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WHO ARE OUR MOST DANGEROUS CRIMINALS?

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Whether one assesses the seriousness of crimes by the extent of the danger they represent to the safety of the individual or of society as a whole, the less dramatic crimes outweigh the more dramatic to a surprising extent. Many more people are killed in traffic accidents than are murdered. Rather more are injured in traffic accidents than by crimes of violence. Exchange control offences may cause more economic disruption than thefts. The psychopath is not always a violent murderer. He may be a ruthless businessman.

An African was admitted to Bulawayo Hospital with a stab wound in the stomach. While he was awaiting removal to the operating theatre, his assailant rushed into the ward and stabbed him in the shoulder, severing an artery, and causing his death. The accused was arrested and sentenced to 10 years' imprisonment.

An armed African constable recruit, who was guarding three long-term African prisoners collecting wood, was attacked by them, knocked to the ground with an axe, beaten unconscious and left in a mealie land, tied up with wire and gagged with his puttees.

Early one morning a European Police Reservist was awakened by someone knocking at his bedroom door; when he opened it an African fired an automatic pistol at him from a distance of three feet, fortunately missing him.

Accounts of murders, assaults, attempted murders; fascinating, spinechilling reading. Most of us enjoy pondering over the details of other people's violent acts, and we are amply supplied with material by a press which reflects and endorses our somewhat morbid preoccupation with the subject. It is not unusual for people to be fascinated by that which they fear, and most people have a fear of dangerous criminals. Because of this, they have a fairly clear idea of who is dangerous - the murderer, robber, rapist, mugger, thief and so on. These are criminals who pose an obvious threat to person or property; they indulge in actions which are clear-cut and understood; they are easily defined as dangerous people. It may therefore seem unnecessary to ask whether they pose the greatest danger in our society. But the question is a valid one, because the answer is going to depend on the criteria we choose for assessing danger.

One - and probably the most common - standard is personal danger: who is most likely to stick a knife into me, injure me or steal my property? But there is a wider measure of harmfulness, one which is not so obvious, but may nevertheless prove more accurate in answering the question in depth, and that is the measure of social danger: who does the most harm at a social level? Who poses the greatest threat to our society, with its
Complex legal and financial balances? Remembering that society is made up of individuals and that damage to the general fabric of society is going to harm many more people than would a specific act against a specific individual, this latter criterion may well be the more useful one for our purposes.

In addition to these criteria, we must decide what acts we are going to identify as being the most damaging (to individuals and/or society). Are we going to choose those which cause loss of life, financial loss, injury, social disruption? And finally, are we going to look behind the acts to the motives which dictated them?

For the purposes of this discussion the question of motive will have to be left in abeyance, because it raises too many philosophical and legal problems, but we must clearly use seriousness and volume as measures, because these are obvious determinants of damage.

Turning then to the first criterion, we ask "what sort of person is most likely to be dangerous?" Criminologists from earliest times have tried to answer this question, and they have spent many years trying to establish a "criminal type". Cesare Lombroso, probably the most famous of those who attempted to do this, said that the criminal could be recognised by certain physical characteristics or stigmata, such as excessively long arms, beetling brow, prominent jaw, undue hairiness and certain defective formations of the skull. Theories in this field have abounded but have not yet produced finally convincing results, so we should confine our attention to the two basic types of people who commit crimes:

1. The ordinary individual who is under some unusual stress which breaks down his normal value structure - such as the otherwise honest employee who desperately needs money and "borrows" it from his employer, fully intending to repay it. Also in the category of the "ordinary" individual we can place the person who genuinely has an accident of some kind and lands up in court or jail. This would include traffic accidents and contraventions of statutory provisions.

2. Secondly, we have the kind of person who is crime-oriented for some reason. One might say he is like this because something is lacking in his character: either he has not learned to control his basic impulses - greed, violence, acquisitiveness, aggression - or his social learning is at fault. By this I mean that he has not had the opportunity, or has not bothered, to learn the rules of the society in which he lives. As a result he selfishly fails to perform those acts which the smooth running of society demands (such as driving carefully, earning a living, paying taxes), or fails to refrain from those acts which society sees as harmful (taking property which does not belong to him, settling his differences with other people by resorting to violence, taking unfair advantage of other people's weaknesses and so on). Either way, his acts or omissions are going to lead him into a clash with the law - the embodiment of society's rules of conduct - and because of this he is going to find himself defined as a criminal.

This analysis of the fundamental nature of a criminal has led many criminologists to suggest that all, or most, criminals are psychopaths -
because they are selfishly pursuing their own desires without caring whether they harm other individuals or society in the process. Because this term psychopath has become so widely and generally used, particularly in relation to criminals, it would be worthwhile to diverge at this point and examine it.

Dostoyevsky, when describing Pyodor Karamazov, commented:

"This 'landowner' ... was a strange type, yet one pretty frequently to be met with, a type abject and vicious and at the same time senseless."

Psychologist Robert Lindner writes:

"Hydra-headed and slippery to the touch though it is, psychopathy represents the most expensive and destructive of all known forms of aberrant behaviour."

And W. & J. McCord observe that not only does the psychopath cost society dearly, but he represents such a unique, fascinating example of the human species that the understanding of his disorder can contribute greatly to our general knowledge of human nature.

These comments should already have created in your mind a shadowy image of a person who somehow stands half outside the human species, marked by his inability to feel and relate as "normal" people do. Because of his alien makeup he is able to prey upon others without remorse. This image is filled out and endorsed by the definition of a psychopath offered by the McCords:

"The psychopath is an asocial, aggressive, highly impulsive person, who feels little or no guilt and is unable to form lasting bonds of affection with other human beings."

A fine example of a psychopathic murderer is provided by a young American, William Cook, who was convicted in 1948 and sentenced to 300 years in Alcatraz:

"Born in 1927, in a small Missouri town, Billy Cook never participated in the close family life of most Midwest farmers. His father, a pathological drinker, deserted Cook and the other children early in Billy's life. Although never brought to trial, Cook's father probably murdered his mother. When Billy was seven, he discovered her body. Later he described the event with a typical lack of emotion: ... one time my sister and me came home from playing at a yellow house and found her dead, laying on a cot.

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She had a large gash in the head.

A juvenile court split the orphaned family, sending Billy to a foster home. His new 'mother', a brutal nymphomaniac, initiated Billy into the sordid side of sexual experience. When Billy finally ran away from the foster home, he was caught by the police, and shipped to the Missouri Training School. He later wrote: 'The training I got there was how to steal cars and pick locks.'

Paroled, Cook lived with his elder sisters who shifted him from town to town. One brother-in-law taught him the burglar's skills and often took him on drinking sprees which ended in brothels. Another relative got a farming job for the boy, then cheated him out of his earnings. No one wanted him. His 'family life' ended when a sister forced him into prison by declaring he had broken parole.

In prison, Cook developed into a confirmed homosexual and built up a record as a troublemaker. Upon release, he participated in several robberies and worked at odd jobs. Cook soon drifted westward - stealing when he could, working when he had to. An older man picked him up in a stolen car and offered to 'pull some jobs'. Cook turned him down, shot him, stole the car, and continued west.

When this car broke down, he hailed another, threatening the driver with his pistol. Cook later recalled: 'I got in the car with these people, Moser was their name. I told them what had happened and I didn't want their money or anything. All I wanted was to get away.'

The car raced across the Southwest with Cook holding a gun on the driver, his wife, and their two children. At a New Mexico gas station Moser attacked Cook, pinning his arms to his sides. Cook struggled free, forced the family back into the car and made them resume the drive. Soon Cook, frightened by the attack, murdered all four. He stopped the car just long enough to stuff the bodies into an abandoned mine shaft.

Cook reached California, but the police had begun a six-state search and an alert local sheriff arrested him. In a last desperate attempt, Cook kidnapped the sheriff in a police car and dashed across the Mexican border. In a Tiajuana cafe, Mexican soldiers caught him. Securely tied, he was thrust on board a plane destined for the United States. The Mexican soldiers, jubilant over their victory, shot volley after volley into the air as the plane left the ground.

In a California jail, two psychologists gave Cook an intensive examination. Their tests, the Rorschach and The Thematic Apperception Test (T.A.T.) showed the killer to be basically immature, completely isolated from the human world, and impoverished in his emotional life. Because he couldn't profit from experience, he reacted to frustration with hostility and fury. Unable to identify with others, he seemed constantly preoccupied with 'his feelings of
of rejection and underprivilege'.

The psychologists asked Cook to make several drawings of the human figure. After 'blind analysis', another expert concluded that Cook had an extremely low frustration tolerance and was explosive, preoccupied with sex, and psychopathic.

His examiners pointed to early rejection as the probable cause of his disorder: ' . . . here was a child who suffered an intensive exposure to all of the pathogenic factors which are accepted by modern psychiatry as being etiological to conditioned character disorders.'

Billy Cook exhibited a character unrestrained by guilt and barren of love - a personality so impulsive, so warped, that every frustration resulted in explosive, murderous aggression."This case demonstrates how relatively easy it is to identify psychopathic traits in the average offender, simply because when committing a crime he would necessarily manifest one or other of the characteristics included in the definition: thus it would be difficult, for example, to rob an old lady if one were capable of feeling guilt or identifying with other people. Equally, one would be unlikely to drive recklessly unless one were impulsive and probably sufficiently asocial not to care how one's conduct affected other road users. An individual must also be fairly selfish if he is going to perpetrate a large fraud which will have the effect of ruining a lot of people who, for example, have entrusted their life's savings to him. When the personality of a criminal is analysed in this way, it is easy to assume that most offenders lack characteristics which cause non-offenders to hold back in crime-producing situations, or alternatively, possess characteristics which are not manifest in law-abiding people. Having gone this far, it is equally easy to conclude that most of our criminals are psychopathic, and we are all the more ready to do this because we feel insecure until we are able to produce explanations for problem events or behaviour.

But if we do arrive at this conclusion, we are likely to cause ourselves an undue amount of alarm, because as we have seen, the true psychopath is an extremely harmful and dangerous person who should be locked up until he is cured. But this is not true of the average criminal who only manifests one or two psychopathic characteristics; who, for example, be impulsive and asocial, but nevertheless full of affection and capable of guilt feelings. He would in all probability find it possible to steal, but impossible to commit assault or murder; thus the all-round ruthlessness of the true psychopath would be missing.

For these reasons it would be wise to avoid using the blanket description of psychopath for all criminals, and accept instead that they probably manifest, in most cases, personality or behavioural disorders which bring them into conflict with social rules. They would thus present a danger in one or other area of life, but nothing like that posed by the true psychopath.

Turning now from the nature of the criminal to the types of crimes...
committed, we must ask what crimes cause the most physical or financial harm at the individual level. The average person would assume that the murderer is most likely to head the list. Surprisingly, this is not the case if we compute in terms of deaths caused. As Graph I shows, drivers kill far more people in any one year than do murderers - over three times as many, in fact. Commissioners of Police year after year point out that speeding is a major cause of accidents resulting in death and yet the figures continue to climb (with the exception of a brief interlude after U.D.I. when petrol rationing was first introduced) with little evidence of public concern. A murderer is regarded by the average person with a mixture of fascination, fear and abhorrence, but not so the more familiar figure of the reckless driver. It is interesting to ask ourselves why we have failed to identify our prime killers.

A similar picture emerges when we consider crimes which involve violence to the person, such as assaults, robberies and sexual offences. Offences in this category have increased from 8 300 in 1962 to 13 300 in 1972. (See Graph II). Over the same period, road accidents (roughly half of which result in serious or minor injury to the person, not to mention shock) have increased from 9 600 in 1962 to 15 500 in 1972, thus accounting for considerably more violence than the common law crimes. This figure is more impressive when one considers that a very small proportion of the Rhodesian public is responsible for this harm, on the basis that so few possess motor vehicles.

Property offences (theft and housebreaking) account for most of those crimes which cause direct loss to the individual, and as Graph II shows, statistically they make up the bulk of "crimes" committed in Rhodesia each year (this excludes statutory and minor traffic contraventions). Despite the high figures, analysis shows that most of these offences involve relatively small sums of money. Thus in 1971 $1 234 600 worth of property was stolen in 34 300 thefts - working out at $36.00 per theft. Not a high figure. When the total sum involved is distributed throughout the entire population of Rhodesia (say 5 000 000) it amounts to about 25c. per head per year. This shows that thefts, although they may have drastic effects on isolated individuals, have little or no effect on society generally. Thieves may frighten us (and I am not suggesting that their activities should be condoned) but they are relatively innocuous when we calculate their total contribution to social misery.

This conclusion leads one to ask what sort of offender does do the most harm at a social level. As with our traffic offenders, the answer is not far away, and once again the culprit is lurking in the guise of "Mr. average law-abiding citizen" - he is the sort of person whom you would not normally describe as a criminal, and he very rarely lands up in jail. I am referring to the person who is now being described by criminologists as the "white collar criminal"; the big business man, the man of high status and prestige who takes advantage of his position to commit acts which are dishonest - but not always defined as crimes by the criminal

4. Infra, p. 162.
5. Infra, p. 163.
law - in order to increase profits for his company, and usually also for himself. In Rhodesia this figure is just beginning to emerge, and his activities are being high-lighted generally in the area of exchange control offences, but research in other parts of the world has shown that his scope is far wider. However, statistics relating only to contraventions of exchange control regulations reveal an interesting if startling picture. In the period 1/11/73 to 16/1/74 - 2½ months - 9 cases of this nature were reported in the Salisbury press. The sums of money involved totalled $881,645, or an average of just over $9,796 per case. If this average is maintained throughout the year, the total amount of money involved in this type of crime will far exceed the total for all thefts. But this is not the most serious feature of the problem; there are two other factors of greater gravity. First, it is evident that only a minority of the cases come to court. Thus, on 27th November 1973 the Principal of Exchange Control, Reserve Bank is quoted as saying that offences relating to the export of foreign currency from Rhodesia are coming to light on almost a daily basis. Despite this, only three or four per month find their way onto the court roll, so there are clearly others about which we hear nothing. This being the case, the figures quoted above could well represent only a fraction of the total amount actually involved.

Secondly, this type of offence is far more harmful to society generally than theft or housebreaking; the reasons are twofold:

1. Exchange control legislation has been introduced to protect the country's economy. If it is violated, and if uncalculated sums of money move in and out (mostly out) of the country, economic imbalance with its consequent evils could well result. The effects of this state of affairs need not be articulated.

2. Usually the culprits are directors or executive members of large companies. When they are caught, the companies frequently suffer fairly heavy losses (fines and confiscation of the money involved) and these are passed on to the consumer. Thus prices generally rise.

The features of white collar crimes revealed in these currency cases exactly correspond with those found among white collar criminals generally, and it would be worth our while to pause here and examine this phenomenon in slightly more detail.

Edwin H. Sutherland, a leading American criminologist, noted that people in the upper socio-economic class engage in a lot of criminal behaviour which does not normally appear in crime statistics. He called this white collar crime and defined it as "crime committed by a person of respectability and high social status in the course of his occupation". An example of white collar criminality, which gives an idea of its complexity and scope, is to be found in the famous "incredible electrical conspiracy" case which came to trial in Philadelphia in 1961:

"As befitted the biggest criminal case in the history of the Sherman Act, six most of the forty-five defendants arrived early,
knocking the snow of Philadelphia's Chestnut Street from their shoes before taking the elevator to federal courtroom No. 3. Some seemed to find it as chill inside as out, for they kept their coats on and shifted from one foot to another in the corridor, waiting silently for the big mahogany doors to open. On the other side of those doors was something none of them relished: judgment for having conspired to fix prices, rig bids, and divide markets on electrical equipment valued at (Am.) $1 750 000 000 annually. The twenty indictments, under which they were now to be sentenced, charged they had conspired on everything from tiny $2,00 insulators to multimillion-dollar turbine generators and had persisted in the conspiracies for as long as eight years.

As a group, they looked like just what they were: well-groomed corporation executives in Ivy League suits, employed by companies ranging in size from Joslyn Manufacturing and Supply Co., whose shop space is scarcely larger than the courtroom itself, to billion-dollar giants like General Electric and Westinghouse. There was J.E. Cordell, ex-submariner, sales vice president of Southern States Equipment Corp., pillar of the community in a small Georgia town, though his net worth never exceeded $25 000, and urbane William S. Ginn, G.E. vice president at $155 000 a year, a man once thought to be on his way to the presidency of the corporation. There was old, portly Fred F. Loock, president of Allen-Bradley Co. who found conspiring with competitors quite to his taste ('It is the only way a business can be run. It is free enterprise'), and G.E.'s Marc A. de Ferranti, who pocketed his repugnance on orders from his boss . . .

Shortly after ten o'clock, Judge J. Cullen Ganey, chief judge of U.S. District Court, entered the courtroom . . . it was clear almost immediately that he took a stern view of this conspiracy:

'This is a shocking indictment of a vast section of our economy, for what is really at stake here is the survival of the kind of economy under which this country has grown great, the free enterprise system.' The first targets of his censure were the twenty-nine corporations and their top management. He acknowledged that the Justice Department did not have enough evidence to convict men in the highest echelons of the corporations before the court, but in a broader sense the 'real blame' should be laid at their doorstep: 'One would be most naive indeed to believe that these violations of the law, so long persisted in, affecting so large a segment of the industry and finally involving so many millions upon millions of dollars, were facts unknown to those responsible for the corporation and its conduct' . . . .

The evidence revealed that as a result of this conspiracy many medium and small electrical corporations had been ruined, leaving virtually the entire North American (and thus a large part of the West's) electrical market in the hands of the conspirators, who had inflated prices at will and enormously increased corporation profits and personal incomes. It is clear that the true culprits - the top management - mostly succeeded in keeping out of trouble by ditching their underlings. Only seven of those prosecuted were actually imprisoned, and then only for thirty days each, while the balance were sentenced to fines which were paid by their corporations. The harm done to society cannot be estimated, but the effects of artificially inflated prices on items ranging from toasters to turbines must have affected individuals in every walk of life, not to mention the social disruption caused by the ruining of many electrical manufacturers and retailers who weren't "in" on the conspiracy.

But the financial loss apart, Sutherland is of the opinion that the more harmful aspect of this type of behaviour lies in the damage it does to social relations. Any society has a definite structure with fairly well-recognised divisions, with those at the top having a certain degree of trust vested in them. Thus a doctor is expected to cure diseases and not trick his patients into paying unnecessary fees, and a business man is expected to conduct his business honestly and efficiently in order to render a public service while making his profits. In addition to these factors, prominent members of society are automatically expected to support the social values which have made their existence at the top possible. The white collar criminal violates the trust which is placed in him and creates distrust; this lowers social morale and produces social disorganization. Many white collar crimes attack the fundamental principles of our social institutions (chiefly political, social and financial structures with their hierarchies of authority and respect), and thus lead to social disorganization. This is not true of ordinary crimes which are seen clearly in context and usually perpetrated by "outsiders" who fit into an easily understood social category.

Although white collar crime on the scale unearthed in America has not yet come to light in Rhodesia, the indications are that the values and practices which enable it to flourish there are to some extent duplicated within our society. Our exchange control cases may be no more than the tip of the iceberg, and skilled police enquiry could easily reveal a situation quite as breath-taking as the great electrical conspiracy.

This fleeting survey of the crime scene should lead the thoughtful person to a number of fairly obvious conclusions: first, at an individual level, the average "obvious" criminal is a person who has failed to mature into a socially and psychologically adjusted member of the society in which he lives, and he therefore clashes with society's rules. However, at this level, the most harmful person is the one least exposed to social censure - the motorist.

Secondly, at a general level, the same principle holds true; the thief and burglar may hurt an individual here and there, and their behaviour is clearly perceived and dealt with. But unseen and usually unpunished, our white collar criminals are committing crime on a massive scale, undermining our social institutions, contributing to a constant escalation in
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the cost of living and daily hurting the man in the street.

Behind all this lurks the fascinating figure of the psychopath - cold, calculating, unfeeling, as unperturbed by an act of murder as he would be by an illegal takeover, unmoved by human suffering and unable to understand normal emotions. He is found amongst our worst criminals and biggest business men.

The suggestion in 1975 R.L.J. 97 that we start calling our magistrates "sir" instead of "your worship" has brought to light a number of forms of address that have been noted in recent years:
- My worship
- Your majesty
- My honour
- Your horsewhip (thereby earning $10 for contempt of court)
- My dictator (and, when that did not soften the impassive magisterial face - ooh lekker dictator).
RHODESIA
ROAD DEATHS.
1962 to 1972.

Source:

ROAD DEATHS
WHO ARE OUR MOST DANGEROUS CRIMINALS?

RHODESIA

CRIME FIGURES, 1962 to 1971

SOURCE:
British South African Police Annual Reports, 1962 to 1972

[Graph showing crime figures from 1962 to 1971 for Rhodesia, with categories such as theft and housebreaking.]