

law-abiding citizens, to realise early that these delinquent sections of the community do not constitute a distinctive criminal type with invariable characteristics, especially of an external physical kind, and to bring about the social readjustment of offenders under the counteracting and curative influence of a new environment so adapted to their peculiar conditions as to transform their enmity to society into co-operation with it.

For this task of differentiation, the equipment of the ordinary psychologist is not enough. He is concerned entirely, or almost entirely, with normal minds, with the regular behavior of ordinary people, not laboring under the stress and strain of criminal tendencies and anti-social temptations. This delicate work of discrimination and individualism calls for the services of the psychiatrist, with wide knowledge and experience of criminal psychology and abnormal behavior, for the purpose of diagnosing each case as correctly as possible, and prescribing or suggesting the most appropriate therapeutic treatment.

Individualisation

We must now probe more deeply than has been done before by penal administrators, who in their ignorance or indifference thrust together promiscuous elements of vice and evil, which caused the least bad to sink to the level of the worst. It is indispensable to adapt the prison treatment and the kinds and conditions of prisons to the particular individual, for he may be insane or an epileptic or a hardened criminal; he may be a passionate or accidental offender; he may be an alcoholic, a drug victim, a sexual pervert, a nervous wreck; his acts may have been the outcome of defective family environment, of poverty or sudden misfortune, of bad or inadequate education. Therefore, by applying the principle of individualisation the treatment or punishment will be adapted to the criminal and not necessarily to the crime, and work will be allotted to each, not according to the hard-and-fast prescriptions of "Rules and Regulations," but according to his actual fitness and aptitude.

Yatala Labor Prison

The classification of the prisoners at Yatala into three rough divisions—first offenders, those who have offended twice, and those who have offended three or more times—is better than nothing, but it is altogether inadequate and unsatisfactory, as it is a purely mechanical division. It is obvious that many first offenders may be criminally much worse than many who have been convicted more than once. A conviction for the first time is not necessarily an index of the convicted person's real criminal disposition and character. Besides, the nature of his act must be taken into account, as well as the fact that he may have previously escaped conviction through detection. A proper classification must be based on reality, and not on surmises or assumptions involved in arithmetical calculation.

Perhaps the limitations of Yatala do not allow of a more rational classification. I have discussed this question with the Superintendent, who is a sensible, considerate, humane, and able official. He mentioned the insufficiency of accommodation for this purpose, and welcomed the idea of establishing a model penal institution—a prison farm—say, in Kangaroo Island. In such an institution, divided into several divisions, the various prisoners could be distributed in accordance with the scientific classification I have suggested. Good conduct, self-control, and obvious improvement on the part of the inmates would be the qualification for passing from one division or locality of the prison to a more desirable one. The preliminary sorting out could be effected in a reception or observation establishment—a kind of clearing-house for prisoners—on the advice of a board of experts after careful investigation. The views of such a board could also be submitted to the Judges, who would hereby be aided in arriving at their sentences.

Indeterminate Sentence

But for all bad cases, whether first convictions or otherwise, the sentence should be indeterminate instead of a long fixed period. The Habitual Criminals Amendment Act of 1907 provides an indeterminate sentence in the case of repeated offences. But why wait until a certain irremediable offence—say, against a child or that of a sexual degenerate—should be committed three times, and so spread ruin and disaster far and wide, before the offender is locked up indeterminate? Furthermore, among the general run of convicts a long sentence causes despair, while an indeterminate sentence shows them that their release is to a large extent in their own hands, and so does not crush all hope and self-respect.

Advertiser
27.12.23

Professor Mitchell, Vice-Chancellor of the University, accompanied by his son, whom he is taking to Cambridge, will join the



Professor Mitchell.

R.M.S. Ormonde, which leaves for England to-day.

The Advertiser

ADELAIDE: THURSDAY, DECEMBER 27, 1923.

BON VOYAGE.

Three distinguished Australians are passengers by the R.M.S. Ormonde, which leaves the Outer Harbor for London to-day. Two are Victorians, and the third is a South Australian, but each in his own field of public duty has rendered valuable service to the whole Commonwealth, and enjoys deservedly an Australian or even a wider reputation. They are highly-respected citizens, and their fellow-Australians will sincerely wish for them a pleasant voyage and a safe return to the land of their adoption. One is Sir William Irvine, Lieutenant-Governor and Chief Justice of Victoria; the second is Mr. Justice Higgins, of the High Court of Australia; and the third is Professor Mitchell, vice-chancellor of the University of Adelaide. Judged merely by the general complexion of their political opinions, Sir William Irvine and Mr. Justice Higgins might be regarded as the antitheses of each other, but their careers present some noteworthy points of resemblance. Both

arrived at eminence in the legal profession; both entered State politics in the same year; both became members of the Federal Parliament, and held Ministerial office under the Commonwealth; and both retired from the storm and stress of Parliamentary life into what is usually understood to be the peaceful haven of the judicial bench, though as regards one of them—Mr. Justice Higgins—the waves of political controversy continued to rage round him while he occupied the difficult position of President of the Arbitration Court. Than Sir William Irvine few Australian statesmen have risen more rapidly to positions of extraordinary responsibility in State and Commonwealth. Arriving in Australia 44 years ago, he was first a teacher in a college at Geelong. Eight years later he was called to the Victorian bar, and in 1894 was elected a member of the Legislative Assembly, becoming Attorney-General after a five years' novitiate in Parliament. It was his fortune to be the Premier of Victoria in the early nineties, when the State was convulsed by a great strike which paralysed the railways. The firmness and decision with which he handled this industrial trouble in a Government department, and the determination with which he carried through Parliament extraordinary legislation to break the power of the Public Service vote, which, as he said, was driven like a wedge into every constituency as a force directed to the advancement of a class interest, involved him in a tempest of conflicting obloquy and praise, but stamped him with the character of a strong and fearless administrator such as Carlyle would have loved. Entering the House of Representatives in 1906, Sir William Irvine ultimately became Attorney-General in the Cook Government, and in the political confusion of more recent years there were many who looked hopefully to him as the future Prime Minister of the Commonwealth—a man whose strength of will and simplicity of purpose would evolve settled order out of the chaos of party, and give to the Commonwealth the benefit of firm, straightforward, and economic administration. But it was not to be, for Sir William accepted an offer of the Victorian Government, and the school teacher of the 'eighties became the Chief Justice and Lieutenant-Governor of the State—offices for which his remarkable talent conspicuously fits him, and in which he displays the ability, impartiality, and dignity they demand.

As long ago as 1870, Mr. Justice Higgins made Australia his home, and identified himself with the most ardent democratic aspirations of its people. If the Liberalism of Sir William Irvine has had, as his political antagonists were wont to complain, a marked flavor of the Conservative element, that of Mr. Justice Higgins developed into an advanced and a combative Radicalism which made it possible for him to work in a friendly spirit with Labor in the days when socialisation was not yet on its programme, though he was never a member of the party. He was called to the bar in 1876, and in 1894 he became a member of the Legislative Assembly. No less than Sir William Irvine, he was naturally endowed with a high degree of moral courage. His fidelity to conviction, and his contempt for a popularity bought at the expense of personal honor by the opportunism of the mere politician, were strikingly manifested when in 1900 he sacrificed his seat in the State Parliament rather than conceal his antagonism to the South African policy of Mr. Chamberlain and Lord Milner which brought on the Boer War. As a member of the National Convention of 1897-8, he was one of the most stalwart of the protagonists of democracy. The fights in the Convention on such issues as the powers of the Senate, and the settlement of deadlocks on such lines as to ensure the complete triumph of the people's will, were battles of giants, in which Mr. Higgins took a considerable part, always—it need hardly be said—on the side of the most liberal provision for the assertion of popular rights. The strictly Federal form to which the new Constitution was adapted, and the compromises

arrived at on many of the questions which divided what came to be known as the State rights and people's rights parties, did not approve themselves to the judgment of Mr. Higgins, who thought the Constitution should be less rigid and more democratic, and found himself unable to recommend it to the constituencies for acceptance. But when Federation became a fact he accepted the situation, and having become a member of the House of Representatives, he accepted in 1904 the office of Attorney-General in the Watson Administration, though, as already stated, he was not a member of the Labor Party. His political career came to an end with his elevation to the High Court bench in 1906, but as President of the Federal Arbitration Court for many years it was his fate to be drawn into quasi-political controversies as the result of his vigorous administration of a law in the basic principles and practical utility of which he had the profoundest faith. Whatever may be thought of the wide interpretation given to the constitutional provisions relating to conciliation and arbitration in inter-State industrial disputes, and the actual working of the tribunal

established by the Commonwealth Parliament under them, no fair criticism of Mr. Justice Higgins could withhold an acknowledgment of his sincere endeavor to carry out what he believed to be the intentions of the Constitution and the Parliament, and of his conscientious efforts to extend fair play to all parties and promote the cause of industrial peace and justice.

Of Professor Mitchell little more need be said than that he enjoys the esteem and admiration of all South Australians, who are proud to know that his ripe scholarship, highly appreciated in the old country as well as in Australia, has gained for him the distinction of an invitation to deliver the Gifford lecture at the Aberdeen University. Last year Lord Balfour was the Gifford lecturer, and it is an indication of what is thought of Professor Mitchell as a psychologist and philosopher in the very front rank that he should have been chosen to follow one so eminent in the field of thought. The author of "The Growth and Structure of the Mind" is well worthy to fill the place made illustrious by the foremost thinkers of the Empire. If it should happen, as it well may in the social life on board an ocean liner, that the Vice-Chancellor of the University of Adelaide is brought into close relations with his distinguished fellow-travellers, both of them University graduates, we doubt not that between the contraries in thought they represent his charming personality will tend to operate as a reconciling and harmonising influence. For no one could illustrate more thoroughly or usefully than does Professor Mitchell that desirable union of "sweetness and light" which is the hall-mark of true culture, and reveals and utilises the best that is, both in the world of affairs and in the life of the mind.

Advertiser
27.12.23
Mr. Evan R. Stanley, the Government Geologist of Papua, British New Guinea, who has been on a visit to his parents at Unley, leaves by the Melbourne express to-day en route for New Guinea.

Newspaper
27.12.23
Professor Mitchell, vice-chancellor of the Adelaide University, left for London by the Ormonde this afternoon, accompanied by his son, who will enter Cambridge University.