

THE ENGLISH SENTENCING SYSTEM. By RUPERT CROSS and ANDREW ASHWORTH. [London: Butterworths. 1981. xvii+244 pp.]

The third edition of Cross on the 'English Sentencing System' is an excellent introduction to traditional notions on what constitute 'principles' of sentencing. Professor Rupert Cross passed away in September 1980 and Dr. Andrew Ashworth, Fellow of Worcester College, University of Oxford, who was assisting him in the revision of the text for this edition had to continue with the revision on his own and the book was ultimately published in July 1981. There has been considerable re-writing of chapters III and V. Some of the views expressed by the Criminal Law Revision Committee and Law Commission recently on matters pertaining to sentencing have also been incorporated in the text. There are also references to the reports of the now defunct Advisory Council on the Penal System, on 'The Length of Prison Sentences and Sentences of Imprisonment' and 'A Review of Maximum Penalties'.

Although there are sporadic references to the Model Penal Code, no serious effort has been made in the book to make a comparison of the English sentencing practices with those elsewhere. This book along with Thomas's 'Principles of Sentencing' will undoubtedly be referred to as textbooks in courses in criminal law and procedure in law schools in the Commonwealth. In view of the paucity of legal materials in law school libraries in most developing countries, references to sentencing practices elsewhere that have a bearing on or relevance to principles of sentencing in England would have been extremely useful.

Although the authors have referred to non-custodial sentences in the first few chapters, the thrust of the book seems to be directed towards correlating the theories of punishment to custodial sentencing practices. In this connection, there is an enlightening chapter on 'Fixing the Length of a Prison Sentence' (Chapter IV) where the authors discuss the modes of grading offences for sentencing purposes.

The chapters on non-custodial sentences are weak—even for a book quaintly described as 'The English Sentencing System'. Options such as conditional discharges, binding over and probation could have been dealt with more analytically even in an introductory work of this nature. Some information on how, under what circumstances and when these approaches were treated as sentencing 'options' in the English sentencing process may have been useful to the reader. It could have helped him to make an assessment as to the efficacy of these options in modern times and of course, their relevance to his own judicial system. The views of English judges on modern concepts that relate to sentencing such as 'diversion', could have also been incorporated in the chapter on 'sentencing reform' (Chapter V).

In view of the tendency of the legislature in recent times to encroach on the judiciary's domain, a chapter on 'mandatory sentencing and its implications' too could have been included in the current edition. It is becoming increasingly important to lawyers to find out whether judges can still exercise any 'discretion' even in situations where the legislature has deemed that a mandatory sentence should be imposed for certain offences. There is hardly a reference to 'mandatory sentencing' in the book.

It was mentioned earlier that this book is an excellent introduction to 'traditional' notions on sentencing. The views of the radical penologists in England on sentencing have been completely ignored. A reference to these views and an evaluation of the English sentencing system in the light of these views by the authors may have given the reader a better perspective of prevailing sentencing norms and practices in England.

Despite these shortcomings, the book provides a useful insight into some of the factors that influence English judges in sentencing offenders. In view of the dearth of books of this nature this edition of Cross on 'Sentencing' too will continue to be recommended as a basic text on 'sentencing' in law schools in the Commonwealth.