

THE ENGLISH SENTENCING SYSTEM. By Rupert Cross. [London: Butterworths. 1971. xii + 184 pp. with Index, Paperback: £2.00 net].

Many criminologists will disagree with Professor Cross' assumption that the object of the sentencing system is to promote the reduction of crime by making as many people as possible want to obey the criminal law. But this should not unduly detract from the concise yet rich contents of this well-written book.

The author carefully confines his work to the sentencing portion of the English penal system. He begins by giving a clear view of the alternatives open to an English judge in sentencing a convicted offender and the considerations affecting the choice of one type of punishment rather than the other. Relying heavily on judicial decisions, he succeeds in giving considerable insight into the working of the system.

The most theoretical part of Professor Cross' book consists of a discussion of the various theories of punishment and the relation of these theories to several difficult areas of sentencing: the punishment of attempted crimes, conspiracy, negligence, insanity and young offenders. Professor Cross takes a pragmatic view of things. My impression is that he is skeptical of the ability of any single theory of punishment adequately to guide the sentencer in his work. This healthy scepticism is of course common among lawyers. Perhaps most of the English — and Singaporean — solutions of sentencing problems can be explained only in the light of expediency and deep-rooted notions of justice, elusive yet omnipresent.

Professor Cross confesses his "attitude of comparative complacency" with regard to the contemporary English sentencing practice, though not with regard to the English penal system generally. This attitude he defends throughout the book, especially in the last chapter which I find most thought-provoking, for here the author deals with three questions "relevant to our time," namely, "Is the present English sentencing system too retributive?", "Are there limitations on the possibilities of empirical research in relation to sentencing?", and "Are drastic reforms in this sentencing system called for?"

His answer to the first question is "yes" and "no", which makes it terribly academic and so it is! He sounds a warning against optimistic assumptions that the solution to defects in the present sentencing system lies in research, a warning in which I heartily concur. Common decency demands that we should not use human beings as guinea pigs, and yet research in the sentencing system cannot yield definite results unless a "control" is set up. This consideration effectively removes from the ambit of definitive research a large chunk of the sentencing system.

The author's answer to the last question is: what is the alternative to the status quo? He discusses, *inter alia*, the use of computers and the reference of the entire sentencing process to a sentencing board. Somehow, the common law's tradition dictates that justice should be human; and I share Professor Cross' scepticism against computers. And, given his assumption that the object of the sentencing system is to promote the reduction of crime by making as many as possible respect the criminal law (and to obey it), his "If not judges, who?" rebuke to sentencing board proposals is understandable.

I warmly recommend this very readable book: Singapore lawyers should find it useful as well as interesting, as our sentencing system is basically of English origin.

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