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Penal Reform News

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CONTENTS — INHOUD

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THE PENAL REFORM LEAGUE OF SOUTH AFRICA.
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PRETORIA.

"Why are good women bypassed as a medium of effecting a fallen man's reformation? Why is the good influence of mature, cultured and well-meaning women spurned under the hood of sex taboo? Men who are family outcasts; men who have never known the good that can be imbedded in the soul of a male by a woman; men who have been raised to adulthood without the understanding 'touch' of the maternal instinct and men who were divorced solely because they committed crimes, are the men who can be reached to a point of wholehearted response when subjected to the reasonable demands of a righteous woman . . . . In our tender years we have been led and moulded by the influences of our mothers . . . we venture to say that during that period when the child-mind is responsive, it is the mother's influence that prevails and gets the best results. This being so, it is reasonable to assume that the same measure of influence can still be exerted even though the woman concerned is not the mother of the one to be influenced. Good women have played a big part in the reformation and success who had formerly a long prison record. Women have not been used in this field where they could do so much good and like the Irishman who is willing to try anything once, we put it forward wistfully hoping that by some miracle our presentation shall be acted upon. We are certain it would do much good."

(From an editorial of the Inmates of the Central Prison's Monthly: Time Tells)

THE HON. DR. C. W. H. LANSDOWN, JOINT PRESIDENT OF THE PENAL REFORM LEAGUE OF SOUTH AFRICA IS CALLED TO HIGHER SERVICE

A great human heart has ceased to beat in this world; an outstanding brain has ceased to think with us and to guide our own fallible thinking; a great soul has passed over to its Maker in what it itself referred to as the Ultimate Assize. Our League is in mourning, sadly bereaved and in deep sympathy with the wife, the family and all the colleagues, brother judges and friends of Dr. C. W. H. Lansdown. An attempt will be made to pay adequate tribute to our Joint President and Leader in the next issue of PENAL REFORM NEWS in April, 1957. Others will pay homage to "Gardiner and Lansdown", to his outstanding contribution in the legal and judicial fields. We shall attempt to describe his outstanding approach to the human problems intimately connected with the administration of the Law. At present, we just stand in Silence as a Body of men and women, thanking God for the end of, at times, unbearable sufferings for our respected and beloved friend, and full of gratitude for what he has meant to his family, his friends, and for the smallest among his fellowmen in our land, remembering that, in the hearts of those who serve God, there is no death, but Life Everlasting. May his wife and his family find in this inadequate expression of our sympathy a vision of the host of witnesses who are with them at this time of bereavement, both here and in the "nearer presence".

THE MENACE OF STABBING

STABBING and CRIMES OF VIOLENCE have now become a national menace. The knife tends to become the ruler of many unprivileged communities and time is ripe for White, Black and Brown South African to take stock of the frightening outburst of violence which threatens the foundation of social peace in our land. In this pamphlet, there is no intent to arouse public anger, nor to suggest that we can stop the rot by an increase in violent counter-measures. Our aim is first to describe as clearly as possible the extent of the evil, the measures we have taken so far to deal with it, and then to outline a programme of long-term social action which may stem the tide of this evil, or at least break the tidal wave through the creation of a chain of breaker-channels. — In May of 1955, the Honourable Mr. Justice W. H. Ramsbottom delivered an address to the annual meeting of the Penal Reform League on the subject of Stabbing, and he said:

> "No law can effectively prevent people from carrying knives. A knife is a necessary implement in universal use. As a weapon it has great advantages. It is easily acquired. It is easily concealed. It can be drawn and used with great rapidity and it can be used to deadly effect . . . . As, among Europeans, the carrying of firearms 'for protection' spreads rapidly, so, among non-Europeans, the carrying of knives — also 'for protection' — spreads. But when a man carries a weapon, he often succumbs to the temptation to use it — particularly if he is not disciplined and if his inhibitions are weakened by drink, or his anger is aroused . . . . It is noticeable, I think, that a great many stabbings are committed by youths — adolescents or very young men. Why is this? I suggest, for the consideration of psychologists, that it may be something of this sort: The possession and use of a knife gives power; it causes the possessor to be feared; it enables an inferior man to overpower a bigger and stronger and an older man; it inflates his ego. Is it possible that these young men are conscious of inferiority? They are neither boys nor men; neither at school nor at work; men without a man's status and dignity. Is that perhaps a reason for their conduct? I do not know."

Those words of one of our most eminent judges reflect well the powerlessness of the community to deal with a problem whose gravity is beyond any comment; they also reflect well the concern we all feel when we consider the ineffectiveness of the measures we have taken to stop this evil. Let us firstly examine facts and figures, well aware that we shall not remember them in detail, but because it is of great importance that we should have them in black and white, so as to be able to come back to them from time to time.

1. THE INCREASE IN CRIMES OF VIOLENCE.

The cases of STABBING known to the Police have increased as follows:—

Year	Total Cases of Stabbing Only	Accused: Native Males	Accused: Native Females	Accused: Unknown
1940	1,359	1,144	188	27
1945	2,475	2,023	410	42
1950	4,336	3,813	518	5
1951	4,776	4.179	583	14
1952	4,630	3,908	687	35
1953	4,854	4,093	730	31
1954	5,148	4,234	869	45
1955	6,080	5,166	888	26

Since 1949, when a new definition of *serious crime* was adopted, the cases have increased from 138,272 to 183,424 in 1954.

Criminal acts of violence caused the death of 2,544 persons in 1950 and of 3,393 persons in 1954.

In 1950, the number of convictions for culpable homicide were: 177 European males and 3 European females: 1,137 non-European males and 52 non-European females. Total 1950 1,369.

In 1954, convictions for culpable homicide were: 181 European males, 9 European females: 1,497 non-European males and 83 non-European females. Total 1954 1,770.

As far as *convictions for murder* are concerned, the figures have been: 1950, 357; 1951, 298; 1952, 323; 1953, 390; 1954, 346.

Reported cases of assaults during 1950 were 73,963 common assaults; 1,442 assaults on the Police and 33,026 assaults with intent to do grievous bodily harm: a total of 108,431.

In 1954 the figures were respectively, 84,079; 1,811 and 44,690: a total of 130,580.

2. INCREASE IN THE SEVERITY OF VIOLENT MEASURES TAKEN AGAINST VIOLENCE

The Legislator, faced by such general increase in violent crime, decided to try more severe measures of violence against it:

Flogging

Year	Number of Persons Flogged	Number of Strokes
1940	1,864	12,070
1950	4,400	26,028
1951	4,783	28,152
1952	8,724	50,077
1953	12,376	72,763
1954	14,379	78,573

Executions

From 1923 to 1946, 1,416 persons were condemned to death and 1,000 were reprieved, their sentence being commuted to terms of imprisonment; 416 were executed.

From 1949 to 1953, 369 persons were condemned to death, of which 174 were reprieved, and 195 executed.

In 1954 there were 73 executions; in 1955, 50 executions; In 1956, 77 executions.

3. POLICE MEASURES

Serious efforts have been made to increase the Police Force. From a total number of 8,705 policemen for a population of about six million in 1913, we reached a number of 22,840 policemen for a population of about 14 million in 1954. The prosecutions increased during that time from 46 per thousand to 112 per thousand. At present both the European and the Native Police Forces number over 10,000. But the proportion in relation to the total population

has increased very little: 1.42 per thousand in 1912, and 1.63 per thousand in 1954.

The most powerful deterrent to crime is a strong Police Force; but in that respect the duties of the Police are not all of equal value. The policeman *on his beat* is considered everywhere as infinitely more effective than police raids.

* * * *

If we ask our readers to look carefully at the increase in crimes of violence and more especially at the increase in stabbing, and to compare it to the severity of violent measures against violence to counteract the evil, it will be seen very clearly that there seems to be no relation at all between the two sets of figures. In spite of a very grave increase in flogging, of a greater use of the death penalty to its logical conclusion, executions, in spite of more prosecutions every year and greater restrictions in the free movement of the people, in spite of a tightening of control measures and stricter registration of workers, we see that, for example, from 1951 to 1955 there has been a strikingly greater increase in stabbing than ever before, at the very moment when flogging increased from 27 to 78 thousand strokes. All this shows quite plainly that the measures taken do not touch vitally the conditions under which crimes of violence arise. We have therefore to reconsider the position and to ascertain the real causes of the evil and the effective means of stopping it.

4. POSSIBLE CAUSES OF THE INCREASE IN CRIMES OF VIOLENCE

The very recent stabbing of that able Native journalist "Mr. Drum" gives added point to this article. Mr. Henry Khumalo, whom we once met outside the Central Prison on the day of a series of executions, was a fine and unassuming person, with very remarkable gifts, a Native of Africa who earnestly tried to describe conditions as he saw them, bringing upon himself severe criticism from many quarters, both from authorities and the public.

This brutal end to a life of promise brought about by a blind and ferocious knife attack from his own people, this renewed and striking example of the folly of stabbing will strike more deeply into the hearts of the African people than anything we could say about the appalling urgency of this problem: what are the possible causes of such dreadful acts of violence?

The community, in a civilized world, should readily understand that police, legal and penal measures are always wisdom after the event, and that they do *not* cope with the conditions under which violence develops. The argument that these measures are a deterrent and intimidate eventual offenders is not borne out by the facts and figures we have given. Deterrence presupposes a mind which is functioning normally, and normal men and women, under normal circumstances, are almost invariably already deterred from committing violent actions. Highly-strung persons can have their minds unhinged by strong provocation; but, in that case, they have often passed the stage where deterrence still acts upon their minds.

There are so many individual, family and social conditions which are unsatisfactory at the present time that it is very difficult to suggest all the predisposing causes of outbursts of violence. But we must first examine the quick assumption of so many persons that *innate savagery* of the people of Africa is a determining factor. It cannot be denied that there is at present an almost total disregard for human life in many Native youths, girls and boys, and even in many Native adults, men and women. But we know that, in normal undisturbed Native communities, there are few violent acts. There are of course faction fights, often reported in the papers, between the Mtembus and Mcunus, between the Matsupas and the Matsiengs, between groups of different tribes. There are frequent outbursts of fighting after a beer-drink. But on the whole, there are few fatal cases, although among the Nguni people, there is more of a tendency to kill than among the Sotho, Tsonga or Venda people. But against all this we should remember that no African savagery has ever equalled the refined sadism of Belsen or Dachau, and we should refrain from gratuitous assumptions about the gentleness of so-called civilized peoples. The "ritual" murders, which have nothing ritual about them and should be called "medicine" murders, are instances of what Westermann so aptly called "explosive ideas"; they illustrate well the fact that the collectivity, wanting a certain medicine for social aims, completely ignores the value of the individual. This would show, at least that is my opinion, that the mark of true civilisation is the development of human compassion and pity, and in that respect the alarming use of the knife, the fact that men, women and children are stabbed mercilessly, often without any provocation at all, on the spot, and on the spur of the moment, is a frightening proof that compassion has not yet grown much on African soil. No amount of white-washing will hide this fact.

The Honourable Mr. Justice W. R. Ramsbottom, in his address, enumerated a number of possible causes, individual, psychological and social. — I would like to point out first that the *conditions* under which many of the urban Bantu have to live show very little respect for human life, not only because of the prevailing poverty, but more because of the total disregard they reflect for privacy, for modesty, for decency and dignity of the human person and for the general desired background for the development of the human soul. Were it not for the fact that the Bantu are much keener than we are on living together, close to each other, feeling and thinking in and with the group, finding a collective harmony much easier than we do, the situation would be very much worse. The very fact that no complete security of ownership is granted them, that they can be moved at any time and in some instances almost brutally, makes for a further grave disregard for the value of human life. We do not underestimate the immense difficulties facing central and local authorities in the midst of the tremendous industrial development of South Africa which results in the dislocation of the rural patriachal pattern of life. We also fully appreciate the great effort now made to further such housing schemes as the Vlakfontein Location in Pretoria, in which over six thousand houses were built in a little over three years, housing over thirty-five thousand people, a scheme which is proceeding rapidly, and which

has only been one among many such schemes. But in the maelstrom of our rapidly changing conditions, in our densely populated urban areas, we must face the fact that the value of the individual human being, boy or girl, man or woman, is sadly neglected.

The real cause for the outburst of violence, the basic reason why young and old, male and female are so easily roused to blind anger, is the general unsettlement of urban living, the insecurity of the economy of the urban Bantu, in which every unit must find a means of increasing the family income, legally or illegally; the promiscuity forced by physical circumstances — a situation quite foreign to, and strongly resented by the Bantu people; a dangerous relaxation of adult control over young people; a sense of acute resentment directly caused by the numerous and harassing regulations which are imposed upon them: — in short a set of conditions in which individual values are ignored. All this has given the people an attitude of antagonism towards the social order in which they live and arouses in them the immediate and violent reaction to anything more troubling them. There is a collective feeling of frustration which undermines social peace. — *Drink* is, of course, a powerful contributing factor. In almost every case of stabbing, one can see this first-class enemy of peace in the community at work. The fact that legal prohibition is enforced does not prevent the concoction of strong alcoholic beverages, the name of which are illuminating, like "kill-me-quick", in fact so quick that all the resistance of the will is almost immediately blotted out. Alcohol is a curse, but the temptation to drink so as to destroy frustration by obnubilation comes mainly from the fact that normal collective living is well-nigh impossible. As in other instances, alcohol is much more a symptom of deeper causes of evil than a cause in itself. — We should add here that the lack of recreation for young people in the locations is another important contributing factor to the outburst of violence. On Sundays, youths go about in gangs, bullying everybody. They cannot go out on picnics; there are no picnic spots near them and where they would be permitted to go, the result being that they are at a loss as to what they can do.

I consider that another very grave contributing factor is the consistent refusal to let Natives organize themselves against violent crimes. No increase in the European and the Native Police Force as such will ever replace the constant vigilance of the communities themselves and a large number of responsible African Native leaders are now at a loss to find out means of protecting their people from crime. They have repeatedly pleaded for the re-establishment of civic guards, only to be given the answer that the Police alone are legally entitled to use force to curb crime, an answer which is no doubt correct, but which unfortunately does not meet the facts and statistics given above. Which police force could hope to deal effectively with the situation in our overcrowded locations which at night are so badly lit: how can they function, for example, in Alexandra Township which, in terms of a recent article in "The Star" has "become a jungle where hungry lions have been let loose", where gangsterism is both a fashion and a profession", where "in the dark shadows lurk the predatory humans"? The author, a man living in the township, says "It's the end of the world . . . . This is Sodom and Gommorah. But they cling

tenaciously to life amid the decay of the crumbling city of sin. It is the groan of prostrated people, writhing under the horrible heel of crime — baffled and powerless". He concludes "How do I live? It is difficult to resist the temptation to brag. I shrug my shoulders with a dash of bravado. I live . . . . forgetting for the moment the terror, the knee-knockings . . . . the 'Dark City'." In this same township a socially conscious policeman organised a Sunday School for over 600 children: the Police are trying hard to fight the evil, but it is only when the Police themselves agree to organise the PREVENTION OF CRIME, by assisting the community in setting up the civic guards they offer to create, that some normality will return. The security of the people needs the full co-operation of all the law-abiding urban Natives, and we plead with the authorities to reconsider their stand and to enlist the full co-operation of all those willing to safeguard the security of their community.

The fact that nowadays everyone carries a knife has also enormously increased the danger of stabbing. No one can blame a man or a woman carrying what he or she considers is an essential means of self-defence. But the trouble is that, with the prevailing temper of the people, with the general disrespect for life — even of one's own life as is obvious, though surprising — the knife is always available for the quick-tempered to use, and it is usually not a small pocket-knife, but a dangerous sheath knife or even a small dagger. — Among Bantu people, this immediate availability of the knife has got a somehow more sinister aspect than weapons carried by Whites. There are in Bantu languages, and in Bantu conversation, unseemly and extremely provocative words and expressions whose directness, potency and effectiveness are so great that they can unhinge the mind of a normal and generally peaceful man or woman into a fit of wild and uncontrollable anger. Anger, like Fear, is a very variable thing. But under the conditions described, anger is a menace for the future of the Bantu people in an even higher degree than among other groups. "Human anger does not promote Divine Righteousness" says James the Apostle (James 1:20) and it destroys the very foundation of social peace.

So far, we have tried to give facts and to suggest causes, but whatever may be the reasons for Violence, the time has come when all those who love Africa, Black, Brown or White must find ways and means of STOPPING VIOLENCE!

5. OUTLINE OF POSSIBLE LINES OF ACTION

(i) Suggestions of possible policy for responsible authorities, central and local.

In discusssing this paper with three most responsible African Native leaders, very valuable suggestions were made by them, and we offer them as they are, without in any way minimizing or disparaging the present efforts to combat violence:

(a) In planning urban and rural townships, it is evident that community allegiance and loyalty must be re-created. We were told that in Orlando, for example, there is no real community; it is as if ninety-eight thousand individuals had been brought together in a kind of haphazard manner. The idea of having tribal grouping, which has been so severely criticized, has no doubt some merit.

We know well that the tribes are now inter-marrying to a considerable degree. We know that rules of separation must be elastic rules. The administration may be sometimes tempted to have hard and fast principles which may be applied without flexibility, in a sort of teutonic monotony. But the effort to have children speaking the same mother tongue in one school has much to be said for it. My own late father, who opened in a large measure South African ethnography and ethnology, fought for a long time a losing battle for the recognition of the mother tongue. He finally succeeded to a considerable extent. Some Bantu leaders have a tendency to underestimate the value of their own mother tongue, driven as they are by the sheer economic value of a language, and nobody can blame them for that. But the value of one's own heritage is great and many recognise this now, without being animated by narrow nationalism. — The choice of Superintendents of Locations should be inspired by far-reaching considerations. They should not be instruments of the White rulers trying to fence in and to divide their charges. They should have a thorough knowledge of Bantu languages and have a genuine and real intrest in the people. One of their first duties should be to help them to devise ways and means of creating the *community sense* which a money economy and urban conditions have a tendency to break into pieces. A common ideal would counteract many disintegrating forces. At the present time, the people have the impression of being only governed, without any true participation in what is being framed for them by the authorities.

(b) An important remedy against crime would be the constitution of strong *parents' committees,* which would bring fathers and mothers together and give them a sense of common practical effort and action. Crime is a new feature, within the development of a new type of life with which parents are unfamiliar. School Committees are now developed on a large scale and may be the basis for more extended Bantu Committees representing the whole community. With the aid of the churches and all the social agencies at work, the authorities could encourage the formation of such Committees, which would be the best possible basis for the eventual selection and formation of strong civic guards, under the guidance of a Police more trained towards PREVENTION than towards CURE. Knowing the Bantu people a little, I would suggest that the creation of such committees would help considerably in checking adequately the present lawlessness of their children.

(c) The Police have a very difficult and delicate task, and it should not be forgotten that many policemen are losing their lives in the fight against gangsterism and tsotsiism of all types. But the general tendency hase been in the past to arrest, prosecute and imprison much more than to take positive action before crime is committed. Training should be directed towards prevention and towards a real co-operation between the officers and the people they serve. In London, everybody knows that the "bobby" is a friend in need and a friend in deed. In the U.S.A., the Police has become the real friend of the children. With P.A.L., the Police Athletic League, integrating into the individual policeman's duties a direct interest in crime prevention by the organisation of sports, wayward children are helped away from crime. On the streets

of Harlem, for example, at certain times, white lines are drawn on the tarmac for a multitude of games, one street or two is blocked to the usual traffic, and after school and before dark, children can play to their hearts' desires, under the supervision of the policemen, helped by a number of social workers. Once the games are finished, the children go home in groups, watched by those who organised the games, and the streets are re-opened to normal traffic. Without indicting anyone, we may say that, with us, the most important duty of the Police seems to be the *arrest* of criminals more than the *prevention* of crime. An African Native told us: we do not go to the Police for help readily, we run away from the Police for protection. This may be an overstatement, for there are undoubtedly fine examples of the police helping social welfare and religious efforts, but it is significant. What we have said must not be taken to mean that we suggest that, when a brutal and horrible crime has been committed, the police should use soft methods. It means that Police training and Police measures must be directed much more towards preventing crime.

(d) Owing to the present situation in urban areas, in all locations, it is urgent that *primary schooling* be made compulsory. We have already advanced towards that aim in making double-session schools possible; but this step which has been so severely criticized, sometimes unduly, has one very grave inconveniece. One of the ablest social workers I know told us that at present, at any time of the day, the streets are full of children. Some are at school in the morning, some in the afternoon. But when one asks one of the little truants on the streets why they are there, the answer is invariably that they are either "going" to school, or "returning" from school, which is of course a lie, and patent evidence of absenteeism. They have found the way of making their truancy plausible. — Once school is compulsory and readily available to all, discipline will tend to re-assert itself. The double-session system has brought many more children in the schools, but it has brought a situation in which there is little possibility of control.

The schools have an important part to play in checking crime. Physical fitness and formal education are necessary: *Mens sana in corpore sano,* — a healthy mind in a healthy body, is a good motto; but the emphasis should be on *the mind.* Why is there a tendency to praise and boost brain and brawn above simple humanity and kindness? That there is in sport and intellectual development a great programme and a diversion for the combative instinct is certain, but schools have often failed to inculcate the right ideals of life: they have often been used (also among the Whites) to foster narrow nationalism and an out-of-date tribal outlook. Schools should instil a vital respect for humanity. They could well discredit the bully and the fighter, who are by no means as frightening supermen as they believe they are. Why should not the great prizes in schools be given to him who helped a weaker one to victory? Why should not the challenge of magnanimity, sacrifice, peace-making and kindness be presented as the real challenge: schools can do much to provide what has been lacking in family training: they can instil, day after day, the collective disapproval of the knife: they can present the miserable end of all violence and teach it to both the individual and the community. The schools

can also teach *civics* and prepare even the voteless for the time when they will have to be given a say in the community. The schools can teach peace, teach the principles of common living which can supersede the shrill cries of terror of the victims of the gangs. The schools can create a community sense, a sense of belonging which is often the very reason for the success of gang loyalty.

(e) As far as the punishment of criminals is concerned, it becomes evident that a very definite and complete difference must be made between an accidental or a first violent crime and further ones. All Courts have been most outspoken about the horrors of brutal crimes: the Press has almost invariably given great prominence to the heart-rending details of such crimes; as with nudes and sex-appeal, newspapers have used ad nauseam the *horror-appeal* of crime. The tendency to consider an act for itself has made the Law unpsychological. Behind the act, there is a human being at a certain stage of deterioration, and it is most important that we should differentiate between the degrees of deterioration and use different methods at different stages. We often pass the death sentence, in terms of the Law and quite correctly, upon persons who are obviously redeemable; and we, on the contrary, tolerate leniency for persons who have been the cause of sufferings beyond description for a large number of their fellowmen. A first case of stabbing may be dreadfully brutal; but the man who did the act may have lost all control over a self which is not yet really bad. All the appalling details revealed in courts about a sort of butchery of the injured person are, in that sense, totally irrelevant. What must be ascertained is the degree of criminality in the criminal, and although we may be lenient for irresponsible, unsophisticated and primary offenders, even in serious cases, there is no doubt in our mind that, as soon as we touch hardened criminality, there is no question of any leniency at all. At a time when prisons become real factories, in which adequate, constructive hard labour is possible, such second offenders and hardened criminals should be given very long sentences. The criminal community would soon learn that a confirmed brutal man can hope for no sentimentality! That is what Penal Reform really means: an effective check of crime.

(ii) **The responsibility of the Family and the Church.**

In crime prevention, the Family is still a strong rampart of social peace. The *BANTU FAMILY* has been undermined by many factors. Parents invariably repeat that they cannot control their children any more, that they are afraid of them. One may sympathize with them; but their responsibility remains. It is in the Home that the respect for life and the horror of violence and brutality are taught best. Having been a minister to the souls of many Bantu people for over twenty-five years, in the bush as well as in the towns, I know the difficulties Bantu parents have. Overcrowding, promiscuity, insecurity, police raids (which should be used less and less because they are deeply resented by the Bantu people, and should be replaced by policemen *on the beat*, the only real and regular police protection needed): all this has upset a normal family life. Illegitimacy is rife. There is a constant instability due to the fact that both parents must work outside so as to insure the bare necessities of life. Psychologically, the change in

the pattern of life is frightening: The Bantu had as a basis of their social life a strict dichotomy between the sexes, a dichotomy which went very deep indeed. Men and women had a series of rules of behaviour which were very different, a fact which is well revealed by the different sets of proverbs used by men and women. In a sense, men and women lived in somewhat different worlds and came together at given times under strict rules. Boys and girls never slept together, etc. — Under urban conditions and economic pressure, all this conception of life has been blown to smithereens. — In time, this development will lead to a conception of love much nearer that of the Whites, but we are at the time of transition. Great efforts should be made to re-create the Bantu family on the basis of a solid Bantu marriage. — *Lobola* has entirely changed in its very nature through the establishment of a money economy, instead of the cattle economy which existed previously. I have always considered that *lobola* was the social sanction of a real marriage among the Bantu, and in a number of articles and studies, I have tried with others to show the value of this sanction which can be preserved, even at the cost of certain features of the custom which cannot co-exist with a Christian ideal. It is probably too late to try to come back to this old custom, even penetrated by new and more spiritual ideals. But marriage must be what it is for the Christian, a sacrement, a sacred act, in which God plays the central part. On the basis of such a marriage, the family starts and ends its daily life with God's word, and that in itself would do much to restore the respect for life as a gift from God, and also the sense of responsibility and inter-dependence of all the members of the family. Within the changing pattern of life, a daily reminder in family prayers of the anti-Christ nature of violence would help; the best teaching always remains the example of a forbearing father or mother, trying to tame their own inhibitions; indeed, the one who controls his spirit is better than a conqueror. There is still much in the Bantu family which can further love and care and stop violence in human hearts.

The Church is now a very great power in Bantu life. But it is often undermined by sectarianism, by outwards divisions which impair any real impact on the whole community. The substantial majority of the Bantu people in South Africa profess Christianity. The Methodist Church alone has more than one million Bantu members. Why is it that the Church has always been so shy in presenting the *non-violent* teachings of Our Lord? Why is it that the Church should, throughout the ages, bless the flags of warring Christian nations with a heart-rending monotony? Why is the Church always ready to quote the command "an eye for an eye and a tooth for a tooth", just as if the Mosaic word was the rule imposed by Christ, and we were to ignore the divine comments of Our Lord on this very word? How can we call ourselves Christians if we declare that His comments are impracticable and if we refuse to consider them as a charter of practical living? — Stabbing and Violence are a formidable challenge for the Church and she can hardly go on refusing to proclaim that violence is of the Devil and that the "predatory humans lurking in the dark" with a knife, the professional gangsters, the slayers of innocent people are ANTI-CHRIST! Those brutal youngsters and adults must naturally

be held with an iron hand, once they are caught, and segregated; they must be shown that brutality does not pay. But the great task of the Church is to *prevent* such distorted forms of human life. She must increasingly proclaim that Violence will never uproot Violence in Violent men. Reverence for Life is the basis of social peace: life and death are, and must remain the prerogatives of God !

* * * *

The authorities, the schools, the family and the Church are the ramparts of humanity. They must dethrone the Knife, the Panga, the Assegai and the Revolver from their privileged position in the community and in the hearts of men.

The Sotho say: "Pelo ea motho ke 'ma diketso" — the heart of man is the mother of deeds. Let us tackle the heart and change the fighting and killing instinct into a power of compassion !

The Tsonga (Shangaans) say: "Munhu i Vanwana" — Man is other Men. Let us teach that humanity can only be taught and learned in common living with other men, especially different men.

To dethrone the God of Violence in the heart is the real way to peace-making, the way to annihilate in our midst the power of the knife, the will to kill other men.

NKOSI SIKELELA AFRIKA — GOD SEËN SUID-AFRIKA !
MORENA BOLOKA SECHABA SA HESO — GOD BLESS SOUTH AFRICA !

H. P. JUNOD.

NEWS OF THE LEAGUE AND OTHER NEWS

1. **ZONDERWATER HOSPITAL FOR TB PRISONERS.** It was with very deep appreciation that we had heard that the Department of Prisons was considering establishing a special institution for all the prisoners suffering from tuberculosis. Many of the chronic sick prisoners had been accommodated at the Middelburg (Transvaal) Prison and during the early thirties, it was my privilege to visit them there. The authorities were doing what they could for them, but the atmosphere was oppressive and one had a feeling of real despondency. So many of humanity's broken pots were there and one felt that another set-up was badly needed. — Those who have followed the developments in the Department of Prisons during the past ten years know well how much has been done to improve conditions and to provide the institutions we need. It is with a sense of appreciation for the administration that we record now this new very progressive step forward: the TB Zonderwater Hospital. Quite near the old P.O.W.S. Hospital, there was a considerable establishment of the Department of Defence, and now a substantial part of the buildings has been set apart for TB prisoners by the Department of Prisons, in close co-operation with the Department of Defence. — I can only give a brief description of what I saw, on the occasion of a short visit last Sunday.

A few remarkable modern hospital wards have been entirely renovated, fully equipped and there are already more than seventy sick prisoners in them, each one with a very comfortable bed, each one looking as well as possible in their very nice and unlike-prison-garb dark grey gown. Every one expressed his gratitude for the change. — Magnificent kitchens have been established, with all the modern electric stoves, huge refrigerators, and all other kitchen installations needed. Every ward is equipped with the necessary medical facilities. One has the impression of going into one of the best and most adequate hospitals and, after my U.S.A. visit, I have no hesitation in stating that I saw nowhere anything better. It is the very essence of able administration to make use of all facilities and improve them, and one is glad that all the war establishments we still have in our land are little by little turned into peace opportunities for so many for whom the building of new facilities would be beyond the means of any Government. It is one of the features of this TB Hospital for prisoners that the rations given are in all points the rations of ordinary Hospitals and **non**-prison rations. This has been sanctioned by Treasury and represents a splendid achievment for the administration. With such vision and practical efficiency, plans can be made which are **not** costly and which admirably meet the present grave needs of the community. One is glad to know also that provisions are now being made for those other grave problems of our society. the mentally disabled and the mental sick who have had to be often accommodated in our police cells and prison hospitals.

When one knows of such achievements, although one measures the immense task ahead, one is not despondent and, when one has no party-politics in oneself, one can pay the tribute which able administrators deserve without any reticence.

2. It is such a pity that so many persons in the community do not see further than their own limited and all-important interests. At POLLSMORE, big plans are made for substantial developments of other large prison institutions there. But the Constantia owners and other interested persons are doing all they can to stop these developments. They approach the Prison administration, the Divisional Councils, the Ministers, and all and sundry, with a view to stopping progress. It seems that thousands are spent for such a campaign; how can the community repair its own broken pots, if the necessary institutions do not exist. We cannot hope to drive out of our sight all those who have offended against the Law. We know that almost everywhere, as soon as a prison is built, there is a public outcry, except when farmers starved of labour start building themselves accommodation for prisoners as farm labourers. A progressive comunity should be enlightened enough at this time to stop private interests, interfering with what is a priority community requirement of great importance, and we hope that our Cape members will see to it that such damaging actions for the progress of the nation as a whole are indicted as they should.

3. On 31st December of 1956, we established a new record by having **thirteen executions** on the one day, and at this time of writing, there still are 54 men in the condemned cell. What we have said of Stabbing in this very issue of our News will show that we fully realise the emergency in which we are as regards crimes of violence, and that there is not an atom of unfair criticism of the measures taken to combat this emergency. But our hope is that the community and the authorities will pause and think deeply on this grave issue. It is becoming more and more obvious that our measures do **not** touch the causes of violent crimes, that they are in fact a form of dead-end Justice, a confession of community failure. We are grateful to know that new approaches are being devised at the present time by the Department of Justice. But it is the community itself which must reconsider the whole problem. No measures after the event, after the crime has been committed, can undo the crime. The whole attention of the community must be turned for a time away from legal and penal measures and directed towards measures of a social nature which will tackle the root of the evil. We may go on flogging when it is deemed necessary, we may even go on passing and carrying out death sentences as so many people think that by doing so we suppress the individual criminal and we deter others from doing what he did. But we will never affect our incidence of violent and serious crime unless we come back to the vicious conditions under which many of our people have got to live. Our criminal statistics go on increasing year after year. Our prosecutions reach now the fantastic proportion of 112 per thousand. Our gaol admissions have passed the 300,000 mark per year. But all this does **not** affect the basic reasons for our disproportionate incidence of crime.

I have read editorials presenting the situation in such a way that some advocacy of a return to stiffer and sterner prisons and more drastic violent measures is made. It is surprising that the writers of such editorials, who think they represent the views of the informed persons, are so little informed themselves about the direct results of the old methods and their total ineffectiveness to check crime. It seems to us, after some years of experience, that there is a grave confusion in the thinking of many people, and we would like briefly to put it this way:

When we have to deal with a first offence, violent as it may have been, we discredit the community if we fall to the level of the offender. In cases of very serious violent first crimes, like stabbing under the influence of liquor or panicky retaliation to provocation, to indulge in sadistic retribution leads everyone, the punisher as well as the punished, to further deterioration of morals. But WHEN WE SEE A REPETITION OF SERIOUS VIOLENT CRIMES, there should be no hesitation in taking VERY SERIOUS MEASURES. An individual, even a youngster, who becomes a hardened brutal stabber, who lets his own inner savagery take control of his life should be shown very little mercy. He should be given a long term of imprisonment under very strict conditions of HARD LABOUR, not the kind of hard labour which is now undefined, and left to the discretion of the person in charge of the institution; HARD LABOUR of a constructive, but strenuous type, an EXACTING type of labour, which means a sort of labour taking out of the individual a great deal of his physical and mentalenergy. PENAL REFORM IS NOT A NAMBY-PAMBY AND SENTIMENTAL DEVELOPMENT. It asks for results, concrete and positive results. Criminology becomes a Science of human misbehaviour, and it can establish programmes which are effective. — It remains that the suggestion to return to the dungeons of the past and a lamentable disregard of human values in the offender is a lack of adequate thinking and has grave consequences for the community as a whole. Let us beware also lest we make of those who have to repair broken lives a lot of brutal disciplinarians whose own outlook on their fellowmen becomes itself unnatural.

4. The Second Meeting of the CONFERENCE ON THE TREATMENT OF OFFENDERS (JUVENILE DELINQUENTS) organised by the Commission for Technical Co-operation in Africa, South of the Sahara (C.C.T.A.), took place at Kampala (Uganda) in mid-October and we hope to be able to give a more detailed description of the work done in further issues of our News. We also hope that it will be possible for one of the Delegates from the South African Government to give an account of this important meeting at the Annual meeting of the League. The preparatory papers presented by the Union are in our hands and they cover very fully all the phases of our own action against juvenile delinquency.

A very remarkable article appears in Vol. 47, No. 3, of the Journal of Criminal Law, Criminology and Police Science of the U.S.A. (September-October 1956) by Louis le Maire, Legal Adviser to the Danish Medico-Legal Council, on the Danish Experiences regarding the castration of sexual offenders. We hope to give a fuller idea of it in a future issue of this Journal. The conclusion reads as follows:

"Doubt can thus arise as to how castration therapy can best accommodate itself with the other reaction remedies which are available against criminals. From the experience gained in Denmark (up to date 600 have been castrated), on the other hand, there can be no doubt regarding the justification of the operation, and therefore it cannot be surprising that we who have had the opportunity of following this form of treatment and observing the results thereof, must also feel it incumbent on us to raise the question for discussion in those countries where the scruples which must naturally be associated with the matter still prevail."

(op.cit. p. 310)

* * * *

Another quotation is illuminating: "The principle effect of the castration is obviously de-sexing, the elimination of the sexual urge which is such a dominating feature within the sphere of sexual criminality. Sand *mentions how it has been feared that legal castration could well remove the hormone component in the sexual urge but that psychical components could be so firmly established in the brain that the removal of the hormone influence would not completely extinguish the sexual libido and that the remnants of this, guided alone by the psychical components would be able to develop certain sexual practices. This anxiety, however, as far as the Danish cases for castration have been able to establish, has generally speaking, proved to be unfounded."*

(op.cit. p. 296)

THE PENAL REFORM LEAGUE OF SOUTH AFRICA was officially created on November 1st 1946. Its objects are: THE PREVENTION OF CRIME and THE RIGHT TREATMENT OF DELINQUENTS.

THE LEAGUE SEEKS TO ORGANISE PUBLIC OPINION AND CO-ORDINATE THE EFFORTS OF ALL PEOPLE OF GOODWILL TOWARDS PENAL REFORM.

THE LEAGUE seeks to promote investigation into THE CAUSES OF CRIME, THE MEANS OF PREVENTION OF CRIME, and THE METHODS OF TREATMENT OF OFFENDERS.

THE LEAGUE urges greater use by the Courts of remedial and rehabilitative measures in the place of imprisonment, and the removal of all petty offenders from Prisons. In South Africa, where 94 per cent. of admissions into Prisons is for sentences of six months or under, the urgency of this work cannot be over-emphasized; the League demands the abolition of racial discrimination resulting in unequal sentences;

The League suggests improvements in Prisons and Institutions Regulations and the abolition of unscientific methods of treatment; the League takes every opportunity to press for reforms in our Courts, our Reformatories, Work Colonies, and Penitentiary Institutions, and advocates the removal of Prisons from the Cities and their replacement by diversified and classified Institutions in the Country; the League informs public opinion, urges intensification and co-ordination of all efforts towards Penal Reform, co-operates with all agencies and State Departments in the organisation of proper consultation and co-ordination of efforts.

THE LEAGUE IS YOUR BUSINESS — TAKE A HAND IN IT NOW.

For full particulars of the programme of the League write to:

THE DIRECTOR, PENAL REFORM LEAGUE OF S.A.,
P.O. Box 1385, Pretoria.

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Penal Reform News

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In Memoriam

CHARLES WILLIAM HENRY LANSDOWN

Issued by:

THE PENAL REFORM LEAGUE OF SOUTH AFRICA,
P.O. Box 1385,
PRETORIA.

"No one punishes a wrong-doer from the mere contemplation or an account of his wrong-doing unless an irrational vengeance is to be taken like that of a wild beast. But he who undertakes to fix a punishment rationally, does not seek revenge for the past offence, since he cannot undo what has already been done: he is more concerned with the future, aiming to deter the culprit himself and any others who were witnesses of his punishment from ever doing it again . . . He punishes to deter." Plato, "Protagoras" 3248. (Communicated by the late Dr. C. W. H. Lansdown in 1951).

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"It seems to me that the policy of this League is twofo'd. Firstly, public opinion must be educated as to the economy and the public good which will result from the adoption of some such prison system as is envisaged by the Commission. The result will be that crime will be decreased, that there will be a lessening of public expenditure in legal and prison administration, and that the services of men will be available to the State who otherwise might be languishing in gaol. And secondly, it is the function of the League to keep before the attention of Parliament and the Government the necessity for implementing some such recommendations as these. If this League keeps these two main purposes before it, then I feel, and I am sure the public will feel, that they are doing a good job of work and acting in the best interest of the country."

Dr. C. W. H. Lansdown, in his address on "Our Prison System and its Future". *Community and Crime*, 1949. p. 84. (Penal Reform League of S.A., P.O. Box 1385, Pretoria).

How far we have fulfilled the wish of our late Joint President is for our members to assess.

PENAL REFORM NEWS
STRAFHERVORMINGNUUS

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FOREWORD

It is right and proper that this booklet issued by the Penal Reform League of South Africa should serve as a memorial in honour of the late Mr. Justice C. W. H. Lansdown, who did so much in the cause of penal reform. I had the privilege of meeting our departed friend when he was in the Attorney-General's office at Cape Town at the time when the late F. G. Gardiner (who afterwards became Judge-President of the Cape Provincial Division of the Supreme Court), was Attorney-General. Later on when I was Parliamentary Draftsman I came into closer contact with Lansdown when he became a Government Law Adviser and as such drafted legislation which was introduced into Parliament by the Government. His *magnum opus* was the Liquor Act of 1928. He spent a great deal of time and energy in drafting a model bill and I well remember his distress when the House of Assembly had hacked it about to such an extent that many amendments had to be made by the Senate.

Shortly after the Liquor Bill had become an Act, he was appointed to the Bench in Natal and later he became Judge-President of the Eastern Districts Local Division of the Supreme Court. In 1937 I had the pleasure of serving with him when he was Chairman of the Delimitation Commission during that year.

It is probable that no judge served on more commissions than Lansdown, and in this field the most important of his Commissions was the Penal Reform Commission. The terms of reference of that Commission overlapped to a certain extent the terms of reference of the Public Service Enquiry Commission, of which I happened to be Chairman, and it became necessary for me to keep in close touch with Lansdown in respect of the terms which overlapped. I found him to be full of useful suggestions.

A very important result which followed from the labours of the Penal Reform Commission was the 1948 Criminal Procedure and Evidence Amendment Act which gave an accused who had been convicted before a Superior Court a full right of appeal (after leave granted) on facts as well as on law, to the Appellate Division. The Act follows closely the language used by Lansdown in the draft bill which formed portion of his Commission's report. In practise the Act has worked well and experience has shown how necessary it was. Prior to the passing of the Act, the Appellate Division could interfere with a finding of fact by a court *a quo* only if there was no evidence on which such a finding could reasonably have been based: now the Appellate Division has a wider power.

Both the Judiciary and the practising lawyer will remember with gratitude the industry and learning displayed by Lansdown in the monumental work on Criminal Law produced by him and the late F. G. Gardiner — a work which Lansdown kept up to date in new editions published after the death of his co-author in 1935. That work has become indispensable to the Bench and the prac-

tising lawyer. Another standard text book written by Lansdown is his work on the Liquor Law — a work which will also be found on the shelves of most legal practitioners.

Endowed with a penetrating mind and an intellect of no mean order, Lansdown reached the high position he attained through his great industry and devotion to duty: he owed nothing to influence. Work had no terrors for him: he did not know what overtime meant. He was in every respect a self-made man, but at the same time he was imbued with a deep sense of duty towards his fellow man. He took a lively interest in all matters affecting the welfare of society in general and in particular he devoted a great deal of his time and energy to the cause of penal reform. May the record of his life serve as a shining example to all of us who have survived him.

A. v.d. S. CENTLIVRES.

CHARLES WILLIAM HENRY LANSDOWN, 1874-1957

Charles William Henry Lansdown was born near Bristol, England, on the 10th June, 1874, and came to South Africa with his parents in the Union Steamship Co.'s "Arab" in 1882. His father was employed by the Cape Government Railways and, at a comparatively early age, he also joined that service, his first appointment dating from 1st March, 1889. In 1892 he passed the Civil Service Examination, obtaining a first class in Dutch, and the next year he passed the Civil Service Lower Law Examination and was transferred to the Colonial Office, under which magistrates then fell. In 1894 he went to the Attorney-General's Office, beginning a fifty years' unbroken service in the administration of justice.

His efficiency and untiring energy soon attracted the notice of his superiors and in May 1898 he became Private Secretary to the Attorney-General, the Hon. T. L. Graham, K.C., later as Sir Thomas Graham the Judge President of the Eastern Districts Local Division of the Supreme Court. Young Lansdown was Private Secretary to successive Attorneys General for the next nine years and thus worked in the closest possible relations with Sir Richard Solomon, afterwards High Commissioner for the Union in London, Sir James Rose-Innes, later Chief Justice of the Transvaal and then of South Africa, again Sir Thomas Graham, and lastly, the Hon. Victor Sampson, K.C., later a judge in the Eastern Districts Local Division. From 1901 to June, 1907 he was also Chief Clerk in the Legal and Criminal Branch of the Attorney-General's Office. In those days the Attorney-General, in addition to being a Minister of the Crown, appeared in big criminal cases and was allowed private practice, and was ex-officio head of the Cape Bar. It will be appreciated that, assisting the Attorney-General in his office work and "devilling" for him in his opinion and Court work, Lansdown had a unique opportunity of acquiring a thorough knowledge of legal, constitutional and administrative problems.

As he began work before his sixteenth birthday, he had not the advantage of a university education, but from the time that he joined the Service, he set out to make good the deficiencies at a time when there were no correspondence colleges and he had to rely on his own efforts with the encouragement of his chiefs. He passed the Matriculation Examination in 1895, the Intermediate in 1899, and the B.A., with Honours in Literature and Philosophy, in 1902, the Preliminary LL.B. in 1905 and the Final in 1906. He was admitted as an Advocate of the Cape Supreme Court early in 1907 and in July of that year became an Additional Legal Adviser. In 1900 he was the first winner of the Chalmers Memorial Prize with an essay on "Christian Missions in South Africa as a Civilizing Force". This was all done while he was fully occupied with his official duties.

While engaged in all these activities, he had acted for short periods as Assistant Magistrate at Aliwal North and Port Elizabeth, as Chief Clerk to the Solicitor-General at Grahamstown and as Assistant Secretary of the Cape Law Department. For

variety, he was, in 1907, a member of the Commission that enquired into the occupation of land by Natives in areas other than those set aside for them, and, in 1910, of the Native Affairs Commission (Cape).

On the establishment of Union, Advocate F. G. Gardiner became the first Attorney-General of the Cape Province and Lansdown was appointed his Professional Assistant. So began the famous partnership to which we are indebted for the monumental work on "South African Criminal Law and Procedure", the first edition of which was published in 1918. Soon after its publication Lansdown was appointed a Law Adviser in the Department of Justice at Pretoria. In 1926 he succeeded Mr. E. W. Douglass as Attorney-General of the Cape, but occupied that post for one year only, being recalled in 1927 to Pretoria as Senior Law Adviser. For the next four years he was primarily responsible for drafting the new legislation. One of the fruits of his labours was the Liquor Act, No. 30 of 1928, which consolidated and replaced the pre-Union legislation of the different Provinces. On the passing of that Act, he published a text book on the "South African Liquor Laws", in which he endeavoured, with considerable success, "to present to the reader an exposition and explanation of the rules of law governing . . . . the supply of intoxicating liquor and the conduct of the liquor trade." In warning the reader that he was not infallible he quoted a judgment given in 1928 by Lord Justice Scrutton: "I cannot look at what the draftsman, if he has written a text book about it, says he meant by the words; he must be judged by the words he has used, not by what he now thinks he meant by them." In spite of this warning, our Courts have, in general, accepted his interpretations.

In 1928 he acted for a short period as a Judge in the Orange Free State Provincial Division, and in 1930 he was offered a seat on the Bench of the Natal Provincial Division of the Supreme Court. He declined the offer at that stage, but accepted the appointment when the offer was repeated the next year. In 1937 he was promoted to the post of Judge President of the Eastern Districts Local Division of the Supreme Court, in succession to Sir Thomas Graham, to whom he had been Private Secretary nearly forty years earlier. After seven years at Grahamstown he retired on his seventieth birthday in 1944.

Mr. Justice Lansdown had a long and varied experience of Commission work. Mention has been made of the two pre-Union commissions of which he was a member, but it was after his elevation to the Bench that the Government made much use of his services on various inquiries. He was Chairman of the Companies Law Commission in 1935-36; of the Police Commission in 1937; of the Witwatersrand Mine Natives' Wages Commission in 1943; and, after his retirement, of the Penal and Prison Reform Commission, 1945-47. A perusal of the reports of these commissions, unfortunately presented in the unattractive form of Government Blue Books, will show the extraordinary range of Judge Lansdown's interests and the clarity of his mind in the presentation of his conclusions. There was no doubt as to his being the domi-

nating personality on these commissions and what struck one here, as on the Bench, was his unfailing courtesy to all who appeared before him as witnesses or as Counsel, and his evident desire to get at the truth. A correspondent in the United States, to whom I sent a copy of the report of the Penal and Prison Reform Commission, wrote to say that it was at once the most comprehensive and concise review of the problems covered that he had had the pleasure to read. That, I think, is praise which might be applied to any of the reports for which he was responsible.

Of the judge as a man it is difficult to speak. We are too near to him, and the sense of loss is too great. I have known and worked with him for nearly fifty years, ever since, as a junior clerk on the Supreme Court, I first met him when he used to appear as prosecutor. As an advocate, he was always scrupulously fair and very thorough. He and Judge Gardiner were excellent models for anybody aspiring to be a prosecutor. Always courteous, even to old lags when they elected to give evidence; stressing points in favour of the accused, and actuated ever by a desire to see that justice was done; never straining for a verdict, but seeing that a jury was not misled by a specious defence. I always enjoyed sitting as registrar when Lansdown was prosecuting.

Later, as Government Attorney and a Junior Law Adviser, I was to work with him in another sphere. In many discussions with him on legal and constitutional matters, I was struck particularly by his thoroughness in getting the facts straight before venturing on an opinion which might lead to litigation and, in any case, might affect the rights of some individual. He was quick to resent and to advise against any action which he felt might lead to injustice.

His legal interests were not confined to our own law, but he always studied, with enthusiasm, problems in International Law, that mixture of ethics and politics which has so many points which are not yet settled. Walfisch Bay was annexed on behalf of Great Britain in 1878 and was subsequently ceded to the Cape Colony. Later Germany annexed the balance of the territory which is now South-West Africa, and a dispute arose as to the exact boundaries of Walfisch Bay. This was referred to arbitration by the King of Spain, who appointed Don Joaquin Fernandez Prida "Senator of the Kingdom of Spain and Professor of International Law at the University of Madrid" to hear the evidence. At the hearing at Walfisch Bay the German Emperor was represented by a galaxy of legal luminaries, while the Union Government was satisfied to send Advocate Lansdown — alone. The result of the arbitration was a complete victory, the German claim to valuable hinterland of the port being unsuccessful. In 1930, as Senior Law Adviser, he represented the Union at a conference convened by the League of Nations for the codification of some departments of International Law.

After his retirement, he resided for a short period at Port Elizabeth, but later settled in the Peninsula, where he took an active interest in the work of the Institute of Citizenship, giving several lectures on aspects of Criminal Law and Penal Reform and summing up his general attitude in an outstanding talk on

Tolerance, a plea for tolerance in all our relations with our fellow men regardless of colour, race or creed.

For some time before his death he was crippled by arthritis. He underwent several operations in the hope of relieving his suffering, but without success and he, who had always been so energetic, was forced to resign himself to being bedridden. He bore his suffering with patience but, clearheaded as ever, he discussed from time to time problems arising out of the publication of the sixth edition of "Gardiner and Lansdown", an event to which he was looking forward.

He died "full of years and honours" on the 6th January, 1957, leaving a widow, five sons and a daughter.

W. G. HOAL.

DR. LANSDOWN . . . .
CRIMINAL LAWYER, JUDGE AND JURIST

Man can build himself no better memorial than the composition of a good book, and when that book is one consulted daily throughout the land the memorial is infinite. It was a happy day for the legal profession when Frederick Gardiner and Charles Lansdown became associated in the offices of the Attorney-General in Cape Town, for there a friendship was cemented which in November, 1917, produced the criminal lawyer's bible "South African Criminal Law and Procedure" in two volumes.

The research that this book must have necessitated would alone have assured that the authors became experts in the criminal law of this country, but the excellence of the work amply bears witness to their ability and knowledge. The last edition of 1946 was produced by Dr. Lansdown alone, and his devotion to the success of any project which he undertook was amply demonstrated, for frequently on Circuit after a heavy day's work he would repair to his rooms for a further session with his book. It is not surprising that with this research and a long experience as a Law Adviser and Attorney-General his knowledge of the subject was boundless.

In jure omnis definitio periculosa est. It was therefore fortunate that it fell to the lot of Dr. Lansdown to define "extenuating circumstances". In a reported decision in the Eastern Districts in **R. v. Biyana,** 1938 E.D.L.D. 310, he stated "In our view an extenuating circumstance in this connection is a fact associated with the crime which serves in the minds of reasonable men to diminish morally albeit not legally the degree of the prisoner's guilt. The mentality of the accused may furnish such fact". The mentality of the accused in that case was a profound belief in witchcraft. This decision was put to the test before the Appellate Division in **R. v. Fundakubi,** 1948(3) S.A. 810, and needless to say both the definition and the view were accepted as being admirably expressed.

The presence of "extenuating circumstances" in a murder charge, having the effect of giving to the Court a discretion in imposing the capital sentence, was adopted in this country in 1935, but has not been adopted by the English Legislature. It was,

however, considered by the Royal Commission on Capital Punishments in 1953, and no better witness as to its efficacy could be found than Dr. Lansdown. He said in evidence before the Commission that he had not found the responsibility of this discretion unduly onerous, and would deplore the withdrawal of a provision which had lightened his labours, by enabling him to be the agent in proper cases for giving just and reasonable scope to mercy and sound sense, without doing violence to any principle of law or logic.

In spite of this eloquent plea the principle has not been adopted in England. But Dr. Lansdown expounded the principle further in a letter to the London Times, a portion of which may be quoted for its interest to the legal profession and to advocates of prison reform, for it is the opinion of a jurist which might well be quoted in this country, certainly with the same authority as Carpzovious or Moorman or any other Roman-Dutch writer. He said of the application of the principle of a finding of extenuating circumstances:

> "The scheme has worked satisfactorily in South Africa, and as I can personally testify, readily and easily and in the best interests of justice, providing a just means, and this be it noted, by judicial not Executive authority, of combining mercy with justice in cases where the rigidity of the law prevents extension. Immaturity of mind as in youth, or retarded mental development; degeneracy of mind as in extreme old age, or in neuropathic or psychopathic conditions not amounting to insanity; acts under influence of authority not amounting in law to coercion; clouded judgment due to drink or drugs; or physical or mental strain not resulting in insanity within the McNaghten rules; a wrong, but not entirely unreasonable, belief by the accused that a fatal attack was being made upon him; minor degrees of participation in crime; mercy killings; give examples of cases in which the doctrine of extenuating circumstances is readily applicable."

It is interesting, however, to note in contrast that his views on punishments were somewhat more severe than those of his brother judges, or at least so his punishments indicated. His address to a convicted prisoner was always prefaced by the phrase "you are a bad man", and thereafter an exemplary sentence followed.

On the other hand no more kindly natured judge could be found. The conduct of his Court was never marred by hasty utterances; he never caused hurt to the humblest present, and his consideration of any evidence or argument was faithfully given.

His rules for health give a very interesting reflection on his life and character. They were "Live simply and frugally; be abstemious in the matter of alcohol; and avoid that corrupting influence of modern society, the cocktail party."

But Dr. Lansdown's field of activities was by no means confined to the criminal law, for in 1930 under the hand of the Royal Seal he was South Africa's sole representative at the International Conference for the Codification of International Law held at the Hague, and his work at this conference was highly commended. It was written of his work at this conference:

> "Probably the busiest man of all those attending the Conference is Mr. C. W. H. Lansdown, K.C., Senior Law Adviser to the Union Government and the sole representative of South African interests. No one who knows him is surprised that Mr. Lansdown is making himself personally extremely useful, for, without flattering him in the slightest one can say that his experience as well as his ability is so great and so

uncommon as to give him a unique position among the international jurists gathered there . . . . The presence of Mr. Lansdown is a cause of real congratulation to themselves by his colleagues at the Conference, and great regret has been expressed that since the three grand committees are sitting simultaneously and he has no substitute, he has been compelled to refuse membership of some of the subcommittees at which his presence was especially desired."

In 1931 he was appointed by the President of the United States as American non-national member of the Permanent International Commission for the Treaty of Arbitration and Conciliation between the United States and Switzerland. His many other activities do not fall within the ambit of this composition, save that for very many years Dr. Lansdown was a member of the Joint Committee for Professional Examinations, an arduous and engrossing work. It is not surprising that the University of South Africa capped this exalted career by conferring upon him in 1947 the Doctorate of Law "Honoris cause".

In his works his memory will live on.

E. F. v.d. RIET

JUDGE LANSDOWN AS CHAIRMAN OF THE PENAL AND PRISON REFORM COMMISSION

I have a clear memory of the very first meeting of the Commission in the Palace of Justice, Pretoria, in December 1945 when we met to plan our programme and itenerary.

I had never met Mr. Justice Lansdown before and was naturally fascinated to participate in what was for me an entirely new venture — work on a judicial commission. Judge Lansdown was a small man, even at that time suffering from some disease in one of his hips. He walked always with the help of a stick and at times suffered very great pain. Yet in all the time of the commission, when we travelled through the length and breadth of the country, visiting every kind of penal institution, for old and young, for white and brown and black, up hill and down dale, at times, I never saw him falter or decide to stay behind. Nor do I remember that he ever delayed the departure of the commission for any visit or caused a meeting to begin late. He was always on time, friendly, patient, eager to understand. Only once did I see him really angry, and I wondered how long he would contain himself, when a witness appeared before us, bolstering his self-confidence with gawdy clothes, a large floral buttonhole and a huge cigar. It was the cigar which really offended! However, I do not think the witness ever guessed how irritated our chairman was!

Judge Lansdown himself told me that he had asked for me to be a member of the commission because of my knowledge of the problems of children in-need-of-care, of all races, and because he wanted a thorough study of the preventive institutions in our society, before studying the corrective processes which must be undertaken when these provisions have failed to integrate individuals into the society.

Before the commission had finished its work we had accumulated a great deal of literature and received memoranda from 409 witnesses. It needed intensive work to keep abreast of all the

reports that came in, and steady preparation to be ready to interview the witnesses as they appeared. It is, I suppose, a characteristic of the members of our judiciary that they are punctilious in the attention they give to their preparation for a hearing, yet it was nonetheless inspiring to experience this from day to day from a man who was quite obviously suffering and sometimes short of the rest he should have had between the sittings.

I have never met a more courteous man and loved to watch his twinkling eyes and hear his cultured English voice. For Judge Lansdown had a great command of the English language, and he delighted in the sonorous phrases which often reminded me of Gibbon. Reading through the report of the commission it is easy to see his handiwork right through it, for though we all took a part in drawing up sections of the report, these were always discussed in conference and were almost always moulded into a harmonious whole by our chairman. Judge Lansdown was most anxious to have a unanimous report saying, quite rightly, that only a strong report received the attention of the Government, while divided opinions and long minority reports easily gave legislators the opportunity to shrug their shoulders and to do nothing. Mostly the report of the commission is unanimous, but on two questions Senator Hartog felt compelled to disagree with the rest of us, namely on the problem of the Urban Native and on the proper persons to preside over the proposed intermediate courts, while I could not bring myself to agree that capital punishment should be retained in our law. From a study of all the evidence collected, especially in Great Britain and America, I was satisfied and am still satified that "the assumed deterrent value of capital punishment has been abundantly disproved so that the penalty stands out starkly for what it is — a relic of a system of vindictive punishments which should no longer be tolerated in a civilised state". Judge Lansdown and the other members of the commission stated that "it may be said that public opinion in South Africa is not ripe for the abolition of capital punishment. Though the Commission is of this opinion, it feels that this argument cannot be pushed too far: in a matter of vital social reform the reformer must be in advance of and educate public opinion".

Looking back over the work of the commission I often wonder whether I did not press Judge Lansdown too far in my eagerness to show him and often to see for myself, the manifold educative and protective institutions for children which already exist in the Union. He visited crèches, children's homes, play centres, yes, even individual foster homes, which many members of child welfare societies strongly prefer to large institutions for children, deprived of their parental homes. He sometimes shook his head at me, but he was eager to see and we did all see, an amazing number and variety of institutions. Appendix C of the Report gives a list of 58 Prison Department Institutions and Police Lock-ups visited and appendix D gives a list of 52 other types of institutions visited; while off record, as I have said, protective institutions of various kinds were also visited. I have no hesitation in saying that under the leadership of Judge Lansdown the commission over which he presided worked hard and conscientiously and did as thorough a piece of work as the evidence available enabled it to do.

The Report of the Commission U.G. No. 47-1947 was published in 1947. Monsieur Junod in asking me to write this article requested me to indicate "what you feel has been left without implementation in your proposals". It would take a very long article to go over all the ground covered by the commission. It must be remembered that there was a change of Government in 1948, and it is well known that a new government comes into power with its own programme, and perhaps without vital interest in some of the problems which interested their predecessors. It takes time for the new team to get to grips with all the facets of the work of their departments, and it is therefore understandable that there has been a lag in the implementation of the recommendations of the Penal and Prison Reform Commission.

Many things recommended in the report have been implemented. Indeed actually during the sitting of the commission the Minister of Justice requested an interim recommendation in connection with the court of criminal appeal, and a draft bill was prepared which became law, allowing appeals on questions of fact in criminal cases in certain circumstances. Also during the sitting of the commission or immediately prior to its sitting, the Minister of Justice had authorised Mr. Hoal, the then Director of Prisons, to introduce certain urgent reforms in our prisons. Perhaps the most dramatic of these was the introduction of smoking allowances for European prisoners which immediately led to a decisive drop in the incidence of breaches of prison discipline. To the best of my knowledge no similar allowance has been made for Non-European prisoners.

Even before the commission reported, a new prison for European first offenders at Baviaanspoort had been established, and a separate institution, on the same farm, for adult Native first offenders serving long terms of imprisonment was also established.

Considerable developments have taken place at Zonderwater, both for European and non-European long term prisoners. It is called a "half-way-house prison which may truthfully be described as a training centre of the prisoner for freedom". "In the case of Zonderwater no limitation of period during which the prisoner may be sent to this institution has been imposed, and it is therefore possible for a man who has proved that he is willing to co-operate and evinces definite signs of reformation to serve a number of years in the more congenial surroundings of Zonderwater". It is intended ultimately to accommodate 400 Europeans and 500 Natives at Zonderwater.

The Zonderwater institutions enable the inmates to improve their earning capacity through the varied instruction given and there is also a graduated system of freedom, which prepares the inmates for re-entry into the free world in a far better way than was possible before. Also the farm colony at Leeukop near Johannesburg has developed into a fine institution for Natives serving a long term of imprisonment. Natives sent there under the Native Urban Areas Act will shortly be sent to a new institution being built at Baviaanspoort where farming of every variety will be taught.

In the report of the Director of Prisons for 1952 it is stated that "It is fully accepted by the Department that the aim of penal

sanction is not only to punish the delinquent, but also, as far as may be practicable, to further his reformation and re-adaptation to the normal standards of social behaviour in the community, in order to prevent recidivism".

The Penal and Prison Reform Commission laid down as the fundamental principle that the safety of society was the aim of penal institutions, and that the treatment of offenders must be guided always by that aim. The whole range of sanctions at the disposal of judicial officers was studied, and an attempt was made to estimate the value of these sanctions. The commission considered that deprivation of liberty through imprisonment played too great a part in our penal system. It is the overwhelming opinion of students the world over that short terms of imprisonment can have no reformative effect and may do infinite harm by bringing short term offenders into contact with hardened criminals. It was also considered that where imprisonment was resorted to the deprivation of liberty should be considered as the punishment, and the time of imprisonment should be used not for further punishment but rather for re-education and reform.

The commission emphasized that serious attempts should be made to reduce the prison population and attention was called to the desirability of stopping the almost automatic coupling of a term of imprisonment with the imposition of a fine, in case of its non-payment. Attention was called to the success of the British system of forbidding the imposition of the alternative of a term of imprisonment, until every effort had been made to enable a sentenced person to find or to work for the imposed fine. The commission recommended the abolition of the use of the cat-of-nine-tails and also advised the very strict supervision of those sentenced to receive cuts or lashes. Evidence given to the commission showed overwhelmingly that corporal punishment has no effect on severe psychopaths and only did grave harm to neurotics. It is a great sorrow to study our police and prison records and to note the extremely heavy increase in the number of persons sentenced to receive corporal punishment. In 1945, the latest year for which the commission had figures, the number of offenders sentenced to receive corporal punishment was 2,649 constituting 1.7% of the total sentenced admissions to prison. The total number of strokes administered was 15,767. In 1954, the latest date for which statistics are available, 13,879 individuals constituting 6.7% of the sentenced prisoners received corporal punishment and the total of strokes administered was 78,573. These enormous increases are due to the implementation of the provisions of Act No. 33 of 1952 whereby the imposition of a sentence of corporal punishment is peremtory on conviction for certain offences.

The great increase in the number of recidivists in our prisons does not lead us to believe that the severe measures being taken are having any salutory effects in the reduction of crime. In 1945 the number of recidivists in prison constituted 34.8% of imprisoned persons. In 1954 the percentage was 46.3% !

The daily average of imprisoned persons in 1945 was 22,929.2. In 1954 it was 36,112.8.

In 1945 11 persons were executed and 29 persons convicted for murder had their sentences commuted. In 1954 115 persons

were condemned to death and of these 73 were executed. Also 12 infant children of female prisoners died in prison during the years 1952-1954. According to statistics published by the police Department for 1955 no fewer than 1,471,329 persons were convicted. Of these 76,832 were convicted of serious offences, 358 of them for murder.

I have no hesitation in saying that real improvement in our efforts to reform criminals will be impossible until we stop creating casual offenders and institute other methods of dealing with those that remain. It is well known that 60% of our total prison population consist of persons whose sentences of imprisonment are 30 days or less.

The system can do no good to these persons. When our prison population is reduced, then there can be instituted the real remedial system recommended by the Lansdown Commission — the Allocation Centre where long term prisoners will be properly studied and their needs assessed, a hierarchy of institutions supplying these needs through an indeterminate period which will depend on the effort put forth by the prisoner, a system of parole under the supervision of properly qualified probation officers and a guided return to society which will be educated to receive them and to give them the chance they have earned. — Then only will the vindictive punishments of the past dwindle away and the ideas adumbrated by the Lansdown Commission be given scope to come into play.

A. W. HOERNLÉ.

JUDGE LANSDOWN AS CHAIRMAN OF THE PENAL AND PRISON REFORM COMMISSION

For many years the great need for reform in our Penal procedure and Prison treatment methods has exercised the minds of those in close contact with the problem. The Rev. Junod was pressing in his cry for reform and Mr. W. G. Hoal, Q.C., who had been Secretary for Justice and then held the post of Director of Prisons, was no less insistent on a full investigation. When the question of the appointment of a Commission of Inquiry was raised in Parliament, it met with an immediate response from Mr. Harry Lawrence, the Minister for Justice and the House in general. Everyone felt that something must be done but no one knew how to set about it.

The choice of Mr. Justice Lansdown, and his acceptance of the responsibility as Chairman of the Penal and Prison Reform Commission was most fortunate for the Union. He had had an extremely wide experience in the Department of Justice and on the Supreme Court Bench with all branches of the subject under inquiry, and his interest in it was unbounded.

The problem, while it combined the technical side, was not purely this: it involved the many greater problems of human mentality and fraility and of viciousness. It required a deep understanding of the motives which so often lead to the breaking of the law and a sympathy which, while condemning, could view the question objectively and constructively. Punishment purely as such had failed to achieve a diminution in crime and something

more was badly needed. What can be more drastic than the death penalty for murder, yet murders continued to be committed year after year. Punishment as a deterrent was clearly not completely effective. While undoubtedly it deterred many yet there were those rebellious elements to whom it was more of a challenge.

To understand, to weigh and evaluate the warring elements required a complex character and a wise judgment. In Judge Lansdown we had the finest Chairman it was possible to get. The survey covered the whole social setup of the Union regarding crime and improvements in dealing with it. A vast mass of evidence was tendered to assist the Commission in its difficult task and much of this was obtained on the advice of the Chairman as to persons who by their own wide experience were best qualified to advise.

Twenty months of his life was devoted to the inquiry and the Report. It was a period that was extremely strenuous and he was no longer a young man. He had retired and was entitled to the leisurely occupation retirement called for: yet he returned with the vigour of a young man, and energy which was a spur to everyone to give of their best, as he did.

That the result was worth-while has been fully demonstrated. It was received with acclaim by the Press and that section of the Public best qualified to weight its merits. This Blue Paper has not shared the fate of so many others by soon ending up on a dusty shelf. The Statute books have been radically improved as a result of its recommendations and the process still continues eight years after the report was published. Mr. Swart, the present Minister of Justice has accepted a great number of the recommendations made.

On the Prisons' Reform side unfortunately, in my opinion, the wise advice of this great man has not been fully followed, but even here it has had its effects in bettering conditions in our prisons and in careful experiments with better methods of treatment aimed at reform as well as punishment. Baviaanspoort, for example, has changed drastically and the results would appear to justify further careful implementation of the methods of treatment advocated. They have served without question, to demonstrate the soundness of the outlook in the Lansdown Report.

The inate kindness of the old Judge was most apparent. His courtesy and tact were exemplified in every word and action. Yet there was no weakness in this gentle character. He could be as inflexible as iron when there was justification.

The methods of treatment for offenders he advocated were not soft. On the contrary where necessary they were extremely severe. For the incorrigible habitual offender who would not, or for pathological reasons could not, respond to treatment he advocated a preventive detention for life, or for as long as necessary to protect Society from their violent or perverted habits.

His kindliness did not blind him to the need for corporal punishment or the death penalty in a community with such mixed elements as ours. Yet even here he advocated the greatest efforts at reform rather than punishment, but keeping in mind the deterrent factor so essential if the law is to be enforced effectively.

To all of us who knew him intimately he was a great man and South Africa by his death has lost one of its greatest figures and finest characters.

It was a great joy to work with him. He would not have it that we worked under him. He commanded a respect and loyalty I have never seen equalled.

It is seldom indeed that a character as positive as this can achieve results without arousing the antagonism of some. Yet in his case I believe this was true. He was lovable and simple.

While the Commission was sitting in Cape Town he underwent an operation to his hip — without telling anyone he was doing so. It took longer than he anticipated for him to resume work and he was traced to a Nursing Home in Sea Point. The Mother Superior was in the office when I sought to see him. "Are you a close friend?" she asked. I explained our association. "He is a wonderful patient," she said, "and a great man. Only the truly great can be really simple." That is what he was; a brilliant lawyer, a thorough, great-hearted, and simple man. We mourn that a great man has left us.

W. L. MARSH.

JUDGE LANSDOWN AS PENAL AND PRISON REFORMER, SOCIAL THINKER AND PHILOSOPHER

Introduction

In his famous chapter "Of Judicature", Francis Bacon wrote: "Judges ought to remember that their office is *jus dicere* and not *jus dare*; to interpret law and not to make law, or give law . . . Judges ought to be more learned than witty, more reverend than plausible, and more advised than confident. Above all things, integrity is their portion and proper virtue . . . One foul sentence doth more hurt than many foul examples. For these do but corrupt the stream; but the other corrupteth the fountain . . ." He went on: "Judges must beware of hard constructions and strained interferences; for there is no worse torture than the torture of laws. Specially in case of laws penal, they ought to have care that that which was meant for terror be not turned into rigour; and that they bring not upon the people that shower whereof the Scripture speaketh, *Pluet super eos laqueos,* for penal laws pressed are a *shower of snares* upon the people. Therefore let penal laws, if they have been sleepers of long, or if they be grown unfit for the present time, be by wise judges confined in the execution: *Judicis officium est, ut res, ita tempora rerum, etc.* — In causes of life and death, judges ought (as far as the law permitteth) in justice to remember mercy; and to cast a severe eye upon the example, but a merciful eye upon the person".

There is probably no better introduction than those immortal words to a short essay on Judge Lansdown as a penal reformer, a thinker and social philosopher, because they give a very true picture of the law, of penal law at the highest level, and they are a fitting summing up of what we humbly offer in this tribute to the Late Joint President of the Penal Reform League of South Africa.

In a description of our penal reform conference in Johannesburg a few years ago, under the title "These Are South Africans", an able journalist wrote this description of Dr. Lansdown:

"It was the figure of this grand little man which held my attention throughout the conference. It was he who had presided over the commission whose report was under discussion, and it was his clear thinking that so often kept the conference on sound, non-political lines. His genial face seemed designed especially for a judge's wig. His smallish, bright eyes and humourous mouth lit up as he uttered his rolling, polished phrases, each one a pearl of wisdom, adequate, precise, and exquisite. 'An old-fashioned democrat', he called himself, and when I asked how many more there were like him, he laughed and said most people nowadays were politicians. Some of his utterances deserve to be remembered. When it was said that the Bench should be persuaded to act on the conference's decision, he arose deliberately, smiled through his pince-nez at us, and reminded us that the Judiciary should never be subjected to outside influence. He had once, he said, criticized the Church of England for altering its prayer for the judges. This prayer asked that judges be led to administer justice 'indifferently'. The prelates had changed the word for 'impartially'. But, said the learned judge, he preferred 'indifferently'. For, though a judge may be entirely impartial as between the claims of two individuals, he might not be indifferent to the plaudits of the gallery, the criticism of the press, the pressure of political groups, and so on. The Bench, said Judge Lansdown, must be indifferent to all these outside influences. It must administer justice 'indifferently'."

* * * *

But Judge Lansdown was anything but indifferent to human conditions. Such a man is drawn to do what most other judges dislike doing — namely, to interpret criminal law — by the very fact that it requires considerable feeling for the humanities, in contradistinction to the interpretation of civil law which can become a kind of chess-board where men are moved according to strict rule — a method that is utterly inadequate in criminal matters. In criminal law, the person of the man who sits in the dock is the centre of the whole problem, and no criminal judge can succeed there, unless he knows the human kind; that is why so many judges, fully qualified through a painstaking study of the law, are nevertheless most unhappy on the criminal Bench.

Through his very complete study of our criminal procedure and our criminal law, Judge Lansdown had a rare experience of theory and fact, and that is why he could scrutinize better than any of our judges the full background of all our penal and prison system. Indeed, he knew men and especially politicians well enough to know that, when he and his colleagues had prepared a mastery review of our whole system and offered specific, concrete recommendations and suggestions, their report might be only another Government blue-book, following the large number of first-class reports on other subjects which have been carefully pigeon-holed and duly forgotten since Union days, in 1910. For this reason he became one of the moving spirits in the launching of the Penal Reform League of South Africa and agreed to become its Joint President. Let us firstly try to ascertain briefly what fundamental principles seem to have animated the penal and prison reformer.

I

1. Spiritual Background.

There is a seldom quoted Bible story which illustrates very well the deepest aspect of judicial functions. In the Second book of Chronicles we read that Jehoshaphat, king of Judah, "appointed judges all over the land, in each one of the fortified towns of Judah," charging them to be careful how they acted. "For," said he, "you act as judges not on behalf of man but of the Eternal, who **is beside you as you give your decisions.** So let awe for the Eternal control you; be careful to act in that spirit, for the Eternal our God knows nothing of injustice, nor of favouritism, nor of bribing." (II Chronicles xix .5-7). When Judge Lansdown was appointed chairman of the Penal and Prison Reform Commission, he had behind him a long career on the Bench and as co-writer of our South African criminal law; he therefore came to the survey of our penal and prison system with a very uncommon wealth of knowledge. But he had more than that; he had a very clear view of the spiritual nature of man. The text I have just quoted describes well the grave nature and responsibility of the legal profession at its highest level, and I have had ample opportunity of testing the basic conception of our late Joint President's view of law, and found it to be just what the old King of Judah believed it to be: a constant realisation that the technicalities of law are dangerous and that, in its specific meaning for the society of men, the law is a presence of the Eternal beside the judge, a presence of Him who knows nothing of injustice, of favouritism, of bribes, and requires from his servant the same integrity. We often talked of the frailty of human justice, of the infirmities of human evidence in courts of law, of the varying attitudes of judges, and he knew well that, behind and beyond all human judgments, there exists what he himself called the "Ultimate Assize". I can vouch for the imperious necessity of such Higher Tribunal, after so many years as a constant witness of the working of the death sentence. How preposterous it would be if one could not believe in the last assessment of a man's conduct, with all the elements at hand, hidden ones as well as the ones known to the human courts. It should therefore be quite clear, at the beginning, that Judge Lansdown was a true believer in the ultimate judgment of God on human affairs.

In his view, however, such ultimate judgment in no way entitled judicial officers to take a detached view of the result of their actions for the individual concerned: a judicial officer had no right to think or say that he was simply a passive instrument in the hands of an all-powerful State, obliged to apply his full knowledge of the law without considering what this meant in terms of human suffering: his responsibility — despite that ultimate judgment — remained.

The **prison** was not, for Judge Lansdown, a kind of abstract institution, ready to receive anyone in a sort of soulless machine, breaking lives without concern. That type of "indifference" was not at all what he meant, when he described the duty of judges to administer justice indifferently: he did not believe in it. Through

his patient compiling of our Criminal Code of Law, he had been shocked by the way in which so many send offenders to prison without any idea of what this means in fact; he had also understood how often years and years are piled up in sentences passed by persons who do not even wish to study what one year in prison really means, away from all naturalness of life, from all those one loves, from all normal physical life. The case of a human offender cannot be reduced to a simple equation:- Such an act, in terms of the law = So many years in prison. And that is why he started his review of our system with a full, and very remarkable study of the Causes of Crime and Preventive Measures. His colleagues on the Commission give an account elsewhere in this publication of what they have seen of Judge Lansdown as the chairman. Personally I would like to describe briefly what a simple chaplain of prisons, in close touch with Judge Lansdown, has grasped of his approach to Crime and its treatment by the community:

2. Causes of Crime.

Crime is a fact. It is no use deluding ourselves and finding excuses for it. It may have causes which are beyond the individual concerned, but it is a negation of the basic rules of a human community: it renders life with other men impossible. One can see all along in Judge Lansdown's assessment of the causes of crime that he never lost sight of the responsible part played by the individual in it. Those who wish to know more of his general outlook in that respect will do well to read the first hundred pages of the Commission's Report, entirely devoted to the causes of Crime. On some points, members did not agree, and there are a few reservations by individual commissioners, which discreetly indicate that is must not have been easy to hold different views from the chairman: but the review of the causes of crime by the Lansdown Commission is probably the best detailed general review of the problem we have seen in South Africa. It is probably that review which affected most profoundly the responsible authorities and brought them to change their stereotyped conception of the value of punishment for the treatment of crime, opening the way for our present policy of reformation and rehabilitation, very clearly set forth in the Bill to amend our Prisons and Reformatories Act of 1911, now under consideration by Parliament. The diversification of our penal institutions, the knowledge that individual offenders need individual treatment, the greater elasticity in the penal measures taken: — all this is largely due to the patient study made by Judge Lansdown and his colleagues of the diverse causes of crime. The great effort they made to draw the attention of the country to the incidence of crime and delinquency among children and minors, and their examination of our legislation in that respect, also opened fine avenues of progress.

II

1. Basic Principles.

It is in the concrete recommendations put before the country on legal procedure and prison organisation that one can see best the mind of Judge Lansdown as a penal reformer and a social thinker and philosopher. Some of these recommendations have

already been accepted but many others need to be re-stated, lest they be forgotten. This will be done more fully on another occasion. Here we wish to point out one or two of the fine principles of legal and administrative action which are accepted and clearly set out by the Commission, achieved by the co-operation of all members, but bearing the unmistakable mark of the strong personality of their chairman.

Throughout the Report, one is struck by the adamant refusal of Judge Lansdown to accept **administrative justice.** He will not place any punitive powers in the hands of the police; he does not want any measures to be taken against offenders without the sanction of a court of law; he wants the awaiting-trial prisoner to be treated as an unconvicted person; he wants prison punishment to be under strict control.

The **defence** of an accused must be completely effective, and we have still very far to go to implement Judge Lansdown's recommendations about interpretation and translation in our Courts, about the necessity for the judicial officer to know the language of the accussed person they judge, etc.

2. The Aim of Social Measures Against Crime.

Judge Lansdown's analysis of **the value of punishment** in the fight against crime is both respectful of the past and open to modern ideas. It is not predetermined by fixed rules or dogmatic legal precepts. It is naturally affected by the conditions under which we live, in a society which prejudiced people would like to be other than multi-racial, but which is obviously not the simple juxtaposition of different racial groups. The very fact that we have to administer a justice which affects far fewer whites than non-whites speaks for itself. "Punishment by the courts is the infliction of some kind of pain or loss upon a person who transgresses the law", that is the definition Judge Lansdown gives of punishment, and he shows that the fundamental purpose of this punishment is the protection of society. He limits very quickly the legally permissible amount of pain inflicted by expressing the view that the loss of liberty of an offender **is** the punishment; to make of prison treatment an additional punitive process is to go beyond the function of the law and to give way to retaliatory instincts. Judge Lansdown takes for himself the wellknown words of Mr. Herbert Morrison, Home Secretary in 1944 in England, when he explained the trend of penal reform: "The first principle is to keep as many offenders as possible out of prison . . . . For a generation we had the most strictly deterrent system ever devised. The experiment had to be made at some time. The belief in the efficiency of severe punishment is always cropping up and without the devastating failure of this experiment we might never have known better. The failure was so complete that a departure to fresh principles became essential". Therefore the basic principle of social action against crime must be **to combine punishment and reform** in prison and "that is to regard the loss of liberty with its obloquy and separation from family and friends as the punishment, while the treatment of the offender during the period he is deprived of his liberty is aimed at his reformation". — It would lead us too far to cover the detailed application of

this principle to our whole system. But for the true understanding of the attitude of Judge Lansdown and the particular tone of his personality as a lawyer and social philosopher, I choose one or two of the main issues of principle showing both his respect for the past and receptivity to modern ideas I indicated.

3. Individuality of the Offender and Classification.

Some offenders require special treatment because of their special personal conditions: **children and juveniles** are in a class by themselves, and Judge Lansdown follows the fine general attitude of our progressive Children's Act, as far as they are concerned; **the true petty offenders** are given the benefit of one whole chapter of Judge Lansdown's Report, and the routine of our lower courts to use short term imprisonment in their case is strongly indicated: "Short-term sentences of imprisonment are productive of evil results, and all methods available to the courts should be adopted for their avoidance". — **The persistent petty offenders** are serious offenders, and therefore corrective treatment is necessary for them. **"The inebriate, the psychoneurotic and the psychopath** can best, and in most cases only, be treated as patients". But **professional and habitual criminals** need stricter discipline, and different methods will be necessary for them "though methods aimed at rehabilitation should still be employed". Judge Lansdown also considers that the release of such offenders from the indeterminate sentence should **not** take place until there is ground for hope that they will lead a normal life in the community. "The violent and dangerous persons of uncontrolled temper or the inadequate personality who cannot be trusted in freedom should not be released." In those cases, detention as a preventitive measure is quite clearly recommended.

On one point, Judge Lansdown has taken his stand against modern ideas quite uncompromisingly. He considers that those who wish capital punishment abolished have not established a case so conclusive that it would justify a recommendation for amendment of the law in this country. He was convinced that there was no possibility of miscarriages of justice in that respect and that, as he told me, "the vision of a rope is a strong deterrent in the mind of a potential murderer". He had heard a Zulu chief expressing that view so effectively that it stuck in his mind. Dr. Hoernlé, our former Chairman of the Penal Reform League, tried to change this mind and wrote a powerful reservation in the Report on this issue. It is clear that our land is not yet ready to consider this problem without any emotion; and we are now increasing considerably the actual carrying out of the death sentence. Should those who still believe in the death sentence have had the experience covering twenty-six years and accompanying to the gallows over 400 persons, they would undoubtedly understand our plea, not for abolition, but for **abeyance** for a period of years as an experiment. They would have seen how easily human evidence, fool-proof as it may appear, may be false or mistaken and bring a human being to the gallows; they would also have realised that deterrence almost invariably works on minds which have **already** been deterred, and is entirely inoperative on a diseased or unhinged mind. However, this difference in our

outlook never impaired the deep affection and friendship which grew to full stature between Judge Lansdown and the author of this article, and we both go the Ultimate Assize on that issue, fully confident that our views will be reconciled there.

III

It is largely Judge Lansdown's balance of mind which brought to the prison administration the welcome change of attitude which permitted the establishment of a modern prison system in our land. With the help of his colleagues, his review of the conditions obtaining in prisons was indeed a thorough one. I remember being told that, after a visit to an institution, the Judge, who had a keen sense of humour, suddenly remarked: "This will be a red letter day, because Dr. Hoernlé did not mention carbo-hydrates . . . . " — It reflects well how necessary was Dr. Hoernlé on the Commission, and how her untiring insistence on practical, material and most important details succeeded in bringing the Commission down to tintacks. But it also shows the "finesse" of our old friend. I do not need to cover in this tribute the field of prison reforms which were recommended and are already substantially implemented. The emphasis the report puts on the quality of the directorate was in part responsible for some of the fine appointments made; the request that prison inspection be developed; that, in the recruiting of officers, a much greater generosity and perspicacity be the rule; that, in classification and control of prisons, a much wider and diversified system be adopted; that education should play a much larger part in prison life and that real constructive labour be available; the strong restrictions recommended in the use of convict labour for private persons; the thorough examination of prison discipline and the recommendations for a much improved system of release; the progressive suggestions concerning the development of a full scale probation service: all this is a direct contribution by our late Joint President to the more efficient fight against crime and delinquency in our land. We would like now to go deeper still and give a short account of the reason why this man, little in stature, was so grand in mind and soul.

Dr. Lansdown. a Social Thinker and a Philosopher.

For those who have had the privilege of listening to Dr. Lansdown addressing a body of men and women on any of his dearest subjects, one detail will sum up well the inimitable quality of his approach. He almost invariably started: "Gentle men and gentle women", and this was no pose with him, no affectation, no obsolete mannerism. It was the direct expression of his gentle nature, asking for gentleness in return. This sprung from a very lovely and complete nature. Starting from the humblest beginning he had to fight his way up with tenacity and perseverence, but he never tried to push himself unduly to knock people over, hustling his fellowmen. He had the innate respect for man as a creature of God, even fallen man or fallen woman, and that is why one of his most cherished subject was **tolerance.** I have an autograph copy of the two fine lectures Dr. Lansdown delivered in Cape Town, at the Institute of Citizenship, on this subject in

April of 1952. I hope that it will be published in book form as the best summing up of our friend's personality. He dealt there with the greatest single national problem we have in South Africa; but he dealt with it indirectly, in the lovely way suggested by the Bantu Proverb inviting you to "beat the log instead of the drum". Nothing written of course, will perfectly translate the charm of the spoken address. The speaker was a cultured man, a man who had accumulated through years of study, not a mass of knowledge or window-dressing, but a cultured mind. He had a solid basis of classics and knew his Latin and his Greek well. He had conversed with Alexander the Great, with Socrates, Plato and Aristotle, assimilating quietly and slowly their great thoughts. He had learned to know the language of the minds of Spinoza, Voltaire, of Shakespeare and Milton, of Bacon and Montaigne. A strange thing is that he does not seem to me to have had deep contact with that great mind (most like his own in all the world) Confucius, whose "Ta-Hio" — the great Study — or whose "Analects" — the Chinese Masters' interviews with his disciples — seem nearer the tolerance dear to Dr. Lansdown than anything else in the civilized world. Confucius is, to me, the greatest expression of a gentle, peaceful, sociable and tolerant mind, and his influence on the Chinese temperament has been such that for thousands of years, China has known relative peace, until the turbulent Europeans destroyed that peace. — Often, when I heard Dr. Lansdown speak, I had somehow the impression of listening to a reincarnated Confucius.

Dr. Lansdown described himself as an old-fashioned democrat. He fundamentally believed in true democracy and resented very much autocratic action by the State. — "Democracy" is a much abused word in our time. We think we are democratic, and we allow electoral circumscriptions to be tampered with to such an extent that a man in the Karoo or the remote parts of South-West Africa is worth three citizens of one of our big cities. We speak of democracy and have evolved no system for the extension of the franchise to undeveloped persons in the measure in which they qualify for true citizenship of a modern State. We talk of "volkswil" and we ignore the opinions of three-quarters of the people living in our land. — There is in the death of this "old-fashioned democrat" a tremendous challenge to this country, because there are **absolutes** in democracy which cannot be ignored, and if they are, democracy ceases to exist. Naturally, there may be differences of opinion on the nature of democracy. As a true English-speaking South African, Dr. Lansdown had in his mind the structure of constitutional monarchy as evolved by the British people, and this conception is very far away from the conception of a Boer of the South African Republics, or the conception of a citizen of Switzerland, as I shall always be in mind and spirit. But the most essential quality of democracy which is at present being dangerously ignored is tolerance. Indeed, tolerance is considered by many as a most insidious form of communism, as if there were tolerance in the U.S.S.R.!! Judge Lansdown saw far when he said:

"Here in South Africa, we have great need for tolerance in reference to the non-European population. We have nothing to

do here with apartheid or group areas or the policy of putting non-Europeans on separate voting registers; but the basic principle is that every man, woman and child within a nation, every group of people within a nation, should have a fair deal and an opportunity for full development according to capacity. In dealing with the Native races we have a special responsibility to assist them in their difficulties, and to help them forward in their natural ambition to raise themselves and their standards of living, civilisation and culture. We must in tolerance and sympathy do all we can to help them, not judging them harshly by our standards, but remembering they have not behind them the ages of civilisation, education and culture that we have had; that their impact with Western civilisation is comparatively recent; and that it would be too much to expect an immediate compliance with all our standards. Our non-European population is an important part of our body politic, and not only tolerance but our own self-interest demands that we should raise the status and standards of these people so that they can take their due part in the building of a nation, and in the advance towards a better and truer civilisation. And what after all, my dear friends, what is civilisation? It is not dominion or power or wealth or luxury; it is not even a great literature or education, widespread, and good as these two things are. It is a constant regard for the poor and the distressed and the afflicted, and a continuous effort towards the raising, spiritually, intellectually and materially, of the standards of the people, particularly the lowliest of them. It is a hatred of cruelty, oppression and injustice, and a lessening of the domain of physical force in the conduct of human affairs. It is a love of ordered freedom, and a constant regard for the claims of justice and for the maintenace of the rule of law, that rock upon which, amid the shifting sands of politics and the clash of rival ideologies, a man may plant his feet and be safe. It is, in short, a full free and frank acknowledgement, without respect to creed, race or colour, of the fatherhood of God and the brotherhood of men".

On one of the last occasions I saw him in a nursing home, his poor body crippled by the slowly deforming and crushing disease, I took his hand and together we prayed, asking for relief, and blessing God for a great life of service. When I saw him last, in his lovely home facing the great Mountain, I prayed silently for his release, and I echo the great words of his life companion, when she writes: "I simply cannot grieve for my dear old 'prisoner' who has now been set free. It makes me so happy to visualize the glorious freedom and liberty which he now enjoys." —

Ars longa, vita brevis. For many generations hence, the great voice of Judge Lansdown will speak in clear terms; it will strengthen all those who believe in the indivisibility of freedom; it will inspire those who have to pass sentence on their fellowmen; it will help us and those after us to continue to ask for the full combination of the resources of the mind, the heart and the soul, in creating a system in the fight against crime, which will not kill the patient, but destroy the disease. In Judge Lansdown, South Africa has given the world a splendid contribution to the growing new field of Criminology and Penitentiary Science.

"The psychiatrist, the psychologist and the psycho-analyst should, in this troublous age when in general the human mind is ill at ease, become an increasingly important adjunct of society; and the medical faculties of our Universities and their students will no doubt realise that mental therapy will increasingly demand qualified practitioners. It may be suggested that the time is at hand when stricter regard will have to be paid to the possibility of unskilled and undesirable practice in mental diagnosis and healing than presently obtains so that only skilled and registered practitioners may be permitted to treat the ills of that delicate and wonderful thing, the human mind. Short cuts to the subconscious by means of hypnosis, sodium pentothal or similar devices may be fraught with much danger save in the hands of thoroughly skilled and qualified practitioners and certified by competent authority."

Dr. C. W. H. Lansdown, in an unpublished paper on "The Healing of the Mentally Sick" (1949).

THE PENAL REFORM LEAGUE OF SOUTH AFRICA was officially created on November 1st 1946. Its objects are: THE PREVENTION OF CRIME and THE RIGHT TREATMENT OF DELINQUENTS.

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The League suggests improvements in Prisons and Institutions Regulations and the abolition of unscientific methods of treatment; the League takes every opportunity to press for reforms in our Courts, our Reformatories, Work Colonies, and Penitentiary Institutions, and advocates the removal of Prisons from the Cities and their replacement by diversified and classified Institutions in the Country; the League informs public opinion, urges intensification and co-ordination of all efforts towards Penal Reform, co-operates with all agencies and State Departments in the organisation of proper consultation and co-ordination of efforts.

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PRETORIA.

"The magnitude of the punishment is to be regarded, not nakedly only, but with respect to the patient ('ad patientem') for the fine which will press down a poor man will sit lightly on a rich one; and to a disreputable person, ignominy as a punishment will be a small evil, but a great one to the man in honour ('honorato') . . . . But a tenderness for him who is punished leads us to the minimum of punishment, except a just tenderness for the greater number persuade us to some other course for an extrinsic cause; which cause is, sometimes, great danger for him who has offended, but more frequently, the necessity of example. And this necessity usually arises from the general incitement to sin, which cannot be repressed without sharp remedies."

(Grotius: De Jure Belli et Pacis. Bk II. Ch. 20.) quoted by Davis A. J. A. in *Rex vs. Swanepoel*, 1945 A.D. 454.

———o———

"Criminal law is our rearing system for grown-ups. But it is preoccupied with whether the wrongdoer 'know better'. It ignores emotional drives, unconscious motivations and all other factors that not only every psychiatrist, but every intelligent mother knows are also highly relevant."

"The Urge to Punish", by Henry Weihofen Gollanoz, London, 1957. p. 27.

„Ons glo geen oomblik dat soveel jongmense hulle hare op so 'n onaantreklike manier kam en allerlei naar kleurige hemde en sokkies verkies omdat hulle misdaad besin of misdadig aangelê sou wees nie. Inteendeel, na ons mening, sou dit nogal 'n vraag wees hoeveel mense wat later leiers op allerlei gebiede van die samelewing geword het, dalk ‚ducktails' met andere bestemming sou gewees het as hulle as jongmense so min geleentheid vir gesonde avontuur (insluitende 'n bietjie onskadelike kattekwaad) gehad het, as wat seuns en dogters in moderne stede dikwels het."

(Dagbreek, 2.6.1957)

I. DIE JAARLIKSE DAG VAN VERENIGDE GEBED VIR GEVANGENES.

MAATSKAPLIKE DIENSTE-VERENIGING VAN SUID-AFRIKA, die algemeen erkende Hulp-Vereniging vir Gevangenes in Suid-Afrika, is reeds sedert baie jare ernstig besorg oor die toename van misdaad en oortreding. Reeds vanaf 1905 is die Vereniging besig om vrygestelde gevangenes te help langs die steile en ongelyke weg na rehabilitasie; om tot die uiterste van sy vermoë, morele en materiële hulp te verskaf, maar dis nooit moontlik om die agterstand in te haal by hierdie groeiende probleem nie.

Ons, in die Strafhervormingsliga, is saam met ons vriende van die Maatskaplike Dienste-Verenigng in hulle werk, en saam met hulle doen ons beroep op al ons lidmate en vriende om in die gebed te verenig op

SONDAG, 4 AUGUSTUS

vir mans en vrouens van alle rasse in ons gevangenisse en spesiale inrigtings — vir diegene wat sukkel op die moelike weg van rehabilitasie in 'n samelewing wat skynbaar geen plek vir hulle het nie — en vir diegene wie se lewenstaak die geestelike, morele en liggaamlike welvaart van diesulkes is.

Ons Eerste Minister, Sy Edele J. G. Strijdom, het in die volgende woorde, die versoek van die Maatskaplike Dienste-Vereniging om die eerste Sondag in Augustus as Gevangenes Sondag te hou, antwoord:

„Ek VOLDOEN graag aan die versoek van die Nasionale Raad van Maatskaplike Dienste van Suid-Afrika om die oproep dat die eerste Sondag in Augustus gehou sal word as 'N DAG VAN GESAMENTLIKE GEBED VIR GEVANGENES.

„Ek vertrou dat alle kerke op hierdie dag in die besonder sal kan dink aan die gevangenes wat hulle in gevangenisse of verbeteringsgestigte bevind of aan diegene wat ontslaan is.

„Ons as Christenvolk kan nie anders as om 'n dag soos hierdie onder die diepe indruk te kom van die verontrustende toename in misdaad nie en terselfdertyd ons plig te besef om hierdie kwaad te bestry en om die wat geval het te probeer ophelp om hul pad as nuttige burgers te vind.

„Die groot skaar opofferende werkers wat deur verenigings of op hul eie in die gevangenisse optree en die gevallenes bystaan om weer nuttige burgers te word, die bewaarders en almal wat in verband met ons gevangenes werk, verdien ons ondersteuning en VOORBIDDING."

(Geteken) J. G. Strijdom.

In 1956 Maatskaplike Werkers(sters), spesiaal opgelei vir werk onder gevangenes, die volgende presteer het:

Hulle het 22,233 onderhoude gevoer met gevangenes wat op gehoor gewag het;

Hulle het 7,143 onderhoude gevoer met mans en vrouens in die gevangenes;

Hulle het 2,612 families van gevangenes onder hulle sorg gehad;

Hulle het 2,412 ontslane gevangenes gehelp om weer op die been te kom.

En die tydige hulp van Prisoniersvriende het verhoed dat meeste van die 49,424 geringe oortreders wat hulle aangeraak het in die gevangenis beland het.

Die Heiland het gesê:

„IN DIE GEVANGENIS WAS EK, EN JULLE HET NA MY GEKOM."

(Mat. xxv : 36)

II. PAROLE

On several occasions, we have tried to outline the various phases of social action against crime in a modern system of correction, and pointed out that, at the two ends of social effort, *Probation,* as an alternative to Imprisonment, and *Parole,* as a conditional release of offenders under supervision, are being used more and more by civilized states as a more adequate and effective treatment than imprisonment. We have briefly described the staggered means available to the courts for the treatment of offenders. In this issue, we try to give a more detailed description of what appears to us to be a very necessary development, in our own peculiar conditions, of a better and more effective method of treating serious offenders, with a view to breaking the spell cast on their hardened minds by the prison community in which they live and by the vindictive attitude of the outside community. If Probation means the organisation by the community of a scheme to prevent incipient crime from hardening into serious criminality, by a well established supervision of the offender within the normal community, PAROLE means the organisation of a similar set-up, within the normal community, for the strict supervision of offenders who have been segregated and have served a definite term or terms of imprisonment.

In his last report, covering the period 1st January 1955 to 30th June 1956, the Director of Prisons reminds us that the original concept of the Prisons and Reformatories Act (No. 13 of 1911) was a complete one of prevention, reformation and rehabilitation for the potential offender, the criminal, and the person lacking in a sense of duty to himself and the community:

> "It was recognized that in the potential child or adult offender, no less than in the person sentenced to imprisonment by the Courts, the problems of delinquency in all its stages was one and undivided and it was evidently thought at that time that it was one which should be handled in its entirety by one Department. That concept is one which clearly still prevails in many of the more developed countries of the world."

And he adds, further on:

> "It is of the utmost importance to remember that in the final analysis of the modern conception of prison administration it is men, not buldings or systems, who are called upon to play the most important role in the rehabilitation of offenders."

I have quoted this valuable statement in this context, because, if we are to succeed in persuading the community to re-consider the various phases of the effort towards eliminating crime, it is of utmost importance that PROBATION, at the start of social action, and PAROLE, at the end of it, should be so integrated into the general system, that policies should be framed, and men should be trained within *one* framework, following a consistent pattern and the same principles. It is of no use to quote past failures and to indict the men who tried to do a job of work without the real means to do it. One may complain that work colonies, or boys' hostels were loosely controlled, inadequately staffed, etc. One may go on complaining that there was no consistency between prison or institutional training and commerce and industry outside, in the normal community. But all this does not help to prepare a consstructive programme for the future. In the more advanced countries, where Probation Services and Parole Boards have been constituted and fully equipped, those social agencies have not

necessarily edeveloped under one Department of State. But they have been fully co-ordinated in their common effort, and some of the experiences the writer had in the United States will illustrate this co-ordination very well. For us, on the basis of our past development, with the progressive attribution of Prisons, gaols and farm colonies to the Department of Prisons, — the Work Colonies and hostels to the Department of Social Welfare, — the Native Juvenile Labour Camps to the Department of Native Affairs, — and the Reformatories and Industrial Schools to the Department of Education, Arts and Sciences, — what is urgently needed is a strong, statutory, fully integrated INTER-DEPARTMENTAL COMMITTEE OF CORRECTION, which will bring all the Heads of responsible Department together, with those Governmental or other experts who may be appointed as consultants, in order that PROBATION, CORRECTIONAL INSTITUTIONS and PAROLE may develop on similar lines as in many other countries, within a completely integrated system of modern correctional action. — It is a sad experience for many informed persons to witness the praiseworthy efforts of educational authorities, — (as were outstandingly evident in the papers prepared for the Kampala Conference of the C.C.T.A. on Juvenile Delinquency), — or the very remarkable developments of our prison system during the past ten years, — or again the great efforts made by the Department of Social Welfare to build up Work Colonies and Hostels, without the necessary funds or qualified personnel, — it is a sad experience to witness these efforts minimized by destructive criticisms from the public, the press and ill-informed persons. One must remember that, even though Probation Services and Parole Boards may find their direction and inspiration from a fully-equipped and financed Social Welfare Department, all correctional institutions working under the Department of Prisons, Education, Arts and Sciences and Native Affairs, will *need* the direct assistance of both services. We therefore suggest, and have done so for years, that, on the basis of our own historical development, we re-integrate our efforts, so as to reach a solution for the problem of delinquency and crime in all its stages, as "one and undivided", even if it cannot be handled in its entirety by one Department. And this is more especially needed in so far as the training of personnel is concerned. They must be trained along the same lines and with the same consistent principles, on a pattern in which essential discipline and the spirit of authentic humanity, which are the very basis of our Christian heritage, will be effectively combined. — it is within such a set-up that we desire to present the recent, and far-reaching developments of a PAROLE SYSTEM.

I

Definition of Parole

In 1951, the Secretariat of the U.N.O. published a very extensive and valuable study on "PROBATION AND RELATED MEASURES", which covers the whole field comprehensively. We have chosen to deal here with PAROLE, because the problem of Probation has already been the subject of a special study by the Lanssdown Commission, and because it is in respect of that

period of social action against crime, at the time of conditional or definite release, that we seem to be in the most serious predicament. We have already briefly touched on the subject in a pamphlet on "Modern Correction", but feel that a more detailed description is needed.

PAROLE means the conditional release of a prisoner, or of an inmate of an institution, who has already completed a part of his sentence, or committal, in a prison or any other institution. It is a method of social treatment applied under certain conditions. The method used correspond very closely to those employed in probation. Often there is a close relation between the social services responsible for both probation and parole. But there are some essential differences between the two measures: Probation means treatment without segregation and institutionalisation. Parole is a method of treatment which presupposes a previous segregation in an institution, and is a complement of the training already received; it is a very important aspect of post-institutional treatment of released prisoners. In modern technical terminology therefore it is important to distinguish between probation, which attempts to treat an offender outside prison or instsitution, so as to spare the negative effect of detention, — and parole, which attempts to neutralize the bad effects of detention on persons who have been detained. This distinction may seem in a sense artificial to the man-in-the-street, because it is a fact that, in both cases, one puts an individual *to the test* ("probare") of a normal life in the community, under supervision. But we have reached a time when it is important to seriate our measures and to use specific forms of treatment which are dictated by the all-important principle of individualisation of such measures.

Probation and Parole also differ in the fact that, generally, probation implies the extension of the control *by the Court* over the future behaviour of the offender, whilsst in parole, *administrative authorities,* and not the Court, usually control a released prisoner. But where probation is not under the control of the Court, this difference disappears. It is interesting in this respect to remember that the Lansdown Commission desired probation to be returned to the Department of Justice.

* * * *

The country which has developed and is developing most in the field of parole is the United States of America, and the best way to define in practice what parole means, is to give the two following quotations covering adult and juvenile offenders:

> "A Federal prisoner, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of over 180 days, whose record shows that he has observed the rules of the institution in which he is confined, may be released on parole **after serving one third** of such term or terms or after serving fifteen years of a life sentence, or of a sentence of 45 years."
>
> "A juvenile delinquent who has been committed and who, by his conduct has given sufficient evidence that he has reformed, may be released on parole **at any time** under such conditions and regulations as the Board of Parole deems proper if it shall appear to the satisfaction of the Board that there is a reasonable probability that the juvenile will remain at liberty without violating the law."
>
> (Rules of the United States Board of Parole, pp. 2 and 3, p. 7.)

It will be seen that, as far as adult offenders of all types are concerned, the stage of the sentence at which parole may be considered is one-third of the term or terms of imprisonment imposed by the court, while for juveniles, parole may be considered at any stage.

There still exists a wide divergency of practices regarding parole in the various States of the great North American democracy, and it would lead us too far to describe each in detail. But the principle of paroling has been accepted everywhere, and it is quite obvious that this development has been due to practical and even strictly financial considerations. Mr. J. Edgar Hoover, Director of the F.B.I. sstated in 1955 that crime costs every man, woman and child *122 dollars*, or a total of twenty billion dollars. While for each dollar spent on education, one dollar .46 was spent on crime, for every dollar which went to the churches of the nation, thirteen dollars went to crime. — Parole is infinitely cheaper than imprisonment, even with well-developed prison industries. But there is more than a question of £.s.d. at stsake: parole is working and effectively reclaiming criminals; it is a new, better and more effective method of rehabilitating adult and youth offenders, and at the end of this survey we will try to give a short evaluation of the results achieved so far.

II

Parole System

Parole laws have been enacted by every state in the U.S.A. and by the Federal Government. On the occasion of the National Conference on Parole (April 9-11, 1956) in Washington, Chief Justice Earl Warren said in his address before the opening session:

> "It would be a very wholesome thing if out of this conference could come a public awareness of the fact that the parole of a prisoner is not an act of coddling but on the contrary is an extension of the state's supervision while he is trying to re-establish himself in society. So many people do not realize that even for a good man the regimentation of prison life over a term of years would weaken his ability to compete in society ass much as a cast on his leg for a long period would weaken him from running."

We start our description of a Parole System with the above sstatement of the Chief Justice of the U.S.A. because it will at once dispel the idea that Parole is merely another modern device to mollycoddle the criminal and prevent him from paying for his misdeeds. It is nothing of the kind. On the contrary, it provides a *hold* on the released person which no definite sentence can ever provide on release.

United States Board of Parole

This Board consists of 8 members, all appointed by the President, with the advice and consent of the Senate: two for 2 years, two for 2 years, two for 4 years and two for 6 years. The chairman is designated by the Attorney-General from time to time. Within the Board of Parole has been created a Youth Division, whose members are designated by the Attorney-General.

We have already noted the conditions of eligibility for parole and the application for it, the release of the applicant are subjected to the following *terms* and *conditions*:

"If it appears to the Board of Parole from a report by the proper institutional officers or upon the application of a prisoner eligible for release on parole, that there is a reasonable probability that such prisoner will live and remain at liberty without violating the laws, and if in the opinion of the Board such release is not incompatible with the welfare of society, the Board may in its disscretion authorize the releases of such prisoner on parole.

"Such parolee shall be allowed in the discretion of the Board, to return to his home, or to go elsewhere, upon such terms and conditions, including personal reports from such paroled person, as the Board shall prescribe, and to remain, while on parole, in the legal custody and under control of the Attorney-General, until the expiration of the maximum term or terms for which he was sentenced.

"Each order of parole shall fix the limits of the parolee's residence which may be changed in the discretion of the Board."

There are specific regulations concerning the *retaking of Parolee*:

"A warrant for the retaking of any United States prisoner who has violated his parole, may be issued only by the Board or a member thereof and within the maximum term or terms for which he was sentenced. The unexpired term of imprisonment of any such prisoner shall begin to run from the date he is returned to the custody of the Attorney-General under such warrant, and the time the prisoner was on parole shall not diminish the time he was sentenced to serve."

In the case of the Board revoking an order of parole, and the parole being thus terminated, the prisoner may be required to serve all or any part of the remainder of the term for which he was sentenced.

There are naturally special regulationss governing the parolling of juvenile offenders, but the principles are more or less the same.

If we now examine the Report of the U.S. Board of Parole for the year 1954, we find that 11,491 decisions were made during that year: 4,182 or 36.4 per cent, were parole grants, and 7,309 were parole denials, or 63.6 per cent. The Board conducted a total of 130 meetings at 30 Federal Institutions: 10,200 prisoners were interviewed by members of the Board. At the close of the year, 6,228 parolees and 1,329 conditionally released prisoners, a total of 7.557 were under active community supervision by the Board.

Conditional release, as opposed to parole, means, more or less, what we know as remissions of sentence, computed on statutory good conduct earning statutory good time, applicable to prisoners who are not paroled.

After having covered, in his report, the work of both the Board and the Youth Correction Division, the Chairman of the Board formulated specific recommendations, one of which was the calling of the Conference which took place in April of 1956. It would lead us too far in this survey to follow in more detail the working of the Federal Parole Board.

III

National Conference on Parole

The Chairman of the Youth Correction Division, Mr. George J. Reed, made a very valuable summary of the work of the NATIONAL CONFERENCE ON PAROLE, for the 86th Annual Congress of the American Correction Association, a conference attended by nearly 500 official delegates representing 47 of the 48 States and a number of foreign countries, to which must

be added a large number of observers. This Conference was called by the Attorney-General, the U.S. Board of Parole and the National Probation and Parole Association, and its aim was to assess the results of the application and implementation of principles and standards of parole evolved at the first Attorney-General's Conference on Parole, in 1939. Considerable experience had been gained, and it was felt that standards and guide material should be developed in the form of a working manual on parole for both adult and youthful offenders, for the use of lay and professional leaders in the various States. Parole processes needed to be described so as to guide States' legislators, administrators and parole boards and staff for practical action. As a working conference, it broke into groups or panels for discussion, whose reports were approved or altered by the conference.

The group dealing with SENTENCING AND PAROLE LAWS did not definitely approve an indeterminate sentence procedure, but it stated that "mandatory minimum sentences should not be established by legislation" and that, "if the court is authorized to impose a minimum sentence, it is vital that the law require a broad spread between the minimum and the maximum, and that the minimum be short enough to permit sound release decisions".

The group dealing with PAROLE BOARD STRUCTURE recommended that paroling authority be placed in a centralized board where members would be full-time, when the work load permits. "The Parole Board is a policy making group charged with the responsibility for implementing the intent of parole legislation. This involves decisions aimed in facilitating the achievement of the parole authority, purpose and obpectives."

The groups on PAROLE BOARD FUNCTIONS recommended individualized justice, as well as diagnosis and treatment: "Only as the Parole Board functions as an integral part of the whole correctional system can it be expected to serve its maximum usefulness. Both juvenile and adult offenders should be seen by the releasing authority or its delegated representative as soon after admission as is practicable, from the standpoint of an available classification staff 'case-work-up' and in no instance beyond the 12th month following admission."

The group on INSTITUTION PROGRAMS developed high standards for treatment within the institution prior to release on parole. It outlined minimum requirements for juvenile and youth institutions.

The group on PAROLE SUPERVISION dealt with the best known part of the process for the public. It pointed out that "parole supervision must focus upon discovering the strength of personality and character of the parolee. Preoccupation with character defects and personality weaknesses all too often obscures the positive attributes in each individual."

The group on DISCHARGE FROM PAROLE recommended as follows:

"A. Parole authorities should be alert to find the optimum time for termination of parole supervision through the use of their own professional and other community services.

B. Discharge from parole should be the sole prerogative of the paroling authority and the law should be clear in this respect.

C. At final discharge a certificate should be issued to the parolee by the paroling authority.
D. Unconditional discharge from parole and the discharge of a prisoner upon the completion of his time shall have the effect of restoring all civil rights lost by operation of law upon commitment and the certificate of discharge shall so state.
E. The expunging of a criminal record should be authorized on a discretionary basis with authority vested in the court of conviction. — Such action may be taken by the committing court at the point of discharge from suspended sentence or probation. It may be taken by the court of recommendation of the paroling authority either upon unconditional discharge from parole or discharge upon expiration of a term of commitment."

It was felt that such a description of Parole In Action was infinitely more illustrative and informative than a dry explanation of the working of parole in individual states of America. But, without going into a long review of the results of parole in these states, we can do nothing better, after what has been written here, than to quote a few of the most interesting data available.

IV

Some Results of Parole

In the spectacular development of *California*, it would be expected that special attention should be given to Parole, and it was: In mid-1953, SIPU, Special Intensive Parole was started, with 14 Parole Officers, each carrying 15-man case loads, for the average period of 3 months. In mid-1956, 7 additional Parole Officers were added to SIPU, and the total of 21 such Officers have caseloads of 30 men each, for 6 months. Experiments are still proceeding on that basis, until 30th June 1957. Statistical data are so far inconclusive, but the present programme will probably develop until 1960, when worthwhile data will be obtained on parole as it operates in California. It is interesting to note that women offenders in California are not paroled by the paroling authority for men, but by the Trustee of Corona, the Institution for Women, and that the percentage of violators is reported at 14.7% only.

One may ask what happens to *paroled lifers?* In a ten-year period (1942-1951), 138 lifers were paroled from *Michigan* state prison, after serving on an average of 17 years: 10 died or were deported, but of the 128 remaining, only 8 were returned for parole violations, 6 of them on new sentences. — Of 197 *capital offenders* (mostly men serving time for first degree murder) paroled from 22 states (over periods ranging from 1 to 38 years) only 11 (5.6%) violated parole by the commission of new crimes.

Most men on parole make good and this is well illustrated by the extensive study carried out by the *New York* Board of Parole of 21,760 parolees, for a period of about 5 years. About two thirds did not violate in any way and less than 8% were convicted of new crimes.

In the year 1950, a total of 75,088 prisoners were released from *state and federal institutions* (not including juvenile institutions and jails) an average of about 206 a day — and parole violation rates ranged from 20 to over 50%, most violations occuring shortly after release. But these figures do not cover what

happened after parole supervision and the concepts of parole violation and the measurements of success and failure are still very different.

In the Federal Parole system, most parole violators are youths, and the annual report of the U.S. Board for 1954 points out that the youthful offender is the most serious single aspect of the nation's problem.

Illinois is the only state in which a routine system of parole prediction has been established; an "experience table" has been prepared which serves as a useful guide to the Board in passing o new cases appearing before them. In *Wisconsin*, on a group of 1,762 parolees from the state prison, 82.5% of them remained law-abiding two or more years after release; they were not sentenced for another crime to six months or more on probation or to an institution. Practically all first-offenders (95%) succeeded. An interesting commentary is this statement: "The longer a man serves in the Wisconsin state prison, the greater the chance he has of committing additional crimes upon release."

We may refer to the personal experiences we described in July of 1956, in the pamphlet "Modern Correction", which covered pre-release training for parole at Lewisburg and Chino. We also described there the administrative set-up of State Probation, which naturally will be the authority under which Parole would best develop.

In conclusion, we return to our own problems and would emphasize the fact that, in a modern system of correction, all phases of social action must be fully integrated. It seems logical, when one looks at our peculiar development in South Africa, to press for the INTER-DEPARTMENTAL COMMITTEE ON CORRECTION, which I see as the essential prerequisite of a consistent policy. Then it also logically follows that a STATE DIVISION OF PROBATION AND PAROLE must be created within the Department of Social Welfare, where full time qualified persons will work side by side with the Social Welfare Officers, who have more than enough normal social welfare duties to justify their full-time appointment. In many State and Federal prisons and institutions in America, officers of the Probation Services are working, as fully integrated members of the prison personnel, for the training of inmates about to be paroled; these parole officers maintain a constant and effective contact with their colleagues outside in the normal community. We do not ignore, nor criticize, the efforts made by Social Welfare Officers in the realm of probation. But we know that they would all agree with the considered opinion that their social welfare duties are so heavy that they preclude the possibility of an effective control of probation and parole, which is a full-time job in our cities. — So as to develop these services, it is very important for us in South Africa to re-consider our whole attitude towards our Department of Social Welfare. It will be necessary to co-ordinate social welfare agencies in almost all departments of State concerned with Justice, Labour, Education, Arts and Sciences, Native Affairs, and to concentrate personnel and money in the Department whose specific reference is social welfare for this co-ordination. The fact that for a very long time

we have lived without such a Department has encouraged all other departments to consider that social welfare in their sphere was their own prerogative, and consequently the efforts of the Social Welfare Department have always been starved of the necessary personnel and money, and it has become a kind of habit to look at social welfare as a cinderella of administrative duties. A full and honest reconsideration of this attitude has been long overdue.

We all know that our various Departments have developed their special sphere of work and acknowledge their achievements. Through the Inter-departmental Committee of Correction envisaged, they will be able to pass over to the Social Welfare staff the benefit of their experience: Departments based on military discipline will be able to insist on that aspect which is essential, if intelligently applied; educational authorities will be able to preserve the educational priorities in policies; social welfare authorities will be made aware of the specific needs of the Bantu by the department concerned with their affairs, etc. But as the community becomes more and more aware of the importance of social welfare, not through emotionalism, but because neglect of it costs infinitely more than its careful development, we are assured that a better approach to all aspects of our correctional effort will give its full place to Probation and Parole.

III. THE CRIMINAL AMENDMENT LAW

This Bill (A.B.89'-57) was introduced by the Minister of Justice in Parliament on 14th June, 1957. It was intended to be tabled in the House much before that time: but through the illness of the Law Adviser who drafted it, this could not be done until the end of the Session. Although we are anxious to see many of its provisions on the Statute Book as soon as possible, there is perhaps a definite advantage to be derived from the fact that the Bill is now before the Nation, under a form which needs some amendments and changes, but at a time of recess, when it can be approached with the required calm, and with a view to ascertaining the measure of informed support it can gather in the whole body politic. When legislation concerns society's answer to involuntary offences, petty-crime, misdemeanour, violent and serious crime and habitual criminality, it is important that all those concerned with the problem should have an opportunity of acquainting themselves as thoroughly as possible with the proposed changes and, once they have understood the intention of the legislator, that they should come together in conference with a view to finding a common mind.

We have been pressed for comments in the Press, and have resisted answering these requests because, in a matter of great import for all persons and groups in our multiracial situation, procrastination is wisdom. There are some aspects of the new legislation which are not absolutely clear, as will be shown later on. We have fought for so many years for some of the proposed changes, like corrective training, preventive detention and an adequate treatment of the habitual offender that many expect a quick reaction to what is obviously a considerable advance in our general

approach to the problem of crime in our midst. The good work done by the Lansdown Commissin heralds much of our progress in this difficult field: but it would have been a betrayal of the dispassionate spirit of our late Joint-President, if we were to hasten judgment, criticisms or comments on the proposed legislation, at a time when what is needed is as much information as possible, and the provision of as effective a forum as we can convene for the expression of the views of those who can speak with authority with the further idea of bringing them together in conference before the next session of Parliament.

In the present article, we intend to deal simply with the question of the petty-offender and short-term imprisonment, because we know that in spite of many other important provisions of the Bill, this problem has been the basic one in the mind of the legislator, and because it is precisely on that phase of our action that the need for constructive thinking is most pressing. The most valuable new provisions concerning periodical imprisonment, corrective training, preventive detention, habitual criminals and the restriction of flogging to one application of this measure in all cases: all these provisions speak for themselves and we shall review them at a later date, in our next issue of the Penal Reform News.

A. MINIMUM OF THIRTY DAYS IMPRISONMENT AND THE PETTY-OFFENDER :

Section 25 (2) *bis* of the Bill reads as follows:

> "Whenever a Court convicts a person of any offence **punishable** by imprisonment (whether with or without any other punishment) **it shall,** if such person is not then undergoing any punishment of imprisonment, in imposing a sentence of imprisonment (whether as a direct or alternative punishment) upon such person, **impose a sentence of imprisonment of a period which,** either alone or together with any direct or alternative punishment of imprisonment simultaneously imposed by such Court upon such person in respect of any offence, **is at least thirty days.**

So as to measure the importance of this proposal, we may quote the following illuminating figures:

> "From 1st January to 31st December 1954, about 238,000 persons were sentenced to imprisonment. Of those about 140,000 (exactly 58.4%) had received sentences of one month or less, of which about 10,000 received sentences of seven days or less. Had the proposed legislation then been in force, more than 100,000 persons would not have been sent to prison.
>
> "From 1st January 1955 to 30th June 1956, about 325,000 were sentenced to imprisonment: about 221,000 for one month or less (exactly 57.8%), of which about 15,000 received sentences of seven days or less. Not far from 200,000 persons would **not** have been imprisoned under the new legislation."

This seems to be a considerable advance towards that we have constantly recommended: the abolition of very short terms of imprisonment as a general measure against petty-offenders. But in the present text of the Bill, Section 28 (a) reads as follows:

> "Save as otherwise provided in this Act, a Court which convicts any person of any offence **punishable by a fine** (whether with or without any other direct or alternative punishment) **is authorised and required,** in imposing a fine upon such person to impose, as a punishment alternative to such fine, **a sentence of imprisonment of any period within the limits of its punitive jurisdiction:** Provided . . . etc. . . . "

A considerable ambiguity results from the reading together of these two sections, and — were it not that we know that one essential point has not been introduced in the new Bill, as sub-

stantive law, which makes the situation quite clear — we would have concluded (as others have already done) that the immediate result of the Bill will be that any fine imposed by the Courts will result in an alternative of thirty days imprisonment, if the fine is not immediately recoverable. The essential provision lacking in the present text is that *no fine under five pounds shall be enforced for a first offence by the enforcement of the alternative period of imprisonment.* The natural result of the interpretation of the text, without this indispensable provision, is that we are almost in a worse predicament under the proposed legislation than we were before, because the Court, not only *may,* but is *authorised and required* to pass an alternative period of imprisonment for any fine, and that period cannot be less than thirty days. Let us examine the effects of Section 25 and Section 28 if these sections are allowed to stand as they are, without any further provision to clarify precisely what the legislator's intention was and is:

(1) Effect of the new provisions of the Bill stands:

A. A court can no longer pass a sentence of a fine only — the alternative period of imprisonment must be prescribed by the Court at the time of imposing the fine.

B. The minimum period of alternative, even for a fine of £1 or 10/- will have to be thirty days, because:

(a) the words "any period within the limits of its punitive jurisdiction" which apply to imprisonment in default of a fine must be read in conjunction with the provisions of the new Section 25, which is the general section dealing with **all punishments;**

(b) the words "punishable by imprisonment (whether with or without any other punishment)" in Section 25 (2) **bis,** however restrictively interpreted, must be given their plain meaning. Nearly all Statutes provide for penalties of a fine **or** imprisonment, or a fine **and** imprisonment. Nearly all offences under the Common Law or by Statute are "punishable by imprisonment". The punishment may be alternative to a fine, but it nevertheless remains a punishment by imprisonment, in the event of the fine not being paid. The section may presumably have been intended to cover only those cases in which a Statute provided that imprisonment with or without a **further** punishment must be imposed, but it **nowhere says** so.

It has been said that new Section 25 must be read as applying only to offences where imprisonment is without the option of a fine, i.e. where no alternative of a fine is allowed by law. But the section is clear in that it talks of imprisonment "whether as direct or *alternative* punishment". Obviously "alternative" must mean either alternative to a fine or to whipping. If only cases of compulsory imprisonment had been intended, why should the word "alternative" have been used?

This argument is moreover valueless in that nearly all Statutes provide that the fine and imprisonment can be conjoined without being imposed in the alternative. Nearly all petty-offences by non-Europeans are governed by Section 55 of the Native (Urban Areas) Consolidation Act 25 of 1945, which provides that the breach of pass regulations promulgated by municipalities under the Act shall render the offender liable, on a first conviction,

> "to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two months, to both such fine and imprisonment *or* to such imprisonment without the option of a fiine . . . "

Thus even if Section 25 is interpreted as meaning "punishable by imprisonment *without the option of a fine",* the section will

apply to all petty pass-offenders, since their offence is *"punishable by imprisonment"* without the option of a fine.

We go into these details to show that there is an urgent need for clarification, because the deletion of section 354 of the present Criminal Procedure Act as it stands, shows quite clearly that the *legislator intends imposing a minimum of thrity days for all imprisonments.* If it is not the legislator's intention to impose this minimum, then a new Section 25 must be re-drafted and read:

Section 25 (2) bis:—

> "Whenever a Court convicts a person of any offence punishable by imprisonment (whether with or without any other punishment, **but other than improsinment imposed as an alternative to a fine . . . "** and all references to imprisonment as an alternative punishment must be deleted.

Or the section must be altered to read:

> "Whenever any court sentences a person to imprisonment without the option of a fine (whether with or without any other punishment) it shall . . . "

Since it appears quite clear from the wording of the Bill and from other information obtained, that the legislator intends thirty days to be the minimum imprisonment, even when imposed as an alternative to a fine, we are called upon to analyse the ways and means of making this intention a practical reality for the Courts.

(2) Recommendations of the Lansdown Commission and Development since 1947:

The Lansdown Commission expressed its views in clear recommendations:—

> 568 (2) "Short term sentences of imprisonment are productive of evil results, and all methods available to the Courts should be adopted for their avoidance."

The Commission fully described these alternative methods: compulsory attendance centres for offenders under postponed or suspended sentences: further suspension of sentence or payment of fine: consideration of the financial means of an accused in the determination of the amount of the fine: legal provisions for allowing time to pay and the direct recommendation that, if time is allowed, *no period of imprisonment should be imposed* in default of payment at the time when the fine is imposed, with certain exceptions which should be stated on the record: Prisoners' Friends to be attached to all urban courts: even when the offender is in gaol, sentences should be suspended if he voluntarily accepts employment.

> 568 (12) "The confinement in gaols of persons serving short-terms of imprisonment is **undesirable**. They should be detained in camps, and employed on road making, afforestation schemes, irrigation, soil erosion, or other works for State Departments or Local Authorities."

Since 1947, the Criminal Procedure Act (1955) has provided anew the alternative provisions to imprisonment in Section 352, and it is only right to remind all concerned that for the past 40 years, ample statutory provision has been made to enable any Court to suspend the fine and order this fine to be paid either by instalment by the offender himself by a certain date, or deduct from the offender's wages where the latter is in regular employment. But since 1947 the pressure of the urban situation upon the Police and the Courts has been such that we have seen a lamentable return to the use of routine imprisonment. The alter-

native provisions have never been seriously applied because of the administrative difficulties in recovering the fine of a man who has been released, and in tracing a man who would be encouraged to give a false name and address. Magistrates will point out the fact that, in past experience, of the fines suspended, 40% are not recovered by virtue of the fact that the offender absconds and cannot be arrested because his whereabouts are unknown. Moreover the Magistrates' Courts in such cases are required to obtain the consent of the Department of Justice and Treasury to eliminate unpaid fines from their books, a cumbersome procedure which always involves difficulties in proving that the person concerned cannot be traced. For this reason Magistrates are not prepared to add to the amount of work they already have (nor the Police) and as a result, the responsibility is shelved to the Department of Prisons, which has to bear the burden of providing for 140,000 petty-offenders every year.

(3) A Few Suggestions as to Possible Remedies:

The legislator must realise once and for all that, if it really intends earnestly to tackle the problem of the petty-offender, and to keep these offenders out of gaol, there are bound to be a certain number of administrative difficulties to overcome, whether these belong to the Police, the Magistrates' Court or the Prisons.

(a) *Compulsory suspension of fines under* £5: In view of the new intended minimum of 30 days imprisonment which *must* be imposed as an alternative at the time of imposing any fine, it is imperative that the new proposed bill should contain some safeguard whereby, on a first offence, the operation of the sentence *shall* be suspended where the fine imposed is less than £5 and where the amount is not immediately recoverable from the accused in Court. It might well be argued that the discretion should be left to the Courts and that any possible evil in this connection could be eliminated by issuing administrative departmental instructions to Magistrates to use the suspension clause 352 (1) (c) of the Criminal Code more freely. One should remember, nevertheless, that however strongly worded such circular instructions may be, Courts are through sheer pressure of work inclined to take the line of least resistance. If for 40 years the lower Courts have not seen fit to suspend fines in petty cases, it is an indication that by leaving the discretion with them, the number of offenders sent to jail for not paying a fine will not diminish. It may well be that the alternative of 30 days will inevitably have some effect in that lower Courts will be loath to see the 30 days enforced when a small fine cannot immediately be imposed. Experience over 40 years, however, would tend to show that overworked urban courts will simply not investigate financial means or suspend fines unless they are *required* by the law to do so. Administrative instructions do not have the force of law, and tend to be quickly forgotten. Moreover, the likelihood of a rebuke from the Department is remote where no special officer exists to check sentences imposed by each and every judicial officer.

The compulsory suspension of fines under £5 where the offender cannot pay the amount immediately is bound in practice to lead to a certain number of fines not being recovered, and to the offender

absconding. Persons who know that their fine must be suspended, so the argument goes, will be encouraged to give false information as to name and address. This argument is perfectly valid in so far as petty-offenders are known to include a considerable proportion of undesirables and vagrants who have entered the urban areas without the necessary permits. This evil, however, can be largely countered by ensuring that finger prints are taken in every case in which a fine is suspended. On a subsequent petty-offence the minimum of 30 days can then be imposed if the previous conviction and non-payment of the fine is proved. Should this second offender slip through once again owing to the fact that the finger-print record is not before the Court, his fine will once again be suspended *but* the chances of a habitual petty-offender escaping detection as regards unpaid fines becomes more and more remote as each new offence is committed. The man who gets away with an unpaid fne and who does not commit another offence is precisely the type of person who should not go to jail, and the loss of £2 or £3 revenue is small compared with the evil of imprisoning all and sundry, and of bringing that same man into contact with the truly criminal elements in the population. Is it not better to lose a few pounds on a man who does not commit the same paltry offence again rather than spend that equivalent amount in feeding and detaining him in jail with persons who will teach him the whys and wherefores of criminal living? With the gradual stabilisation of our urban population, moreover, the disadvantages attached to not paying a small fine are too great in relation to the advantages of remaining in regular employment. Relatively few natives today will run the risk of losing 30 days salary, or even of deportation from an urban area, for the sake of 10/- to £5.

(b) *Additional prosecutors*: Our second suggestion concerns the Department of Justice itself: We would respectfully suggest that the *Prosecuting Staff of the Department must be considerably increased.* The Police must act in terms of the Law as it is, and it cannot (either at the time of arrest or when the offenders are brought to the Police Stations) take the responsibility of sorting out arrested persons, with a view to deciding which cases shall be brought before the Magistrate. This is done naturally, when a European is charged with a parking offence: on his admission of guilt, he is at once liberated by the payment of the fine. But we have seen that section 44 of the Native (Urban Areas) Consolidation Act treats non-Europeans *criminally* for such an offence. Should a processing prosecutor be available at the principal Police Stations, we are convinced that more than half the offenders now brought to the Courts could be dealt with at that stage, without any resort to imprisonment. High-ranking officers in the Police appear to share this view. The Police already accept many straightforward admissions of guilt: but the sorting out of large numbers of arrested petty-offenders requires the presence of an officer or prosecutor (attached to the staff of the Attorney-General) who will have the specific duty of implementing the new legislation by sending to the Courts only those offenders whose offence warrants a period of 30 days' imprisonment if proved.

(c) *Additional Prisoners' Friends*: We fully appreciate the difficulties of the Magistrates. We know that under the pressure

of numbers of offenders, and of the harassed Police Force anxious to dispose of a few hundred cases in one morning, so as to allow of another batch being dealt with, they cannot apply their minds to individual cases. Pressure of work quite understandingly leads to the line of least resistance and to an attitude of resignation in which imprisonment as a prompt means of disposing of a case is quickly resorted to. The Magistrates also know that caution and reprimands, in our urban situation, and in consequence of our multiplicity of laws, would probably lead to little respect for the Courts, and that postponment of sentences is hazardous in a situation where the giving of fictitious names and addressed would be so easy. But, if the legislator is to be absolutely equitable, pressure must sooner or later be brought to bear on Magistrates to suspend all sentences involving small fines, whatever the prospects of recovery of the fine may be. This suggestion will probably be resisted, even with considerable vigour, because work for the Courts and the Police will be duplicated, as conditions apply to-day: and excessive amount of work already faces them. A further solution is therefore to ensure that every offender is given the opportunity of paying his fine THROUGH SOME OFFICIAL whose sole responsibility it will be to contact friends, employers, the family, with a view to recovering the fine. We have often praised the work done by Prisoners' Friends, whose responsibility is precisely to collect fines for the offenders: they have done a good job of work, but the State has as yet failed to accept the responsibility of seeing that, to every urban Court are attached specially appointed officials whose sole duty is to collect fines. Nor can one single official be expected to handle a few hundred cases in one day. The insufficiency in Prisoners' Friends and collectors of fines is amply demonstrated by the fact that 140,000 offenders go to prison each year for one month or less, most of them in defaulty of payment of fines. It is hard to believe that none of those 140,000 had any friends, relative or employer who could advance the amount of their fine.

A survey of the activities of the single Prisoners' Friend attached to the Pretoria Magistrate's Court during 1956 is enlightening. It shows that a single person, earning £360 per annum (£30 per month) paid by the State, collected £12,594.11.0 in fines for 4,979 offenders, and that he further saved the Department of Prisons an amount of expenditure of £995.16.0 (the cost at 4/- per day for an average period of 10 days of these 4,979 offenders) — a total of £13,590.7.0. The Prisoners' Friend's salary deducted (£360) the amount made available to the State is £13,230.7.0. This amount would more than cover the payment of adequate salaries to any additional Prisoners' Friends and prosecutors needed.

This survey brings to light also the inadequacy of the service in that not one, but *at least three* Prisoners' Friends are required in Pretoria alone for the numbers of offenders brought to the Magistrate's Courts, more especially if one knows that the bulk of the cases have to be dealt with on a Monday or a Saturday morning.

We believe that, with time, the functions of the simple collector of fines and of the Prisoners' Friends will become differentiated.

The former can easily be a partially qualified man, who deals with a simple problem of fines. The second needs to be much better qualified if he is to deal with difficult cases where pre-sentence reports on family, social, employment conditions are essential, and it is to be hoped that as our services become more specific, the present confusion between two very different types of investigators will cease. The collector of fines may easily be an official of the Court, while there are many good reasons for insisting that the Prisoners' Friend be linked with Social Welfare Agencies. In both cases, when non-Europeans are concerned, it is desirable that more and more non-Europeans be appointed to these posts.

(d) Until the new legislation is adopted, and even after, there will still be large numbers of persons arrested for petty offences and one thinks at once of the so-called *"Nine-Pence-Scheme"*. We hope that, in terms of the Lansdown Commission's recommendations, it will be abandoned. Once petty-offenders are not to be imprisoned under 30 days, and all efforts are made to collect their fines, it will become redundant. But even if some form of labour provided by the State has to be found, it is important to remember that the Lansdown recommendation very wisely excluded that scheme, in favour of road-making, afforestation and irrigation schemes, etc. It is only necessary to mention two cases to shew how inadvisable that scheme is: the one is the well known Snyman case at Rustenburg, which exposed the danger of offenders being in the hands of unscrupulous employers, without proper safeguards. The second is a case of a man at present condemned to death for the murder of a farmer and seriously mishandling the farmer's wife, also at Rustenburg. It is dangerous to have such a scheme in which a regular, constant and effective supervision is difficult. Let us also remember that such schemes are not within the generally accepted pattern of labour in civilised countries. We may go on asserting that our conditions are unique, that no-one anywhere else understands them, that in many civilised countries there are a few prisoners hired out to private employers, that we do all we can to minimize the evil of labour not readily accepted by free men. The fact remains that we are moving in a sphere which is outside the modern pattern of prison labour. This was largely due to the policy of imprisoning petty-offenders, and once the new principle of keeping petty-offenders out of prison is adopted, such inevitable expedients will not be necessary any more. Should the provision of labour for payment of fines still be advisable, we should remember that the Lansdown Commission insisted on *State Work* being provided for that purpose: and we remember that the farmers were represented on the Commission.

We are convinced that, once the intention of the legislator has been made clear, the Bill will be a first class advance in our treatment of offenders at all levels. The changes will facilitate considerably the task of the Department of Prisons, whose progressive efforts have been rightly praised in Parliament. As regards the vexed points of petty-offenders, once the intention behind the Bill is made clear, the proposed changes will lift our Nation from

the unenvious position of having the greatest prison population in the world, to one of honour among those nations which have succeeded in reducing their problem of crime to what it really is: the treatment of true criminals. And on that point, the provisions of the new Bill is in line with the best practice of the rest of the world.

(To be continued)

IV. NEWS OF THE LEAGUE AND OTHER NEWS. OVERSEAS PUBLICATIONS.

1. Amendments to the Prisons and Reformatories Act, 1911.

In the ups and downs of our party-political life, it is precious to see the full membership of the House at one on issues of penal and prison reform. The work done by Dr. Lansdown and his commissioners is bearing fruit and, little by little, we see the authorities adopting the fundamental principles accepted by the Commission. We hope that, during the course of this session, not only the short bill just read for a second time, but a more comprehensive Bill dealing with many unsatisfactory features of our Criminal Law will be introduced. But whatever may be the Minister's decision in that respect, we have already in sight a valuable and progressive measure, which will introduce and further the new spirit of reformation and rehabilitation in many phases of prison administration.

Firstly, we read among the duties to be performed by the Department of Prisons:

> "(a) The performance of **all work** necessary for, and arising from, or incidental to, the detention in maximum security, or in medium security, or in open institutions, as circumstances may warrant, of persons committed to its care."

This step is a most valuable one and long wished for. For far too long, the Department has been faced with constant pressure by outside labour, preventing it from using the natural opportunities offered for the treatment of its own inmates. It is very natural that organised labour should maintain its standards, painfully obtained after years of struggle. But it is completely unnatural that outside workers should prevent their own kith and kin inside prisons and institutions from performing constructive and remunerative labour, often the only real means of reforming and rehabilitating them. It is in the direct interest of the working class that prisoners, of which a large proportion belong to the working class, should be enabled to perform the work necessary for the development of the institutions themselves, and should be technically equipped to do so.

We read further:

> "(b) as far as practicable to **train** convicts and prisoners in agriculture or in any trade or occupation with a view to their reformation and rehabilitation:"

It has been found in the U.S.A. that the only effective means of diverting a criminal mind from crime, especially in juveniles and young offenders, is to capture this mind by training them for the kind of labour they are naturally fitted for. Prison work has for a long time been uninteresting, monotonous, unnecessary repetitive, and sometimes of such a nature that it broke the mind of the worker into pieces. This training now being accepted is a complete answer to the problem of prison work, if outside labour and management agree to take a hand in it, and to constitute Trade and Industries Advisory Councils, on the

lines of the one I saw functioning recently in Cape Town, under the aegis of the Social Services Association, with the qualification in respect of the latter that, to employers of labour are added representatives of labour itself. We hope that the State, once this legislation has been accepted, will approach Trade and Industry, with a view to constituting in all main centres such advisory councils, which will enable Prison authorities to plan with the full and willing advice of the men who have the practical, technical and financial knowledge essential to the success of such a programme.

Secondly, the Bill makes provision for a consistent system of **inspection of our prisons**, and this inspection shall be under the direct control of the Director.

Thirdly, the provisions for the establishment of **chronic sick and hospital prisons** already existed in the Act, but a new draft makes the provisions shorter and clearer and re-emphasizes the possibility of special regulations for these institutions.

Fourthly, a new section permits the **release** by the Minister, in anticipation of the Governor General's approval of any convict or prisoner who is suffering from a dangerous infectious disease or whose life is endangered by his detention in institutions. — This is a very remarkable step forward.

Fifthly, the Minister may, as previously, establish farm colonies for idle or undesirable persons with a view to teaching them habits of industry and labour. But to this is added the possibility of establishing **training centres**, for the confinement of persons under the age of twenty one years, liable to detention in custody, and for such other convicts and prisoners who, on account of their immaturity, are better classified with juveniles. — We have often pointed out that age is a relative value only, and therefore this measure is welcome, although it is important that expert knowledge be available for its application. — Then the Minister will be able to set up **observation centres** for the purpose of determining the age, health, mental condition, character traits, previous conduct, ability to work, aptitudes, and training of long-term convicts and prisoners (over one year) with a view to their classification and training. — Our readers will understand that, if this is accepted, one of our pressing recommendations will have been implemented; and others, who have not yet understood what our League tries to do, will perhaps realise that, for the work of our friends in the department and for their charges, what has been patiently and repeatedly suggested is now accepted as natural and normal. — The Minister is also enabled to establish **any other types of institutions** which he may deem necessary for the confinement and training of persons convicted, with a view to their reformation and rehabilitation. — What we have seen during the past ten years, the changes have already taken place, the improvements already achieved encourage our hope that the administration will use to the full the new opportunities offered by this legislation. The present institutions will be allowed to be used for any of the classified purposes envisaged by the various new institutions contemplated, and the Minister may apply to any institution the provisions of the new Act. In cases of serious illness, or in the case of an expectant mother, any prisoner may be transferred by the Director to any other place, when facilities do not exist for treatment.

It will be seen that constructive thinking and administrative foresight are the mark of the new Bill, and all the members of the Penal Reform League of South Africa will be glad for this genuine proof that their constant support has not been in vain.

2. THE 1957 SESSION OF PARLIAMENT AND PENAL REFORM.

The Bill we just described was the occasion for one of the best examples of what the Legislature can achieve, when it frees itself from its party-political disputes. From all sides of the House of Assembly came expressions of satisfac-

tion at the efforts made by the Director of Prisons, and the Bill became an Act, without any difficulties in three days. It think it is right that the supporters of our League should read some of the tributes paid to Mr. Verster: The Minister said:—

"I should like to pay tribute to the present Director of Prisons, Mr. Victor Verster, and his senior officials, for the almost incredible change that has taken place in our prisons. To-day there is a new dispensation, a new light, a new future in our prisons and our institutions. This has been accopanied by great effort and devotion, often by disappointments, but they persevered. It is not easy to build something when one has to break down first and then start building up . . . ."

Dr. D. L. Smit said: "I have had an opportunity of discussing the provisions of this Bill with the Director of Prisons, a man who is imbued with a fine sense of responsibilities, and who is doing a great work in improving the conditions in our penal institutions. This Bill gets away from the purely punitive measures and will, we hope, ensure a more humane measure of reform."

Other members joined in these tributes to the work of the Department of Prisons, and one of the Native Representatives welcomed the Bill as "a great advance in the development of our prison services".

It may be in some measure an assessment of our own long efforts to witness the complete unanimity of all sides of our Parliament on a number of issues which are now accepted by all as obviously reasonable. We could not have had all this, nevertheless, if we had not had a Minister who was prepared to give his executive officer the fine latitude which permitted him to go ahead, and also to get the benefit of intimate contact with his colleagues in other lands. We may add also that, although we have been criticized for too great a willingness to compromise and to accept a slow development in our difficult field, that policy is paying much greater dividends on the long run than violent outbursts We hope that the same even mind will prevail in Parliament when the Criminal Law Amendment Bill is discussed. It is of utmost importance for the country as a whole, for all the racial groups of our nation, that in such immensely important matters, reasonableness should prevail and prevent party-politics from confusing the issues to the great detriment of justice.

During the course of the debate on the Prison Vote and the Justice Vote, there were other interesting moments: one member revealed that our daily average prison population is now 43,000, and he inferred from it that the deterrent aspect of prisons was disappearing: the Minister answered very ably and described the lines upon which the new Penal Reform Bill would answer the problem; he insisted rightly upon the fact that these huge figures of prison population are the direct result of our use of short-term imprisonment, which the new Bill will render impossible under thirty days.

It seems to us that, during the present recess, all our members should get hold of the proposed Bill, so as to brief their own M.P.s for the coming Session, which might be disposed to pass lightly over the new legislation and decide to postpone it, if very grave differences of opinion arise, especially because of the imminence of the 1958 election. We know that, in our practive of Parliament, a new House takes some time until it can formulate its mind on fundamental problems as those. It would therefore be a very great pity if what Mr. Swart calls the "Penal Reform Bill" were to be postponed again. We hope to be able to convene a conference of those who are concerned with this new Bill, if possible at the beginning of November, in Pretoria.

3. OVERSEAS PUBLICATIONS AND NEWS.

(i) **The International Society for Social Defence** is organizing an International Congress at Stockholm for 1958, following its **fourth Congress in Milan** (April 2 to 6, 1956) which had for theme the prevention of offences against human life and the physical integrity of the human person. In that previous Congress, the problem had been examined under three aspects: sociological, bio-psychological and juridical. The aim had been to discuss the bases of a practical system of

Social Defence, and among the resolutions accepted by the Congress, one or two interesting points may be noted:

A real system of Social Defence requires from legislators and authorities a common mind so as to fight crime effectively. This spirit must first emphasize the importance of preventive action, which can only succeed if a complete respect of the dignity of the human person prevails, if legality is strictly observed and if full protection of individual rights is achieved. Involuntary offences present a considerable risk for human life and physical integrity and they must have the special attention of scientists, legislators and administrators, not only for the problems of repression, but for an effective preventive programme. As far as voluntary offences are concerned, a special interest should be given to the study of forms of behaviour which lead to these offences. It is necessary to frame preventive measures, especially in the case of children and young offenders, which may be legally controlled. The normal repressive measures appear inadequate; we need measures based upon the results of bio-psychological, sociological and other sciences, which must be juridically translated into legislation. The problems of prevention should be studied on the basis of co-ordinated studies, for example on the preparation of unified criminal statistics, on the examination of individual cases, on the genesis of involuntary offences, on criminal dynamics of voluntary offences, on the reality and efficiency of deterrence, and on the results of the methods of treatment.

The theme of the Stockholm Congress will be the problem of judicial and administrative action in the cases of maladapted children and juveniles, and three general reports will be prepared on the "stages of development" of maladjusted minors, on the social institutions and organisms dealing with them and on the selection of the measures to be taken.

It will be impossible for us, so far away, to take part in the discussion of this Congress; but the full report will be available, as it usually is published in the Review of the Society, and all important features of it will be brought to the knowledge of our readers.

(ii) **Société Internationale de Criminologie.** Your Director has just been co-opted as member of the "Conseil de Direction", that is the Steering Committee of this very fine body, supported by UNO, UNESCO, a number of GOVERNMENTS, etc. — The last international forum of which we have a written account was a meeting of Scientific Societies in Paris on the subject of **the position of Criminology as regards the approach of Penal Law and Social Defence.** This meeting took place on 18th April, 1956. One would like to have space to go into the details of this valuable discussion. A few important points only can be noted:

Monsieur Jean Pinatel, the General Secretary of the Society, presided. A provocative address was given by Mr. Erwin Feey, Professor of Criminal Law (Droit Penal) at the Zurich University. He outlined the reasons which led him to question the extreme position taken by some protagonists of Social Defence in a very comprehensive review of his own position as a jurist. Mr. Ancel of France answered him, and from the discussion which followed, it became clear that both the so-called neo-classics in matters of criminal policy as well as the upholders of Social Defence needed to come back to Criminology as a science, so as to be able to find out a common interpretation of the facts of crime, and the basis of a common criminal policy. Mr. Pinatel, in his concluding remarks, put the matter well with the following example:

"Take such a simple thing as the offence against the red lights. One person offends because he is colour-blind, or daltonian, he has seen green instead of red. Another person offends because he is lost in his thoughts or tired. Another again offends deliberately, voluntarily, because at the moment he does not see a policeman nor any car coming against him. Lastly, another does it because he

is under the influence . . . . — In these cases, different as they are, can it be admitted that the very same fine or the very same measure be applied? It would be a negation of the facts . . . . and it is those facts that must be studied in all the phases of penal sanctions." (I translate freely.)

What is certain is that all dogmatism in criminal policy is very dangerous, and Criminology is a very remarkable effort of the best minds we have in the world to bring the community to apply all the resources of the past and the present effectively for the elimination of crime. The great advance of our time is to have at last understood that crime is an individual and a social fact which can only be properly counteracted by individual and social measures based on an honest assessment of all available information. The Law has nothing to fear from such developments. The Majesty of Justice will be greatly enhanced, once its administration ceases to be arbitrary and subject to the rigid and dogmatic traditional legal principles, on the one hand, and to the dreams of social reformers, on the other hand. Theory without practice is a play of the mind and practice without thought is often an abuse of power. Criminal Law and Social Defence must come together, and their best meeting place is Criminology.

(iii) For my colleagues in the ministry, I would like to refer to two American publications in our field which may be a considerable help, **"Pastoral Psychology"**, a monthly issue, and **"The Journal of Pastoral Care"**, a quarterly. The December issue of the first publication is devoted to Evangelism and Pastoral Psychology, and one finds in it an Editorial on the Meaning of Evangelism, an article on the Ministry of the Church, another on the Billy Graham Evangelistic Crusade, in which an evaluation is given, and other articles on Evangelism in Counselling, The Evangelism of Children, The Psychological Difficulties of Mass Evangelistic Converts, Between man and man, etc.

The Journal of Pastoral Care, Winter 1956, covers a more specific field: Theology and Counselling, The Church's relationship to Social Service Students, Therapeutic Procedures for the Chaplain, Some Guiding Principles in Marriage Counselling, Religious Concern in Psychoses, The Contents of Effective Counselling, etc.

The address of "Pastoral Psychology" is: Great Neck, New York, and the subscription rate is: 5 dollars a year, 8 dollars for 2 years and 11 dollars for three years. Foreign subscriptions: 50 cents additional.

The "Journal of Pastoral Care" may be obtained from the Council for Clinical Training, Inc. at 1312 Eye St. N.A. Washington 5.D.C. and the subscription price is three dollars a year.

H. J. JUNOD.

PRETORIA, 19th July, 1957.

TO OUR READERS:

The present enlarged issue of Penal Reform News *provides an occasion to remind all our friends that, in order to fulfil our mission in South Africa, we need more direct financial support. Grateful as we are for the consistent help of our members, we appeal to all those who have seen the usefulness of our efforts to joint the League and to give us the means to increase our publications and to meet our growing commitments and the needs which the future of the League imposes upon us. We have now reached the No. 40 of our Newsletters, have published eight pamphlets and addressed innumeroble meetings; we have sent our literature free to all Magistrates, Native Commissioners and Social Welfare Officers; in addition, we sent our last Memorial issue free to all Judicial Officers and Advocates. We trust that the future is assured if, among all our readers, a good number can join us as members, and give us the means to do more and better work. Our ordinary subscription is* one guinea *a year, Donor Members subscribe not less than* ten guineas. *Life Members pay not less than* fifty pounds. *Associate Members,* 10/6. *The help of our affiliated organisations and churches, at not less than* ten guineas a year, *is a great encouragement, and we hope that more organisations and churches will join the League.*

THE PENAL REFORM LEAGUE OF SOUTH AFRICA was officially created on November 1st 1946. Its objects are: THE PREVENTION OF CRIME and THE RIGHT TREATMENT OF DELINQUENTS.

THE LEAGUE SEEKS TO ORGANISE PUBLIC OPINION AND CO-ORDINATE THE EFFORTS OF ALL PEOPLE OF GOODWILL TOWARDS PENAL REFORM.

THE LEAGUE seeks to promote investigation into THE CAUSES OF CRIME, THE MEANS OF PREVENTION OF CRIME, and THE METHODS OF TREATMENT OF OFFENDERS.

THE LEAGUE urges greater use by the Courts of remedial and rehabilitative measures in the place of imprisonment, and the removal of all petty offenders from Prisons. In South Africa, where 94 per cent. of admissions into Prisons is for sentences of six months or under, the urgency of this work cannot be over-emphasized; the League demands the abolition of racial discrimination resulting in unequal sentences;

The League suggests improvements in Prisons and Institutions Regulations and the abolition of unscientific methods of treatment; the League takes every opportunity to press for reforms in our Courts, our Reformatories, Work Colonies, and Penitentiary Institutions, and advocates the removal of Prisons from the Cities and their replacement by diversified and classified Institutions in the Country; the League informs public opinion, urges intensification and co-ordination of all efforts towards Penal Reform, co-operates with all agencies and State Departments in the organisation of proper consultation and co-ordination of efforts.

THE LEAGUE IS YOUR BUSINESS — TAKE A HAND IN IT NOW.

For full particulars of the programme of the League write to:

THE DIRECTOR, PENAL REFORM LEAGUE OF S.A.,
P.O. Box 1385, Pretoria.

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Issued by:
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P.O. Box 1385,
PRETORIA.

"I am perfectly willing to plead guilty to the charge of being a sentimentalist. Common sense and humanitarianism are not antipathetic. *There is no reason why they cannot be wrapped up in the same person. Most of the people who have done effective work in this field are a lot more soft-hearted than they will ever be willing to admit to the public.* In dealing with prisoners, sometimes you have to use the velvet hand in the ironglove and sometimes the iron hand in the velvet glove. It may be just as well to have both gloves on, one on the right hand and one on the left." — Austin H. MacCormick.

"Everyone agrees that the police has a social rôle. This aspect of their work is very important in the field of juvenile delinquency. Should the police deal brutally with a child "first offender", the result may well be a lasting mental trauma and an incurable anti-social individual. Here again there is unanimity among police forces, who agree that the child or adolescent should be separated from the adult offender, that he should be questioned by specialists and that special precautions should be taken to prevent him from becoming a renegade."

Report presented by the International Criminal Police Commission, First World Congress of the UNO on the Prevention of Crime and the Treatment of Offenders, p. 2.

ADVOCATE W. G. HOAL, Q.C., JOINT VICE-CHAIRMAN OF THE PENAL REFORM LEAGUE OF SOUTH AFRICA, IS ALSO RECALLED TO HIGHER SERVICE

The man who perhaps knew best the Statutes of our land, who was Secretary for Justice and Director of Prisons for a few years, Advocate W. G. Hoal, Q.C., has been taken away from us by death. Our League is again in mourning and shall, for many years to come, feel the loss of one who did much to further the ideals and the practical aims which we try to achieve in our land. As in the case of our Late Joint President, Dr. C. W. H. Lansdown, an attempt will be made to pay a fitting tribute to our departed friend. At this time, we only review in silence the outstanding contribution made by Advocate Hoal to the Administration of Justice in South Africa. We remember with gratitude his untiring efforts when he prepared the ground for the Lansdown Commission, when he started a new line of treatment of amenable offenders at Baviaanspoort, and with his quite outstanding knowledge of the Law, brought to bear upon the whole policy of punishment and treatment the balanced and reasonable outlook of the Lawyer. Many offenders owe our friend the beginnings of a new attitude which has opened for them the avenues of rehabilitation outstandingly developed by Advocate Hoal's succesors. We offer his wife and his family the expression of our deep sympathy in a bereavement which is also deeply ours. May many of his colleagues of the Bar come and help us to carry on the task which was so near to his heart!

I. INSTITUTIONAL RELIGION IN PRISONS.

All over the world it has been recognized that Religion is the most powerful agent of rehabilitation of fallen men. Nevertheless the place of Religion in many prisons is still more or less an unplanned, and consequently ineffective, part of the prison treatment programme. This is due not so much to an unsympathetic attitude of the authorities concerned as to the inability of the religious agencies themselves to prepare a combined and fully integrated action. The various churches have failed to present the State with an Inter-Faith evidence of Good Will and practical collaboration and to plan together a common training of the men entrusted with religious work in prisons and institutions. This lack of proper planning and consultaton has led to a very unsatisfactory situation and, although excellent work has been done in many cases in the past, it is clear that we have come to a time when the whole subject of Religion in prisons must be re-examined. The Penal Reform League has decided to convene a Conference of Chaplains for Tuesday the 5th of November, with a view to a preliminary consultation between the churches and religious workers who desire to take part in it. The present article is prepared as a basis of information and with the hope that, in spite of the obvious limitations of the writer, the material presented will help the churches and individual chaplains to collect their thoughts and formulate their ideas before the proposed Conference.

(1)

The earnest and devoted men and women who began religious work in our prisons have generally met trying and discouraging conditions. Chaplains have had to work without chapels, in unsatisfactory places of worship, often a cell block, a prison yard, or a special room which was very soon used by the authorities for additional prison accommodation because of the inescapable duty to find some housing for our disproportionate prison population. The atmosphere of these places was often uncongenial and could hardly encourage the spirituality of the inmates; the air was often unbreathable and, if the service had to be held outside, there was no protection against the weather, and there were no loudspeakers to minimize the great effort needed to address over a thousand inmates. — Moreover, the attitude of both the staff and inmates left much to be desired: many of the old-line officers had a tendency to look upon religious services as a kind of inevitable inconvenience, troubling the ordinary routine, and introducing a kind of foreign element into an otherwise perfectly stream-lined daily programme. Often a considerable number of inmates had to be taken, at the very time of the service, for institutional routine duties. But other officers took a very different view of religious effort and were most co-operative and obliging, doing all they could to provide the atmosphere of respect and helpfulness indispensable for adequate religious action. As far as inmates were concerned, widely different attitudes could be noted: some were genuinely interested and did all they could to benefit and let others benefit from the message delivered; others were trying to be plausible and to get out of it whatever could minimize the monotony of prison life; others again were annoyed

at the presence of self-appointed (so they thought) sky-pilots who interfered with their private affairs and violated the sacred preserves of their individuality; others were totally indifferent. —Apart from the religious services, the possibility of individual cure of souls was very restricted, and the privacy of interviews almost impossible. There were no convenient offices for interviewing and counselling. But in spite of that, if the chaplain has the right attitude, he finds many opportunities to see a man by himself, and many of the officers who have to be present, are very co-operative and try to be as discrete as possible within the terms of the regulations in force.

So as to give to Religion the place which is hers by right in our prisons and institutions, it is necessary to see what is being done in other lands and try to find ways and means to meet our special conditions on the basis of Inter-Faith Good Will; and taking the past into consideration, to look towards the future for the effective and specific religious action all inmates, even those who do not see it at present, will benefit from. We must see how Religion can play a more significant role in prison programmes, not with a view to furthering private denominational effort, but with a view to bringing the saving power of Faith in a better way to those who have to spend months or years segregated from their fellowmen. Nowhere in the body politic can Religion play a more important part than in correctional institutions, but in order to further religious effort, it is a sine qua non condition that churches should stop thinking of proselytism and individual agrandisement and merge their differences for a better reach of the immense need, and "ad Majorem Dei Gloriam".

(2)

The first proposal we would like to make is that, on the basis of the experience in some American States, we should press for the appointment of a **State Advisory Committee on Institutional Religion.** As the administrative capital is in Pretoria, it is important that the Churches should try to propose a membership for this Committee which would consist of persons in that city and on the Rand. This Committee should be appointed by the Director of Prisons on the basis of the most important groups of our population, both European and non-European, and on the basis of the comparative strength of the Churches in the community. — We have tried to create an Association of chaplains but soon found out that, when we had to discuss questions of general policy, each member felt he was unable to speak with authority and could only express his own private opinion. This effort had some value in local effort, and started the holding of combined services at Christmas and some united action, but we need now a much more effective organisation and it appears to us that the best means of creating it is to ask the churches to agree to the formation of the above referred Committee on the following general pattern:

As far as European prisoners are concerned, we have to bear in mind the fact that a large proportion of inmates are Afrikaans speaking, that a small number belong to the Jewish faith, and that as far as English speaking people are concerned, it is impossible to meet institutionally the denominational wishes of everyone. Therefore, in all the large prisons and institutions,

it seems reasonable to suggest that a full-time chaplain for Afrikaans-speaking inmates should be appointed, a full-time chaplain for English-speaking inmates, and a part-time Jewish chaplain. — When we tackle the question of non-European prisoners, the problem is more difficult: a large number are not directly attached to a church, and another large section belongs to a number of small churches or sects. Nevertheless, we all know that the Methodist church has over one million Bantu members and that, owing to the general apathy regarding prison chaplaincy in the past, some Missions have been entrusted with pastoral duties in prisons. So as to make proposals which are acceptable to Prison Authorities, it seems therefore that the membership of the State Advisory Committee should consist, at this stage, of one of the Moderators of the Dutch Reformed Churches, one of the Bishops of the Roman Catholic Church, one of the Bishops of the Church of the Province, one of the District Superintendents of the Methodist Church of South Africa, one of the ministers of the Christian Missions working among South African Natives, one representative of the African Ministers' Association and one Rabbi of the Jewish communities. It would be of great importance that the Department of Prisons should provide the Chairman of the Committee, as has been the case in California, for example, and select one the highest officers of the Department concerned with the Classification and Treatment of prisoners. — The fact that we have not yet got a Department of Corrections and that many institutions dealing with delinquents are under departments other than the Department of Prisons seems to suggest that it would be desirable to have representatives of the Department of Social Welfare and of the Department of Education, Arts and Science on the Committee, and if the chaplaincy of Hospitals and Mental Institutions has to be developed on effective lines, it seems also that the Department of Health should be represented. But it would perhaps be premature to go into a scheme which would be too ambitious, and the important step is to start with Prisons and Gaols in which more than 300,000 persons are imprisoned every year. In any case, once the State Advisory Committee on Institutional Religions is established, it will develop on its own momentum, and the needs of the sick and of youth will soon become evident. We would like to suggest that, at this stage, nothing should be done which would impair the work at present being carried out. For quite a few years, until the Committee has established itself in the eyes of the nation and of Parliament, there is no need to change practical arrangements already made.

What would be the specific task of the State Advisory Committee on Institutional Religion?

(i) It would be responsible for progressively meeting the religious needs of Protestant (Afrikaans, English and non-European), Catholic and Jewish inmates, which are only partly met at the present time. Bearing in mind the grave difficulties of meeting each and every denominational need, it would further a policy of Inter-Faith Good Will and enlist the co-operation of churches engaged in specific work to meet specific needs (like the Congregational Church for Coloured inmates).

(ii) All chaplains, Protestant, Catholic and Jewish, would be left entirely responsible for their work under the sole guidance

of their own church, but controversial problems would be brought to the Committee for scrutiny and advice to the authorities concerned.

(iii) With the full co-operation of the Department of Prisons and other Departments, it would prepare a **Manual of Procedure for the Chaplaincy**, which would cover the preparation of the Religious Programme, of religious Education, instruct the chaplain as to his duties in his first contacts with inmates, in his counselling and cure of souls, in his relations with custodial authorities, in his delicate handling of contacts between inmates and their families and inmates and the outside world. — It would also cover the field of co-operation with other members of the Prison Staff: the medical doctor, the psychiatrist (when he is appointed), the educational officers, the officers in charge of prison labour, of the prison library, etc. — It would set out a pattern of Chaplain's records and of a Chaplain's budget, which would be presented to the State. It would describe the policy to be followed by the chaplain in making plans for a prison chapel, and his duties as custodian of furniture and equipment of the chapel.

(iv) The Committee would endeavour to meet as much of minority groups needs as possible by making use, under the direct responsibility of the full-time chaplain, of the services of their colleagues of these groups. But it would be clearly understood by all churches that only the full-time chaplain is in the position to take responsibility for the use of others in what is his ministry.

(v) The Committee would study in detail the religious programme in prisons and institutions: the regular worship services and the basic necessities for their effectiveness; the proper place of religious instruction in prison training programmes which should be at least as high as secular subjects; the conditions which must exist for the reception of the Sacraments; the proper use of Holy Days in the Prison Year; the development of Religious Music; the provision of religious films or shows, etc.

(vi) The Committee would endeavour to further in the training of ministers outside the teaching of pastoral theology, or, in modern terminolgy, of the technique of counselling. A chapel, when it exists, is used almost every hour of the week for the cure of individual souls and this may be the most important contribution of the chaplain to the life of the Institution.

(vii) In that very special sphere of chaplaincy which touches the condemned cell, the Committee would examine beyond all denominational or ecclesiastical considerations the present set up. It would bear in mind the facts given by the plural society we live in and endeavour to continue in the future what has obtained in the past: the effort to present to men and women facing unnatural death, within a short period, the simple and direct Word of Christ and His divine salvation, and this without any emphasis on what divides churches. The Committee would endeavour to resist the pressure of well-intentioned, but ill-advised, and often subconsciously irresponsible groups and persons who believe they have special missions to perform in the condemned cells. It would encourage the present practice of calling, at the end, when a condemned man so requests, the minister of his own faith to minister to him and give him the Sacraments.

(viii) As the work of the Committee develops, it will be able to influence all churches outside, in their training programmes, to lay a special emphasis on specific fields of study for chaplains. It is a fact that the chaplain in prisons becomes more and more respected in the measure in which he fits in the training programme of the institution; in that respect, the use of capable present chaplains as supervisors of religious internship programmes for theological students deserves careful study.

This brief outline of some of the possible aspects of the work of the State Advisory Committee on Institutional Religion will, we hope, give an idea of the usefulness of such a Body in our own set-up in South Africa, and we may do no better than to quote from Dr. Fenton, the Chairman of the Committee in California, when after eight years of work of the Committee, he concluded:

> "It is relevant to stress again one of the major accomplishments of the State Advisory Committee on Institutional Religion. They have helped the Director of Corrections and his colleagues figuratively to destroy the walls between those in the prisons and those in the communities of California. The efforts of the Committee in bringing before the large segment of the public with whom they are in contact the program of rehabilitation of the Department of Corrections has been of inestimable value."

(3)

In our letter No. 37 of October, 1956, we described the place of Religion in Modern Correctional Effort, and we place this article on record and in the hands of those Church Authorities and Chaplains who desire to take part in our Conference. We dealt with the Clinical **Training of Ministers for the Chaplaincy,** and wish to add the following information on this subject:

It is interesting to note that the following qualifications for Prison Chaplaincy are operating in California: **CHAPLAIN:**

Definition: Under direction, to give spiritual and moral guidance to residents of a State institution; to conduct religious services and instruction; and to do other work as required.

Typical tasks: Interview and counsel mental patients, juvenile or adult offenders, or Veteran Home members on ethical and moral problems and spiritual matters; prepares and conducts religious services; organizes and instructs classes in religion, ethics, and sacred music; co-operates with other staff members in carrying out the institution training program; supervises the arranging of programs conducted in the institution by visiting religious and allied groups; assists in problems involving welfare agencies where family help is needed; visits the sick; works with residents in their group and club activities; counsels with families on problems involved in rehabilitation; in correctional institutions, serves as a member of the classification committee.

Minimum qualifications: Currently ordained, duly accredited by, and in good standing with the Roman Catholic Clergy, a responsible Rabbinical Board, or a nationally recognized Protestant or other religious denomination.

Experience: Two years of full-time paid experience within the last ten years...

1) As a chaplain in the armed services or in a mental or correctional institution; or
2) As either a minister or assistant minister of a church; or
3) In a position comparable to regional director of religious education or of young people's work for a religious denomination

and

The equivalent of completion of one year of approved clinical pastoral training. (Approved clinical pastoral training is a residency program under the auspices of the Council for Clinical Training conducted in mental or correctional institutions.) Participation in one or a combination of the following activities is considered the equivalent of clinical pastoral training and may be substituted for it on a year-for-year basis:

1) In facilities such as mental hospitals, correctional institutions, veteran hospitals, or guidance clinics; in-service training in case-work, counselling and guidance; social case-work, or experience on the clinical staff or classification committee; or
2) Social case work in the armed services; or
3) Graduate study, beyond requirements for the B.D. degree, in psychology, social case-work or sociology.

Education: An academic education equivalent to the B.D. degree from a recognized three-year seminary or theological school approved by a nationally recognized religious denomination, including completion of at least six semester hours of graduate or undergraduate work in psychology

and

Knowledge and abilities: Wide knowledge of an insight into the factors involved in the development of behaviour problems, including a knowledge of mental disorders and the principles of mental hygiene; general knowledge of the purposes of mental and correctional institutions; general knowledge of the methods of mental, moral and social rehabilitation; ability to organize, prepare, and conduct religious services and courses on ethics, religion, and sacred music; ability to counsel and encourage patients, members, or inmates and their families on moral and ethical problems; ability to establish rapport with institution residents; ability to analyze situations accurately, and to adopt an effective course of action;

and

Special personal characteristics: Demonstrated aptitude for working effectively with the socially abnormal; interest in the welfare and spiritual needs of institution residents; emotional stability, adaptability, firmness, patience, self-control, tact, good address, neat personal appearance, pleasant and wholesome personality, good judgment in moral, ethical and religious matters.

Such information may bring many of us to a sad realisation of the inadequacy of their past services; but the challenge is more than needed in a set-up which has been left far too long undefined and a "hit-and-miss"-affair. We ask the most difficult studies and qualifications to handle machinery in modern factories. It seems reasonable to ask for very high standards in the handling of that most delicate machinery of all creation: an unhinged human mind and a degraded human soul.

The subject of Institutional Religion is so vast that we cannot hope to cover even a small part of it in this article. We trust that the consultation which will take place on the occasion of the proposed Conference will open a new era in our own Institutions, at a time when the very great progress realized by the administration needs to be accompanied by a renewed and genuine effort to bring the force of Religion into full effect in our prisons, our gaols, our reformatories and all our institutions for maladjusted or fallen human beings.

II. EXTRACT FROM BILL TO AMEND CRIMINAL LAW:

22. The following section is hereby substitution for section 329 of the principal Act:

Nature of Punishments. 329 (1) The following sentences may subject to the provisions of this Act and of any other law and of the common law be passed upon a person convicted of an offence, namely:-

(a) .....
(b) .....
(c) periodical imprisonment;
(d) imprisonment for corrective training;
(e) imprisonment for the prevention of crime;
(f) declaration as an habitual criminal;
(g) fine;
(j) whipping.

25. Section 224 of the principal Act is hereby amended —

(a) by the substitution for sub-section (1) of the following sub-section :-
"(1) subject to the provisions of sub-sections (2) and (2) bis, a person liable to a sentence of imprisonment for life or for any period, may be sentenced to imprisonment for any shorter period, and a person liable to a sentence of a fine of any amount may be sentenced to a fine of any lesser amount";

(b) by the deletion in sub-section (2) of the words "or imprisonment with compulsory labour, as distinguished from imprisonment with or without compulsory labour;

(c) by the insertion after sub-section (2) of the following sub-section:-
"(2) bis Whenever a court convicts a person of any offence punishable by imprisonment (whether with or without any other punishment), it shall, if such person is not then undergoing any punishment of imprisonment (whether as direct or alternative punishment) upon such person, impose a sentence of imprisonment of a period which, either alone or together with any other direct or alternative punishment of imprisonment simultaneously imposed by such court upon such person in respect of any offence, is at least thirty days".

(d) .....

(e) .....

(f) .....

26. The following sections are hereby inserted in the principal Act after section 334 :-

"Periodical imprisonment: 334 bis (1) The Minister may by notice in the Gazette, declare any area to be an area in which a court may impose a punishment of periodical imprisonment.

(2) Whenever, in any such area, a court convicts a person of any offence other than an offence specified in the 4th Schedule or an offence in respect of which the imposition of a prescribed punishment on the person convicted thereof is compulsory, it may, in lieu of any other punishment, sentence such person to undergo, in accordance with the laws relating to prisons and gaols, periodical imprisonment for periods of not less than 200 hours and not exceeding 1000 hours in the aggregate.

(3) A court shall, in imposing a sentence of periodical imprisonment upon a person, order him to surrender himself on the date and at the time and place specified in such order, in order that he may undergo such imprisonment.

(4) Any person who —

a) without lawful excuse, proof whereof shall be on such person, fails to surrender himself in order that he may undergo periodical imprisonment, when and where he is required to do so under an order made under sub-section (3), or under the laws relating to prisons or gaols; or

b) so surrenders himself, while under the influence of intoxicating liquor or narcotic drugs,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three months;

(5) If, before the expiration of any sentence of periodical imprisonment imposed upon any person for any offence such person is undergoing a punishment of any other form of detention imposed by any court, any magistrate before whom such person is brought, shall set aside the unexpired portion of the sentence of periodical imprisonment and, after considering the evidence recorded in respect of such offence, may impose in lieu of such unexpired portion, any punishment within the limits of his punitive jurisdiction and of any punishment prescribed by any law as a punishment for such offence.

Imprisonment for corrective training. 334 ter. (1) Subject to the provisions of sub-sections (2) and (3), a court which convicts a person of one or more offences, may, if it is satisfied that the said person requires training and treatment for his reformation, impose in lieu of any other punishment for such offence or offences, a sentence of imprisonment for corrective training.

(2) Subject to the provisions of sub-section (3) a court which convicts a person of an offence referred to in any Group of Part I of the Third Schedule in regard to which it has jurisdiction, is authorised and required, unless in its opinion the offence calls for the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding 4 years, to impose in lieu of any other punishment for such offence and any other

offences of which the accused is simultaneously convicted, a sentence of imprisonment for corrective training —

a) if he is proved to have been ordered previously, before or after the commencement of this Act, either in the Union or elsewhere, to be sent to a reformatory as defined in section 1 of the Children's Act 1937 (Act No. 31 of 1937) in respect of offences of which at least two are offences included in such Group; or

b) if he is proved to have been sentenced, previously, before or after the the commencement of this Act, either in the Union or elsewhere, to imprisonment for periods of at least 12 months in the aggregate, as punishment (whether direct or alternative) for offences of which at least 3 are offences included in such Group.

(3) A sentence of imprisonment for corrective training shall not be imposed on a person under the age of 19 years or for an offence in respect of which the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding 4 years on the person convicted thereof is compulsory.

(4) Notwithstanding anything to the contrary contained in the Magistrates' Courts' Act 1944 (Act No. 32 of 1944) or in any other law, a magistrate's court presided over by a person who holds or has held a substantive appointment as magistrate or additional magistrate shall have jurisdiction to impose a sentence of imprisonment for corrective training.

(5) A person sentenced to imprisonment for corrective training shall be dealt with in accordance with the laws relating to prisons and gaols.

Imprisonment for the prevention of crime. 334 quat (1) Subject to the provisions of sub-sections (2) and (3), a superior court or the court of a regional division which convicts a person of an offence referred to in any Group of Part 1 of the Third Schedule in regard to which it has jurisdiction, may, if the said person is proved previously to have been convicted of an offence included in such Group, impose in lieu of any other punishment for the first-mentioned offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for the prevention of crime.

(2) Subject to the provisions of sub-section (3) a superior court or the court of a regional divisions which convicts a person of an offence referred to in any Group of Part 1 of the Third Schedule in regard to which it has jurisdiction, is authorised and required, unless in its opinion the offence calls for the imposition of the death sentence, or a sentence which entails imprisonment for a period exceeding 8 years, to impose in lieu of any other punishment for such offence and any other offences of which the accused is simultaneously convicted, a sentence of imprisonment for the prevention of crime —

a) if he is proved to have been sentenced previously to imprisonment for corrective training; or

b) if he is proved to have been sentenced previously, before or after the commencement of this Act, whether in the Union or elsewhere, to imprisonment for periods of at least 36 months in the aggregate, as punishment (whether direct or alternative) for offences of which at least 3 are offences included in such Group.

(3) A sentence of imprisonment for the prevention of crime shall not be imposed on a person under the age of 19 years or for an offence in respect of which the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding 8 years on the person convicted thereof is compulsory.

(4) A person sentenced to imprisonment for the prevention of crime shall be dealt with in accordance with the laws relating to prisons and gaols".

27. The following section is hereby substituted for section 335 of the principal Act :-

Declaration of certain persons as habitual criminals. 335 (1) Subject to the provisions of sub-sections (2) and (3) a superior court which convicts a person of one or more offences, may, if it is satisfied that the said person habitually commits offences, declare him an habitual criminal, in lieu of the imposition of any other punishment for the offence or offences of which he is convicted.

(2) Subject to the provisions of sub-section (3) a superior court or the court of a regional divisions which convicts a person of an offence referred to in any Group of Part 1 of the Third Schedule in regard to which it has jurisdiction, is authorised and required, unless in its opinion the offence

calls for the imposition of the death sentence, to declare the said person an habitual criminal, in lieu of the imposition of any other punishment for such offence and any other offences of which the accused is simultaneously convicted :-

a) if he is proved to have been sentenced previously to imprisonment for the prevention of crime, or

b) if he is proved to have been declared an habitual criminal previously, before or after the commencement of this Act, either in the Union or elsewhere; or

c) if he is proved to have been sentenced previously, before or after the commencement of this Act, either in the Union of elsewhere, to imprisonment for periods of at least 60 months in the aggregate as punishment (whether direct or alternative) for offences of which at least 3 are offences included in such Group.

(3) No person shall be declared an habitual criminal if he is under the age of 19 years or if the offence of which he has been convicted is an offence in respect of which the imposition of the death sentence on the person convicted is compulsory.

(4) A person declared an habitual criminal shall be dealt with in accordance with the laws relating to prisons and gaols.

28. Section 336 of the principal Act is hereby amended —

(a) by the substitution for sub-section (1) of the following sub-section :-

"(1) Save as otherwise provided in this Act, a court which convicts any person of any offence punishable by a fine (whether with or without any other direct or alternative punishment) is authorised and required, in imposing a fine upon such person, to impose, as a punishment alternative to such fine, a sentence of imprisonment of any period within the limits of its punitive jurisdiction; provided that, subject to the provisions of sub-section (3), the period of such alternative sentence of imprisonment shall not, either alone or together with any period of imprisonment imposed as a direct punishment, exceed the longest period of punishment prescribed by any law as a punishment (whether direct or alternative) for such offence".

(b) By the deletion of sub-section (2).

31. The followin section is hereby substituted for section 344 of the principal Act :-

Discretion of court in relation to whipping : 344. (1) When any person may be sentenced by a court to a whipping, that punishment may, subject to the provisions of sub-section (2), be inflicted in addition to, or in substitution for, any other punishment to which he may otherwise be sentenced, and the number of strokes to be inflicted, not exceeding ten, shall subject to the provisions of any other law, be in the discretion of the court which shall specify in the sentence the number of strokes which are to be imposed.

(2) No person shall for the same offence be punished by a fine and by whipping.

32. The following are hereby inserted in the principal Act after section 344 :

Sentence of whipping to be imposed by inferior courts in certain cases only : 344 bis : Subject to the provisions of section 344 ter, whipping shall only be imposed by an inferior court —

(a) in the case of a first conviction for —

(i) assault of an aggravated or indecent nature or with intent to do grievous bodily harm or with intent to commit any other offence;

(ii) culpable homicide, bestiality or an act of gross indecency committed by one male person with another or any attempt to commit any such offence; or

(iii) any statutory offence for which whipping may be imposed as a punishment, unless it is expressly provided that whipping shall only be imposed as a punishment on a second or subsequent convictions;

(b) In the case of a second or subsequent conviction for an offence committed within a period of three years after the former conviction.

Sentence of whipping shall be imposed for certain offences : 344 ter. (1) Subject to the provisions of sections 344 and 346, any person convicted of an offence mentioned in Part II of the Third Schedule, shall be sentenced to whipping, unless he is proved previously to have been sentenced to a whipping other than whipping referred to in section 345, or unless he is dealt with under section 334 ter, 334 quat, 342 or 345.

(2) The Minister may by notice in the Gazette add any offence to Part II of the Third Schedule, if a resolution authorising him so to add such offence is passed by both Houses of Parliament.

Procedure when sentence of whipping by superior court prevented from being executed: 344 quat. In any case in which a sentence by a superior court of whipping is wholly or partly prevented on grounds of health from being executed the person sentenced to a whipping shall be kept in custody until that sentence is revised by the court which passed it or if that court is not sitting, by the provincial division concerned, and the court may in its discretion either remit the sentence of whipping or sentence such person in lieu of whipping or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for a period not exceeding twelve months, which period of imprisonment may be in addition to any other punishment to which the person may have been sentenced for the same offence."

III. THE CRIMINAL LAW AMENDMENT. (Continued)

B. PERIODICAL IMPRISONMENT:

The Bill provides for an entirely new measure, which may be imposed in any area proclaimed by the Minister by notice in the Gazette: **periodical imprisonment.** For all offences other than an offence specified in the Fourth Schedule of the Act (murder, rape, robbery, any offence in respect of which any law imposes a minimum punishment; any conspiracy, incitement or attempt to commit any of the mentioned offence), a court may, in lieu of any other punishment, sentence a person to undergo, in accordance with the laws relating to prisons and gaols, periodical imprisonment for periods of not less than 200 hours and not exceeding one thousand hours in the aggregate.

This provision is very interesting and shows that the Legislator has endeavoured to find a way of dealing with a type of offender which ignores (taking no notice at all of) repeated measures against small offences. It has many advantages: the work of the person concerned can go on without interruption, because the time he spends in prison can be so prescribed that he only comes to prison in his free time, especially at week-ends, and spends all his normal time of rest and recreation in custody. It answers pointedly the psychology of the man or the woman who does not care and pays no attention to repeated fining. It answers the nuisance of the offender on his own ground and creates nuisance for him. It is intelligent retribution in kind.

Should an offender fail to surrender himself on the date and time specified by the order of the court, or surrenders himself while under the influence of intoxicating liquor or narcotic drugs, he shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three months.

This new measure may prove a very effective means of stopping a large number of offenders from bringing the Law into disrespect by their casualness and their contempt for other punishments. Such a system has been established in Germany and seems to have given satisfactory results there. It may be that, at the beginning, we will have to face some serious congestion in the gaols at week-ends; but this is not new, and the nature of the measure is such that, for the type of offender concerned, it may very soon act as a powerful deterrent. Experience will tell, but we hope that Parliament will be ready to give this experiment a fair chance.

C. CORRECTIVE TRAINING :

Section 334(ter) of the Bill provides another new form of treating a person convicted of one or more offences, if the court is satisfied that the person requires training and treatment for his reformation, and that is **corrective training.**

This sentence was introduced in Great Britain by the Criminal Justice Act of 1948. Very briefly it was there intended for the reformation of offenders **over 21 years** of age, whose conviction on indictment was for an offence for which the maximum sentence is at least two years, who had at least two previous convictions of offences punishable with a sentence of at least two years. The length of the sentence would be from two to four years. In the Bill now under consideration, the sentence is applicable only to persons over **19 years** of age and cannot be passed in cases where the offence calls for the imposition of the death sentence or a sentence which entails imprisonment for at least four years. It may be imposed in lieu of any other punishment if the offender is proved to have been ordered previously to be sent to a reformatory, or if the offender is proved to have been sentenced previously to imprisonment for periods of at least twelve months in the aggregate. All Magistrates Courts will be empowered to impose the sentence, which shall be carried out in accordance with the laws relating to prisons and gaols.

In Great Britain, the Prison Commissioners stated, in 1950, that if the Corrective Training System is to succeed it is important that those who receive the sentence should be persons who both need this form of training and are reasonably likely to profit by it. To form an opinion on this question requires a study of the offender's social and criminal history and background, an assessment of character which calls for skill and time. There is often little time. Provision was made for Prison Commissioners to report to the Courts on the suitability for corrective training of the persons eligible for the sentence, but there have been since 1948, evidence of considerable variations in the judgment of Prison Officials as to who is and who is not suitable for corrective training. In 1951, of 937 persons discharged from a sentence of corrective training, 498 were not reconvicted and 439 were reconvicted. Out of nearly 3,000 men discharged during the years 1950-53, it appears that, at the end of 1955, some 45 per cent had not returned to prison, and the Prison Commissioner note that, as these were **persistent** offenders, for most of them with bad records, the fact that over 1,300 have been diverted from crime is not discouraging. The figures for women are definitely encouraging, an average from 40 to 73% were not reconvicted.

Corrective Training will not be a kind of magic means of stopping persistent offenders; but it is a valuable measure, still in the experimental stage in countries where it has been adopted, and the fact that it diverts from persistent crime quite a substantial proportion of those under the sentence is a proof that the policy is a sound on. It is important to note that such a sentence implies elasticity in its practical operation; with the industries now developing within our prison system, with the varied possibilities these industries offer for treatment, it will very largely rest with the administrative authorities to use the facilities they have for the

best working of corrective training in terms of the individuals concerned. What is encouraging in all the development which the Bill represents is that the authorities show a willingness to experiment which never existed before to the same extent.

D. PREVENTIVE DETENTION :

Section 334(quat) of the Bill deals with the conditions under which this new measure will operate. A superior court or a court of a regional division is authorized and required, unless in its opinion the offence calls for the imposition of the death sentence or a sentence which entails imprisonment for a period exceeding eight years, to impose in lieu of any other punishment a sentence of imprisonment **for the prevention of crime.** The offender must have been proved to have been sentenced previously to corrective training or to periods of imprisonment of at least 36 months in the aggregate. The sentence shall not be imposed upon persons **under 19 years of age.**

In Great Britain, where preventive detention was introduced in 1948, under the Criminal Justice Act, the age of the offender must be **over 30,** the type of conviction must be the same as for corrective detention; there must be at least three previous convictions for offences punishable with a maximum of at least two years, and on at least two of these occasions, the offender has been sentenced to Borstal imprisonment or corrective training. The length of sentence is from **5 to 14 years,** and its aim is quite definitely for the protection of the public.

It is very important, when new measures are introduced, that the intention of the Legislator may have a real chance of practical application, and the difficulty so far, in Great Britain, has been that it has apparently not been possible to provide the colonies where offenders sentenced to preventive detention may spend their years with the maximum freedom possible, or, as the Howard League proposed many years ago, in settlements where wives and families could also live. The danger is then very serious that the new methods proposed purely and simply, for practical purposes and for reasons of economy, fall back into the old routine, and in that case, Preventive Detention means only a long and dreary sentence, where the idea of reformation becomes less and less important and more and more difficult to keep in mind. — Then it seems to us to be of great importance that the conditions of those measures, as imposed upon the courts, should not be so rigid as to preclude the possibility of using them in cases where they are obviously needed, but where the strict legal terms under which they are imposed are not applicable. For example, a court should be able to think of preventive detention in cases which have escaped all direct detection and action, but which are a most direct and grave danger for the community. — On the other hand, when measures are accepted which imply a very direct restriction of the freedom of the individual, it is only right that those measures should be subjected to the most definite safeguards. We have seen, in our time, autocratic states ruining personal liberty, and it is the essence of the Majesty of the Law that it should give no possibility for such abuses. If we consider Preventive Detention, not only as a restrictive measure for uncontrollable individuals, but as a means of bringing serious

offenders under the great forces which can mend them, physically, psychologically and ethically, with the powerful advances of mental sciences and modern medicine, and with the influence of Religion, it will not only be a negative and deadening measure, but a positive social effort towards the rehabilitation of very difficult cases.

E. HABITUAL CRIMINALS :

Section 335 of the Bill is an attempt to bring the old section of the Act into agreement with the new measures described above. It is clear and straightforward. A person may be declared an habitual criminal unless the offence calls for the imposition of the death sentence, and if the offender is proved to have been imprisoned before for the prevention of crime, or for periods of imprisonment of at least sixty months in the aggregate. No person shall be declared an habitual criminal if he is **under 19 years** of age, or if the death sentence is compulsory.

* * * *

If we consider the Fifth Schedule of the Bill, we see that, in calculating any periods of imprisonment, **periodical imprisonment** for 20 hours shall be equal to imprisonment for one day; one week shall be equal to seven days; thirty days shall be equal to one month. Imprisonment for **Corrective training** shall be equal to imprisonment for **two years.** Imprisonment for the **Prevention of Crime** shall be equal to imprisonment for **five years** and the **Declaration of Habitual Criminality** shall be equal to imprisonment for **nine years.**

The Schedule also prescribes that no previous conviction shall be taken into account if the offender has not been proved to have committed an offence for a period of ten years.

F. WHIPPING :

The Bill maintains corporal punishment as a measure. A court may impose whipping in addition to, or in substitution for, any other punshment, and the number of strokes, not exceeding ten, is left to the discretion of the court. No person shall for the same offence be punished by a fine and by whipping.

Inferior courts shall impose whipping **only** (a) in the case of a **first** conviction for assault of an aggravated or indecent nature, for culpable homicide, bestiality or a case of gross indecency committed by one male person with another, for any statutory offence for which whipping may be imposed as a punishment; and (b) in the case of a second or subsequent conviction for an offence committed within a period of three years after the former conviction. In certain cases, whipping shall be compulsory (offences mentioned in Part II of the Third Schedule of the Act: Rape, robbery, culpable homicide where assault is involved, assault with intent to commit rape or robbery, breaking or entering, theft of a motor vehicle, theft or attempted theft of goods from a motor vehicle, receiving stolen property): but this compulsion only exists unless the offender is proved previously to have been sentenced to a whipping other than whipping referred to in the section dealing with male children (345) or unless he is dealt with as a correctice training or preventive detention case or an habitual criminal, as a convicted juvenile or a male child.

No person over the age of fifty years may be flogged in the future.

NEWS OF THE LEAGUE AND OTHER NEWS

1. PENAL REFORM CONFERENCE IN PRETORIA:
4 & 5th NOVEMBER, 1957.

The Executive Committee of the Penal Reform League of South Africa has decided to convene a Conference of members and all interested persons and Bodies with a view to considering two important questions, THE CRIMINAL LAW AMENDMENT BILL and THE DEVELOPMENT OF ADEQUATE CHAPLAINS' SERVICES IN PRISONS AND GOVERNMENT INSTITUTIONS. We therefore extend an invitation to take part in this Conference to all members of the League, to our affiliated Bodies and to all persons who support the principles for which the League stands.

The Conference will take place on 4th and 5th November, at the S.A.T.U. HALL, SATU HOUSE, 16 Visagie Street, PRETORIA, opposite the Pretoria City Hall. The first day will be devoted to the First Subject and the second day to the Chaplains' Meeting. Newsletters 40 and 41 introduce the first subject, and will be taken as read; Newsletters 37 and 41 introduce the second, and we kindly ask the Chaplains to read them, so that the introduction to the discussion may be as brief as possible. None of the articles prepared intend to convey the considered opinion of the League; they have been written as a basis for the deliberations of the Conference. The hours of Conference shall be from 9 a.m. to 12.45 p.m. and from 2 p.m. to 5.30 p.m.

2. We wish to record here our very sincere and heart-felt gratitude to *Mrs. Gwen Hardie,* who has been our very faithful Honorary Secretary in Cape Town ever since the League was founded. Her health has not been good and she has asked our Cape Town friends to relieve her from the duties she had so graciously accepted to perform for our Branch. It was impossible for them and for us to insist, and we had to accept her resignation. But we would like, in this issue of Penal Reform News, to pay tribute to the great value of Mrs. Hardie's services for the League, to assure her how much we owe to her untiring goodwill which has been the real cause of much of the interest existing in the Mother City for our efforts.

3. *"In the U.S.A.,* from Massachussets to California, corrections departments are increasing their emphasis on *camp work* as a part of the treatment programme. — In the open camps, retraining can be accomplished to a greater degree, with greater economy than can be done inside prison walls. — Prisoners in almost every state are prepared to work with Forestry and Conservation Officers to fight forest fires, by hand and with modern equipment. Their preventive and salvage effort represents an expression of willingness to aid the society that deemed their imprisonment necessary. It seems invalid to term such men anti-social". *Spectator,* Jackson, Michigan. 22.iii. 1957.

"I have never imposed a sentence for the purpose of hurting any one," writes Judge L. L. Anderson from Minneapolis, and he concludes his account of feelings about sentencing as follows: "Regardless of the length of sentence, the *parole system* is available to the man. A lot depends upon the man himself, at the institution, of course. — And I like to feel that, if we sentence intelligently, there will be a better man come out of what we have done. If we are not intelligent about it, the *parole system* can help to make it right." *Spectator.* Jackson, Michigan, 8.iii. 1957.

The same publication, a weekly journal of the Prison, refers to the fact that the Michigan Reformatory Inmates provided, in two days, 1,075 pints of blood for the Red Cross, and it states:

"This blood is donated to a society which has imprisoned the donors for having violated community laws and customs. The willingness of these young men to provide that same society valuable community service in the form of their blood donations is a timely reminder that they retain a desire to respect and abide by the laws and customs of that society." *Spectator.* 21.vi., 1957.

Prison labour in the Federal System of the U.S.A. "The past fiscal year of 1957 has been an outstanding one . . . A dividend of 1.500,000 dollars was declared by the Board of Directors at their meeting on May 17, 1957, and deposited in the general fund of the United States Treasury making a total of 34 million dollars . . . since 1935. — Following are a few examples of the production . . . during the past fiscal year:

Cotton textiles amounted to over 4,600 miles of duck which, if stretched from Atlanta to Vienna, Austria, would provide a magic carpet to a very romantic place for your vacation. Over 550,000 pairs of shoes were manufactured at Leavenworth — enough for the entire population of the State of Idaho. Laundry was processed for Veterans Hospitals and Army and Navy installations in the amount of over 4,700,000 pounds. Over 2,500,000 brushes were manufactured at three factories: Alcatraz, Leavenworth and Springfield. It was necessary to use the bristle of 55,750 hogs and hair out of the tails of 157,750 horses; in addition to all the hog bristle and horse hair used in brushes, a large proportion of synthetic and nylon bristles are used. — The dairy at La Tuna furnished 1,998,758 pints of Grade A pasturized milk. — Enough mattresses were produced in Atlanta to equip 31 sea-going ocean liners the size of the "United States". From "Federal Prison Service", August, 1957.

We are glad to know that our own Department of Prisons is fast developing its industries.

Classification of inmates in California. "Key-stone in the structure of California's adult correctional system is the Reception-Guidance Center process (for men at Chino and Vacaville; for women, at Corona).

"The primary function of these centers is the diagnosis of the newly received inmate and the development of a programme that will meet the needs he presents. — This is accomplished by painstaking study of each individual by a staff of specialists which includes psychiatrists, psychologists, sociologists, educators, physicians, dentists, experienced correctional officers and group counsellors. —The new inmate is stripped, searched, given a thorough medical and dental examination, immunized, fingerprinted, photographed, and given a variety of tests designed to determine his intelligence, personality, educational achievement, and vocational aptitude. — He may be asked to draw pictures or to copy diagrams, or perhaps to peer at ink blots and tell what they look like to him. He tries to fit odd shaped bits of cardboard into place while examiners time him, piles up blocks and answers what seem to be a thousand questions. — When he has finished the battery of tests, all of them the most modern devised, he is individually counselled by the staff on how to adjust to his prison future. — When the process is finished, the staff knows more about the inmate than he does himself. They know his history, the way his mind and body work his strength and his weaknesses. — They are all recorded in a practical, straightforward report, the form of which has been improved in the past two years to make it even more useful. *The report is the basis for determining the inmate's prison programme and his level of custody*". State of California, Department of Corrections, Biennial Report, 1955-1956.

H. P. JUNOD.

PRETORIA: 1st October, 1957.

Crime is, in its modern form, a reflection of society's inability to adjust itself in an industrial age. The Rule of Law is the solid foundation of all human development and the Legislator must make Law accessible to all citizens, irrespective of race, colour, creed and material status. Modern conditions drive the community into a complex of law-making which increases Statutes and multiplies year by year the scope of legal wrong-doing. The clear moral background of Justice is threatened by this development. The conscience of the people is numbed by the quantity of laws, rules and regulations which should exalt Social Order, but in fact encourage the community to drift further and further away from the true ethical foundations of human behaviour. This creates an emotional approach which tends to lead the people into considering occasional offenders and hardened criminals as equally "unfortunate" and to abandoning reason and logic in their approach to wrong-doing.

The Penal Reform League is a consistent effort to restore the balance needed. It resists the urge to unreasonable retaliation, but it does not advocate a namby-pamby attitude towards wrong-doers, nor measures which would condone anti-social acts. It bases all its endeavours upon the firm ground of the protection of society *by specific, intelligent and appropriate action* against *as well as* for *the offender. The League's standpoint is a* crimino-logical *approach to the problem of anti-social behaviour, in which intelligence is preferred to brutal retaliation. The League opposes mass measures against offenders and advocates individual approach in sentence and treatment. It urges the higher training of all those who have to represent the arm of the Law and to inform the program of correction, and their more adequate remuneration. The League acknowledges all administrative progress and achievements of recent years in the correctional program. MAKE THIS WORK MORE EFFECTIVE BY JOINING THE PENAL REFORM LEAGUE OF SOUTH AFRICA.*

THE PENAL REFORM LEAGUE OF SOUTH AFRICA was officially created on November 1st 1946. Its objects are: THE PREVENTION OF CRIME and THE RIGHT TREATMENT OF DELINQUENTS.

THE LEAGUE SEEKS TO ORGANISE PUBLIC OPINION AND CO-ORDINATE THE EFFORTS OF ALL PEOPLE OF GOODWILL TOWARDS PENAL REFORM.

THE LEAGUE seeks to promote investigation into THE CAUSES OF CRIME, THE MEANS OF PREVENTION OF CRIME, and THE METHODS OF TREATMENT OF OFFENDERS.

THE LEAGUE urges greater use by the Courts of remedial and rehabilitative measures in the place of imprisonment, and the removal of all petty offenders from Prisons. In South Africa, where 94 per cent. of admissions into Prisons is for sentences of six months or under, the urgency of this work cannot be over-emphasized; the League demands the abolition of racial discrimination resulting in unequal sentences;

The League suggests improvements in Prisons and Institutions Regulations and the abolition of unscientific methods of treatment; the League takes every opportunity to press for reforms in our Courts, our Reformatories, Work Colonies, and Penitentiary Institutions, and advocates the removal of Prisons from the Cities and their replacement by diversified and classified Institutions in the Country; the League informs public opinion, urges intensification and co-ordination of all efforts towards Penal Reform, co-operates with all agencies and State Departments in the organisation of proper consultation and co-ordination of efforts.

THE LEAGUE IS YOUR BUSINESS — TAKE A HAND IN IT NOW.

For full particulars of the programme of the League write to:

THE DIRECTOR, PENAL REFORM LEAGUE OF S.A.,
P.O. Box 1385, Pretoria.

CAXTON PTA. 5367