

SUMMARIES IN ENGLISH

Hans Jørgen Engbo: Constructive and Defensive Prison Security. (Konstruktiv og defensiv fængselssikkerhed). Pp. 257 ff.

A *constructive security strategy* is based upon the assumptions that the risk of escape and breach of discipline

- decreases concurrently with the degree to which the prisoner accepts the sentence and the way it is implemented as fair and just, and
- increases concurrently with the degree of damage that the imprisonment inflicts upon the prisoner's personal and social life conditions, and the degree of which the prisoner experiences prison life as unpleasant and meaningless.

Second, the traditional *defensive security strategy* is operated safeguarding the constructive strategy. The defensive strategy is managed primarily by staff monitoring ("dynamic security") and physical/technical prevention ("static security").

The principle of *normalization* sets down as an important duty for the Prison Service to adjust prison life as far as possible to normal living conditions in society. Visits, home leaves, social welfare service, leisure activities, education facilities etc. are in principle not existing for utility purposes, but first of all necessary due to the normalization process. However, all these "normalization-activities" have an important subsidiary effect; they make the stay more bearable for the prisoners and therefore function as a core means in the constructive security strategy, which is considered as to be the primary security strategy.

Espen Schaaning: The Soul of Criminal Law. (Straffrettens sjel). Pp. 266 ff.

The author's focus is the so-called subjective guilt as a guilt condition in penal law. He argues that we know very little about the offender's thoughts, intentions, feelings, will and so on as he committed the crime. Because of this ignorance about the offender's inner life, we should apply the *in dubio pro reo* principle. The offender should thus not be punished. The author suggests that one should instead sentence the offender for having committed the crime and that he should be given the opportunity to "pay back" the mischief in a kind of "settlement", where the regain of respect for both the victim and the offender should be the center of attention.

Peter Garde: A Ouija-board in the Jury. (Spiritisme i nævningetinget). Pp. 280 ff.

A bizarre English jury trial (*R. v. Young*), in which four jurors purportedly communicated with the murder victim during a pause in the deliberations of the jury, and a later case (*R. v. Gregory*, now pending in Strasbourg), in which racial overtones in the jury were alleged, show the possible need for the investigation of irregularities in the jury-room.