

EDITORIAL

The capital punishment debate has raised itself again. President Ford has called for the imposition of the death penalty in cases of 'sabotage' 'treason' 'murder' and 'espionage' and this call follows hard on the heels of recent attempts to re-introduce the death penalty in U.K. for offences of 'terrorism'.

It is interesting to note the shift of concern in the debate away from acts epitomised by 'the young thug who callously murders the little old lady in the corner shop during a robbery' to those acts more clearly defined as being against the State and as challenging the prevailing political order. Similarly, the arguments adduced in support of its re-introduction have shifted from a concern with straightforward deterrence to the concept of self defence, based on the presumed need of the State to demonstrate its superior power and its ability to defend itself against internal aggressors. In the latter case, it is not the interests of the individual victim which are said to be at stake, but the moral outrage of an entire community, for the preservation of whose daily order a 'war' is to be waged. In this war, traditional liberal arguments against capital punishment may play no significant part. Thus, the motion to re-introduce it in U.K. was largely defeated on the grounds of its being counter-productive in actually encouraging further and more extreme acts of terrorism, rather than the moral and ethical considerations which played a large part in its original abolition.

The questions raised by such changes go far beyond a possible wrangle over the rights and wrongs of capital punishment in the cases mentioned and serve to indicate how urgently we need a new approach to penal philosophy. Thus, in our efforts to establish a critical stance towards traditional criminological theory, pains have been taken to emphasise the political nature of the criminal law and of the criminal justice system. The overromanticised image of the criminal thereby created has been criticized and more recently tempered by the need to recognise the diversity of criminal behaviour and consequently to distinguish between acts which challenge the prevailing legal order from those which, in effect, serve to support it. Nevertheless, if some offences do indeed challenge the established order they will, by definition, be perceived as a threat by those with an interest in its maintenance. Understandably, therefore, there will be moves against the perpetrators of such acts and extreme counter measures are likely to follow. Such a response would seem to be an inevitable result of the transformation of the image of offenders from that

of sick/undersocialised individuals which provided justification for the official 'liberalisation' of punishment practice, to that of the politically conscious, rational individual, which in turn provides justification for the hardening of such practice, including calls for the re-imposition of the death penalty. If validity is to be accorded to the viewpoint of individual offenders rather than negated by the label of pathology, we must be prepared to accept the consequences of attempts at overt suppression of those views.

How, then, may we meet such consequences? One must of course raise certain questions of, for example, in whose defence exactly the State is acting, and highlight what issues are being effectively obscured by the official focus on punishment. Similarly, we must ask why such violent repression is found necessary at such a particular point in time and what techniques are being employed to justify such reaction and gain acceptance of it. The answers to such issues may then provide the necessary level of understanding from which to derive a critical approach to penal issues - an approach which must go beyond mere de-mystification of the liberal facade of corrections and which must take into consideration an explicitly punitive official orientation of those concerned to maintain the status quo.

THIS ISSUE

The third issue of the journal is somewhat slimmer than previous ones, due partly to the 'heady' effects of Christmas/New Year and partly to financial pressures restricting the amount of copy possible. Nevertheless, there remains a wide range of content covering various issues of interest and appeal, to the three groups comprising our audience. An important new section in this edition is that of 'Prisoners Rights' and it is planned to continue with a series of factual articles dealing with the rights, or otherwise, of Prisoners e.g. voting rights, disciplinary proceedings. Topical issues include the article on the unemployment benefit guidelines, which highlights how prisoners as a group may be doubly disadvantaged by changes in other social areas, and on Community Service Orders, which raises the thorny issue of developing 'alternatives' to prison and how far these may simply reflect a change in the means of coercion rather than the coercive aim itself. Mathieson¹ points out the way in which the demand for alternatives may be used in the process of co-optation of groups acting for the abolition of prison and warns of the charges of lack of realism or irresponsibility when such alternatives are, as they must be, rejected.

Reports from action movements keep the groups in touch with events in other states and help in the transfer of ideas and experience. Similarly, prisoners letters may provide encouragement to others on

the inside as well as serving as a constant reminder to academics and workers within the system of the realities of the prison experience. The major article by Ian Taylor is also instructive in indicating how traditional research need not be rejected out of hand but can be used to advantage in developing a radical prospective and aiding the search for forms of social change rather than individual oppression.

Whilst some articles in this, as in previous issues have been of a general nature, specific reports have tended to concentrate on the problems of white, male, adult prisoners. It is not to be forgotten that other groups suffer from the vagaries of the Criminal Justice System - women as well as men are behind bars; aborigines suffer a process of double discrimination and are over represented as a group in institutions; probationers and parolees are subject to a wide range of controls while supposedly 'at liberty'; and young offenders wile away their often indeterminate or semi-determinate sentences in institutions or under the watchful eye of some 'welfare' officer. All of these areas remain open for comment and debate and the next edition should include articles dealing with some of them.

This issue contains several contributions from W.A. Whatever may be the dominant impression in the Eastern States, W.A. is not without its happenings - or perhaps they could be better described as a series of non events. Thus, 6 businessmen were recently found to have no case to answer on conspiracy charges (causing a judge of the Supreme Court to suggest that company malpractice is not a criminal offence); the promised investigation into the criminal justice system (to replace the previously promised investigation into the parole system) has not materialised; the recent strike by Prison Officers did not lead to riots, throughout the prisons (despite the Union's attempts to blow up one or two minor incidents); and the 'innovatory' new prison at Canning Vale has ground to a halt at the gate-house. One can but be thankful for some of these while others would seem to merit more serious comment. Thus, the topic of 'white collar crime' is of great importance in developing an alternative theoretical perspective and official attitudes towards it should not be rejected in too cavalier a fashion. Again, in Australia, this issue remains wide open for development.

Favourable response to the journal abroad as well as in Australia, bodes well for its future, though both contributions and subscriptions are still required to ensure its continuation. So if you have anything to say, put pen to paper and let us hear about it, and encourage your friends and colleagues to do likewise.

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