

Penal Reform News

CONTENTS :

1. WINNING THE WAR ON CRIME IN EUROPE TO-DAY.

(i) Introduction.

I. PENITENTIARY SCIENCE.

(i) The International Penal and Penitentiary Commission.

(ii) The Hague Congress.

II. THE PARIS CONGRESSES.

(i) Congress of Criminology.

(ii) Congress of Psychiatry.

III. BORSTALS AND PRISONS IN GREAT BRITAIN.

2. NEWS OF THE LEAGUE AND OTHER NEWS.

(i) Deputation to the Minister of Justice.

(ii) Afvaardiging aan die Minister van Justisie, deur Adv. P. T. Wessels.

(iii) Liquor Laws and the Therapeutics of Alcoholism.

(iv) The Leeuwarden Prison and our Prisons.

(v) A New Chapter in the Fight Against Crime in Great Britain.

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

Effective treatment in an institution involves much more than safe custody and meeting the tangible needs like improving health, developing vocational skills and stimulating wholesome leisure time interests. It must create an atmosphere favourable to the growth and change of personality. The educative process is a variable one. (This concept gives validity to the indeterminate sentence.) The success of an institution's programme is measured by the individual's ability and capacity to assimilate new aims, goals, standards and spiritual values. When offenders know they are respected as individuals they are more likely to respect themselves; when they are given responsibility and freedom of choice they are able to exercise judgment. The tone of the institution is set by the administration's attitude toward them. Like children they know when they are accepted or rejected. They respond accordingly. The burden is on the staff. If the staff is suspicious and punitive, the inmates will inevitably be hostile, resentful and aggressive. Only capable, well-trained, stable workers who have themselves well in hand can stimulate the morale essential to the operation of an open institution.

Edna Mahan, Superintendent, New Jersey Reformatory for Women.

(In a paper prepared for the Hague Congress, 1950.)

Winning the War on Crime in Europe To-day

Penitentiary Science, Criminology, Psychiatry: three disciplines of science, combine their efforts at the present time to find ways and means of combating crime and it is encouraging to note that, in spite of the criminogenous conditions of the after-war period, in spite of the deep unsettlement of the political world, very great efforts are made in most countries towards applying man's intelligence to his treatment of anti-social persons, instead of the apparently easy way of caging them, with the ultimate result that prisons have led, in many instances, to an aggravation of the evil, instead of providing a cure. Owing to the generosity of a few friends of our League, your Organiser was enabled, during the last four months of 1950, to take part in the International Penal and Penitentiary Congress in the Hague, and in the International Congress of Criminology and that of Psychiatry in Paris, with the further most valuable opportunity of visiting a large number of institutions in Europe, and more especially in Great Britain. The present short report intends giving a general idea of his experiences, and it is hoped that it will serve as the pattern of a programme of possible developments in the Union of South Africa, with the full realisation that the problems facing our multi-racial society are more complex and overwhelming than those facing an ordinary homogeneous country. The complexity of the task is no excuse, and it is fitting that, at the very start of this far too short resumé of a unique opportunity of getting a full panorama of the present programme of penal reform, I should quote the striking conclusion of one of the eminent criminologists of our time, Etienne de Greef, in his conclusions on "Criminogenesis":—

"The more a community upholds moral standards, the more it presses back criminogenous processes in each of its members, the more it forces back criminality towards the least normal, the least balanced strata, the more crime in it becomes pathological. The more a community gives way to criminogenous attitudes, the greater becomes the number of its members whom it liberates towards criminal acts, the more crime in it becomes normal. When a sociologist shows that criminality in a certain region becomes more marked, for example in those parts of a city which are neglected and which are starting to be vacated by the population, he does not describe only a sociological phenomenon; he shows, without having always noted it, that the moral conditions of those neglected areas is deliquescent (in the process of disintegration) and influence those who remain behind, who, moreover, are seldom the best elements."

It would be an impossible task to cover the whole ground in the space of one newsletter, but the inspiration of the information gathered and of all the valuable contacts made will be at the basis of our efforts for a long time to come.

I. PENITENTIARY SCIENCE AND CRIMINOLOGY.

The whole civilised world is fully awake to the duty of checking the development of crime. It is unfortunate that schooling, generalised education of a formal type, and the influence of the church and social agencies have not so far been able to provide an adequate cure for the festering sores of society where crime develops; and the result has been the classical prison, with its hopeless failures, and the collective fears, which have made of fallen men desperadoes. An acquisitive community, often actuated by greed and profit motives, has added to the problem its deleterious atmosphere. But time has come when the negative effect of all these elements combined called for a new start in the fight against anti-social people, and the patient endeavours of penal reform are beginning to show results.

One of the most striking of these results is the great respect with which all competent authorities, all over the world, have supported the constant and consistent advance of the I.P.P.C., the International Penal and Penitentiary Commission, an organisation which has done more for the practical progress of penitentiary practice in the world than any other agency. It is fitting that before briefly relating the main points of my visit to Europe, I should outline, in a few words, the history of the I.P.P.C.

(i) The International Penal and Penitentiary Commission.

This "international forum" for the discussion of penal matters was first planned in the mind of Dr. Enoch Cobb Wines, then secretary of the Prison Association of New York, who suggested, in 1868, that an international congress should be convened on penal problems; and this was done, the London Congress met in 1872. Discussion there proved so successful that a committee, called the International Prison Commission was created, with Dr. Wines as chairman; governments were invited to send representatives to its sessions, regulations were drafted and accepted, and periodical congresses took place, only interrupted by European wars, more or less every five years, the last one being in Berlin, in 1935. The Commission did not cease to function during the last 15 years; but its work went on with the drafting of Standard Minimum Rules for the Treatment of Prisoners, with a draft of standard forms for the scientific examination of prisoners, with memoranda on the vocational training of penitentiary officials, on a Model Extradition Treaty, on Rules for drawing up criminal statistics, etc. It prepared a series of surveys of the various penitentiary systems in various countries, and prepared the 1950 Congress in The Hague. It is therefore with a sense of loss, mingled with resignation and high hopes that we learned, at The Hague, that the I.P.P.C. after over 75 years, will be dissolved as such, and its work assumed by the United Nations.

But life moves on, and this new departure in the international co-operation for penal and penitentiary developments gave The Hague Congress an atmosphere of urgency and efficiency, and sets before those who will have to take the lead at Lake Success a very important and onerous duty: "*Noblesse oblige.*" I have been informed that the I.P.P.C. in a new form will act as the most important consultative body for the Social Commission of the U.N.O. in the matters, and

that the plan is only to give it a more universal backing and scope. Thinking over these plans, it has appeared to me that, if the I.P.P.C. and its qualified personnel remain as the international forum for penal and penitentiary practice and consultation, on the one hand, and if the "Société Internationale de Criminologie," which already has the consultative status of the U.N.O. and has been entrusted by the International Congress of Criminology with the creation of an International Institute of Criminology, can realise the collaboration of all the branches of science interested, we may have a much more comprehensive, powerful and efficient organisation than even the I.P.P.C. with its impressive record of the past seventy-five years. We may then, like the French people of old, at the time of their King's death, exclaim: "The King is dead. Long live the King."

(ii) The Hague Congress.

I have already given a description of the resolutions of this Congress as regards short-term imprisonment, prisons and their administration, and the treatment of habitual offenders, in Newsletter No. 15.

The *first section of Congress* considered the question of a *pre-sentence* examination of the offender intended to assist the judge, and unanimously agreed that: "a pre-sentence report covering not merely the circumstances of the crime but also the factors of the constitution, personality, character and socio-cultural background of the offender, is a highly desirable basis for the sentencing, correctional and releasing procedures." Criminologists in all countries were urged to conduct research designed to develop prognostic methods ('prediction' tables, etc.) and it was recommended that the professional preparation of judges concerned with peno-correctional problems should include training in the field of criminology.

The problem of *psychiatry in prisons* was examined and detailed guidance given for its inception, scope and development; the assistance of the psychiatrist should not be sought only in abnormal cases, but in borderline cases and with prisoners who show signs of disturbances caused by prison life itself; he should help in the classification of types of prisoners and in the training of the staff.

The *third section* dealt with short-term imprisonment and *conditional release* of prisoners, summing up its recommendations as follows on the last point:

- "(1) The protection of society against recidivism requires the integration of conditional release in the execution of penal imprisonment.
- (2) Conditional release (including parole) should be possible, in an individualized form, whenever the factors pointing to its probable success are conjoined: (a) the co-operation of the prisoner (good conduct and attitudes); (b) the vesting of the power to release and to select conditions in an impartial and competent authority, completely familiar with all aspects of the individual case presented to it; (c) the vigilant assistance of a supervising organ, well-trained and properly equipped; (d) an understanding and helpful public, giving the released prisoner 'a chance' to rebuild his life.
- (3) The functions of prisons should be conceived in such a way as to prepare, right from the beginning, the complete social re-adjustment of their inmates."

The preparation and use of a "*penal register*" (the "*casier judiciaire*" of Latin countries) were scrutinized. It is indispensable

that there should be a record of previous convictions, but this record should *not* be read publicly in court, returned to the authority in charge, and any unauthorized disclosure of its contents punished.

The *fourth section* considered the *penal treatment of juvenile offenders*. It noted substantial progress in that field, as re-education replaces repression and punishment. It refused to dogmatize on results so far obtained, but acknowledged the valuable contributions made by sociology, anthropology, psychology and psychiatry in co-operation with the practical experience of those in authority. The importance of classification, intelligent after-care and the employment of qualified personnel was realised. Neglected and morally abandoned children should be looked after by an authority composed of persons expert in legal, social, medical and educational matters. The law concerning juveniles should not be patterned after the norms applied to adults, but after the needs of juveniles, their personality as well as the importance of not endangering their adjustment in later life; it should guarantee the rights of parents on the education of the child but also the protection of the child against any infringement of the minor's individual rights. In answer to the question whether the methods developed in the treatment of juveniles should be extended to adults, it was agreed that both fields are involved in the gradual process of the less use of punishment in the control of crime, and the greater use of *correction*. Many adults are capable of response to the kind of treatment applied to juveniles and it was recommended that the experiences acquired in the field of juvenile delinquency with regard to the preparation of case histories, probation and parole, and judicial pardon, should be utilised in the adult field.

Behind the recommendations quoted above, and so briefly summarized, it is important to remember that there were very extensive discussions by expert persons, based on nearly 150 individual papers, prepared with the utmost care, and produced by the Netherlands Prison Department with an efficiency which struck many of us by its thoroughness. Those who had the privilege of taking part in The Hague Congress will have at their disposal, for many years to come, a very large amount of specific and extremely valuable material. They will never forget the kind hospitality of The Hague, nor the unique opportunity they had of enjoying receptions, social functions, visits to the great museums of Holland — opportunity to which they would have liked to be able to give more time, were it not for the intensive work necessitated by Congress. It was not without very deep emotions that some of us visited, in the great prison of Scheveningen, the death cell, through whose door so many loyal Dutchmen, imprisoned during the occupation went to their execution. Kept as a national shrine, it has been left intact with the full list of those who passed through it in those terrible years of trial of the Netherlands. The prisons and institutions are still full of "collaborators" of the German during that time, and these constitute one of the main factors for the large prison population now facing Holland, but their weakness only enhances the heroism of the others.

II. THE PARIS CONGRESSES OF CRIMINOLOGY AND PSYCHIATRY.

These two Congresses in "la ville lumière" were attended by a very large number of experts: the first one gathered 510 ordinary members, 137 associate members and 113 listeners: a total of 760; and over 2,000 psychiatrists attended the second. In the maze of papers, discussions, plenary sessions and sections' meetings, it is almost impossible to find a compass for guidance in the choice of material available for a report. Spanish, French and English were the three official languages, and simultaneous translation functioned, with occasional breakdowns. The "Palais de la Sorbonne" provided a unique setting for the plenary meetings, and the attractions of Paris, which have no equal in the world, provided those who had a minor sense of their duties as members of congresses, a magnificent, not to say irresistible alternative.

A full report of the proceedings has already been prepared and its use by the League will be considered by Council, in Cape Town, on 22nd January. Therefore I shall limit the present description to a few general remarks and one or two important points of detail.

(i) Congress of Criminology

The overwhelming attendance of delegates from the Latin world (about 400) at once struck a new-comer, after The Hague Congress, whose membership was more Anglo-Saxon and Nordic. The problem under study as a general theme was *criminogenesis*, and all sections had to approach that special problem within their specific subject.

I attended the sections of *penitentiary science* and *moral sciences*. It was very gratifying to find that the latter section had been allowed to function in a scientific congress. It proved its worth indeed and all those who attended it realised their privilege. It is one of the illusions of our time to assume that, as a new terminology is being accepted and new vistas of research emerge, the subject tackled is new. In the approach to the fallen man, a long and unique experience of centuries already exists: that of the man interested in spiritual and religious problems. His technique may have some unscientific aspects; but it cannot be ignored and the approach to the whole man is lacking, when this method is left aside. When I asked The Hague Congress to stress its importance, I was ruled out of order. But to take it for granted, as I was assured it was, reminds one of the witty words: "Y penser toujours, n'en parler jamais" — always in one's thought, never in one's words. A definite recommendation came out of the discussions and it is that:—

"A section of Moral Sciences be created within the International Society of Criminology." Its aim "would be to gather, in objective and clinical form, the observations of those who approach delinquents and appreciate the importance of moral treatment. Moreover, through exchanges, and in the shape of enquiries proposed by experts competent to draft them, this section would permit a better understanding of the reactions of the person concerned, with a view to knowing him better, and helping him to rehabilitate himself more surely."

In the recommendations of the section on *penitentiary science*, I note that certain facts are universally admitted:

As far as *physical health* is concerned, bad buildings, inadequate diet, development of tuberculosis are difficult to avoid in a prison regime. The general rhythm of life, the too great place given to sleep, the reduced part played by physical education are specifically criminogenous because of their influence on the psychology of the prisoners.

For *mental health*, the harmful effect of prison life comes from: (a) sexual segregation and its consequences (anxiety, sexual perversions, jealousies); (b) the influence of the loss of freedom itself (depressions, prison psychoses, weakening and collapse of personality in long sentences, pernicious automatisms, anxiety about release, etc.); (c) moral contamination resulting from an inadequate selection of penitentiary treatment; (d) reciprocal influence of cultural poverty of prisoners and lack of qualifications of prison personnel.

On the *social welfare* point of view, prison is criminogenous because: (a) family disintegration touches not only the prisoner, but perhaps to a greater extent the members of his family; (b) the progressive de-socialisation of the prisoners results from their isolation and is especially worsened by long sentences; (c) the difficulty of re-integration into society is based on the attitude of the public towards those who have served a prison sentence.

A strong indictment of short sentences follows and a plan of work asking official institutions and scientific societies to initiate and continue the study of prison problems and other penalties, criminogenous factors, and of the general problem of the relation between penitentiary science and criminology.

Detailed recommendations, prepared by other sections of Juvenile Delinquency, Forensic Medicine, Police Science, Biology, Psychiatry, Comparative Legislation, Statistics, were accepted by the Congress, and the last act was that of recommending the creation of an International Institute of Criminology.

(ii) Psychiatry.

The able paper by Dr. C. H. W. Lansdown, at our last meeting of Council in Cape Town, in January of 1950, has drawn my attention to the great strides made by modern science in healing the mentally sick, and more especially in the realm of the therapeutics of alcoholism. I attended a symposium of 200 experts on this subject, which was concentrated on the present use and results of the conditional reflex provoked by emetine or antabuse. The general conclusion was that drugs alone cannot really cure, nor, usually, the use alone of psychotherapy, but that a combination of the two, under direct medical control, offers great opportunities. In a larger report I give as much of the discussion as I was able to understand, not being a technically equipped person.

In a symposium on psychiatric services for delinquents, far too poorly attended, very valuable reports were made. The psychiatric observation centre of Utrecht, and that of Herstedvester in Denmark were described, and the results obtained discussed. The general trend followed the recommendations passed by the Hague Congress.

The legislation and organisation of psychiatric assistance was discussed in detail and a special commission will be set up for further consultation. I proposed that Dr. J. G. Key be nominated on that Commission, and this was duly accepted.

In short, psychiatry has an important place in the treatment of anti-social persons: the action of the expert should not be restricted to the abnormal certifiable case, but should be part of the therapeutic action of prison and institution treatment in general.

The full discussion of new surgical methods like lobotomy or topectomy showed that a great deal of uneasiness still prevails about them in the scientific world, as also about shock-therapy. These methods were described by some as an "experimental neurology on man." Nevertheless, substantial advances are made and cannot be ignored. Lobotomy and topectomy remains, as Sarkel put it, *amputations*.

III. BORSTALS AND PRISONS IN GREAT BRITAIN TO-DAY.

As full and intense an examination of the British system as possible was carried out during the month of October, with the full co-operation of the Howard League and the Prison Commission. The main features of the system are concentration and elasticity. Concentration on the allocation centres and elasticity in the classification of institutions and the opportunities offered for the rehabilitation of the offender.

I visited Wormwood Scrubs and Latchmere House where juveniles are allocated, and Reading Gaol and Holloway Prison where men and women are examined before being sent to specialised institutions. A full report will be, if possible, printed and we may see in what directions we should move in South Africa, because the most important start of penal reform, once petty offenders have been removed from gaol, is the allocation centre, its conception, its personnel, its period of work, etc.

I saw most types of borstals and prisons, and was impressed by the fact that Great Britain is allowing, at the present time for a great deal of experimentation, on the lines of the legislation adopted, i.e. the Criminal Justice Act, which seems to pay dividends already. The next newsletter will no doubt provide for more elaborate reference to these experiences which fully vindicate our plea for intelligence in our fight against crime.

After this short description of the international trends in penal reform to-day, it will be realised that, in South Africa, we have only just started thinking and that the task in front of our League is so great that it looks almost an impossible challenge. But it is important to remember that the three first miles are those that count in the one thousand-mile race, and that if the basis of the system is put right, the normal development will follow. South Africans have not been afraid of Great Treks in the past. And the Great Trek towards penal reform has already begun.

News of the League and Other News

(i) DEPUTATION TO THE MINISTER OF JUSTICE.

On the instruction of the Council of the League, a deputation consisting of Mr. A. A. Robb, Chairman of the Cape Town Branch of the League, Advocate P. J. Wessels, Vice-Chairman, and the Organiser, waited on the Hon. the Minister of Justice, on Wednesday the 24th January, 1951, at 10.30 a.m. and presented to him the following memorandum:

Resolution: The Council of the Penal Reform League of South Africa regrets the failure of the Government to implement the recommendations of the Penal and Prison Reform (Lansdown) Commission with regard to Penal Institutions and requests the Government to take action as soon as possible to implement those recommendations."

The deputation appointed by the above Council wishes to express:

- (1) Its appreciation for the introduction in Parliament, on 24th April, 1950, of the Criminal Procedure and Evidence Amendment Bill by the Hon. the Minister of Justice;
- (2) its pressing request that the above-mentioned Bill be re-introduced in

Parliament as early as possible, during the present session, especially Clause 25 of the Bill, which deals with the adequate treatment of genuine petty offenders ;

- (3) its concern for the fact that no measures have been taken so far by administrative authorities for the implementation of the Commission's recommendations as regards :
 - (a) The creation of the proposed Allocation Centres ;
 - (b) the progressive establishment and grading of various types of prisons and institutions on the pattern recommended ;
 - (c) the essential creation of an Inter-Department Committee entrusted with the task of co-ordinating all institutions concerned with the treatment of anti-social behaviour (reformatories, work-colonies, prisons, etc.) ;
 - (d) the setting up of " ad hoc " Prison Visiting Committees concerned with the introduction of the proposed changes within the institutions themselves ;
 - (e) the drafting of the new prison regulations urgently needed ;
- (4) its sincere appreciation for the establishment at Baviaanspoort of an institution for amenable European prisoners, and its hope that, through the appointment and selection of the qualified personnel necessary in such an institution, and through the provision of purposeful labour, especially for young long-time prisoners, this valuable effort will be enabled to develop on the lines recommended by the Commission, and to provide a pattern for the establishment of similar institutions for all races.

The Penal Reform League of South Africa wishes to assure the Government of its sincere desire to co-operate fully with the Government in the information of the general public about the development of all phases of this progressive policy and to urge all interested agencies to co-operate to the fullest possible extent in the development of the institutions recommended by the Commission.

Members of the Commission: Adv. P. J. Wessels, Mr. A. A. Robb and Rev. H. P. Junod.
Cape Town, 24th January, 1951.

The Hon. the Minister, Mr. C. R. Swart, K.C., received the above memorandum with evident interest, and full time was allowed for the Organiser to develop its implications. On a number of points the Minister put clear questions, which the members of the deputation tried to answer as well as they could. The Minister expressed his willingness to endeavour to re-introduce the Bill as quickly as possible.

The matter of improved probation services and after-care for discharged prisoners was stressed, as was also the need for the revision of the administrative decision to exclude entirely certain groups of prisoners from remission of sentence. Mr. A. A. Robb developed all these points as fully as possible.

The deputation thanked the Minister for the courteous and patient hearing which he gave them (taking a number of personal notes), and assured him of the League's full co-operation in all measures which the Government might take for the improvement of penal and prison administration on the lines suggested.

(ii) VERSLAG OOR 'N AFVAARDIGING AAN DIE MINISTER VAN JUSTISIE, DEUR ADV. P. J. WESSELS.

By geleentheid van 'n vergadering van die Raad van die Strafhervormingsliga van Suid-Afrika, wat op 22 Januarie in Kaapstad gehou is, is die volgende besluit geneem :—

„Die Raad van die Strafhervormingsliga van Suid-Afrika betreur die versuim van die Regering om uitvoering te gee aan die aanbevelings van die Lansdown-Kommissie, en versoek die Regering om so gou doenlik handelend op te tree om daardie aanbevelings in werking te stel.”

Die Raad het terselfdertyd besluit om 'n afvaardiging opdrag te gee om hierdie saak met Sy Edele die Minister van Justisie te bespreek en mnr. A. A. Robb, Adv. P. J. Wessels en Eerw. H. P. Junod is as lede van hierdie afvaardiging benoem.

Die afvaardiging het dit gelukkig genoeg getref om 'n onderhoud met die Minister te reël op Woensdag, 24 Januarie. Die lede van die afvaardiging het

dit besonder waardeer dat die Minister, ondanks sy veelvuldige werksaamhede, die afvaardiging hierdie geleentheid gegun het om sake van belang vir sover dit strafhervorming betref te bespreek.

Eerw. Junod het die bespreking ingelei deur met waardering te verwys na die indiening verlede jaar van die wetsontwerp tot wysing van die wet op prosedure in strafsake. Voorts het Eerw. Junod dit onder die Minister se aandag gebring dat dit uiters dringend is dat daardie wetsontwerp by 'n vroeë geleentheid weer in die Volksraad aanhangig gemaak moet word, en veral verwys na die klousule van die wetsontwerp wat betrekking het op die behoorlike behandeling van gevalle waar oortreders aan mindere oortredings skuldig bevind is. Eerw. Junod het verwys na die ongesonde toestand wat daar tans heers waar duisende der duisende persone vir kort termyn in die tronk gehou word bloot omdat hulle nie oor die middele beskik om selfs 'n geringe boete te betaal nie. Dit is beklemtoon dat hierdie probleem in die eerste instansie opgelos moet word voordat aandag gegee kan word aan ander belangrike hervormings wat daarop kan volg.

Eerw. Junod het vervolgens daarop gewys dat die Liga besorgd is oor die feit dat daar tot dusver feitlik geen administratiewe stappe gedoen is om uitvoering te gee aan die Lansdown-Kommissie se aanbevelings vir sover dit die volgende betref:—

- (a) Die instelling van toewysingsentra;
- (b) die spoedige instelling en indeling van verskeie tipe van gevangenis en ander strafinrigtings na aanleiding van die Kommissie se aanbevelings in daardie verband;
- (c) die noodsaaklikheid vir die stigting van 'n tussen-departementele komitee wat belas moet word met die plig om die werksaamhede van alle inrigtings wat met anti-sosiale gedrag besig is saam te snoer.

In hierdie verband het Eerw. Junod daarna verwys dat verskillende departemente afsonderlike strafinrigtings onder hulle beheer het vir administratiewe doeleindes.

- (d) Die instelling van *ad hoc* komitees wat besoek kan bring aan gevangenis en voorligting kan gee in verband met voorgestelde veranderings binne die betrokke inrigtings;
- (e) die opstel van nuwe regulasies.

In hierdie verband het Eerw. Junod daarop gewys dat die betrokke regulasies reeds verouderd is en stremend is vir enige vooruitgang.

Eerw. Junod het met waardering verwys na die oprigting by Baviaanspoort van 'n inrigting waar blanke gevangenes wat vatbaar vir verbetering is aangehou word, en hy het die hoop uitgespreek dat daar met die aanstelling van personeel ingedagte gehou sal word die besondere vereistes van daardie soort inrigting. Eerw. Junod het beklemtoon dat die sukses van so 'n inrigting in 'n groot mate afhanklik is van die personeel wat daaraan verbonde is. Hy het ook daarop gewys dat waardevolle inligting verkry kan word as gevolg van ondervinding wat by hierdie inrigting opgedoen word.

Eerw. Junod het ten besluite die Minister daarvan verseker dat hy te alle tye op die steun van die Liga kan reken, en dat die Liga steeds sal poog om inligting aan die publiek bekend te maak in verband met die ontwikkeling van strafhervorming.

Mnr. A. A. Robb, voorsitter van die tak Kaapstad, het vervolgens die woord gevoer in verband met die kwessie van kwytskelding en die Minister meegedeel dat sy ervaring wat oor baie jare strek hom oortuig dat dit in die belang van strafbedeling is dat 'n gevangene die kennis moet hê dat voorbeeldige gedrag 'n korting in sy termyn van aanhouding kan veroorsaak.

Na die lede van die afvaardiging sy saak aan die Minister gestel het, het die Minister tekenne gegee dat hy simpatiek gesteld is teenoor die doelstellings van die Liga en dat hy alles in sy vermoë sal doen om van die aanbevelings van die Lansdown-Kommissie in werking te stel. Vir sover dit die beoogde wetsontwerp tot wysing van die wet op prosedure in strafsake betref, het die Minister gesê dat hy sy bes sal doen om dit gedurende die huidige Sitting nie alleen in te dien nie, maar ook deur al sy stadia te loods. In hierdie verband het die Minister egter verduidelik dat hy vanselfsprekend op hierdie stadium geen onderneming kan gee dat die wetsontwerp wel hierdie jaar 'n wet sou word nie.

(iii) LIQUOR LAWS AND THE THERAPEUTICS OF ALCOHOLISM.

Government Gazette Extraordinary No. 4530, publishes a Draft Bill "to consolidate and amend the law for the control of the supply of intoxicating liquor" and the following sentences introduce the publication: The following Bill is

published for general information. It has been drafted by the Officers of the Department of Justice and is based largely on the recommendations of an inter-departmental committee consisting of representatives of the Department of Justice, Police, Native Affairs, Health, Agriculture and Social Welfare. It does not purport to represent the considered views of the Government, but is intended solely as a basis for discussion when it is introduced into Parliament. It is proposed to refer the Bill to a Select Committee for consideration and interested persons and organisations may in due course submit representations to the said Committee."

The Council of the League has given us instruction to scrutinize this legislation, and a copy of the Bill is sent to all our branches, with a view to getting their considered views on it. Our Executive Committee will appreciate if such views are sent without delay, so that the League may be enabled to prepare a useful Memorandum for the Select Committee. As was stated at the Council meeting of January, 1950, three important points require our attention:— (i) the fortification of wines; (ii) the restriction of off-sales departments and (iii) the problem of the licensing boards being "got at."

It is impossible to enumerate here all the other points in which we are interested, but the views of our members are invited on the proposed membership of the Central Licensing Board, whose creation is no doubt welcome; on the place given to liquor interests in liquor control generally; on the proposed changes in the tot-system as outlined in Section 95; on the powers and duties of the police and the imposing series of listed offences under the Act, etc.

The time has arrived when all those who are concerned with the seriousness of the criminogenous influence of alcoholism must combine in a real effort to stem the tide and stop the unscrupulous liquor interests from bringing further deterioration of the ethical standards of the community. Perhaps the League may be instrumental in exposing the hypocrisy which is behind so many legal and police measures, which allow far too much scope in the supply of liquor, by consideration for powerful financial interests, and then fall upon the victim of such interests with unveiled ferocity.

At the Paris Congress on Psychiatry, a very interesting symposium took place on the therapeutics of alcoholism, and two hundred specialists discussed there the respective value of drugs and psycho-therapy in the fight against this evil. Special consideration was given to the recent developments in the use of antabuse (tertraethylthiaramidisulphide) which have given very remarkable results, and we hope to publish more specific details on this subject later on. The conclusion of the symposium was that, under all circumstances, treatment with antabuse or other drugs without simultaneous psycho-therapy and social therapy, fails to give positive permanent results. This was illustrated by one expert who told us that, in the case of one person treated by antabuse, the cure was complete, but he committed suicide, saying that the only thing he cared for in life had been taken away from him.

In our South African situation, the attack on public indulgence of the evil is still the most important aspect of the struggle, and we should aim at the destruction of unscrupulous interests in the vices of our fellow-men.

(iv) THE LEEUWARDEN PRISON AND OUR PRISONS.

Recent difficulties at the Central Prison, Pretoria, have again been reported in the Press and are giving point to our constant insistence for the repeal of the present regulations and the overdue acceptance of the principles outlined by the Lansdown Commission for prison administration. Over and over again, we have shown that no useful purpose can be achieved by indicting the personnel, who are carrying out their onerous duties under the conflicting obligations of maintaining discipline among nearly 700 men living in entirely abnormal conditions, aggravated at times by society's insistence on harsh treatment, and of reclaiming these men, in order to bring them back to the normal life of law-abiding citizens. We sincerely hope that the welcome enquiry into the causes of the troubles will bring to light the real reasons for the present unrest. The harrowing, and at times over-realistic, description of Central Prison conditions by H. Bosman in "Cold Stone Jug" gives a background which partly explain such difficulties. If a new spirit must pervade such an Institution, so as to make of it a useful means of reforming fallen men, it is essential that the Visiting Committee, entrusted with specific duties of bringing about this new spirit in practical daily life be appointed and that, in co-operation with a better organised spiritual ministration to the prisoners, effective measures for the re-education and reformation of these prisoners be taken.

Perhaps a good way of expressing constructive proposals for the Central

Prison is to relate my experiences when I visited *LEEUWARDEN* prison, in Friesland, Netherlands:

This prison is one of the oldest institutions in the country: it is located in the centre of a mediaeval city, without any possibility to expand or to swarm off: four huge blocks of dungeon like buildings, surrounded by a water ditch with draw-bridges, a maximum security prison of the old type: capacity, 550; present population, 450; comprising prisoners serving a life sentence or a long term imprisonment, political and communal prisoners. All these criminals would have been caged as so many others in the world, were it not for a wise, intelligent and far-seeing administration. Experience had shown that years of cellular imprisonment have a highly adverse effect on the prisoner's mind. So the regulations about the prevention of association have been substantially modified. The cells are on the ordinary pattern, without any progressive characteristics; there are still at the back of the building, enormous cages with iron bars, as are seen in the zoos for dangerous animals, but the rust on the bars shows that they have been entirely discarded. Abraham Jensen, the Superintendent had a brain-wave. As there was no possibility of extension in surface, he broke the roofs open, and built solariums for sun-bathing and fresh air; tiles were replaced by windows and all those workshops which could be placed on the top of the four buildings, as well as library, recreation rooms, etc., were transferred from the dark lower floors to God's light. There are still work-shops below, but almost everywhere as much as possible light has been brought in. The prisoners work on a weaving mill, in a tailor's shop, on cabinet making, on show-making, on metal working, working sheet steel and forging, autogenous and electric welding, in a workshop for over-hauling motor cars and in a carpenter's shop. A great deal of attention is paid to vocational training for youths, involving both theoretical and practical work, for which purpose instructors are drawn from among prisoners. A theatre hall has been built and a fine church hall, in which we heard a very remarkable "Maennerschor", which enjoys great reputation also outside prison walls. The Superintendent goes through all rooms and workshops with a genial face, often a smile, and at times an expression of intelligent reproach, because he is not fooled. Everybody in the institution seems not only reconciled with his fate, but reasonably contented: one feels no sullenness, no antagonisms, no obvious inhibitions. Cordiality prevails, but no undue sentimentality for these 'poor' criminals. The routine of the prison remains much the same as anywhere else, but the spell of the dungeon has been broken and purposeful work is to be seen everywhere. I was told of Abraham Jensen that he once had gone with a group of serious criminals to a service of their church in the city, because there were no chaplains of their denomination visiting the gaol. When the service was over, the transport broke down, and there was no way of finding another. So Abraham Jensen looked at his men, and said: "Let us walk home"—and they went back, in full freedom, in the dark, without any special guards, to the prison.

What we need is not so much extraordinary buildings, but men of vision, intelligence, character, who will perform in our prisons what Abraham Jensen has done in the one entrusted to him. There will be jealousies, there will be rules of priorities to overcome, but prison work is a question of personality, and personality does not always follow the scale of service. This is also true of spiritual work in prisons, and the Churches should combine and find the best available man for such an important work, looking beyond denominationalism, and even language. It is important to remember that routine is the deadening factor in penal and prison policy, and that the mask of military discipline has often veiled the lack of real discipline imposed by the right human personality. The important thing for us in South Africa is not to demolish all our prison buildings, which are very often unfortunately there to stay, but to give the right man his chance, as was given Abraham Jensen. Then 'cold stone jugs' will be discarded and forgotten.

(v) A NEW CHAPTER IN THE FIGHT AGAINST CRIME IN GREAT BRITAIN.

At the Annual Meeting of the Council of the Magistrates' Association, Lord Templewood made a review of the situation in Great Britain, following the passing of the Criminal Justice Act of 1948, and I quote the most striking sentences of his review:

"We are, I am convinced, upon the eve of a very important chapter in penal reform. The Criminal Justice Act was at one and the same time the final chapter of these past efforts and the first in the period upon which we are now started. If full use is made of its provisions, I believe that it will mark an even greater

advance than the notable reforms of the last fifty years." Pointing out how great a body is the Lower Bench personnel, he went on: "Each year our Annual Report gives a further evidence of the interest that they are taking in their important work. This year, for instance, we have made an increase of more than 1,000 in the membership of The Magistrates' Association. We have held twenty seven training courses all over the country, and the demand for more courses is almost overwhelming for our staff.

"During the passage of the Criminal Justice Act many prophecies were made of the disastrous effect upon public order that would be brought about by the abolition of corporal punishment both for the old and for the young. Many people foretold a disastrous increase in brutal crimes. What has actually happened? There has, over the whole country, been a notable decrease in juvenile delinquency and an insignificant increase in the provinces as compared with 1948 in the most violent crimes committed by adults. In the London area, by far the greatest police area in the country, offences against the person decreased by 7.7% and cases of robbery and assault with intent to rob, by 22%.

"Whilst I admit that it may be too soon to reach any final conclusion upon the course of violent crime, I cannot too strongly emphasize the comment of the Commissioner of the Metropolitan Police that the new sentences of corrective training and preventive detention are already proving an effective deterrent."

Referring to corrective training, Lord Templewood said: "Hitherto there has been a tendency to regard corrective training as nothing more than a long sentence of ordinary imprisonment. It cannot be said too definitely that the whole conception of corrective training is altogether different from the ordinary conception of imprisonment. The punishment is definitely intended to be a long period of intensive training from two to four years for persistent offenders over the age of 21." Mr. C. T. Cape, in an address to the same meeting, gave, as an old Prison Governor, the following examples of what corrective training and preventive detention mean: "I remember one young man in my prison who had been one of my Borstal boys, and was also in my prison. When the Act came into operation, I warned him about this particular section . . . He went out and sure enough he committed the same offence. He saw me the next morning after his conviction, and he was staggered. He said for doing the same sort of things before he had got six months, but this time he had got three years corrective training, and he said: 'I have finished with it.' Preventive detention caused a great shock in one women's prison. One old lady there was one of our most respectable clients, who had been in and out of the prison for years, and when she was standing in the dock, and her previous history had been read, she was asked by the Clerk of Assize if she had anything to say before sentence was passed, and she said: 'Yes, I just want to thank the Governor for a smashing report.' Then sentence of 7 years preventive detention was passed."

Lord Templewood also quoted from Sir Harold Scott's report, on the reasons for the fall in indictable offences in 1949, the following words: "It is interesting to speculate on the causes of this striking fall in 1949. Many could be adduced and all would be debatable except one on which experienced officers of the C.I.D. are unanimous: namely, the Criminal Justice Act of 1948. Section 21 of this Act, which created new sentences of corrective training and preventive detention, came into force on April 18, 1949, and there is no doubt that its implications have been fully appreciated by the criminal community. — When habitual criminals are found on arrest to be in possession of copies of an Act of Parliament it is a safe assumption that their study of the new criminal law is dictated by something more than an academic interest, and, indeed, it is reported that in some cases house-breakers have disposed of the tools of their trade and have decided that *the possibility of a long period of detention raises the risk of their calling beyond the point where it is remunerative.*"

Lord Templewood went on: "To obtain the greatest possible benefit, corrective training should only be given in prisons completely allocated to it, not in a wing of an ordinary prison. At present, there are 1941 offenders under corrective training in four categories, completely open conditions as at Sudbury; semi-open conditions as at Verne; under regional training prison conditions as at Maidstone; and under full security conditions as at Chelmsford. I have myself visited two of

these corrective training centres, and I have been profoundly impressed by the start that has been made."

On the occasion of my visit to Great Britain, I also visited Sudbury and Maidstone, and was also impressed. I can only hope that some such system will be introduced in South Africa and conclude in Lord Templewood's words:

"I greatly hope and believe that this experiment will revolutionise our antiquated conception of prison work, and that we shall live to see prisoners earning good wages and paying the greater part of them to the State, their families, and the victims that they have wronged."

H. P. JUNOD.

Pretoria, 1st February, 1951.

The Johannesburg Branch of the Penal Reform League and the Johannesburg Branch of the National Council of Women Organise jointly a Course of Three Lectures on **THE PROBLEM OF CRIME AND MODERN METHODS FOR ITS SOLUTION** at ESCOM HOUSE.

First Lecture: Monday, 5th March at 8 p.m. Subject : **LAWLESS YOUTH.**

Second Lecture: Wednesday, 21st March at 8 p.m. Subject: **NUISANCE OFFENDERS.**

Third Lecture: Monday, 2nd April at 8 p.m. Subject **SERIOUS CRIME** and **HABITUAL OFFENDERS.**

In these lectures, the National Organiser of the League will give a full account of his overseas experiences, at The Hague, in Paris and in Great Britain.

MEMBERSHIP FEES.

Life Members: £25.

Donor Members: Not less than £10 10s. 0d. per annum.

Organisations: Not less than £10 10s. 0d. per annum. (Organisations having a substantial membership of Non-Europeans, not less than £3 3s. 0d. per annum.)

Individual Members: Not less than £1 1s. 0d. per annum. Non-European members, 10s. 6d. (Associate members, not less than 5s. per annum.)

THE PUBLICATIONS prepared by the League will be sent to members free of charge. Associate members receive the Newsletter free of charge.

Will all Members of the League notify Headquarters about changes of addresses — and will those who realize the importance of our efforts help us to find additional support, please.

The Telephone Number of the Penal Reform League will be changed as from April 1st, 1951. It will be:

PRETORIA 782347.

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 ORGANISER, PENAL REFORM LEAGUE OF S.A.,
25, Victoria Street, Waterkloof, Pretoria.

Library



APRIL 1951

22 MAY 1951

NEWSLETTER No. 17

Penal Reform News

CONTENTS :

(1) THE DEVELOPMENT OF BORSTALS AND PRISONS IN GREAT BRITAIN

(i) Introduction.

I. JUVENILE OFFENDERS.

(i) Allocation Centres: Wormwood Scrubs and Latchmere House.

(ii) The Borstals: (a) East Sutton; (b) Lowdham Grange; (c) Rochester.

II. ADULT OFFENDERS.

(i) Allocation Centres: Corrective Training and Preventive Detention.

(ii) Reading Gaol.

(iii) Leyhill and Sudbury medium security prisons.

(iv) Maidstone.

(v) Women's Prisons: (a) Holloway and (b) Askham Grange.

Lord Templewood's summing up of the situation.

(2) IS REFORMATORY SCHOOL TREATMENT SUCCESSFUL?

Facts and figures for the years 1939 to 1947.

(3) NEWS OF THE LEAGUE AND OTHER NEWS.

(i) Deputation to the Minister of Justice.

(ii) Liquor Laws: Views of the "Kerkbode."

(iii) Individual treatment of prisoners.

(iv) Power of arrest.

(v) Unequal sentences.

(vi) Organiser's tour.

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

" We imagine that it is this ' I ' (the willing ego or self) which has become a criminal, and he is the one whom we set out to punish and correct, whereas it is the whole man who became a criminal, and that human universe, for the greater part and unconscious one, cannot be reached by our punishments."

Etienne de Greef: Criminogénèse

Paris Congress, 11th Report, p. 6.

The Penal Reform League of South Africa

1. THE DEVELOPMENT OF BORSTALS AND PRISONS IN GREAT BRITAIN T O - D A Y

Owing to the great assistance of the Howard League and the full co-operation and goodwill of the Prison Commission, an intensive and most valuable examination and study of present policy and conditions in Borstals and Prisons in England was made possible, on the occasion of my recent tour overseas, and the purpose of the present paper is to give as complete and condensed a report of this experience as I can. Although the situation is still plastic, and will fortunately remain so owing to the British genius for elasticity, which has made for so much progress in penal policy, there are indications that the set-up is already paying substantial dividends, and a few notes on the subject will follow the description given here, which may partly substantiate that assertion.

For the better understanding of this set-up, instead of following the chronology of visits to the institutions, an attempt will be made to show how, from the allocation centres for both juveniles and adults, the scheme develops into the full range of graded institutions; but the first general remark which seems necessary at the start is that, in a system of individualisation of treatment, the emphasis rightly is much more on the persons in charge of institutions than on the physical conditions and surroundings of specialised institutions.

In South Africa, the Lansdown Commission has already suggested a system based on *allocation centres*, and allocation boards, as the fundamental measure for a full classification of penal institutions. In Great Britain, these allocation centres have already been created, and their presence is already re-modelling the old set-up to a considerable extent.

I. JUVENILE OFFENDERS.

(i) The Allocation Centres for Juvenile Offenders.

There are two such centres, and they are situated in London. The first is in the huge maximum security prison of **Wormwood Scrubs**, a part of which caters for about two-thirds of the Borstal boys to be allocated. The second is at **Latchmere House**, near Richmond, Surrey. The allocation at Wormwood Scrubs is more

especially for urban boys, and it is to be hoped that the whole institution will soon be placed in more adequate surroundings. It nevertheless follows, within the limits set by the maximum security prison, the pattern examined in detail at Latchmere House, where urban as well as rural boys have been placed, the latter being in very small numbers.

The sentenced boys arrive at the institution where they will be kept for six to ten weeks. The Superintendent has an interview with the individual boy brought in, and he is led to the House-master, who starts a preliminary card, noting the salient points of his impressions. For the first week, the study of the boy is mainly on educational and social testing. His I.Q. is ascertained, his level of schooling, his visual, auditive and sensitive aptitudes are tested. Special characteristics are noted all the time. During the second week, a social worker tries to get as complete a picture of the home, the lad's history, his *milieu* as far as religion is concerned, his work record, if employed, etc. The third week, a psychologist makes his own survey of the case, and a psychiatrist is available, if the lad displays any sign of possible abnormality. During the fourth week, the vocational aptitudes of the boy are tested by two instructors. During the whole period, the life of the lad is one of strict discipline, without brutality of any kind. His hours of occupational work, as well as his leisure and games are carefully planned. When the sixth week comes, the full staff of the Institution meets as an Allocation Board: all reports are examined in detail; the lad himself is brought in, and once at ease, asked further pertinent questions; a special form is prepared, giving all the data accumulated, and unless there are good reasons for keeping him further at the Allocation Centre, he is sent to one of the Borstals selected by the Board, for the rest of his sentence: if still a minor offender, he is sent to an open Borstal; if already a serious case, he is sent to a medium security Borstal; if he is a very serious case, he is sent to a maximum security Borstal. In summing up the situation, the Head of the Institution expressed the view that, in dealing with juveniles who have fallen into bad ways, a purely technical approach and a diagnosis based on theoretical lines (what he calls *mentology*) is not sufficient; facts are not the end in themselves; an inspiration is needed, an energy of life, which helps to bring into the picture a power capable of reversing the process of deterioration.

A visit to Latchmere House itself revealed some interesting facts: The main building is an old mansion which has kept its homely and stately atmosphere. The grounds are well-kept and most attractive, full of flowers, bushes and trees. The schools, workshops and physical exercise fields are inside a high fence of barbed-wire, which makes for security of a medium-maximum nature. The lads are in a very attractive uniform of excellent material, dark blue in colour, without marks of any kind. Building and preparing sport facilities goes on, entirely done by the boys under supervision.

Similar facilities, though not as far developed, exist at Aylesbury for girls sentenced to Borstal training, but time prevented me from visiting the allocation centre established there.

(ii) The Borstals.

From the allocation centres, juveniles are directed to a series of graded Borstals. I visited quite a few: *Lowdham Grange*, near Nottingham; *Huntercombe Place*, near Henley-on-Thames; the original Borstal at *Rochester*, founded in 1908; and the *East Sutton Park* Borstal for girls, in Kent.

The main emphasis of all Borstals is on *training*, and this principle is the key of the entire system for both juveniles and adults. *Lowdham Grange* and *East Sutton* are beautifully situated in the country, where plenty of outdoor work is available; both institutions are in the midst of a very large piece of ground.

(a) East Sutton.

East Sutton is an old, very imposing mansion, taken over by the State, and, at the time of my visit, housed 47 girls from sixteen to twenty-one years of age, on the average at their fourth court sentence, mainly for larceny, house-breaking, etc. These girls come from bad surroundings and homes, and have been placed in the institution for about three years, the average time of custody being 22 months. The girls are settled in spacious dormitories, from seven to 18 to a room. Besides the superintendent, there are, three house-mistresses, and a full staff of instructors and instructresses for domestic training, kitchen work and laundry, needle-work, an engineer and three workmen outside, for the upkeep of the estate: a fine orchard, a pigstye, chickens, and both vegetable and ornamental gardens. The results have been so far very encouraging: although there were eight failures, the remaining girls have made good. The institution is closely linked to the life of the farming community around and to the Church of England parish. On the day of my visit, 12 girls were working for farmers outside, and coming back in the late afternoon to the institution. It has been surmised by many good people that it was wrong to take "bad girls" from unsavoury surroundings into such a magnificent estate, that they would become accustomed to the amenities of the wealthy, and so on. The experience so far gives the lie to such assumptions. Many girls come back to the institution, once released, and keep in close touch with their former wardens, and they have had to return to their sometimes inadequate homes, where they have introduced a new atmosphere. The very careful after-care work done by social workers and probation officers is efficiently assuring the necessary follow-up, and it seems that, on the whole, society has found a way of combating juvenile female crime in a satisfactory manner. The failures go back to Aylesbury; but they are few. The Church plays a very important part in the scheme and the follow-up work.

For delinquent boys, the description will be limited to one "open" and one "closed" Borstal:—

(b) Lowdham Grange.

Lowdham Grange is an "open" Borstal situated in the country not very far from Nottingham, admitting sentenced boys at the

rate of about 130 to 140 a year, the discharges being about the same. A staff of about 50 is in charge of the institution, with a Governor, a deputy-governor, 5 house-masters and about 40 discipline officers. The responsibility of an "open" Borstal is on the Institution Board, which places, in turn, the main responsibility on the lad himself. He is the one who must apply for his own discharge. A rather large number of boys abscond, but escapes have been gradually brought down; the authorities are satisfied that the improvement will continue. On the day of my visit there were 230 lads in the institution: about 50 of them are on agricultural and forestry work outside; others were working outside on sugar-beet harvesting; others are employed in woodwork and carpentry, as a vocational training scheme; others work on repairs to buildings, decorating and painting; about thirty are kept for domestic work and cleaning, others do the necessary laundry. Most inmates are from 16 to 19 years of age, a large proportion come to the institution after three or four convictions, and are of a low intelligence: 45 are illiterates; the majority are urban lads. On admission, the authorities receive the full report already described from Wormwood Scrubs or Latchmere House. There are four houses of from 50 to 60 boys, and in charge of each house is a housemaster and a matron. When the time of discharge has been fixed, for the last three months, the boys are given the ordinary civilian clothes, and they are allowed from time to time a completely free round on local or city bounds. Classes are provided for all primary grades, and the Church is fully integrated into the life of the institution. Two members of the regular clergy have been doing a fine work in outside temporary camps, and they have been so successful that the authorities of the Borstal consider their efforts as one of the most promising features of the institution. Committees of boys administer local finance of the houses and are given a large amount of freedom in that task. Should the experiment in general miscarry, the boys are transferred to closed Borsstals like Rochester or Portland. At Lowdham, the whole impact is on the awakening of the responsibility of the individual youngster, who can earn a little money, from ninepence to four shillings a week. In the one building, I saw a solitary confinement cell on the usual pattern, and I was significantly told: "We would prefer not to have it; there is an insidious catch in it; it is easier to dismiss a problem in this cell, than to tackle it intelligently; we are all human and this is an easy way out."

(c) Rochester Borstal.

Rochester Borstal is a "closed" one, quite near the city bearing the same name. It caters for about 300 juveniles and juvenile-adults: on the day of my visit there were 288 inmates in the institution, the majority being juvenile-adults, who are there from 9 to 21 months, the rest of the sentence being spent on parole, with further recall for training by the prison commissioners, if necessary, to a special recall centre with strict discipline for a short time. The various houses are inside a usual prison wall, and are all fitted with iron-bar windows. Escapes are rather rare, and of youngsters more than senior lads. Almost all cases are bad cases with bad records, with a number of previous convictions. A staff of about

100 are looking after all phases of life in the institution. A farm of 400 acres is cultivated by the boys, who are marched to work in spans of 10, under the supervision of an officer. Some lads are used as escorts as a privilege, and some lads can walk inside and outside without direct supervision. I visited all workshops and gardens: a number of diversified activities are available: carpentry, shoe-repairing, tailoring, farm work, a garage for motor-mechanics, a market-garden, etc. There are day classes for illiterates and semi-illiterates, one hour every morning, and there are extensive evening classes. One full-time teacher is attached to the institution, and he is supplied by the Education Department, who pays him. This is a feature of almost all institutions. The educational part of training is directly under the Education Department, and the co-operation of voluntary teachers is also forthcoming in a remarkable way. The inmates have got to go to church, either the Church of England or the Church of Rome. In each house, there are six boys chosen as leaders, who are not locked in. For the last three months, a lad is not locked in.

The most frequent offences of the boys were house-breaking and theft, shop-breaking or entering, larceny, and sexual offences (if these are serious another institution is provided at Feltham).

The opinion of the authorities at Rochester is that the allocation work carried out at Wormwood Scrubs and Latchmere House is very valuable, and that the decisions taken there are wise.

There is little doubt that Borstal training is achieving positive results in Great Britain to-day, and with the full development of the present scheme, with additional institutions for greater possibilities as regards allocation, a real check to juvenile crime will be forthcoming, in spite of the grave conditions still making for "cosh-crimes" and juvenile violence.

II. ADULT OFFENDERS.

(i) Allocation Centres for Adults.

If Borstal training is the principle for juvenile delinquents, there are two major principles at the basis of social action against adult delinquency in Great Britain to-day: one is already perfectly clear, and that is *Corrective Training*; the other is little by little taking shape, in consequence of the Criminal Justice Act, and that is *Preventive Detention*. The first includes some features of the prevalent ideas about punishment, which cannot entirely be discarded, but insists on the idea of correction, in its etymological sense, that of "setting right," of "amending"; it is an attempt at substituting in the individual offender right for wrong, of counteracting the bad tendencies expressed in the crime, by the better tendencies still existing and needing development. The prisons are turned into houses of correction, and the whole emphasis gradually turns from a negative and purely retributive agency into a scheme of betterment of the men who have harmed the community. When a man is beyond all means so far found to better him, then the principle of Preventive Detention comes in, a prevention which puts him beyond

the possibility of doing harm. This is a very serious measure, but one which must be envisaged without the usual sentimentality which even cold legal brains seem to indulge in, trained as they have been in a kind of ever-present equivalence. The use of such a weapon must be strictly controlled by persons who know that life is a changing reality, and that a sentence to life imprisonment is in a sense nonsensical, because from a certain age, most men and women start what is known as "involution" — a sort of retrogression which changes many values in their apparently unchangeable make-up. Whatever be the development of these principles, at the present time an immense effort is made to challenge crime, not by caging or by brutality, but by intelligent means. And the basis of that method is the allocation centre again:

Oscar Wilde once sang: "In Reading Gaol by Reading town
There is a pit of shame. . ."
and it is in that very *Reading Gaol* that the allocation centre for adult male offenders has been established.

(ii) Reading Gaol.

Nothing need be said about the buildings: they are the old typical maximum security prison, and have not changed since the time when Wilde wrote his Ballad:

"In Debtor's Yard the stones are high
And the dripping wall is high . . .
 or
 the shadowed bars
Like a lattice wrought in lead
Move right across the whitewashed wall
That faced my three-plank bed."

But much can be said about an enormous change, which in the very same building seems to render unreal the words:

"This too I know. . .
That every prison men build
Is built with bricks of shame,
And bound with barriers lest Christ should see
How men their brothers maim. . ."

The vilest deeds like poisoned weeds
Bloom well in prison air:
It is only what is good in man
That wastes and withers there:
Pale Anguish keeps the heavy gate
And the Warder is Despair. . ."

In that very gaol is, in our days, attempted one of the hardest tasks society has to perform, and that is to find a niche for the "Trial Men."

Recidivists, or offenders on the way to recidivism, are brought there for a full month, and are submitted to a most searching and thorough examination. The men come direct from the courts, and there are all kinds of men: Hopeful cases, men with a reasonable training prospect, hardened cases: all those coming to Reading are under a sentence of Corrective Training of from two to four years. They have usually spent two months in a local gaol, where a careful observation has already been made. The history of the case has been investigated, the police report, the previous history as regards

schooling, employment, Borstal training, probation, the family history, etc.

The Superintendent, a qualified man, sees the prisoner on arrival. He explains the full purpose of corrective training, and starts to set the man thinking, showing that low as he may have fallen, there is a road back to self respect through hard work and accepted discipline. The medical doctor sees the man and voluntary visitors are also allowed to see him. He then settles down to his own individual work. A team of qualified staff follows his behaviour, but as unobtrusively as possible: special forms are filled, noting his progress. A qualified psychologist tests his intelligence and his general outlook for 10 to 15 days. A chaplain also learns to know him. Every one of the qualified staff has in hand a form which is duly filled and they meet in regular Board sittings, with the Supervisor of Work and Discipline Officer, and compare notes. Often they call the person concerned and get from him additional information on certain points. They then make a formal recommendation. If they feel they need further time, they may defer their decision. They have at their disposal for further treatment 10 establishments for *corrective training*.

For the *most hopeful cases*, they look towards *Leyhill* or *Sudbury medium prisons*; for the *reasonably hopeful*, towards *Portland*; when they think that, though the case is a difficult one, there are training prospects, they look to *Maidstone* or *Wakefield Prisons*; the young and serious recidivists can be placed at *Sherwood*, *Nottingham Prison*, or *Camp Hill* in the the Isle of Wight; the real hardened cases can be sent *Durham*, *Liverpool*, *Wormwood Scrubs*, etc.

While the prisoner is being examined and tested at Reading Gaol, he follows an educational programme, and works hard on the typical prison jobs, like cleaning, sewing mailbags, etc. A system of transport has been developed, so that prisoners coming from a local gaol to Reading may use railway coaches which are used, on the return journey, by the prisoners going to their various institutions, and thus the expenses are kept to the strict minimum. The corrective training period is usually of three years. Great care is given to the prisoner at the time of release; he is followed up by probation officers, social workers, etc. The prison staff are very appreciative of the considerable and trained help given by the Probation Service.

Before leaving Reading Gaol, I went to see Oscar Wilde's C. 3. cell, looked at

" that little tent of blue
Which prisoners call the sky,
And at every drifting cloud that went
With sails of silver by."

I thought of this refined, sensitive, cultured, unstable and inverted nature of a poet, and pictured him in the work he described:

" We tore the tarry rope to shreds
With blunt and bleeding nails;
We rubbed the doors, and scrubbed the floors,
And cleaned the shining rails:
And, rank by rank, we soaped the planks,
And clattered with the pails . . .

We sewed the sacks, we broke the stones
We turned the dusty drill :
We banged the tins, and bawled the hymns,
And sweated on the mills. . . ."

I pictured him in this cell, without undue compassion for his perverted character, and noted that the cell was much the same as when he lived at Reading Gaol. But the whole atmosphere seemed to be different, and the warders appeared to be also different from him

"to whom a watcher's doom
Is given as his task" and who
"Must set a lock upon his lips
And make his face a mask."

It may be that such a careful examination as that developed nowadays has a harrowing atmosphere about, and that

"He does not rise in piteous haste
To put on convict clothes,
While some coarse-mouthed doctor gloats, and notes,
Each new and nerve-twitched pose,
Fingering a watch whose little ticks
Are like horrible hammer-blows."

But the system has been broken, and a note of hope, of confidence, has replaced the Warder who was Despair.

(iii) LEYHILL AND SUDBURY PRISONS.

I visited both these medium security prisons, which are amongst the boldest experiments of this day. It would be impossible to give a full description of both, and I will try to give all the relevant and important details in a description of Leyhill, with an occasional reference to Sudbury. The first is located in a lovely setting, quite near the beautiful Tortworth Mansion, which will itself be ready soon to receive about 250 convicted persons, one-third for corrective training and two-thirds star and first conviction prisoners. The bus from Bristol goes through a hilly farming country of Gloucestershire, a country of green meadows, picturesque farm houses, and near the tiny village of Cromhall, a big American Camp, built for German prisoners-of-war, has been taken over by the Prison Commission. The buildings are barracks in brick-work and all the ways connecting these buildings with each other are covered, giving the whole institution a valuable unity. It was in 1946 that this "open" prison was started for adult offenders, all serious, with sentences running from four years to life imprisonment, all "star" prisoners or convicted for the first time. There are ten wards; the work is as usual: shoe-making and repairing, carpentry and wood-work, printing, and very extensive gardens. Some prisoners are sent to the surrounding farms on bicycles without escort. On the day of my visit, there were 370 inmates. At Sudbury (near Nottingham), a similar medium prison, there were 266, 60 per cent star prisoners, 40 per cent corrective training prisoners. Both Superintendents, or as they are called in Britain, Governors, stated that all "star" prisoners make good, that is at least 90 per cent of them are sure to return to society as normal citizens. Since 1946, at Leyhill there have been 374 releases, and 10 of those have come back to prison.

A terrible case occurred of one of the inmates who escaped and committed a most revolting crime ; but this is the only case known, and although there have been 35 escapes, the results of the experiment are so encouraging that there is no idea of abandoning it at all even though there may occur dreadful instances like the one quoted. Inside the perimeter of the institution, all prisoners walk about freely, many unaccompanied. There is still an atmosphere of prison discipline, but without stiffness. A large amount of educational work is going on, and the Department of Education responsible for that work send to Leyhill capable teachers.

The dormitories are very large, well ventilated, well lit ; the men have each an ordinary bed, with personal lockups for their belongings. A library with 17,000 books is available. In the workshops, there is an atmosphere of friendliness and efficiency. In the shoe-making department, all workers have the most up-to-date machinery, and a group of about 20 prisoners turn out 450 pairs of shoes a week. Their expert handling of the machines was very impressive. In the tailoring shop, I saw a machine which cut 200 shirts at the same time, and one had the feeling that there was no purposeless labour in the whole institution. There are two periods for education, of one hour each, every day. Recreation is also organised on a big scale and splendid playing fields are in the making ; there is also a theatre, and debates are prepared and enjoyed by all those taking part. Of the 370 inmates, 43 follow definite educational courses, 185 take part in the recreational side, 76 are given the opportunity of developing special hobbies, and only 35 prisoners do not take part in any of these because they are too old.

The monthly visits of relatives are in the open, with an officer nearby, and an effort is made to render them as natural as possible.

Should a prisoner not answer at all to the treatment provided, he is sent to maximum security prisons.

The pay of prisoners varies from one shilling to three shillings a week, with an average of one shilling and nine pence. They are encouraged to spend this for their family. The prison hospitals are, of course, completely equipped for all minor operations, and have all the usual necessary medicaments at hand.

Leyhill and Sudbury are called "open" prisons ; but, in fact, they would be better described as prisons of medium security. There prisoners are kept in relative freedom of movement, without many outward signs of coercion, and the results for Leyhill speak for themselves: 374 releases, 10 returns to prison.

(iv) MAIDSTONE PRISON.

A maximum security prison right in the midst of the city, which could be compared to any of our city prisons: Roeland Street, the new Port Elizabeth Gaol, Durban Central or Pretoria Central Prison. A detailed description is therefore not needed. But a few notes are of special interest:

The Governor is a very experienced officer, assisted by four Assistant Governors, 1 principal officer, 2 officers at an outside camp

connected with the prison, 16 instructors, 8 civilian and 8 discipline assistants. The discipline is strict but not military, and there are no uniforms to be seen. The whole emphasis is on *disciplined labour*, as the key to corrective training. The personality of the Head is the most striking part of the whole system. His effort is based constantly on the increase of privileges, or the curtailment of the very same privilege, as an incentive to betterment. His whole attitude may be briefly stated to be a full experience of life which taught him that the key to the possible redemption of offenders is the true correlation of emotions and intellect in the individual. Therefore all labour must be purposeful, but strictly disciplined. A large amount of consistent educational work goes on *pari passu* with the hours of work, which are from 50 to 60 a week. A good library is being used to the full, under the direction of a group of outside teachers. The Governor, going round with me, and showing me all these buildings in heavy masonry, tells me that corrective training means individual attention all the time. He has an eye for everyone. A group of prisoners is pushing a cart, and one of them is nearly knocked down by the shaft: "Hang your b . . . neck" says the Governor, with a kindly smile. The quality of the work performed by builders, or printers, is constantly checked by assistants. A group of 70 prisoners is settled in a Camp about 30 miles away, and their pay is the Trade Union rate, plus five pence. The system of group therapy is applied as much as possible. I was most impressed by the fact that if a strong person leads a maximum security prison like this one, there is no need for any military system to be used at all. Intelligence and disciplined work are enough. At *Pentonville*, which I also visited, with 945 recidivists of the hardened type, I saw the same kind of buildings, but I sensed that the soul of the institution was not as conspicuous as at Maidstone. And there are still many prisons, with a very large population, which have not yet come within the full perspective of the progressive plan now outlined. In some institutions, the Church seems to play an important part; in others a lesser part. Prison work is, before all, a matter of personality, and no system can ever replace personality by rules and regulations. I was impressed by the fact that, in Great Britain, the Prison Commission seems to have been given a more or less free hand in the choice of the personnel they employ, especially at the head of institutions.

I do not need to go further in the description of maximum security prisons: they are all more or less on the same pattern, and the principles which are progressively applied have not yet touched deeply a number of those institutions inherited from the past: therefore I only mention here that I visited the Canterbury Prison, as well as the Corrective side of Wormwood Scrubs, Pentonville and Holloway.

(v) WOMEN'S PRISONS.

The treatment of women offenders is, as yet, not very far advanced, though there are signs that the Administration has understood that, as women prisoners are in smaller numbers, and constitute

a circumscribed problem of their own, it will be possible to experiment more quickly and efficiently with them than with male offenders.

(a) Holloway Prison.

This old Castle, near Pentonville Prison, in the very heart of London, used to be the one with the treadmill, and where individual women were placed in separate boxes for work. There is accommodation for 650 women, and on the day of my visit there were 448 inmates. The Governor, a medical doctor, has a very difficult task, owing to all the various types of prisoners she must look after: there are the remands and awaiting trial inmates from 18 counties and all the Assizes; the short seven days' sentenced prisoners; the short sentences from two or three weeks to two months; there are 80 "star" prisoners; the ordinary short-term recidivists who form the bulk of the prison population (230); there are 77 women for Corrective Training, and long-term prisoners from four years to life (45), plus a certain small number of prisoners on Preventive Detention and Training. The buildings are of the type of the old maximum security city prison. The segregation of types is complete at night, but for the working hours, breaks down. I may here say that I have been impressed by a remark often made for men as well as for women: If segregation is pushed too far, not only is there no influence of the bad prisoners on the good ones, but the reverse is also true, and there is no influence of the good on the bad ones. Therefore, in Britain, so far as I was able to see, the motto about segregation, except in extreme cases, is *in medio tutissimus ibis* — a *via media*, which seems to be developed everywhere. The individual cells of the Holloway Prison are the usual cubicles, but I was struck by the freedom left to each individual woman, in the interior arrangement of her cell. The workshops are, as almost everywhere, well conceived, well ventilated and well lit. And in the yards, out side the buildings, and within the precincts of the prison, there are lovely beds of flowers, kept by the prisoners. One of the huge prison blocks is badly cracked, and threatens to fall. It is probably a remnant of the bombardments — which affected Wormwood Scrubs very badly — and it is at present disused.

In the Prison, the influence of the Chaplains seems to be very beneficial and as developed as it can be. A very great freedom is granted them, and it is obvious that good results are forthcoming from this liberal use of what remains the greatest power for change in human beings.

Nevertheless one would be despondent, if only Holloway existed in Great Britain for convicted women. Fortunately, I was able to see the most progressive effort yet made for women prisoners, when I went to the Askham Grange Prison, near York.

(b) Askham Grange Prison for Women.

A Governor, two principal officers, a nursing sister, a civilian instructress for dress-making and needlework, and five assistants are there looking after 55 convicted women, from 21 to 55 years of

age. The buildings are a very spacious and striking mansion, and there are no security walls at all: everything is open; beautiful gardens surround the main house. Women free from infectious disease, trainable, a large number of them being "star" prisoners, a few Corrective Training cases are sent there. Since its inception, on 6th January, 1947, the Institution has received 333 women. They had to be under a sentence of at least six months right up to life imprisonment, the average being 18 months. If the case does not answer, it can be sent back to Holloway. During these three-and-a-half years, 227 women have been released, and 8 have come back before the courts. Ninety percent are already married and go back to their homes better equipped, having learned how to work. It is of interest to give a detailed description of the women's daily routine. All types of women's work are of course available: cookery, house-keeping, laundry work, needlework, gardening, poultry-keeping; practically all inmates are townswomen. From 7.20 a.m. to 8 a.m. jobs are performed within the house. At 8 a.m. breakfast; then the inmates go back to their rooms for tidying, cleaning, etc. They are in dormitories and large rooms. At 8.30 the day's work begins, until 10, when there is a break of 10 minutes, and then until 12 noon, when lunch is served. From 1 p.m. to 1.30 the women go out to the grounds; they work again from 1.30 to 4.30 p.m. when tea is served. From 5 to 5.30 several jobs in the houses are performed and a break from 5.30 to 6 p.m. At 6 evening classes commence until 8 p.m. There are educational classes 4 evenings a week: handicrafts, English, dressmaking, general handicrafts are taught on Mondays; handicrafts for all Tuesdays; a religious service on Wednesdays; art classes, first aid, and children's care and home nursing, on Thursdays; handicrafts on Fridays; on Saturdays there is a singing class from 5 to 6 p.m. There are also often concerts and films, whist drives, etc.

This very disciplined life bears results, and it seems that, in many cases, delinquency set in principally because of the fact that these women had no idea of the value of time and of the organisation of work.

The religious side of institution life is very carefully organised by the Church of England, and there are voluntary visits from other churches. It seems that, when the time for release comes, one of the most important elements is the follow-up carried out by the Church.

In order to judge the remarkable results of this effort, it must be realised that in 1948, 6 women only had to be returned to a maximum security prison, and also 6 in 1949. The most prevalent offences of the women were forgery, abortion, theft, etc. As stated, of 227 releases, 8 came back to the courts.

It should be added that about 20 women every day work on the farm of 10 acres attached to the institution, and this outdoor work is keenly appreciated. Women also go at times to help farmers outside, when the pressure of work is heavy.

This very incomplete description of some phases of the present set-up in Great Britain seems to me to show that the important thing

is not to settle every prison problem at once, but to have established a consistent and intelligent system. The fact that, in the administration of prisons, the Prison Commission has been given a free hand to experiment is a fundamental condition of the success so far achieved. And the personnel chosen for such a planning has obviously been of a very high calibre. It is evident that such a policy will pay substantial dividends.

In his remarkable address to the annual general meeting of the Magistrates' Association in London, on October 19th, 1950, Lord Templewood said that the Criminal Justice Act and the Justices of the Peace Act had opened out a wide vista for advance in the war against crime. He gave a quotation from Sir Harold Scott's report (Metropolitan Police District) for 1949, which showed that indictable offences had dropped from 15.1 per thousand in 1948 to 12.6 per thousand, and went on:—

"It is interesting to speculate on the causes of this striking fall in 1949. Many could be adduced and all would be debatable except one on which experienced officers of the C.I.D. are unanimous: namely the Criminal Justice Act of 1948. Section 21 of this Act, which created new sentences of corrective training and preventive detention, came into force on April 18, 1949, and there is no doubt that its implications have been fully appreciated by the criminal community.

"When habitual criminals are found on arrest to be in possession of copies of an Act of Parliament it is a safe assumption that their study of the new criminal law is dictated by something more than an academic interest, and indeed it is reported that in some cases house-breakers have disposed of the tools of their trade and have decided that the possibility of a long period of detention raises risks of their calling beyond the point where it is remunerative."

Lord Templewood goes on: "Whilst I admit that it may be too soon to reach any final conclusion upon the course of violent crime, I cannot too strongly emphasise the comment of the Commissioner of the Metropolitan Police that the new sentences of corrective training and preventive detention are already proving an effective deterrent. A prison governor whom I recently met has confirmed to me Sir Harold Scott's comments, and has told me that some of the most hardened prisoners are seriously considering whether a career of crime is worth while if it takes them to prison for many years." The article in the 'Manchester Guardian' reporting Lord Templewood was entitled: "Winning the War on Crime."

A final note may be added about corporal punishment. Lord Templewood said: "Many prophecies were made of the disastrous effect upon public order that would be brought about by the abolition of corporal punishment. Many people foretold a disastrous increase in brutal crimes. What has actually happened? There has, over the whole country, been a notable decrease in juvenile delinquency and an insignificant increase as compared with 1948, in the most violent crimes committed by adults. In the London area, by far the greatest police area in the country, offences against the person decreased by 7.7 per cent and cases of robbery and assault with intent to rob by 22 per cent."

For those who, with us, fight for intelligence in our own war on crime, such developments are a vindication of their efforts, and

at a time when mad demands for brutal punishments are a daily occurrence in our Press, they remind us, as a fine editorial in one of our papers puts it, that "Cruelty is no Cure." At the eve of a new year in its existence, may our League succeed in bringing this truth home to all South Africans, Bantu, Boers or Britons!

(II) A ROUGH CALCULATION OF SUCCESS IN REFORMATORY SCHOOL TREATMENT.

In any form of treatment, no matter what single method one employs, a hundred percent success is never attainable — all individuals are not equally susceptible to the same methods of treatment. Reformatory schools, therefore, with the means at their disposal, are not expected to yield a hundred percent result.

The following is a rough estimation of success as obtained from the statistics given in the Union Education's annual reports which are available in the library.

Year:—	1939	1940	1941	1942	1943	1944	1945	1946	1947
(a)	10	5	47	14	18	5	10	1	5
(b)	25	11	4	14	47	14	10	45	30
(c)	190	140	98	64	86	91	111	44	54
(d)	7	0	71	21	26	33	20	16	43
Total	232	156	220	113	177	143	151	106	132
(e)	656	837	807	414	469	584	551	527	610
(f)	35.4	18.6	27.3	27.3	37.7	24.5	27.4	20.1	21.6
			(Average: 26.7)						
(g)	64.6	81.4	72.7	72.7	62.3	75.5	72.6	79.9	78.4
			(Average 73.3)						
(h)	2038	2112	1815	1674	1956	2096	2206	2401	2422

(a) Number discharged from the provisions of the children's act: absconders from employers who could not be traced.

(b) Number discharged from the provision of the children's act: Those discharged on account of serious offences committed.

(c) Number released during previous years but readmitted during the year concerned.

(d) Number both released and readmitted in the same year.

(e) Number released on licence or on contract.

(f) Failures — percentage $\left(\frac{a + b + c + d}{e} \times \frac{100}{1} \right)$

(g) Successes — percentage.

(h) Pupils dealt with during the year — this figure is arrived at by adding the admissions of the year to the number present on 1 January of that year.

As stated above, this is merely a rough estimation, and if anything, it is an underestimation. Many obvious reasons which make a more accurate estimation difficult or even impossible, can be mentioned, e.g.

1. Referring to point (a) in the table: After absconding from an employer a pupil may lead a law-abiding life for the rest of his life, in which case he should not be regarded a failure as was done here.

2. Referring to point (b) in the table: Pupils often abscond from a reformatory a few days after admission, i.e. before they can possibly benefit by the institutional treatment, remain at large for some time, and then commit a serious offence for which they receive a long-term sentence in gaol. When such pupils are discharged from the provisions of the children's act because it is felt that they will not benefit by further retention after the expiration of their sentence, they should not be regarded as a failure of the institution. Such cases are included in (b).

3. Speculations on the estimation of the success of this kind of treatment have been going on for years and yet no definite conclusions have been drawn as no

final decision can actually be taken before the death of the pupil or pupils concerned.

The average percentage of successes over the period given is 73.3 per cent, which is considered by the Department to be a very favourable one if the following facts are kept in mind:—

1. Pupils are sent to a reformatory only as a last resort, i.e. when the previous educators viz. parents, provincial schools, social organisations and other institutions have failed to effect a change in the pupil's conduct. It might be mentioned here that any faulty or unsuccessful attempts at rehabilitation by the aforementioned groups, merely go to make a more hardened delinquent.

2. At the age when pupils are admitted to reformatories their characters and personalities are no longer as pliable, making successful treatment more difficult.

3. NEWS OF THE LEAGUE AND OTHER NEWS.

(i) Deputation to the Minister of Justice.

The following rectification was sent to us by the Private Secretary of the Honourable the Minister of Justice, in a letter dated 8th March, 1951:

"I am instructed to refer to a statement in the Minutes of your Executive Committee held on 17th February, at Pretoria, namely (see par. 3(1) that 'he (the Minister) had definitely undertaken not only to present the Criminal Procedure and Evidence Amendment Bill but also to get it through all the necessary stages this session if possible.'

"This statement rests upon some misunderstanding of the Minister's reply, as the Minister's intention was merely to convey to the deputation that introduction and passage during the present session were being considered, but that nothing was as yet definite."

(ii) **Liquor Laws.** In the draft Bill, now published and prepared for a basis of discussion and representations before a Select Committee, one of the important new features is the creation of a **Central Licensing Board**, which is of course very welcome. "Die Kerkbode" acknowledges the importance of this creation: "Dit spreek vanself dat die samestelling van so 'n raad uiters belangrik is. Die nuwe wet bepaal dat daar sewe lede sal wees, dat die minister hulle sal benoem en dat hulle sal dien solank dit hom behaag. Verder word neergelê dat een uit die sewe besondere kennis moet hê van die landbou; een van die dranknywerheid; een van die toeriste-bedryf, terwyl 'n vierde verteenwoordiger moet wees van die Munisipale Vereniging van Suid-Afrika. Die samestelling van die raad laat dadelik die vraag ontstaan of hy sy gewigtige funksies na die bedoeling van die drankwet op 'n onpartydige wyse sal kan vervul. Sal die belange van die volk, om Regter Lansdown weer aan te haal, 'in sy gebruik van 'n artikel wat gevaarlik is vir die volksobereheid en welsyn' beveilig kan word indien minstens drie lede van die raad uit daardie kringe kom wat groot belang het by die verkoop van drank, of indien die dranklisensie die lokaas gaan wees om beter toeriste-hotels te kry? Wie moet per slot van rekening die drank in die deftige hotels, drink, die burgers van Suid-Afrika of die buitelandse toeriste?"

And "Die Kerkbode" goes on: "Nog 'n vraag wat in verband met die Sentrale Raad ontstaan, is in hoe ver so 'n liggaam gevrywaar sal wees teen omkoperij? Dit word beweer dat grootskaalse omkoperij in verband met sommige lisensierade by die verkryging van dranklisensies plaasvind. So lank as 'n dranklisensie 'n potensiele goudmyn is en kapitaalkragtige belange gevind kan word om applikante te finansier, sal daar altoos 'n gevaar bestaan dat lisensies gekoop kan word en sal lede van rade blootgestel wees aan geldversoekings. Alleen die mees onkreukbare en onpartydige persoon moet vir hierdie werk in die volksbelang gesoek word, en 'die voorsitterskap behoort deur 'n regter beklee te word."

It is the time for all those social welfare bodies which deal with the victims of vested interests in alcohol to unite and insist that both the local and the central boards will be bodies independent from those interests, and upon which they themselves have a first priority right to representation.

Some branches of the League are already studying the proposed legislation and in our next newsletter, we ask them to give us the benefit of their findings.

(iii) Individual Treatment of Prisoners.

I read, from the pen of Emil Reich, Superintendent, Strafanstalt Regensdorf, Zurich, Switzerland, in "Kirchenbote," Walliselen, January, 1951: "The man who tackles the problems of Guilt and Expiation, especially the one who lives under the same roof as prisoners, realises that cruelty and severity keep on coming back over and over again into the limelight, even if only through intrigues and quibblings. Over and over again thoughts of primitive vengeance tend to come back, and over and over again the various activities which are implied in the execution of sentence tend to treat the prisoners as slaves and to humiliate them. It needs a type of labour which stimulates the will power, full of purpose, based on moral convictions, for allowing reason and humanity in criminal policy to triumph within a state system of punishment. Prison is an unnatural, more, an anti-natural life. The deprivation of freedom is and remains a severe punishment. It is the duty of treatment to make this time one of real meaning for the men, a time of reflexion which is most important. But what must be spared in punishment is the handling of prisoners as samples and the automatization of institutional life which not only creates an atmosphere harmful to life in the institutions, but poisons them with distrust, jeopardising their success. In place of distrust we place our trust in the prisoner, even though he so often fails us. This trust has nothing to do with blind sanctimonious credulity or "laissez-faire," or "laissez-aller." It is nevertheless the very foundation and condition of the treatment of a prisoner as a Personality. Without a proper approach to the personality of the prisoner, the success of the attempt to bring him back to society remains problematical."

(iv) **Power of Arrest.** We have become so accustomed to arrests and charges concerning African Natives that we seem not to realise that a very serious situation is created, many Natives becoming convinced that there is no justice for them. If we scrutinize, for example, the figures which the Pretoria Legal Aid Bureau gave us for January and February, 1951, as regards the cases which appeared before the Native Commissioner's Court we find that, in January, 1951, 512 prisoners were interviewed: 218 were found guilty, 294 not guilty. In February, 1951, 593 prisoners were interviewed; 307 were found guilty and sentenced; 166 were reprimanded and discharged and 120 were found not guilty. It seems that the arm of the Law is far too prompt to arrest, and far too little concerned with the prevention of crime and the organisation of the community and all its interested agencies for that prevention.

(v) **Unequal Sentences.** In "The Magistrate," the bulletin of the Magistrates' Association of Great Britain, the Editor writes under the title "Uniformity and Unity": When I meet a magistrate and we talk shop, one of the questions which most frequently crops up runs something like this: "If we fine a motorist ten shillings for speeding, we know that before a different bench next day in the same court, or to-day in the next town, a fine of forty shillings may be imposed for the same offence in similar circumstances. This must seem unfair to the public. How can we secure more uniformity in our decisions?" — The writer then shows that there is no easy answer to that question, that magistrates are human, that no mechanical robot exists for the evaluation of guilt; and he comes to the conclusion that the Magistrates' Association, as a sort of clearing house for the products of magisterial experience and thought, to collect them and redistribute them, is, at least, part of the solution. In South Africa, with the peculiar difficulties created by a multi-racial set-up and the strong sense of superiority of the Europeans, the question of unequal sentences is still far more difficult than in an homogeneous European country. And it touches the Higher Bench too. We have had some strong reactions from ethically-minded persons about the complete discrepancy between sentences to death for rape, in the case of a male Native and a European woman, and the sentences passed on a European male in a case of rape of a Native woman. I know that many highly conscientious and responsible judges have felt that the weight, of public feeling in these matters forced measures which had little equity about them. Ferocity never paid any dividend except that of breeding further ferocity. For some of us, there should be no "supreme penalty," because there is no judge of flesh and blood who is "supreme," and who can, even legally, be entitled to dispose of the life of another man, forcing another human being, by his sentence to do what the murderer did. But even if the right of the State to kill were granted, horrible, and in a sense much more criminal as may look a rape, it has not suppressed a life. Therefore there is no equivalence in a death sentence and a crime of rape. Bacon wrote:

"Penal laws pressed are a shower of snares upon the people. . . . In cases 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." — In our difficult set-up, it is very important that all individuals of all races should be considered as "persons." Perhaps it is not enough in the minds of the Judicature, low and high, that their judgments will pass under review into a Higher Court. What seems to us of grave import is the fact that a constant consultation and mutual help should be made possible by such a body as the Magistrates' Association in South Africa. We know that judges conferences already take place regularly.

(vi) **April Tour.**

The Organiser of the League will tour the Eastern Province and the Cape during April, being at East London (6th to 8th), Kingwilliamstown, Zwelitsha (9th), Grahamstown (10th, 11th), Port Elizabeth (12th, 13th), Hermanus (Rotary Conference), Stellenbosch (16th), Cape Town (25th to 30th April). It is hoped that new interest will be created and that some more financial stability will be rendered possible for our League through this effort.

H. P. JUNOD.

Pretoria, 1st April, 1951.

MEMBERSHIP FEES.

Life Members: £25.

Donor Members: Not less than £10 10s. 0d. per annum.

Organisation: Not less than £10 10s. 0d. per annum. (Organisations having a substantial membership of Non-Europeans, not less than £3 3s. 0d. per annum.)

Individual Members: Not less than £1 1s. 0d. per annum. Non-European members, 10s. 6d. Associate members, not less than 5s. per annum.)

THE PUBLICATIONS prepared by the League will be sent to members free of charge. Associate members receive the Newsletter free of charge.

Will all Members of the League notify Headquarters about change of addresses — and will those who realize the importance of our efforts help us to find additional support, please.

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 ORGANISER, PENAL REFORM LEAGUE OF S.A.,
25, Victoria Street, Waterkloof, Pretoria.

Penal Reform News

CONTENTS :

- (1) THE TREATMENT AND RELEASE OF HABITUAL OFFENDERS.
 - (i) Working of the Indeterminate Sentence.
 - (ii) Modern views concerning habitual criminals.
 - (iii) Corrective Training and Preventive Detention.
- (2) HOPES AND DRAWBACKS IN PENAL REFORM.
 - (i) ARMS OF THE LAW, by Margery Fry.
 - (ii) UNRAVELING JUVENILE DELINQUENCY, by Sheldon and Eleanor Glueck.
- (3) FURTHER DEVELOPMENTS IN CANADA, by John Kidman.
- (4) NEWS OF THE LEAGUE AND OTHER NEWS.
 - (i) Annual Meeting of the League.
 - (ii) Organiser's tour.
 - (iii) "The Shadow of the Gallows," by Viscount Templewood.
"Probation and Related Measures" (United Nations).
"Selection for Parole," by Lloyd E. Ohlin.
 - (iv) REVIEW OF REVIEWS. Journal of Criminal Law. The Howard Journal. Rassegna di Studi Penitenziari. Rivista di Defesa Sociale. Administration Penitentiaire. A Criança Portuguesa. Revue de Criminologie et de Police technique.

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

"Jesus affirms the necessity of love and mercy between men, the necessity of overcoming mischievousness by gentleness, evil by good. Declaring that there is no need to resist evil and that we must always be ready to turn the other cheek, Jesus irremediably condemns the *law of talion* of the Old Testament, because evil, being reversible, falls back, even if committed with the will to do good, upon the one who does it; *the law of talion* multiplies evil because to the evil of the first offender, it adds the evils committed by the administrators of justice, for whom to turn the other cheek amounts to cutting off the chain of evils after the first ring. It is easy to see that human justice still follows to-day principles which are utterly opposed to this teaching of Jesus. In human justice, indeed, everything is still leaning towards conceptions which are very near the *law of talion*, and the tendency is still to answer evil by evil, to multiply the evil of the first offender by the evils committed by the administrators of justice. It is therefore evident that human justice goes on basing itself on criteria which cannot and never will be able to educate and contribute to the betterment of human personality."

Professor Benigno di Tullio.

(Rassegna di studi penitenziari, Roma, Anno I.
Fasc. I. p. 42. Gennaio-Febbraio 1951.)

"Even the convicts, with whom I have been for a long time, cannot become good except by goodness; when I happened to talk to them harshly, I have always spoilt my work; whereas when I have praised them for their meekness of spirit, when I sympathized with their sufferings and kissed their chains, when I suffered their pains, then they listened to me, gave glory to God and have started to walk on the good way."

St. Vincent de Paul.

(Quotation in the above article, p. 46.)

The Penal Reform League of South Africa

I. THE TREATMENT AND RELEASE OF HABITUAL OFFENDERS

Prevention is better than cure, and the root of the problem of crime is our failure to tackle delinquency at the outset. Reform is always a second best, and the recent study by Professor Sheldon and Eleanor Glueck under the title UNRAVELING JUVENILE DELINQUENCY, reviewed below, sets up a comprehensive programme for this most important part of a scientific approach to crime. Nevertheless, it is a fallacy to oppose prevention to reform, and the two phases of society's action against offenders are complementary; even though the emphasis is rightly put on prevention, the question of the measures to be taken by the community against the finished products of a hardening process towards habitual criminality is of urgent importance. It is right that we should always keep in mind the fact noted by Lord Templewood, when he visited Dartmoor, and investigated each individual case there. He arrived at the conclusion that all these serious criminals had been juvenile delinquents. But it is also right that we should remember that the measures taken by society to cope with their incipient criminality had completely failed, and brought them to a condition in which complete, or partly complete, "relegation," as the French put it, had had to be resorted to. In the Union of South Africa, our Courts have used more and more, in the cases of habitual criminals, the *indeterminate sentence*, from 1910, when this form of sentence was first adopted in the Transvaal.

(i) Working of the indeterminate sentence.

In the recently published report of the Director of Prisons (U.G. No. 69/1950) for the year 1949, a very valuable survey of the operation of this form of sentencing has been published. The following facts have been given:

From 1910 to 1949, 4,714 persons have been declared habitual criminals in the Union of South Africa.

Of 307 European males, 257 have been released on probation, and of these 107 have failed again; 62 were released a second time and 14 a third time; 9 who had successfully completed their original period of probation, were again declared habitual criminals.

Of 4,315 Native and Coloured males, 2,662 were released; 1,216 broke down whilst on probation; 549 were given a second chance and 87 a third; 59 were again declared habitual criminals after completing their period on probation.

It is interesting to note that about 58.3 per cent of the European males who were given the indeterminate sentence, and released on probation, **have not returned to prison**. In 1948, 184 persons were declared habitual criminals and given the indeterminate sentence. In 1949, 151 persons.

The cases which almost invariably returned to prison were cases of violent crime, housebreaking and theft, violent assaults, etc. And it is probably for that reason that, in these cases, the customary remission of sentence has been curtailed. It is particularly in these cases that the present infliction of the indeterminate sentence appears to be inoperative, and it is in thinking of them that the present summary of the views on treatment of habitual criminals is offered. The Penal Reform League has studied carefully the question of remissions and has approached the Government several times, with a view to securing their restoration in all cases, because it considers that the failure of the indeterminate sentence and ordinary long time imprisonment should not lead to an abandonment of hope even in the most irreducible cases, but to a change in our methods of dealing with them. We wish nevertheless to emphasize the fact that the use of the indeterminate sentence has by no means been entirely ineffective and that a more general use of this sentence, under a more elastic form, is recommended by all the experts who gathered at the Hague Congress in 1950, and in agreement with the general trend of individualisation in sentencing.

(ii) Modern views concerning the treatment of habitual criminals.

It is a universal view that traditional punishments have not effectively checked habitual criminality. Other measures must be contemplated. With the hardened offender, the so-called "double-track" system, using different regimes in different institutions has proved undesirable. Though a person may be declared an habitual criminal, the special measure chosen to deal with him should not be added to a sentence of punitive character, but a unified measure of relatively indeterminate duration should be adopted. In the internment of these offenders, it is desirable that the young be separated from the old and the more dangerous and refractory from those less so. It is realised that, in these difficult cases, expert observation should play a much greater part than hitherto, before sentence, in the course of treatment, and before release, and that such observation should be directed towards the social background, history, psychological and psychiatric aspects of the case. Final discharge should be preceded by parole and combined with well-directed after-care.

It is significant that the Hague Congress asked for a much more direct interest from the judiciary and expert agencies, in all stages of social action against hardened offenders: in the declaration of habitual criminality, in the choice and in any change of the measure to be applied, and in the termination of the measure. The Law and the legal profession have far too often chosen the easy way of passing sentence in terms of accepted formulae, and then declaring that their specific task was completed, and that they have no direct responsibility for treatment as such. The training of the legal man, at its best, has given a person a sense of proportions which practical administration often lacks; and this balanced view of all human factors, assisted by special knowledge in the field of psychology, psychiatry, and the spiritual side of man, must play a very great part in the treatment of habitual criminals. Such views should bring our own Judiciary to understand that, if they wish to retain the great and justified respect and confidence they have enjoyed in the past, they have now to take a prominent part in the most important phase of the problem of habitual criminality, and that is in the supervision of adequate treatment of sentenced persons of that type.

(iii) Corrective Training and Preventive Detention.

Many hardened criminals have gone through a long process of

deterioration in which complex factors played their part: Firstly, those factors which can be traced to faulty, or sinful, heredity, unsatisfactory prenatal conditions, the constant and consistent influence of a bad home (and such a bad home may be a very prosperous one, materially), during the very earliest years of their life, etc. Then the factors created by an acquisitive social set-up and the maldistribution of wealth resulting from it: poverty, slum conditions, squalor, insufficient food, unhealthy housing, and perhaps above all the merciless struggle for life. To that must be added the global unintelligent measures taken against them, and which do not need description. The finished product of the process of deterioration is the hardened criminal. Ordinary imprisonment succeeds in segregating him from society, and thus society is protected from him, at least for the duration of his incarceration. But every time such a hardened criminal comes out of gaol, he is a more serious problem for the community than before.

The usual treatment prescribed by the court is "hard labour"; but what hard labour really means in practical terms is far from clear. "The superintendent shall, subject to the approval of the Director determine what shall be considered hard and what light labour in his prison." (Regulation 441). In fact, it is difficult for a superintendent to choose what type of hard labour he may use, because the opportunities for specialized work in prisons are very limited. Again, in this field, the scrutiny of the legal man is necessary and, should he take a real interest in the problem, numerous new avenues of "hard labour" might be provided, besides quarrying, the breaking of stones, strong physical efforts, etc. The idea that a man should work hard, sustain a consistent physical effort, once he has chosen to be a real criminal, is quite sound; but human nature is such that, in that hard work, in that sustained effort, there must be a lifting up, and not a debasing, of the personality, bad as the offender may be. That is what is what is at present being tried in many countries under various names, and in Great Britain under the names of "corrective training" and "preventive detention." The second form of treatment is not new at all; it was already established in 1908, but seldom used, and not diversified: moreover the conditions imposed were entirely negative as regards work, education and personal training. An effort is now attempted to make this serious form of treatment, imposed to professional criminals and dangerous prisoners, a long progressive treatment leading to rather strict conditional release.

Corrective training means that the sentenced person will be committed for long enough a period of time to enable him to be effectively trained. The training aims at providing maximum opportunities for self-determination and responsibility: an arduous day's work, provision of vocational training classes in skilled trades, an active educational programme, etc.

In America, the parallel to this effort is what Sheldon Glueck, in a personal letter, calls "flexible indeterminate sentences which permit the lengthy detention of those deemed especially dangerous." The important thing is not to frame new technical terms, but to find the technique which will bring results. It is physically impossible

to change in a few years the buildings, the workshops, the long routine of work of our ordinary prisons. But the provision of hard purposeful work, as diversified as possible, and aiming at a definite qualification of the individual in a definite trade or occupation, is undoubtedly a progress on the right lines.

We have been criticized for painting too favourable a picture of developments in Great Britain, and Negley Teeters recently wrote an article⁽¹⁾ strongly criticizing the shortcomings of present efforts there. He even abruptly described corrective training as "ordinary imprisonment with a little emphasis on reformation." I find it difficult to reconcile that statement with Teeters' own description of Maidstone, one of the important centres for corrective training: "a bee-hive of activity, and there is a human relationship between staff and inmates." Once again, the important thing is not the complete overhaul of everything in prison administration, and if a consistent programme is adopted, in spite of the overwhelming picture presented by all the antiquated buildings and still insufficiently trained staffs, there is reason for solid hope.

II. HOPES AND DRAWBACKS IN PENAL REFORM.

Our recent review of the progress of penal reform in Great Britain and other overseas countries cannot veil the fact that the fight against incipient as well as hardened criminality is a difficult problem. Even in Great Britain, the efforts we have described have by no means affected all the prison population; but as we have emphasized over and over again, the vital question is not to tackle all the problems at once, but to establish a satisfactory set-up, and the progressive changes initiated in consequence of the Criminal Justice Act indicate that such a set-up is being established.

Two very remarkable studies have just been published in Great Britain and in America, which give a full picture of what I would like to call "Hopes and Drawbacks in Penal Reform." The one is a book by Margery Fry, under the title *ARMS OF THE LAW*, in which she carefully describes the change which has gradually taken place in the community's attitude towards offenders, especially in Europe. The other is a monumental work by those two great American students of Criminology, Professor Sheldon and Mrs. Eleanor Glueck, entitled *UNRAVELING JUVENILE DELINQUENCY*. I propose here to give a short review of both these books, keeping in mind the special conditions under which we live in South Africa, and trying to assess what suggestions may be made, within our multi-racial society, for the development of a scientific approach to our problem of crime.

⁽¹⁾ American Journal of Criminology, January/February, 1951.

(1) ARMS OF THE LAW.

Miss Margery Fry is one of the leading authorities in the field of penology in Great Britain, and her work for penal reform, and more especially prison reform, has upheld the tradition of the great name she bears. Her book is a summary of the whole history of the community's attitude towards offenders, especially in her own country.

In the first part of this book, she writes of *Antecedents*, and there is no need to cover this field which deals with the beginning of the law, the development of the ideas of guilt in the history of Christianity and the way in which reformers brought about a change in the general attitude of the thinking public towards criminals. The summary is complete but, fortunately, does not go into many details; it only gives the necessary basis for the main theme of the book which aims at describing the present system in England and Wales.

The second part is called *Digression on Fear*: a digression which is most welcome, because it considers the whole background of this term so abundantly used by Lawyers and Judges: "deterrence." Her own experience of the "thrumming of a V.I. bomb" provided a good scientific self-examination of what physical conditions of fear are; she knows that "the apprehension of a distant evil is something which is not only weaker, but in its nature different, from the fear of a present danger," and adds pertinent remarks on the scope of memory, much more restricted than is assumed by the legal view of deterrence; she shows that "anticipation" does not build the future on rigorous lines and implies no physiological changes, that "familiarity breeds courage," that imagination often fails, that the brooding memory of those she calls 'past-dwellers' is too powerful to let their determination for revenge to be deterred, that the 'future-dwellers' are perhaps the group of temperaments most affected by the penalties of the law, and that the 'present-dwellers' usually consider that "a bird in the hand is worth a whole flock in the bush."

"To sum up. The sanction of fear is an inadequate safeguard against law-breaking, since its effect varies according to temperament (forward-, backward-, or present-looking), to intellectual vigour, to the power of imagination, to the dramatic quality of the punishment, to the offender's taste for excitement, to the nature (spontaneous or calculated) of the offence involved." Miss Fry shows that, far from perfect, the system adopted now is moving towards treatment of the individual rather than making of him a horrid example for the terror of others. "A choice between deterrence and reform must be consciously made."

The third part of the book describes in detail the present system in England and Wales. She deals with the preventive agencies, the Courts, discharge and probation, fines and restitution ("If a fine is the really appropriate penalty, only deliberate disobedience to the order could merit imprisonment"). The approved schools and the Borstals are described, and then the prisons, in a long chapter where the author does not hide the present defects, as reformers are often indicted for — but she shows that a new set-up is progressively developed, and that far-reaching changes and reforms are coming. A chapter on Capital Punishment describes briefly the working of the death sentence in Great Britain, with all the necessary statistics, and shows the unbalanced position taken by the supporters of a "medieval and cruel weapon," discarded by progressive countries. A conclusion appeals to the reader to play his own part and join the Howard League for Penal Reform.

"Arms of the Law" is an important book, and we hope that many members of our League will get it. We have been accused of giving too rosy a picture of the situation in Great Britain, in Newsletter No. 17. This very factual and much more complete survey of all aspects of the problem there will give all readers a clear, unbiased, picture; and it will substantiate very powerfully our

contention that, though there are still very grave and antiquated facts and theories abroad in the country, the set-up is now changing rapidly, owing to the adoption of a series of practical and intelligent principles of penal action.

(ARMS OF THE LAW, by Margery Fry, pp. 255. Published for the Howard League for Penal Reform, by Victor Gollancz, Ltd., London, 1951. Price 12/6.)

(ii) UNRAVELING JUVENILE DELINQUENCY.

The United States of America are at present in the forefront of all civilised countries in their effort to stop the development of crime, partly because of the acuteness of the problem there, partly because of the availability of finance brought about by the phenomenal development of this great country, but perhaps still more because teams of Lawyers, Sociologists and Psychologists have united their talents and intelligence and tried to determine the fundamental factors making for crime in the individual. Among those scientists, Professor Sheldon and Eleanor Glueck occupy a place of honour. For over 25 years, they have not only carried out important personal researches, but organised teams of expert workers for investigations which have multiplied their own labours to such an extent that great fields of knowledge have been opened. In 1950, the most important work of their life has seen the light of day, and UNRAVELING JUVENILE DELINQUENCY is probably the greatest contribution made so far to a better understanding of the genesis of crime in adolescents. We will have to refer to this remarkable effort for many years to come. It would be quite impossible to give a full review of this book, but a short outline will show its value to all those who are concerned with the problem in South Africa. Before the present publication, the effort of the Gluecks was directed towards studying the effectiveness of various types of treatment. Now it has shifted towards *causation* of crime and the *determination of crime prevention*.

The problem of *crime causation* is set out in the first part of the book, and a large amount of notes and references given in that chapter, as well as in all others, gives a picture of the enormous amount of work involved. Following the development of criminology all over the world, the Gluecks have realised that the approach to the problem of delinquency cannot be tackled in the mass, because "these mechanisms are operative, not in the external area or culture, but in the mental life of the individual, and in detail as well as en masse": hence "the focus in such a study should be upon the selectivity that occurs when environment and organism interact."

The *technique* of the research is described at length, and the most important contribution of this new work is the constant checking of the delinquent group of 500 young offenders by pairing them with 500 non-delinquents belonging to the same social surroundings, by examining delinquents in correctional schools and non-delinquents in public schools, selecting neighbourhoods, all this with the help of a highly qualified and numerous staff of associates in the research. The family and personal background were then explored, delinquents and non-delinquents were thoroughly tested for intelligence and achievements (Wechsler-Bellevue test), for emotion and temperament (Rorschach test) and examined by qualified psychiatrists. The data collected were prepared for statistical treatment with infinite care.

The *findings* of the research were then tabulated according to neighbourhood and home conditions (physical, economic, the nature of the household). A complete review of the setting of family life followed: the quality of this family life was investigated, the place of the boy in the family, the place of the boy in the school.

the place of the boy in the community, his physical condition, his bodily constitution, his verbal performance and intelligence, the qualitative and dynamic aspects of his intelligence, his character and personality structure, the dynamics of his temperament; and the basis was established for a study of the significance of these findings, which is the most important part of the book, as it provides what the Gluecks call the "predictive instrumentalities" upon which some kind of prevention policy might be built. Some very startling discoveries were made which throw light on many wrong assumptions, taken for granted in the past.

Thus "the 500 delinquents were found, in retrospect, to have been a little over eight years of age on the average when the first signs of their maladaptive behaviour either in or out of school became evident." All but 12.4 per cent were under eleven at the first clear signs of misbehaviour. The delinquents as a group tend toward the outline of a solid, closely-knit, muscular type in which there is a relative predominance of muscle, bone, and connective tissue. They are, on the whole, more extroverted, vivacious, impulsive and less controlled than the non-delinquents. They tend to express themselves intellectually in a direct, immediate, and concrete manner rather than through the use of intermediate symbols or abstractions. In school attainments, they display "evidences of restless energy with accompanying difficulties in social adaptation." The "biosocial legacy of the parents of the delinquents was consistently poorer than that of the non-delinquents."

Apart from significant findings of detail, the very striking result of the Glueck's effort is *the paramount importance of the quality of the home* in checking or favouring the incidence of delinquency and the relatively small part played by puberty, often considered as one of the main causes of misbehaviour. The "tendencies of the delinquents toward un-inhibited energy-expression are deeply anchored in the soma and psyche and in the malformations of character during the first years of life."

For any one who is concerned with the problem of "difficult children," and who can apply a scientific method to this problem, though it touches himself directly, the book of the Gluecks will prove invaluable. There is no place for self-pity in this task, and though a home may have to face serious scrutiny of its quality, and take drastic measures to remedy its short-comings, it is better for those concerned with the home, parents or social agencies, to start there, than to wait for the appearance of the young delinquent outside. It also becomes obvious, from this exhaustive and impressive book, that the schools should be much better equipped, the teachers much more specifically trained, to discover the malformations and maladaptations of children, and thus supplement the deficiencies and inadequacies of the homes, and check the evil before it is too late.

"Criminology is a dependent discipline" and "when the sciences on which criminology depends have progressed further, solutions of the problems of 'character disease' will become more likely."

It is on a note of hope that the book concludes:

"In the meantime, there is hope in the fact that persistent delinquency is not inevitable, since (except in the most extreme cases) it is possible to modify character and environment before the patterns of anti-social attitude and behaviour become fixed. We can derive comfort from the fact that in delinquency we are dealing not with predestination but with destination. And probably destination can often be modified by intelligent early intervention."

UNRAVELING JUVENILE DELINQUENCY, by Sheldon and Eleanor Glueck, pp.xii, 399. The Commonwealth Fund, New York, 1950. (£2.2.0.)

III. FURTHER DEVELOPMENTS IN CANADA

By JOHN KIDMAN

When a Royal Commission was appointed in Canada to enquire into the prison régime several years ago, one reason for the investigation was the high figures in recidivism, especially among young offenders. It was pointed out by the advocates of reform that there were cogent reasons for these relapses into crime, among which was the fact that the whole atmosphere was charged with the punitive and repressive spirit rather than with the corrective and stimulative factor.

Now after three years of an entirely new policy which was very definitely outlined in what was known as the Archambault report (name of the presiding judge) it is set forth in the annual report of the Commissioner of Penitentiaries for 1950 that there is a decrease in recidivism notwithstanding the increase of the convict population. (The Commission deals with the Dominion penitentiaries which hold offenders serving sentences of two years and upwards.) The total number of prisoners in these institutions may appear small — 4,702 — but the population of the provincial jails is much greater, as the latter shelter the petty delinquents. Of the number cited, 2,882, or 61.29 per cent, were serving their first penitentiary sentence as against 1,820 who had previously served one or more terms in those institutions. Thus the percentage of recidivists is 38.71 per cent as against 40.24 per cent for the fiscal year 1948-49.

Unfortunately youthful crime is still on the increase in Canada. The penitentiaries received 371 offenders between 16 and 21 years of age as compared with 309 in the previous year. The total number of that group incarcerated now is 551. During the year a special institution has been opened near Montreal for these young convicts with their workshops, labelled not as a penitentiary but as Laval Training Centre. One feature of this is its vocational training programme under which "selected young prisoners" will be given the opportunity to rehabilitate themselves by learning trades.

NEW IDEAS AND METHODS.

This report which used to be that of the Superintendent of Penitentiaries is now that of the Commissioner who was brought in to introduce and implement — at least in part — the Archambault Reform programme. In his introductory page the Commissioner (formerly Major-General) R. H. Gibson, comments:—

"It is much easier to mould cement walls and build iron cages than it is to repair battered lives and rebuild human character. It is to this purpose however that our prisons should be devoted, otherwise the vast sums spent on our police forces, our courts of law and the whole administration of Justice are largely wasted. This is the basic philosophy underlying the present programme in our federal penitentiaries."

Education, primary and more advanced, is being pushed, with co-operation of the department of Veterans Affairs and also from some of the Universities. Some 1,500 of the men were taking correspondence courses. It is mentioned that students have to be in earnest as they have to contend with the "ever-present chatter between cells and ranges, for the silence rule has been abandoned at certain times." Education comes under a former college principal, Mr. Joseph McCulley. Libraries are in excellent condition and books issued to those of good behaviour.

Recreation has superseded the marches around the grounds for physical exercise. Various ball games, basket- soft- and quoits have been introduced and quieter games for those not physically fit. "Wardens report that the extension of physical recreational activities has given a decided boost to inmate morale."

Hobbies such as drawing, painting, woodwork, rug-hooking, clay modelling, papercraft, toy-making and even stamp collecting are being encouraged.

Chaplains, who at one time were carefully watched, are given much greater latitude.

Even more so have the welfare workers found their domain extended. There are now "classification officers" mostly drawn from professional social workers, who are on the staff and they act as liaison officers between the inmate, the representative of the John Howard Society, formerly Prisoners' Aid Society, and the officials. Under this category also comes the Salvation Army which carries on religious and welfare work with the prisons. In Montreal there is also a French-speaking and Roman Catholic agency equivalent to the John Howard Society.

Prior to release every prisoner is given the opportunity to see whichever agency he prefers, the arrangements being between the agency and the classification officer, the latter furnishing a case history and all needed information, then it rests with the agency to place him (or her).

For the first time in Canadian history federal grants were made to the recognized prisoners' aid agencies, the total amount distributed by Ottawa through the Canadian Penal Association (the National body) being \$22,000 (about seven thousand, three hundred pounds). But it took about forty years in the wilderness of pioneer penal reform to obtain this during which period earnest workers carried on the general movement and stood by the unhappy souls who emerged from prison helpless and without employment.

One of the remarkable changes in the penitentiaries' outlook is to be seen in the staffs of these institutions. The Commissioners set out to provide special training classes and to raise the standards. Further, they succeeded in gaining the *confidence of the Wardens* in charge and of the senior officers, with the result that a "new outlook" has been adopted by those who formerly had the old conceptions of "making it hot" for the inmate. This report indicates that they all have praise for the new system, including the welfare bodies which, in former days, they admitted with a certain amount of reserve, even on official permits.

NEWS OF THE LEAGUE AND OTHER NEWS. BOOKS RECEIVED.

Review of Reviews.

(i) The Annual meeting of the members of the League took place in Johannesburg on 18th June, at Escom House, at 8 p.m., and after the usual business had been disposed of, a show of the film "Children on Trial" was appreciated by all, even those who had already seen this fine picture. It is with gratitude and sincere appreciation for her great past services that the members present unanimously re-elected Mrs. A. W. Hoernlé, LL.D., as the Chairman of the League. The financial situation of the League is causing serious anxiety, and we ask all our members to join our efforts to put this necessary organisation on a sound financial footing. It is with a feeling of insecurity that we must go ahead from month to month, not knowing if our funds will allow us to go on. We have welcomed the contribution of one friend who promised one hundred pounds a year, and permitted us to double a threatening cape. But we need more substantial contributions of this kind, if we are to further our cause without disaster. Our budget has had to be curtailed, as far as publications and office work are concerned, by £210.

(ii) During April, 1951, the Organiser of the League made a tour of the Eastern Province, took part in the Rotary Conference at Hermanus, and visited Cape Town and Stellenbosch, where he had the welcome opportunity of addressing the theological seminary students. Since the beginning of April, he addressed 33 meetings and visited prisons 16 times.

(iii) Apart from the books reviewed above, we have received *THE SHADOWS OF THE GALLOWS*, by Viscount Templewood (Victor Gollancz), pp. 159, 1951, with the sub-title "The Case Against Capital Punishment" (price 8/6). Ten chapters and eight appendices give a complete account of the position taken by the eminent British statesman, and the conclusion will give those who are anxious to reach a considered personal opinion very valuable food for thought :

"It is in the interests of the British community as a whole that I am opposed to capital punishment. I fall behind none in my sympathy with the victims of murder, or in my detestation of the unspeakable crimes that are committed. If I felt that the death penalty were essential for the protection of the weak and the aged, I would stifle my feelings of disgust and cease to press my opposition to its continuance. I am, however, convinced that hanging is not indispensable for the prevention of murder, that long terms of imprisonment are equally effective, and that a life sentence leaves an opportunity both for the reformation of the criminal and a remedy for possible miscarriage of justice. Most of all, do I believe that the moral standard of the whole country would be raised by removing forever the black shadow that the gallows cast upon British life."

This courageous and straightforward statement will not prevent us from hearing again the remarks: "But what about the poor murdered man? What about his relatives?" as if the ghost of the deceased will be appeased by the murderer's death, and if the overwhelming feelings of those who have suffered will be relieved by the community doing what the criminal did.

A first class treatise on PROBATION AND RELATED MEASURES has been compiled for the United Nations, by Dr. N. J. de Pansegrouw, a South African Official for Social Affairs of the World Organisation. (United Nations, Department of Social Affairs, 1951). The scope of the study, its limitations, complementary studies, the formation of basic principles and the sources are described in a foreword. An introduction is then presented on the meaning of probation. The origin, development and spread of probation and related measures are described in a number of countries. The functioning of probation in the U.S.A., in Great Britain, in New Zealand, Norway and Sweden and the Netherlands is summarized, but with considerable specific details. The contents of Probation are then reviewed under the sub-titles: The conditional suspension of punishment. The scope of the application of Probation and the Selective Process, Probationary supervision: Contents, Personnel and Organisation. A number of relevant appendices and a list of tables for easier reference are added. Such a work will

be a source of considerable information and help to the Department of Social Welfare in the development of our Probation Service, and South Africa can be proud for the thoroughness, the scientific accuracy, the comprehensiveness of this effort of one of her citizens serving the United Nations Organisation.

SELECTION FOR PAROLE, by Lloyd E. Ohlin, pp. 143. Russell Sage Foundation. New York, 1951. Price 2 dollars.

This manual of Parole Prediction by a Research Sociologist of the Illinois Division of Correction describes the development of this valuable alternative to prolonged imprisonment "parole," which is more and more widely used in the U.S.A. It deals with the various conceptions of Parole, the Problem of Parole Selection, a Measure of Parole Outcome, The Selection of Predictive Factors, The Experience Table, Applying the Experience Table, Professional Aids in Parole and Other Correctional Work and a series of valuable Appendices on the Organisation of a Routine Prediction System, Gathering Data and Selecting Prediction Factors, Scoring by Machine Methods, Routine Readjustment of the Experience Table, Definition of Factors, A Detailed Parole Experience Table, a Selected Bibliography and a complete Index.

With the overcrowding of our prisons, the introduction of a progressive Parole System would find precious information and guidance in this record of American experience. In the States, about half the prisoners in state and federal institutions for adults are released on parole, before serving their full sentences. The book shows that, on the basis of 20 years' experience, involving 17,000 cases in Illinois, this system is substantially successful.

Review of Reviews.

1. **THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY**. U.S.A. contains: "Sociologists and American Criminology," by Marshall B. Clinard; "Prison Systems of England," by Negley K. Teeters; "Reply to Dr. Teeters' Article," by T. C. N. Gibbens; "Mental Disorder and Criminal Responsibility," by Sydney J. Tillim; "Proficiency Index for Parole Officers," by Thomas H. Pritchard; "Congressional Investigations," by John W. Gilligan; "Insanity Claim prior to Execution," by Howard C. Michaelsen, Jr.; and a few articles on Police Science.

2. **THE HOWARD JOURNAL**. Vol. VIII, No. 2. 1951, contains: "Editorial"; "Hopes and Achievements," by L. W. Fox, C.B., M.C., Chairman of the Prison Commission; "The Light that fails," by Hugh J. Klare (Criminal Statistics for 1949); "Local variations in Juvenile Courts Methods," by Winifred A. Elkin; "New Methods for Sentencing the Guilty," by Claude Mullins; "Penal Reform in the Colonies," by Margery Fry, LL.D., J.P.; "Place of the Social Worker in the Prison System," by John Spencer, M.A., J.P.; "Report of the Commission on Prison Administration in Ceylon," by Cicely M. Craven, M.A., J.P.; "Report of the Prison Commissioners for 1949," by George Benson, M.P.; "Role of an Independent Society in Correctional Reform," by A. H. MacCormick; "Three Views on After-Care," by L. S. Vidler, Frank Dawtry and Lt.-Col. R. A. C. Radcliffe.

3. **RASSEGNA DI STUDI PENITENZIARI**. Anno I, Fasc. I. A bi-monthly publication by the "Ministero di Grazia e Giustizia," Roma Gennaio-Febraio 1951. Two articles on principles by Ferrari L. on juvenile delinquency, and by B. DiTullio on "Criminology in its two human aspects and its ethical aims." Then a review of books and reviews. A description of recent juridical texts, legislation and congresses. Informations and a report on various legal and penitentiary matters of interest.

4. **RIVISTA DI DIFESA SOCIALE**. Anno iv, Numero 3, 4. Criminology and Social Defence, by Filippo Grammatica; The concept of the anti-social, by Alfredo Poggi; Refutation of a conception of delinquency as natural, by Giacomo Canepa; Free pardon as a means towards rehabilitation, by Enrico Jovane. Review of books. Articles and Bulletin of the International Society for Social Defence.

5. CONSEIL SUPERIEUR DE L'ADMINISTRATION PENITENTIAIRE. RAPPORT ANNUEL 1950. A full review of penal administration in France. Perhaps the most interesting part of this report is the description of the measures taken for the treatment of the convicts brought back to France after the closing of Devil Island and the general proposals for reforms, in which we read, inter alia, "The reforms needed in penitentiary administration are not, at least the most important, dependent on this administration alone. It cannot house its personnel without funds. If the administration has marked time so much in the past, it is undoubtedly because of its isolation, which is the cause, but does not protect it from criticism." Such words could be written by prison authorities in many countries indeed. And the real target is Parliament.

6. A CRIANCA PORTUGUESA. A review of psychology and medico-pedagogy, with an abundance of valuable contributions in French, German and Portuguese, prepared by Vitor Fontez. In a colonial section, an interesting article by Antonio Augusto on the intellectual evolution of black school children in Mocambique (comparison with European school children of Lisbon).

7. REVUE DE CRIMINOLOGIE ET DE POLICE TECHNIQUE. GENEVE. Vol. V. No. 1. (January-March, 1951). A very valuable publication, full of topical and specific details. Articles by H. F. Pfenninger on "The use of the microphone in judicial proceedings"; F. Gorphe on "The meaning of criminal confession in the scientific assessment of conviction"; M. H. Thelin on "From signs of guilt to conviction"; M. Laignel and V. Stanciu on "Our civilisation, a criminogenous factor"; J. Vernet on "Character and rehabilitation of convicts"; M. Le Clere on "How Fouché operated his police force"; G. Gornaz on "A visit to Scotland Yard"; G. Maurer on "Drunkenness revealed by writing"; B. Mengering on "Ascertaining facts within the registered and controlled reactions of the individual"; J. Delarue and P. Hegg on "Scientific police problems." News of Congresses; information and a very extensive review of books.

H. P. JUNOD.

Pretoria, 2nd July, 1951.

MEMBERSHIP FEES.

Life Members: £25.

Donor Members: Not less than £10 10s. 0d. per annum.

Organisation: Not less than £10 10s. 0d. per annum. (Organisations having a substantial membership of Non-Europeans, not less than £3 3s. 0d. per annum.)

Individual Members: Not less than £1 1s. 0d. per annum. Non-European members, 10s. 6d. (Associate members, not less than 5s. per annum.)

THE PUBLICATIONS prepared by the League will be sent to members free of charge. Associate members receive the Newsletter free of charge.

Will all Members of the League notify Headquarters about change of addresses — and will those who realize the importance of our efforts help us to find additional support, please.

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 ORGANISER, PENAL REFORM LEAGUE OF S.A.,
25, Victoria Street, Waterkloof, Pretoria.**

Penal Reform News

CONTENTS :

- (1) THE UNITED NATIONS' ACTIVITIES IN THE FIELD OF THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS
by Dr. Louis van Schalkwijk, the Union's representative on the Social Commission of the United Nations.
- (2) THE LAST SESSION OF PARLIAMENT AND PENAL REFORM.
- (3) REPORT OF A COMMITTEE TO REVIEW PUNISHMENTS IN PRISONS, BORSTAL INSTITUTIONS, APPROVED SCHOOLS AND REMAND HOMES. JUNE 1951.
- (4) BASUTOLAND MEDICINE MURDERS.
- (5) NEWS OF THE LEAGUE AND OTHERS :
 - (i) Executive Committee of the League.
 - (ii) Statistics of death sentences and executions : 1923 — 1946.
 - (iii) Die Monster van Die Misdaad (Kerkbode 22/8/'51.)
 - (iv) Unravelling Juvenile Delinquency.
 - (v) REVIEW OF REVIEWS :
 - 1) Journal of Criminal Law and Criminology, U.S.A. Vol xii. No. 6.
 - 2) Revue de Criminologie et de Police Technique, Vol. V. No. 2.
 - 3) Rivista di Difesa Sociale. Anno V. No. 1-2.
 - 4) Rassegna di Studi Penitenziari. Anno I.Fasc. iii.
 - 5) Jaarverslag over 1950 : Nederlands Genootschap tot Reclasseering.
 - (vi) Revolution in the French Lower Bench's functions.

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

„Wat word gedoen om die misdaad te bestry? Die hele samelewing moet saamwerk tot hierdie doel. In die voorkoming van misdaad, in die beter opvoeding van die misdadiger, en veral in die kentering van die mens, waarin die wedergeboorte van sy hart as sy grootste behoefte is — daarin lê die oplossing waartoe die draers van 'n christelike kultuur en beskawing soveel kan bydra. En hierdie werk hoef ons nie so uit die hoogte te doen nie. Die lewe waaruit die misdadiger voortkom — dit is ONS lewe; die wêreld waarin die misdadiger opgroei — dit is ONS wêreld, en die paaie waarop ons medemense, eenmal struikel en val — ONS hef hulle help maak en staan dus soos medeskuldenaars, miskien nie voor die geregshoue van die wêreld nie, maar voor die gerig van God. En wat meer is, die verhaal van die misdaad, die donker beeld wat dit teken van die lewe van ons land — dit kon en dit sou ons verhaal gewees het, as Gods genade nie tussenbei getree het om ons uit die suigkleem van die versoeking en — miskien selfs — uit die wurggreep van die monster van die misdaad te red nie.”

—T.N.H. Editorial „Die Kerkbode”. Woensdag, 22 Augustus 1951.

The Penal Reform League is informed that there is a pressing need for both European and Native musical instruments for prisoners.

It would be appreciated if Members of the League and others would kindly send such instruments to the organiser.

The Penal Reform League of South Africa

I. THE UNITED NATIONS' ACTIVITIES IN THE FIELD OF THE PREVENTION OF CRIME AND THE TREAT- MENT OF OFFENDERS.

By Dr. Louis van Schalkwijk, the Union's
representative on the Social Commission of
the United Nations.

It is surprising the number of people one comes across who think that the only function of the United Nations is to preserve the peace of the world. Actually, the greater part of the personnel of the Secretariat of the United Nations are occupied with non-political matters. The charter enjoins the United Nations "to promote social progress and better standards of life in larger freedom" and with that end in view "to employ international machinery for the promotion of the economic and social advancement of all people." The framers of the charter believed that by assisting and fostering the social, economic and cultural development of the peoples of the world, the United Nations would indirectly contribute to the preservation of peace, because we know from history that wars may be caused by factors other than political and military.

Amongst its social functions the United Nations gives attention to "social defence," that is, topics such as crime, prostitution and alcoholism. Its pre-occupation with the subject of crime is more precisely defined as the prevention of crime and the treatment of offenders.

In 1948 the United Nations decided by resolution that it would "assume leadership in promoting activity, on an international basis, in the field of the prevention of crime and the treatment of offenders." This meant that it would have to come to some agreement with the International Penal and Penitentiary Commission (the I.P.P.C.), an intergovernmental organisation which has been in existence for over 80 years and on which the Union of South Africa is also represented. After negotiations, and subject to specified conditions, it was decided that the work of the I.P.P.C. should be integrated with the work of the United Nations in the field of crime, and that the I.P.P.C. should cease to exist as a separate organisation before the end of 1951. The Union Government's attitude on the matter is reflected in the following statement submitted to the United Nations:—

"The Government of the Union of South Africa is of opinion that the purposes of the I.P.P.C. could be satisfactorily fulfilled within the United Nations Organisation, and therefore endorses the desirability of formulating a plan for the eventual integration into the United Nations of the I.P.P.C."

The question arises as to what actually are the functions of the United Nations in the field of the prevention of crime and the treatment of offenders? Its only aim is to assist the countries and the world to deal more effectively with the problem. The United Nations has no authority or desire to inflict its views on a country. It is prepared to assist and advise, and indeed a country has to ask for assistance and advice.

There are, in the main, three ways in which the United Nations tries to assist countries in the social field, under which would be included the subject of crime. The first is to conduct studies and research into a particular subject, and to make the results available to the member nations. It is left entirely to the discretion and wish of a particular country whether or not it wishes to make use of the information and data given to it. The United Nations recently completed a study (to give an example) on Probation and Related Measures. I regard this study as a standard work, and it is of some interest to mention that it is the work of a young South African on the staff of the Secretariat of the United Nations — Dr. N. J. de W. Pansegrouw. The resolution which brings this study to the notice of Government reads as follows:—

“Believing that probation is a humane and effective method for the treatment of offenders (and thus for the prevention of recidivism), as well as a method by means of which terms of imprisonment, and in particular, short-term imprisonment, can be effectively avoided, urges all governments to give favourable consideration to the adoption and development of probation as a major instrument of policy in the field of the prevention of crime and the treatment of offenders, and calls the attention of governments to the wide range of existing United Nations facilities for technical assistance, and urges the maximum utilization of such facilities.”

A second method of rendering assistance to a country is by means of so-called “technical assistance.” The scheme under which the technical assistance is rendered, is known as Advisory Social Welfare Services. This method is very popular, and I should add, effective. The number of requests for assistance far exceeds the available resources in money and personnel. Technical assistance may be rendered, first of all, by sending a consultant-expert, or a team of experts, to advise a country on the institution or the development of a particular social welfare service — such as, for example, the establishment of a probation service or of children’s juvenile courts. Technical assistance may also take the form of providing fellowships to senior administrative or professional officers to observe a particular social welfare practice in a country or in countries where that practice is highly developed. In addition to fellowships, scholarships may also be provided to enable a candidate to study a particular subject for which no provision is made in his own country. Under technical assistance the United Nations may also send an expert to a particular country to conduct a demonstration project (for example, a workshop for the blind; or a factory for the manufacturing of orthopaedic appliances), with a view to the permanent establishment of the

project in that country. The United Nations may also send experts to conduct regional seminars; it may make available films, literature and apparatus. The nations participating in and benefiting from this scheme of Advisory Social Welfare Services are expected to contribute towards the costs to the maximum of their capacity, at least in so far as the costs can be met in their own currency.

There are certain subjects on which it may be desirable and practicable to make International Conventions, Declarations or Recommendations. This is the third method by means of which the United Nations may take international action. Examples of topics in the field of crime which may later become the subject of international agreement are "the basic minimum standards for the treatment of sentenced prisoners," and "basic minimum standards for the treatment of persons awaiting trial or sentence."

In dealing with the problem of crime the United Nations has laid down certain general basic principles. One of these is that one cannot expect success in the treatment of offenders, whether juvenile or adult, unless there are available suitably qualified staff to undertake the task. The United Nations, therefore, urges governments to provide facilities to train staff.

A second principle is that the treatment of the problem of juvenile delinquency is strategic in the attack on crime in general. Juvenile delinquency is not an isolated problem; it is part of the much wider problem of child welfare. It is more a social or child-welfare than a judicial problem. There are indications that the problem of adult offenders is likewise developing in the direction of making it, more and more, a social rather than a judicial and penal problem, bringing it within the purview of authorities competent to teach socialisation. In our own country recent legislation on work colonies would seem to support this developmental process.

It is pointed out (to mention a third principle) that there are limits to dealing with the problem of crime on a world-wide basis. The problem is closely linked with the social, economic, religious and moral structure of a country, and these national aspects of the problem should be given due consideration.

The section of Social Defence of the Department of Social Affairs of the United Nations has a task that will keep it fully occupied for a number of years in the study of the problem of the prevention of crime and the treatment of offenders. The programme of work assigned to it by the Social Commission and the Economic and Social Council comprises the following topics:—

1. **Probation and related measures :**
 - a) Complementary study on experimental projects, practical results of probation and the financial aspects of its organisation ;
 - b) Systematic formulation of basic principles of probation ;
 - c) Abridged version of the comprehensive study on Probation, referred to earlier.
2. **Juvenile Delinquency** in all its aspects, including the study of advanced legislation on the subject.

3. **Standard classification of offences and uniform crime statistics.**
(National statistics are inadequate and the data are not always comparable. The aim should be the establishment of comparable statistics in the international field. This involves, first of all, a standard classification of offences on the basis of recognised definitions. In the early stages the study will be limited to a few offences, namely, the following three: criminal homicide, aggravated assault, and thefts with violence.)
4. **Standard minimum rules for the treatment of offenders.**
5. **Medical, psychiatric and social examination of offenders** before the final disposition of the case, and also as a guide to treatment.
6. **Detention of adults prior to sentence.**
7. **The indeterminate sentence** and other measures designed for adapting the duration of treatment in correctional or penal institutions to the needs of the individual offender and to the protection of society.
8. **Parole and after-care.**
9. **Open penal and correctional institutions.**
10. **Habitual offenders and recidivists.**
11. **The selection and training of personnel** for penal and correctional institutions.
12. **The use of short-term imprisonment ; the system of payment of fines in instalments.**
13. **Police programmes and activities** positively directed at the prevention of crime.
14. **Forfeiture and loss of civil rights.**
(To be studied in collaboration with the Division of Human Rights).
15. **Constructive methods of treatment applied in penal and correctional institutions,** and specifically designed for the re-socialisation of the offender. (Our work colony legislation would serve as useful material for study).
16. **The rôle of prison labour** in the training of the prisoner and in the economy of the institution, as well as in its relationship to the national economy and in relation to the maintenance of the prisoner's dependants.
17. **Government action for assistance to the dependants of prisoners** (to be studied in conjunction with 16).
18. **Capital and corporal punishment.**
19. **The collection of information** with respect to the precise ways in which knowledge of, and training in, the behaviour sciences are at present being used in practice in the prevention of crime and the treatment of offenders.

This work programme sounds very familiar. Most of the subjects were dealt with by the Lansdown Commission. It will

be the task of the United Nations to study these subjects and to indicate to member nations, as a result of its international study, how best they can deal with the various aspects of the problem of crime. It is a long-range task which will take years to complete. Pretoria.

8th September, 1951.

II. THE LAST SESSION OF PARLIAMENT AND PENAL REFORM.

Our political life is so strained and the tension between the great parties so acute that our press forgets to report those phases of parliamentary work which affect most deeply the real life of the nation. In that respect it is illuminating to follow the debates concerning the Committee of Supply — Vote No. 20, Justice. Early in the session, on February the 7th, 1951, Mr. F. B. Allen, M.P., asked the Minister what was done to implement the recommendations of the Lansdown Commission, especially "steps as will reduce the number of prisoners in our country. It is the opinion of the House and the opinion of the country that the position is distinctly unsatisfactory." Other members also showed their interest in this matter. On the 18th June, Mr. Allen asked further questions as to the Criminal Procedure and Evidence Amendment Bill, and pointed out that, in spite of the efforts of the Lansdown Commission, the daily average prison population had risen during the last four years from 24,300 to 28,300. The Minister of Justice answered as follows:—

"I am going into the whole question of penal reform. We are drafting a Bill but there are certain difficulties in the way of applying it. I wanted more time to go into the matter very thoroughly. There are certain objections, and I may say, very strong objections, to the system of allowing fines to be paid by instalments, or to allow people time in which to pay their fines. The difficulty is that many of those people will disappear and we will never find them again. If a fine of £10 is imposed upon them, and they are allowed to pay 10/- per month, that is probably the last you will hear of them. You will never see them again and that is one difficulty already. There are other difficulties as well. I do not know what hon. members think about the idea that they should be put out to labour with private people. Instead of going to gaol, they may be indentured to private persons and as long as they work they will not have to go to gaol. That is another suggestion, and I do not know whether hon. members will agree with that. Other people are against that suggestion. I am merely pointing out the difficulties that we have to face. I hope, during the recess, to go into the matter more thoroughly than I have gone into it in the past and to see what legislation can be brought forward next year." On the very serious question of juvenile crime among Natives on the Rand, the Minister said: "I do not think that we can successfully combat these gangs of criminals unless we have the co-operation of peace-loving and law-abiding

Natives on the Rand. That is what we are now trying to do. We have held that Conference and it was a great success."

The discussion on the Prison Vote in Parliament on the 20th June, 1951, provided valuable contributions from many members. One is struck in reading Hansard by the fact that most members of Parliament have a sound knowledge of their constituency, but little knowledge of the situation in other parts of the country. Should Parliament give as much time to these important social problems as it gives to discussing burning political items, great progress would be achieved. The valuable intervention of Mr. Bloomberg on Roeland Street, that of Dr. C. F. Steyn on petty-offenders and general prison policy, the short words of Mr. Bowker about Grahamstown Gaol, of Mrs. Benson about Durban Gaol — all showing some knowledge of details, but apart from Dr. Steyn, little conception of the very grave importance of principles in penal action — all these interventions gave the Minister a chance to point out that he had visited personally the most important gaols, and that he had inherited from previous Governments a very difficult situation. He promised that he would review the situation of these large gaols, but also encouraged M.P.'s to visit prison outposts like Zoete Inval or outposts in the Transvaal, where modern, well-constructed, healthy gaols have been built, in which there are about 1,200 prisoners at present. Mr. Allen asked the Minister if M.P.'s are allowed to visit gaols, and the Minister said he "would not like to have touring parties through our gaols. The inmates do not like it." The Minister described what is done at Baviaanspoort: "I personally investigated that institution. We are doing our best there to get suitable work for the people. We now also have a new system under which we allow Europeans there to work in the gardens. We found that when there is not sufficient work inside, they sit idle and have nothing to do. Therefore we now let them work in the gardens too. Within the walls of the institution they are encouraged to study, if possible, and they do other work as well. As hon. members know, Baviaanspoort is not a prison. It was an internment camp. They have barracks there and doors and windows are open all day and night. The inmates can walk in and out; of course there is a fairly strict discipline being kept, but they are free to walk around and talk to one another and they really do not experience the feeling of being in a prison." The Minister also described what was done at the Central Prison, where hardened criminals are detained, to assist them to get on in life, by special studies. It was gratifying to see that Sir de Villiers Graaff asked a question about the conditions of warders, their hours of work, overtime, etc. The Minister gave assurance that overtime work had been regulated now.

The Penal Reform League of South Africa is glad that the Minister of Justice has promised, during the recess, to go thoroughly into the whole question of penal reform. We know that very important steps forward are made at the present time; that new intermediary institutions between maximum security prisons like the Central Prison, Pretoria, and the minimum security prisons like Baviaanspoort, are being established: one of them at

Zonderwater. In efforts like ours, knocks are inevitable. Escapes, like the recent escape from Baviaanspoort, cannot be avoided until we have, before the committal of a man to an institution, an allocation centre where he can be screened, classified, and fully examined. Even with allocation centres, mistakes will occur. But the direct result for the fools who try to escape in that way is some days of panicky illgotten freedom before the irremediable committal to a maximum security prison. It is striking that the men who escape in that way are the under thirties, even the under twenty-fives; should an allocation centre be provided in the Transvaal, before a young man is sent to the Central, or Zonderwater, or Baviaanspoort, the whole situation will be made clear to him. There will still be fools. But the situation will stabilize itself.

We write at a time when the Director of Prisons, Mr. J. Kachelhoffer, has been promoted to another Government post, and when Mr. Victor Verster has been appointed in his place. Behind the scenes, and without great effort at publicity, the ex-chief Magistrate of Potchefstroom has done a very consistent job for real reform; and if to-day many developments are coming to the fore, it is largely due to his complete honesty and his consistent efforts. His successor is also a man who has a very long experience of the Lower Bench, and we welcome him, and feel sure that this element of "balance" which is the qualification of the real legal man, will be a sure guarantee that we may soon see great strides made towards what is reasonable and progressive in the reforms advocated our prison set-up.

III. REPORT OF A COMMITTEE TO REVIEW PUNISHMENTS IN PRISONS, BORSTAL INSTITUTIONS, APPROVED SCHOOLS AND REMAND HOMES, JUNE, 1951.

This report has just appeared and was drafted by a Committee appointed by the Home Department for presentation to Parliament in Great Britain. It covers a wide field and represents the natural reaction to the rather drastic changes brought about in English prisons by the Criminal Justice Act. It is a White Paper prepared by a Committee, on which such eminent persons as Mr. H. W. F. Franklin and Sir Leo Page have been sitting, and though it is clear that the Government is not bound to accept it, it is, on the whole, a valuable reminder that caution and a certain amount of procrastination are necessary in the reform of a given set-up. For the benefit of our readers, we wish to indicate briefly the trend of the recommendations touching prisons and Borstals, not covering the whole detailed description of present conditions and history of administration.

The Committee "accept without question the principle held to-day by the authorities . . . that the punishment of imprisonment, to which a man or a woman is sentenced for an offence against the community consists in loss of liberty — the fact of being in prison is the punishment — and that there is no advantage whatever to the community, to the prison or to the prisoner to make his lot more unpleasant than it needs must be."

In spite of overcrowding and under-staffing the increase in prison offences is less than might have been expected. Nevertheless from 1938, when .09 of the daily average prison population was punished, in 1948 the number rose to .13, and there has been a rise in the number of assaults on officers and fellow prisoners.

The punishments in prison are restricted diets of two types, loss of remission, forfeiture of privileges, cellular confinement, stoppage of earnings, exclusion from associated labour, and there are some safeguards against injustice in the right of the prisoner to complain, the powers of the Medical Officers, and the position of the Governor, who must submit the punishment sheets each week to the Commissioners. For more serious offences, the Visiting Committees appointed by the Bench are in charge, and determine the punishments to be applied.

The main recommendations are summed up as follows :

The prisoners should be given a substantial increase in earnings : from 1/6 per week to 2/6. The staff should be instructed in Judo, so as to be able to protect themselves against violence. Restricted diet No. 1 should be retained (3 days imposed by the Governor, up to 15 days by the Visiting Committee : 1 pound of bread and water for 3 days or less ; when given for more than 3 days the punishment consists of alternate periods of three days on bread and water and three days of ordinary diet). Governors should be relieved of the necessity of stating reasons in any case where they do not award forfeiture of remission for a prison offence. Both Governors and Visiting Committees should bear in mind that it is undesirable to deprive a prisoner of a substantial part of his remission in the early stage of sentence. Careful judgment should be exercised in deciding the privileges to be forfeited for misconduct. Until a special establishment can be provided for medical responsibilities, part of an existing prison should be taken over for a pilot experiment for these cases. A special establishment should be created for prisoners of the trafficking or gangster type. Every prisoner charged should be given notice of this charge and allowed, if he so wishes, to make his defence in writing. Benches should give most careful consideration to the selection of the justices best qualified for sitting on visiting committees. Detailed recommendations are made for Visiting Committees.

The most contentious recommendation is the last one : Prisoners charged with offences against prison discipline should not be allowed legal representation. In the views of the Committee, only a lawyer could give adequate representation, and a welfare worker is inappropriate to act as a prisoner's friend. This abolishes a section of the Criminal Justice Act which provides for such a prisoner's friend, so that the prison population may feel that justice is done. All prison workers know that there is a fairly large number of inarticulate prisoners, who cannot state their case fairly.

As far as prisoners are concerned, the Report shows much balance and although it discourages wishful thinking, it does not go to extremes, and for those really interested in prison reform, it is comforting to note that the pendulum is not swinging right back to unintelligent reaction. Nevertheless, the report is on the whole rather negative, and its last recommendation has been violently criticised in the press, because the presence of social workers duly qualified and accredited to prison authorities has proved to be of great value in many countries.

* * *

On **Borstals** the Report describes a perplexing situation. The war has broken the tradition and continuity of the policy, and as soon as strict custody is replaced by a policy of training, as is the case in **Borstals**, the quality of the staff of the institution is of very great importance. Perhaps the gravest of all difficulties is the high incidence of **absconding** of lads, who commit offences whilst at liberty, and alienate the sympathy of the public. In 1945

16.0% absconded ; in 1946, 13.8% ; in 1947, 20.1% ; in 1949, 23%. While everybody understands that, if freedom has got to be taught, it cannot be taught in strict custody, it is quite as clear that absconders have to be shown that the community does not intend to play with them. Among the recommendations of the Committee are the following ones :

The authorities should aim to achieve a higher standard of smartness and deportment generally in Borstal Institutions . . . Discipline in general requires tightening. The punishment of "removal from house" should include complete segregation, hard useful work, forfeiture of all amenities The powers to award restricted diet No. 1 should be restored to governors and boards of visitors. A special closed institution should be established with all possible speed for lads who by persistent misconduct and subversive activities interfere with the training of others and lower the tone of their institution. There is a recommendation for a revision of conditions offered to medical officers for pay and service, in view of the grave shortage existing at present. For persistent absconders the special corrective institution advocated should replace the Borstal Wing at Wandsworth (at present used) as soon as it is ready. Absconders should be dealt with by boards of visitors. Disciplinary proceedings should be formal.

A policy of leniency and softness is showing signs of failure. Let us remember that a policy of hardships, harshness and brutality has failed before that, and that truth is probably the middle way. Discipline is a condition of community life which cannot be ignored. Punishment is not always an admission of defeat. There is much loose thinking on punishment.

"A just punishment is more than the overcoming of evil by force. It is also a spiritual power which may make an appeal to the moral personality of man. The effects of punishment do not depend on the sentence and its execution alone. They are determined by the whole setting of the community. Three conditions must prevail if punishment is to act as a reasonable means of checking crime. It must first be brought home to the offender that 'crime does not pay.' For this purpose a speedy and inescapable detection and prosecution are more essential than long sentences rarely occurring. Secondly, after the expiration of his sentence, the prisoner must have a **fair chance for a fresh start.** Thirdly, the State which claims the right of punishment must uphold **superior values** which the prisoner can reasonably be expected to acknowledge." This balanced statement by Max Grünhut shows the way. Punishment is the fact of being in prison ; but, without exacting revenge from the prisoner, there is a necessity for discipline and **hard work** in both prisons and Borstals. We see ourselves that young men, in the prime of life and physical strength, need hard work and a good daily dose of it ; if not, they escape from prisons or abscond from Borstals. At a time when great changes are taking place in our prisons and institutions, let overseas experience help us either as an encouragement, when it is positive, or as a warning when it shows failures which can be avoided.

(Report of a Committee to Review Punishments in Prisons, Borstal Institutions, Approved Schools and Remand Homes — Parts I and II: Prisons and Borstal Institutions. Cmd. 8256. His Majesty's Stationery Office, London, June, 1951. 3/6 each.)

IV. BASUTOLAND MEDICINE MURDERS.

It would be beyond the scope of this News to go into the whole question of so-called "ritual" murders, much better named by Mr. G. I. Jones, Lecturer in Anthropology at the University of Cambridge, "medicine murders." He completed in June 1950 a report published by the Secretary of State in April 1951 on this grave problem, and with B. A. Marwick's account of Swazi medicine murders, and a few scattered notes in anthropological text-books, this report is the only attempt to understand and correlate the data behind these murders, connected with agriculture or the power underlying chieftainship. In Basutoland they are of the latter type and are called "**diretlo**," from the verb "ho retla" — to cut small pieces of meat. From 1895 to 1938, there were 23 such **diretlo**, and from 1938 to 1949, 70 cases: a total of 93 cases, but quite a few are presumed to be "medicine" murders and have not been proved to be such.

Behind the history as related by Mr. Jones, there is a picture of a period of grave trial and testing for the authorities of Basutoland. At the time when the great chiefs Bereng and Kgabashyane were in custody, one could feel a strain on the whole people of the Protectorate, and, when the Privy Council refused to commute the death sentence, it was quite clear that the whole people was shocked: the kind of "battle of medicine horns" between the Regent, Chief Bereng, and Chief Kgabashyane had thrown a real discredit upon the Basutoland Chiefs. The subordinate authorities, lesser chiefs and headmen, form the largest class of persons charged with **diretlo** murders, because, through a system of "placing" sons of more important chiefs, their position had become so uncertain that many think it drove lesser chiefs to resort to **diretlo** medicines.

It should be noted here that, in many tribes, there are **regalia** directly connected with medicines made with human flesh; and the belief that such medicines have special powers, derived from human flesh — **diretlo** — (or "**ditlo**" in the case of enemies killed in battle) has suddenly been revived by peculiar conditions in Basutoland: the "placing" of chiefs' sons; the dispute over the Paramountcy between Bereng and Seeiso; the dispute over the Regency, etc. Executions have been extremely numerous; though before 1941 only four persons were executed, owing to the spectacular increase in **diretlo** murders, 79 persons have been executed since that year. It was thought that the execution of Chiefs Bereng and Kgabashyane (or Gabashane) in September, 1949, would show that no chief could consider himself above the law, as these two Chiefs were among the greatest in Basutoland (Nos. 3 and 4 in rank). This hope has been partially fulfilled; the **diretlo** murders have considerably decreased in number; but two murders, which have all the appearance of **diretlo**, had been committed at the time of the drafting of the report in June, 1950, in the Teyateyaneng district, one of them in Kgabashyane's village itself.

It is indeed a challenge to see, in our time, a development like that of **diretlo** murders; the anthropologist, quite naturally, cannot avoid mentioning how disastrous the religious situation of Basutoland has been, owing to the tension between Roman Catholic and Protestants. The fact that "Christian can engage in such murders does however emphasize that they are unable to apply the ethics of their faith to their everyday life. Prospective medicines are one thing, Christianity another, and the average Mosuto and his chief find no difficulty in believing both."

This report is perhaps a little hurried an enquiry, and 4½-months are a short time, even for a qualified anthropologists, to examine exhaustively such a delicate problem as that of medicine murders. Nevertheless Mr. Jones has done a good job of work. He was helped by the best experts in Southern Sotho life, men

like Rev. J. Ramseyer and Dr. E. H. Ashton. His recommendations are sound, both as regards the primary and secondary causes of these crimes. What is certain is that no further policies of executions can be short-cuts for the fundamental education needed to uproot hallucinated ideas like "dretlo." It is true that the Churches have failed; but the State has not succeeded either. And those who love Basutoland will pray that substantial advances in both secular, moral and religious education may put an end to a very sad period in the history of a lovable people, whose gentle character seems to have nothing in common with the ghastly brutality of dretlo murders.

V. NEWS OF THE LEAGUE AND OTHER NEWS

(i) **Executive Committee of the League.** This Committee met twice since Newsletter No. 18 appeared. A Sub-Committee appointed for the detailed examination of the **Liquor Bill** met five times and prepared a large amount of material for evidence to be given to the Select Committee dealing with the Bill. The Executive Committee instructed us to approach the Minister with a view to the Government appointing a Commission to review the whole of our legislation concerning Liquor, and not only the Liquor Act. The answer of the Minister was that the Government is not appointing a Commission, but that the Draft Liquor Bill would be referred again to the Select Committee, during next Session, and the League would be welcome to present evidence to that Committee. The Executive Committee also instructed that a letter be written to the Minister about the **passing of the death sentence on minors**. This letter was acknowledged and we were assured that this matter was receiving attention. A young African, Joseph Mokgatla, sentenced to death at Harrismith, and aged about 17 years, has had his sentence commuted to one of twelve years' imprisonment. The Executive Committee discussed the very grave facts revealed by the trial of Max Mann and his Indunas, after having received a most informative letter from Father O. Clark. A visit to Judge Lucas, who gave the Organiser a very friendly reception, revealed how deeply the Bench had been perturbed by this case, and how important it is that, after the conclusion of the case in Court, the matter of compensation to the about 60 injured persons be followed up. Both the Chairman of the League and the Organiser will represent the League at the National Conference on Social Work in Cape Town from September 24th to 28th.

(ii) **Statistics of death sentences and executions: 1923-1946:—**

In Appendix N of the Lansdown Commission Report, one can find that from 1923 to 1946 included, there were 1,416 convictions of murder and death sentences, of which 416 resulted in executions, and 1,000 resulted in commutation to periods of imprisonment.

Before 1935, there was no discretion possible for a Judge, even if he came to the conclusion that there were extenuating circumstances. He had to pass the death sentence. After 1935, a clause allowing for the death sentence. After 1935, a clause allowing for the consideration of extenuating circumstances, and the passing of another sentence than death was accepted. If we take the eleven years from 1925 to 1935 included, we find that 631 persons were condemned to death, and 174 executed. If we take the eleven years from 1936 to 1946 included, we find that 476 persons were condemned to death, and 194 were executed.

The rate of executions has risen considerably during the last four years. In 1947, there were 26 executions; in 1948: 37; in 1949: 23; in 1950: 41; and so far in 1951: 24.

The year 1950, with 41 executions, is a record for all time. For the years 1923 to 1946, the average number of executions was about 18 per annum.

(iii) Under the title **Die Monster van die Misdad**, Die Kerkbode writes on 22nd August, 1951:

"Die jaarverslag van die Kommissaris van Polisie, wat onlangs in die parlement

ter tafel geleë is, gee insiggewende antwoorde op die vrae wat ons hierbo gestel het en teken die omvang van die misdaad in ons land en sy beslag op ons bevolking in skrilte kleure. Die is dan ook duidelik dat die misdaad in ons tyd 'n geweldige omvang aanneem. Uit 'n bevolking van iets meer as 12 miljoen is in 1950 'n totaal van 147,846 blankes en 912,957 nie-blankes veroordeel . . . ongeveer een uit elke twaalf persone, of agt persent van ons bevolking, gedurende die afgelope jaar veroordeel is. Alle seksies van die samelewing, blank en gekleurd, mans en vroue, oud en jonk, het hulle bydrae gelewer tot hierdie stygende misdaadsyfer en staan so verlee met hierdie saak." En die Kerkbode vra: "Wat word gedoen om die misdaad te bestry? In sover die verslag hierop antwoord gee, is dit verblydend dat daar 'n betreklik klein getal misdade is wat nie opgespoor word nie, dank sy die waaksaamheid en toewyding van ons geregsdienars. In sover ons polisie dus 'n bydrae kan lewer, kan ons gerus en alleen dankbaar wees. Die hele samelewing moet saamwerk tot hierdie doel. In die voorkoming van misdaad, in die beter opvoeding van die misdadiger, en veral in die kerstening van die mens, waarin die wedergeboorte van sy hart as sy grootste behoefte is — daarin lê die oplossing waartoe die draers van 'n Christelike kultuur en beskawing soveel kan bydra. En hierdie werk hoef ons nie so uit die hoogte te doen nie. Die lewe waaruit die misdadiger voortkom — dit is ons lewe; die wêreld waarin die misdadiger opgroei — dit is ons wêreld, en die paaië waarop ons medemenslike meermale struikel of val — ons het hulle help maak en staan dus soos medeskuldenaars, miskien nie voor die gereghowe van die wêreld nie, maar voor die gerig van God. En, wat meer is, die verhaal van die misdaad, die donker beeld wat dit teken van die lewe in ons land — dit kon en dit sou ook ons verhaal gewees het, as God's genade nie tussenbei getree het om ons uit die suigkleem van die versoeking en — miskien selfs — uit die wurggreep van die monster van die misdaad te red nie!"

Indeed there is a monster in our midst: in 1950, 2,544 persons were killed by being stabbed with a knife: 184 Europeans, 2,128 Natives, 29 Asiatics and 202 Coloureds. 3,681 persons had been wounded through stabbing in 1949 and the figures rose in 1950 to 4,336.

Assaults with intent to do grievous bodily harm were proved in 1941 in the case of 1,220 Native males, 179 Native females and 62 unknown persons. In 1950 the figures were 3,813 Native males, 518 Native females and 5 unknown persons. **Murders** in 1941 were caused by 104 Native males, 10 Native females and 24 unknown persons. In 1950, the figures rose to 361 Native males, 23 Native females and 1 unknown person.

It should be added that the impression of the Kerkbode that very little crime is undetected is undoubtedly very far from the truth; the police have by no means a complete picture of what happens in Native urban townships and locations.

The sound advice of Die Kerkbode is: "Die hele samelewing moet saamwerk." What does that mean in practical terms?

The Native population is starting to organize itself against crime, and the step is welcome. The Minister of Justice said in Parliament that he "did not think we can successfully combat these gangs of criminals unless we have the co-operation of peace-loving and law-abiding Natives on the Rand." He was quit: right. The greatest sufferers in this matter are the Natives themselves, as can be seen by the figures of detected crime. **THE COMMUNITY MUST ORGANIZE ITSELF.** It is doing so by creating bodies of men who patrol the townships and locations. It is doing so by trying to create new schools for the nearly 20,000 juveniles on the Rand without school or without work. It is doing so by taking more responsibility in police work itself. The whole community must unite in this fight. Crime, like disease, knows no colour-bar. And no group in the community will be protected by trying to isolate itself from others. The victory over the criminal is the development of the good man. In present conditions, egoism itself has a kind of criminal atmosphere about it. "Die hele samelewing moet saamwerk." Let not fear enter the picture, because fear is a bad counsellor and brings with it the irrational, the unreasonable. Let us face the facts, and build on the large numbers of honest men and women in all groups. Then we shall have the measure of "die Monster van die Misdaad." We shall have understood the truth of the Bantu proverb: "Man is other men" — what touches other men touches man; what destroys other men, destroys man; and what saves other men, saves man the individual.

(iv) **Unravelling Juvenile Delinquency.** A full symposium of experts gives its views on the book in the recent **American Journal of Criminal Law and**

Criminology. The praise is almost unanimous; but criticism is sometimes virulent. **Sanford Bates**, ex-President of the I.P.P.C., only expresses one complaint: The publishers made the volume so large that "I cannot slip it into my overcoat pocket and carry it with me for frequent study." **John E. Anderson** finds fault with an over-interpretation of statistical findings in the study of physique, and criticizes the Rorschach statistics. It goes so far as saying: This book would be substantially improved if Chapter xx on the "Prediction of Delinquency" had not been written; he calls the procedure used "a statistical artifact." **Judge Nochem S. Winnet**, of Philadelphia, restores the balance in showing the really important contributions made by the book; firstly because it fully establishes that juvenile delinquency is not a simple problem, that the juvenile court therefore must have a staff of competent assistants, and that the judge must qualify himself for the job; secondly because it places the juvenile court in its proper relation to the community, and thirdly because it demonstrates that the offence of the young delinquent indicates a family breach." Let us call this court which concerns itself with problems of children a "Family Court." This is not just a matter of semantics. The Gluecks have demonstrated fairly conclusively that a juvenile delinquent, as well as a dependent or neglected child, in the final analysis represents a breakdown in the proper functioning of family life. Why not repair it in a family court?" **Franz Alexander**, a psychiatrist, praises the book, but states rather pointedly: "It is difficult to understand why such an exhaustive investigation of delinquency should omit the most direct method, the step-by-step biographical study of individuals, suitable to establish how and under what influence boys actually become criminal." Further: "Psychodynamics, though less advanced than physics and technology, can give a great deal more information about delinquent behaviour, than the establishment of quantitative correlations between more or less arbitrarily selected environmental and personality data." **George H. Dession**, a professor of Law, writes: "What this study with its emphasis on the possibility of ascertaining predisposition to delinquency at a very early age does highlight is the incredible waste in human values generally as well as in wealth attributable to the present legal and administrative machinery."

Sheldon and Eleanor Glueck give a short description of their plans for further unravelling Juvenile Delinquency.

(v) REVIEW OF REVIEWS.

1. *The Journal of Criminal Law and Criminology, U.S.A.*, Vol. xli. No. 6., March-April, 1951, contains: "Pre-Sentence Examination of Offenders" by Sheldon Glueck; "Unraveling Juvenile Delinquency," a Symposium of Reviews; "Plans for further unravelling Delinquency" by Sheldon and Eleanor Glueck; "Intelligence and Delinquency" by Harry Manuel Shulman; "Right to a Public Trial" by Harold Shapiro; "Reckless Driving — Is it a Distinguishable Offense", by Don H. Ruben; "Value of Medicolegal Symposia in Modern Forensic Medicine," by Samuel A. Levinson; "Historic Background of Police-women's Service," by Lois Higgins; etc.

2. *Revue de Criminologie et de Police Technique*, Geneve, Vol V. No. 2 (April-June, 1951). Contents: J. A. Roux: "Vagrancy and absence of means of subsistence: an offence to be repressed"; C. Pictet: "Military Justice in Switzerland"; F. E. Louwage: "Illegal and inhumane treatment of accused persons"; J. David: "International Police"; P. Berliat: "The Policy of radio-telegraphic communications in France"; M. de Carlini: "Crime novels are reality"; W. Hepner: "Faking of rationing cards"; Notes of Police Science; Information and Bibliography.

3. *Rivista di Difesa Sociale*, Genova, Anno V. No. 1-2, January-June, 1951. "Unemployment as an anti-social factor," by Prof. Alfredo Poggi (a socialist), Dr. Franco Antolini (a communist) and Prof. Federico Chessa (an economist). "Pericolosità (an Italian neologism to describe the element of danger for society in an offender) and antisocial behaviour," by Filippo Gramatica; "Narco-analysis in legal psychiatry and the rights of human personality," Edward Evrard; Giorgio Hesta: "Psycho-analysis and wilful delinquency"; Benvenuto Micardi: "Punishment as an obstacle to the re-building of man." Gerardo Zi tarosa: "Some aspects of social defence in the Natural Law of Padre Taparelli d'Azeglio." Review of books; Informations, etc.

4. *Rassegna di Studi Penitenziari*, Rome, Anno I, Fasc. III., May-June, 1951. "The need for medical men qualified in criminology in the prisons," by Filippo Saporito; "Is freedom under supervision after conditional release subject to repeal by the Department of Justice?" by Dr. Armando Leone; Books and Reviews. A very valuable report of the first International Congress of Roman Catholic Chaplains in Rome, by Don Giovanni Cazzaniga. We hope to give some of the findings of this Congress in a later number of our Newsletter. Carlo Erra gives a full description of the Congress of Criminology in Paris. Informations, Circulars of the Department of Justice, and penitentiary statistics follow.

5. *Jaarverslag over 1950: Nederlands Genootschap tot Reclassering*. Enkele opmerkingen betreffende de voorlichting; Rede van de Algemene Voorzitter ter Algemene Vergadering 1951. Jaarverslag, Dr. N. Muller. It is interesting to note that in 1950 the general subsidies for "Reclassering" work amounted to fl.117,500 and a national collection helped with fl.42,000. Apart from that the Society has accumulated a capital of fl.450,159.87.

(vi.) **Revolution in French Lower Bench.** The "Figaro" of 18-19th August, 1951, publishes under this title a most informative article and sub-titles it: "The Judge will not be concerned only with sentencing, he will be entrusted with the carrying out of penalties." A Bill on the carrying out of penalties has been prepared by the Department of Justice which describes not only the conditions of detention and of conditional release, but creates a new definition of the role of the Lower Bench beyond sentencing. As is the case in the Union, visiting Magistrates already existed in and, France, the public prosecutor **must** visit at least once per quarter the penitentiary institutions of his district. Awaiting trial prisoners must be visited at least once a month by the magistrate and the accused, at each session of the Supreme Court, by the Presiding Judge. But the most interesting innovation — which, it is said, has no equivalent in any other land — is the creation of a **Magistrate entrusted with the carrying out of penalties**. He will be the link between the sentencing authority and those who have to carry out effectively the decisions of the Court. "It is indeed regrettable that those who have to choose a punishment should be allowed to disinterest themselves from and even ignore what exactly a prison sentence means. Thus a public prosecutor stated quite bluntly that he had been a doctor of Law for sixteen years and a magistrate for twelve years when he, for the first time, visited a prison carefully. One can understand, therefore, the severe judgment of Professor Donnedieu de Vabres in one of his lectures: "The judge inflicts penalties each of which is the equivalent, the wage of the offence... The delinquent is a dummy upon whose back the magistrate pins up the number of a clause of the penal code, waiting for the governor of the prison to substitute to that number the one of a prison cell."

The role of the new Magistrate is not to replace the governor, he has nothing to do with organisation and functioning of the central prison, but he has three definite functions:—

(1) He gives to the Keeper of the Seals his advice on eventual transfer of the prisoner to another institution, better fitted to deal with him; (2) He decides, after consultation with the classification Board, admission of the prisoner to the four successive stages of treatment; (3) he proposes the conditional release of the prisoner.

Thus his intervention implies the adoption of the principles of re-education instead of expiration or vengeance, and therefore this measure means a complete overthrow, at times, of the methods and the spirit of penitentiary administration.

One should add that, in a department dealing with 240 institutions, the new prisons are still counted on the fingers of two hands. But, says the Figaro, the person in charge of the department "will endeavour to bring a new spirit in our old penal and penitentiary system, whose shortcomings are too obvious to be described."

H. P. JUNOD.

Pretoria, 18th September, 1951.

The Judge inflicts penalties, each of which is the equivalent, the wage of the offence. The delinquent is a dummy upon whose back the Magistrate pins up the number of a clause of the penal code, waiting for the Governor of the prison to substitute to that number the one of the prison cell.

Professor Donnedieu de Vabres.

MEMBERSHIP FEES.

Life Members: £25.

Donor Members: Not less than £10 10s. 0d. per annum.

Organisation: Not less than £10 10s. 0d. per annum. (Organisations having a substantial membership of Non-Europeans, not less than £3 3s. 0d. per annum.)

Individual Members: Not less than £1 1s. 0d. per annum. Non-European members, 10s. 6d. (Associate members, not less than 5s. per annum.)

THE PUBLICATIONS prepared by the League will be sent to members free of charge. Associate members receive the Newsletter free of charge,

Will all Members of the League notify Headquarters about change of addresses — and will those who realize the importance of our efforts help us to find additional support, please.

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 ORGANISER, PENAL REFORM LEAGUE OF S.A.,
25, Victoria Street, Waterkloof, Pretoria.**

Collection Number: AD2533

Collection Name: South African Institute of Race Relations, Collection of publications, 1932-1979

PUBLISHER:

Publisher: Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa

Location: Johannesburg

©2017

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

This collection forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa.