

Readers Write . . .

THE EDITOR,
Prison Service Journal.

I have read the review of Stephen Schafer's "The Political Criminal" written by William Van Straubenzee in the last issue of the PRISON SERVICE JOURNAL with much interest. I must confess that as an "everyday practitioner" I too found it somewhat peculiar that the Northern Ireland experience should not have been mentioned in the book (although Mr. Van Straubenzee's explanation for this anomaly seems adequate enough).

I do hope that Schafer's closely argued "essay" has not led such a responsible former member of Her Majesty's Government to lean too heavily upon one aspect of that argument or his apparent interpretation of it.

In reference to Schafer's argument, Mr. Van Straubenzee tells us that "We are reminded that the less possible the participation of ordinary men and social groups in the decision making processes, the easier it is to claim that all crimes are of a political nature." His sentence following—"Do I not hear something of the cry of the Catholic minority in Northern Ireland in times gone by so very much kept out of the decision making process?" seems to imply that Van Straubenzee believes that the Northern Ireland minority's support for "political" action by such groups as the IRA was as a result of their debarment by the majority social group from the decision making process. If I have interpreted Van Straubenzee's innuendo correctly I must say that while there is truth in what he implies, it is not the essence of the truth.

Firstly, such an argument could not be sustained by reference to the "other side" of the great political divide in Northern Ireland. It is presumably the case that the majority had the opportunity to participate in the decision making process—even if he believes minority had not). Yet we have in our prisons in Northern Ireland many persons from that community sentenced as political prisoners.

Secondly, the real truth of the matter is that in Northern Ireland there exists no political consensus within which minorities and majorities can peacefully

co-exist. It is therefore misleading to explain the emergence of "political" criminality by minorities by reference to the operation of the political process (although the continuous exercise of power by strict adherence to majoritarian democratic principles has led to minority alienation in Northern Ireland). It would be more correct to say that the emergence of "the political criminal" in the Northern Ireland community was as a result of the misuse of legitimate powers by majorities allied to the fact that the minority gave no real support to the institutions of the government throughout the 50 years of their existence. Our gaze must therefore be directed not so much towards the abuse of power by majorities as towards the support given majorities by minorities in their actual right to hold power and exercise it on behalf of minorities.

This is the only explanation which adequately accommodates the emergence of majoritarian community political offenders in Northern Ireland. In their case, justification for their actions is found in giving support to the institutions of government by opposing those who give these institutions no support. Thus their cry "Our only crime is loyalty."

I shared Mr. Van Straubenzee's relief that Schafer ended his book by a description of the pseudo-convictional criminal. I was glad, too, that he stressed its importance for the practitioner as well as the academic. Perhaps the time has come for a more thorough going analysis of the presence of the pseudo-convictional criminal within the criminological subculture. His haunting spectre in Northern Ireland has brought into disrepute the whole exercise of the rule of law alienating the law abiding from support for such law and striking fear into the hearts of the most resolute of senior government ministers in dealing with him. As a type he is articulate but is soon supported by the most inarticulate. As an opponent he cannot be reasoned with. Finally, like the poor he is always with us.

Unless western democracies learn to channel his eloquence, understand his reasoning and recognise his existence by making room for him within the democratic order, he will poison the strongest political institutions and alienate majorities who must suffer the luxury of his appeals to heaven.

The Northern Ireland experience of the pseudo-convictional criminal has proved the Hobbesian belief that life without strong sovereign power exercised on behalf of all citizens would become "miserable poor, nasty, brutish and short".

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THERE is a constant demand for articles dealing with all aspects of the Prison Service and this demand can only be met by those with the experience and knowledge gained from service in this field.

Comment upon previous articles is constructive and has also helped to illuminate problems in which theory could previously only grope. These articles have shown the way, but more are required on all subjects.

THE PRISON SERVICE JOURNAL

which is published quarterly, is the medium for both comment and articles. Send them to—

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