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| **Copyright © 1999 Journal of Criminal Justice and Popular Culture  All rights reserved. ISSN 1070-8286**  *Journal of Criminal Justice and Popular Culture*, 6(2) (1999) 58-61  **Review of *Crime and Punishment in England: An Introductory History***  **Authors: John Briggs, Christopher Harrison, Angus McInnes and David Vincent. Publisher: New York: St. Martin's Press. Year: 1996**  I came to this book with some trepidation. It was a book written by no less than four authors who had taken on the ambitious task of producing a history of crime and punishment in England pretty much since England began. I expected a book uneven in style, lacking a coherent focus (can four authors, alphabetically ordered, agree on several hundred years of history?), superficial in the extreme. The book's style is remarkably uniform, and it does have a focus (albeit, as we shall see, one that is politically correct).  Unfortunately, they have been unable to escape the inescapable: superficiality reigns, especially in their conclusion sections. Take the conclusion at the end of the first chapter. Here we are told that "law created the state," a challenging assertion and a remarkable oversimplification. What a wonderful classroom discussion could be had around this small quote! A tactic the authors might better have adopted would have been to turn their generalizations offered in conclusions at the end of each chapter into questions for students to ponder, especially as some of their generalizations were quite challenging and to a degree provocative. That democracy in England took root in the 1500s (p.99) is a provocative conclusion, it seems to me.  The authors offer a balanced account of the history of crime (the Marxist historians aren't completely right, but neither are the conservatives' p.150), which is to say that it is politically correct. Which means, of course, that the balance isn't quite balanced rather, it comes down on the side of the predictable, though not truly revealed until the final pages of the Epilogue, by noting the law's (that is to say, several hundred years of it) "consistent bias towards protecting the person and property of the better off" (p.250). They do not seem to consider the possibility that the law might also protect the poor from each other. In fact the Epilogue is the most revealing chapter of the book. Here we are told that "crime was and is a way of making a living or supplementing the resources of those denied an adequate lifestyle."  It seems that in 1998, the English historians have discovered opportunity theory. Their view of crime and society is summed up by the two last sentences, dripping with sentimental righteousness and false irony: "as the century draws to an end, the proportion of the population that can be listed as neither victims nor perpetrators of crime is dwindling into insignificance. In the most direct sense possible, this history ends with us all." Do they mean that we are all either victims, criminals or both? So what's new? Their account of the history of crime and punishment has been an attempt to show that **[End page 58]** those most often defined as criminal (the lower class) aren't really criminals, but are victims. And those claiming to be victims (the propertied class) are really the criminals. Their failure to recognize basic moral distinctions between those who commit crime and those who don't (they discard them as "Victorian"), and crime and non-crime certainly does eliminate any possibility of a history of crime and punishment. For neither, with their lack of demarcation, can be discerned from the other.  The book is at its best when describing the evolution of the English court system, or systems, especially its care to examine the growth of the criminal courts in parts other than London. In fact, the main area in which I learned most was in their attention to the transition from a London based system of government to one, which perceived of crime and punishment as a national concern rather than one of localized interest. This is an important theme that runs throughout the book. Different aspects of the criminal justice system developed their national identities at different periods of time. Indeed, crime itself seems not to have developed a national identity until the bureaucrats (the authors do not use that term but rather refer to "professionalisation") gained power at the turn of the 19th century. It is also to the author's credit that they give considerable credence to the notion that for the three centuries prior to the "enlightenment" there were elaborate and complex systems for tackling crime, pursuing criminals and for meting out punishment. The diversity of punishments and justice systems was remarkable, and certainly could be said to have "worked" within the ambiance of the times, that is, if we are able to stand back and see those systems through the eyes of their contemporaries. (This is my conclusion, not the authors.)  The book provides a history of punishment in the 19th century that is unexceptional, and pretty much follows the lines of most histories of that time: the prison hulks, transition to transportation, and ultimately the rise of the prison. The authors do not offer any new or different explanation for the rise of prison, except to refer approvingly to the works of Foucault and Ignatieff. The account of patterns of crime offers some entertaining snippets of criminals lives, along with a review of what they consider are crimes worthy of writing a history about: murder, crimes against property (which they emphasize in many places account for the overwhelming majority of crime throughout the ages), domestic violence, white collar crime which included embezzlement and pyramid schemes (including even a building society scandal), drunkenness, gambling, drug abuse, prostitution, vagrancy, homosexuality, and crimes relating to motoring, i.e. traffic offences. They also examine special categories of offenders: the young, women, professional criminals, and the poor. Here we find a small lack of balance (though politically correct): while noting throughout the book, and indeed throughout history that young males have made up by far the majority of offenders (four-fifths and more) they do not attend to this interesting and well documented fact about crime. Why not isolate "male **[End page 59]**offenders" as a special category and offer some historical insights into why throughout history they seem to be the main perpetrators of crime? Is there something about men (and about women) that causes this imbalance? Has the cultural ethos of England been such a powerful transmitter of gender roles as to ensure that it is men who become the criminals in every epoch? These questions, it is true, may be too much to address in an introductory book. Yet an explanation of "why male" would explain about four- fifths of all crime!  Similarly, the authors are unable to bring themselves to address the other major factor that contributes to crime today (and in all likelihood many prior centuries of crime and punishment): ethnicity. It is not until their Epilogue that they mention that the "greatest and most persistent projection of the deviant tradition has been in the shape of outsider national and racial minorities" and note that just over 12% of inmates in English prisons are from minority groups who comprise only 5% of the total population. Much of their history of crime and punishment is preoccupied with "class conflict," towing the party line set by Douglas Hay and others. They are mostly concerned to debunk the idea that the middle classes had (and possibly still have) of the lower class as the "dangerous class" which had to be kept in check in order to maintain the order of their own social position. The ethnic makeup of the lower classes is not addressed. The fact that a majority of criminals transported to Australia were Irish is surely worthy of more than a couple of lines in the Epilogue, given the difficult relationship the Irish have had with the British through out history.  Yet they repeatedly observe that there is a problem with the class conflict explanation for the patterning of crime and punishment: it does not explain why the majority of offenders are youthful and male. At one point they half-heartedly suggest that "A better case can be made for arguing that those in their teens and twenties constituted a crime-prone generation." One wishes that they had made this case, particularly as it seems from their own account that in every epoch of English history, it was the teens that were the major criminal "class."  Urbanization and industrialization are also identified as major contributors to crime, although by their own accounts, crime existed quite well prior to urbanization and certainly well before industrialization. Its rapid increase, coinciding with the industrial revolution, also coincided with the increased professionalization of criminal justice and social service personnel, resulting, as they also note, in a much more systematic and meticulous recording of statistics of crime. Thus, it is not easy to separate out the recording effect from the apparent increase in amounts of crime after the industrial revolution. This is not to say that they are wrong, but it is to say that the generalizations they make are not easy to substantiate.  One small point concerning documentation. For a history, the book is curiously short on documentation. **[End page 60]** In fact, there is no citation system. This is a serious omission because many of the (necessarily brash) claims of fact that are made concerning the amount and extent of crime at particular historical periods (for example on page 25) are based on studies that are of necessity incomplete and controversial in themselves and in their methodologies. The authors do recognize that records and evidence are incomplete, but without accurate and complete citations, it is not possible for the reader to check them out.  All in all, the book reads rather like a set of lectures, which are at times entertaining, and often quite informative. The authors have succeeded in conveying an interesting, and at times captivating picture of a broad sweep of English history (always fascinating in itself, which helped them a lot), and it is certainly adequate as "An Introductory History," the subtitle of the book.  [Graeme Newman](mailto:grn92@albany.edu) University at Albany, State University of New York **[End page 61]** |