

## **The Freethinker - Vol 98 No. 2 February 1978**

Page 45

### **JUROR'S RESPONSIBILITY**

Francis Bennion upbraids me (February "Freethinker") for dodging jury service at the Old Bailey, seeing this as "a rather reprehensible abdication of social responsibility" because "someone has to decide the guilt or innocence of persons accused", As if there were any clear-cut division between guilt and innocence.

Mr Bennion apparently assumes (as befits a lawyer) that, if I did serve on a jury, I would dutifully "find according to the evidence"-even -if this pointed to a verdict of Guilty, the probable consequence of which was a prison sentence. To do so, and simply to leave the outcome -to the judge, would, in my view, be an "abdication of social responsibility" indeed, since experience shows that judges and prisons do far more harm than good, (For eight years I had a part-time job with the Institute for the Study and Treatment of Delinquency, which confirmed my view that imprisonment -is likely to aggravate the prisoner's anti-social tendencies and damage his family, as well as costing far more -in public resources than any other course of action.)

The whole notion that punishment somehow wipes out guilt or repays a debt to society is based on religion, not on reason. Not only do I reject this religious notion, I also reject the authoritarian attitude....

Page 46

.....that credits judges with superior wisdom in the matter of penology-or, say, bishops in the matter of eschatology. That is why I am a member of Radical Alternatives to Prison (the 'inaugural meeting of which, in 1969, I chaired), as well as of the National Secular Society.

Maybe it would have been better to take the opportunity of achieving a few perverse acquittals. However, as this entailed deliberately breaking my affirmation, it posed something of a moral dilemma. It occurred to me to take the bible oath, tongue-in-cheek, as I would have felt happier about breaking that than breaking the secular affirmation; but I also wanted to test the new law on affirmation, and, by affirming, possibly cause a few people to think. Next time, perhaps, I will opt for the perverse acquittals. Will that satisfy Mr Bennion?

BARBARA SMOKER