</sup> At independence in 1964 these problems were bequeathed to the new prison administration unresolved.

## REVIEW OF LITERATURE

A review of the literature available on prisons and imprisonment in Northern Rhodesia reveals a paucity of detailed scholarly work. Most of what is available is contained in historical accounts of a general nature and others are from non-historical perspectives.

Ivor Graham's 'A History of the Northern Rhodesia Prison service' (1964) is the earliest historical writing that discusses the Northern Rhodesia prison system. He gives a chronological account of the establishment and development of the prison service in Northern Rhodesia up to the beginning of the Federation of Rhodesia and Nyasaland in 1953.<sup>13</sup> He states that the problem of prison administration confronted the BSAC from the very beginning. He describes the initial stages leading to the establishment of the Territory's prison system, and notes that the prisons were administered separately in the two territories of NWR and NER until 1911 when they were united. Graham further discusses the policy framework regarding the separation of Central and Local prisons, staffing and general prison conditions. This makes

Graham's article important to this study. However, as Graham himself admits, the paper has limitations in that it is merely a chronological account of the main developments in the prison service of Northern Rhodesia.<sup>14</sup>

William Clifford's publication of 'The African view of Crime' (1964) is relevant to this study as it gives an insight into how Africans regarded crime and punishment during the colonial period. From his survey he concluded that Africans considered imprisonment as a disgrace.<sup>15</sup> In another study simply entitled 'Zambia', published in Alan Milner's edited book, African Penal Systems (1969), Clifford writes about the origins and development of Zambia's post-independence prison system. He explains how offenders were dealt with during pre-colonial times. He says that the inception of British colonial rule after 1890 by the BSAC altered the whole pre-colonial African judicial system.<sup>16</sup> In its place were introduced English law, courts, police and prison systems, and the treatment of offenders followed a pattern similar to what obtained in other British colonies in Africa.<sup>17</sup> According to Clifford, the Federation inherited a prison system lacking in adequately trained staff and many of the latest imaginative innovations of post-war Britain.<sup>18</sup> He argues that due to these factors the prison service could not evolve an effective system of implementing the prison policy. Apart from giving this historical background information the rest of Clifford's study deals with the post-independence prison system.

V.W. Brelsford (1954) and Marko Tembo (1984) contribute important information to this study. They both discuss the role of the police, during the pre-Second World War period, in the guarding and administration of prisons in Northern Rhodesia.

Fergus Macpherson's Anatomy of a Conquest: The British Occupation of Zambia, 1884-1924 (1981) gives evidence of the reasons for imprisonment during the formative years of colonial rule in Northern Rhodesia. He says that imprisonment was resorted to when communal methods of punishment proved ineffective in dealing with tax defaulters, labour deserters and those opposed to colonial rule in general.<sup>19</sup>

In his study, 'Property Crime and the Criminal Process in Lusaka Magistrates' Courts' (1992), Kalombo Mwansa illuminates Clifford's argument that prisons did not exist in Zambia

before the inception of colonial rule.<sup>20</sup> Mwansa further describes the development of the prison service in both NWR and NER prior to 1911.

Mwansa, like Graham (1964) and Macpherson (1981) discusses the transfer of prisoners from Northern Rhodesia to Southern Rhodesia and South Africa, and the transfer and maintenance fees that were charged. He also discusses the origins and development of the Northern Rhodesia prison system up to 1947 when an autonomous prison service was initiated. However, Mwansa's study centres on property crime and the criminal process and not imprisonment *per se*, and is from a legal perspective.

Literature is also available on imprisonment in other former British colonies. In a study entitled: The Kenya Penal System: Past, Present and Prospect (1981) Leonard Kercher gives information relevant to this study. He traces the origins of English Common Law as a product of a long evolutionary process. He says that this Common Law was introduced by Britain into her African dependencies to promote 'common lawful behaviour' among widely scattered and diverse peoples.<sup>21</sup> Like Clifford and Mwansa, Kercher discusses the treatment and control of offenders as well as the purpose of punishment in the pre-colonial times. He contends that many difficult problems of adjustment between the pre-colonial and the colonial systems accompanied colonial administration.<sup>22</sup> *Therefore, his background information on the Kenya penal system is important because it has a direct bearing on the Northern Rhodesian prison system as the two systems had common origins.*

Robert Seidman's study of the colonial prison system in the Gold Coast (Ghana) is equally relevant to this study. Entitled 'The Ghana Prison system: An Historical Perspective' (1969), the study depicts Ghana as having been the earliest British colony in Africa to experience the British system of imprisonment, as early as the mid-nineteenth century.<sup>23</sup> The study informs us about the early British administrators' general thinking and beliefs about the imprisonment of Africans. This makes Seidman's work significant to our study.

Scholarly work on prisons and imprisonment in Britain cannot be ignored because Britain was the colonial metropole of Northern Rhodesia. The English Prisons: Their Past and



Their Future, by D.L. Howard (1960), gives a lot of evidence regarding the historical *development of imprisonment in Europe from the early times of the Greek city states.*<sup>24</sup> This is important because Northern Rhodesia's prison system was inherited from the British penal system.

Michael Wolff, Lionel Fox and Rupert Cross are others whose writings offer important insights. Wolff's (1967) view is that British local prisons were outdated and old-fashioned.<sup>25</sup> This contributes to an understanding of the archaic prison model that was introduced in Northern Rhodesia upon colonisation.

In his book entitled The British Prison and Borstal Systems (1952) the one-time Commissioner of Prisons for England and Wales, Lionel Fox, quotes one of the 1949 British prison rules. The rule states that the purpose of training and treatment of convicted prisoners is to cause them to aspire towards a good and useful life upon release from prison.<sup>26</sup> This became the corner-stone of the Northern Rhodesia prison policy from 1924 onwards. The book also contains other insights about the administration of British prisons and borstals up to the early 1950's. This has helped us to understand that Northern Rhodesia's prison administration, despite having had a lot of ad hoc measures, borrowed extensively from the prison system in Britain.

In Punishment, Prison and the Public (1971) Rupert Cross discusses individual administrators of the British prison system from 1877 and their respective prison policies up to 1961.<sup>27</sup> This affords this study the opportunity to gauge the Northern Rhodesian situation on the basis of what obtained in Britain during the 1907 to 1964 period.

All in all, while literature on prisons and imprisonment regarding other countries abounds, that pertaining to Northern Rhodesia is meagre. Very little scholarly work has been written about the prison system in Northern Rhodesia from an historical point of view. As such this study is expected to contribute to filling this gap, and to opening up new avenues of research in the study of imprisonment in both colonial and post-independence Zambia.

## SOURCES AND METHODOLOGY

This study is derived from research undertaken between September 1991 and July 1992. The research was conducted in three main stages. Firstly both published and unpublished sources were consulted in the University of Zambia Library. Published secondary sources comprised books and articles while unpublished ones included theses, dissertations and student project papers. Published primary sources read in the University of Zambia Library consisted of annual reports of the Prison Service for the period 1946 to 1953, official Government and Commissions of Inquiry reports as well as Legislative Council debates and travellers' accounts.

The second stage of the research was done at the National Archives of Zambia in Lusaka and the Prison Archives at the Prison Headquarters in Kabwe. Sources consulted in the National Archives of Zambia comprised colonial records such as Secretariat files, Prison visitors' reports, annual reports of the Native (African) Affairs Department, reports of various colonial government departments, newspapers, Legislative council debates that were not available in the University of Zambia Library, and colonial Government Gazettes. At the Archives of the Prison Headquarters in Kabwe annual reports of the Central Prisons for the period 1927 to 1939 were consulted.

The last stage of the research involved oral interviews and discussions. In all sixteen people were interviewed along the line of rail from Mufulira on the Copperbelt to Livingstone in the south of the country. Three of these were ex-political detainees and another an ex-criminal convict. One retired Commissioner of Prisons and ten long - serving prison officers and warders were also interviewed. Another was an ex-Legislative Council Member who also served as a prison visitor during the transition to independence.

It must be admitted that it was extremely difficult to locate ex-convicts of a criminal nature, as well as retired prison officers. The recorded interview with Dr. Kenneth Kaunda was stolen in the course of writing this dissertation and hence could not be deposited with the University of Zambia Library. Permission was denied to have interviews with serving prison officers and warders recorded. The study is also limited in its provision of prisoner statistics

relating to most of the Federal period. Federal records were kept at the Federal Headquarters in Salisbury and are currently held by the National Archives of Zimbabwe in Harare. These could not be consulted due to inadequate funding. In addition, in accordance with the Northern Rhodesia Prison Service standing orders (1957), Appendix C, various prison records had to be destroyed after a number of years.

Notes:

1. D.R. Cressey (ed.), The Prison: Studies in Institutional Organisation and Change (New York: Holt, Rinehart and Winston Inc. 1961), 16.
2. I. Graham, 'A History of the Northern Rhodesia Prison Service', The Northern Rhodesia Journal, V, 6 (1964), 549; K.T. Mwansa, 'Property Crime and the Criminal Process in Lusaka Magistrates' Courts', Ph.D. Thesis, University of London (1992), 91.
3. Graham, 'A History of the Northern Rhodesia Prison Service', 549.
4. Graham, 'A History of the Northern Rhodesia prison Service', 549.
5. Graham, 'A History of the Northern Rhodesia Prison service', 550; V.W. Brelsford (ed.), The Story of the Northern Rhodesia Regiment (Lusaka: Government Printer, 1954), 18-19. Author notes that BSAC Police were replaced by the Barotse Native Police in 1900, becoming the Northern Rhodesia Police in 1912, and finally became the Northern Rhodesia Regiment in 1924.
6. L.H. Gann, The Birth of a Plural Society: The Development of Northern Rhodesia under the British South Africa Company, 1884-1914 (Manchester: Manchester University Press, 1958), 107.
7. R. Hall, Zambia (London: Pall Mall Press, 1965), 85.
8. K. Bradley, Lusaka: The New Capital City of Northern Rhodesia (London: Jonathan Cape, 1935), 23-4; Mwansa, 'Property Crime and the Criminal Process in Lusaka Magistrates' Courts', 51.
9. F. Macpherson, Anatomy of a Conquest: The British Occupation of Zambia, 1884-1924 (London: Longman Group Limited, 1981), 12.
10. Gann, A History of Northern Rhodesia: Early Days to 1953 (London: Chatto and Windus, 1963), 90.
11. M. Gelfand, Northern Rhodesia in the Days of the Charter: A Medical and Social Study, 1878-1924 (Oxford: Basil Blackwell and Mott Ltd., 1961), 254.
12. An Account of the Disturbances in Northern Rhodesia, July to October, 1961 (Lusaka: Government Printer, 1961), 78. The figures of the people convicted and imprisoned illustrates the argument.
13. Graham, 'A History of the Northern Rhodesia Prison Service,' 558.
14. Graham, 'A History of the Northern Rhodesia Prison Service', 554.
15. W. Clifford, 'The African view of Crime,' The British Journal of Criminology, 4,5 (1964), 484.
16. Clifford, 'Zambia', in A. Milner (ed.), African Penal Systems (London: Routledge and Kegan Paul Ltd., 1969), 242.
17. Clifford, 'Zambia', 241.
18. Clifford, 'Zambia', 243.

19. Macpherson, Anatomy of a Conquest, 121.
20. Mwansa, 'Property Crime and the Criminal Process in Lusaka Magistrates' Courts', 70.
21. L.C. Kercher, The Kenya Penal System: Past Present and Prospect (Washington D.C: University Press of America, 1981), 1.
22. Kercher, The Kenya Penal System, 4.
23. R.B. Seidman, 'The Ghana Prison System: An Historical Perspective', in A. Milner (ed.), African Penal Systems, 433.
24. D.L. Howard, The English Prisons: Their Past and Their Future(London: Methuen and Co. Ltd., 1960), 3.
25. M. Wolff, Prison: The Prison System in Britain (London: Eyre and Spottiswoode Ltd., 1967), 7.
26. L.W. Fox, The English Prison and Borstal Systems (London: Routledge and Kegan Paul Ltd., 1952), 2.
27. R. Cross, Punishment, Prison and the Public (London: Stevens and Sons, 1971), 7.

## CHAPTER ONE

### THE BRITISH SOUTH AFRICA COMPANY (BSAC) SYSTEM OF IMPRISONMENT TO 1924.

During the BSAC administration of Northern Rhodesia ruthless and coercive methods of imprisonment were used to intimidate the subject peoples into acquiescence with the dictates of the colonial regime<sup>1</sup>. The majority of the offenders who swelled the Territory's prisons were incarcerated for technical or non-criminal offences. These were tax defaulters, labour deserters, witchcraft ordinance offenders, and ordinary persons who were opposed to the colonial system. The imprisonment of ordinary criminals was not a significant aspect then. In this respect the function of the BSAC system of imprisonment during the 1907-1924 period diverged a great deal from the conventional purpose of imprisonment: protection of society and reformation of criminals by ostracising persons suspected or convicted of posing intentional dangers to it.<sup>2</sup>

This chapter seeks to examine the extent of, and the reasons for, the disparity between the conventional purpose of imprisonment and the way the BSAC system of imprisonment functioned between 1907 and 1924. This should be discerned from the way the Territory's prisons were administered, and the conditions that obtained in the prisons during the period. Limitations were caused by problems of staffing, insufficient accommodation, together with financial constraints. The impact of the First World War and the colonial ideology pursued by the BSAC are also cited as having contributed significantly to the coercive features depicted in all spheres of the BSAC prison regime between 1907 and 1924. However, before these issues can be delved into in detail, there is need to give a brief overview of the pre-colonial African forms of social control, as a contrast to the colonial system of imprisonment in Northern Rhodesia.



Prior to the inception of colonial rule in Northern Rhodesia and elsewhere in Africa, Africans lived in closely-knit societies or kingdoms.<sup>3</sup> Customary authority, laws and regulations were enforced through customary courts, presided over by qualified clan or village elders in their respective communities.<sup>4</sup> Gluckman records that in the Lozi nation a hierarchy of courts was responsible for resolving the various cases that arose among the people, with powers to enforce their decisions, although the ultimate authority was the Litunga (King) or the Kuta (state council).<sup>5</sup>

Like all other African societies pre-colonial Zambian societies considered certain offences more seriously than others. In all societies 'where the safety of the community was involved, as in cases involving witches or persistent offenders, death or exile was the usual penalty'.<sup>6</sup> For example the Bemba punished child and cattle thieves by death, as they did with thieves of property belonging to a chief.<sup>7</sup> Burton and Channock separately note that theft of animals such as goats, sheep and crops was punishable by various types of mutilations and gouging out of eyes.<sup>8</sup> Generally:

the rural African tended to fuse the social, physical and spiritual, and considered as a crime anything that brought harm or seemed to bring harm to the society, group or family.<sup>9</sup>

Of course there were wide variations between communities, which generally reflected the diversity of the physical environment, the social structures and the cultural background.<sup>10</sup>

Over time compensation and restitution came to be relied upon more and more in most African societies. Mwansa asserts that:

at the time BSAC rule was established, most of the severe punishments such as mutilations had largely died out and compensation had become the most widely used form of punishment.<sup>11</sup>

Compensation or restitution was aimed at the restoration of equilibrium towards the injured or aggrieved party, through collective responsibility. While the offender was legally liable for his offence, his kin or relatives were morally bound to help him in the payment of restitution.

.But the punishment was solely personal when the penalty was execution.

Forfeiture of property, loss of land tenure, withdrawal of communal support, and even complete isolation of the culprit were other (milder) social sanctions used. The rationale was the preservation of the offender's accessibility to group influence and the prevention of any further alienation.<sup>12</sup> All efforts were expended towards restoration of harmony and solidarity within and between societies. Therefore, although formal prisons were unknown in pre-colonial Northern Rhodesia there existed various sanctions and norms against social deviance that were most effectively used and satisfied the need of justice.<sup>13</sup>

### ORIGINS OF THE NORTHERN RHODESIA PRISON SYSTEM

The prison system that the BSAC established in Northern Rhodesia was an extension of the British system of imprisonment. To this end a brief overview of the origins of imprisonment and its purpose in Europe will help put the origins of the Northern Rhodesia prison system in proper perspective.

Before the inception of imprisonment and the prison institution in Europe, and many other cultures in the world, the common principle of justice in vogue was Lex-Talionis, a form of compensation particularly through the forfeiture of property.<sup>14</sup> Although the use of imprisonment for effecting legal punishment is a modern conception, the function of prisons as places of detention dates back into antiquity. Long before the Christian era, Plato had stated thus:

let there be prisons in the city, one for the safe keeping of persons awaiting trial and sentence, another for the amendment of disorderly persons and vagrants, a third to be situated away from the habitations of men and to be used for the punishment of the felon.<sup>15</sup>

This was during the era of Greek city states (4th to 5th centuries B.C). Indeed, up to the

Christian era only the first of Plato's prison systems was in use in Greece. In Rome also it was only after the birth of Jesus Christ that things changed. Then:

the church recognised its value (imprisonment) as a penitential punishment for offences against the common law. It was initially only meant for recalcitrant monastic order members and the clergy, as early as the 4th century A.D. It was later extended to embrace the laity under the jurisdiction of the church.<sup>16</sup>

On this basis it can be argued that punitive imprisonment was unknown in both ancient Greece and Rome until shortly after the dawn of the Christian era.

In England, before the Slave Trade from West Africa had been fully developed, it was traditional to banish convicts to penal settlements in North America and the West Indies, and this was enacted into law in 1679.<sup>17</sup> This heralded the use of transportation to penal colonies as a form of prison sentence in place of death as a penalty for felony. However, after more than a century of the scheme's failure to deter crime, and given the reluctance of the colonies to receive any more prisoners, the British government abandoned the system during the first half of the nineteenth century.<sup>18</sup> The alternative was to resort to imprisonment in solitary confinement with hard labour and religious instruction. Unfortunately the punitive features of transportation were also transferred to the Penitentiary Houses, and in many instances were even heightened through hard labour and the mind-racking solitary confinement. The prisons became 'verminous, overcrowded, fever-haunted, centres of physical and moral contagion with an indescribable lack of sanitary accommodation'.<sup>19</sup>

As a result of the deplorable state of Europe's prisons, and the unprecedented suffering of those incarcerated there-in, moral philosophers, penal reformers and philanthropists alike, all voiced their indignation. Their general view was that 'imprisonment should be used as a means of securing the moral regeneration of the prisoner'.<sup>20</sup>

In the 18th century the Italian reformer, Beccaria, denounced the scandalous state of Europe's penal codes. He contended that:

the end of punishment was not to make the offender miserable, nor to compensate for the harm that had been done, but was solely preventive.... Prisons should be used as a means of training offenders to be useful citizens.<sup>21</sup>

Beccaria's point was that only when prisoners were 'trained' into being useful members of society would imprisonment begin to achieve a positive purpose.

In Britain the philanthropist and penal reformer, John Howard (1726-90), favoured the old notion that prisons should be regarded as correctional houses for offenders, in sanitary and secure conditions. In his view, they should have been places where sexes were separated, prison staff earned salaries instead of getting money from convicts by extortion, and gaolers ensured effective supervision of the prisons under their charge.<sup>22</sup> Elizabeth Fry, a member of the influential sect of Quakers, was yet another eminent personality in the realm of British penal reform. She gave expert evidence to the Parliamentary Committee on prison reform in 1818. This made the Grand Jury of the City of London to conclude that adoption of her evidence would be the surest and best means of converting a prison into a school where criminals would be restored as repentant and useful members of society.<sup>23</sup>

Later the Gladstone Report of 1895 condemned many contemporary elements of the British penal system, such as uniformity of treatment; and countered the arguments that supported the use of unproductive penal labour.<sup>24</sup> Instead the Report urged the employment of prisoners on useful industrial work and swept aside the philosophy of solitary confinement as being moribund.

As a result of such criticisms of, and disenchantment with, the eighteenth and nineteenth century state of penal affairs in Europe in general and Britain in particular, the purpose of imprisonment was continually being reformed. It was gradually changing from being an exclusively retributive and deterrent affair, to incorporate the purposes of social control and reform. Gradually there was developing a sense of recognition of the rights of the individual prisoners during the present century. Alexander sums up the history and purpose of imprisonment in the following words:

the use of imprisonment as a method of treating the offenders is relatively new, dating back no further than the last quarter of the eighteenth century. Of course the gaols, lockups, and places of detention of various kinds have been in existence for hundreds of years.<sup>25</sup>

This assertion points to the fact that the purpose of imprisonment has not been the same since the inception of the prison institution back in antiquity. It has undergone many changes to reach the present state that emphasises reform and rehabilitation.

Therefore the history of imprisonment over the time has shown three major purposes. These have been the custodial, the coercive and the correctional objectives.<sup>26</sup> of course these objectives have sometimes operated simultaneously; with one or two being emphasized more than the rest during a particular time.

#### ESTABLISHMENT OF THE BSAC PRISON SYSTEM

When the BSAC imposed its political and economic hegemony over the area north of the Zambezi River during the last decade of the nineteenth century it also imposed English-style laws, courts, police and prison regimes. Although England's criminal justice and penal systems were adapted to Britain's colonial territories, in many colonies the British model was modified to suit colonial administrative circumstances.<sup>27</sup> These penal precepts were superimposed on the existing African customary legal structures and 'all but the most minor cases were taken out of the hands of the ethnic authorities'.<sup>28</sup> African Chiefs and elders that had previously presided over various criminal and civil cases in their traditional environments were cast aside and rendered legally impotent.

It should be noted that British East and Central Africa were first subjected to the Indian penal code model, and later to various common law-based penal codes.<sup>29</sup> These colonial precepts sought to and actually cut across contemporary African social values and customs, and were essentially alien in character and purpose.<sup>30</sup> It became mandatory for all Africans convicted mostly of tax default, labour desertion and flouting of the Witchcraft Ordinance initially, and criminal offences later, to be confined in Government prisons by means of rules

and orders based on English penal precedents, from the very earliest days of the colonial experience.<sup>31</sup>

The establishment and use of the prison regime in Northern Rhodesia followed the dualistic manner in which the political and economic administration was set up. North-Western Rhodesia was colonised separately from North-Eastern Rhodesia. Graham points out that 'as in other affairs the matter (of prisons) was tackled differently in the two parts of its (BSAC) Territory, North -Eastern and North-Western Rhodesia'.<sup>32</sup> In both territories the prisons were administered practically by the respective police departments though technically they fell under the Attorney General's office. In 1927 the Northern Rhodesia Police assumed exclusive control over the Territory's prisons.<sup>33</sup> As such besides their normal duties, the police also guarded the Territory's prisons and those incarcerated there-in.<sup>34</sup>

The non-existence of proper prison regimes in both North-Eastern and North-Western Rhodesia until after the territories' amalgamation in 1911, can be seen from the territories' administrative records. On 13th October 1904 Henry Rangeley the NWR Magistrate at Kalomo, had asked Robert Coryndon, the Resident Commissioner, for an Order-in-Council. This was intended to effect the Colonial Prisoners Removal Act of 1884 in his district, as there was no prison in which a prisoner could properly undergo a sentence of long duration.<sup>35</sup> This was mainly due to lack of adequate prison infrastructure and insufficient funding. The request was granted several years later through the Prisoners Removal Proclamation Number 32 of 1910.<sup>36</sup> From then onwards White prisoners sentenced to long gaol terms were transferred for imprisonment in Southern Rhodesia at a fee of two shillings per prisoner per day for maintenance.<sup>37</sup>

Mention is made in the District Notes for Western Province that in 1910 one Haisa and Captain Sullivan of the Northern Rhodesia Regiment built the Mongu gaol, and then a new and bigger one around it at the outbreak of the First World War.<sup>38</sup>

The Prison Regulations Number 2 of 1908, gazetted on 20th February the same year, formally established the NER Prison system.<sup>39</sup> The Gazette stated that:

there shall be in the Territory of NER set apart as prisons such buildings as the Administrator may from time to time by notice in the Gazette approve for the purpose.<sup>40</sup>

The following year the first prisons in NER became operational at Fort Jameson and Broken Hill,<sup>41</sup> by converting existing structures to prison use.

The amalgamation of NWR and NER in 1911 was followed by the enactment of the Northern Rhodesia Prisons Proclamation Number 14 of 1912, and later the Prison Regulations 1912.<sup>42</sup> These proclamations of 1912 divided the Territory's prisons into eleven Central and several Local prisons. Central prisons were situated at principal towns or Bomas while the Local prisons were established at the sub-district level. The Central prisons were at Livingstone, Broken Hill, Fort Jameson, Kasama, Mongu, Abercorn, Mumbwa, Kasempa, Fort Rosebery, Solwezi and Kawambwa. They were meant to hold:

European prisoners convicted within the District, irrespective of the length of sentence imposed; prisoners other than Europeans convicted within the District and sentenced to more than six months imprisonment; prisoners other than Europeans convicted by a court having jurisdiction at a place where such Central prison is situated and sentenced to imprisonment for six months or less.<sup>43</sup>

This means that Central prisons were meant for three categories of prisoners, who were guarded by officers of the Northern Rhodesia Police Force.

All the other prisons scattered in the sub-districts of Northern Rhodesia were Local prisons. They were intended for the imprisonment of:

prisoners other than Europeans convicted in the sub-district where such prison is situated and sentenced to imprisonment for six months or less, as may be convenient; all civil prisoners and prisoners other than convicted prisoners.<sup>44</sup>

These prisons were meant to hold only non-Europeans (particularly indigenous Africans) sentenced to less than six months imprisonment. They were guarded by District messengers, under the District Commissioners in respective Districts.

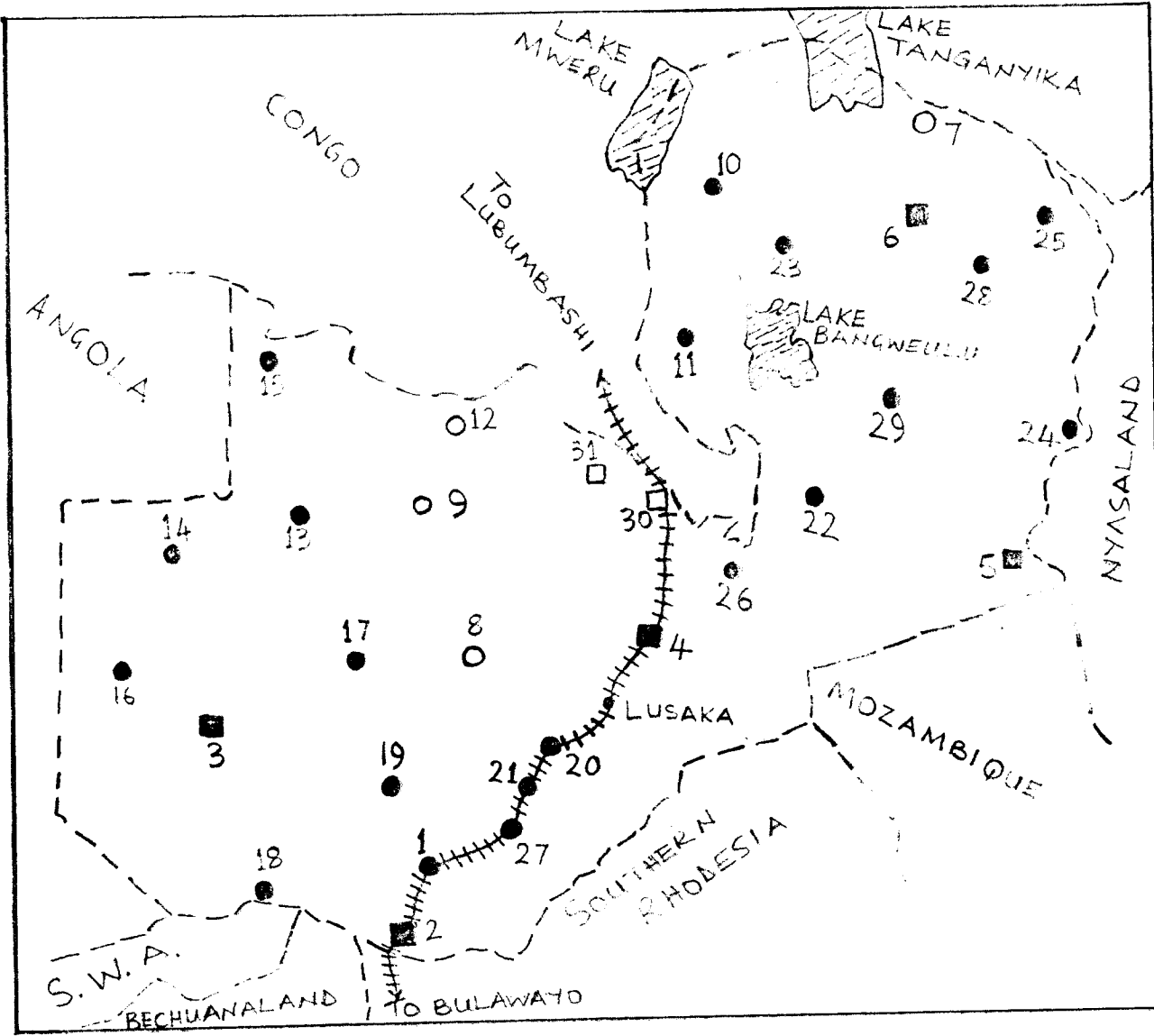
The Amendment Ordinance of 1914 dealt with both prison administration and conditions. It formalised the separation between the sexes; separation between the races had

been in operation from the very inception of the prison system. The Ordinance provided for the appointment of Prison Superintendents, who had to be Officers commanding police at stations where such prisons were situated. It also dealt with the appointment of Visiting Justices, their powers and duties, and Government Medical Officers to be based at Central prisons.<sup>45</sup> According to Graham 'these regulations were to form the basis of prison organisation and administration in Northern Rhodesia for several years'.<sup>46</sup>

In 1923 the number of Central prisons was reduced from eleven to eight, with twenty-one Local prisons scattered throughout Northern Rhodesia.<sup>47</sup> By the time the Territory was ceded to the Colonial Office in 1924 Northern Rhodesia had only five Central prisons, viz: Livingstone, Mongu, Kasama, Broken Hill and Fort Jameson; the rest were Local prisons.<sup>48</sup> The following map depicts established Central and Local prisons in Northern Rhodesia in 1924.



CENTRAL AND LOCAL PRISONS IN NORTHERN RHODESIA (1924)



KEY

- Central Prisons
- Local Prisons
- Pre-1923 Central Prisons

1. Kalomo	11. Fort Rosebery	21. Monze
2. Livingstone	12. Solwezi	22. Serenje
3. Mongu	13. Kabompo	23. Luwingu
4. Broken Hill	14. Balovale	24. Lundazi
5. Fort Jameson	15. Mwinulunga	25. Isoka
6. Kasama	16. Kalabo	26. Mkushi
7. Abercorn	17. Mankoya	27. Choma
8. Mumbwa	18. Sesheke	28. Chinsali
9. Kasempa	19. Namwala	29. Mpika
10. Kawambwa	20. Mazabuka	30. Ndola
		31. Nkana

It should be noted that until after the amalgamation of NER and NWR no coherent prison policy, nor even a proper prison system, existed in Northern Rhodesia. The existing prisons were administered on an ad-hoc or trial-and-error basis, without an established and coordinated policy framework. Williams lends credence to this argument in his assertion that 'the British prison system lacked a coherent strategy and only followed a policy of drift or response to recurring crisis situations'.<sup>49</sup> Any counter argument is further demolished by Lionel Fox, Commissioner of prisons for England and Wales up to 1961. He confirms that:

English law is not disposed to arrange itself in consistent, comprehensive, and logical codes. Certainly neither our prison system nor the penal system of which it forms part derives from such a code.<sup>50</sup>

Since the situation in Britain was as Fox depicts it above, then it follows that at the turn of the last century, and for the first quarter of this century, Britain could not have a coordinated prisons policy pertaining to Northern Rhodesia. The case of the Collective Punishments Proclamation 1912 was clear evidence of this contention.<sup>51</sup> It entailed punishment of whole villages or communities for offences committed by any one member of such a community or village, a phenomenon that was greatly detested by the subject peoples.<sup>52</sup>

#### IMPRISONMENT AS AN INSTRUMENT OF COERCION

The imposition of colonial rule and actual administration of Northern Rhodesia by the BSAC involved a lot of coercion, intended to intimidate the subject peoples into subservience. The policy of pacification was a violent means of forcing the indigenous peoples into accepting colonial tutelage through military compulsion. Pacification created 'a state of affairs, superficially quiescent, in which virtually no dialogue took place between the subjects and their foreign masters'.<sup>53</sup> Military force was used to subdue the Arab-Swahili and African slave and Ivory traders, and recalcitrant kingdoms like the Ngoni and the Bemba in order to establish colonial order.<sup>54</sup> Therefore, 'Britain took control of the area north of the Zambezi by force and the widespread threat of force'.<sup>55</sup>

Even after the colonial regime had spread its tentacles all over Northern Rhodesia de facto instruments of coercion continued to be used. This was because 'the Company's peace, having once been established, also had to be maintained for the future'.<sup>56</sup> This involved the use of force through instant punishments like floggings and deportations by colonial officials,<sup>57</sup> demolition and burning of suspects' and actual offenders' houses, and putting them to toil on public works.<sup>58</sup> These punishments were as per the Collective Punishment Proclamation of 1912, section 2(6) and section 3, involving the control of natives and their punishments.<sup>59</sup> When these proved unsuitable recourse was made to the use of imprisonment as a more deterrent and 'legal' means of intimidation. This was used particularly on technical offenders such as tax defaulters, labour deserters, offenders against the Witchcraft Ordinance and those who proved obstinate or recalcitrant in embracing the dictates of the colonial regime. Of course crime per se was not a significant factor then. Most Africans were still tradition-bound and settled, and their social milieu was still unaffected by the disruptive forces of urbanisation.

Imprisonment functioned as a coercive device in the BSAC's quest to enforce the tax regime from which the Company derived great economic benefits. Taxation compelled many Africans into migrating in search of wage labour thereby providing the European enterprises with the much needed cheap labour south of the Zambezi River initially and in Northern Rhodesia itself later. Macpherson confirms that:

the need for cheap labour for European enterprises south of the Zambezi could not be separated from the imposition of taxation. Though it became at once a cause of anger and often of physical resistance, the conquerors were everywhere determined to enforce it.<sup>60</sup>

As such taxation was viewed both as a means to an end and as an end in itself. It was a means to an end through its contribution to solving the labour shortages that had bedevilled European enterprises. This was enforced through ruthless incarceration of all who defaulted or were suspected of defaulting on their tax 'obligations'. Imprisonment frightened most

would-be tax defaulters into wishing to pay, but then could only do so if they migrated to the urban centres of Southern Rhodesia and later the Congolese and Northern Rhodesia Copperbelts to seek wage labour for a few months. The money so earned was used to settle the tax 'obligations' on return to the villages. This became a routine exercise for many an African in Northern Rhodesia.

Therefore migrant labour, given impetus by the tax regime, ensured that cheap labour was constantly forthcoming. As a result both the settlers and colonial officials viewed taxation as the surest way of forcing Africans into seeking work.<sup>61</sup> This also kept the wages low which otherwise would have been higher if voluntary labour was relied upon. In fact the BSAC viewed Northern Rhodesia as a labour reserve and a necessary feature of the development of the Company's sphere south of the Zambezi River. To this end:

Recruiters from the Rhodesian Native Labour Bureau (RNLB) accompanied District Officials on tour, and Africans were confronted with the alternative of gaol for tax default or signing a (labour) contract.<sup>62</sup>

To keep this source of revenue open coercion through imprisonment was seen as the most effective means. It was partly the reason why Coryndon, the Administrator of North-Western Rhodesia, had wanted the rigours of gaol to replace the demolition and burning of houses, as early as 1905, as a penalty for tax default.<sup>63</sup> Even the avoidance of imprisonment through payment of fines for tax default was made technically impossible by the high fines demanded for the offence in lieu of imprisonment. Five Pounds, or three months imprisonment with hard labour, were severer penalties than forfeiture of property by fire.<sup>64</sup>

Imprisonment for tax default was also used as a coercive mechanism to force the Africans out of their traditional economy into the cash economy, especially when tax became restricted to cash payments only. It greatly increased the cash business enjoyed by White traders.<sup>65</sup> As a result the colonial officials looked upon the use of force and the threat of force through imprisonment as the driving force behind the enforcement of successful tax and labour

regimes. For that matter the more labour the European enterprises and the settlers needed the more repressive the tax system and its attendant penalty of imprisonment became. Therefore, imprisonment was the compulsive arm of the colonial government, as it was able to achieve most of what pacification had left unresolved, entrenching the colonial political-economy.

The scourge of witchcraft was yet another factor that had to be eliminated if 'colonial order' was to be enforced from the colonial point of view. Initially colonial officials used instant justice types of punishment. Harrington speaks of how he endeavoured to rid the Mweru-Luapula area of witchcraft and witch-finders, by inflicting instant justice on the culprits. He shot one with pellets and trod with his hunting boots on another's toes and deported him.<sup>66</sup> Later, in its quest to stamp out the rampant witchcraft beliefs and their disruptive effects, the colonial regime turned to imprisonment as a penalty for all witchcraft-related offences. The Northern Rhodesia Witchcraft Ordinance, chapter 30 of the Principal Law (1914) prohibited: **all accusations of witchcraft, mistreatment of suspected witches and wizards, witch-finding through divination, with all offenders being thrown into gaol for short but deplorable periods of time.**<sup>67</sup>

Of course ordinary criminals were also from time to time sent to prison but their numbers, compared with those of tax defaulters and labour deserters, were negligible. Many of them usually got away with mere deportations to their home villages or districts.<sup>68</sup> For example as the BSAC prepared to surrender Northern Rhodesia to the Colonial Office in 1923, the following summary obtained in relation to the types of crimes for which convictions were made:

criminal convictions in the Livingstone sub-district amounted to 2416, of which 1640 were for tax default. In the Fort Jameson District in 1917, 5204 out of a total 5416 convictions had been passed on tax defaulters. The Mweru-Luapula Commissioner reported 5406 tax convictions in 1921-22 and 8768 in 1922-23.<sup>69</sup>

From these figures it can be deduced that indeed crime per se was not a very serious problem

before 1924. The situation was not desperate enough to warrant wholesale imprisonment of every criminal.

On the basis of these factors it can be said that the central thrust of the colonial justice system of the BSAC, through the coercive arm of imprisonment, was the creation of a population of acquiescent inhabitants amenable to the colonial scheme of things. Imprisonment was the coercive instrument for the suppression of African dissent. It was intended to give the BSAC a free hand in the exploitation of the Territory's resources at the least cost. Therefore, imprisonment was not used in the modern conventional manner of correction and rehabilitation of criminal offenders. Instead it served the function of coercion and suppression of Africans as a means of entrenching the BSAC colonial regime.

#### CONDITIONS IN THE PRISONS AND THEIR RAMIFICATIONS

To appreciate the extent to which imprisonment played the function of a coercive device there is need to examine the conditions under which the offenders were incarcerated. There is also an imperative need to explore the major factors that contributed to the kind of conditions that prevailed in the BSAC prisons up to 1924. It is argued that the conditions were significantly influenced by inadequate staffing, problems of accommodation, financial constraints, the impact of the First World War, as well as the colonial ideology pursued by the BSAC. Since physical conditions and methods of treatment and control are the two major categories into which prison conditions are divisible, the conditions in the BSAC prisons should be tackled similarly.<sup>70</sup>

Physical conditions in the BSAC prisons illustrated the way the Territory's system of imprisonment functioned, as an instrument of coercion and intimidation. This was mainly shown through: prison labour, prison food and clothing, accommodation and sanitary facilities as well as medical, educational and recreational facilities.

The 1912 prison ordinances had provisions for persons sentenced to Hard Labour to do 'toiling labour' for eight to ten hours daily except during meal times, Sundays and the two public holidays of Christmas and Good Friday.<sup>71</sup> Ordinary convicts did lesser strenuous jobs for six to eight hours. Hard Labour comprised such menial jobs as road making, brick making, sanitary duties, anti-hill demolition, and all other such hard tasks; a state of affairs that applied throughout the Territory.<sup>72</sup> These were heavily taxing on both the physical and the mental capacities of the convicts. Sanitary duty was a terribly dehumanising form of prison labour, just as it was a very unpleasant activity. These prison 'jobs' acted as constant reminders as to what lay in store for all would-be offenders. This in turn was highly intimidatory and portrayed the whole prison system as a very coercive institution.

The coercive elements of the BSAC system of imprisonment were also exhibited through the type and quantity of food as well as the clothing that were issued to the prisoners throughout the Territory. From the very beginning food for African prisoners was never enough. Initially this was particularly so regarding the procurement of the grain, the staple diet of most of the Africans in NWR. For example at Kalomo during the first decade of the present century, prisoners fetched wild fruits and used them as rations in times of maize grain shortages.<sup>73</sup> The shortages were mainly a result of the high cost of the grain and its transportation and not necessarily scarcity of maize. The very fact that prisoners were subjected to a menu of wild fruits as meals was a very repressive method of dealing with offenders.

Racial discrimination further exacerbated the already meagre food rations given to African convicts in the BSAC prisons. Of the three racially based ration scales that for Africans was the least both in terms of quantity and quality of food. Of the ten food types available

to European convicts, and five for Asiatic and Coloured prisoners, African convicts received only three, plus salt. The following table depicts the argument clearly:

Table 1. THE THREE (DAILY) RATION SCALES

DIET	EUROPEANS	ASIATIC AND COLOURED	AFRICANS
Boer Meal or One and a quarter bakers bread	1 lb	1 lb	-
Grain	-	-	2 lbs/
Salt	1/2 Oz	1/2 Oz	1/2 Oz
Fresh meat	1 lb	3 lbs	1/2 lb (or fish)
Green Vegetables	1 lb	1 lb	-
Rice/split or Dried Peas	2 Oz/2 Oz	2 Oz /2 Oz	-
Baking Powder/in absence of bread	1/2 Oz	1/4 Oz	-
Bars of soap	2/month	2/month	1/month
Kaffir Vegetables	-	-	3 lbs/week
Candles	60/month	60/month	60/month
Mealie-meal	1 1/2 lb	-	-
Lime Juice	1/4 of 8 gallons	-	-
Coffee	1 Oz	-	-

(Source: Northern Rhodesia Government Gazettes, 1911-1913). These disparities in ration scales were in line with the official Company prisons policy of making imprisonment a rigorous experience for inmates.<sup>74</sup>

Prison clothing included both uniforms and bedding facilities. Bedding facilities involved prisoners sleeping on granolithic floors, while uniforms comprised canvas garments. These were replaced with ones made from calico which were in turn changed to garments made from sisal sacks. Sacks replaced calico uniforms purely on grounds of cost as the latter were said to be too expensive. They cost seven shillings and three and a half pence, while sacks cost a paltry one and a half shillings.<sup>75</sup> Sacks were adopted despite the fact that they were 'unsuitable not only on account of the wearing quality, but because their rough nature irritates and chafes the skins of the prisoners'.<sup>76</sup> The Law Department Circular Number 7 of 1912 allowed prisoners to use fires at night (for warmth) because often prisoners did not have



blankets to keep themselves warm at night.<sup>77</sup> This made the use of fires at night a dire necessity especially during cold months. All these problems made imprisonment detestable among the Africans; it was a place of terror whose only alternative was compliance with the requirements of colonial rule.

During the formative years of the BSAC prison system accommodation of prisoners was not done in structures designed and constructed for the purpose. Prisoners were merely herded in all sorts of buildings deemed convenient, though to the inconvenience of those so incarcerated. As such even the sanitary facilities could not be expected to be any better. Rangle describes the building converted to prison use for European convicts at the Falls, near Livingstone, as having been a wood-and-iron structure of approximately sixteen feet square.<sup>78</sup> The conditions in these structures that were called prisons were very deplorable as they lacked many of the basic facilities that went with a proper prison. This meant that the prisoners faced a lot of hardships. These hardships made the whole prison system function as a very repressive instrument of colonial rule. As stated earlier, the first prison to be built in the Territory was constructed in 1910 at Mongu, but even this immediately proved unsuitable and a new one had to be constructed around it four years later. Other prisons were opened at Livingstone in 1910 and at Fort Rosebery in 1920, while Lusaka and Ndola only had prisons opened long after the BSAC had surrendered the Territory to the Colonial Office, that was in 1931 and 1932 respectively.<sup>79</sup> Even these changes did very little to ameliorate the deplorable conditions that prevailed in the BSAC prisons.

Sanitary facilities in the prisons comprised 'pail toilets', provided to the prisoners inside the cells for use only at night. Pit-latrines were not a common feature then. The pails were filled with sand during the day and used by the prisoners at night, and emptied and cleaned by the inmates themselves the following morning.<sup>80</sup> The stench from the 'night soil' was a constant reminder of the grim situation that obtained inside the prison cells at night; a terribly oppressive and dehumanising experience. This in turn

contributed greatly to making prison experience a terror to both culprits and would-be offenders. The act of squatting on the 'pail toilet', in full view of other prison inmates, was a devastating and debasing experience. These problems were seen as intimidatory factors, as they impinged severely on the consciousness of those incarcerated, and thereby added to the coercive functions of the BSAC system of imprisonment.

With the prevalence of malaria and Blackwater Fever medical facilities were introduced quite early in the colonial period, at least in the principal centres. There were 'rudimentary medical services for both Europeans and Africans, and later on small cottage hospitals were erected in the large centres.<sup>81</sup> By the time Northern Rhodesia was handed to the Colonial Office in 1924 the Territory had already achieved fairly good medical facilities, though heavily weighted towards the Europeans.

However, despite these achievements, prisons in the Territory still lacked medical attention commensurate with the high rate of imprisonment that prevailed throughout Northern Rhodesia. There were incidences of pellagra (a skin disease) in most prisons, plus cases of small pox, mumps as well as Blackwater Fever and malaria.<sup>82</sup> By 1924 Mongu Central Prison was already leading the rest in prisoner mortality, a phenomenon which statistically stood at thirty deaths per thousand inmates three years later.<sup>83</sup> These diseases and deaths painted very negative images of the BSAC system of imprisonment. This in turn contributed significantly towards making imprisonment a frightening experience to both convicts and would-be offenders.

Very little can be said about educational facilities that were provided to the convicts in the BSAC prisons throughout the Company's administration of the Territory. As at January

1924 the only work of an educational nature being conducted concerned practical instruction in carpentry, brick-making, and building.<sup>84</sup> This meant that reform of inmates, through skills training, was not a major issue then. This heightened the repressive features of the prisons even further.

Religious and recreational activities were only beginning to take shape toward the end of Company administration in Northern Rhodesia. It was only twelve years after 1924 that there was the first mention of religious activities in prisons, but even then without any prison chaplains.<sup>85</sup> Only visiting priests and pastors conducted prayers in the prisons even long after 1936.<sup>86</sup> Recreation did not fare any better, and in fact even lagged behind religious activities. Games like football were unknown until after the Second World War.<sup>87</sup>

Therefore, even if it was not intentional, the absence of the above social amenities militated against the prison system being a rehabilitating institution. This was mainly due to boredom emanating from lack of spare-time activities, and long hours of menial jobs and lock-up. The prisoners worked for approximately eight hours from Monday to Saturday (minus Sunday and Public Holidays), plus an hour each for lunch and dinner, leaving them for the rest of the time (14 hours) locked up.<sup>88</sup>

#### METHODS OF TREATMENT AND CONTROL

Up to the commencement of the Colonial Office administration, there was no proper separation or segregation among the prisoners, except between the races and sexes.<sup>89</sup> Most significant was the fact that no separate system of treating and controlling juvenile offenders existed in Northern Rhodesia until 1940 when Ibwe Munyama, at the Chikankata Salvation Army School in Mazabuka, was approved for the purpose.<sup>90</sup> Prior to then all juvenile offenders had languished in the gaols together with the rest of the adult offenders. This critically affected the juvenile offenders' psychology. Even the 1920 Agreement with the South African government concerning the transfer of juvenile offenders to South Africa's reformatories fell

very far short of addressing the real problem.<sup>91</sup> It merely covered European and Coloured juvenile offenders, but not Africans.

The 'rule of silence' was yet another coercive instrument of treatment and control under the BSAC system of imprisonment. By prison regulation inmates were forbidden from conversing during work or at meal times. This was according to the British precedent where:

the system was still dominated by nineteenth century conceptions of the value of the rule of silence, and much else remained unchanged, including the personal humiliation of cropped heads and drab shapeless dress besprinkled with broad arrows.<sup>92</sup>

Fox's description of British prisons of the nineteenth century ties in with the situation that obtained in Northern Rhodesia during the BSAC administration. Under BSAC rule prisoners were also subjected to, besides the rule of silence, cropped heads. They were also dressed in drab shapeless garments made of canvas initially, then calico and sacks thereafter, reverting to calico finally, also with broad arrows on them. These were intended as disciplinary measures, as they differentiated prisoners from ordinary citizens.

Features of coercion in the BSAC system of imprisonment were also observable in the manner in which prison punishments were used. The belief among the prison administrators in Northern Rhodesia was that punishment would torment culprits and frighten potential offenders thereby curtailing contravention of prison regulations; as such prison punishments were of very severe proportions.<sup>93</sup> Penal labour, solitary confinement, floggings, reduced or punishment diet and forfeiture of privileges were the most commonly used forms of prison punishment. Penal labour mostly involved unrelenting, exhausting and perfectly useless physical forms of punishment with no beneficial results intended whatsoever.<sup>94</sup>

Floggings as prison punishment were also extensively used to intimidate convicts into acquiescence. Rangley speaks of his punishment of Baila men who had the habit of robbing

and murdering people passing through their country. He says 'I used to sentence offenders to a flogging, six months in gaol, and then another flogging on discharge'.<sup>95</sup> This use of corporal punishment on prison inmates, besides maintenance of discipline, was also intended to paint a frightening picture of the prison regime in the eyes of the colonial subjects. It was also used on convicted offenders not sentenced to gaol terms.

The deplorable features of solitary confinement were ingrained in the seclusion of culprits in specially designated prison cells that accommodated only one person at a time. It was based on the nineteenth century notion that it enabled a culprit to meditate on his misdeeds.<sup>96</sup> No lessons had been drawn from the British experience where the punishment had merely worsened matters instead of resolving problems of prison discipline. Moberly records that:

when separate confinement was introduced at Pentonville (prison), the insanity rate was twenty times that in other prisons. In most cellular prisons physical precaution had to be taken against suicide.<sup>97</sup>

Ruggles-Brise, a one-time Commissioner of prisons for England and Wales complemented this anti-solitary confinement argument by stating that 'pressed severely to its logical conclusion, cellular seclusion became a refinement of cruelty'.<sup>98</sup> Therefore when the BSAC prison authorities instituted 'solitary confinement' as a prison punishment it was already dawning that the whole scheme was a mere torturous and fruitless undertaking. The trouble was that the majority of the prison administrators were non-professionals in penology; they were either people with police 'skills' or mere ordinary colonial administrators.<sup>99</sup>

Forfeiture of privileges was a prison punishment that developed with the growth of the BSAC system of imprisonment in Northern Rhodesia. From 1912 offending convicts were liable to losing some of their prison privileges, particularly remission of part of one's prison sentence.<sup>100</sup> The system was coercive as it forced prisoners to behave only in the prescribed manner. Thus, in a way, the inmates underwent psychological pressures regarding the numerous prison 'do's and don't's'.

## THE IMPACT OF EXTERNAL FACTORS

Problems of accommodation, arising from inadequate prisons infrastructure contributed significantly to the coercive characteristics of the BSAC system of imprisonment. From the very beginning Company officials did not take to construction of prisons but instead merely converted existing structures to prison use.<sup>101</sup> Even when ordinary prisons came to be constructed they also did not seem to suit the circumstances. At Kalomo, from 1905 to 1907 European prisoners had to sit outside during the day time due to limited space inside.<sup>102</sup> The Mongu prison, constructed in 1910, had to be reconstructed due to its inadequate size which was unable to accommodate the waves of tax defaulters, labour deserters, some Witchcraft Ordinance offenders and ordinary criminal convicts.<sup>103</sup> Therefore, prison congestion must have impacted negatively on the prisoners' psyche and acted as an intimidatory mechanism. Prison congestion, due to inadequate infrastructure, also made prisoner classification a daunting undertaking. This in fact contributed to the signing of the 1920 Prisoners (Juveniles) Removal Agreement with the Union of South Africa Government regarding the transfer of European and Coloured juvenile offenders to South African reformatories. The same problem had earlier necessitated Rangle's application for the invocation of the Prisoners Removal Act 1884 so that convicts could be sent to Southern Rhodesia which had better established prisons. Therefore, it can be argued that suitability of accommodation was never an issue, rather what mattered was secure custody of those imprisoned. This in turn meant that prisoners were subjected to all sorts of hardships merely to enable the Company's prison administrators to enforce the incarceration of convicts.

There was an admittedly critical shortage of suitably qualified and even ordinary personnel to administer the Territory's prisons. In 1911 it was reported that 'the duties of gaoler are performed by the officer of the Northern Rhodesia Police, assisted by the Native

Police as warders'.<sup>104</sup> Due to this critical shortage of manpower there were in place standing orders that almost entirely tied the few available prison officers and warders to their jobs. One such standing order stated that:

no Prison officer shall, except with the permission of the Administrator, be at liberty to resign or withdraw himself from his office before the expiration of the period for which he has agreed to serve.<sup>105</sup>

Such safeguards were meant to prevent the few available officers and warders from abrupt resignations and desertions from the Prison Service. Abrupt resignations and/or desertions (without notice) would have aggravated the already critical staffing situation. These problems were made worse by the fact that from the very inception of the prison system in Northern Rhodesia, prison officers and warders received lesser wages than their counterparts in the Police Force.<sup>106</sup> This state of affairs remained so until 1947 when wages in the Prison Service were raised to only one increment lower than both the minimum and maximum salary rates applicable to police officers.<sup>107</sup>

Therefore, the critical shortage of manpower in the Prison Service meant that too few personnel were available, and they often resorted to punitive methods of treatment and control. This was evidenced by the punishments that prisoners were subjected to, and the hard prison labour that they performed. Both the police and their messenger counterparts were ill-qualified and ill-suited for the delicate nature of the job they were given to handle. The police and messengers had been trained (if at all) to deal with crime detection and prevention, and message deliveries respectively, neither of which had anything to do with prison administration. As such they merely subjected the inmates to police methods of dealing with offenders, and often ended up inspiring terror in their charges. Milner asserts that 'the Colonial government was unable to develop a constructive approach to corrections due to lack of qualified staff and suitable prison accommodation'.<sup>108</sup> Therefore, given the large number of prisoners (9,426 in 1924) and a disproportionately small number of prison officers and warders (about 300 men)

it was only normal that extra-coercive and highly intimidatory mechanisms were often utilised.<sup>109</sup>

Apart from the problems of accommodation and staffing, financial constraints were another factor. For example as early as 1905 prisoners at Kalomo were fed on wild fruits, mainly due to high purchasing and transportation costs of grain, the staple crop of nearly all the inmates in the Kalomo gaol.<sup>110</sup> Moreover, the number of the warder staff had to be reduced to the absolute minimum between 1921 and 1922, in order to reduce the ever-rising administrative costs.<sup>111</sup> The few warder staff that remained usually had to use force, in dealing with the ever-rising prisoner numbers, to compensate for their meagre numbers.

As stated earlier, further expenditure reduction was effected during the 1921-1922 period by supplying uniforms made from sacks.<sup>112</sup> The rough surface of sacks chafed the skins of the prisoners and made walking a very cumbersome activity. The actual monetary reductions were: from £14,636 down to £12,482 in 1921; from £14,065 to £13,791 in 1922; and only meagre over-expenditures of £12,216 instead of £12,172; and £11,891 instead of £11,815 in 1923 and 1924 respectively.<sup>113</sup> These expenditure reductions had serious effects on the manner in which the inmates were kept. The expenditure of £11,891 on 9,426 prisoners in 1924 puts the impact of the financial restraint in its proper perspective.<sup>114</sup> These financial problems certainly must have had adverse effects on the function of the imprisonment system.

The effects of World War One were felt both outside and inside the prisons of Northern Rhodesia. All available resources, in terms of men, money and food, were placed in the hands of the military authorities, for the war effort.<sup>115</sup> All Police personnel seconded to the Prison Service still belonged to the Northern Rhodesia Regiment, the armed force of



the Territory. These had to be mobilised for the war. This left the Prison Service with a skeleton staff and meagre financial resources. In fact many administrative decisions and undertakings had to be shelved until after the war, when the situation returned to normal. As a result the conditions in the prisons deteriorated to critical levels. The treatment and control of prison inmates also had to be done more coercively, as most resources were unavailable, and so prisoners had to be forced to accept the prevailing situation.

From the very beginning, the colonial ideology of the BSAC was likely to hamper the establishment of a more humane and less coercive prison system. This was mainly due to the place assigned to Northern Rhodesia in the Southern African economic design. Historically Northern Rhodesia's raison d'être was as a labour reserve for the developing White areas of Southern Rhodesia and South Africa'.<sup>116</sup> The Company considered Northern Rhodesia as a mere appendage of the Southern Rhodesia economic sphere. As a result even the administrators of the Territory did not approach its problems with the necessary vigour and initiative because its overall development was not considered as important factor. This approach had negative effects on the Territory's prison system. The prison institution perpetually suffered from lack of both human and material resources. According to Ian Henderson:

there was the ubiquitous 'lack of funds' argument, which accompanied most attempts at development; but lack of resources was made worse by lack of knowledge and expertise, and lack of trained administrative manpower.<sup>117</sup>

As a result the BSAC prisons operated more as 'holding institutions' than prisons per se. They acted as places where offenders of all categories were merely held 'out of circulation' under very punitive conditions, without any hope for reform and rehabilitation.

In concluding this chapter it should be stated that the BSAC system of imprisonment between 1907 and 1924 did not function as a corrective and reformative mechanism, but

operated as an instrument of coercion and intimidation. The Company used imprisonment as a vehicle for the attainment of its central objective of imposing its rule. During this period the majority of the prisoners were technical offenders. These were tax defaulters, labour deserters, as well as those opposed to colonial rule. Widespread incarceration of criminal offenders was a later development. The system of imprisonment introduced by the BSAC in Northern Rhodesia has been traced to the British system that had developed in Europe over the centuries, from the principle of Lex Talionis in ancient Rome, through the custodial and the coercive purposes on to that of reform and correction.<sup>118</sup>

The coercive and punitive conditions in the Territory's prisons were depicted through hard manual labour, poor diet and inadequate educational, health and sanitary facilities. These were a reflection of the low standard of living that obtained in Northern Rhodesia during the period. The conditions in the prisons were made worse by the limitations imposed by inadequate prison accommodation, insufficient staffing and financial difficulties. Other problems were due to the ravages of the First World War, and the place assigned to Northern Rhodesia as a mere appendage of the 'White man's country' south of the Zambezi River.

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## CHAPTER TWO

### THE SYSTEM OF IMPRISONMENT UNDER CROWN RULE, 1924-53

In 1924 the Colonial Office assumed the reins of government and made Northern Rhodesia a British Protectorate. In the same year prisoner reform was promulgated as the official aim of the Territory's imprisonment system.<sup>1</sup> The reform policy went side by side with coercive methods of dealing with prisoners for the greater part of the colonial period. Rugimbana says that 'because of its very nature the British penal system in a colonial administration was essentially punitive in nature'.<sup>2</sup> This chapter discusses the extent to which Northern Rhodesia's colonial system of imprisonment functioned in accordance with, or in divergence from, the envisaged prisoner reform policy.

It is argued in the chapter that a host of limitations prevented the prisoner reform policy from being implemented successfully. Two major crises, the World Economic Depression (1929-35) with all its financial ramifications, and the Second World War (1939-45); each frustrated many policy innovations from being fulfilled. Other limitations were the problems inherited from the pre-1924 period. These were inadequate resources, epitomised in insufficient prison accommodation and staffing, as well as endemic financial constraints.<sup>3</sup> The low priority accorded to prisons administration as well as prejudice by some colonial officials were other inhibiting factors. The transfer of prison administration from the Attorney General's Office to the Police in 1927, did not seem to help matters either. In the process the function of imprisonment failed to live up to the envisaged purpose of prisoner reform and rehabilitation.

#### REFORM AS A POLICY OBJECTIVE

By 1924 the subjugation of Africans to Pax Britannica had become almost certainly assured. Thus, emphasis had to be shifted to prisoner reform and rehabilitation, as a more effective way of deterring crime and thereby protecting society. Moreover offences meriting imprisonment were also rapidly changing, offences of a criminal nature were gradually superseding technical ones, particularly in the urban areas.

The Colonial government sought to implement a gradual process of replacing deterrence through coercive methods, with prisoner reform. Emphasis came to be placed on restoring an offender to a level of function and social position free of criminal tendencies. Moreover, many penal administrators in Northern Rhodesia were gradually coming to grips with Thomas Fowell Buxton's assertion made back in 1818. Buxton had stated that 'by the greatest possible degree of misery you produce the greatest possible degree of wickedness.'<sup>4</sup> Thus the need to emphasize reform both in theory and in the practice of imprisonment had become inescapable.

In 1924 the Prisons Board, which had been formed the previous year, made a flurry of recommendations to effect reform in place of the coercive and punitive devices that characterised Northern Rhodesia's prison system. The controversy over the transfer of prison administration from the Attorney General's Office to the Police Department was resolved in favour of the latter, due to financial and logistical factors.<sup>5</sup>

From January 1927 Northern Rhodesia's Prison Service underwent major reorganisation, in an attempt to accord with the reform and rehabilitation policy, as contained in the Prisons (Amendment) Ordinance of that year.<sup>6</sup> 'A Chief Inspector of Prisons was appointed, responsible to the Commandant Northern Rhodesia Police, for the control of all Central prisons in the Territory'.<sup>7</sup> This in effect ushered in full police control of the Territory's prisons.

With the prisons firmly under the ambit of the police, the necessity for prisoner classification, being a basic ingredient of reformation, was quickly recognised. A century earlier in Britain, the Gaol Act of 1823 had recognised the need to break down contamination

between different types of prisoners by separating them into classes.<sup>8</sup> In Northern Rhodesia 1922 had seen the initial attempts at classifying convicts to be gaoled in Local prisons and those destined for Central prisons. The 1927 Ordinance and the 1928 Recommendations went further by promulgating the separation of prisoners into various classes. This involved separating first offenders from the 'old lags' and the segregation of minor tax defaulters, civil offenders and those committed for less serious offences, from recidivists and the real hard core of the criminal element. Each class wore a distinctive broad arrow on their clothing as an identity for their class. The prison classes were categorised thus:

Class I	Juvenile offenders
Class II	Minor Offenders, First Offenders and Good Conduct Prisoners;
Class III	Incorrigible, habitual criminals and others unfit for class II;
Class IV	Criminal, certified and suspected lunatics, Detainees during His Majesty's Pleasure. <sup>9</sup>

This classification system commenced officially in September 1928, when the Governor approved the scheme.

For long-sentence prisoners training and rehabilitation came to receive the central thrust. Emphasis was laid on industrial instruction and reform rather than retribution and membership of manual labour gangs. Writing in Prison and Common Sense, Thomas Osborne indicates the importance of prisoners' skills training. He asserts that:

as criminals can neither be coerced nor bribed into a change of purpose, they must be so educated, not for the life inside but for the life outside. Not until we think of our prisons as educational institutions shall we come within sight of a successful system that restores to society the largest number of intelligent, forceful, honest citizens.<sup>10</sup>

This assertion needs no over-emphasis. Lack of such vocational training facilities in the prisons would merely accentuate rather than ameliorate the offenders' condition and inability to cope after release. It would quickly force them back into crime. Therefore, from 1927 concerted efforts were undertaken to teach long-sentence prisoners a trade so that on eventual

discharge from prison they could be certain of some remunerative employment.

Furthermore, the 1922 policy of restricting short-sentence prisoners to Local prisons was also reaffirmed. This in effect meant that all convicts serving more than three months in Hard Labour (I.H.L.) had to be transferred to appropriate Central prisons. Only enough prisoners to provide labour for the maintenance of the respective Districts had to be left behind. Other forms of punishment, especially for technical offenders, were resorted to rather than indiscriminate incarceration of all offenders, criminal or otherwise. Technical offenders like tax and court fines defaulters were to be treated less rigidly. They could even live in the Messengers' Lines (compound), or inside the gaol. They could also use fires for warmth at night, with only a messenger to direct their labour during the day.<sup>11</sup>

As a result in 1932 the Acting Commissioner of Prisons, H.G. Hart, noted that:

there has been a decrease in committals to Central prisons due, to a certain extent, to the fact that more use has been made of deportation within the Territory which is having a deterrent effect.<sup>12</sup>

Deportation involved forced repatriation of convicted offenders from urban centre to their home villages. But more importantly, people did not have money to pay fines then. The prisoner figures actually dropped drastically, from 3,044 in Central prisons and 9,228 in Local prisons in 1934, down to 1,910 and 5,228 respectively in 1935.<sup>13</sup> However, while this reduction was attributed to the increased use of non-custodial methods of punishment, another factor may have been the end of the Economic Depression in 1935 and the consequent economic recovery. The Depression had crippled the Territory's financial position such that the tax regime had to be rigorously enforced in order to obtain the badly-needed finances. After the recovery the need for extra-stringent methods of tax collection, particularly imprisonment, also tapered off. Other traditional sources of government revenue that had collapsed during the Depression were revived.

As stated earlier in this chapter, other reform efforts were undertaken in relation to the training of African prison warders. For the first time in the history of the Northern Rhodesia

Prison Service, from 1939, African prison warders began to undergo residential training. Previously they had merely learnt their jobs through trial and error, as no training facilities had existed. Moreover, the standing orders that comprised part of the warders' course at the Livingstone Depot were extracts from the Northern Rhodesia Prisons Amendment Ordinance Number 11 of 1925 which had amended the Northern Rhodesia Proclamation of 1912.<sup>14</sup> As a reform measure the same ordinance had empowered Prison Superintendents and Visiting Justices to deal with any staff disciplinary cases below the rank of gaoler, and to deduct up to five shillings from their wages upon conviction, under Section 21 of the Principal Law.<sup>15</sup> This was done in attempt to reduce the amount of coercion that obtained in Northern Rhodesia's prison system, though with limited success.

During and after the Second World War several prison reforms were undertaken, while many that had began prior to the war were elaborated. The treatment and control of Juvenile offenders was addressed even more seriously than before. Prison camps and the Probation system were introduced, while expansion of skills training facilities, as well as attempts at formal education among prisoners, were made in many of the Territory's Central prisons. Other post-1939 reforms were noticeable in the increasing use of prison privileges and expansion of recreation facilities. The formation of the Northern Rhodesia Prisoners Aid Society in 1946 contributed a great deal to the reform process in the Prison Service. These reforms culminated in the separation of the Prisons Department from the Police in 1947.

Reforms aimed at ameliorating the plight of juvenile offenders had earlier in 1934 been effected through the extension to Northern Rhodesia, from Britain, of the Juvenile Offenders Ordinance Number 41 of 1933. It was intended 'to bring local legislation into

line with modern opinion which recognises that the practice of sending boys and girls to prison is undesirable and ineffective'.<sup>16</sup> The Ordinance included the granting of bail and the prevention of young offenders from associating at Police stations with adult criminals. It also dealt with the appointment of Probation Officers and the abolition of the death penalty for juvenile offenders.

The 1933 Ordinance found expression in the commencement of the Ibwe Munyama reformatory experiment in 1940 at the Salvation Army School at Chikankata in Mazabuka.<sup>17</sup> Up to then only Livingstone Central Prison had facilities for separate confinement of juvenile offenders. The transfer system to South Africa excluded African juvenile offenders, it only catered for European and Coloured juveniles. The rationale behind the Chikankate experiment was that the delinquent boys sent to the school would positively be influenced by the ordinary boys there. The experiment was a total failure.

The use of prison camps was resorted to as part of the overall reformation of the Northern Rhodesia prison system. It was aimed at obviating the problem of congestion in the prisons. This was especially due to the difficulties involved in the allocation of prisoners to specific prisons according to the length of sentence criterion. The Secretary for Native Affairs conceded that there were great difficulties in the transfer of convicts from places where they were sentenced to appropriate prisons to serve their sentences.<sup>18</sup> The process was found to be very expensive and time wasting. At the same time leaving short -sentence prisoners in Central prisons contradicted the official policy of restricting them to Local prisons. This made the option of establishing Detention camps exceedingly attractive. To this effect, in 1928 the Secretary for Native Affairs asserted that:

the application of the Kenya Detention Camps Ordinance would be valuable in Northern Rhodesia in so far as it would provide for the separation of the native misdemeanant from the criminal and enable the latter class of offender to perform more useful work.<sup>19</sup>

This was echoed by Mr. Dowbiggin in his report of 1937, and in the Patterson Report (on East Africa) handed to the Northern Rhodesia Government in 1941. In 1944 the newly-appointed Commissioner of Prisons, R.L. Worsley, also supported the adoption of prison camps. Thus, by 1948 there were prison camps at Lusaka, Fort Jameson and elsewhere, that accommodated first offenders. The following year Bwana M'kubwa, formerly a refuge camp for Polish evacuees, was turned into a prison camp also.

On the basis of experience gained at the Bwana M'kubwa prison camp, in 1950 the committee appointed to probe into Northern Rhodesia's prison system, urged that detention camps should replace District prisons for sentences up to six months.<sup>20</sup> From then on the use of Open prisons became a common feature of the imprisonment system. Namiwe Open Prison was opened in 1953 in Namwala District and functioned exceptionally well. Therefore, prison camps partially resolved the problems of prison congestion and the provision of work for inmates, which had been very difficult in ordinary prisons. These open prisons were a good mechanism for training prisoners and effecting economy in prison upkeep.

Besides the use of prison camps the colonial authorities also incorporated the use of the probation system. It was targeted at offenders identified as being in need of guidance and supervision through compulsory work but without compulsory residence. The government stood to gain from the convicts' labour while spending nothing in wage and maintenance costs. Above all, the system had great promise in an 'open' atmosphere, with no walls, no barbed wire, and only minimal supervision. According to Alexander Patterson, 'if 2,743 Native and Coloured males could be released on probation in South Africa in 1937, the system could also operate in Northern Rhodesia'.<sup>21</sup> From then onwards the system became an important alternative to wholesale imprisonment which had characterised the previous years. Offenders were put on public works while living in their own homes, though with minimal restricted

movements. On this basis the probation system became an important factor in the post-1939 reform of the Northern Rhodesia system of imprisonment.

Another innovative reform in the Northern Rhodesia system of imprisonment involved the use of remission. It formed part of the many prison privileges that were extended to prisoners on the basis of good conduct. Its central thrust was that 'a prisoner was to earn, by special industry and good conduct, a maximum period of remission of one-sixth of his sentence'.<sup>22</sup> The system was even extended to convicts with very poor health, who were usually released on medical grounds. For example in 1927 in Mongu Central Prison, Njaluka Alias Kayampulumbi, had his Hard Labour sentence lifted on grounds of his poor health.<sup>23</sup> Many more prisoners benefitted from the privilege, especially those in Mongu Central Prison where pulmonary infections were prevalent. Therefore, good conduct, poor health and old age were the major criteria used to remit prisoners' sentences.

The use of prison privileges added more impetus to the reform of the Northern Rhodesia imprisonment system. Like remissions, the use of privileges had commenced long before the advent of the Second World War. Some of the incentives were: receiving privileged (special) rations and the allowing of smoking, both or either of which were liable to withdrawal for misconduct. This meant that good conduct prisoners enjoyed privileges that were denied to the rest of the prison populations, especially those with poor conduct records.

#### THE ROLE OF THE NORTHERN RHODESIA PRISONERS AID SOCIETY IN PRISONER REFORM

The formation of the Northern Rhodesia Prisoners' Aid Society in 1946 was a result of the need voiced from various quarters regarding the importance and role of such an organisation in the reform of prison inmates. As early as 1938 the Fynn Report on Northern Rhodesia's prison system had recommended the formation of such an organisation. In



1945 the matter was discussed by the Christian Council of Northern Rhodesia at which it was resolved in favour of such an association in the Territory. Thus was formed the Northern Rhodesia Prisoners Aid Society in 1946, under the Anglican Bishop of Northern Rhodesia as Chairman.<sup>24</sup> Membership was by invitation only.

Thereafter the Prisoners Aid Society became instrumental in the improvement of recreation facilities, especially in the Territory's Central prisons. By February 1947 copies of Mutende (an English-vernacular newspaper) were already being distributed among prisoners, later followed by copies of the African Weekly newspaper.<sup>25</sup> Isolo (African draughts) as well as library facilities were other recreational facilities made available in Lusaka and other Central prisons in Northern Rhodesia. The Prison Visitor, Mr. A.J. Harris, reported that in the Lusaka Central Prison 'the lending library undoubtedly satisfies a need and its popularity continues undiminished, with ninety-three men borrowing books which they change frequently'.<sup>26</sup> In the 1947 Prison Service Annual Report it is reported that football, as a recreation, commenced in Livingstone Central Prison in that year. Indoor games and film shows became available there the following year.

Attempts at prisoner rehabilitation through skills training was one reform element that both the colonial prison authorities and the Prisoners Aid Society approached in earnest. Particular attention was directed at long sentence convicts. In 1947 mat-making and shoe-repairing were introduced as additional trades and African artisan instructors were employed to teach the skills. In addition each Central prison was given a large garden or farm where market gardening skills were taught to inmates. Women prisoners were taught needle work by European women prison visitors. By 1951 the teaching of skills like brick-laying and making, and house-thatching had been introduced in most prisons as part of the prisoner rehabilitation programme. In this way the efforts of the Northern Rhodesia Prisoners Aid Society significantly complemented those of the Prison Service in the provision of various facilities for purposes of prisoner reform and rehabilitation.

## SEPARATION BETWEEN POLICE AND PRISON FUNCTIONS, 1947

Of all the prison reforms undertaken in Northern Rhodesia during the 1924-53 period the most significant was the establishment of a separate Prison Service in 1947. From then onwards prison administration became a separate department under the Home Affairs Ministry of the Territory. Efforts towards realisation of this had began long before the Second World War. Immediately following the Colonial Office's assumption of the administration of Northern Rhodesia in 1924, disagreement had arisen as to the desirability of police takeover of prisons or the creation of a separate department. By 1937 it had become increasingly difficult for the police to continue running both departments without seriously neglecting their own work. The Police Commandant, in a letter to the Governor, bemoaned the pressure of work that his department was saddled with. He lamented that:

prison work, which could possibly be handled fairly satisfactorily in 1927, has grown to a stage when it is not possible for the Commandant and his staff to cope with without serious neglect of the Police Force. The Head of the Police should not be in charge of the prisons.<sup>27</sup>

According to Graham, the Police Commandant's argument found support in three separate reports between 1937 and 1938 by Sir Herbert Dowbiggin, Sir Alan Pim and Mr. T.C. Fynn, each of whom recommended the separation of prison from police duties.<sup>28</sup>

Thereafter, more and more colonial officials became supportive of the necessity to delink the running of the prisons from the police. The Commissioner of Prisons argued that:

the combination of policeman and gaoler is in general not to be desired and should not be continued longer than necessary. Gaol administration has now become a specialised science and should be controlled by men whose special study it is, and not by officers whose primary task is to prevent or detect crime.<sup>29</sup>

These views, supported by the Governor in 1941, confirm that there was general consensus in government circles regarding the imperative need to establish an independent prison administrative structure. As a result 'in 1941 a Commissioner of Prisons was appointed, followed by the first Prisons Ordinance and Prison Rules in 1947.'<sup>30</sup> This delinkage ushered in an autonomous Prison Service with reform of prisoners as its pivotal aim. Mr. R.L. Worsley,

on promotional transfer from Palestine, became the first Commissioner of an independent prison service.

Therefore, it can be seen that between 1924 and 1953 when the Colonial Office ruled Northern Rhodesia, many innovative reforms were undertaken. The reforms greatly contributed to ameliorating the plight of many a Northern Rhodesia prisoner. A lot of efforts were expended towards the reform of the prison system itself before the desire to carry out the policy of prisoner reform could be attempted successfully. In short the period witnessed a double-pronged reform policy. These attempts were aimed at fulfilling the requirements of Rule Number 6 of the British Criminal Act of 1948, which was extended to Northern Rhodesia. The rule stated that:

the purpose of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge and to fit them so to do.<sup>31</sup>

However, despite these concerted attempts to try and remedy the situation in the prison system of Northern Rhodesia, continued reliance on coercive methods, coupled with other limitations, prevented many of the reforms from being implemented successfully.

Although prisoner reform and rehabilitation became official policy following the demise of BSAC administration of Northern Rhodesia in 1924, the coercive methods of dealing with prisoners did not end forthwith. For many the policy of reform and rehabilitation went side by side with the use of coercive methods.

In the political realm the original aim of the colonial regime utilising the prison institution to achieve its ends was still being pursued. According to Kercher:

the colonial justice system, serving essentially as an instrument of political control, employed external legalistic norms and sanctions to maintain social order, and also to achieve a measure of punitive justice against the offender. <sup>32</sup>

The colonial government still regarded the prisons as a powerful coercive instrument for intimidating Africans into conformity with its dictates and aspirations for the sake of continued 'colonial peace.'<sup>33</sup> Many officials still believed that the best way to intimidate Africans into acquiescence with the dictates of Pax Britannica was by 'making the life of a prisoner stricter, with a more deterrent effect, with a view to the fear of imprisonment'.<sup>34</sup>

The continued use of coercion in the colonial system of imprisonment was exhibited through police administration of the prisons from 1927 to 1947. The use of unqualified and semi-literate staff meant that convenience had to take precedence over professionalism. Prison punishments, such as penal labour, solitary confinement and long working hours were other factors through which coercive methods of imprisonment were displayed.

#### POLICE ADMINISTRATION OF THE PRISONS AS A COERCIVE FACTOR, 1927-47

As early as 1924 the Prisons Board, which had been inaugurated the previous year, recommended full police responsibility over the Central prisons. It also urged the appointment of a Chief Inspector of Prisons. These were preferred as an alternative to the setting up of a separate Prisons Department. As a result the Attorney General surrendered the administration of the Central prisons to the police in 1927. Several factors made this option more plausible than the creation of an independent prisons department. These were inadequate staffing, insufficient financial resources and the problem of poor communications.<sup>35</sup>

The Police and Messenger Corps that acted as prison officers and warders were subjected to military foot drills, military-oriented standing orders and wore military-style uniforms. The police did arms-drill as well. The police and the messengers were both recruited and drilled into obeying and carrying out orders without question. Meanwhile the police force remained an integral part of the Northern Rhodesia Regiment up to 1932 when it was separated from the quasi-military constabulary.<sup>36</sup> In 1937 Mr. Dowbiggin reported that Central prisons were manned by many warders who were ex-soldiers and ex-policemen.<sup>37</sup> Until 1939

African warders were merely trained on the job. In that year twenty-one African warders received residential training at the Livingstone Police Depot, in foot and arms drill, a musketry firing course, and lectures on Prison Regulations and the responsibilities and duties of a warder.<sup>38</sup> Naturally the police and messengers transferred these regimented work habits and characteristics to their charges, the prisoners. Even among convicts regimentation became the rule rather than the exception. The whole system was authoritarian both in design and outlook.

The use of unqualified staff in the implementation of prison policies was a tradition inherited from the BSAC administration and continued by the colonial administrators. It meant that things could be handled only in the most convenient way possible, rather than in the best professional manner. As such prisons were administered like police stations and military guardrooms, due to the militarist backgrounds of most of the prison officers and warders alike. This arrangement combined two diametrically opposed penal functions, of police and gaoler. This cumbersome arrangement lasted until 1947 when a separate Prisons Department was established.

#### OTHER PRISON INSTRUMENTS OF COERCION

The use of Hard Labour as a prison sanction had its origins in the Penitentiary Houses Act of 1779. It had then been generally accepted that together with solitary confinement and religious instructions Hard Labour would deter potential offenders and reform individuals into habits of industry.<sup>39</sup> Although the Gladstone Report of 1895 had condemned Penal Labour absolutely, and it was subsequently abolished in Britain in 1948, the situation in Northern Rhodesia did not change significantly.<sup>40</sup> Prison labour continued to be used as a coercive mechanism of control. It involved long working hours (approximately eight) (8) hours per day.<sup>41</sup> In fact Penal Labour could even be summoned on Sundays and public holidays during an emergency though with permission from the Governor.<sup>42</sup>

In most prisons it involved sanitary work, cleaning at Government buildings, grave digging, township road maintenance and other duties of a public or urgent nature.<sup>43</sup> By 1943 Penal Labour had become so intense that the Commissioner of Prisons was forced to comment thus:

I still cannot agree that forced work of such a nature that a free native would refuse it, is the correct method of approach to the reform of a criminal.<sup>44</sup>

This state of affairs lasted until 1947 when the Prisons Amendment Ordinance restricted Penal Labour to work of a public nature only. Prior to then prisoners had been used by public utilities, private individuals and companies for six pence per day per prisoner.<sup>45</sup> The prisoners' working hours also continued, as had been established by the BSAC administration before 1924, to be eight hours per day.

Prison punishments were other facets of the colonial imprisonment system through which the coercive features were extended to the post-BSAC period. They were meted out on prison inmates for offences against prison discipline. In 1928 it was reported that strict enforcement of discipline during the year resulted in a considerable increase in the number of offences against prison regulations.<sup>46</sup> This was due to the numerous additions of offences to the already long list of rules and regulations. The system was still on the same lines as Maconochie had condemned back in 1846 that 'in the management of our gaols and other places of punishment, we at present attach too much importance to mere submission and obedience'.<sup>47</sup>

Solitary confinement was another of the notorious punishments used in the prisons of colonial Northern Rhodesia. It involved enforced solitude in single cells designed for the purpose, with only what was barely necessary to prevent the risk of endangering life. When the punishment had been devised in nineteenth century Europe it had been intended to 'give prisoners an opportunity for introspection and repentance'.<sup>48</sup> Moberly sums up the defects of solitary confinement in his statement that 'in the vast majority (of prisoners).. solitude is an unnatural condition which tends to unhinge mentally and to debase morally'.<sup>49</sup>

In Northern Rhodesia solitary confinement continued to be used even as late as the eve of the Second World War. Many colonial officials, like Fynn, were still supportive of its efficacy. Fynn favoured solitary confinement of prison offenders instead of keeping them in association cells which, according to him, were 'conducive to breeding of vice and contamination of inmates'.<sup>50</sup> As a result of the Fynn Report's recommendations on the use of the single cell system for ordinary prisoners, nothing wrong was seen even in the use of solitary confinement in Northern Rhodesia. In certain instances it was even complemented by putting prisoners in shackles. One such case involved chaining the legs of one convict, Ackim Mulenga, to pieces of rail in Livingstone Central Prison in 1940.<sup>51</sup>

Besides being used as a court sentence, corporal punishment was extensively used as a coercive device in the maintenance of prison discipline. Its use in prisons could be traced to the Albany Prison of New York State in the United States of America, where flogging for infringements of prison rules had been a common phenomenon in the nineteenth century.<sup>52</sup> It was also utilised in Britain until the 1940's. In Northern Rhodesia its extensive use during the 1920's put the Territory in the lead in British Africa.<sup>53</sup> During the last five years of the Second World War the following statistics obtained:

Table 2. NUMBER OF AFRICANS GIVEN CORPORAL PUNISHMENTS, 1941 - 45

YEAR	NUMBER OF AFRICAN PRISONERS WHO RECEIVED CORPORAL PUNISHMENT	AVERAGE NUMBER OF STROKES PER PRISONER
1941	118	4.88
1942	201	3.35
1943	385	4.93
1944	230	4.83
1945	128	5.58

(Source: NAZ/SEC 1/1172, Corporal Punishment in Penal Systems, Vol.I).

From these figures it can be deduced that at least two African prisoners were being flogged somewhere in some prison of Northern Rhodesia every week of the year. Apparently experience was increasingly proving that the punishment was only efficacious in a limited number of cases and merely brought the law into disdain.<sup>54</sup>

It was only in 1948 that corporal punishment came to be restricted to three prison offences only, namely: mutiny, incitement to mutiny, and violence against prison officers, and applicable only to men under forty-five years of age.<sup>55</sup> Perhaps this change of policy was influenced by the realisation, as Klare describes it, that 'people cannot be ordered into maturity, they cannot be disciplined into it, they cannot even be flogged into it'.<sup>56</sup>

Up to 1926 corporal punishment had been administered by way of a Chikoti or Sjambok (whip) made of Hippopotamus skin. The whip was replaced by a cane until 1929 when the 'Cat-of-nine tails' came to dominate the scene, introduced on instructions of the Secretary of State for the Colonies.<sup>57</sup> It was a whip with nine strands spreading out from the main cord which formed the handle. The whip was always soaked in salty water before administering the punishment. Each of the strands was a blow and deposited the salty water into the wounds so inflicted on the victim. It literally fulfilled the old adage of rubbing salt into wounds. The 'Cat-of-nine tails' was only abolished in 1952.<sup>58</sup> Until then corporal punishment had functioned as a dehumanising and punitive form of prison punishment and made the Territory's imprisonment system very coercive.



## TREATMENT OF JUVENILE OFFENDERS AND LUNATICS

Features of coercion during the Colonial Office's governance of Northern Rhodesia were also evident in the treatment of juvenile offenders and lunatics. This was particularly so given the lack of reformatory and mental asylum facilities, compounded by inadequate ordinary prison accommodation. Both juvenile offenders and lunatics were merely lumped together with adult offenders in the ordinary prisons.

Back in 1921 only the treatment and control of European and Coloured juvenile offenders had been addressed. This was through the reformatories, Prisoners and Juvenile offenders Removal Proclamation Number 16 of 1921.<sup>69</sup> This had formalised the 1920 agreement with the Union of South Africa for the transfer of convicted juveniles to South Africa's reformatories. However even for European and Coloured juveniles the agreement could not be utilised fully owing to the logistical and financial implications that the scheme entailed. The transport of both convicts and their escorts was expensive. The maintenance costs of three shillings per head per day were too high to justify the undertaking, as the juveniles were destined to remain in South Africa for periods ranging from two to five years.<sup>60</sup>

In 1929 the Secretary for Native Affairs, J. Moffat Thomson, highlighted the haphazard and coercive manner in which African juvenile offenders were treated. His sentiments were a reaction to the resistance shown by many colonial officials towards the legislation of juvenile offenses and punishments. The three-man committee appointed to consider the erection of a reformatory for African juvenile offenders advised against the idea. The committee was supported by the Provincial Commissioners at Kasempa, Kasama, Fort Jameson and Mongu, on grounds of expense and the negligible number of juvenile offenders. A total of £ 2,390 and £954 would have been required as capital and recurrent expenditure respectively, while a daily average of twelve to twenty-four was the number of juvenile offenders that required reformatory confinement.<sup>61</sup>

The Secretary for the Colonies, Lord Passfield, echoed the concerns of the Secretary for Native Affairs when he expressed his dismay at the continued incarceration of juvenile

offenders in ordinary gaols. He pointed out that 'the practice of sending boys and girls to prison is now becoming recognised as undesirable and ineffective'.<sup>62</sup> Although the Governor of Northern Rhodesia concurred with these sentiments he also pointed out the financial malaise that the Territory was experiencing at the time.<sup>63</sup>

In attempting to ameliorate these deplorable conditions, the Children and Young Persons Act of 1933, meant for England and Wales, was extended to Northern Rhodesia through the Juvenile Offenders Ordinance Number 41 of 1933.<sup>64</sup> The central thrust of the Act was the 'prevention of cruelty and exposure (of children) to physical and moral danger'.<sup>65</sup> Unfortunately this ordinance did not change anything as the status of juvenile offenders remained as it had been before.

Even the inauguration of the Ibwe Munyama juvenile offenders and delinquents school at the Chikankata Salvation Army Mission School in Mazabuka in 1940 failed to resolve the dilemma of juvenile offenders. The school was totally unsuitable for the purpose. The hope that delinquents would be significantly influenced by the ordinary boys at the school was equally not well founded. Juveniles who could not be reformed at Chikankata were often recommitted to prison.<sup>66</sup> This was a detrimental way of dealing with such offenders. Therefore, for most of the 1924-53 period juvenile offenders continued to languish in the same prisons that held adult prisoners. Indeed up to 1953, when Katombora Reformatory was gazetted and formally opened in 1956, Livingstone Central Prison remained the only one with some limited facilities for the detention of juvenile offenders.<sup>67</sup>

In all other prisons throughout the Territory juvenile prisoners were merely combined with the adult offenders. In 1947 out of a total population of 138 juvenile convicts only nine were in Livingstone Central Prison, all of them for house breaking and theft.<sup>68</sup> Worsley explains that juvenile offenders were incarcerated in the female section of the Livingstone Central Prison in 1947 because the occasion where females and juveniles have been detained simultaneously has never arisen.<sup>69</sup> The section was segregated from the rest of the prison and comprised only single cells. During the last two years of the Colonial Office's rule of Northern Rhodesia, 1952 and 1953, there were a total 186 and 83 juvenile offenders in prison respectively, with only

one girl in 1952 and none the following year.<sup>70</sup> During 1946 the 138 juvenile offenders referred to above were dealt with in the following manner:

Table 3. PUNISHMENT OF JUVENILE OFFENDERS, 1946.

FORM OF PUNISHMENT	EUROPEAN	AFRICAN	TOTAL
Transferred to Chikankata Institute	-	4	4
Transported to Constantia Reformatory (South Africa)	2	-	2
For safe custody, not subsequently imprisoned	-	33	33
Admitted for corporal punishment	5	91	96
Retained in L/Stone Central Prison awaiting Governor's orders of removal.	1	2	3
<b>TOTALS:</b>	<b>8</b>	<b>130</b>	<b>138</b>

(Source: Northern Rhodesia Prison Service Annual Report (1946), 7).

In 1948 three European and four African juveniles were sentenced to imprisonment or reformatory detention. Of the three Europeans one was sent to Constantia reformatory in South Africa for three years; the second was given eight strokes of the cane and put under his parents' care; the third, a girl, was released on two years probation and sent to St. Clare's Home in Southern Rhodesia for the purpose.<sup>71</sup> The remaining four African juvenile offenders were punished thus:

One underwent twenty-one days of imprisonment; another served two months in prison, while the other two served three years detention each at Chikankata.<sup>72</sup>

Just like the adult prisoners, young offenders were also imprisoned for various offences. These ranged from burglary and theft, forgery, to what was called indecent assault, with various other types of offences in between. The following 1949 figures help to illustrate the argument:

Table 4. REFORMATORY DETENTION OF JUVENILE OFFENDERS, 1949.

OFFENDERS	SENTENCE	OFFENCE
1 European	2 years reformatory detention	discharging fire-arm with intent to alarm
1 African	4 years reformatory detention	Burglary and theft
1 African	3 years reformatory detention	Theft from person
1 African	2 years reformatory detention	Uttering and forgery
1 African	5 years reformatory detention	Indecent assault

(Source: Northern Rhodesia Prison Service Annual Report (1949), 7).

Apart from reformatory detention and actual imprisonment juvenile offenders were also subjected to flogging as a court sentence. Before the caning could be administered such juveniles were often kept in prison.

Indeed some juvenile offenders were sentenced to terms of imprisonment. For example in 1949 the following state of affairs obtained:

Table 5. IMPRISONMENT OF JUVENILE OFFENDERS, 1949.

OFFENDER	LENGTH OF IMPRISONMENT	OFFENCE
1 Male African	1 month	Theft
1 Male African	1 month	Receiving stolen property
1 Male African	6 months	Theft of cycle
1 Male African	12 months	Indecent assault
1 Male African	9 months	Theft of goods in transit

(Source: Northern Rhodesia Prison Service Annual Report (1949), 7).

From this table it can be seen that on average each juvenile prisoner served less than six months. Therefore, all were sentenced to short terms of imprisonment. Probably this was due to the fear of contamination that the juvenile convicts were being exposed to, by incarcerating them in the ordinary gaols together with the adult offenders. On the other hand it was impossible for them to learn skills due to the short periods that they were in the prisons. This gives credence to the argument that the treatment and control of juvenile offenders in Northern Rhodesia's prisons did not conform to the requirements of the Juvenile Offenders Ordinance of 1933. In this respect it was impossible for imprisonment to perform its modern

conventional purpose of prisoner reform and rehabilitation in order to protect society from the ravages of crime. Therefore, imprisonment functioned more coercively than it was reformatory. One juvenile prisoner, Bwalya Mulenga, is quoted as having said in 1929 that 'I want to go home (Kasama), here (Livingstone Central Prison) life is very hard and work is too much'.<sup>73</sup> These sentiments sum up the coercive state of affairs that obtained in Northern Rhodesia's system of imprisonment in relation to juvenile offenders.

Just like the juvenile offenders, lunatics of all shades and categories were herded together with the ordinary convicts in the Territory's prisons. For this purpose lunatics were categorised under Class IV of the Central Prisons segregation system. The plight of mental patients in the prisons of Northern Rhodesia was a grim reminder of the absence of proper medical facilities in the Territory. The lunatics' incessant noise and ravings constituted a disturbing feature of the prison establishment. This was due to the 'mental torture' it inflicted on ordinary prisoners while subjecting the lunatics to ridicule and annoyance, a phenomenon not conducive to their rehabilitation. As a result in 1939 arrangements were formalised for the transfer of lunatics to Ingutsheni Mental Hospital in Southern Rhodesia, at a fee of 2 shillings and 2 pence per day per bed when occupied and one shilling when not in use.<sup>74</sup>

However, even the use of Ingutsheni Mental Hospital did not offer any immediate solution to the plight of mental patients in Northern Rhodesia. In 1940 Prison Visitor and veteran Legislative Council member, Leopold Moore, warned about lunatics being confined in Broken Hill Central Prison. He stated that:

the practice of detaining criminal or other lunatics at this gaol for lengthy periods, without proper provision for their comfort and welfare is deplorable and may prove a danger to other prisoners.<sup>75</sup>

Three months later, another Prison Visitor, E. M.B. West, expressed his anxieties about the deplorable facilities for the treatment and management of lunatics in the Livingstone prison.

He argued that 'the conditions and facilities there are positively disgraceful to both prisoners and lunatics'.<sup>76</sup>

In a further attempt to redress the situation the Second Conference of Prison Commissioners in East Africa (including Northern Rhodesia) held on July 27, 1942 at Nairobi, devoted a lot of attention to the problem of lunatics. They resolved that 'no lunatic of any description should ever be committed to a penal institution whether for observation or security after certification'.<sup>77</sup> This was not implemented fully in Northern Rhodesia despite the use of Ingutsheni Mental Hospital in Southern Rhodesia. This was partly due to the costs involved in the transportation of both lunatics and their escorts, as well as the maintenance costs quoted above. Many lunatics continued to be detained in the Territory's prisons. For example in 1946 the following statistics were available:

Table 6. LUNATICS ADMITTED TO PRISONS DURING 1946

	CERTIFIED OR SUSPECTED	CERTIFIED CRIMINAL	TOTAL
In detention as at January, 1946	7	3	10
Received during 1946	50	5	55
Totals:	57	8	65
Transferred to Ingutsheni Mental Hospital	18	8	26
Discharge during the year	31	-	31
Deaths	2	-	2
Escapes	1	-	1
In custody as at 31st December, 1946	5	-	5
Totals:	57	8	65

(Source: Northern Rhodesia Prison Service Annual Report (1946), 7). Three African female lunatics confined in hospitals on 31st December, 1946 are not included).

The table shows that less than half of the total number of lunatics who were in Northern Rhodesian prisons in 1946 were transferred to the Mental Hospital in Southern Rhodesia. The rest were either discharged without being cured or continued to be detained in the prisons. For example one lunatic, Chipayeni Nkole, having murdered a person and having subsequently been declared 'a congenital lunatic unlikely to benefit from any medical treatment', was merely transferred from Kasama to Livingstone Central Prison for incarceration

in 1947.<sup>78</sup> In 1948 alone a total of 116 mental patients passed through the hands of the prison authorities.<sup>79</sup> It was only in 1952 that an observation block of six rooms for African mental patients was completed at the Lusaka African Hospital.<sup>80</sup> But even this was a mere observation station and not a mental hospital as such.

Therefore, it is arguable that generally lunatics were herded together with the ordinary criminals, tax defaulters, juveniles and other offenders in Northern Rhodesia's prisons throughout the 1924 to 1953 period. This undifferentiated treatment of offenders and lunatics was a clear illustration of the low priority accorded to the prison institution in general, and the treatment of mental patients in particular, in Northern Rhodesia.

#### TREATMENT OF FEMALE PRISONERS

Between 1924 and 1953 female prisoners were not treated any better than their male counterparts. If anything, their conditions were even worse in many prisons. Indeed some form of segregated facilities existed in all Central prisons for female prisoners. One major difficulty lay with the small number of females that could be found in most prisons, T. C Fynn pointed this out in 1938 when he stated that 'existing conditions under which one or two native females are detained in various prisons, border on solitary confinement'.<sup>81</sup>

Although all the Territory's Central prisons had some facilities for the detention of female prisoners, these were for short-term prisoners only. According to the Commissioner of Prisons in 1947, R. L Worsley:

the main place of detention for female prisoners is Livingstone, with short-term prisoners at other prisons. Accommodation throughout the Territory is poor and of the association type.<sup>82</sup>

This was evidenced in the Broken Hill, Mongu, Kasama, Lusaka and Fort Jameson Central prisons, where female prisoners were accommodated in association cells segregated from the rest of the prison.<sup>83</sup> During 1947 there were 2 European and 530 African female prisoners in Northern Rhodesia's prisons, while 616 females had been in prison the previous year.<sup>84</sup>

Female prisoners were supervised by women warders under the control of the Superintendent in charge of a particular prison. Of course finding women for employment as warders was very difficult. The Commissioner of Prisons summed up the problem in the following words:

it is almost impossible at this stage to obtain wardresses who are more than guards. Few females, if any, regard employment as more than a temporary occupation which must be subsidiary to marriage.<sup>85</sup>

This problem, coupled with that of low wages in the Prison Service in general, made it 'almost impossible to get recruits with any education whatsoever, and the standard of literacy aimed at has had to be abandoned'.<sup>86</sup> The issue of low wages will be elaborated later in the chapter.

Unlike males, female prisoners were engaged in very few work activities in the prisons. It is recorded that:

In Livingstone female prisoners did tailoring and sewing, garden work, sisal spinning, rope and string making. At Lusaka, Broken Hill and other prisons they did general cleaning, sweeping and garden work.<sup>87</sup>

One female prisoner in Ndola, Dolica Bwale, is recorded as having mentioned that washing and mending of warders' and prisoners' uniforms were other chores performed by women in the prison.<sup>88</sup> Although there were fewer female than male prisoners in Northern Rhodesia's prisons throughout the colonial period, most of the offences for which women went to prison were the same as for men. The following table illustrates this:



Table 7. COMMON OFFENCES FOR WHICH WOMEN WENT TO PRISON IN 1948-49

OFFENCE	NO. OF WOMEN IN PRISON IN 1948	NO. OF WOMEN IN PRISON IN 1949
Against person with violence	12	12
Against person without violence	9	23
Against property with violence	2	2
Against property without violence	3	15
Non-payment of tax	-	4
In default of fines	167	172
Against Employment Ordinance	-	2
Other offences	149	104
<b>TOTALS</b>	<b>342</b>	<b>334</b>

(Source: Northern Rhodesia Prison Service Annual Reports (1948 and 1949), pp. 10 and 18 respectively).

The offences referred to (above) as 'other' were mainly those under the Local statute. These were offences related to native liquor-brewing, native registration and many other similar offences. For example, in 1953, of the 497 female prisoners in Northern Rhodesia, twenty were incarcerated for offences under the Local Statute or Native Authority Ordinance.<sup>89</sup>

The deplorable conditions under which female offenders were imprisoned further illustrated the coercive treatment of offenders in Northern Rhodesia's prisons. In fact female prisoners were restricted inside prison walls, unless they were going for medical treatment. This made the detention of female prisoners in the gaols of Northern Rhodesia appear exceedingly coercive.

#### LIMITATIONS ON THE COLONIAL SYSTEM OF IMPRISONMENT

Prisoner reform and rehabilitation as a policy aim of the prison system in Northern Rhodesia was hampered not only by the continued use of coercive mechanisms, but also by various external limitations. Chief among these were two major crises: the World Economic Depression (1929-35), and the Second World War (1939-45). Each of these frustrated many policy innovations from being implemented successfully. Other limitations were a result of the persistence of the old problems of shortage of resources, epitomised in inadequate prison

accommodation, problems of staffing, insufficient prisoner training facilities, as well as financial constraints. The low priority accorded to prison administration in general, as well as prejudice by many colonial officials were other factors.

In addition to the coercive methods of dealing with prisoners, the World Economic Depression of 1929-35 had severe effects on the prisoner reform policy in Northern Rhodesia. It contributed to a steep rise in the rate of crime and consequent committals to prison. This was due to mass unemployment caused by the Recession. It is recorded in the 1932 Central Prisons Annual Report that:

mention has been made in the Northern Rhodesia Police Annual Report (1932) of the large increase in crime throughout the country. The figures for 1932 are the largest in the history of the Central prisons.<sup>90</sup>

This was partly due to the fact that the Depression ignited mass unemployment in Northern Rhodesia's urban centres and, especially, the mining industry.<sup>91</sup>

Many of the people so retrenched, failing to find alternative means of livelihood and having become accustomed to urban life, were probably not eager to return to their villages. Many resorted to crime for survival and thus ended up in gaol. Some went to gaol for failure to settle their tax debts to the colonial government. One villager in the Bangweulu swamps is quoted as having stated in 1932 that 'I am ready to go to prison. I don't want to go to foreign lands to work just for the tax money'.<sup>92</sup> As a result the prison populations swelled to very high levels. The following table provides the evidence:

Table 8 : COMMITTALS TO PRISON, 1930 - 36.

YEARS	NUMBERS COMMITTED TO PRISON		DAILY AVERAGE IN PRISON	
	CENTRAL PRISONS	LOCAL PRISONS	CENTRAL PRISONS	LOCAL PRISONS
1930	933	-	198	-
1931	1445	-	289	-
1932	1634	6773	549	526
1933	2887	10283	585	799
1934	2414	8380	670	729
1935	1438	4907	564	470
1936	1224	6082	553	420

- means figures not available

(Source : NAZ/SEC 1/ 1155, Reorganisation of Prison System in Northern Rhodesia, Number of persons committed to prison, 1932 - 36; Northern Rhodesia Native Affairs Annual Reports, 1931 - 32).

These figures also point to the fact that committals to prison began to ease off as from 1934 onwards, due to the economic recovery. As a result by 1934 the number of committals to Central prisons had gone down by fifty per cent, while that in Local prisons reduced by not less than forty per cent during the same period. The easing of the economic malaise led to more people finding jobs and being able to earn money with which they paid their taxes.

Given such limitations the prison system could not function in accordance with the prisoner reform policy. The high committals to prison during the Depression were a great strain on the Territory's prison facilities. This was especially in terms of prison accommodation, food and other amenities. As shall be seen later such drawbacks accentuated the already deplorable state of affairs in the prisons.

During the Second World War (1939 - 45) many reform policies were held up and others shelved. The emergency regulations that were invoked during the war, coupled with the numerous by-laws, meant that a lot of people were arrested and imprisoned even for the most trivial offences. The diversion of financial and human resources towards the war effort meant that increased prison populations had to make do with stringently limited

facilities. In such an atmosphere it was impossible for the prison system to function in accordance with the set policy framework.

Commenting on the ravages of the war in 1941 the Governor of Northern Rhodesia stated that ‘actual prison reorganisation will have to await the termination of hostilities’.<sup>93</sup> Earlier in 1940 Prison Visitor Leopold Moore, on a visit to Broken Hill Prison, had argued for the use of prison labour for eight hours on Sundays.<sup>94</sup> Although his recommendation was rejected by the Commissioner of Prisons on the grounds that such would contravene the International Labour Convention, the recommendation shows the desperate need for increased labour use in order to cope with the war situation. As in the Depression the war period witnessed high numbers of committals to the Territory's prisons. The table below helps to illustrate the argument:

Table 9 : Imprisonment During World War II.

YEAR	1939	1940	1941	1942	1943	1944	1945	1946
T O T A L COMMITTALS	4812	5393	-	6590	6628	6827	9461	9177

- means not available.

(Source: Northern Rhodesia Central Prisons Annual Reports, 1938-46; Northern Rhodesia Prison Service Annual Report, 1946).

Given such rapid increases in prison figures it could not be possible for the system of imprisonment to function in accordance with the professed policy of using prisons for the reform of convicts.

One problem which characterised the shortage of resources was lack of adequate prison accommodation. In 1928 it was reported that due to shortage of accommodation it was impossible to segregate lunatics entirely from the ordinary convicts.<sup>95</sup> The problem was the lack of infrastructure suitable for the detention of lunatics, whether criminal or ordinary mental patients. Ten years later Sir Alan Pim was to report that ‘the Central prisons are of an

antiquated type and there is practically no segregation except for the most violent criminals'.<sup>96</sup> Moreover, by 1945 all Central Prisons along the line of rail had many convicts in excess of the authorised establishments of the prisons. The figures were:

(TABLE 10) CONGESTION IN PRISONS, 1945.

PRISON	AUTHORISED ESTABLISHMENT	ACTUAL NUMBER IN PRISON
LIVINGSTONE	83	142
LUSAKA	118	191
BROKEN HILL	60	150
TOTALS	251	483

(Source : NAZ/SEC 1/ 1158, Justice and Prisons, Lusaka Central Prison).

Therefore, there were 232 prisoners in the three prisons combined in excess of the authorised numbers, a clear example of the congestion that prevailed throughout Northern Rhodesia's prison establishment. According to Worsley, every one of the Central prisons was unsuitable and reform was impossible without prisoner classification and segregation owing to lack of facilities in the design of the prison buildings.<sup>97</sup> Thus it is arguable that prison congestion was a big impediment in the path of the prisons functioning as places for the reform of offenders.

It was equally difficult to undertake prisoner rehabilitation in the absence of adequate staffing (both qualified and even unqualified prison officers and warders). This was partly due to the very policy of the Colonial government which had no appeal for educated personnel joining the Prisons Department. Official opinion was that 'a literate type of warder is not essential, and his training is not as difficult as training an efficient civil policeman'.<sup>98</sup> In fact the prison institution in Northern Rhodesia was considered a low priority item. For example wages in the Prison Service could not compare with those in the Police Force. In 1947 the discrepancies in the two salary structures were as follows:

Table 11. CONSOLIDATED SALARY STRUCTURES: PRISONS AND POLICE, 1947

PRISON SENIOR OFFICERS (£)	POLICE SENIOR OFFICERS (£)
Superintendent - 400-600/a	Asst. Superintendent - 600-700/a
Prison Officers - 300-480/a	Police Inspectors - 300-600/a

PRISON WARDERS	NON-OFFICERS - POLICE FORCE
Class III-1st 6 months - 55 Shillings	Constables - 1st 6 months - 65s.
2nd 6 months - 58 Shillings	2nd 6 months - 67 Shillings
2 years - 61 Shillings	2 years - 70 Shillings
7 years (Efficiently bar) - 71 s.	7 years - 82 Shillings
17 years - 80 Shillings	17 years - 97 Shillings
Class II - 1 year - 75 Shillings	-
7 years - 87 Shillings	-
Class I - 1 year - 85 Shillings	Sergeants 1 year - 90 Shillings
5 years - 97 Shillings	5 years - 105 Shillings
Head Warder - 1 year - 105 Shillings	Sgt Majors - 1 year - 115 s.
4 years - 120 Shillings	4 years - 125 shillings

(Source: Northern Rhodesia Prison Service Annual Report (1947), 4).

Given such disincentives in the Prison Service it was only natural that the prisons were continually bedevilled by an endemic shortage of manpower. Earlier in 1944 the Prisons staff establishment had only six officers out of the eleven provided for; 302 African Warders were employed out of an establishment of 358.<sup>99</sup> These indeed were strong militating factors against the use of imprisonment as a means of reforming prisoners in Northern Rhodesia.

Throughout the 1924-53 period Northern Rhodesia's prisons were haunted by a critical shortage of skills training facilities for the rehabilitation of convicted offenders. In 1938 Sir Alan Pim reported that 'prison industries practically do not exist, a large proportion of the prisoners are engaged on sanitary and other work outside the prisons'.<sup>100</sup> Even when more skills training facilities became available, they were restricted to long-sentence convicts; and only those of good conduct. The training of juvenile offenders did not fare any better. In 1946 it was reported that :

Boys sent to the Union of South Africa do not as a rule learn any trade. Boys who remain in Livingstone have wasted that much time and gained nothing except a contempt for the 'horrors of prison'.<sup>101</sup>

Meanwhile, the Chikankata Delinquents Institute was nothing but a collection of generally insanitary pole and dagga huts.

The colonial officials' perception of educational and hobby classes conducted during working hours as constituting a less severe punishment than that intended by the courts, was another factor that inhibited prisoner reform.<sup>102</sup> Coupled with this view was the argument that industrial training should not be allowed to give prisoners a comparative advantage over artisans in the 'free' society in terms of employment opportunities upon release from prison.<sup>103</sup> It was feared in Colonial government circles that wholesale industrial training of prisoners would encourage Africans to view imprisonment as a desirable means of acquiring useful training at state expense. Given such ideas from the very people charged with the responsibility to reform prisoners, it could not be expected that this purpose of imprisonment could be implemented vigorously.

During the three decades that the Colonial Office administered Northern Rhodesia many reform policy innovations could not be undertaken due to financial constraints. Three years after the 1922 expenditure cuts need arose to trim expenditure on all prisons.

The reduction sought was £2,000 from £14,513 down to £12,513, coupled with the reduction in the quantity of rations available to prisoners throughout the Territory.<sup>104</sup> This involved a reduction of slightly under fourteen per cent. Even the suggested transfer of all long-sentence convicts to Livingstone Central Prison, where facilities for them were said to be available, was ruled out. The reason was the high cost of transport for both convicts and their escorts. The transfers would have also meant expansion of the Livingstone Central Prison, which would have required even more finances.

Early in the colonial era it became imperative for prison labour to be paid for by all institutions hiring it. At the same time efforts were being made to turn prisons into self-supporting entities. In 1925 the Chief Secretary, Northern Rhodesia Government, had decreed the following cost reduction in the Prison Service:

- reduction of native civilian wages by £255;
- rations for prisoners to be reduced by £1058;
- trimming of native staff rations by £96;
- reduction of expenditure on prisoners' uniforms by £229.<sup>105</sup>

The Assistant Secretary echoed the Secretary's views and told the Attorney General, who was opposed to the reduction, that 'the reduction was made by the Secretary of State and must stand'.<sup>106</sup>

Therefore, right from the beginning of the Colonial Office governance, emphasis was on cost reduction, regardless of its impact on the Territory's system of imprisonment. The very fact that Police and District Officers administered the Central and Local prisons respectively also acted as cost-saving measures for the Prisons Department. This was because neither Police Officers nor District Officers were paid from the Prisons Vote for administering the Territory's prisons, but from their respective Votes. Moreover, police also substituted native civilian warders in order to save £700 per annum.<sup>107</sup> In addition directives were issued and effected that all transfers of convicts between prisons were to be done in batches not singly, as a cost-saving initiative.



This state of affairs remained in place until 1947 when an autonomous Prison Service was set up. But even then the police continued to second some of their men to the Service for various duties. Further cost-reduction was achieved by laying emphasis on prisons being self-supporting through market gardening and other innovative ventures that contributed to making the prisons less dependent on government for funding. In fact the need to reduce prisons expenditure had to supersede the necessity to structure the Territory's prison system into an effective reformatory instrument of social control. Indeed the prisons were accorded very low priority in financial terms. Milner notes that penal development was always considered as a low priority factor.<sup>108</sup>

Prejudice by some colonial officials also contributed immensely to the failure in the realisation of the reform policy objective in Northern Rhodesia. Many still believed that the Africans of Northern Rhodesia were not yet civilised enough to warrant their utilisation of certain prison amenities. This was demonstrated in 1931 by the Provincial Commissioner, Mongu. He contended that the Juvenile Offenders Ordinance Number 16 of 1921 'should be suspended until the general level of their (African) education and economic prosperity has reached a much higher standard'.<sup>109</sup> This was over the need for a juveniles' court being separated from ordinary courts. This was further highlighted at the Third Conference of Commissioners of Prisons in East Africa (including Northern Rhodesia) held at Kampala in 1944. One of their resolutions was that 'Prisoners' Earning Schemes' (rewards to prisoners for increased output) were not suitable for Africans. According to the Commissioners, 'the African has not yet reached that stage of mental development for such a scheme to be applied with any measure of success'.<sup>110</sup> Arising from this stance the scheme had to be shelved, due to the prejudice by some colonial officials.

The prejudice harboured by colonial officials against Africans was even extended to the distribution of prison rations. Meat, bread and hot coffee were denied to most categories of

African prisoners. According to the Commissioner of Prisons in 1941, the regulation of 'prisoners serving sentences under three months not receiving a meat ration was laid down by law'.<sup>111</sup> Since nearly all such prisoners were incarcerated in Local prisons by law, it follows that meat was not part of the menu in all Local prisons. Regarding the denial of bread and coffee to prisoners the Commissioner of Prisons asserted that:

I do not agree with the suggestion that Hard Labour prisoners should be issued with a slice of bread and hot coffee as morning issue throughout the year. A mug of hot coffee in the cold weather is all that is required.<sup>112</sup>

The Commissioner only agreed to the suggestion after tremendous pressure from the medical authorities. But even then he only agreed to the distribution of a slice of bread and a mug of hot coffee to work gangs on working days only.

Prejudice as a limitation on the Territory's prison reform policy was also exhibited through the biased attempts to protect European offenders from imprisonment. This was demonstrated by the lenient sentences handed to Europeans compared to the heavy ones imposed on African offenders, even for similar offences. The cases of *Rex versus J.P. Roux* and *Rex versus Fosita Bwalya* in 1947 and 1949 respectively signify this. Roux, an employee of the Roan Antelope Copper Mine was charged with and convicted for stealing money from miners' pockets in the Change House at Beatty Shaft over a period of time. He was sentenced to two months Hard Labour.<sup>113</sup> This contrasts sharply with the sentence meted out on one Fosita Bwalya for telling her mother not to divulge information to a policeman. She was convicted of 'wilful obstruction' and sentenced to one year in Hard Labour.<sup>114</sup> Prejudice was also depicted in the regulation that from 1928 European prisoners were no longer to work outside prison precincts.<sup>115</sup> The intention was to hide the fact that Europeans could also commit crimes and be sent to gaol. As a result, over the years, colonial officials had managed to create a somewhat mythical aura of superiority of the White race over the rest. Therefore, in various ways racial prejudice by many colonial officials worked as a hindrance to the prisoner reform efforts of the colonial prisons administration.

In concluding this chapter it is argued that the Colonial government promulgated prisoner reform as the official policy of imprisonment right from the inception of crown rule in 1924. It has also been noted that although political subjugation had generally been completed by 1924, coercive means of imprisonment continued to be used as an intimidating ploy against Africans. This was evidenced through some of the most punitive forms of Hard Labour. It was also depicted in the prison punishments of solitary confinement, corporal punishment, as well as detention of juvenile offenders and even mental patients in the ordinary prisons.

It has further been established that the imprisonment system itself also underwent many reforms, beginning with the reorganisation of the Prison Service in 1927. The following year prisoner classification and segregation were embarked upon, as the surest ways of achieving prisoner rehabilitation. In this endeavour the Colonial government's efforts were complemented by those of the Northern Rhodesia Prisoners Aid Society, formed in 1946 for the purpose. The separation of the prisons from the police marked the birth of an independent Prison Service which took over the administration of the Territory's prison system in 1947.

However, despite the multiplicity of reforms that characterised the 1924-53 period most of them were blocked by limitations that continually haunted Northern Rhodesia's system of imprisonment. Chief among these limitations were the two crises of the World Economic Depression (1929-35) and the Second World War (1939-45) and their ravages. These were coupled with the long-standing problems of inadequate prison accommodation, financial constraints, insufficient staffing and inadequate prisoner training facilities. By and large, while the government had noble intentions in trying to implement prisoner reform as the cornerstone of the imprisonment system, the actual function of imprisonment displayed many coercive tendencies. These were further compounded by numerous limitations that hindered the successful implementation of reform policies between 1924 and 1953.

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## CHAPTER THREE

### IMPRISONMENT DURING THE FEDERAL DECADE, 1953-64

Following the inauguration of the Federation of Rhodesia and Nyasaland in 1953, Northern Rhodesia's prison service was incorporated into the Federal system through the Prisons (Northern Rhodesia) Order of 26 November, 1954.<sup>1</sup> The prisons Headquarters also moved to Salisbury, the Federal capital, in Southern Rhodesia. This was only as far as Central prisons were concerned; the administration of Local prisons remained the concern of each member Territory of the Federation. But in 1955 the Territorial Laws Amendment Act (1955) transferred the administration of legislation relating to Local prisons to the Federal government.<sup>2</sup> By 1953 Northern Rhodesia had become relatively urbanised and this led to increased crime as more and more people drifted to the urban centres. This in turn made the use of imprisonment as a mechanism for the protection of society and reform of convicts an imperative undertaking.

However, many limitations frustrated the fulfilment of the Federal prisons policy objectives. There were the endemic limitations of shortage of prison accommodation understaffing, inadequate financing and racial prejudice. To these were added the problems of the impact of urbanisation and the nationalist struggle.<sup>3</sup> This chapter discusses the Federal government's system of imprisonment in Northern Rhodesia. It also deals with the limitations that were encountered in the endeavour to make imprisonment function according to the intended purpose of protection of society and reform of prisoners between 1953 and 1964.

#### THE FEDERAL POLICY ON PRISONS

The main aim of the Federal government's prison policy was to leave the administration of prisons, as much as possible, on the same lines as inherited from the Colonial government in 1953. The Director of Prisons alluded to this in 1956 when he asserted that 'the new Act (1955) envisages very little change' from the inherited prison system.<sup>4</sup> Therefore, as shall be

seen later, only in areas of absolute necessity did the Federal Prison Service effect any major changes.

One of the major tenets of the Federal prison policy was that prisoner treatment and conditions were no longer to be based solely on race and the type of crime committed or length of sentence. In addition they were to be based, and more so, on a particular prisoner's social status and standard of living prior to incarceration. According to the Secretary for Home Affairs:

It would be wrong for obvious reasons to place prisoners on diet, clothing, equipment and payment scales which are above those to which they are normally accustomed. In determining the appropriate scales the Officer in Charge of the prison should have regard to the standard of living which such prisoner normally enjoyed before his detention.<sup>5</sup>

This entailed that upon conviction and arrival in prison a convict's standard of living was assessed in order to ascertain the type of prison conditions they were to be subjected to. This was only applicable to African prisoners. Those whose background was established to have been of high standing in society were imprisoned in the European wing. Africans of low status and poor background went to the Common (African) wing of the prison. This was only as far as Central prisons were concerned, as there were no Europeans imprisoned in Local prisons, in accordance with the policy requirements.<sup>6</sup> Kenneth Kaunda admits that when he and Harry Mwaanga Nkumbula were arrested for 'possessing prohibited literature' in 1954 they were imprisoned in the European wing of Chimbokaila (Lusaka Central) Prison.<sup>7</sup>

Critics would dismiss the above case as having been due to the fact that both Kaunda and Nkumbula were in prison for political offences and had to be treated according to international norms of dealing with political prisoners. But then even later in 1961 Nkumbula, having been convicted of dangerous driving, totally unrelated to politics, was again incarcerated in the European wing of Chimbokaila (Lusaka Central) Prison.<sup>8</sup> This form of preferential treatment was explained by the Federal Minister of Legal Affairs in 1956, as having been due to the fact that:

soon after the Federal government took over the administration of prisons, it became the policy as regards treatment of prisoners, and especially their accommodation, clothing and diet, to take into account the prisoner's normal mode of life and not merely his race.<sup>9</sup>

In short a hierarchy of social status was evolved for Africans in the Federal system of imprisonment. The higher an African was on the hierarchy the better the conditions he was subjected to upon imprisonment. As such it was the poor among the Africans who bore the brunt of the worst prison conditions. Europeans, Asians and Coloureds, rich or poor and regardless of the gravity of the crime, were always imprisoned in the European wing in each Central prison.<sup>10</sup>

It was the policy of the Federal Prison Service to permit remand and civil prisoners to maintain themselves in prison if they so wished. This policy provision allowed the prisoners the privilege of receiving food, clothing, beddings, toiletries and other personal effects from their homes, as determined by the Director of Prisons from time to time.<sup>11</sup> Thus spouses and relatives were allowed to visit and deliver such requirements as each prisoner deemed necessary, with the consent of the prison authorities. Remand and civil prisoners were further allowed to write and receive letters more frequently than ordinary prisoners, without much hindrance, except where it was suspected that secret or subversive information was being relayed.<sup>12</sup>

The Federal prisons policy also put a lot of emphasis on the use of prison labour. Prison labour was viewed in terms of it being a rehabilitative and cost-effective mechanism. In fact prison labour was emphasised for three main purposes:

To reduce to a minimum the cost of prisoner maintenance; as a means of affording a prisoner an opportunity to regain his self respect by productive and useful labour; and to improve his manual skills and learn a trade so as to facilitate his absorption, on discharge, into law-abiding society.<sup>13</sup>

Thus following its inception the Federal Prison Service made very few major policy changes from what it inherited in 1953.

As stated above the Federal policy on prisons provided for Federal and Territorial prison services. The Federal Prison Service in Northern Rhodesia comprised all Central prisons plus six others on the Copperbelt. The Central prisons were located at Livingstone, Mongu, Lusaka, Fort Jameson, Kasama and Broken Hill, while the six prisons on the Copperbelt were: Bwana M'kubwa, Kamfinsa, Chingola, Mufulira, Luanshya and Kansenshi in Ndola.<sup>14</sup> These were directly administered by the Director of Federal Prisons based at the Federal Headquarters in Salisbury, Southern Rhodesia. All European convicts were accommodated in the Central prisons. They also accommodated all long-sentence prisoners, that is, those sentenced to more than six months imprisonment.<sup>15</sup>

On the other hand Northern Rhodesia's Territorial prisons were made up of all the Local prisons scattered all over the country. They were administered by the Minister (or Secretary) of Native Affairs based at the Territorial Headquarters in Lusaka, Northern Rhodesia.<sup>16</sup> As in the days of the Colonial Office administration Local prisons continued being administered by District Commissioners, even after the transfer of powers of legislation regarding Local prisons to the Federal Government in 1955. The District Commissioners drew on the local District Messenger corps as supportive warder staff, on the same lines as inherited from the Crown government. While Federal prisons were financed from the Federal budget in Salisbury, the Local prisons were funded from the Territorial budget in Lusaka.<sup>17</sup> The Local prisons accommodated short-sentence (less than six months) prisoners, some remand and civil prisoners.

Although the Federal government's policy on prisons to a great extent followed what had been laid down by the Crown government up to 1953, the greatest emphasis came to be placed on protection of society. This was especially due to the high crime rate that accompanied the rapid urbanisation process. For example between 1950 and 1953 the following figures obtained in Northern Rhodesia's prisons:

Table 12 : TOTAL COMMITTALS TO PRISON, 1950 - 1953

YEAR	SEX	NUMBER IN PRISON
1950	Male	5791
	Female	+260 = 6051
1951	Male	5926
	Female	+280 = 6115
1952	Male	6658
	Female	+306 = 6964
1953	Male	6850
	Female	+352 = 7202

(Source: Northern Rhodesia Prison Service Annual Reports(1950 - 53), pp. 8, 14, 15 and 10 respectively).

By 1958 the prison population in Northern Rhodesia had shot up to 11, 328.<sup>18</sup>

Therefore, at that time more than ninety percent of the prisoners in Northern Rhodesia were ordinary convicts.<sup>19</sup> As such even the immediate function of imprisonment came to be directed at protection of society from criminals. To achieve this the Federal prison authorities sought to tailor imprisonment towards prisoner reform and rehabilitation, more than mere punishment.

In pursuing prisoner reform and rehabilitation the Federal government's central thrust was directed at juvenile offenders and ordinary criminals. Such technical offenders as tax defaulters, labour deserters, as well as remand and political prisoners did not need any rehabilitation. They were merely subjected to ordinary detention as a punishment in itself.

## JUVENILE OFFENDERS

To deal with the reform and rehabilitation of juvenile offenders Katombora Reformatory was opened in 1953, though it did not become fully operational until 1956.<sup>20</sup> Katombora was an institution established on British Borstal lines. It was located in a wooded area on the banks of the Zambezi River about sixty kilometres from Livingstone on the Sesheke road.<sup>21</sup>

From 1953 onwards some juvenile offenders sentenced to terms of imprisonment in Northern Rhodesia were sent to Katombora for reform and rehabilitation. There 'juveniles were taught the rudiments of education and various trades; a place meant for guidance and character transformation of juveniles into law-abiding citizens'.<sup>22</sup> In addition the institution was not surrounded by any walls, neither was it fenced nor did it have any measures to prevent inmates from escaping. Its basic tenets were said to be: understanding, care, trust and an overall atmosphere of a normal school instead of that of a prison.<sup>23</sup> According to the Livingstone Mail:

the ambition of the Reformatory is to train and educate the youth so that upon their return into ordinary society they possess many possibilities. Thus various trades, such as tailoring, basketry, carpentry, plumbing, and the black-smith's trades are taught.<sup>24</sup>

Therefore, throughout the Federal period serious attempts were made to deal with juvenile offenders differently from the adult prisoners in Northern Rhodesia. In addition, under the provisions of Section 100 of the Northern Rhodesia Juvenile Ordinance Number 20 of 1953, juveniles in reformatories were permitted to go on 'home leave' for a specified period of time and return to the reformatory thereafter.<sup>25</sup>

In 1953 three European juveniles were sentenced to Constantia Reformatory in South Africa: one for two years and nine months; another for three years; and the third for two years in an adult reformatory.<sup>26</sup> The offences for which thirty African Juvenile offenders were sentenced to Katombora Reformatory in 1953 were as follows:

Table 13. COMMITTALS TO KATOMBORA REFORMATORY, 1953.

OFFENCE	NUMBER OF OFFENDERS
Theft	6
Store-breaking and theft	6
Breaking and entering	5
Burglary and theft	4
House Breaking and theft	3
Stock-theft	1
Forgery and Uttering	1
Receiving stolen property	1
Malicious damage	1
Indecent assault	1
Mutilation of railway ticket	1
TOTAL	30

(Source: Northern Rhodesia Prison Service Annual Report (1953), 17). The remainder of twenty African juvenile offenders were kept in the ordinary prisons.

While there were a total of 53 juvenile offenders in detention at the inception of the Federation of Rhodesia and Nyasaland in 1953, available evidence shows that the number increased to 114 at the end of the Federal period in 1963 and 189 in 1964.<sup>27</sup> The distribution of sentences among the 189 juvenile offenders in 1964 was as follows:

Table 14. DISTRIBUTION OF SENTENCES ON JUVENILES, 1963.

LENGTH OF SENTENCE	NUMBER OF OFFENDERS
under 1 month	38
1 month and under 3 months	18
3 months and under 6 months	14
6 months and under 12 months	6
12 months and under 18 months	5
18 months and over	133
18 months and over (juvenile reformatory)	56
TOTAL	189

(Source: Northern Rhodesia Prison Service Annual Report (1964), 10).

There were more juveniles detained in ordinary prisons than those in the reformatory school, who only totalled 56, an indication that reform was still not yet available to the majority of the



opportunities to train in skills of their own choice.<sup>31</sup> In most instances good conduct in prison, coupled with long prison sentences, were the main qualifications for adult prisoners to benefit from vocational training in Northern Rhodesia's prisons.<sup>32</sup> The bulk of the prisoners were employed on unrewarding work. This involved general cleaning and maintenance work traditionally done by convicts at out-station Bomas.<sup>33</sup>

To aid prisoner reform through vocational training, after 1953 the Federal Prison Service reduced the rate of remission from a third to a quarter of every sentence up to three years, and abolished it for sentences beyond three years.<sup>34</sup> According to Sir Alexander Patterson, the objects of a remission system were:

to offer an inducement to good conduct and industry, and to supply the authorities, by way of the withdrawal of the privilege, with the salutary power of punishment.<sup>35</sup>

The reduction of the rate of remission in certain instances, and its complete abolition in others, was a result of the fact that most prison sentences were too short to warrant effective prisoner reform through vocational training. For instance, as at 30 September, 1958:

out of a total prison population of 11,354 only 2,700 prisoners were serving sentences of eighteen months or more, and only 582 of seven years or more.<sup>36</sup>

Therefore, remission of a third of the sentence would have meant even fewer prisoners being able to benefit from the vocational skills training. Their sentences would have been too short for effective training to be achieved. This was especially so, given the fact that the sentences being served at any particular time were relatively short. Thus, to facilitate effective prisoner reform through vocational training, reduction of the rate of remission was the most plausible solution. Of course remission was only applicable to prisoners who had proved to be of exemplary conduct, that is, those who did not commit serious breaches of prison discipline.

The abolition of the 'Discharge on Licence' scheme in 1961 further contributed to fostering the vocational training of long-sentence prisoners. Introduced in 1955 in Northern Rhodesia, this policy had empowered the Director of Prisons to grant conditional release to

convicts serving three or more years after completing only half of the sentence.<sup>37</sup> This scheme was based on two conditions. The first was that the prisoners so released did not engage in other or similar offences during the time they were serving the remainder of the sentence out of prison. Secondly, such prisoners had to report constantly either to the Probation Officer or to the police until the remaining portion of the sentence had been served. However, due to many practical problems, particularly failure by the released convicts to continually report to the authorities in accordance with the terms of their release, in 1961 the system was abolished and replaced with the all-inclusive Sentence Remission system.<sup>38</sup>

In addition to the above policy changes the Federal Prison Service authorities cut down on the multiplicity of prison offences that had characterised the Crown prison system. The numerous prison offences were cut down to five. These were: 'mutiny, incitement to mutiny, quarrelling with a fellow prisoner, making groundless complaints, and making false charges against Prison Officers or answering untruthfully'.<sup>39</sup> All the other offences that had made prison life miserable were done away with.

The main offences for which adult male offenders went to prison were under both the Penal Code and Local Statute law. For example in 1953 the following statistics obtained:

Table 15. OFFENCES FOR WHICH MALES WENT TO PRISON, 1953.

(A) PENAL CODE	CENTRAL PRISONS	LOCAL PRISONS	TOTALS
Against person with violence	228	665	893
Against person without violence	133	168	301
Against property with violence	159	318	477
Against property without violence	1,026	1,198	2,224
Other	205	618	823
TOTALS	1,751	2,967	4,718

(B) LOCAL STATUTE	CENTRAL PRISONS	LOCAL PRISONS	TOTALS
Against Native Authority	123	460	583
Liquor-related	9	30	39
Non payment of Tax	128	335	463
Against Natives Employment Order	12	57	69
Opiates	20	87	107
Native Registration	30	118	148
Township/Public Health offenses	4	104	108
Witchcraft	4	25	29
Arms and ammunition	1	20	21
Bush fires and forestry	20	82	102
Game	5	147	152
Other offenses	89	222	311
TOTALS	445	1,687	2,132

(Source: Northern Rhodesia Prison Service Annual Report, (1953)). The figures do not include female prisoners; these are shown on the next page.

When added up the totals show that there were 2,196 male prisoners for both Penal Code and Local Statute offences in the Central prisons, and a total of 4,654 prisoners were in the Local prisons for both Penal Code and Local Statute offences in 1953. This gives a sub-total of 6,850 male prisoners in Northern Rhodesia's prisons, out of a grand total of 7,202, leaving 352 who were the female prisoners referred to above.

On the basis of these statistics it can be further argued that since the majority of the prisoners (4,654) were in the Local prisons their skills training was not easy to carry out effectively. In accordance with the policy requirements Local prisons only kept prisoners sentenced to less than six months. Out of the 7,202 (including female prisoners) seventy-six per cent were in Local prisons for less than six months imprisonment.<sup>40</sup>

The treatment of female prisoners during the Federal period continued on the same lines inherited from the Colonial administration in 1953. They continued to be guarded by untrained and semi-literate wardresses. Their incarceration, in almost solitary confinement fashion in the prisons, also continued unabated. This was due to the small numbers that were kept in each prison. Only Livingstone Central prison could boast of more than ten female prisoners at any one time.<sup>41</sup> As stated earlier there were 362 female prisoners in 1953. The offences for which they were imprisoned were as follows:

Table 16 : OFFENCES FOR WHICH FEMALES WENT TO PRISON, 1953

<b>OFFENCE : PENAL CODE OFFENCES</b>	<b>CENTRAL PRISONS</b>	<b>LOCAL PRISONS</b>	<b>TOTALS</b>
Against person with violence	9	14	23
Against person without violence	2	4	6
Against property with violence	6	1	7
Against property without violence	3	13	16
Other offences	-	35	35
<b>TOTAL</b>	<b>20</b>	<b>67</b>	<b>87</b>

<b>LOCAL STATUTE OFFENCES</b>	<b>CENTRAL PRISONS</b>	<b>LOCAL PRISONS</b>	<b>TOTALS</b>
Against Native Authority	48	106	154
Liquor - related	7	34	41
Non - payment of tax	-	7	7
Opiates	-	3	3
Against Native Registration	1	12	13
Witchcraft	1	2	3
Arms and ammunition	-	1	1
Bush fires and forestry	-	3	3
Game	-	4	4
Other offences	13	23	36
<b>TOTAL</b>	<b>70</b>	<b>195</b>	<b>265</b>

(Source : Northern Rhodesia Prison Service Annual Report (1953), 9). The number 352 is arrived at by adding 87 to 265.

The offences for which women were sent to prison were the same as for their male counterparts. However, for offences like non-payment of tax, opiates, arms and ammunition,

bush fires and forestry as well as game offences, there were no female prisoners incarcerated in the Central prisons, as shown in the table above. In short while there was a limit regarding the offences for which women were imprisoned in Central prisons, there was none regarding male offenders.

At the end of the Federal period in 1963 there were 359 female prisoners in Northern Rhodesia, rising to 950 the following year.<sup>42</sup> The sudden rise of female prisoner numbers between 1963 and 1964 was probably due to the detention of Lenshina followers.<sup>43</sup>

### MENTAL PATIENTS

Throughout the Federal period most mental patients were detained in the prisons. The mental annex at the African Hospital in Lusaka continued being operated merely as an observation point. The mental annex at Ndola was also not big enough to accommodate all the mental cases that were in the prisons. Meanwhile the planned mental hospital at Chainama in Lusaka was not expected to be operational until after 1964. It only became fully operational in 1966 when the first batch of patients was transferred there from Livingstone Central Prison.<sup>44</sup>

In 1964 the Commissioner of Prisons lamented the absence of proper facilities for the treatment of mental patients throughout Northern Rhodesia. He complained that:

it is regretted that it is the practice to commit persons to prisons for mental observation. Such persons, whether or not they have committed criminal offences, should be treated as mental patients and not be the responsibility of this department. Prisons are not equipped for the custody of the insane and prison officers are not trained in their treatment.<sup>45</sup>

The Commissioner's report reveals that indeed as late as 1964 Northern Rhodesia still lacked trained manpower in the field of mental treatment. The researcher, on a visit to Livingstone Central Prison in 1992, found that the mental annex often referred to in Colonial Reports comprised two association cells in a block that comprises the central building of the prison.

The annex was built in 1958, and was being used as a sick-bay at the time of the researcher's visit. In terms of the Territory as a whole, the following table shows the number of civil mental cases committed to prisons during 1964:

Table 17. CIVIL MENTAL PATIENTS COMMITTED TO PRISON - 1963/4

PRISON	REMAINING FROM 31/12/63	ADMITTED FROM 1/1/64	DISCHARGE D	COMMI- TTED TO MENTAL HOSPITAL	REMAIN- ING	TOTALS
	M F	M F	M F	M F	M F	
BROKEN HILL	1 -	2 -	3 -	- -	- -	-
B/M'KUBWA	- -	1 -	1 -	- -	- -	-
KAMFINSA	- -	3 -	3 -	- -	- -	-
FORT JAMESON	4 -	47 8	25 1	16 2	10 5	15
KASAMA	- -	74 10	57 10	6 -	11 -	11
L/STONE	24 1	12 2	4 1	- -	32 2	34
LUSAKA	1 -	4 1	3 1	1 -	1 -	1
MONGU	2 -	8 -	9 -	- -	1 -	1
TOTALS	32 1	151 21	105 13	23 2	55 7	62

(Source: Northern Rhodesia Prison Service Annual Report (1964), 16).

The table shows that out of a total number of 205 mental patients in the Territory's prisons in January 1964, a total of 105 males and 13 females had to be discharged, and only 25 men were committed for mental treatment. This left 62 mental patients in the prisons altogether. In short 118 mental cases had to be discharged mainly because of congestion in the prisons. There is no evidence to suggest that they were discharged because they had recovered, for they had not even been subjected to mental treatment.

Therefore, the Federal Government had very little to exhibit in the field of dealing with mental patients. Many continued to languish in the prisons, with only a few being committed for mental hospital treatment. Thus only minor relief was given by the mental annex at Ndola Hospital, the Chainama Mental Hospital was not yet fully operational to cater for them.<sup>46</sup>

## LIMITATIONS ON THE PRISON SYSTEM

Attempts by the Federal Prison Service to use imprisonment as a mechanism for protecting society from, and for reforming, criminals had many limitations. There was the continuation of the endemic problem of shortage of resources, particularly accommodation for both prisoners and prisons staff, insufficient staffing, and financial limitations. All of these were inherited from the Crown government in 1953. The rapid urbanisation process, coupled with the ramifications of the nationalist struggle put added strain on the prison system of Northern Rhodesia.

The most daunting problem that the Federal Prison Service inherited in 1953 was the critical shortage of prison accommodation in Northern Rhodesia's prison system. Throughout the Territory overcrowding of the prisons was the rule rather than the exception. For instance in 1960 the Provincial Commissioner, Luapula, reported that 'at Samfya the District Officer's garage was converted into a small prison and duly gazetted during the year'.<sup>47</sup> In fact throughout the Federal decade reports on prisons from every part of the Territory dealt with prison congestion: from Mongu to Chipata; Livingstone to Kasama; Kasempa to Isoka.<sup>48</sup> At Bwana M'kubwa prison, in 1959, there were eight latrines and four ablution blocks to cater for 1,030 African prisoners incarcerated there.<sup>49</sup> This meant that on average there were 128 prisoners to each latrine and double the number to each ablution block! Earlier in 1957 the Mongu Central Prison had admitted 'a total of 1,476 prisoners which greatly exceeded the available facilities'.<sup>50</sup>

The situation that obtained in the Lusaka prisons was not any better. The two prisons there were constantly congested. For example 'in August 1959 Lusaka Central Prison, which had been designed for one hundred and fifty prisoners, had more than double that number at that moment'.<sup>51</sup> This was in fact the main reason behind the turning of Kamwala Local Prison into a remand prison, as a way of easing off the pressure on Lusaka Central Prison.

The problem of prison accommodation in Lusaka had been compounded by the fact that prior to 1961 when the new Broken Hill Maximum Security Prison became operational, Lusaka Central Prison had been the most centrally-located urban Central prison. Livingstone and the others were situated in the outposts of the Territory. As such Lusaka Central Prison always accommodated more prisoners than it had been planned for. Commenting on overcrowding in the prisons the Director of Prisons, D.C. Cameron, despairingly conceded that 'I doubt if there is any prison in the Federation where the prison population is not greater than the authorised number'.<sup>52</sup> Certainly 'the Federation's prisons were obsolete and hopelessly inadequate ... the degree of over-crowding shameful and the accommodation disgraceful'.<sup>53</sup>

Besides inadequate prison accommodation, there was also the continued use of unsuitable prison infrastructure. For example in 1956 the Provincial Commissioner of North Western Province had reported that 'the prison buildings are archaic in design and condition'.<sup>54</sup> This limitation was accentuated by the fact that the same such infrastructure that had been designed primarily to achieve the objects of secure custody continued to be utilised for objectives whose central thrust was prisoner rehabilitation. In 1955 all the District Commissioners in Southern Province had reported on the inadequacy and unsuitability of existing buildings, with the problem being most acute at Kalomo where the buildings were old, ant-eaten and ill-lit.<sup>55</sup> In Northern Province:

the prison at Milima, some eight kilometres along the Abercorn road, which housed some 120 to 150 prisoners was entirely built of pole and dagga with thatched roofs and no surrounding fence.<sup>56</sup>

Therefore, this state of affairs was not peculiar to selected provinces, it was widespread throughout the Federal Territory of Northern Rhodesia.

The staffing problems left by the Crown prisons administration in 1953 continued to haunt the Federal Prison Service throughout the Federal period. This was particularly as regards staff of the adequately trained type. This resulted from several factors. Many people



shunned the profession. In D.C. Cameron's view, this was 'because the abysmal working conditions and the onerous nature of prison officers' duties made the service an unattractive proposition'.<sup>57</sup> The only resort was to recruit people whose only qualifications were 'organising ability, a wide knowledge and experience of the country, the natives and human nature'.<sup>58</sup> Given the circumstances all other factors did not matter very much.

Among the African warder staff academic qualifications were equally not an issue. There was a preference for those without sound formal education. In 1958 a Head Warders' daughter at Kabompo was reported to have been given the supervision of female prisoners for the whole year.<sup>59</sup> The 'normal' ratio of African warders to prisoners during the 1950's was one to five.<sup>60</sup> This seemingly endemic shortage of prison warders was ameliorated, to an extent, by the continued use of District Commissioners as supervisors of their respective local prisons, while the District Messenger corps continued to provide the warder staff. This system was continued up to independence in 1964. It was a big relief to the Prison Service both in manpower terms and financially, as the costs were incurred by the Provincial Administration which paid the messengers' wages.

The Federal Prison Service policy of employing only staff aged twenty-four years and above also contributed to the shortage of prison warders. This meant that most of those who were employed were either already, or were about to get married.<sup>61</sup> This strained staff accommodation in the Prison Service considerably. The policy limited the recruitment of more warders due too lack of accommodation. Very few warders could be employed as bachelors who could have shared accommodation in order to increase the number of warders.

The lack of transport for prison staff children to and from school further exacerbated the difficulties encountered in staff recruitment. In 1957 the Director of Prisons reported that:

the Minister of Education is not prepared to bear the cost of any transportation expenditure in such cases and, from a survey of the number of African children at the stations concerned, it would not be practicable to establish schools in those areas; and the Ministry of Finance has rejected the use of government vehicles to ferry staff children to school.<sup>62</sup>

This discouraged many potential warders, especially Africans, from joining the Service as it would compromise the education of their children.

Among the African warder ranks the wage discrepancies that obtained could have equally discouraged many from joining the Service. One such discrepancy in emoluments obtained between the Lance Corporal and his immediate senior the Full Corporal, if the former was literate and the latter was not. The difference was due to the literacy allowance enjoyed by the Lance Corporals but denied to Full Corporals with the same qualifications. Until it was resolved in 1956 Lance Corporals had been entitled to a literacy allowance of 10 Shillings on a salary of 150 Shillings per month, but the Corporal received no literacy allowance on a salary of 155 Shillings.<sup>63</sup> This meant that upon promotion to the rank of Full Corporal Warder a literate African rose in rank but lost out in remuneration. Moreover, in all cases, until 1957 prison warders were paid less than their counterparts in the Police Force.<sup>64</sup> Therefore, given the problems cited above, the morale and confidence of many potential warders were eroded. Many shunned joining the Prison Service because it did not offer the kind of incentives that were available in other arms of the civil service.

Lack of sufficient funding to the Federal Prison Service meant that despite the rapid rise in prisoner populations, prison accommodation and other amenities, as well as prison warder staff numbers, could not be increased accordingly. This made it impossible for imprisonment to function as a means of prisoner rehabilitation and protection of society through the incarceration of offenders.

The shortage of funds for the Prison Service was alluded to by the Federal Treasury Secretary in his remarks about the Federal government's financial difficulties in 1957. He instructed all government departments (including the Prison Service) to exercise 'the most

rigorous economies in their transactions during 1958'.<sup>65</sup> Given that funding of prison administration was never one of the top priorities of the Federal government, it was only natural that the financial squeeze resulting from the Federal Treasury circular No. 11 of 1957 did not spare the prisons of Northern Rhodesia. In fact three months before the circular the severity of the financial strain had already begun to bite. This was to the extent that some motor vehicles belonging to the civil service (prisons inclusive) had to be taken off the road, and later even supplementary expenditure had to be curtailed except in very special cases like accidents.<sup>66</sup>

Furthermore, in an article published in the Bulawayo Chronicle, entitled 'Prisoners are packed', the Legal Affairs Minister, Mr. Greenfield, is reported to have said that prisons were the 'Cinderella of the government'.<sup>67</sup> This confirms the argument that prisons were indeed a low priority consideration in the Federal administration of Northern Rhodesia. Mr. Greenfield further stated that although the Federation's prisons were overcrowded it was difficult to find the finances to expand the prisons in step with their increasing populations.<sup>68</sup> As a result funding of Northern Rhodesia's prison system was restricted to the basic essentials like food, basic minimum accommodation and a skeleton staff to the ratio, as stated earlier in the chapter, of one warder to every five prisoners. These financial limitations had a direct bearing on the Federal Treasury's denial of transport to staff school children and the poor wages and conditions of service in the Federal Prison Service.

Although there were many factors that impeded prisoner reform the Federal prison system was also significantly impaired by racial prejudice among colonial officials. This was exhibited through discriminatory ration scales, accommodation, prison garments and general prisoner treatment. Therefore, although the racial factor cut across the whole Federal system, it is still worthwhile documenting its impact on the function of imprisonment during the Federal period.

Racial prejudice was a major limitation as it hampered the very objectives of prisoner reform and societal protection that the Federal prison administration claimed to espouse. Racial discrimination through the Federal prisons dietary scales is depicted by the following table:

Table 18. FEDERAL PRISONS DIETARY SCALE (DAILY PER HEAD)

SCALE	Calories	Proteins (g)	Fats (g)	Ca (mg)	Fe (mg)	Vit. A (I.U)	Vit. B1 (I.U)	Riboflavin (mg)	Niacin
1.EUROPEANS	4016	142.7	176.0	1199	23.8	7782	1.90	1.96	18.9
2.COULOURED ASIATICS	4592	164.4	88.8	981	24.7	6915	2.04	1.85	24.1
3.AFRICANS class I & II	3226	112.2	70.2	345	37.8	3719	2.97	1.36	15.3
class III & IV	3351	79.8	79.8	346	38.8	3739	3.01	1.47	18.7

(Source: NAZ/HAF/39E, Federal Government Gazette, notice No. 42, 1956, Prison Dietary Scales).

From this table it can be deduced that Europeans (scale 1) received more calories, proteins, fat, calcium, vitamin A, riboflavin and niacin than African prisoners (scale 3). Asian and Coloured prisoners (scale 2) equally got more food than the African convicts. Moreover, regarding fats and calcium, European prisoners received more than double the quantities given to the African prisoners, as shown in the table. In terms of actual food types the following table depicts the picture vividly:

Table 19. THE DAILY PRISON RATION SCALES

FOOD TYPES	DIET 1: EUROPEANS	DIET 2: ASIATICS/ COLOURED	DIET 3: AFRICANS
Boer Meal	1 lb	1 oz	-
Coffee/Tea	1 oz	-	-
Fresh/preserved Milk	3 ozs	-	-
Salt	half oz	half oz	half oz
Fresh vegetable	1 lb	1 lb	half lb
Rice/Dried peas/Beans/Groundnuts	2 ozs	2 lbs (Rice & Beans)	Beans/G-nuts 5/7 days if no meat
Baking powder (if no bread)	3/4 oz	1/4 oz	-
Fresh meat	half lb	half lb	half lb when available otherwise fish/beans
Mealie-meal	2 ozs	-	1 and a half lbs
Cheese (Cheddar)	1 Oz	-	-
Lemon Juice/Fresh lemons	2 ozs	2 ozs twice/week	2 ozs twice/week
Sugar	2 ozs	1 oz	-

(Source: NA/HAF/39E, Federal Prisons Dietary Scales, Continuation of Colonial Circular No. 26 of 1946).

Several conclusions can be drawn from the above illustration. Firstly, while both Europeans and Asiatics/Coloureds were issued with sugar and rice these were denied to the African convicts. Probably this was due to the racial

maxim of giving to each prisoner only that which he had enjoyed back home prior to imprisonment. It was intended to maintain the prisoners' standard of living obtaining back in the convict's home. The denial of sugar and rice to African prisoners was based more on assumption than realistic evaluation.

Secondly, while fresh meat had no substitute (it was always available) for European and Asian/Coloured convicts, it was most often replaced with fish or some legume in the case of African prisoners, as depicted in the table above. One wonders how the same fresh meat that was constantly available to European and Asian/Coloured convicts could not be available to (only) the African prisoners! Racial prejudice could not be demonstrated any better.

Furthermore, a mere glimpse at the Spare or Punishment diets for the three racial categories reveals yet more racial dichotomy ingrained in the Federal system of imprisonment that obtained in Northern Rhodesia. This was because, as shown below, while Europeans received Boer meal, fresh meat, rice and coffee; and the Asiatics/Coloureds got Boer meal, rice and fresh meat as punishment diets, the African prisoners were subjected to only half an ounce of salt and a quarter pound of mealie-meal per day. No relish was given to them either. The following were the daily punishment dietary scale:

Table 20. THE FEDERAL PRISON DAILY PUNISHMENT DIET

FOOD ITEMS	EUROPEANS	ASIATICS/ COLOURED	AFRICANS
Boer meal	half lb	half lb	-
Fresh meat	half lb	half lb	-
Rice	2 ozs	2 ozs	-
Coffee	half oz	-	-
Salt	half oz	-	half oz
Mealie-meal	-	-	1/4 lb

(Source: NAZ/HAF/39E, Federal Prisons Dietary Scales, continuation of colonial circular No. 26 of 1946).

Therefore, as the table above shows, African convicts were not entitled to meat rations during

punishment for prison offences. Nonetheless racial discrimination even permeated ordinary life throughout Federal Northern Rhodesia.<sup>69</sup>

From the fore-going it can be concluded that it was extremely difficult for imprisonment to function as a means of prisoner rehabilitation and societal protection in an environment where prisoners were treated on the basis of their race and social standing rather than the type of offence committed or length of sentence. The Federal Prison Service offered minimal services to the majority of the prisoners in the Territory's prisons. This enabled the administration to spend less than would otherwise have been the case had all provisions been made available to the African prisoners as well.

The limitations imposed on Northern Rhodesia's prison system during the Federal period were heightened by the rapid urbanisation process. The impact of urbanisation on crime and consequent incarceration had begun long before the advent of the Federation of Rhodesia and Nyasaland. 'It only assumed a higher magnitude during the Federal administration'.<sup>70</sup> The driving force behind this increased urbanisation was the copper boom that followed the end of the Second world War. This was especially so given the rapid rehabilitation process that was embarked upon in Europe's industries and other infrastructure devastated by the 1939-45 war. A lot of copper was needed in the construction industry and, particularly, the motor vehicle manufacturing industry in Europe and the United States.<sup>71</sup> In response the copper mines of Northern Rhodesia were expanded and output increased in order to cope with the increased demand. This in turn increased the labour flow from the rural areas of Northern Rhodesia into the towns.

This growth and rapid urbanisation of mining centres in response to the ever-rising tide of job seekers created numerous problems of providing housing, social services for health, education and recreation for the proliferating urban populations.<sup>72</sup> The glitter and social benefits of urban life further accentuated the rapidly growing rural-urban drift.

The process was accompanied by increased crime in the towns as more and more people continually found it difficult to cope with pressures of town life. Many resorted to criminal activities as a means of livelihood. Many offenders ended up being imprisoned for such offences as burglary, theft, assault and other crimes. Thus between 1953 and 1964 the number of convicted criminal offenders sentenced to prison terms increased by more than sixty per cent; from 7,202 in 1953 to 11,719 in 1964.<sup>73</sup> With this state of affairs, and given that only two Central prisons were expanded plus a new reformatory being added to the existing prisons throughout the Federal period, it was only natural that imprisonment could not function according to the intended purpose. The prison facilities available during that period were constantly strained by the ever-rising tide of convicts.

The nationalist struggle, that was already in motion, was given fresh impetus by the inauguration of the Federation in 1953. The declaration of the Federation agitated the africans in Northern Rhodesia even more. Many nationalist leaders ended up in prison. Members of the nationalist parties such as the African National Congress (ANC), the short-lived Zambia African National Congress (ZANC) and the United National independence Party (UNIP) resorted to various means of demanding independence. The methods included mass protests, picketing of shops and butcheries known for racial discrimination, as well as demonstrations, ending with the famous 'Chachacha campaign' in 1961.<sup>74</sup> This was a civil disobedience campaign targeted at mobilising African dissent against colonial domination. The Federal authorities construed such activities as endangering law and order.<sup>75</sup> The following is a breakdown of the convictions and incarcerations or restrictions resulting from the 'Chachacha campaign' of 1961:



Table 21. OFFENCES AND CONVICTIONS RESULTING FROM THE CHACHACHA CAMPAIGN OF 1961

OFFENCE	REPORTED	ARRESTS	CONVICTED
Vehicles and houses stoned and damaged	67	34	28
Proposing violence, riots and unlawful assemblies	65	677	256
Minor offenses	120	325	256
Sedition	5	5	2
Arson, attempted arson, burning of vehicles	292	155	*183
Threatening violence (intimidation)	80	155	109
Assault on police, etc	32	39	17
Carrying offensive weapons	76	288	186
Watching and besetting	7	9	7
Rail and Road blocks, bridge damages, malicious damage	184	178	*182
Other damages to communications, etc.	18	3	3
Robbery and theft	19	55	*70
Murder	5	1	-
Assault on civilians	28	63	39
Damaging buildings, etc, with explosives	17	22	17
Possession of explosives, petrol or ammunition	55	60	40
Unlawful processions and meetings	34	362	224
Obstructing police and resisting arrest	15	38	32
Escape from lawful custody	10	9	*10
Identity certificate offence	64	587	583
Damage to mining installations	4	-	-
TOTALS	1,197	3,065	2,691

(Source: An account of the Disturbances in Northern Rhodesia, July-October, 1961 (Lusaka: Government Printer, 1961), 78.

\*At the time of the Report the trails of some prisoners had not yet been completed. In other cases trial results had not yet been received at Police Headquarters. A number of persons arrested were subsequently released or discharged by the courts.<sup>76</sup>

Many of the 2,691 Africans that were convicted in the aftermath of the 1961 'Chachacha campaign' 'were thrown into the ordinary prisons, but most were merely restricted in the rural areas of the Territory'.<sup>77</sup> Others were banished to remote parts of the country. Those who went to gaol put additional strain on the already meagre accommodation and other amenities in the prisons of Northern Rhodesia.

Earlier in 1959 the Provincial Commissioner for Northern Province had reported that prison accommodation was severely strained 'in 1959 after the Chilubi Island riots and the Lenshina disturbances in the Chinsali District',<sup>78</sup> (though the latter was not part of the nationalist struggle). In 1960 the Evening Standard had reported that :

more than two hundred and seventy prisoners were transferred from Northern Rhodesian gaols to Salisbury Prison in a unique airlift operation. The move was made to relieve pressure on Northern Rhodesia's prisons in the event of there being a sudden influx of prisoners into the gaols as a result of the present (nationalist) unrest in the Territory.<sup>79</sup>

Therefore, the imprisonment of some of the 2,691 convicts resulting from the 'Chachacha Campaign' had long been anticipated and adequate measures undertaken to that effect. Kenneth Kaunda admits that from time to time he, Nkumbula, Kapwepwe, Sipalo, and many other nationalist figures found themselves detained in various prisons and others restricted in the rural areas throughout Northern Rhodesia. On this basis it can be contended that the nationalist campaign for independence in Northern Rhodesia contributed to the failure of imprisonment to fulfil the reform functions. It contributed to straining the available resources in the Territory's prisons.

Conclusively, it should be stated that during the Federal administration of Northern Rhodesia certain policies and regulations were inherited from the Crown prison system and grafted onto the Federal prison scheme. Concerted efforts were made to implement policies intended to make imprisonment play the role of an effective mechanism for rehabilitating prisoners and protecting society from criminals. However, many limitations held up and frustrated these efforts. There was chronic shortage of resources, including inadequate prison and staff accommodation. Thus prisoners were perpetually congested in prisons that had been designed for fewer numbers many years back. There was also the endemic shortage of prison staff, both European officers and the African warder staff. According to Allan Milner, 'lack of qualified staff and suitable prison accommodation were the main obstacles'.<sup>80</sup>

Limitations of funding meant that existing infrastructure could not be expanded nor could new ones be erected easily. The urbanisation process and the accompanying social problems that arose in the towns caused many to turn to crime and ended up swelling the prisoner ranks. Furthermore, the nationalist tide caused many of its participants to be detained, thus swelling the prison population even further. With emphasis more on security rather than on reformative measures it was impossible for the system of imprisonment to fulfil its overall purpose of prisoner reform and rehabilitation during the Federal administration of Northern Rhodesia.

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## CHAPTER FOUR

### CONCLUSION

This chapter is mainly a recapitulation of the major factors behind the failure of the Northern Rhodesia prison system to function according to the conventional purpose of imprisonment between 1907 and 1964. The factors are categorised as having been general as well as specific ones.

The general factors which ran through the whole colonial period were: use of coercive methods of treatment and control, inadequacy of resources, racial prejudice, and Northern Rhodesia's place in the colonial scheme of things. The factors that only affected specific periods of the colonial era were: the impact of the First World War, the World Economic Depression and the Second World War, and the effect of urbanisation and the nationalist struggle during the Federal period.

For most of Northern Rhodesia's colonial period imprisonment functioned as a coercive mechanism for intimidating the subject peoples into compliance with the dictates of the colonial regime. It was used to achieve political ends initially and to maintain the colonial status quo later.

It has been shown in this study that the use of imprisonment as a judicial sanction in Northern Rhodesia was a foreign phenomenon. Kalombo Mwansa explains that formal prisons as we know them today were unknown in pre-colonial Northern Rhodesia.<sup>1</sup> As such the use of imprisonment in Northern Rhodesia was introduced by the BSAC. The company used it to entrench its rule over the indigenous peoples of the Territory, without any dialogue whatsoever.<sup>2</sup> This was done through the use of the police and the prison institution. Most colonial officials viewed imprisonment as the most effective mechanism for coercing African tax defaulters, labour deserters and ordinary criminals into compliance with the requirements of Pax Britannica.<sup>3</sup> Tax defaulters, labour deserters, and ordinary opponents of colonial rule were forcibly thrown into the prisons which were being established throughout the Territory.



This was despite the fact that theirs were offences that had nothing to do with crime for which imprisonment had conventionally been intended. Reform of offenders did not apply in this context.

Although reform and rehabilitation of prisoners became official policy from the time the BSAC bequeathed the administration of Northern Rhodesia to the Colonial Office in 1924, coercive tendencies continued to be exhibited in the prisons long afterwards. The colonial authorities continued to rely on imprisonment as the most effective instrument for enforcing continued 'colonial peace' throughout the Territory.<sup>4</sup> The rationale was that the fear of imprisonment would restrain Africans from all forms of deviation from the established norms of the colonial regime.<sup>5</sup>

During the 1924-53 period continued reliance on the police for the administration of the prisons exhibited a lot of coercive tendencies. This was especially so given that the force was predominantly composed of unqualified, and even illiterate personnel.<sup>6</sup> Most lacked the basic skills and abilities required for implementing a reformatory prison system.

The colonial government's prison system also showed coercive tendencies through such activities as penal labour, prison punishments, and the treatment of juvenile and female offenders and mental patients. Although penal labour was viewed as a positive mechanism for training inmates into appreciating the value of manual labour, the excesses with which it was implemented reflected coercive features. This was particularly through the long working hours that prisoners were subjected to. For example, inmates in work-gangs left their cells for manual work outside the prison precincts at six o'clock in the morning and worked until four o'clock in the afternoon, with an hour for lunch at midday. They were subjected to eight hours of heavy menial duties from Monday to Saturday every week of the year. The only exceptions were Sundays, Christmas day and Good Friday.<sup>7</sup> In addition, until the Second World War, members of work-gangs were denied breakfast except in cold months.<sup>8</sup>

Furthermore, prison inmates were subjected to a lot of prison rules and regulations which were strictly enforced. The major punishments were solitary confinement, corporal

punishment and punishment diet. In all these a lot of coercion was used. Solitary confinement involved secluded detention for a specified number of days during which the barest minimum diet was provided. For African convicts this comprised salt and mealie-meal of a reduced quantity (from 1 and half lbs to only 1/4 lb), but without relish.<sup>9</sup> Although solitary confinement had been intended to afford prisoners an opportunity for introspection and repentance its psychological effects on the victims were deplorable.<sup>10</sup>

The negative effects of corporal punishment in Northern Rhodesia's gaols continued unabated until 1948 when its use was restricted to three major prison offences and made applicable only to men below forty-five years of age.<sup>11</sup> The restriction was due to the physical and psychological impact that corporal punishment often inflicted on its victims. It did not possess any reformatory aspects whatsoever, except its ability to instill fear in both offenders and would-be offenders.

The negative elements in punishment diet were shown through the manner in which it was enforced. Only salt and mealie-meal were given to African prisoners while Europeans, Asians and Coloureds received meat rations as part of their punishment diet. Such contradictions could not reform, but merely elicited bitterness among the deprived African prisoners.

The 'herding' of juvenile prisoners and mental patients together with the rest of the criminal convicts in the Territory's gaols further added to the failure of the reform policy. Up to the outbreak of the Second World War juvenile convicts did not have any separate prison facilities or reformatory. During the 1940's the Chikankata Institute was established in Mazabuka as a juvenile delinquent school, but the venture was unsuccessful.<sup>12</sup> Until 1953 juvenile offenders continued to languish in the Territory's ordinary prisons. Even after the opening of the Katombora Reformatory near Livingstone in 1953, not all the Territory's juvenile offenders were sent there.<sup>13</sup> Many continued to be admitted to the ordinary prisons throughout Northern Rhodesia.

The situation pertaining to mental patients was even worse. For most of them the only reason for their incarceration was their mental illness. Their detention in the prisons instead of mental hospitals cut them off from any chances of being cured. Although provision existed for the transfer of mental patients to Southern Rhodesia, upon certification, the facility could not cater for all the mental patients. There were problems of costs of transport and patient maintenance fees at the Ingutsheni Mental Hospital in Southern Rhodesia.<sup>14</sup> Given such difficulties most mental patients continued to languish in the prisons of Northern Rhodesia. The mental annex at the Ndola Central Hospital was not big enough to cater for all the cases in the Territory, while the one attached to the African Hospital in Lusaka was a mere transit point. Chainama Hills Mental Hospital did not become operational until after independence. Therefore, this method of dealing with mental patients hampered the reform process substantially.

The incarceration of female offenders also showed elements of coercion and contributed to preventing the full realisation of the reform policy. Many female offenders were imprisoned under conditions that bordered on solitary confinement. This was due to their small numbers in almost all the Territory's prisons.

Another important factor that affected the whole colonial prison system during the 1907-1964 period was the seemingly endemic shortage of resources. Throughout the colonial period Northern Rhodesia's prison administration was haunted by insufficient staffing, in adequate prison and staff accommodation, as well as financial limitations. On staffing, the Northern Rhodesia Police Commandant in 1941 once stated that because of the problems of prison staffing prison management was largely under the control of his officers and men.<sup>15</sup> From as early as 1912 prison officers and warders were, by law, not allowed to leave employment without the express authority of the Administrator of the Territory.<sup>16</sup> In addition, up to 1927 the police seconded their personnel to the administration of the prisons due to staffing difficulties in the Prison Service. It was in fact for the same reason that the police took over the running of prisons between 1927 and 1947.<sup>17</sup> Even the surrender of prisons to a separate prisons department in 1947 was not because the Prison Service had become self-

sufficient in manpower. Instead it was because both the police and the prisons administration had grown to such an extent that it was no longer practicable for the police to continue running both.<sup>18</sup> But even then the police continued to second their men to the prisons, just as were District messengers, even well beyond independence in 1964.<sup>19</sup>

The shortage of prison and staff accommodation made matters even worse. It contributed to throwing the policy of prisoner reform off target. From the very beginning construction of prison structures was not given much priority. At the beginning many prisoners were transferred to prisons in the Union of South Africa due to the absence of proper prisons in both N.W.R and N.E.R. After 1907 the BSAC resorted to converting existing structures to prison use, with suitability of the structures not an issue.<sup>20</sup> By the end of the colonial era problems of accommodation in the Prison Service were still present. Available evidence demonstrates that there were most often more than double the authorised numbers of prisoners in nearly every Central prison in Northern Rhodesia.<sup>21</sup> The problem of staff housing also posed a lot of difficulties for the prisoner reform policy. Lack of staff accommodation meant that even the employment of more prison officers and warders could not be fulfilled.

Financial limitations also haunted the Territory's prison establishment throughout the 1907 to 1964 period. They made prison conditions even worse. Because of lack of enough funds both adequate staffing and the provision of accommodation could not be implemented satisfactorily. During the 1920's staffing had been reduced, even though the existing staff numbers were insufficient, due to financial difficulties. In 1923, for example, the number of Central prisons was reduced from eleven to only eight.<sup>22</sup> Provision of such facilities as food, clothing, skills training and other prison amenities were equally hampered by financial problems. In order to make do with the available meagre resources, more often than not, the use of force and threats of force were resorted to. Such measures could not add to a policy of prisoner reform.

It has also been shown in this study that racial prejudice among many colonial officials contributed to the coercive tendencies that were exhibited in the Prison Service for most of the

colonial period. Many colonial officials still clung to the old notion that Africans learnt best only when they saw a whip behind them.<sup>23</sup> This tended to influence the colonial prison service into being more severe than had been intended. It was due to racial prejudice that there existed segregated prison wings, dietary scales and even uniforms for Africans on one hand, and Europeans, Asians and Coloureds on the other. Many colonial officials even argued that soft or humane treatment of African prisoners was uncalled for and only tantamount to pampering them.<sup>24</sup> Thus many policies could not be carried out successfully due to resistance among some of the officials charged with the responsibility of implementing such policies.

While the factors that have been discussed so far covered the whole colonial period, there were others that concerned only specific times of the colonial era. One such factor was the impact of the First World War (1914-18). Although its ripples could have been felt even long there-after, its immediate impact mainly affected the BSAC period of administration. According to Gelfand, the war caused many plans and projects to be shelved, as men, money, food and other facilities were diverted toward the war effort.<sup>25</sup> Both prisoners and staff (especially the Africans) were forced to be content with the meagre facilities spared from the war. Indeed, the war's contribution to the failure of the policy of prisoner reform and rehabilitation as the conventional purpose of imprisonment could not be demonstrated any better.

During the Colonial Office's governance of Northern Rhodesia between 1924 and 1953, the World Economic Depression (1929-35) and the Second World War (1939-45), both substantially strained the function of imprisonment in the Territory. The Economic Recession frustrated many economic ventures and contributed to the increase in unemployment levels, the crime rate and the attendant rapid rise in prison committals.<sup>26</sup> Funding to the Prison Service was also reduced.

The impact of the Second World War added its own toll to the already beleaguered prison service. Just when the economy was beginning to show signs of recovery from the ravages of the worst Economic Recession of the colonial experience it was confronted by the

shock-waves of the war. The war held up many prison reform policies and caused many resources to be diverted toward its conduct. One such reform policy held up by the war was the need to resolve the issue regarding the use of corporal punishment in Northern Rhodesia's prisons.<sup>27</sup> The decision was held in abeyance until after the war.

The Second World War also led to the use of Emergency regulations whose contravention landed many culprits in prison. For example while in 1939 a total of 4,812 convicts had been in the Central prisons of Northern Rhodesia, the number shot up to 9,461 at the end of the war in 1945.<sup>28</sup> Thus the war added more problems and helped to throw the prison reform policy off course.

Finally, the effects of urbanisation and the nationalist struggle had their own share in the failure of imprisonment to function in accordance with its conventional purpose, that is, prisoner reform and rehabilitation. This was mainly during the Federal period (1953-64). Of course the effects of urbanisation had begun long before then, but are discussed here because they were heightened by the copper boom that followed the cessation of the Second World War hostilities. The resultant rural-urban migration landed many people in trouble. Many resorted to criminal activities after failing to realise their dreams of employment in the urban centres of the Territory. They ended up in gaol and thus swelled the prison populations even more.

The nationalist struggle that gripped the Territory mainly during the Federal period also contributed to straining the prison facilities, particularly prison accommodation. Due to the militant nature of the campaign many nationalist leaders ended up being detained in the Territory's prisons while others were restricted in the rural areas. For example in September 1956 the District prison in Mumbwa was emptied of its ordinary prisoners to make way for the anticipated detentions of nationalist 'agitators' from the Copperbelt.<sup>29</sup> In its own right the imprisonment of nationalist leaders contributed to putting the function of imprisonment off target as it added to the already high prison populations.

Therefore, it was impossible to implement the policy of prisoner reform and rehabilitation satisfactorily, given all the limitations discussed above. Moreover, throughout the colonial period emphasis was more on secure custody rather than reformative measures. As a result at the end of Northern Rhodesia's colonial period in 1964 the practice of imprisonment was still miles away from the conventional theory of prisoner reform and rehabilitation, despite the spirited attempts made over the years.

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