

## **The Official History of Criminal Justice in England and Wales. Volume II: Institution-Building**

Paul Rock, *The Official History of Criminal Justice in England and Wales. Volume II: Institution-Building*, Routledge: London, 2019: 555pp.: 9780429469916, 120.00 (hbk), 9780367730116, £36.99 (pbk)

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In recent years the broad fields of criminology and criminal justice have experienced something of a renaissance of interest in the mediating role of institutions. A rich and varied literature is beginning to explore how the institutional structure of the political economy shapes penal policy outcomes at a local, national and supranational level (Lacey, Soskice and Hope, 2018). It has documented the enduring impact of occupational cultures within the core institutions of the criminal justice system, such as the police (Brown, Fleming and Silvestri, 2020), and it is beginning to reveal how institutional ideas, templates and practices flow across national boundaries (Newburn, Jones and Blaustein, 2018).

Institutions play an important role in shaping policy and practice; they help to structure public debates over crime and create new ways of working that are often extremely resilient to reform. However, we still know relatively little about where these institutions come from. What factors shape institutional creation and renewal? Why do governments choose to invest in new institution-building rather than persevere with the status quo ante? Why do some institutional templates achieve official policy-making expression while others do not? In *The Official History of Criminal Justice in England and Wales Volume II: Institution Building*, Paul Rock offers a timely historical treatment of these questions, documenting the genesis of two major criminal justice institutions: the Crown Court and the Crown Prosecution Service. Commissioned by the Cabinet Office, this is the second of a collaboratively written series of official histories that will analyse the evolution of criminal justice in England and Wales between 1959 and 1997 using interviews, British Government records, and papers housed in private, and institutional collections.

The first half of this volume details the establishment of the Crown Court, as given legal effect by the Courts Act 1971. Chapter 1 traces the evolution of criminal justice administration in England

and Wales back to the early medieval period where minor breaches of the criminal law were dealt with by local courts of quarter sessions, who met four times a year, with the most serious cases committed to the courts of assize to be tried in front of professional circuit judges (p.32). Chapter 2 details the proceedings of the Royal Commission on Assizes and Quarter Sessions, announced by the Lord Chancellor and Prime Minister in August 1966. Chapter 3 goes onto summarise the key findings from the report and how these recommendations were received by government. Chapter 4 then deals with the implementation of the Courts Act 1971 and the transformation of the Lord Chancellors Department from a small, and largely informal ministry of state to a major, and increasingly professionalised, central government department (p.183).

The second half of this volume moves on to document the creation of the Crown Prosecution Service, following the Prosecution of Offences Act 1985. Chapter 5 explores the historical origins of the 'mixed system' which saw the bulk of criminal prosecutions in England and Wales managed by local police constabularies with only the most serious criminal cases falling within the remit of the Director of Public Prosecutions (p.203). Chapter 6 explores the historical legacy of the Maxwell Confait case which highlighted the difficulties of conferring both investigative and prosecutorial powers upon the police. Chapter 7 details the events that led to the establishment of a Royal Commission on Criminal Procedure in June 1977, while Chapter 8 goes onto describe the detailed policy deliberations that led the Home Office to endorse an independent and centrally organised crown prosecution service. Chapter 9 explores the difficulty of implementing the Prosecution of Offences Act 1985 at a time when the Thatcher government was committed to stringent fiscal retrenchment across Whitehall (p.447).

This is a meticulously researched study that will appeal to historically minded criminologists, legal historians and criminal justice practitioners. Rock demonstrates real tenacity in seeking to navigate through the extant historical records, both fragmented and mundane, to piece together a compelling contemporary history of the Crown Court and the Crown Prosecution Service. We quickly learn that while criminal justice institutions may appear concrete and enduring, they are in fact highly contingent arrangements borne of negotiation, compromise and circumstance. Moreover, what really stands out here is Rock's sensitivity to historical research as a powerful site of both remembering and forgetting. As Jacques Derrida once noted there is a 'violence of the archive' and the author is careful to describe

the many gaps in the archival records, and how this has shaped his research strategy: the extraordinary volume of records that have sadly been lost or destroyed by successive governments (p.211), the fallibility of human memory and the many silences created by those now deceased, or who have chosen not to engage.

This strategy of tacking closely to the extant historical record is both a strength and a weakness of this volume. Given the scope of the Official History project series, there is limited engagement with social theory, and some readers maybe left seeking more detailed critical analysis and commentary. This is first and foremost a historical study and, when read on these terms, it rewards detailed inspection. The events described in this volume point to an important shift in the administration of criminal justice from a system shaped by ritual, custom and tradition to an ascendant twentieth century modernist project premised upon rationality and bureaucratic consistency (p.186). It is noteworthy that in both the case of the Crown Court and the Crown Prosecution Service, successive governments elected for a highly centralised and managerialist system that significantly expanded the size, influence and bureaucratic capabilities of the state (p.427). Drawing upon Becker's notion of 'sequential causation', Rock illustrates that history is a complex and multi-layered phenomenon (p.425). Different stages of policy development were often insulated from one another, policy participants rarely had full knowledge of what had come before and "what had been influential at one stage ceased to be so later on, eclipsed, transformed or replaced by what happened later" (p.427).

When taken as a whole, this is an impressive study that makes a very significant contribution to criminal justice scholarship. The breadth and richness of the historical material compiled here must be applauded. I have no doubt that, alongside its companion contributions to the Official History of Criminal Justice in England and Wales, this volume will prove to be an essential reference document for researchers seeking to make sense of those critical periods of institution-building that continue to shape the day-to-day administration of criminal justice.

## **References**

Brown, J., Fleming, J., and Silvestri, M. (2021). Policewomen's perceptions of occupational culture in the changing policing environment of England and Wales: A study in liminality. *The Police Journal*, 94(3): 259-28.

Lacey, N., Soskice, D., and Hope, D. (2018). Understanding the Determinants of Penal Policy: Crime, Culture, and Comparative Political Economy. *Annual Review of Criminology*, 1:1: 195-217.

Newburn, T., Jones, T., and Blaustein, J. (2018). Policy mobilities and comparative penalty. *Theoretical Criminology*, 22(4): 563-581.