

# Too Immature to be Punished?

by Theodore Dalrymple



**Just as one begins to imagine** that the liberal pseudo-conscience can go no further in foolishness, it comes up with new schemes to make the world a little worse. Its inventiveness, in fact, is infinite, and no victory over it by common sense is ever more than temporary. The price of sanity, at least in the modern world, is eternal vigilance.

This is not to say, of course, that no liberal reform in the past was ever justified or did no good, or that none will ever do any good in the future. It is simply that, as a matter of contingent sociological fact, many liberals seem to have lost their minds.

The Scottish Sentencing Council, an advisory body with no legislative powers but whose recommendations judges disregard at their peril, [satirical imaginary country](#) in which crime is

regarded as illness and illness as crime.

The Sentencing Council argued that young men are easier to rehabilitate than old. Even if one agreed with the notion of rehabilitation, as if punishment under the law were a kind of moral physiotherapy, this is empirically doubtful and needs to be proved rather than asserted. Certainly, the recidivism rate declines with age at release from prison.

But in any case, what the Sentencing Council disregards is the obvious fact that the vast majority of young people sent to prison are not first-time offenders. The British think tank Civitas recently published a paper that claimed it was easier to find a prisoner in the British prison system with 45 convictions to his name than to find one sent to prison on his first conviction. In other words, most of those sent to prison have already undergone such so-called rehabilitation as the system can offer, evidently without success. And when one realises that most prisoners have committed many more crimes than those for which they have been convicted, one can deduce that the Sentencing Council's proposal amounts almost to impunity for young criminals. No doubt it preens itself on its largeness of mind in proposing such a thing.

I forgive it, however, because many of its members must by now have reached the point of declining brain power.

First published in the