

BOOK REVIEWS—By J. C. Martin, K.C.

CRIMINAL JUSTICE AND SOCIAL RECONSTRUCTION, by Hermann Mannheim. Oxford University Press, Toronto. Pp. x and 271. \$4.25.

If any reader of *Penal Reform in England* should feel that there is in that book a lack of discussion of trends and possible reforms, he will find a valuable complement to it in this book, for the two may be read together to advantage.

The author, a member of the faculty of the London School of Economics, is brimful of challenging ideas. Some of them, such as euthanasia and sterilization, are not new, but they are highly controversial, and Dr. Mannheim is at pains to disarm criticism at the outset. "I am not optimistic enough", he writes, "to believe that these views will, in the near future, gain widespread approval." Nevertheless he states his views fairly and with due regard to the opposition which some of the subjects arouse on religious and other grounds.

He advances many other ideas which are new and which spring from modern conditions, notably the rise of the labour movement, and from what he calls "white-collar crime". His examination of the strength and weakness of the jury system and of the lay and professional magistracy is illuminating and much to the point. So too is his discussion of the proper place of the expert, but his suggestions that the functions of fact-finding and the imposition of sentences should be divided between the criminal courts and administrative boards, is likely to cause debate.

The book is based on England, but the author goes afield to show what has been done in other countries. His discussions will apply to any common-law jurisdiction, and it cannot fail to be good for us to realize that we have no monopoly of progressive ideas. Altogether this book is a most stimulating one which can be recommended without reserve to anyone concerned with the administration of the criminal law.

PENAL REFORM IN ENGLAND. Edited by L. Radzinowicz and J. W. C. Turner. The Macmillan Co. of Canada Ltd., Toronto. Pp. 185. \$3.

This book is Volume I of the English Studies in Criminal Science undertaken by

the Faculty of Law of Cambridge University in 1940. It contains essays written by 11 contributors, each of whom is able to speak with authority upon some branch of criminal law administration. It contains also a rather non-committal foreword from the Lord Chief Justice of England.

For the police reader, especially in Canada, it is likely that the most interesting chapters will be those dealing with the English police system and the Borstal system. The former goes back to the days of the Saxons and traces the gradual development of the highly-specialized modern system, emphasizing the Britisher's dislike of central authority and his preference for local authority. This, in the police field, continues to militate against the formation of a national force. In Canada, we hear a good deal about the Borstal system of dealing with young offenders. Miss Margery Fry's essay is most informative upon this subject which in spite of considerable publicity is not as well understood as it deserves to be. It is well-weighted with statistics, although not so much so as to obscure the humane principles upon which the system rests.

To speak generally, the book is an account of what has been done, rather than a showing-forth of what should or might still be done. This is true despite the fact that it includes discussion of legal aid for the poor and (in the appendix compiled by Mr. I. H. Reekie of the Howard League) some suggestions for new buildings, new types of institution, improved classification of offenders and improved methods of mental treatment in British prisons.

There is no reason to be smug about the conditions which the book discloses. Admittedly reforms are necessary, but with a growing public consciousness of the need, there is no doubt that they will be made. On the other hand, those (there are some) who argue as if there has been no improvement, would do well to read Mr. John A. F. Watson's account of the prison conditions which existed in England no longer ago than the early years of the 19th century. If they are still sceptical, they might return to *David Copperfield* or the novels of Henry Fielding.