

From England

UP TO A POINT

by John Croft

Introduction

The two speeches — one by Winston Churchill, the other by Charles Clarke both printed in this Issue — are separated by nearly a century. What follows is a commentary on these statements of policy in the context of history and of changing attitudes and circumstances, coupled with an attempt to analyse what formulates, or what might formulate, penal policy at the beginning of the twenty-first century. Inevitably my comments are personal, based on more than half a century of thinking and writing as a criminologist, including some thirty years of professional involvement in the Home Office, first in the erstwhile Children's Department and secondly in the Research and Planning Unit.

Whether I am in agreement with the policies enunciated by Churchill and Clarke is, of course, a matter of opinion, of assent or dissent as the case may be, but I take my cue, and the title of this essay, from a passage in Evelyn Waugh's novel *Scoop*, subtitled *A novel about journalists*, first published in 1938. The dialogue is between the foreign editor and the proprietor of a newspaper: 'Mr. Salter's side of the conversation was limited to expressions of assent. When Lord Copper was right, he said "Definitely, Lord Copper"; when he was wrong, "Up to a point". "Let me see, what's the name of the place I mean? Capital of Japan? Yokohama, isn't it?" "Up to a point, Lord Copper". "And Hong Kong belongs to us, doesn't it?" "Definitely, Lord Copper".'

The Office of Home Secretary — Then and Now

The Home Office is one of the most ancient Departments of State, its modern form originating in 1782. In 1910 the responsibilities of the Home Secretary were diverse, comprising *inter alia* the maintenance of law and order; the police; prison and borstals; probation; magistrates' courts; the prerogative of mercy (the exercise of which caused Churchill much concern); fire service; child care and juveniles; immigration and aliens; liquor; shops; and mines and explosions. Even this list is not complete and indeed mines preoccupied

Churchill during the relative short tenure of the Office as much as the maintenance of law and order, consequent on riots in the Rhondda Valley, a coal mining area in South Wales. Even when I joined the Department in 1952, the range of subjects was very wide; if it was responsible no longer for mines, the affairs of Northern Ireland were already beginning to encroach on the attention of senior civil servants and ministers. And there were other subjects such as royal matters (since the Home Office held a key position in constitutional affairs) together with a ragbag of subjects, for example obscene publications, theatrical employers registration and cruelty to animals, which had not been hived off to other ministries.

Today, with the transfer of responsibility for child care to the then Department of Health and Social Security in 1970, together with major changes in the pattern of government such as the establishment of the Northern Ireland Office and, more recently, the Department of Constitutional Affairs, the Home Office is bereft of much of its former remit. As Roy Jenkins, writing in 2001, pointed out ministries like Agriculture, Environment and Employment 'have left big holes in the coverage of the Home Office'. It is now concerned only with the maintenance of law and order, which includes of course internal security; the agencies of the criminal justice system — police, national offender management service covering prisons and probation (but not the courts or the Crown prosecution service); and immigration and nationality. Thus it no longer shares the mantle of a ministry of justice with the Lord Chancellor and the Law Officers but resembles more a ministry of the interior such as would be encountered in other European countries. The Home Secretary is accordingly less encumbered by what Jenkins labelled 'semi-archaic responsibilities' and, in principle, should be free to concentrate more closely on crime and the penal system. Whether this relative freedom from extraneous duties is in any way reflected in Charles Clarke's speech in 2005 to the Prison Reform Trust the reader may judge for himself.

Historical background

Both Churchill's and Clarke's speeches are humanitarian in tone. To understand how this came about one needs to take account of the historical perspective which still permeates contemporary penology. So I offer no excuse for this digression into the political and intellectual provenance of the values which inform both speeches but which, I may add, would still be alien to many countries of the world to-day.

The political history of the western world is very much bound up with religious history. Europe (and indeed England) has been subject over the centuries to invasive migration — for example Viking and Magyar. Early in the eighth century AD Muslim Arabs crossed from North Africa into Spain; thence over the Pyrenees, and were only halted in 732 at Poitiers in France. It took another seven hundred years before any vestige of Muslim rule in the Spanish peninsular was terminated by Christian forces. Whereas Islam had been relatively tolerant of religious minorities, the same could not be said of either the Western or Eastern Church in medieval times or during the religious wars that later convulsed Europe until the Treaty of Westphalia ended the Thirty Years War in 1648 and confirmed the foundation of the nation-state. The Crusades undertaken between the end of the eleventh and that of the thirteenth centuries, although ostensibly religious in intention, to recover the Holy Lands from the Muslims, also had an important economic element, namely to gain control of the trade routes of the Mediterranean particularly at the eastern end. Following the fall of Byzantium in 1453, which brought to an end the Eastern Empire of Orthodox Christianity, the Ottoman Turks conquered most of the Balkans reaching the gates of Vienna in 1683. It was only with the battle of Lepanto in 1571 that western — that is to say, Christian — control of the Mediterranean was assured.

The intellectual history — by which I mean the culture of ideas and its expression — is also bound up with both religious and political developments. The so-called dark ages of early medieval Europe coincided with a great flowering of Muslim culture which found expression in literature, the arts (decorative and architectural) and in science, particularly mathematics and medicine. To what extent the classical inheritance of Greece and Rome, which eventually led to a renaissance in late-medieval Italy, was preserved by Arab scholars may be controversial but there can be little doubt that at their zenith centres of learning such as Cordoba and Kairouan excelled anything that could be found in the Christian world, including Byzantium. But it was not only the Renaissance and humanism (the classical tradition) that opened up intellectual vistas that would in time have a bearing on penology as it manifested itself in the nineteenth century; the Reformation¹ provided a massive stimulus to intellectual inquiry which would finally flower, particularly in France and Scotland, during the eighteenth century in the Enlightenment which emphasised reason as the path to objective truth.

So these strands — the nation-state, humanism, philosophical and scientific inquiry, religious freedom and interpretation although from a relatively constricted standpoint, the development and codification of civil and penal law — combined to change attitudes to crime and criminals. Not that this was by any means plain-sailing in terms of toleration as exemplified, for example, by the Inquisition in sixteenth century Spain; the revocation of the Edict of Nantes by Louis XIV in 1685 and the hounding of the Huguenots; persecution of the Jews in Eastern Europe and Russia culminating in the Holocaust of the twentieth century. As far as penology is concerned the foundation stone, inspired by the Enlightenment, was laid by the publication in 1764 by Cesare Beccaria of a book (my own copy — *An Essay on Crime and Punishments* — is a translation dated 1770 ‘with a commentary, attributed to Monsieur de Voltaire’) which heralded a liberal doctrine of criminal law; this became identified as the classical school in contrast to the later development of the positivist school deriving from the anthropometric work of Cesare Lombroso, first published in 1876.

The successive ideologies which emanated however indirectly from the revolutionary thinking of the Enlightenment preoccupied and influenced European criminologists, penologists and law makers well into the twentieth century. They did not impinge greatly on English practice, with the important exceptions of the utilitarian Liberal Jeremy Bentham in the late eighteenth century and the lawyer, Sir James Fitzjames Stephen, in the second half of the nineteenth century. At great risk of simplification I single out two principles which had, and still have, a bearing on English criminal law: first, that sentences should be proportionate to the crime committed; and secondly, that sentences should embody a measure of prevention. These two principles reflect an attitude towards the offender as a rational being empowered by free will and by contrast towards a criminal whose behaviour is determined by personality and environment. The two principles are not totally incompatible but their translation into practice does depend, particularly in the second case, on scientific evidence.

The foregoing brief excursus may have exposed the perils of historical interpretation but has, I hope, indicated something of the intellectual and cultural inheritance derived from religion, morality, law and political development which would have pervaded the climate of opinion in Churchill’s day and still pervades it in Clarke’s. Humanism and the classical tradition — involving study of the humanities — permeated English public

and grammar schools in the nineteenth century when Churchill was at Harrow, and to an extent, though modified by science, in the twentieth century when Clarke was educated at Highgate. Churchill did not go on to university but Clarke went on to Cambridge. Whether any of these influences are discernible in their respective penal policies may be speculative but the accumulations of past centuries certainly inform, if unconsciously, the outlook and actions of subsequent generations.

Churchill²

In 1910 Churchill, then aged 35, succeeded Herbert Gladstone as Home Secretary. By that date the Liberal government had lost the large majority it had secured in the House of Commons in 1906 and there was some doubt whether it would survive much longer; so Churchill was, in a manner of speaking, a man in a hurry anxious to put his stamp on policy. The government had already legislated fairly extensively in terms of penal affairs with the Probation of Offenders Act 1907 and the Prevention of Crime Act 1908, which, incidentally, gave statutory authority to borstal institutions. Churchill held the office of Secretary of State for little more than eighteen months (to be precise from 19 February 1910 to 24 October 1911 when he became First Lord of the Admiralty). During those months he was much occupied with parliamentary business that was not primarily penal, including the National Insurance Bill (enacted in 1911) which was a carry-over from his previous responsibilities at the Board of Trade, a Shops Bill and a Mines Bill (enacted in 1911). The latter was consequential to two major colliery disasters that occurred in Cumberland and Lancashire earlier in 1910. Then, following an industrial dispute, riots took place during November in the Rhondda Valley at Tonypandy (King George V was concerned ‘... that it is not true that all the horses have been lost in one of the mines’); which events were handled by Churchill with restraint compared with the relative rashness as exhibited at the siege of Sidney Street in London a few weeks later. So amidst all these other concerns, it is remarkable that his zest for penal reform remained undiminished, as is evidenced by his speech on the Prisons Vote in the House of Commons on 20 July 1910.

Churchill’s approach to penal reform was seemingly based on classical notions of justice and proportionality in sentencing. Though he took advice from both Wilfred Scawen Blunt, who had once served a short sentence as an Irish political prisoner, and from John Galsworthy the author and

playwright, it is unlikely that Churchill's own experience during the Boer War of twenty four days as a prisoner of war, who also escaped from prison, conditioned his views significantly. Certainly his policies were based on scepticism about the value of prison as a deterrent to crime or as a reformatory influence on prisoners. In particular he wanted the number of fine defaulters and boys in prison reduced. And although he thought the task, which fell to the Home Secretary, of exercising the royal prerogative in commuting the death penalty onerous, he was never — even in his later parliamentary life — an abolitionist.

In his speech Churchill made several significant points: first, 'The first real principle which should guide anyone trying to establish a good system of prisons should be to prevent as many people as possible getting there at all'; second, fine defaulters should be given more time to pay and thus reduce the number of fine defaulters committed to prison; third, offenders between the age of sixteen and twenty-one ought not to be sent to prison, particularly 'for any time which is not educative or disciplinary'; fourth, the reduction of solitary confinement in prison to one month (his predecessor, now Lord Gladstone, had proposed three months), except for recidivists; fifth, the need to introduce some sort of educative element in prison in the form of occasional lectures; sixth, the need to monitor the working of the Prevention of Crime Act (itself based on the controversial principle of social defence, to-day viewed with some suspicion), especially in relation to recidivists; seventh, to strengthen the system of after-care; and eighth, a hint to consider occasional amnesties — 'a general *pro rata* reduction of sentences over the whole area of the prison population'.

Churchill was ably supported by two outstanding civil servants — Sir Evelyn Ruggles-Brise, the chairman of the Prison Commissioners, and Sir Edward Troup, the Permanent Secretary. Had he remained longer as Home Secretary he would have pursued a policy of penal reform, some elements of which might have brought him into conflict with the judiciary. As Sir Edward Troup remarked: 'Once a week or oftener, Mr. Churchill came to the office bringing with him some adventurous or impossible projects; but after half an hour's discussion something evolved which was still adventurous but not impossible'. As Churchill's son, Randolph, wrote: 'Thus he never got any penal reform on the statute book: but those reforms which he was able to carry out without parliamentary sanction were to stand to serve as milestones and signposts to future generations'.

One is tempted, given the precarious state of the government's slender majority in the parliament of 1910 to suggest that Churchill's plans were no more than political opportunism. I do not think such a verdict is justified; one only has to read the peroration of his speech on the Prisons Vote — 'The mood and temper of the public in the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country' — to appreciate that the sentiments expressed were genuinely heartfelt.

The Liberal Consensus and the Challenges of the Late Twentieth Century

Roughly between 1910 and 1990 penal policy was dominated by a consensus among the rather patrician Establishment which dictated penal policy³. This was codified by the Criminal Justice Act 1948, a product of the post-war Labour government but actually based on a Bill drafted by a pre-war Conservative government but which with the outbreak of hostilities had to be put in abeyance. Modifications to penal policy were introduced — following on a series of committee and commission reports, as well as legislative enactments — between the wars and during the second half of the twentieth century. The tone of the consensus could be labelled liberal until it broke down in the last decade of the twentieth century — some would maintain that the breakdown occurred at least a decade earlier — when it took a course, in political terms, to the right motivated by public opinion and the media. At the risk of over- simplification, whereas the policies of Douglas Hurd (Conservative) and Jack Straw (Labour) were in a liberal vein, this could hardly be said of the policies of Michael Howard (Conservative) or David Blunkett (Labour).

How did this change in the climate of opinion come about? Michael Howard's mantra 'prison works' and Tony Blair's mantra, enunciated as Prime Minister, 'tough on crime, tough on the causes of crime' were a response not only to electoral pressures but a rise in the level of crime and public concern. (Crime fluctuates; over the last few years it has declined both in this country — though within the decline overall there is an increase in the level of violence — and across the western world; but statistics do not always fit the convenience of politicians.) Reformist and retributivist factions had existed side by side for most of the twentieth century but the division became much more marked towards the end of the period. However, the judges many of whom had been on the whole in the

retributivist camp (for example, Lord Chief Justice Goddard) underwent a change of attitude and underwent a more reformist stance (for example, Lord Woolf also as Lord Chief Justice).

There have always been, and still are, moral panics about crime but with the increase in juvenile delinquency after the second world war and the social and economic changes affecting youth (for example, the increase in their disposable income and sexual freedom), starting with Teddy Boys, then Mods and Rockers down to the present day Hoodies (2006), public attitudes began to harden. On top of the insecurity engendered in the public by street crime came terrorism, first at the hands of the IRA, latterly with an international dimension reflecting the political and religious turmoil of the Middle East. All of this put a considerable strain not only on the criminal justice system, particularly the police, but also on the security services. One of the features of the present situation, as viewed in the first decade of the twenty-first century, is that, amidst the dual concern both about local crime (mugging, rape, burglary) and international crime (terrorism, fraud, environmental pollution) there has been a great expansion of scientific effort — a good deal of it encouraged by government at the cost of public funds — in the study of crime and criminals. Much of their research, however, is now seemingly ignored by politicians and the media except when it suits their purpose to heed it. Alongside there has been increasing concern, sometimes politically motivated, about the role and fate of victims.

Furthermore there is a world of difference between Churchill's England and Clarke's England. Before 1914 Great Britain was a great industrial nation, a major naval and military power and the ruler of a vast Empire. The Anglican Church, including the non-conformist and Roman Catholic churches, held a central position in the maintenance of moral values while the hierarchical class structure conserved the status quo of the Victorian era. The criminal justice system is not an isolated mechanism but is enmeshed in the fabric of society and must be seen in the context of the socio-economic and demographic changes and developments, some the consequence of two world wars separated by an interval of only twenty one years, that have taken place between 1910 and 2005. Foremost among these is the creation of the welfare state, the foundations of which were laid by Lloyd George before 1914 but came to fruition with the Labour government of 1945. Nor can the operation of the criminal justice system be entirely separated from changes in the provision for and attitudes to children, education, employment

and mental health. And although immigration and the operation of the Aliens Act 1905 was something of an issue before 1914, immigration on a larger scale since the Second World War first from the West Indies; secondly following the break-up of Empire with an influx from the Indian sub-continent and Africa; and thirdly the consequence of membership and extension of the European Union, has brought with it both benefits and problems, not least the creation of a substantial under-class whose social mobility is to an extent limited if not frustrated. All of these factors impinge on the criminal justice system and inherited values of the Enlightenment and contribute to the challenge facing a Home Secretary in today's world.

Clarke

In September 2005 Charles Clarke was facing a different audience from Winston Churchill and was untrammelled by parliamentary procedure, so in principle he was free to range widely within the limits of his subject matter, 'Where Next for Penal Policy?', and the interest of his audience, the Prison Reform Trust. He started off with an 'assessment of the main concerns', as he put it, 'of the British people about criminality and justice'. He plunged straight into the problem of 'really dangerous and persistent offenders' and dismissed this with a reference to indeterminate prison sentences legislated for in the Criminal Justice Act 2003. In fact the subject of indeterminate sentences has a long and controversial history, a topic which — in relation to persistent offenders and preventive detention — figures in Churchill's speech of 1910. Ministers' speeches are often cobbled together from drafts submitted by civil servants and political advisers but I have been assured that this particular speech was Clarke's own work. It is clear that, in the opening paragraphs, he was anxious to claim that the fall in crime was attributable to measures introduced by the Labour government with the Crime and Disorder Act 1998 and to emphasise that priority was being given to putting 'victims first throughout the criminal justice process'. I myself am sceptical about how far governmental intervention⁴ really affects the crime rate but, to be fair to Clarke, he went on to emphasise that what he really wanted to concentrate on was the prevention of re-offending, a matter which also exercised Churchill.

Clarke elaborated at some length on this aspect, making valid points about the value of well planned and supervised community sentences, in themselves a contribution to reparation. He acknowledged that partnerships — I assume

he meant co-operation between governmental agencies, local authorities and voluntary organisations — are crucial to success whilst admitting that co-ordination and communication between services could be improved. Clarke then went on to deal with a wide range of social issues — health, education, employment, family links, a new concept of community chaplaincy and housing — all of which impinged on the welfare of prisoners and to an extent on the lives of offenders who were not incarcerated but received community sentences. The middle sections of the speech dealt with the organisation of the prison estate in relation to the nature and requirements of the prison population, referring on the way to the need for ‘good local community prisons’ and a ‘very secure environment’ for dangerous and long-term prisoners. He concluded this passage with the intention that prisons should be encouraged to become ‘colleges for constructive citizenship rather than recruiting sergeants for crime’.

The remainder of Clarke’s speech was concerned with the organisational changes consequent on the introduction of the National Offender Management Service which brought together what he acknowledged were the ‘historic cultures’ (I would add culturally diverse) of the nationally managed prison service and the locally managed probation services before he concluded with some remarks on sentencing. While I gather that the Home Secretary’s speech was well received I am bound to say that, although it is paved with good and indeed what might be termed liberal intentions, it doesn’t say anything particularly new. Of necessity he had to be tactful in making his quite sensible remarks about sentencing for fear of treading on the toes of the magistracy and judiciary, let alone those of the Lord Chancellor, and raising the spectre of the executive trespassing on the territory and independence of the judiciary. I also find it difficult to reconcile some of his remarks with the consultation paper on the future of the probation service which emerged from the Home Office a month later and which betrayed some conflict between policies involving central and local control of that service.

Conclusion

It is encouraging nevertheless that both Churchill’s and Clarke’s speeches are informed by both humanist and humanitarian traditions and attitudes, and that something of the Enlightenment is still prevalent in both. It is less encouraging that neither of the speeches embrace some of the broader issues of criminal and penal policy and philosophy. Churchill was constrained, of course, by the circumstances of addressing the House of Commons on the

limited issue of the Prisons Vote even if that did not impede him from making some memorable remarks at the conclusion of the Debate. Clarke could have placed his remarks appertaining to the ‘main concerns of the British people about criminality and justice’ in a more general context, for the public is as much concerned about crime prevention and the future of policing as it is about sentencing and penal sanctions. It is as if the rear end of the pantomime horse were lacking forelegs.

It is a pity too that Clarke did not take the opportunity of delving more deeply into some puzzling features of crime control in twentyfirst century England, even though it is sometimes unwise for Ministers to speculate publicly. But why is it that the general public, in its habitual punitive mood, seems content with what for the most part is no more than custodial warehousing? While it is accepted by the majority that the maintenance of liberty requires policing, how has it come about that the extent of private policing — security firms, patrols in shopping malls, bouncers outside night clubs, personal bodyguards for rich celebrities, CCTV etc. — far exceeds the authorised establishment of uniformed constables paid out of public funds? Even where local, often voluntary, initiative is involved, state control is now vastly extended, with ethical implications for the legitimacy and accountability of the entire security operation, public and private, which appears to be driven as much by market as well as by emotional forces of Orwellian proportions. One would like to know how government perceives the balance between freedom and control, appropriate to civil society, in relation to the apparent absence of normative restraints previously exercised by religion, social structure and inherited values.

The growing literature⁵ on penology illustrates that penal philosophy is intertwined with political philosophy, morality (including the issue of free will) and the sociology of criminal law. The traditional objectives of punishment — retribution, deterrence and reformation — seem to have given way to an emphasis on incapacitation, that is to say, to neutralise the offender in prison to protect the public. This is ‘social defence’, with all its quasi-fascist implications and risks of political oppression, under another guise — the preventive detention of Churchill’s day, and the emphasis on indeterminate sentences in Clarke’s speech. No longer can it be assured that a reduction in the crime rate will be followed by a similar reduction in the rate of incarceration. Crime rate and prison rate now seem to be independent of each other.

Because I do not believe this situation is sustainable over a long period either on financial or on humanitarian grounds, I venture to offer a few suggestions, as hinted in the introductory paragraph of this commentary, for the formation of penal policy in respect, in a practical rather than theoretical sense, of what I consider key issues:

- a. The aim of sentencing should be to decrease the number of offenders held in prison by adopting an even more communitarian approach than is at present the case. Certainly society must be protected from serious and dangerous offenders but I see no reason to abandon the classical notion of proportionality in so doing. It is no longer the fine defaulters who fill the prisons, as they did in Churchill's time, but offenders who in one way or another are mentally unstable, whose needs cannot easily be met in prison and who should be as much the concern, even when incarcerated, of the National Health Service as of the National Offender Management Service. This implies a considerable reduction in short-term sentences. It should also be borne in mind that remedial work in terms of education and training for useful civil life can only be attempted with medium- and perhaps some long-term prisoners. So Clarke is right, in my opinion, to emphasise community sentences, including fining, even though it will take a lot to convince the public, the media and politicians that a variety of community sentences, properly organised and supervised, is going to be more effective in the long run than prison sentences. Nor should the use of reparation and restitution be overlooked as community penalties. I believe the judiciary, at least senior judges, would now be sympathetic to this point of view. A change in penal policy and direction has already been achieved in certain European countries but not without much effort to effect a change of attitude.
- b. Clarke is also right to emphasise the importance of the coordination of community effort and the need to improve communication between all those statutory, local and voluntary services involved. This not only applies to convicted offenders, their supervision whilst under sentence and their after-care

upon release, but to crime prevention in the broadest sense: more effort is required to make the partnerships set up under the Crime and Disorder Act 1998 fully effective. With yet more emphasis on constructive crime prevention, it is just possible that the uncoupling of crime rate and prison rate might even be achieved.

- c. I have long been the advocate of a combined prison and probation service even though I may have reservations about the organisational arrangements for the management of the two services. But it is difficult to unify two services with rather different professional backgrounds and day-to-day objectives. I would therefore suggest that a basic or core training programme be instituted common at least to new recruits, supplemented by ancillary courses to meet diverse and specialist job requirements.
- d. Risk management, which is of concern to release on parole, to supervision of any kind of community sentence and indeed to sentencing itself, is a subject which needs further investment in research and development. Perhaps, given the vagaries of human behaviour, it can never be an exact science but, mindful of all the ethical considerations involved, methods should be kept constantly under review.
- e. Of long-standing concern, to me at least, is the gap between the academic world and politicians and the media. To-day there is a very considerable outpouring of books and articles on criminology and penology but it is not clear how much information really gets across to criminal justice practitioners such as police, probation and prison officers or indeed to religious leaders, let alone to local authorities, magistrates and judges. There are exceptions, particularly among the judiciary; and no doubt a younger generation, many of whom end up as employees in the criminal justice system, are gaining something positive from the courses available at many universities. Too many practitioners in the media, however, seem to depend on populist views culled from opinion surveys, sometimes of doubtful representativeness. Although Churchill

was unlikely to be familiar with the works of Lombroso or Ferri, hardly had he assumed office than he and the chairman of the Prison Commissioners attended the first night of John Galsworthy's play *Justice*. In those days intellectual and political life existed in less distinct compartments and would have come together not only at the high tables of Oxford and Cambridge and the Inns of Court but in gentlemen's clubs such as the Athenaeum and the Reform. No doubt today much information is mediated to the Home Secretary through his advisers and think tanks but nevertheless one has the impression that the gap between criminologists and penologists and the political world is, if anything, wider than it was, say, in the nineteen sixties. One device to close this gap might be the establishment of an independent Institute of Justice, independent that is of government and state funding: the function of such an Institute would be to carry out research and to convene seminars and conferences, and above all to publish information — in intelligible language — about crime as a guide both to public understanding and the formation of public policy.

To sum up, the causes of crime are multifarious and not easily ascribed to one particular root source or origin. But it appears to flourish less easily in circumstances where society is more cohesive, where economic and social mobility is less frustrated and where divisiveness is not engendered by internal or external threat but civil society in the fullest meaning of the term is maintained. So my verdict on Churchill may be expressed as: 'definitely, Lord Copper' but on Clarke reserved: 'up to a point, Lord Copper'.

Notes

1. For a full appreciation of the significance of the Reformation in the liberation (alongside the Italian Renaissance) of Europe from the restraints of medieval thought see Diarmaid MacCulloch: *Reformation. Europe's House Divided 1490-1700*. Penguin Books, London. 2004.

2. In my comments on Churchill I have drawn on Randolph Spencer Churchill: Winston S. Churchill 1874-1965. Vol. II Young Statesman 1901-1914. Heinemann, London. 1967; Roy Jenkins: Churchill. Macmillan, London. 2001; and Leon Radzinowicz and Roger Hood: A History of English Criminal Law and its Administration from 1750. Vol. 5. The Emergence of Penal Policy. Stevens and Sons, London. 1986.
3. A comprehensive study, based on archival and other material, of penal policy between the wars appears to be lacking, the exception being Victor Bailey: Delinquency and Citizenship. Reclaiming the Young Offender 1914-1948. Clarendon Press, Oxford. 1987. This, however, as the title underlines, only covers part of the picture.
4. John Croft: The Hunting of the Snark: Reflections on a Half Century of Crime. The Political Quarterly Vol. 76, No. 1, 2005, pp.114-123.
5. Seán McConville (Ed.): The Use of Punishment. Willan Publishing, Cullompton. 2000

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