

Letter in Criminal Law & Justice Weekly

Lack of philosophical focus in criminal justice reforms

Dear Sir,

In his editorial at p. 18 *ante* Adrian Turner makes a wise statement which is so important that it regrettably impels me to inflict yet another letter on your readers. He says 'Time and again, especially under this Government, we have seen criminal justice reforms that have lacked philosophical focus . . .'

A notorious example is the Sexual Offences Act 2003, about which I have often complained. It has no discernible philosophical focus, yet it regulates a topic to which moral and legal philosophy has frequently adverted and which cries out for its guidance.

There needs to be some wise official body whose advice would be sought by legislators when needed. I remember that Rab Butler set up such a body in 1959. It was called the Criminal Law Revision Committee of England and Wales and was a standing committee of learned legal experts that could be called upon by the Home Secretary to advise on legal issues and to report back recommendations for reform. It produced many useful reports, including one on sexual offences (Cmnd 9213).

The Criminal Law Revision Committee was abolished as no longer needed when the Law Commission was set up under the Law Commissions Act 1965. This abolition is now shown to have been a mistake. However such a body needs to include moral philosophers and criminologists as well as lawyers.

Yours faithfully,

Francis Bennion

Note by FB

The CLRC was not formally abolished, but fell into desuetude. It has not been convened since 1985.