

**BOOK REVIEWS—cont.**

receive the gratitude of their clients against a background of harsh impersonal discipline. In a situation of permissiveness they are likely to encounter the same difficulties that will beset a prison staff who, having been required to surrender the easier methods of preserving their authority, have to deal individually with the astonishing variety of selfish behaviour, not as the case-worker would have it, in a tidy clinical situation, but continuously throughout the day in situations of conflict. Mr. Howard would like to see better buildings, the provision of more useful work, improvements in the training of staff, and balances his argument for decentralisation by suggesting the addition of more specialists to the central administration. He adds the familiar arguments for an increase in prisoners' earnings, better after-care, more research. And what about treatment and training? Mr. Howard understandably has little to say about this. Criminality has no specific cause, lends itself to no precise definition; its origins lie in human nature, its occurrence depends upon a combination of circumstances. Reasonably it may follow that there is no specific treatment. We can offer to those in our charge a useful social experience in controlled conditions, eliminate the harmful effects of exclusion from the community, reinforce the intentions fostered during a period of imprisonment by improved after-care. We shall all recognise in this the expression of vague hopefulness that characterises work in this field. Members of the Prison Service will be glad to find themselves in general agreement with the author of this

book in yet another expression of generalities.

ALAN BAINTON.

**PIONEERS IN CRIMINOLOGY**  
(Library of Criminology No. 1)

Ed. Herman Mannheim  
Stevens & Sons Ltd. 1960. pp.402.  
45s. 0d.

**RESTITUTION TO VICTIMS  
OF CRIME**  
(Library of Criminology No. 2)

Stephen Schafer  
Stevens & Sons Ltd. 1960. pp.130  
25s. 0d.

MESSRS. STEVENS are to be congratulated in inaugurating the Library of Criminology. The value of such a library is that it permits of systematic development of the subject and enables students to have a link with each other. Certainly that has been so in the case of other studies, and more particularly of law. Only with the regular publication of text-books did we have the exploration and definition of principles. Again, there is a need, among both practitioners and theorists for a standard selection of works which may be expected to cover the main branches of the study.

While we must welcome this new venture, we ought to be aware of the temptation to neglect those works which are not "text-bookish". To look at another field of study, one may well wonder whether outstanding books like Sabine's *History of Political Theory* have become substitutes for reading Plato, Aristotle, Hobbs, Locke and the other seminal political Thinkers. This indeed is the temptation; and we are in danger of becoming readers of books about books—Charles Lamb's *biblia a biblia*. It may be argued that the great text-book is so complete that it leaves the impression in the student that he need not read the source material; on the other hand, surely a strong

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case can be made out for the assertion that the text-book should be no more than a guide and help to the original works. This leads me to suggest that amongst the books to be published in the Library of Criminology there should be a selection of some of the outstanding early works.

It is true that in the earlier works there may be much that is irrelevant to modern interests or may be irrelevant to an historical study of the development of criminology. No doubt there is a problem here of editing. Even so, that should not prove insuperable. One has in mind a series comparable to that of the Blackwell texts in politics and a handy collection of lengthy excerpts like Selby-Bigge's *British Moralists*. Perhaps Messrs. Stevens would keep these suggestions in mind when planning future titles.

Very appropriately the first volume of the new series is entitled *Pioneers in Criminology* a collection of essays under the editorship of Dr. Hermann Mannheim. The book makes an interesting introduction to the history of criminology through the lives and works of some seventeen "pioneers". To some readers it may appear that history through biography is unduly restrictive in that the movement of ideas is apt to suffer distortion. Such a criticism is appreciated by the Editor whose opening essay discusses this very matter. Nevertheless, ideas have developed in and by the lives of men, and to neglect the latter is to give but a partial history. In any event certain ideas have become so much identified with certain "pioneers" that it becomes desirable for the student to know something of the kind of men who gave birth to such ideas. Moreover, there is no good reason why we should not have

at some future time a companion volume dealing primarily with ideas. This is not to say that ideas are not discussed in the book under review; indeed the greater part of each essay is taken up with an exposition (sometimes a criticism) of ideas.

The two most interesting essays to the present reviewer are the introductory essay by Dr. Mannheim and the concluding one by Dr. Clarence Ray Jeffery. These are both historical and are specially valuable for their discussion as to the delimitation of the term "criminology". On the one hand, all students would agree that criminology is concerned at the least with the causes and conditions of breaches of the criminal law; on the other some students would take the view that such a definition is unduly restrictive and that, as there is no essential distinction between criminal and other anti-social behaviour, the term criminology should be extended to cover deviant behaviour. How then do we determine the type and scope of such deviant behaviour? Must we limit it to behaviour which the law condemns? If so, the norm is already in principle ideal rather than positive and statistical. Clearly we might have a situation in which, statistically speaking, normal behaviour is a breach of the law and, perhaps also, of other ideal norms. Again, is the criminologist to be concerned only with overt behaviour rather than with conduct implying guilt?

These questions raise doubts as to whether criminology can be wholly positivistic. At the same time they do not imply that there is no place for scientific investigation into the conditions and causes of crime or into the effects of punishment. It may be said that

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criminal policy and criminology should not be confused but ought to be sharply distinguished. This is acceptable subject to the proviso that such distinction should not be a gulf. It is important that those who make policy should know the facts and that those who investigate the facts should appreciate policy. Indeed the two disciplines control each other; for the facts to be investigated may first be adumbrated only from a consideration of policy—not every conceivable fact is to be investigated but only relevant facts.

These, among others, are some of the questions raised or suggested by the two essays aforementioned. Clearly such questions are important, for on their solution will depend the scope of criminology and its relation to general sociology on the one hand and to law on the other. The remaining seventeen essays are concerned with the lives and work of some of the leading pioneers, treated in historical order. Some of the names are universally known, but others are unlikely to be known to English readers. This suggests that we need good translations of some at least of the lesser known, but not necessarily less interesting, writers. For example, the Spaniard, Montero, appears to have been an extremely acute thinker whose opinions would strike most of us as novel, particularly his contention that the function, or at least a function, of the criminal law is the protection of the criminal.

This book can be highly recommended to students who have already given some thought to problems of crime.

The second book in the series, *Restitution to Victims of Crime*

by Dr. Stephen Schafer, is topical. There has been growing uneasiness in England that our concern for the welfare of the criminal has led to an undue neglect of the victim. Restitution for the victim sounds extremely attractive. Nevertheless reflection shows that the notion is not a simple one. A merit of Dr. Schafer's book is that it discusses the meaning of restitution and exposes what has been done in other countries. Before we in England embark on legislation it would be well that we should consult the experience elsewhere.

Restitution in serious crimes would often be beyond the power of the offender to make. Therefore, it would seem that restitution must be provided from some social insurance fund. We need information as to the probable finance of such a scheme and as to what contribution the offender should make. Clearly, there is the danger that restitution from social insurance sources would make probable offenders less careful. If some liability could be placed on the offender this might work both deterrently and reformatively.

Some students think of restitution as primarily penal, as a means of bringing home to the offender his responsibilities. This may conflict with the interest which the victim has to be compensated. Compensation is essentially a civil law notion, it is redress to the victim of a civil wrong secured as a result of a civil action. It is, however, largely historical accident whether a wrong is merely civil or criminal; different legal systems classify legal wrongs differently. If compensation or restitution by public agency is confined to breaches of the criminal law, may there not arise a demand to extend the ambit of the criminal

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law to include offences which at present are only civil? It may be replied that such a danger can be avoided by confining restitution to specified types of crime, e.g. crimes of violence. Such a solution would surely prove unsatisfactory, at least from the victim's point of view. He has suffered harm or loss through no fault of his own, why then should he not be compensated? His loss is the matter of substance; the precise classification of the wrong done him is formal.

This discussion which is raised by Dr. Schafer may lead to a reconsideration of the distinction between civil and criminal wrongs. This could result in all legal wrongs becoming technically crimes. In any event we are left with the question: what is the criterion of the distinction? Maybe the reviewer is being too academic. It may well be that the criterion is one of social expediency and, therefore, never final but alterable in the light of changing circumstances.

Whatever the solution adopted students and legislators are indebted to Dr. Schafer for a careful exposition of the present practice in a large number of countries and for a stimulating concluding chapter on the punitive concept of restitution.

ALEX KELLY.

## THEORETICAL STUDIES IN SOCIAL ORGANISATION OF THE PRISON

Edited by George H. Grosser

Social Science Research Council, New York.  
Pamphlet No. 15. 1960. pp.146. \$1.50

THIS BOOK summarises a series of discussions of a group of seven meeting under the sponsorship of

the Social Science Research Council in 1956-1957. The persons concerned are all social scientists actively concerned with sociological and psychological research in prisons with special reference to group processes.

The common approach underlying their discussions is the idea that prisons are social organisations (admittedly of a special type, but this is true of all social organisations). As such, prisons, meaning the inmate and custodial groups, should conform to sociological law in a manner basically similar to other social institutions and groups studied by anthropologists, psychologists and sociologists. The attempt was therefore made in the course of these discussions to use the concepts of modern social science to generate hypotheses about prison groups. No attempt is made in this report to verify the truth of the hypotheses: the references to actual research are rather perfunctory and do not enable us to discriminate between various possible hypotheses. This is not written as a criticism of the authors whose main interest lies in deriving a theoretical model which will render various phenomena of prison life explicable and which will show the relationship between prison society and other social groups.

The resulting theoretical model is tremendously exciting and suggestive as it provides a systematisation of the notions of several generations of prison reformers in terms of an abstract and detached theory of the functioning of social groups and of the psychology of the individual in conditions of incarceration. It is rather unfortunate therefore that the treatment is so summary and couched in a