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# NOTES & TOPICS

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## Walls Do a Prison Make . . .

*Criminal Issues—By EDWARD PEARCE*



“**B**ASE DURANCE and contagious prison”, says Ancient Pistol. And we have commonly looked upon the institution in that sort of light, wherever possible averting our eyes. It is a commonplace among politicians whose set of illusions calls itself an enlightenment, to

suppose that we have too many convicted persons here in prison. The actual number fluctuates in and around 42,000. And according to the school of penology which attracts Mr Roy Hattersley, the Shadow Home Secretary, that figure should be a ceiling if indeed it is not brought down.

We are told seriously by serious people that the number in prison should accommodate itself to a fixed figure. If crime goes up, if the number of convictions increases, the number of imprisoned persons must stand pat. Adjustment can take the form of earlier and better parole—down from two-thirds of sentence, to a half, to a third, to the least fraction one’s heart or whim desires. Or it can take the form of a wise abstention by judges from giving custodial sentences.

Now this is an odd view, for we are living in Britain with a crime rate which marches forward like the boundaries of a limitlessly ambitious irridentist state.

It is argued that prisons are old, unhygienic, and crowded. So they are. Mr John McCarthy, the former Governor of Wormwood Scrubs prison, has won himself a place alongside the community policeman, Mr John Alderson (who was formerly Chief Constable of poverty-stricken, riot-blasted Devon and Cornwall), as one of the Samurai of progress, guaranteed applause and reflex esteem in

the press by first denouncing his own prison as a dustbin and then, with maximum attention, resigning from the prison service.

They join the liberal pantheon on prison and police questions. Liberal orthodoxy does not greatly believe in the efficacy of prison; it wants its term reduced by subterfuge, and looks upon the release of convicted persons on to the heads of the general public with a satisfaction which could out-smirk the Buddha. Unfortunately we also have a foolish body of opinion which thinks in terms of crude, brutal punishments and casts a long, lingering look behind at the old regalia of cruel punishment—the birch, the cat-of-nine-tails, and the gallows.

For my own part I am not disposed to make precedence between the two mentalities. We need the bull-ring mentality of the death-and-mutilation school the way we need Lord Liverpool for Prime Minister. And the early-parole, fixed-ceiling-for-prison-accommodation people are playing Fidelio with street-wise brutes and in the process making witless war upon poorer people, those first and last victims of crime, whose condition of life deteriorates as offences against small property and unimportant people become the norm.

**W**E NEED TO CLEAR our minds of the two stupidities and to do some thinking on the subjects of both prison and the police. We are not at America’s pass.

And if you want to duck the issue you choose the right set of figures to make your comparison with. Set against Detroit or New York, Liverpool and London are nowhere. Set against London and Liverpool 25 years ago, they are terrifying. There is not only more crime but specifically more street crime. The principal losers from it are solid respectable working people, who have watched decent districts fall apart in less than half a lifetime.

Mr George Cunningham, the Social Democratic Member for Islington South (and incidentally one of the best, most independent spirits in the Commons) made a saw-edged attack on the usual glib assumptions in a Commons adjournment debate last month. He described the rows of locks, bolts, and chains fixed to a single door on the ground floor of a tower block, the habituation of his North London constituents to fear of a knock on the door late at night. What they fear in Islington is not the visits of police but the lack of them. The knock on the door comes from teenagers with a propensity for putting women of 80 into intensive-care units.

Mr Cunningham had a huge contempt for the socio-babble of the noisiest advocates of a soft line.

"Let us take this phrase 'Community Policing' and lock it up. It is a substitute for thinking. . . . We should equip ourselves with more, much more prison space not because we want to lock up 80,000 people rather than 40,000, but because we want to differentiate the kinds of prison and because we need to make the whole prison system fit to cope with present pressures."

As for sentences, they "should be nearer, more approximate to what was served, otherwise they lacked all deterrent persuasion." Now Mr Cunningham is no reactionary. He is a gifted Social Democrat with a highly developed bump of uncommon sense (not a strong point in that cerebration unit); and he is MP for Islington South, which is like being Member for the constituency of Medias Res.

His words, roughly paraphrased here from the recent short debate on "the Social Consequences of Crime" which I attended, are of course correct. If we are to apply common sense to prisons and policing, we will delete every fashionable idea from our minds. Crime happens most of all to the luckless people to whom local government, in the form of tower blocks, re-siting, and the more anti-human forms of town planning, also happens. They live with what is called petty crime—the smashing of doors and windows, thefts, street assaults—the general dirt and defilement which the snug suburbs and pleasant villages of retreat, however much they may trouble themselves at occasional large burglaries, never get. The least well-off are the first and then the recurring victims of a penal system which doesn't work.

**S**O WHERE DO WE START? The complex underlying causes—education decline, diminished parental control, and social malaise, are real but enmiring. Civilisation in decline is a conversational topic, not something we can use a monkey-wrench on. Within the narrow compass of possibility what *can* we do?

For a start we can acknowledge that overcrowded prisons exist because there are more convicted criminals than there is prison space; and there are more convicted criminals because more crimes are being committed; therefore we build more prisons. Simple and plain enough that may be, but it is the diametric opposite of what is being preached by the leaders of opinion. They wish to accommodate the growing number of offences with the evacuation of a larger number of offenders on to the necks of Mr Cunningham's constituents. It is surely time for a view which says, "I am neither a hanger nor a flogger but I am an unflinching locker-up." If we do not think that innocent people should be promiscuously punished in their neighbourhoods, we have to build very many more prisons.

What happens at the moment in the courts is that judges are under administrative rather than liberal pressure. They are making decisions for administrative reasons, with one eye over the shoulder at the accommodation situation. The view that Bloggs should go down for three years is counterpointed with the information that Leicester won't take any more and that they were on the roof in Hull last week throwing tiles. So Bloggs goes free on a suspended sentence and a reproof which is the merest expense of spirit in a waste of shame; and the judges are blamed for being soft. In fact the judges, whom more than most men (far more than our appalling Bishops) we can broadly trust, should be set free as their own men to be hard or soft on the merits of each case. They should sentence offenders as their own wisdom and experience direct, not according to the straits of a boarding-house keeper in a good season.

Now, in fairness, the present Home Secretary (William Whitelaw) has started a building programme. There has been some break with the glazed-over apathy of earlier years. But as these are brick-and-mortar-built prisons, they will take five or six years to be in full operation (and they will still be inadequate for the need). Meanwhile the Minister is reduced to calling for less imprisonment. The Home Office needs a bridging programme, something which can take the pressure off the citadel prisons and be in operation within a few months. The answer is simple enough. Open prisons, decent encampments of Nissen huts and tennis wire, can be thrown up, *subito*, with no fuss. The Home Office, in all conscience, owns enough suitable land. I simply do not believe that it is beyond the wit of a strong Home Secretary to have 15,000 extra places available within a year.

**THE USUAL ARGUMENT**—and one which can be appreciated—is that if temporary accommodation is budgeted for, then permanent building is penalised. It has no business to be. And if there is one area in which we should all be willing capital

spenders, it is the prison building programme. For without that spending we are going to have both continued rising street crime and undiminished potential for explosion inside the congested prisons. I would sooner spend quite a lot of money and wonder hypothetically what a British Attica would have been like, than find out. The beauty of high-speed, light-weight prisons is that with them we could channel the less violent, least dangerous prisoners away from the citadels, something made non-optional anyway by the low security involved. Such a move could also be the first step towards a sophisticating of the prison system into something which tried to face the huge differences in kinds and types of men who go to jail.

It is argued, and rightly, that many of those currently in prison shouldn't be outside either. We have vagrants, drunks and others for whom life has proved too much, who go to prison and become micro-recidivists, offending again and again in small-time fashion in order to beat a path to the smelly warmth of "inside." We have done ludicrously little to provide hostels or any kind of separate accommodation for people different in kind (and in greater need) from the young and violent, and yet again from the practised and expert.

THE BRITISH PRISON SYSTEM screams with subtlety. It exists on expedients and upon pieces of stamp-edging like community service, in whose deterrent power I believe almost as little as in its utility. They are economies masquerading as innovations. There is every case for humanity and help, but only after you have first obtained the prison space, that margin which is the precondition of getting anywhere. We must make a central social provision for the well-being of victims<sup>1</sup>—those at the sharp end in Islington and all the other centres of dereliction—and there would be no better provision than the addition of 15,000 prison places to those we already have.

End the farce of administrative sentencing, leave judges to do the necessary, and one problem will come down to size immediately. For no intended deterrent will work if it is widely known to operate within the mists of uncertainty. The 18th century was ready in principle to hang anything that moved, and it enjoyed a ferocious criminality nestling in the Alsatis of St Giles, the Nicol, and Whitefriars. For the laws were not only absurdly unjust and thus inoperable, but the force with which to police them was corrupt, fragile, and inadequate to the ultimate degree. Londoners still speak of an inept person as a "Charley", recalling as they do so, the name of the

<sup>1</sup> See, in ENCOUNTER, Sidney Hook, "The Rights of the Victims" (April 1972), and Professor Leon Radzinowicz's general summary, "Illusions about Crime & Justice" (Feb-March 1981).

blundering, feeble night-watchmen upon whom the prevention of crime in that age depended.

THE PRESENT SYSTEM is made uncertain by the weak and unpredictable sentences which space shortages have conjured up; by the operation of parts of the Children and Young Persons Act which put some offenders almost above the law; by the lottery of parole; and by the broad demoralisation of the criminal courts. The law is random and thus not feared. The certainty of three months is worth the hypothetical possibility of seven years. For the hard 18th century was at one with the soft 20th in its inability to deliver.

By comparison the 90 years following Peel's entry into the Home Office in 1824 were astonishingly successful. Given the unreliability of Victorian statistics, one cannot give easy technical proof, but the overwhelming indication is that the graph of crime fell, and fell to a point far below present figures. There was a great falling off . . . and latterly there has been a great climbing back.

Yet Peel swept away the 200-plus capital offences which the previous age had accumulated. He and his successors limited themselves to the possible: in practice to a police force with a rising reputation for competence, and a swift, crisp readiness to lock up offenders. The full benefit of safe streets, and an assumption that crime was exceptional, came gradually and was perhaps enjoyed most fully by those who lived immediately after the Victorians; but that state of affairs did come. The first task of a contemporary citizen is to realise that we have regressed—that the movement for most offences since 1945 looks in graph form like a gently rising gradient turning into a hillside and then into an alpine wall.

WE HAVE NOT GOT BACK to the society which Henry Fielding tried to police, but we inhabit one altogether different from that which existed when Mr Alfred Denning, KC, was appointed to the Bench as a Judge of first instance 39 years ago.

If there is a single missing factor among those which we can control, it is the absence of certainty. No lawbreaker knows what his punishment will be. No one expects the law to bite at first, second, or third offence unless something very nasty has been done, and not always then. The non-custodial options, such as an adornment to civilised conversation, have fallen on to the sharp lines of the law like snow. They have rescued judges from their duty, the Exchequer from expenditure, the Home Office from the exertion of anything except ingenuity, the innocent, not-very-wealthy citizen from his physical security and peace of mind.

On the day when it becomes apparent that every

intimidatory theft will be met with certain imprisonment at the first conviction the crime figures will start to go down. It will only be a beginning; and it ought rationally to be accompanied by the creation of dereliction hostels on a substantial scale, the fostering of truly progressive ideas like the Barlinnie unit which handled James Boyle, together with the intelligent diversification of prisons for different sorts of offenders.

As an idea it is neither liberal nor illiberal, it is a condition precedent. Ready and assured withdrawal of criminals can, for ordinary citizens, be only the best of news. To a police force which has grown demoralised, the knowledge that it was engaged in a fight with resources vigorously deployed to finish what they had begun, could only mean a stronger purpose and far less cynicism.

Crime has risen, rises, and will rise. Until we respond by indexing the available space and money required for the secure housing of criminals—in much the way that, say, the earnings of Home Office civil servants are indexed against inflation—we shall get nowhere.

As I write, the inflation rate is, if only temporarily, down to 4.9%, something unimaginable to the exponential mind when it stood in the mid-1970s at 28%. Nobody *has* to despair. The present self-serving illusion of incapacity, held together by gimmicks like the suspended sentence, must go the way of “non-inflationary demand stimulation.” A quantity theory of crime, willing to exert tight controls and to withdraw a greater proportion of offenders from circulation, must take over.

**L**ET ME PREACH low motives. Sydney Smith, bidding the House of Lords to vote for the Reform Bill, said, “Do it for your rent roll, do it for your ease.” Low motives are best, for that politician who first understands that by being seen to give tranquillity to those who have it no longer, he will win more support than by obtaining a Japanese GNP, will be the man to act. Ultimately, politicians are not re-elected and given landsides by academic seminars or dinner parties. The public which suffers most at present, though it has great dormant voting strength, is too unorganised, too inarticulate, ever to equal the lobby pressure exerted on behalf of a coalition of inertia and smart follies. And that coalition is itself of the Gog and Magog alliance between those who want to limit expenditure and those well-disposed towards offenders.

But the seas rise higher, and the next set of people to get hurt will be equipped to shout louder; five years from now and thirty years too late, government will respond. The Home Office is rarely more than a generation behind events.

## An Interview

# Remembering Maurice Thorez

By François Fejtö



**P**AUL THOREZ, born in Moscow in 1940, is the son of Maurice Thorez and Jeannette Vermeersch, and spent some of his childhood and adolescence in the Soviet Union. He looks remarkably like his father—if anything rather more the “*fil*s du peuple.” His recently published memoir, *Les enfants modèles*, has been unanimously greeted (except by

*L'Humanité*) as an

exceptionally level-headed portrait of a privileged milieu in which “*les grands ducs*” (as Elsa Triolet nicknamed the three Thorez boys) were brought up. Paul Thorez has lost none of his respect and love for his father, even if he categorically rejects the Communist ideology.

—You describe in your book the holidays you spent in the famous “Artek”, the model camp for model children set up on the Black Sea for the offspring of the upper crust of the Bolshevik régime. You say that you felt as if you were living in a kind of earthly paradise which prefigured the happiness of life under Communism—but then you began to have your doubts.

**THOREZ:** The doubts came later, with adolescence—to be exact, in 1956. That was the year of my sixteenth birthday, a difficult age, when you’re trying to think for yourself. For birthday presents, I got the secret Khrushchev report, the Polish October, the Hungarian uprising and the crushing of it. In other words I saw everything I had worshipped till then go flying into smithereens. That was when I began to realise that there was a different Soviet Union from the one I’d known in the holiday camp, that island of the shining future, a kind of “California” created for the élite.