

... Persons in authority then will punish wrongdoers because they detest wrongdoing, appreciate its ruinous character, and are determined to withstand and to overcome it. They will desire (1) to deepen and consolidate this attitude in themselves, (2) to promulgate it to the world, (3) to bring it home to the apprehension of the evildoer. These three aims are properly inseparable, and each is indispensable' (p. 219).

Stern and moralistic as this theory of punishment may sound, Sir Walter combines it with a most humane and enlightened attitude to the reformatory treatment of offenders. He is well aware of the relative and even arbitrary character which the actual forms of punishment may take, and that as a symbol punishment is much less 'momentous' than the moral reality which it signifies.

This symbolic theory of punishment as social ritual is best seen as a theological investigation of the universal practice of punishing radically anti-social behaviour. It emphasizes that the human dignity and individuality of the offender, with his power of moral choice and eternal destiny, demand a more profound understanding of the meaning and purpose of punishment than is evident in the mechanistic theories of the utilitarians and of some contemporary social scientists.

As an analysis of the proper ethical basis of society's right to punish, this theory has much to commend it. However, it tends to overlook, or at any rate to underplay, the practical issues which raise the crucial problems of moral choice for judges and legislators alike. For them the question is not usually 'have we the right to try and convict offenders for certain alleged anti-social behaviour?', but 'in what way and for how long should we sentence them once they have been convicted?'. The element of social symbolism is taken for granted and instead attention is given to calculations as to the likely effect of a particular sentence on the offender and on other possible offenders. It is in this light that the contemporary theories of reformation and deterrence should be understood. How far is it possible either to deter or to reform are pre-

eminently empirical questions to which penological and criminological research is still attempting to provide tentative answers.

In Part III of the book Sir Walter applies his theories to 'Some Practical Issues'. A chapter on 'Prisons and Prison Reform' rightly condemns the nineteenth-century notions of deterrence and reformation as aims of penal policy. Their methods were unquestionably harsh and inhuman. The author commends the attempts of the prison officials and penologists of today to make prison life as constructive, or at least as little destructive, as possible, and more hopefully to find effective deterrent alternatives to detention. It is difficult to see what precise contribution this symbolic concept of punishment can make to the work of penologists and prison reformers except to stress the need to respect the personality of the offender in any attempt at reformation. The Christian conscience has a proper suspicion of psychological conditioning and manipulation of those under compulsion.

The author's theories have a much more immediate relevance in his chapters on capital punishment and the concept of eternal punishment. It is no surprise that the author comes to the same conclusion as would most enlightened Christians today: that we have outlived the need to believe (in two different causes of that word) in either. In both cases his theory is put to very persuasive use in demonstrating that the humane conclusion is the only one possible for a Christian today. As elsewhere he gives careful critical treatment to the usual arguments pro and con. The chapter on the Nuremberg trials tends to blur the requirements of formal legality, under the then existing state of international law, with the moral qualities required of states seeking to administer criminal justice. Although some of the legal arguments debated by international lawyers as to the exclusively belligerent composition of the court, and as to the charge of 'crimes against peace', have some validity, it is difficult to agree with the author's strictures on the Nuremberg trials on purely ethical grounds.

A. J. BOYLE

RACE, JOBS, AND THE LAW IN BRITAIN, by Bob Hepple. *Allen Lane The Penguin Press*, London, 1968. 256 pp. 55s.

Racial prejudice is a phenomenon with which those who are free from it find it hard to come to terms. The overwhelming temptation is to rationalize it away by attributing it to some

other comprehensible feeling. Hence it is put down to economic fears, competition for employment, and sweated labour; or it is the British dislike of foreigners, or part of the class-

system. None of this does so well against the evidence. Since large-scale immigration into this country is the result of permanently high employment levels and a scarcity of unskilled labour, the 'threat to our jobs' exists more in the imagination than in fact. How funny; the idea that coloured busmen might be depriving white bus-conductors of work! Yet there may be a connexion between irrational fears for job security and discrimination. It is interesting that the London dockers are extremists both with respect to restrictive practices and racism. As for sweated labour; it is largely discrimination that drives coloured labour into the 'sweat shops', and it is not unknown for white labour to countenance inferior treatment for coloured labour. The British dislike of foreigners is indeed important but, as the *P.E.P. Report on Racial Discrimination* demonstrated last year, coloured job-applicants meet discrimination far in excess of light-skinned foreigners with comparable qualifications. Furthermore, it is just those (particularly second-generation) coloureds who have assimilated best to the British social system, have gone to Grammar School and stayed to the Sixth Form, or girls with secretarial qualifications, who meet the worst discrimination.

For those interested in racial discrimination in this country and the role which legislation can play, Bob Hepple's book is an indispensable addition to the P.E.P. survey. It is written by a lawyer and the interest centres very much on the Race Relations Bill 1968. The book is a mine of information. While, unavoidably, there is plenty of discussion of legal niceties, this is not just a legal text. Apart from the main interest of discrimination in employment, Mr Hepple also takes in discrimination in shops and public places, and the new offence of the Race Relations Bill 1965, incitement to racial hatred. However, the treatment of the 1965 Bill is largely from the historical point of view; a pity, for one would dearly have liked the views of such a cool and informed writer on the wisdom of creating a new category of things that may not be said in public, regardless of any threat to Public Order. It looked at the time that the Bill was debated as though an

important part of the pressure for this change was the desire of some M.P.s to see Mosleyites behind bars. How ironic then that the new law looks like being invoked more against black militants! There is a very full account of the historical background and the evolution of opinion on the feasibility and desirability of using the law as a weapon against discrimination, also plenty of discussion of voluntary conciliation.

As a result of the careful argument of this volume two conclusions are established. One is that the popular argument for inaction: 'You cannot legislate to make people less colour-prejudiced', is not a valid reason for rejecting legislation against discrimination. In a number of ways legislation will have a small but significant effect. Discrimination will come to carry the disrepute of an illegal activity and, very importantly, employers will be able to use the new law as an 'excuse' for not discriminating to customers or other employees. They will also be freed to some extent from the fear that competitors will gain an advantage by discriminating. So legislation against racial discrimination need not be, as I recently heard an opponent claim it would be, just like legislating against prostitution. However, the Law can have no more than a limited effect. A full-scale attack on racial prejudice will have to work through education and voluntary action. No better illustration of the impotence of the Law in bad cases could be provided than the exclusion from recent legislation of either incitement to hatred or discrimination on account of religious belief. On any criteria of consistency this would be treated on the same footing as race. Instead, we are to find ourselves in the strange situation in which it is legal to discriminate against Jews because of their religion, but not on account of their race. Of course, everyone knows the reason for this. In Northern Ireland there is extremely widespread and blatant discrimination against Catholics, in housing and employment, to say nothing of incitement to hatred. And nobody seems eager to poke the arm of the Law into that hornets' nest.

CHRISTOPHER BLISS

SOCIAL CLASS, LANGUAGE AND EDUCATION, by Denis Lawton. *Routledge and Kegan Paul*, London, 1968. 181 pp. 25s.

There is nothing more interesting than being able to trace how, by an interaction of isolated studies, facts, experiments and intuitions, there

develops a new idea. In Dr Lawton's book we are given an account of just such a sequence, in the evolution of Bernstein's hypothesis con-