

Commentary

It may be supposed that our grandparents lived with much the same pattern of recurrent crises at home and abroad: it is only that they have been speeded up and charged with greater explosive potentialities. But while the Notes pass from capital to capital, the same work goes on at home of preserving the common good. At this moment it appears that the custom of the supermarkets may diminish, but we have other less tangible goods—a stable society and a respect for law and order—which we have inherited, must maintain and develop. But the rapidity of change in social and economic life may to some extent be reflected in the increase of crime revealed by the recently published 'Criminal Statistics'; almost three-quarters of a million indictable offences are recorded for 1960 as against less than half a million for 1955. This has naturally led to a widespread public alarm, but, as Professor Radzinowicz is reported as saying in his address to the British Academy of Forensic Science, on his retirement from the presidency this summer, it is necessary to be wary of those who indulge 'in colourful descriptions of a state of lawlessness which bear no resemblance to the actual incidence and distribution of offences'. Even so the continuing increase of lawlessness is a challenge which we must meet and overcome. Our response will depend either upon principles which we have adopted on rational reflection or on reactions which, perhaps unfortunately, have been unconsciously determined by our emotional make-up and social background.

This variety of attitudes is displayed in almost every field in which changes in the law are under discussion. In regard to young offenders, for example, the conflict is most clearly evident in the controversy over corporal punishment. But a more constructive line of thought is to be found in many parts of the report of the Ingleby Committee, particularly on the question of the minimum age for criminal responsibility. This is discussed in an article on 'The Morality of Punishment' in this issue of *Blackfriars*. The tendency to rely on welfare provisions and to treat young delinquents less as offenders than as 'being in need of protection or discipline' is paralleled in the provisions relating to adolescent offenders in the 'Criminal Justice Bill' which has been discussed in Parliament during the present session. The emphasis here is to abolish short sentences of imprisonment and to extend further the system of

detention centres and compulsory aftercare, the delinquent passing, it may be hoped, from a discipline imposed within an atmosphere of reformation to a discipline self-imposed and assisted by the guidance of the aftercare officer.

The effect of this tendency of legislation to allow for more individualization in the treatment of offenders throws a heavier burden on the courts and makes it imperative that they should have sufficient information for a sound policy in sentencing. The Streatfeild Committee, though dealing primarily with adults at the level of the Higher Courts, has made a critical study of the present machinery and makes radical suggestions for, in their own phrase, 'providing the courts with the information necessary to enable them to select the most appropriate treatment for offenders'.

But though the conscience of our society has been roused and expressed in legislation for the treatment of offenders, the position is less satisfactory in regard to those against whom the offence is committed. Certainly, under the stimulus of personalities such as the late Margery Fry, the question has been raised and discussed, particularly in the report of the Home Office working party 'on compensation for victims of crimes of violence'. But the complexity of the issues raised by the report has yet to be fully explored. A number of victims are of course entirely innocent, but there are many crimes of violence resulting from a combination of circumstances in which the victim is not entirely free from culpability. Again, when issues of compensation are raised, there is the difficulty of drawing a line between the victims of violence and the victims of fraud or even offences against property. In such cases, imprudence may be a contributory cause. It is evident that the State, while developing an equitable system of compensation, must also avoid legislation which will further undermine the sense of responsibility in the individual.

Whatever our attitude to crime, the offender and the victim, no lasting improvement has been achieved by laws which diminish the individual's responsibility to himself and to society. Citizens, like children, can be spoilt.