Book Review. Radzinowicz, L. and Turner, J. W. Cecil (Eds.), Penal Reform in England

Jerome Hall
Indiana University School of Law

Follow this and additional works at: https://www.repository.law.indiana.edu/facpub

Part of the Comparative and Foreign Law Commons, and the Law Enforcement and Corrections Commons

Recommended Citation
Hall, Jerome, "Book Review. Radzinowicz, L. and Turner, J. W. Cecil (Eds.), Penal Reform in England" (1941). Articles by Maurer Faculty. 1387.
https://www.repository.law.indiana.edu/facpub/1387

This Book Review is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.

[We publish two reviews of this volume; the first by Professor Hall of the Indiana University Law School, the second by Dr. William Healy, Director of the Judge Baker Foundation, Boston, Mass. —Ed.]

This is the first volume of a series of publications on Criminal Science planned by a committee appointed by the Law Faculty of Cambridge University. The function of the Committee (which includes P. H. Winfield and R. M. Jackson in addition to the editors of this volume) is:

1. The prosecution of research.
2. The promotion of a series of publications.
3. The organization of lectures in Cambridge by recognized authorities on various branches of Criminal Science.
4. The analysis of the development of research and teaching in Criminal Science in England and in other countries.
5. The submission through the appropriate channels of memoranda on existing and proposed penal legislation.
6. The transmission to correspondents in other countries of information concerning the achievements and progress of penal reform and of the administration of justice in England.
7. The special application to developments in the British Commonwealth of Nations of such of the above mentioned activities as are appropriate.

With much misgiving one contrasts this splendid program initiated by one of the oldest universities in the world with the short-sighted neglect of criminal law and related fields by some of our largest schools.

This volume consists of nine short essays by experts in various branches of Criminal Science. The essays are general in nature and provide summaries of recent developments in crime rates, legislation, administration, juvenile courts, treatment of delinquents, probation, the Borstal System, and the prison system. The writers make critical appraisals of the existing laws and their administration which are of particular value because they are the plain discoveries of actual experience. Many of these criticisms could be read with much benefit by American students.

Some of the more interesting items are:

"The really striking feature is the increase of criminality among juveniles, especially among those under sixteen, and especially over the past decade. Accompanying this growth of crime, and especially juveniles’ crimes, there has been a general tendency to substitute reformatory for deterrent methods of treatment." (p. 24); that the English got their probation system from us following a study of probation in Massachusetts by William Tallack, Secretary of the Howard Association (31,114); various police abuses (83); the many serious limitations on fair trial—especially of poor persons (75ff); imposition of fines on juvenile delinquents (96,104). "Obviously there are many instances where a fine is the right treatment" (106). The courts do not specify three were relations of judges. Of four Chancery masters, two were sons of dead judges and one was a nephew of the Lord Chancellor at the time of his appointment." (234) "Accident cases are the chief hunting ground of such solicitors, who are often referred to as ‘ambulance chases’, although the real prey is insurance companies." (258) "We do not pretend that rich and poor are equal in the food they eat or the houses they live in, but it is solemnly asserted that they are equal before the law, which is more or less correct in theory but utter humbug for the things that matter." (260)"The annual general meetings of the Bar have occasionally discussed some point, but a perusal of the proceedings each year shows that the Bar has little interest in anything but fees and etiquette." (311)
the period of detention of juveniles. "The maximum period is regulated by statute" (98); the supervised Hostels (119) which in some ways seem more feasible than foster homes; the differentiation of Borstal establishments (137) and penitentiaries to suit various types of offenders. "Goods made in prison may not be sold to the public" (162); the plan of unofficial prison visitors, citizens who receive no compensation for their interest in and activities on behalf of prisoners (163); so, too, of the unofficial prison teachers (164); and lastly, the splendid experiment at Wakefield where picked adult prisoners, serving long terms, are housed in cabins on 300 acres of farm land, without any measures being taken to prevent their escape. For the three years reported on, "not a single man has absconded" (167).

The general impression is that the English have advanced far in sensible individualization of treatment without sacrificing legal safeguards, that their methods are practical and humane. I know of no better general introduction to contemporary English criminal administration, especially of penal institutions, than is provided by this very interesting little book.

JEROME HALL.
Indiana University Law School.

This admirable collection of papers on criminal justice and penal methods by some ten experts elucidates the development of English legislation and practice. The main title is somewhat misleading since the criminal law itself, the administration of the courts, the probation system, all quite apart from penological matters, come in for much discussion. The book is a valuable compendium—a multum in parvo. The various chapters deal with the trends shown by criminal statistics, with adult and juvenile court procedures, the probation and prison systems—all in historical perspective.

A vivid sketch of the famous Borstal System is sympathetic but, curiously enough, not up-to-date in its treatment of recent developments and late statistics. In another article we learn about the recent steps to ensure the training of probation officers and the establishment of hostels and "Howard Houses" for probationers. A picture is given of the juvenile courts, often with three lay justices—usually one of them a woman—sitting en banc. The evolution of the criminal law itself is dealt with succinctly.

To illustrate the interesting appraisals found in this little volume one may cite the following: "The grand jury has gone, largely unwept." The petty jury remains but, "The number of persons tried by magistrates has steadily risen." Probation by some magistrates "has been regarded as a sort of cheap, universal panacea, with a consequent over-loading of probation officers with unsuitable cases." "With all allowances made, however, the conclusion is inescapable that there has been a serious increase in juvenile crime." It is suggested that among the factors tending to increase the figures for crime are "smaller families leading to the spoiling of children," "the decay of the apprenticeship system," "a general lack of discipline," and "the shortcomings of the educational and industrial system in regard to the adolescent and unemployment."

Very noteworthy is it that this series of essays was produced during the stressful times of the latter part of 1940—another tribute to the morale of the British people as they look forward to social achievement after the war clouds have passed.

WILLIAM HEALY.
Boston, Mass.