

## A PRISON FOR PSYCHOPATHS, AND OTHER RECENT EUROPEAN PENAL DEVELOPMENTS

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THOSE who presume to address you on problems of punishment should, I think, unless the facts be known, give some personal justification for expressing their opinions; for the field is one luxuriant in surmise and remarkably barren of established knowledge. My somewhat timorous presence here to-night can be justified only by my work in the convict prisons in England, where I spent the best part of a year interviewing and considering the records of some three hundred habitual criminals. For three years, in that country, I took a general interest in all penal and criminological problems with which I could bring myself in contact, and entered into what was, for me, most satisfactory relationships with the Children's Department of the Home Office and the Prison Commissioners. My experience of European practice in this field is inadequate, being based solely on two unfortunately brief trips, one to Sweden and Denmark, the other to Holland and Belgium.

In endeavouring to describe some recent developments in penal practice in Europe one could follow either of two courses—one could present either an outline sketch of the general pattern of penal practice, or a more detailed discussion of a few peripheral developments. I have chosen the latter, selecting subjects closely connected with my own particular interest in habitual criminality.

Particularly, I would like to tell you about a prison in Denmark which is to my mind the most advanced penal experiment in the world. It is called "Herstedvester"—the pronunciation of which name baffles me as much as it does my students. It is controlled by a psychiatrist, Dr. Stürup, whom I met at the International Congress of Mental Health in London in 1949. At his invitation, and with Dr. Gibbens, a psychiatrist from the Maudsley Hospital, I spent some days in and about Herstedvester. Herstedvester is called a "prison for psychopaths". In

discussing the medico-legal problems of the treatment of the psychopath, I must seek the indulgence of the genuine honest-to-goodness doctors gathered here to-night; but I won't strain that indulgence by trying to define the term psychopath! Happily I can avoid this awful task by a functional approach; that is, by telling you how, in practice, prisoners are sent to Herstedvester.

Sections 16, 17 and 70 of the Danish penal code of 1930 are the controlling statutory provisions. This code came into force in 1933, and behind it there lay some twenty-five years of careful, diligent preparatory work. Those sections give power to the court in the light of a man's crime, his criminal record, a report signed by two doctors, one of whom must be a psychiatrist, and any other information available to it to declare that the prisoner "is not capable of benefiting from punishment." If the court so decides, then it may send the prisoner either to an asylum for the insane, to an institution for mental defectives, to a retreat for alcoholics, or to Herstedvester as a psychopath.

To me this functional approach to the definition of a criminal psychopath approximates quite closely to a semantically accurate definition. The term seems to be reversed in psychological parlance to a sort of last-ditch diagnosis — if you can fit him into no other pigeon-hole, and he is clearly grossly abnormal, then he is a "psychopath".

The offences which the first 300 prisoners in Herstedvester had committed, immediately prior to being sent to that institution, were as follows:

Serious offences against property, 125.

Sexual crimes, 127.

Other offences against the person, 48.

All of these, except a few sexual offenders and an occasional murderer, are recidivists. There is no statutory provision requiring that only recidivists be committed to Herstedvester, but in practice the court's reliance on the man's record, and the doctor's similar reliance on his case-history, tend to prevent a man being declared incapable of benefiting from punishment unless he has repeatedly and seriously failed so to benefit.

In the light of the above material I have no doubt that the doctors present will agree that the prisoners at Herstedvester were probably all suffering from severe emotional disturbances, and the lawyers will certainly accept that there would be collected by this means the most dangerous and difficult prisoners

in the community. The miracle of Herstedvester is that with this material they attain—and I believe them—over 50 per cent success. By “success” is here meant an avoidance of the commission of any further criminal action. This is a considerably better test than our Victorian test in penal statistics which tends to regard the avoidance of later conviction of a finger-printable offence as “success”. The difference between these two tests is profound, especially in the light of the care with which prisoners are supervised after they leave Herstedvester. Anyone who has had any experience of this group in our institutions will be cognisant of what a remarkable achievement anything like 50 per cent success represents.

The sentence imposed on those committed to Herstedvester is absolutely indeterminate. They are committed to Herstedvester by the court, and that same court will later decide when they are fitted for release on parole, and when they are fitted for absolute discharge. In reaching these decisions, the court will normally be guided by those in charge of the institution; but to avoid administrative tyranny the court appoints a best friend to each prisoner, who has a right to approach the court on behalf of the prisoner entirely independently of those in authority at Herstedvester, or in the Danish penal system.

It can be argued, with force, that in Denmark an indeterminate sentence is completely justified by the strenuous efforts that are made towards the rehabilitation of the prisoner. A careful, detailed, constructive training plan lies behind every action taken with regard to the prisoner, and this working towards the future is surely the best justification for the power of indeterminate punishment which is taken. Unless we exert our best endeavours to reform the prisoner, it is hard to see the justification for indeterminate sentences; and this may well be a valid criticism of the Victorian indeterminate sentence provisions.

The legal and diagnostic background of prisoners who reach Herstedvester has been outlined. What happens to them when they are there? Over the four days that I spent at Herstedvester there were approximately 270 prisoners actually in that institution as well as a further 200 on parole. Herstedvester is in fact four institutions under one administrative control—in the main walled institution there were 180 prisoners; in the semi-open institution some miles distant there were 40; in the open farm there were about 30; and in the women's section 20. The

staff numbered about 170, thus being in a ratio of about three members of staff to five prisoners. The institution is administered by Dr. Stürup, assisted by three young and enthusiastic psychiatrists. The most notable quality of the institution is the remarkably high level of training of the subordinate staff. All members of staff are encouraged to spend some time working in mental hospitals, and for doing so and attending courses of lectures they are given some slight extra pay. This training and the personalities of those running the institutions have produced as warders men of considerable psychological insight.

The ages of the prisoners vary from 18 to 70. The physical conditions in which they are held need no great description, other than to say that the main institution is composed of modern unpretentious buildings set in quite pleasant gardens and generally providing attractive, comfortable living conditions. Some prisoners live in single cells, others live in rooms for three or four, and there is one "open" house which is run by the inmates themselves. The food is good, the recreational and hobby facilities adequate, and the workshops excellent. The prisoners are employed on carpentry, toymaking, bookbinding, printing, tailoring, gardening, pegmaking, shoemaking, and general maintenance activities. There is an earning scheme (explained to me by a murderer who was one of the few who had any English) by which the prisoner gets roughly the equivalent in purchasing power of thirty shillings each week. He must save half this amount, and may spend the rest. Generally, the atmosphere of this institution is relaxed and friendly. Despite this, it is the last prison in the world in which I would like to find myself.

When a prisoner first enters Herstedvester, he will be impressed by the different and desirable conditions in this institution to those to which he has previously been sent. He will be given a full physical and psychological examination, and during his early interviews with one of the psychiatrists it will become clear to him that they have a particularly full dossier on his previous activities and present life. He will realize that there must have been extensive home visits, and that they have been very well informed on his background. It will slowly be borne in upon him that those in charge of Herstedvester are sincere concerning their conception of their duty to society and to him: they really do not care if he remains permanently in Herstedvester, but they are prepared and anxious to help him

in every way that they can discover to make him a reasonable risk for the community to bear as a discharged prisoner. He will realize that it is up to him—he holds the key to the prison and there are intelligent and well trained people keen to teach him how to turn the lock.

For the first two or three months the prisoner is usually contented with the material comforts of the institution, and tends to contrast it with normal prisons he has experienced. Then the full force of his indeterminate sentence hits him. At this time it is not unlikely that the prisoner will express his resentment towards the community, and to those running the institution, in emotional and aggressive outbursts. It is in these times that those running Herstedvester will try to give him insight into his problems.

Dr. Stürup sees in these emotional outbursts which the psychopath regularly faces, because he is a psychopath, the most hopeful occasions for efficient therapy. His belief is that it is in these periodic expressions of uncontrolled aggression that the prisoner reveals his true problems, and he further holds that if the psychiatrist can give the prisoner some understanding of these times of emotional stress he will be giving him the beginnings of a power to avoid crime if he so desires. The therapeutic opportunities then occur in those times of emotional stress when, were the prisoner at liberty, he would be likely to commit a crime. Extremely careful case-work enables the psychiatrist to draw analogies for the prisoner between his recent conduct and the occasions of his previous crimes, and gives an opportunity for the psychiatrist to reveal to the prisoner some of his own dangerous motivations. In trying to do this, Dr. Stürup and his assistants are almost ruthlessly open with the prisoner.

These moments of storm tend to be created by the normal free routine of the institution. Life in Herstedvester is as free as is possible in a one-sex enclosed community. And it is the conscious policy of the administration to prevent the prisoner "settling down". Constant endeavours will be made to compel him to think towards his future life, and he will hardly have entered the institution before a social worker will be asking him his plans for the future. If he shows any sign of becoming institutionalized, then he will be moved about the institution—his work changed, his group of companions altered, or moved from one cell to another. This is in complete contrast with

the normal gaol administration, where, above all else, peace is desired. The practice in most countries is that the date of release should to an extent depend on good behaviour within the institution. The futility of this is well revealed by the fact that of all groups in prisons, all over the world, the habitual criminals tend to be the best behaved—they know the ropes, they have been in many times before, and they are not likely to prejudice their chance of early release. In other words, the general desire in penal administration is that the prisoner should live out his aggression outside the institution rather than inside it. In Herstedvester, the contrary policy is consciously adopted.

The staff have been well trained to recognize the imminence of these emotional outbursts. At weekly discussions the subordinate staff and the professional staff discuss the prisoners, and it is well understood that the time when the psychiatrists most want to get in touch with the prisoners are at these times of turbulence and difficulty. The institution is not run to suit the daily convenience of the professional staff, but rather to suit the lasting convenience of the community they hope to protect by their work. Interviews with prisoners are not perfunctory and formal, but are extended sincere psychiatric contacts. Nevertheless, it is perfectly clear that the white coats of the professional staff conceal an extremely forceful and determined penal administration interested primarily in the protection of the community.

In the work of Aichhorn in Vienna, and in his book *Wayward Youth*, one can see much of the aetiology of this approach to the punishment of offenders. The philosophy of it was perhaps well described by Oscar Wilde, who, you will recall, spent three months in Wandsworth Prison before moving on to Reading Gaol. Wandsworth is not now very different from Wandsworth when he was a prisoner, and his comment is as true now as then. He said that when he came into prison he realized that considerable patience would be expected of him, but that soon he found that he was wrong—only apathy was required. Though patience is a virtue, apathy is a vice. Stürup expects patience of his prisoners but will go to great lengths to avoid apathy.

Use is made, of course, of other more accepted psychiatric techniques. There is no time for psychoanalysis; but normal shock therapy, insulin therapy, and even some experiments with narcoanalysis are conducted. The electroencephalographic traces

of prisoners are taken on arrival at Herstedvester and during their sojourn there, and some interesting co-relations on psychopathy and these electroencephalographic records are emerging.

Let me now return to the social and legal aspects of the story of Herstedvester. When it is decided that a prisoner shows some real improvement, and may soon perhaps merit discharge, he may be sent either to the semi-open or the open institutions which form part of the main organization. Alternatively, or also, he may be given a day out each month to visit Copenhagen in company with one of the social workers. Together they may visit his friends and relatives, eat a large meal, attend a cinema, and generally begin to reaccustom the prisoner to the daily exigencies of life outside an institution.

The after-care arrangements are unusual. Certainly by Victorian standards they are "unusual", but they are also unusual by the standards of such countries as England and America where after-care is a much more real thing than it is in this State. There are five social workers permanently attached to Herstedvester. They are an integral group within the administration of the prison, and they are charged with the twin functions of handling the social relations of the prisoner and his family during the prisoner's time in custody and working towards his release—contacting potential employers, arranging accommodation, and so on. They, perhaps more than other members of the institution, compel the prisoner to look towards his future. With him they will plan his occupation when he shall be released on supervised parole, and when this time comes, they will remain in close contact with him. A court order is needed for parole and also for his final release. The prisoner knows that unless he works closely with the institution these two orders are unlikely to be made. If necessary, the social workers will be prepared to keep a prisoner almost permanently on parole. There seems real justification for this, if it be true, as is claimed, that there are people who can permanently conform to society only if they are given this modicum of continuing official support and control.

The aim of Herstedvester, as Dr. Stürup expresses it, is not to take psychopathic criminals and to turn out normal valuable citizens. This would be impossible. Instead they aim to take psychopathic criminals and to turn out "nice psychopaths". They claim, and I believe them, that they have 50 per cent success in producing "nice psychopaths"; and if this be true it is indeed a most important penal experiment.

The importance of this experiment is often concealed by one other therapeutic practice, followed in Herstedvester, which tends to distract attention from the main work. They are prepared to castrate dangerous recidivist sexual offenders on whom all previously available techniques of treatment have failed. The operation will be performed only on prisoners over thirty years of age, so as to avoid any secondary physical changes. Nominally, it is a voluntary operation; but the choice that is put to the prisoner conceals more than a hint of duress. They say to him: We would like to discharge you as soon as possible, but your history of repeated sexual offences makes it clear that we will have very little chance of doing so for anything from twelve to fifteen years. Now, if you would care to be castrated you will a week or two thereafter be sent to our prison farm for a few months, and we will have you resettled in a job in the community within six months. Of the first eighty sexual criminals so treated, and then released, four have later committed sexual crimes and fourteen have later committed non-sexual crimes. This is an extremely high rate of cure, and tends to negative the often alleged non-effectiveness of this operation. No doubt, capacity to commit sexual crimes remains; but it seems likely, in the light of these figures as well as other experience, that it produces a sufficient reduction of the libido for the prisoner to be infinitely more capable of avoiding sexual offences. I tried to discuss this whole problem with one prisoner who had been so castrated, but his English was of no great quality, and his French was even worse than mine, with the result that I can only pass on what those running Herstedvester told me.

In trying to sum up the work of the entire experiment of Herstedvester, one should not be overly distracted by the work with sexual criminals. The whole scheme has considerable philosophical and legal difficulties. Nevertheless, it seems to me that these difficulties must eventually be overcome in favour of some more rational treatment of the gravely psychologically disturbed criminal which Herstedvester portends.

If the psychopaths came to Herstedvester earlier in their penal careers the work of Dr. Stürup would be considerably facilitated and the community more adequately protected. On the other hand, the courts are understandably not prepared to inflict this possibly protracted sentence upon a criminal without some clear empirical demonstration of the need for it—and this can only be given by repeated previous convictions. Hence some of the educability of the criminal psychopath tends to be lost in



the prison mill. This problem goes to the relationship between the courts and those recommending any special types of sentences. Dr. Stürup hopes to solve it in Denmark; but I want to discuss the growing importance of this problem generally by reference to a new type of English sentence—corrective training. The truth is that the link between those who impose sentences and those who carry them out is all too tenuous for our developing needs. Corrective training over the last year in England well illustrates this.

Corrective training also demonstrates the English genius for happily blending penal theory and existing institutional practice. In 1932, a Departmental Committee reported on the treatment of the habitual criminal. This committee, in considering the best means to deal with the hard core of recidivists, turned its attention to the task of devising schemes to combat habitual criminality earlier in its development. They suggested that the ideas and techniques of the Borstal System should be applied to an older age group and one more advanced on the prison production-line of habitual crime.

Independently of this suggestion there occurred an interesting development in the training prisons of Maidstone and Wakefield. Here "star" prisoners serving sentences exceeding nine months were given more freedom, more vocational guidance, better industrial conditions, and generally a more constructive and less restrictive penal régime than existed in other prisons. "Stars" were those prisoners who had never before been in a prison or Borstal, as contrasted with "ordinaries" who had penal experience. With this "star" group the prisons of Maidstone and Wakefield attained 70 per cent success. Though there was no doubt of the constructive quality of the training given in these prisons, it was well known that even an entirely negative, "lock-them-up-and-let-them-out", warehousing penal régime also attained about 70 per cent success with this group.

A modification in the composition of the population of these two prisons came largely as a result of the work of Vidler, who, having been a successful industrialist and an outstanding sportsman, early retired from his business activities to become a Borstal Housemaster, then a Borstal Governor, and then Governor of Maidstone Prison. With the consent of the Prison Commission he tested the hypotheses that if certain selected "ordinaries" were mixed with the existing "star" population in Maidstone the tone of the prison would not drop and the results

with the "ordinaries" would improve. This happened. The success rate, as measured by no later reconvictions, remained about the 70 per cent mark, where previously for the "ordinaries" 50 per cent was the usual recidivist expectation. It was basically a rough empirical experiment into the best composition of the penal group. As a result, the proportion of "ordinaries" to "stars" was gradually increased to something above the order of 1 : 3.

In 1948, in the Criminal Justice Act, the recommendation of the Departmental Committee and the practical experience at Maidstone and Wakefield were blended into the scheme called Corrective Training.

By virtue of Section 21 of this Act, the courts have power to sentence any prisoner over 21 years of age, convicted of an indictable offence punishable with imprisonment for two years or more, who has been convicted of offences so punishable on two previous occasions since he was seventeen, to corrective training for any term from two to four years.

A criminal so sentenced is sent to Reading Prison for three weeks, where he will be thoroughly observed by a trained staff, including two psychologists and the regional psychiatrist, and classified into one of three main streams. He will be sent either to open or semi-open conditions to do farm work; to the training prisons of Maidstone or Wakefield for mixing with the "star" group there, with a presently envisaged maximum of 40 per cent corrective trainees to 60 per cent "stars" (higher than had previously been tried and creating some anxiety in the minds of the governors of these prisons); or he will be sent to a series of institutions set aside for this purpose and in which the régime differs very little from that in ordinary prisons. In effect, this third classification is almost a denial of the wisdom of the courts imposing a corrective training sentence on prisoners so classified.

By the end of this year there will have been more than 2,000 criminals sentenced to corrective training. In a total prison population of about 20,000 this is a considerable experiment. As yet, of course, there are no statistical results to assess and an opinion cannot safely be advanced as to the merits of the scheme. Certainly, it is a courageous attempt to deal with a most difficult and dangerous group.

Section 21 of the Act compels the court, before imposing corrective training on any prisoner, to consider whether such a sentence is "expedient with a view to his reformation and the

prevention of crime", and in deciding on this the court is further obliged to consider the Prison Commissioner's advice as to the offender's mental and physical condition, and as to his "suitability" for corrective training. Similar advice to the courts is given prior to committal to Borstal, and to preventive detention.

It is this advice, its value, and the weight that should be given to it which I now want to discuss.

Let me first consider it from the point of view of the court. The court is well aware that the recommendation as to "suitability" or "unsuitability" that it has before it is the product of usually one hurried half-hour interview by a busy governor or assistant governor of a remand prison, his personal impressions being supplemented by a hurried view of the prisoner's record. The court appreciates that the genus "corrective trainee" is potentially selected thus lightly and yet the species, the division into one of the three main streams, takes three weeks of skilled investigation at Reading. Whether these be the reasons or not, it is certain that difficulties have arisen as to the courts' acceptance of these recommendations, with the result that many are receiving corrective training who are grossly unsuited to the existing corrective training facilities. As a further result there has grown up one species of corrective training which is little, if at all, different from ordinary imprisonment.

Recently the Lord Chief Justice, speaking in the Court of Criminal Appeal, advised criminal courts generally to hesitate long before committing to Borstal, corrective training or preventive detention any prisoner whom the prison commissioners recommended as unsuitable for such punishment, though he stressed their perfect freedom not to accept the prison commissioners' positive recommendation as to the suitability of any prisoner for any particular sentence. Nevertheless, of 300 corrective trainees whose records I checked, the samples being a completely random one, 25 had been reported to the courts as unsuitable for that type of sentence.

For the moment, I wish to defer the question of the quality of the advice to the courts, to assume its worth, and to consider how the courts can adequately handle it.

There is, in truth, no real conflict between the courts and the administrators. Basically, both face the same question — the problem of allocating existing facilities so as to make the most useful reformatory application of them. It is a question of

priorities. To handle this problem of priorities, some closer co-operation between the judiciary and penal administrators is becoming essential. New penal methods suitable for particular classes of prisoners must be matched by sentencing techniques capable of selecting the appropriate subjects. Institutions like Langi Kal Kal clearly raise this need.

To develop such closer co-operation between the judiciary and the administrators, there are available at least two alternative techniques. First the court's function could be confined to that of finding guilt and the sentence could be fixed and controlled by a Treatment Tribunal, perhaps with a judge as chairman. The responsibility of this body could be a continuing one, lasting until the prisoner is finally discharged. On the idea of the Treatment Tribunal there is a large literature and considerable practical experience which I do not now want to canvass.

Secondly, there is the other technique, at present followed in England, of holding regular conferences between the judges and the prison commissioners.

Whatever means are to be adopted to further the closer link between the judiciary and the penal administration, it is perfectly clear that generally closer contact between these two groups of people is essential; that those imposing sentences should visit institutions and discuss problems of their administration with those in charge; that they should maintain close personal contact with the penal administrators. All these are minimally necessary. Two things can, I think, be expected of the judiciary undertaking the awful responsibility of sentencing fellow human beings. First, it must be capable of handling the concepts current in the mind of those directly and professionally connected with problems of punishment. Secondly, it must have a close, personal acquaintance with the present penal system and with its planned development. For this work of sentencing, lawyers at present receive no training whatsoever, and in their practice they obtain no experience, dealing as they are with prisoners in the totally unreal situation, so far as penal treatment is concerned, of their day in court; nor would there appear to be any Pentacostal criminological or penological inspiration on appointment to the Bench.

If it be agreed that some interest and knowledge of criminology should be expected of all those charged with imposing punishment on their fellow men, then the rest will follow. There

are, of course, many individual judges cognisant of and meeting this need—several of whom seem to be with us to-night—but I suggest that it is not yet officially recognized.

Having castigated my own profession, let me now turn to the doctor's failure in the difficult problem of the relationship between the representative of the penal administration recommending a particular sentence and the judge accepting or rejecting that recommendation. Looking back over the proceedings of this Society, I see a succession of recommendations that a clinic be established to advise the court prior to the imposition of sentence. There is at present a clinic attached to the Children's Court, which under Dr. Bailey does excellent work advising on the appropriate treatment of juvenile delinquents. The problem this clinic faces is that their advice is of diminished value owing to the limited facilities for different modes of treating the children. It is really not much good having a clear idea of what we should do with a given child if there is no faint possibility of doing it. Nevertheless, if remand facilities were given to the Children's Court clinic, such as are available to Dr. Scott, who runs the comparable London County Council clinic, then, for the Children's Court at least, the advice itself would be of the very highest order.

For adults no such facilities exist. Dr. Whiteside does, I am told by several judges, magnificent work in advising the courts in cases where they specifically request his advice; but this is too sporadic, too individual, and too hurried a technique to take the place of the considered guidance that the court needs and which it is denied.

There is one institution which, to my mind, meets this need for adequate counsel to the court on the problem of the appropriate sentence. As to-night I am hopping gaily from one country to another, I make no apologies for the fact that it is to be found in Sweden. It is the Karolinska Institute.

The Swedish penal system as a whole is undoubtedly the most advanced in the world. It mirrors their whole entirely rational democracy. Perhaps they have built a too-rational society. Certainly Dr. Gibbens and I were glad to escape, after two weeks in Sweden, into the artistic irrationality of a French film we attended one night in which every character there portrayed would have been in an institution of one sort or another had he lived in Sweden! If you are twice convicted of having a certain relatively low concentration of alcohol in your blood

when in charge of a car you go to prison for a month. But, rationally, you select the month so as to meet your business convenience and perhaps in order to go there in company with your friends.

The Karolinska Institute has a branch in the main prison in Stockholm. It is in the charge of Professor Rylander, who laid the foundations of his fine European reputation by his work on prefrontal leucotomy. He has now concentrated his considerable energies on psychiatric work with criminals. Professor Rylander's staff includes four full-time psychiatrists, three trainee psychiatrists, seven trained social workers, and an extensive subordinate staff experienced in work in mental hospitals. The daily population of "patients" varies between sixty and seventy.

The functions of this group are threefold. They report to the courts on prisoners remanded to them for that purpose; they act as a diagnostic clinic for psychological and psychiatric problem cases referred from other prisons; and they constitute a training centre for the Swedish prison staff generally.

For purposes of reporting to the courts, remanded prisoners are held in custody and investigated most thoroughly for three or four weeks — though if a longer period is required for an exhaustive examination of the prisoner's personal and environmental condition then more time will be taken. The resulting dossiers are extremely full, and the one magistrate with whom I discussed them was most impressed with their value. When the report is made to the court, a copy is sent to the Medical Association, who are thus in a position to evaluate its technical worth.

Concerning the clinical diagnostic functions of Professor Rylander's team, the following figures may be of interest. In 1948, 164 cases were referred to them from the courts and 118 from other penal institutions; in 1949, the figures were 167 and 131 respectively.

Their third task — training prison staffs generally — is a most unusual mixture of functions, but a very wise one. Prison warders are seconded to this branch of the Karolinska Institute for a short training course in problems of psychology and their relationship with the aetiology and treatment of crime. They receive lecture courses and demonstrations, the current diagnostic work of the institution being excellent for the latter purpose. There are no tests of the extent to which this information is understood and remembered by the warders, though for

having attended such a course the warder receives a small weekly increment in salary. There is no doubt of the elevating effect this training has had on the psychological insight of the general prison staff in Sweden. It is a development we in Victoria would do well to emulate if ever we acquire adequate diagnostic remand facilities.

Before concluding let me tell you of one other recently established Swedish practice. All prisoners with sentences of more than twelve months duration who had served half their term or three years, whichever is shorter, are *prima facie* entitled to 72 hours home leave from prison every three months. This leave is not granted if there is real doubt of the prisoner's reliability, but it is given to all but a few. The philosophy behind it, and behind all Swedish penology, is that whatever purposes you are serving by criminal punishments, unless you are prepared to kill or permanently segregate criminals you must release them at some time and, if only for your own sake, you should struggle to release people capable of conforming to society's reasonable expectations of them. In 1948, the doors opened on 2,400 men and 100 women taking home leave. Of the 2,500, 7 per cent "failed". "Failed" here means:

Late returning, 135.

Committed crime, 23.

Late and drunk on return, 3.

On time but drunk (an appealing group), 14.

Smuggled alcohol in, 1.

Broke minor conditions, 7.

In 1947, only 4·7 per cent failed. This does not really represent a slightly worsening of the success of home leave in 1948 as contrasted with 1947, but rather that the Swedish authorities were so satisfied with it that they extended its application to a larger number of less reliable prisoners.

Home leave is not the woolly Utopian practice it may appear. There are sound hard-headed reasons for its adoption as the penal system reaches a certain stage of development. As a preservative of the prisoner's home ties — one of the few reformatory specifics which we possess — it is invaluable; and it is likely in the long run more effectively to protect the community.

These contentions, and the many arguments lying behind them, have at all events found sufficient favour with the English prison commissioners for a modified system of home leave to be

made available to corrective trainees towards the end of their sentence.

This "Cook's Tour" of certain penal practices in England and the Continent perhaps underlines the need for a different approach in Victoria to the problems of penal reform. The Swedes spent ten years considering their Penal Code of 1946, all official and unofficial informed opinions being consulted. The Danes spent twenty-five years on the same task. The English Criminal Justice Act 1948 is a product of many years' argument, and since 1939 (when the Criminal Justice Bill 1938 was debated) had, as regards many of its provisions, been open to the criticism of any person sufficiently interested to express an opinion. The contrast in Victoria is complete. The only opportunity for other than departmental consideration of proposed legislation lies on the time between its acceptance by Cabinet and its debate in Parliament. At this stage the changes suggested become of political significance, and opposition to any provision tends to be mistaken for opposition to the Bill itself. The "take it or leave it" mentality of the benevolent but possibly misguided Minister of State inhibits constructive criticism. The history of the mental health legislation in this State proves this point.

It is submitted that the failure sufficiently to consult people actually working in the field prior to the preparation of draft legislation concerning that field is poor constitutional practice with no legal justification, and is unfortunate for the community. There is very little political capital to be made out of legislation on prisons or child welfare, and it is hard to understand the reasons for the secrecy adopted concerning proposed reforms in these spheres.

In considering modifications of our practices in Victoria, comparative studies of the type I have been discussing to-night have their place. What is suitable to and successful in Sweden today may be totally unapplicable to our present situation; but the ideas lying behind it and their modification in the light of Swedish experience are likely to be of real value to us.