

policy. (Unfortunately it seems to have been hurried through the press: the 'List of works referred to' is far from complete, the proof-reading has been carelessly done, and several well-known names are mis-spelt.)

Penal reform is continually hampered by the inertia of public opinion and by a consequent shortage of money. But a more fundamental drawback is disagreement among the reformers: Christians and agnostics start from different premises and find it difficult to agree on a common policy. It is particularly to this task of reconciliation that Lord Longford addresses himself. He examines penal action as we find it in practice, with its professed aims of deterrence and reform, but concludes that these aims cannot be accomplished effectively if we ignore the principle of retribution—that is, that the penalty should be proportionate to the gravity of the offence. (This is in fact a purely pragmatic reason for maintaining a moral principle, but it may be the most persuasive argument for some people.) But retribution implies guilt, and this is where there is most difficulty in reconciling the Christian and the agnostic points of view. Will the agnostic admit that man is normally responsible for his actions? Will he admit that crime is normally a moral wrong? The division, in fact, is not between Christian and non-Christian, but between those who admit absolute moral standards and those who do not.

The great difficulty about retribution in practice, as Lord Longford sees it, is that of assessing the moral guilt of the offender, since we must try to judge him as God would. This, I think, is being excessively moral, and makes his own position unnecessarily difficult. Parents and teachers have this sort of responsibility in dealing with children. But criminal law is not concerned with the whole of a man's moral state: people can be as envious as they please, provided they do not steal. Similarly, judicial punishment, so far as it is retributive, should be based primarily on the overt offence. Lady Wootton, in a letter quoted by Lord Longford, declared, 'This balance between the injury that a man has done and the degree to which he should be restrained or otherwise interfered with seems to me to be the essence of justice'. J. D. Mabbott (in *Mind*, 1939) maintained that retribution is the penalty inevitably attached to breaking a law. Both these theories introduce a kind of retribution, but a rather mechanical kind, because both evade the moral issue: Lady Wootton prescinds from the question of the offender's responsibility, Mr Mabbott from the justice of the law. We should want to postulate both of these, and also take account of extenuating or aggravating circumstances; but with these provisos, the law and the offence are, I suggest, the criteria of the degree of guilt with which penal justice is concerned.

AUSTIN GASKELL, O.P.

THE FACES OF JUSTICE, by Sybille Bedford; Collins; 21s.

To travel and to discover a country by way of its law-courts, to catch the temper of a people in the working of its law, this is an original idea, and Mrs

Bedford brings to its execution the curiosity and the zest, the powers of observation and description, the wit of an experienced writer and traveller. As she puts it herself: the law 'runs through everything . . . It shapes, and expresses, a country's modes of thought, its political concepts and realities, its conduct. One smells it in the corridors of public offices, one sees it on the faces of the men who do the customs. It all hangs together whether people wish or acknowledge it or not, and the whole is a piece of the world we live in'. So: 'Go and look, see for oneself, get hold of a little, make a guess at the whole'. And this is what she does.

Wanting some kind of yard-stick, she first sits in at a few English cases—conversion of apples and cheeses in the Old Bailey, drunks, prostitutes, petty pilferers, litigious spouses in a few London magistrates' courts. From there she goes to the continent. In Germany most of her report is given over to a *cause célèbre* she happens upon in Karlsruhe, the law capital of West Germany. It is the case of a Dr Brach, an army doctor accused of shooting an elderly man who had exposed himself to the doctor's small daughter. The public had passionately taken sides: was the doctor a hero or a sinister harbinger of reviving militarism? Passing thence by way of vividly evoked Munich—ebullient, beer-swilling, baroque—she discovers from the clerk of the State Court of Appeal in Schaffhausen that Swiss democracy pervades even the legal system: twenty-five independent cantonal legal systems (nineteen cantons and six independent half-cantons, she notes with astonished precision: independent—'Of whom? The other half?'), each making its own independent annual report to parliament ('cantonal parliament', of course), a bench of judges who hold office by election for a term and need not be lawyers but who pride themselves on being able to conduct a hearing in any one of the four national languages. In France, besides a number of cases of summary justice, she reports the final procedure in a case before the Cour d'Assises; this is a wretched affair in which twelve Algerians were accused of various crimes in connexion with the killing of some half-dozen people during attacks on Algerian-owned cafés.

The cases are interesting in themselves, and Mrs Bedford presents them with an astringent, graphic style. Her technique is like that of a skilled cameraman making an impressionistic film; with a few, slick, imaginatively-angled shots, she suggests the look, the feel, the way of the courts she visits, the subtle relationships of judge, parties, advocates, jury, if any, the public. And her close-ups display her special skill: the German judge 'who looked like a young priest' and had to explain with such patience to a distraught woman the arithmetic of dividing a limited income between a man, his divorced and his present wife and their three children; the accused in the Case of the Two Women who Said it was a Matrimonial Agency: 'Fairly young, Toulouse-Lautrec, and Mesdames Stonyhearts, all smiles and finger-nails'; and so on. One catches the sense, in England, of what the French amusedly, and also somewhat wistfully, call 'le fair-play', of the courtesy, the informality, the patience of the judges in Germany, of the concern for individual dignity and the homeliness of the Swiss

judges, the grimness of French justice.

Mrs Bedford's assessments seem for the most part to be just. French justice, however, comes off badly, too badly, unfairly so. This effect is partly the result of Mrs Bedford's selection of cases—an unrelievedly harsh series of condemnations, without a single acquittal—but partly also to her preoccupation with criminal cases, a preoccupation which in the case of France is exclusive. This is unfortunate insofar as French criminal procedure is, and is admitted by the French themselves to be, the worst part of the whole legal system; this is evidenced by the multiplicity of attempted reforms of an essentially inquisitorial procedure, inherited from the *ancien régime*, but unhappily assorted with a jury on the English model. In this connexion, Mrs Bedford might usefully have brought out in a more explicit way than she has done the central difference between the adversary or gladiatorial nature of the English type of criminal trial and the inquisitorial nature of the continental type, and the many and subtle consequences that flow from this.

This is, however, a somewhat technical point in a book whose chief merit is precisely to present appealingly a procedure that is generally thought of as too forbiddingly technical, to reveal compassionately the sheer human interest of the law in action.

PASCAL LEFÉBURE, O.P.

THE HIDDEN SPRINGS, *An Enquiry into Extra-sensory Perception*, by Renée Haynes; Hollis and Carter; 30s.

The subject of the 'supernatural', which covers such different phenomena as ghosts and witches, visions and prophecies, fortune-telling and 'dowsing', telepathy and telekinesis (in the form of poltergeists) is something which has always held a fascination for many people, but it is only recently with the experiments of Dr Rhine at Harvard and the publication of his book on Extra-sensory Perception in 1934 that it has attained scientific respectability. The faculty in human nature which is held to explain all these different phenomena is now labelled *Psi* and with its help it has become possible to study the subject with some degree of objectivity.

In this book Renée Haynes has undertaken to study the whole subject from a Catholic point of view. Though in no way systematic, her study is based on remarkably wide reading and at the same time she has obviously a natural flair for the subject and brings to it a great deal of humour and common sense. The result is a book which anyone who has any interest in the subject will find absorbingly interesting and which throws a great deal of light on what has always been considered very obscure. She discusses the presence of the *Psi* function in animals, as shown in such phenomena as the migration of birds and the instinct of bees and ants as well as in the behaviour of dogs towards their owners. She then passes to primitive man, in whom the *Psi* function appears as