

# 'Crime and Punishment in Britain'

*reviewed by*

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THIS IS A BOOK\* which, in more senses than one, should be read from cover to cover. Far too often the preface to a book is left unread and the cover ignored, save for identification. In this case, both are worthy of attention. Indeed the first reaction to the book is stimulated by the startling dust cover. Perhaps a too fertile imagination would see on it the Union Jack, symbolizing the traditional emotional approach to crime and punishment, being challenged by the strict utilitarianism of the computer. Perhaps an even more fertile imagination would see the criss-cross of lines on the book-cover itself representing the confusion derived from miscommunication in the field of criminal justice. Such notions may be highly speculative, but they do reinforce the avowed objectives of the book, which are outlined in the preface

and which, at this particular phase of penal development, make the book doubly welcome. Dr. Walker, Reader in Criminology at Oxford, suggests that one of the main reasons for the relatively slow development of penal institutions is that "they are a constant battlefield between emotional prejudices; and battlefields are unproductive places." One of the main purposes of the book therefore is to examine the aims of the penal system and the means adopted to achieve them in a thoroughly objective and rational manner—" . . . when we are concerned, as I am, with the efficiency of the system as a means to these ends (retributive, deterrent, prophylactic, or remedial emotions such as sympathy or horror, praise or blame, pity or vindictiveness, are irrelevant or even confusing." Herein lies the strength of the book and at the same time its limitation. Concerned to distinguish the criminologist from the penal reformer, and to place criminology on a strictly scientific and utilitarian base, Dr. Walker has presented a valuable and challenging corrective

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"The Penal System in Theory,  
Law and Practice"

N. WALKER

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1965, 70s.0d. pp XIII, 367

to preconceived, erroneous and often highly emotional ideas about the criminal law, the criminal and the penal system. But, at the same time, he has tended to pay scant regard to studies which aim at sensitizing the reader to the nature of delinquent communities, penal or otherwise, presumably because either they do not directly contribute to the means-ends base, or do not meet all the canons of scientific investigation. It is interesting that the format of the book is in conformity with the puritanical approach. Many, including the reviewer, will find the extensive use of headings and sub-headings and the numbering of points helpful in the marshalling of facts and ideas, but for others it may well be either disconcerting or positively uninspiring.

Dr. Walker clearly states the objectives of the book, which in turn constitute its plan, as, "a study of our present ways of defining, accounting for and disposing of offenders regarded simply as a system of operation." Consequently, for those who seriously wish to examine, for example, the unique experiences of "A" who ended up in prison as compared with "B" who did not, this three-fold approach is invaluable. The process of "defining the offender" occupies the first of the book's five parts, a relatively short but highly important section. It is important in that, firstly, it examines the changing boundaries of Criminal Law,

which determine that "A" must commit not any wrong but one defined as criminal. Secondly, it appraises the probability of "A" being caught and prosecuted and the extent to which these are determined by the nature and even the name of the offence itself. "Accounting for the offender" occupies Part II and moves the emphasis from the procedure and categorical risks associated with "A's" conviction, to the causes of his delinquent behaviour. This section, entitled "Explaining and Predicting Crime," outlines the leading theories of criminal behaviour, studies the extent to which they are complementary or conflicting and looks at the relatively recent swing away from the concept of causation to the more realistic one of prediction. Parts III and IV are in a very real sense the core of the book, providing a factual account of the various means the Courts possess for "the disposal of offenders" and a critical analysis of the aims and efficacy of the sentencing process. Part V reflects the contemporary trend towards the study of more homogeneous groups of offenders and the three-fold approach is reproduced in respect of each of the following categories—the mentally abnormal, women offenders and recidivists. Finally there is an epilogue and a bibliography, the latter always a valuable part of a text book and in this case additionally useful in that it provides thumbnail sketches of the

scope of most of the delinquency studies carried out in Britain.

Because there is this logical development in the presentation of the book, this is one of the few text books that one feels can be read through from cover to cover rather than "dipped into." Indeed *Crime and Punishment in Britain* is most strongly recommended for those people who have already made some study of the subject and want an overall picture in which either to examine certain aspects of the penal system in perspective, or to begin the process of synthesising material. For the latter who wish to make the focal point their own work within the prison or borstal, this book provides a model rather than a possible answer, for its focus is the disposal of the offender. The worker in the field who is beginning the study of criminology, however, will almost certainly find this a heavy book which can most profitably be studied in small sections.

Part I, for example, provides a very useful introduction, in its examination of "Trends and Patterns in Crime," to testing the validity of our picture of particular criminals. The law, for instance, places a special label on the murderer and this may easily encourage us to believe that he is radically different from others, but to what extent is this true? Walker suggests, "the typical sane murderer probably differs from other sane

men who commit bodily violence only in one accidental respect—the fact that the victim dies." In another context, do we tend to approach the general problem of homosexuality from the nature of the convicted homosexual? Walker questions whether they are really representative. Likewise with drunks, "not only do drunks in magistrates courts include only a minority who are likely to be addicts, but even these are not typical addicts". This latter observation has even more fundamental undertones, for it raises in an indirect way the implications of the relatively small overlap of the criminal, the alcoholic and the mentally ill. Yet, as Walker develops in later sections, there is mounting pressure to increase the overlap in terms of "Social Defence", in terms of those who are likely to offend or/and need help. What are the main aims of the Criminal Law and the criteria determining its boundaries?

Part II, in dealing with the explanation of crime, tries to pour a gallon into a pint pot. Consequently it excludes, or deals summarily with, a number of valuable contributions, such as Professor Reckless's development of the self-concept theory, which can have special significance for the goals of correctional institutions. But this section is invaluable in so many ways. It at least begins to examine the complementary contributions of such basically different schools as the

psychoanalytic and the learning theories. It provides necessary warnings for those approaching the study of criminological theory—"the intellectual attractions of a theory must not be confused with the evidence for it". Particularly pertinent, for those who are engaged in treating the offender are the questions Walker raises about the functions of explaining delinquency. "Penologists," he writes, "are sometimes in danger of assuming that the remedy of social evil must consist of attacking the cause." It should not be assumed that "causal" techniques of treatment are more important than "compensatory"; the crucial test is presumably which can most effectively achieve the goal in reality.

Parts III and IV, meanwhile, are important in providing a very comprehensive, factual, if somewhat overformal picture of the measures taken for adult and young offenders, and a critical appraisal of the sentencing process. Perhaps, however, of greatest significance here for prison and borstal personnel are the principles which are raised in this examination and which are equally pertinent in examining the ends and means of any institution. Firstly, is the recognition that

basic principles do conflict and are, in practice, never absolutes. This is illustrated in the practical and ever changing compromise between the retributive principle of no interference without an offence, and the Social Defence principle of prevention being better than cure. Secondly, there is the acceptance that confusion about aims may arise from an unconscious and/or irrational attachment to the past. Walker observes that the A.C.T.O. report on *The Purposes and Value of Work in Prison* contains traces of most of the reasons which have been offered in the last 400 years for making prisoners work. Thirdly, is the need to examine painstakingly the "operative considerations" affecting decisions which in his case was the choice of sentence, and to try to formulate means of ensuring a rational alignment of priorities. Finally there is the paramount importance of defining goals and of specifying the criteria for measuring effectiveness. But here the note of realism is paramount—"research into the effectiveness of penal measures has hardly passed the stage at which it is concerned with demonstrating the possibilities and limitations of scientific methods in this field".

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