

# BOOK REVIEWS

**Andrew Ashworth: *The Criminal Process*. OUP, 1994. hb £45, pb £14.99**

There are few books which give a rounded picture of the criminal justice system. There have been studies of individual aspects (such as the police or the courts), legalistic accounts of the law which give little idea of the way the system actually works, and sociological work which relate the system to, say, race, class or gender, which say little about the law. Andrew Ashworth's *The Criminal Process* breaks this log-jam. He covers topics such as police investigation, prosecution, decision-making, pre-trial remand, mode of trial, and guilty pleas. He integrates traditional legal scholarship with criminological research, drawing on an encyclopedic knowledge of this area.

In his treatment of his chosen topics, Ashworth is concerned with certain general themes, such as accountability, the role of the victim and miscarriages of justice. His most impressive achievement, though, is the development of a framework of ethical principles, derived largely from the European Convention on Human Rights, which he applies throughout. These principles, which include the right to be treated humanely, fairly and without discrimination, form a way of both analysing the system as it is now and a platform on which to base proposals for reform. The book is thus both an objective analysis and an argument for a fairer system, although it does not attempt to cover all the important issues.

Book reviewers generally feel that their job description requires criticism as well as praise, for no book is perfect. There are two critical points which could be made. First, Ashworth sometimes muddies the distinction between discussion of what the system is, and what the system ought to be. Second, some of Ashworth's ethical principles are so vague - 'humane', 'fair' - that I remain unconvinced of their utility. Ashworth claims that his framework is superior to the more commonly used Crime Control/Due Process framework of Packer, but both are flawed and it ought to be possible to employ both. Finally, this book is not really for the beginner who needs a systematic guide to the system, as many important topics

are omitted, such as remedies for police misconduct and the relationship between judge and jury.

Ashworth's last chapter is an overview in which the Runciman Commission is castigated for its complacency and pragmatism and yet, for all that, is favourably compared with recent government policy. Ashworth cites the work of Tom Tyler, who found that people generally value fair procedures as much as fair outcomes. We can hope that, in uncovering some of the shortcomings of our current system and in pointing the way to a better one, Ashworth is striking a chord in common with many others who feel that the criminal justice system is in a hole and that the government is making that hole deeper. Many may think that, like the Runciman Commission, Ashworth is too optimistic about both the prospects and value of incremental changes. Whatever your view, though, it will be enriched after reading this book.

**Andrew Sanders**  
*Centre for Criminological Research,*  
*University of Oxford*

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**Limited Responsibilities by Tamar Pitch. (translated by John Lea) London Routledge (1995) £13.99 pb.**

The criminal justice system, which is the focus of this book, is understood as an arena where conflicts take place, symbolic resources are appropriated and policies are shaped. Both individual and collective, institutional and social actors play a role in this arena through the exercise of their 'responsibility'.

It is indeed the concept of 'responsibility' which is accorded a focal position in this study. It emerges throughout the book and appears in different contexts with a number of connotations. Pitch notes, for example how, in penal law the category of responsibility is applied to those who are deemed recalcitrant and unfit for treatment and rehabilitation. These individuals are regarded as responsible both for their lack of socialisation and for the problems involved in resocialising them. They are labelled dangerous because they ignore the options made available to them by the objective

circumstances in which they live.

A similar framework is applied to mentally ill offenders. In these cases responsibility is transferred to official agencies, legislators, administrators and social workers. Here, the notion of responsibility allows agencies to assess the extent to which institutions accept the clients' participation in the treatment process.

The most original and accomplished sections of the book are concerned with an examination of how the category of responsibility can be understood in the specific context of the penal system. This system, it is argued, has lost its legitimacy as a result of almost complete inability to rehabilitate offenders. But despite its human and financial costs, the symbolic power of the penal system is still invoked, even by actors who are not inspired by conventional punitive principles or the desire for summary revenge, as for example, the demand by the ecology movement for stricter controls on pollution and the criminalisation of polluters. Feminists, in similar ways, have sought the elaboration of a 'gendered law' and some sections of the women's movement, while aware of the dangers of dealing with social problems by criminalising them, nevertheless have supported the criminalisation of sexual violence.

Pitch argues that the demands of such movements express an implicit criticism of deep-rooted concepts in certain areas of social science. Among these is the belief that human behaviour is always the mechanistic result of 'objective conditions'. The emergence of *responsibility* is a reaction to a perceived 'deterministic inebriation' of the past, and seeks to replace it with a subjectivity which makes it possible to recognise new actors and objectives in the political and social arenas. Despite being pursued through the degenerate apparatus of the criminal justice system, the attribution of responsibility is a way of confirming the existence of clearly identified groups and individuals and their needs. What is at stake, one might say, is the 'return of social actors' who are capable of predicting the effects of their own actions.

**Vincenzo Ruggiero**  
*Faculty of Social Science, Middlesex University*

## Psychology, Crime & Law

Editors

**Clive Hollin**, *The University of Birmingham, UK*

**Peter van Koppen**, *Netherlands Institute for the Study of Criminality and Law Enforcement at Leyden, The Netherlands*

**Stephen Penrod**, *University of Nebraska, USA*

*Psychology, Crime and Law* aims to promote the study and application of psychological approaches to crime, criminal and civil law, and the influence of law on behaviour. The content includes the aetiology of criminal behaviour, studies of different offender groups; crime detection, for example interrogation and witness testimony; courtroom studies in areas such as jury behaviour, decision making, divorce and custody, and expert testimony; behaviour of litigants, lawyers, judges, and court officers, both in and outside the courtroom; issues of offender management including prisons, probation, and rehabilitation initiatives and studies of public, including victim, reactions to crime and legal processes. It publishes empirical studies, reviews and brief reports which make a significant contribution to the psychology of law, crime and legal behaviour.

4 Issues per Volume • ISSN: 1068-316X • Current Subscription: Volume 2 (1996)

## Policing and Society An International Journal of Research & Policy

Editors

**Rod Morgan**, *University of Bristol, UK*

**Robert Reiner**, *The London School of Economics, UK*

*Policing & Society* is concerned with the activity of policing and the factors which affect it. A major part of this material will concern the police - social scientific investigations of police policy, legal analyses of police powers and their constitutional status, and management orientated research on aspects of police organisation - but space will also be devoted to the relationship between what the police do and the policing decision and functions of community groups, private sector organizations and other state agencies. The journal will concern itself with the political economy of policing. As such it will be of interest to academics from most of the social science disciplines as well as police and other practitioners involved in social regulation and control.

*Policing & Society* aims to provide a genuinely international forum and will have correspondents in most countries where there is a tradition of research and academic inquiry into all aspects of policing. The journal is committed to rigorous policy debate and the highest standards of scholarship.

4 Issues per Volume • ISSN: 1043-9463 • Current Subscription: Volume 6 (1996)

## Social Changes, Crime and the Police

Edited by

**Louise Shelley**, *The American University, USA* and

**József Vigh**, *Eötvös Loránd University, Hungary*

*Social Changes, Crime and the Police* studies the relationship of social change and crime, the role of the police amidst changing social conditions, and the reaction of society and the state to the criminal problem.

In recent years, many areas of Europe have experienced a period of rapid technological development which has changed economic and cultural structures, creating temporary instability. Within a relatively short period of time traditional values and beliefs have been undermined. National boundaries and geographical differences have been gradually losing their significance and the opening of frontiers has created easier conditions for crime. The nature of crime itself has been transformed by the increasingly close relationships between countries.

The editors and contributors also examine the kinds of new policing concepts which may be formulated and the new practices which may develop during the next few decades. Governments must determine the role of the police and the law in accordance with public demands for powerful policing combined with the individual's rights, thus maintaining the vital balance between personal freedom and social peace.

1995 • 208pp

Cloth ISBN: 3-7186-5684-1 • Price £27 / US\$42 / ECU35

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## **Handbook of Psychology in Legal Contexts**

Edited by **Ray H.C. Bull**, University of Portsmouth, UK and **David Carson**, University of Southampton, UK

While law and psychology are both concerned with analysing, understanding and predicting human behaviour, the relationship between these professional disciplines, particularly in court, is still controversial. This book, written by practitioners and academics from the UK, Europe and worldwide, including North America, highlights and emphasises both the extent to which psychologists are already assisting and informing the legal system, and the potential for collaboration between lawyers and psychologists outside the artificially adversarial glare of courtroom proceedings.

The editors - one a psychologist specialising in legal applications of psychology, the other a lawyer with special interests in developing practical approaches to the prevention of legal problems - have ensured that each chapter is relevant to, and easily readable by, both professions.

Presenting an authoritative commentary on key legal procedures and issues together with practical reviews of psychological concepts, research and practice that bear on these topics, this book will prove a valuable resource for those working in all fields where the law and behavioural sciences interact.

1 94182 4 694pp May 1995 Hardback £59.95

*New in paperback...*

## **The Psychology of Criminal Conduct Theory, Research and Practice**

**Ronald Blackburn**, Ashworth Hospital, Liverpool, UK

This state of the art book reviews the contribution of psychology to the explanation of criminal conduct and the treatment and rehabilitation of offenders. Its primary aim is to describe the theoretical and empirical basis for clinical practice and research, but it also attempts to set psychological approaches in the context of criminology more generally. The first half of the book covers basic concepts in criminal justice and the study of crime, and examines the nature of offending from sociological, psychiatric, and psychological perspectives. The second half focuses on topics of particular concern to clinical practitioners.

1 91295 6 506pp 1993 hbk £60.00

1 96175 2 506pp September 1995 pbk £17.99

## **Clinical Approaches to Working with Young Offenders**

Edited by **Clive R. Hollin** and **Kevin Howells**, both of the University of Birmingham, UK

Looking at clinical approaches used by practitioners working with young offenders, this book focuses on the different types of interventions that have been used, both in institutions and in the community, including behavioural interventions, cognitive-behavioural interventions, parent training, and family therapy. The book examines work with specific groups of offenders, eg. adolescent sex offenders, firesetters, and alcohol and drug related crime, and ends with a review of prevention programmes that have become popular in this field.

1 95348 2 approx 264pp December 1995 hbk approx £35.00

## **Working with Offenders**

### **Psychological Practice in Offender Rehabilitation**

Edited by **Clive R. Hollin**, University of Birmingham, UK

Leading experts in their fields give an introduction to the theory and practice of criminological and legal psychology and discuss ways of assessing and treating the varying types of offender.

The first section addresses theory and forensic matters, while the second section looks at service provision in both community and institutional settings. The final section is concerned with clinical issues relating to different types of offender: the mentally disordered offender, sex offenders, violent offenders, drugs, alcohol and criminal behaviour, and young offenders; each chapter incorporating a brief literature review, a survey of practice methods, and a case study.

1 95776 3 approx 280pp December 1995 hbk approx £35.00

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## **What Works: Reducing Re-Offending Guidelines from Research and Practice**

Edited by **James McGuire**, University of Liverpool, UK

Dealing with the treatment and rehabilitation of offenders in the community and institutions, an area of central interest to all those concerned with the criminal justice system, the editor has brought together an international collection of original chapters by academics and practitioners which re-examine the experience of offender rehabilitation in research studies and practice. The volume offers a critical review of research and practice with the focus on identifying interventions and models of offender treatment that really do work, and are practical, and ways of evaluating treatment and offender services.

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## **Stress and Policing Sources and Strategies**

**Jennifer M. Brown**, Hampshire Constabulary and **Elizabeth A. Campbell**, University of Surrey, UK

Presents an overview of the sources and consequences of stress experienced by police officers and ways to deal with it. Reference is made to traumatic incident stress and its effects as well as the more routinely occurring daily operational duties that may result in an officer's inability to cope with the job. This book provides an account of the established sources and consequences of stress, pinpoints risk factors and offers critical assessment of methods used to respond to the stressed officer.

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## PROBATION LAW FILE

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Speakers include **Richard Tilt** (HM Prison Service), **Stephen Shaw** (Prison Reform Trust), **Alison Liebling** (Cambridge University), **Hazel Kemshall** (Birmingham University). There will also be a full programme of small group discussions, on issues relating to the Victim's Charter and lifers, mentally disordered offenders, drug misuse, the women's prison estate and many other topics.

**Conference fee: £195**

Further details, programme and booking forms from Sue Allingham, Department of Applied Social Studies, University of Keele, Keele, Staffs ST5 5BG.

*Numbers will be strictly limited  
to maintain small groups for discussion.*

## Notes for Contributors

- Each quarterly issue of CJM focuses on a special area of criminological interest. CJM 22 will be entitled **Courting Justice** and will consider the work of the criminal courts. Contributions are welcome and will be considered for publication if sent to Julia Braggins by November 30th 1995.
- Articles (max preferred length: 1000 words) should be jargon free, with minimal use of footnotes and references, and designed to appeal to a broad, reasonably well informed audience. Graphical or photographic illustrations are particularly welcomed. Publication, even of invited articles, cannot be guaranteed and we reserve the right to edit where necessary. Articles and letters can only be accepted on this basis.
- Editorial policy for CJM is determined by the Editorial Board, which in turn is accountable to, and appointed by, the Council of ISTD. The views expressed by contributors are not necessarily, and need not be, the views of ISTD.
- CJM is sent free to all members of ISTD, and additionally to a growing number of independent subscribers, both nationally and internationally. Advertising is welcomed. Please contact Julia Braggins at ISTD.

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# ADVANCE NOTICE

ISTD's Annual international residential conference  
is to be held at the  
University of Keele in Staffordshire  
from 26th-28th June 1996

The theme will be

## TACKLING DRUGS TOGETHER: ONE YEAR ON

The Government White Paper on drugs policy was launched in May 1995. What progress have we made in interdisciplinary strategies for harm reduction and enforcement? Have the Drug Action Teams been allowed to function effectively at a local level? How can senior police officers reconcile conflicting pressures from some of their own colleagues for decriminalisation with their duties before the law?

Speakers confirmed to date include:

**Paul Hayes** (South East London Probation Service)

**Keith Hellowell** (West Yorkshire Police)

**Roger Howard** (SCODA) and **Howard Parker** (Manchester University).

and a spokesperson from the Government's Central Drugs Co-ordinating Unit

There will be a wide range of workshops, from both the UK and abroad.

Further details from Carol Martin, ISTD, King's College London, Strand, London WC2R 2LS. Tel: 0171 873 2822.



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