

Book Reviews

1. CRIME AND PUNISHMENT

A History of English Criminal Law and its Administration from 1750. Vol. 4. Grappling for Control. By LEON RADZINOWICZ. London: Stevens and Sons. 1968. Pp. 922. Price £5 10s.

Like its predecessors, this fourth volume of Professor Radzinowicz's *History* is both scholarly and eminently readable. It opens with a chapter on "Corrupting Benevolence" describing the ineffectual efforts of the authorities to cope with the problems of vagrancy and mendicity after the Napoleonic wars at a time when the association of poverty and criminality was taken for granted. Numerous voluntary societies up and down the country tried to tackle the task of distinguishing between the "deserving" and the "undeserving" poor, while the "haphazard conscription" of the press gangs sought to enrol the "social parasites" (of the lower classes) in His Majesty's Forces.

These measures, however, did not succeed in preventing a series of riots extending at frequent intervals from the Luddite disturbances of 1811 to the Chartist demonstrations of the 1830s and 1840s which, in the absence of any effective police force, had to be put down by the military, often with tragic results, as notably in the Peterloo massacre of 1819. Not until 1829, after nearly a century of recurring demands for reform of the hopelessly inadequate machinery for the maintenance of law and order, did Peel put into effect his revolutionary proposal for a unified and professional Metropolitan Police Force directly responsible to the Home Secretary. Under this scheme a new "police office" was opened in Westminster and two justices (to be known, as to this day, as "Commissioners") were entrusted with the task of organizing, manning and disciplining the new service. This they set about with admirable expedition, so that within a few days of their appointment they had enrolled a force of 8

superintendents, 20 inspectors, 88 sergeants and nearly 900 constables.

This development, however, proved to be only the opening of a long struggle the story of which forms the first of Professor Radzinowicz's two main themes. In spite of repeated riots (which, incidentally, make the present occasional battles of Grosvenor Square look like mere skirmishes) there were numerous complaints about the expense of the new system and about its possible threat to liberty. *Blackwood's Magazine* even went so far as to stigmatize the Force as "general spies" and "finished tools of corruption"; while prejudice against the idea of a detective branch was so virulent that twenty-five years later the total detective force numbered only 16.

Nevertheless within five years the Metropolitan Police had become an accepted institution, largely because it was a matter of principle from the outset that the police were to be in no sense above the law and that complaints against them would be taken seriously; also, successive governments had the foresight from the beginning to refuse to allow policemen to carry arms. Before long magistrates in the provinces were appealing to the Metropolitan Police for help in quelling riots.

This did not, however, mean that the rest of the country was eager to copy the example of London. Far from it. As late as 1842 there were no fewer than seven different types of police force, ranging from the Metropolitan Police to unpaid part-time parish constables. Nearly thirty years were to elapse (occupying nearly 150 pages of Professor Radzinowicz's book) between the birth of the Metropolitan Force and the establishment throughout the country of anything that could be called a uniform system of county and borough police, grant-aided by the Exchequer and subject to central inspection.

Professor Radzinowicz's second theme, with which he deals much more briefly, is the reduction, mainly in the third quarter of the nineteenth

century, of the list of offences for which capital punishment could be inflicted. By 1833, horse and cattle stealing, housebreaking, larceny from a dwelling (if no one was put in fear) and many forms of forgery had all become non-capital; while shortly afterwards the death penalty for anyone who returned from transportation before the expiry of his sentence was abolished. (Incidentally this penalty had not been enforced for over 50 years.) Yet it could still be said that the "capital laws of England were more severe than those of any other civilized nation".

In 1833, however, Criminal Law Commissioners, who had been appointed (like their successors of today!) to "inquire into the practicability of forming a code or digest of the Criminal Law which should teach all men . . . what the criminal law of the country really was", turned their attention to the question of what offences ought still to carry the death penalty. The result was that in four months of 1837 seven Bills directly concerned with the reduction of capital punishment passed through all stages of Parliament. Moreover, advocates of the total abolition of capital punishment (among them Jeremy Bentham) were beginning to make themselves heard; and in 1837 the *Edinburgh Review* looked forward to the time when capital punishment would be "reserved for the crime at which all men's feelings must revolt, the destruction of life", and would perhaps be abolished even for that. In fact, by 1861 the death penalty for some two hundred offences had been done away with, and for practical purposes it was retained only for treason and murder.

Obviously, this is not a book of primary concern to psychiatrists. The nearest that Professor Radzinowicz ever gets to any psychiatric reference is when he remarks that in the latter part of the nineteenth century "lawyers had much to distract them from consideration of the formal reduction of capital punishment. . . . In the specialized field of criminal law there were emerging fundamental issues which had a fresher impact than the old controversies about the penalty of death. The case of McNaughton had kindled the absorbing debate on the connection between responsibility under the criminal law and mental abnormality." Nevertheless this volume

does not lack the psychological interest inherent in any history of human behaviour. In particular, it contains vivid illustrations of the persistence of public attitudes even through periods of profound institutional change. The City of London, for instance, has clung tenaciously through century after century to its anachronistic privileges. In 1829 it stood out successfully against participation in the Metropolitan Police, and it has maintained its right to its own police force even down to the present day. Again, sensible proposals for the unification of police forces have been constantly obstructed by local jealousies. Indeed the narrowly parochial outlook of local authorities, which is such a prominent feature of Professor Radzinowicz's narrative, was commented upon, with some asperity, in the 1960 *Report of the Royal Commission on Local Government in Greater London*. Even the dispensers of charity used language that has a familiar ring. An article on beggars in the 1824 edition of the *Encyclopædia Britannica* quoted, as the essential principles of reform adopted by the Edinburgh Society, "the Visitation principle, based on investigation and personal inquiry; the Registration principle throughout the various wards; the Reformatory, or Employment, principle under which vagrants and mendicants, appropriately supervised, were subjected to hard and useful work; and the Education principle, which guided the Society in its efforts to cut off the vagrants' children from their vicious mode of life." It would not be difficult to find parallels from the records of the Charity Organization Society in the early years of this century.

Finally I must repeat in relation to this book one criticism which I have made elsewhere of others that emanate from the Cambridge Institute of Criminology, namely, failure to mention in the admirably comprehensive bibliography the publishers of the works listed. This is annoying because it means that, in the case of English language publications, it is not apparent which are British and which American; and because information as to publisher is essential for anyone wishing to purchase foreign books.

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