



LEON RADZINOWICZ

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1906–1999

LEON RADZINOWICZ, Sir Leon as he was generally known, died in Haverford, outside Philadelphia, on 29 December 1999, aged ninety-three. To the end he maintained the mental powers and force of character that marked him out as an exceptional person. He was described in his obituary notices as ‘a man of vast energy, great powers of persuasion and considerable charm’, as the ‘engine extraordinary of British criminology’, and as ‘a commanding figure on the international stage in the fields of criminology and criminal justice’.¹ Radzinowicz was best known for having been the first Wolfson Professor of Criminology and founding Director of the Cambridge Institute of Criminology, the first in Britain, and for his monumental scholarship in transforming the approach to the study of English criminal law in his five-volume *History*. But he was also widely consulted by universities and a sought-after adviser on a wide range of issues concerned with crime and penal policy in this country and

¹ *The Times*, 3 Jan. 2000; *The Guardian*, 1 Jan. 2000, by Terence Morris; and *The Independent*, 1 Jan. 2000, by Anthony Bottoms, FBA. In writing this Memoir I have inevitably drawn on other pieces which I have written about Sir Leon over the years: my ‘Introduction’ to the Festschrift published in his honour in 1974 (Roger Hood ed. *Crime, Criminology and Public Policy*); ‘Radzinowicz, Leon’ in *International Encyclopaedia of Social Sciences*, vol. 18, *Biographical Supplement* (1979), pp. 649–55, with a bibliography of his works up to that date; ‘Professor Sir Leon Radzinowicz, LLD, FBA. A Tribute to Mark his 90th Birthday’, *British Journal of Criminology*, vol. 37 No. 1, Winter 1997, pp. i–iv; ‘Radzinowicz, Leon’ in the *Encyclopaedia of Historians and Historical Writing* (1999), pp. 975–6; and an obituary notice in *Monatsschrift für Kriminologie und Strafrechtsreform*, 83, Jahrgang—Heft 4—2000, pp. 207–9. I have also drawn heavily on his own account of his life in his *Adventures in Criminology* (1998).

overseas. In the later stage of his life he introduced criminology into the syllabus of several leading law schools in the United States of America. He was knighted in 1970 and elected a Fellow of the British Academy in 1973. It gave him much satisfaction when he was presented with a large festschrift entitled *Crime, Criminology and Public Policy* (ed. Roger Hood, 1974), with contributions from twenty-eight colleagues at home and abroad.

At the age of 92, Sir Leon published *Adventures in Criminology*, a lengthy and fascinating account of his involvement in the subject from the time that he had gone to Rome at the age of twenty-two in 1927 to become a pupil of the great Italian criminological positivist Enrico Ferri. But this was not a personal autobiography. Those who had hoped for more insight into his personal background and family life were to be disappointed. Radzinowicz always carefully guarded his private life and therefore little is known about his family origins or early upbringing other than that he was born in Lodz, Poland on 15 August 1906 and that his father, Dr David Rabinowicz, was a distinguished physician and head of a hospital, who was, in Radzinowicz's words 'a man of property who led a cultivated social life'. He was three times married: first to Irene Szereszewski from 1933 to 1955; secondly to Mary Ann Nevins from 1958 to 1979, both marriages being dissolved. In 1979 he married Isolde Klarmann, (née Doerenburg) who survives him, as do the children of his second marriage, Ann and William.

Continental career and influences

After leaving school in 1924 he set out for study abroad, with a sufficient private income to sustain him in good style. He had an aptitude for foreign languages: not only Russian and German, but also French. Later, he quickly taught himself Italian and then English, a language that he employed most expressively, even if he never fully mastered its prepositions. He began by studying law at the University of Paris and became attracted to the views of Professor Henri Donnedieu de Vabres, who had a strong interest in the reform of criminal policy. It was this line that the young radical Radzinowicz pursued rather than so-called 'black letter' criminal law, which he found intellectually stultifying. He read widely in history, political science, and sociology and took an active interest in the political affairs of the day. After twelve months he went to Geneva to study with Paul Logoz, the framer of the revised Swiss Penal Code who

later became judge of the Supreme Court of Switzerland, and there he obtained his *Licencie en Droit*.

Radzinowicz's interest in criminology was fuelled by his study of the works of Gabriel Tarde, Alexandre Lacassagne, Franz von Liszt, and most of all by the radical approach of the Italian positivist school, begun by Cesare Lombroso but now led by Enrico Ferri. Radzinowicz was determined to study under the maestro—'my first maestro and the only one I had' (*Adventures*, p. 24)—and after a year at the famous Institute of Criminology in Rome he emerged with his doctorate (*cum maxima laude*), which was published in Paris in 1929 as *Mesures de sûreté* (with a Preface by Ferri). He was captivated by Ferri's conviction that a more rational and effective approach to dealing with crime could only emerge from the study of criminals as persons whose behaviour was determined by both social and endogenous characteristics. The positivist school rejected the traditional notion of criminal responsibility based on the 'free-will' of the actor and regarded it as pointless to punish the offender solely in proportion to the offence he had committed as was required by the so-called classical school of criminal justice. Positivists argued that once there was proof that the accused person had committed the act, the criminal courts should investigate what had caused the criminality and on this determine what action was required in order to prevent repetition of crime. A Criminal Code based on the positivist doctrine would therefore look to the future and employ the new science of criminology to assess the state of danger—*pericolosità*—posed by the offender. Its aim was to provide an effective form of social defence against crime by means of indeterminate sentences and other security measures, rather than to react to crime in a retributive punitive manner or to assume that the criminal was a rational actor who could be deterred by threat of punishment. The young Radzinowicz embraced this progressive-sounding scientific doctrine.

On leaving Rome, Radzinowicz returned to Geneva to take up his first academic post as a *Privatdozent* in the Law School where he used his inaugural lecture (which his father travelled from Poland to attend—the only family mention in *Adventures*), to extol the virtues of the positivist doctrine. Finding little in Switzerland to excite his intellectual curiosity, he left after one year and made his way, again at his own expense, to Belgium. He was excited by the penal changes sweeping that country under the influence of a 'medical model', inspired by criminal anthropology and social defence—in particular the introduction of a biological service to study the personalities of, and to classify, criminals as well as the development of special institutions for young offenders, habitual

criminals, and psychopaths. As he later recognised, his report, *La Lutte Contra La Crime*, was rather long on enthusiastic praise and short on criticism, but it suited the times. It was enormously well received, so much so that he was decorated with the *Chevalier de l'Ordre Leopold*. This is not all he had been doing, for he had been preparing yet another book—*La Crime Passionel* (Paris, 1931).

After another short spell in Geneva, where he wrote *Le problem de la Population en France* (1929), he decided, sometime in 1931, to go back to Poland 'to test my roots and to look at Poland against the much wider Western European background which by then had become so much part of me' (*Adventures*, p. 70). Professor Wladyslaw Wolter, an eminent criminal lawyer, encouraged him to expand the dissertation he had prepared in Rome and to submit it (after taking examinations in Polish legal topics) for the *Doctor Juris* of the University of Cracow. This he obtained in 1932 and at once accepted an invitation to join the Faculty of Law at the Polish Free University in Warsaw as a Docent, a post he held until 1936. Within this span of four years he published extensively (all written in Polish): a large book entitled *The Fundamentals of Penitentiary Science*; three lengthy studies in *Criminological Archives* on 'The State of Crime in Poland' (which I have been informed by a modern Polish criminologist 'established a certain pattern of such statistical analysis of the registered offences which prevails in Polish criminological literature till nowadays'); and a shorter treatise on the *Contemporary Evolution of Criminal Anthropology*, which extolled advances in positivist thought since the Lombrosian period, especially its lessons for the classification of offenders, which, he recalled, met 'with a rather mixed reception'.² He taught as an assistant professor at the college set up by the Ministry of Justice to train prison staff and was instrumental in the establishment of the *Penitentiary Review*, to which he contributed a stream of short but pungent articles. Two titles give a flavour of his concerns at that time: 'Security measures in Theory and Practice'; 'The Crisis of the Polish Prison System—Prisons as Factories of Offenders'.

With the gathering of the dark clouds of Fascism he became aware, through frequent trips to the Law Faculty at Berlin, that the doctrine of social defence could be transformed into a doctrine of social aggression,

² I cannot read this work in Polish, but Professor Krzysztof Krajewski of the University of Warsaw, and author of an obituary notice on Sir Leon in the journal *Panstwo I Prawo (State and Law)* (vol. LV, 2000, pp. 88–92) has traced them. He informed me that 'some of them are very interesting and not only of historical value . . . I think that many of his penological views from that time are of relevance also nowadays.'

especially against petty criminals. He began to distance himself from many aspects of the positivist penal agenda, coming to regard them as illiberal, repressive, and contrary to the rule of law. This critical approach led him to be regarded, as he put it, as 'a kind of criminological dissident' and a crude attempt was made to discredit him. 'By 1936', he stated, 'I had ceased to be a positivist but I never ceased to be proud to have been one at an early stage of my formative years' (*Adventures*, p. 197). On the other hand, he never renounced his belief that a rational penal policy must, at least in part, be based on a scientific analysis of the phenomenon of crime. It was sometime in 1934 or 1935 that he decided to change his name from Rabinowicz to Radzinowicz.

The lure of England

It was time to move on. In 1936 he set out for England, at the suggestion of the Polish Vice-Minister for Justice, to study its penal system which had earned widespread admiration for its progressive reformatory approach to the treatment of offenders: notably evident in the development of the Borstal system, probation and the juvenile courts. This was the turning point of his life, not only because of what the future would bring him in England but because of what he avoided in his native Poland. As he recalled, the Nazis were to massacre the Dean and all the other professors of the Law School at the Free University of Warsaw (*Adventures*, p. 74). An outspoken and fearless person like Radzinowicz would have stood no chance of surviving. His reputation in Poland remained high. Indeed, after the war, it earned him an invitation from the Minister of Justice to return as a distinguished professor. But of course he was not willing to return to a country under subjugation to Soviet Communism, which he despised. When he did eventually agree to go for an official visit in 1978, the commitments made to him that his views would receive wide publicity in his native land were not honoured, greatly to his disappointment. His speech 'Illusions about crimes and justice' was later published in *Encounter*.³

Radzinowicz had already had a taste of English life, and an unusual one for a person of his educational background and social standing. At the age of twenty-five he had decided that he wanted to experience working-class life, as described by writers such as Jack London, and so he rented

³ No. 180, Feb.–March 1979, pp. 31–9.

a room for a month or two from a poor family in London's Dockland. He developed a lifelong admiration for England, its people, and institutions and was delighted when he was naturalised as a British citizen in 1947.

When he arrived in 1936 it was, as he put it, 'under his own steam and at his own expense'. In *Adventures in Criminology* he highlighted the extraordinary differences he found between the continental system of criminal procedure and criminal justice and the hodgepodge of institutions and practices that characterised the English pragmatic approach. But what fascinated him most was what he later termed 'the socio-liberal approach to criminal policy' which at that time permeated English attitudes towards offenders and their punishment. His report to the Polish Ministry of Justice was never published as a whole. It 'found its place amongst the ashes of Warsaw' (*Adventures*, p. 130). But in 1939 his main conclusions appeared in four journals: *The Law Quarterly Review*, *The Canadian Bar Journal*, *The Cambridge Law Journal*, and *Revue de Droit Pénal et Criminologie*. The range of topics was wide: he analysed the after-conduct of discharged prisoners and Borstal inmates; discussed the evolution of the English Prison System; critically analysed, in comparative perspective, the English measures for dealing with persistent offenders; assessed changes in sentencing policy and practices; critically evaluated the strengths and weaknesses of English criminal statistics; and contrasted the liberal aspirations of English penal legislation with the authoritarian conception of penal policy to be found in Nazi Germany. The latter was a theme that engaged his attention to the end of his life. Most of these essays were later republished in *The Modern Approach to Criminal Law* (1945).

He had also brought with him from Poland the statistical material he had collected for two studies of trends in crime. One was concerned with the 'Variability of the Sex-Ratio of Criminality' and the other with 'The Influence of Economic Conditions on Crime'. The latter work included a discussion of the methodological problems of establishing whether the fluctuations in recorded crime in Poland in the years 1928 to 1934 could be related to the change from economic prosperity to the depth of depression, which Poland experienced during that period. He submitted this work to Morris Ginsberg for his opinion and was delighted when that eminent sociologist decided to publish both studies in a series of four articles in English in *The Sociological Review* between 1937 and 1941. The study of economic conditions and crime evoked considerable interest at the time, most notably from the leading American criminologist E. H. Sutherland. Radzinowicz later developed his ideas in a paper he sub-

mitted to the President's National Commission on the Causes and Prevention of Violence in the United States in 1968, and it appeared in volume 1 of *The Criminal in Society*, the first of the three volumes entitled *Crime and Justice* (1971) that he edited with Professor Marvin Wolfgang.

Radzinowicz's financial independence gave him much room for manoeuvre. It enabled him to stay in England as the war clouds gathered and to survive in some comfort for nine years until he was able to establish himself in an academic post. Furthermore, it undoubtedly gave him the confidence throughout his life to be 'his own man'. He was never fearful of the consequences of having a good row if he thought that someone had behaved shoddily.

Establishing his brand of 'Cambridge Criminology'

Radzinowicz's association with Cambridge University began when he was introduced by Cicely Craven, Secretary to the Howard League for Penal Reform, probably in 1938, to J. W. C. (Cecil) Turner, Law Fellow of Trinity Hall. Turner, a disciple of Professor C. S. Kenny in his broad approach to criminal law, was one of the very few British academics at that time with any interest in criminology or penal policy. Turner held out no hope that the subject would take root in Cambridge in the foreseeable future and predicted that 'the road will most likely be long and tough', but he did encourage Radzinowicz to settle in Cambridge and to work with him towards that goal. Radzinowicz and Turner got down to work and were immensely productive. In an article published in 1940 entitled 'The Language of Criminal Science' (*Cambridge Law Journal*, vol. 7, pp. 174–94), they attempted to define the connections and distinctions between criminology, criminal policy, and criminal law (including police powers and criminal procedure). It is still well worth reading. Together, they launched *Criminal Science Pamphlets*, published during the war by the *Canadian Bar Review*, with contributions from several prominent scholars, including E. H. Sutherland and the philosopher A. C. Ewing. In 1940, the first volume of *English Studies in Criminal Science*,⁴ edited by Radzinowicz and Turner, appeared under the title *Penal Reform in England*. It marked the beginning of the recognition of criminology in

⁴ The first seven volumes of *English Studies in Criminal Science* were jointly edited by Radzinowicz and Turner. From then onwards the series was edited by Radzinowicz alone. After volume 10, the name was changed to *Cambridge Studies in Criminology* and Radzinowicz remained the editor until volume 40 was published in 1978.

Cambridge, for it was published under the auspices of a Committee appointed by the Faculty of Law to consider 'the promotion of research and teaching in Criminal Science', under the chairmanship of Professor Sir Percy Winfield. The Committee was ambitious to make a mark in other ways and one of its most outstanding achievements was the convening of a meeting in Cambridge of Foreign Ministers and scholars from many occupied countries in 1941 with the aim of establishing a 'Commission of Penal Reconstruction and Development' to guide penal policy in the post-war years. Some of its conclusions were published by Radzinowicz and Turner in the *Canadian Bar Review* (vol. 19, 1942, pp. 500–7).

In their 'Editorial Note' to the first volume of *English Studies in Criminal Science, Penal Reform in England* (1940) Radzinowicz and Turner set out their approach and their aspirations:

The study of criminal science has been until recently very neglected in England. On the practical side, however, in the general treatment of crime and criminals this country has made noteworthy progress, especially in the past half-century. This illustrates the national characteristic of recognising practical needs before theoretical principles are developed, or even appreciated. A scientific body of principle must however be ultimately established, and it has at last come to be realised that the problem of crime cannot be understood and solved merely by acting on philanthropic impulse, or a desire for progress. Crime must be studied scientifically in the light of tested facts, practical achievements, controlled experiments, and comparative investigations. Like all other sciences, criminal science must advance by method and system . . . Criminal science has a very wide scope. It has first of all to explain the origins of crime; this involves intensive biological and social investigations. We have called this part of criminal science 'criminology'. Secondly. It has to ascertain on the basis of these investigations how best to fight against crime. We have called this part of criminal science 'criminal policy' . . . (pp. 9–10)

Radzinowicz's approach was eclectic and pragmatic. Before long he came to believe that the search for 'the causes' of crime was futile. On the other hand, he strongly believed that applied research concentrating on 'descriptive analytic accounts of the state of crime, of various classes of offenders, of the enforcement of the criminal law, of the effectiveness of various measures of treatment, of the working of the penal system . . . if well conducted, will not only increase the social utility of criminology, but bring a refinement of method and a more exact perception of the things that matter' (*In Search of Criminology* (1961), pp. 177–8).

Radzinowicz argued that crime, criminal law, and punishment could not be studied separately since they owed their origins to the same social

conditions. He held strongly to the view that the study of crime would become arid and dangerous if it were to ignore social and political values and that its justification lay in the contribution it could make to the advancement of a liberal and humane policy for combating crime. 'After all', he wrote at the end of his life, 'criminology was perceived by its promoters not only as an academic discipline but also as a rich and evolving body of empirical knowledge and ideals which could become of some use in the practical business of enforcing the criminal law' (*Adventures*, p. 245). This did not mean that he thought that criminological findings should be the only influence on penal policy, far from it. But it did mean that 'the imposition of political ideology on criminological premises and conclusions . . . should be regarded as the deadly threat to a balanced and fertile development of the discipline' (*Adventures*, p. 456).

This deeply held belief marks out Radzinowicz's distinctive intellectual contribution to criminological studies in Britain. In all his works he blended historical with contemporary analyses, abstract principles with understanding of political realities, and a scientific approach with a fervent and overriding adherence to humanity and liberalism. It is apparent throughout the five volumes of his *History of English Criminal Law*; in the types of research projects he favoured; in the broad syllabus that he approved for the post-graduate study of criminology; in his efforts to bring practitioners into the academic setting; in his contributions to government on committees of inquiry; and in his international work in the United Nations, the Council of Europe and elsewhere.

Looking back over his lifetime he felt able to assess the achievements of his subject with quiet satisfaction:

. . . in probing into the reality of crime and punishment, criminology has achieved considerable success in spite of the weaknesses of many of its hypotheses, of the limitations of many of its methods and techniques, of some extremely controversial contentions, and of the still very modest financial support afforded to it in many parts of the world. Many old questions of course remain unanswered, and many new questions have arisen. But much solid and critical knowledge has been accumulated and it continues to grow. (*Adventures*, p. 468)

Turning to history

When writing his report for the Polish government, Radzinowicz had delved into and been captivated by the wealth of information he had

discovered on the development of the English criminal justice and penal systems. He decided to undertake a massive project on the *History of English Criminal Law since 1750*. This was all the more remarkable given his lack of background in English history and his still somewhat limited command of his adopted language. The *History* was to be unlike any previous works on this subject. With the exception of the Webb's *English Prisons under Local Government* (1921), almost no use had been made of the mine of information waiting to be excavated from the *Blue Books*—the Reports of Royal Commissions and Departmental Committees, the Annual Reports of Commissioners, Inspectors, and Public Bodies, the mass of Accounts and Papers and Statistical Returns—and also from the Parliamentary Debates, newspaper reports, pamphlets, articles in Victorian periodicals, books and the like. It was this mass of material that Radzinowicz mastered. When the outline of his project, illustrating the potentialities of these sources, was published in the *Cambridge Law Journal* (vol. 8, 1943, pp. 180–94), Percy Winfield announced that Radzinowicz had succeeded in giving ‘historical research in Criminal Law a new starting point’.

The title of this work somewhat obscures its scope, depth, and richness. It is less about criminal law per se and more about the realities of crime, the policies adopted to combat it, and the ways in which these policies were put into effect through the institutions of policing and punishment in the emerging modern liberal state. In other words it approached the subject from a criminological and social perspective.

Volume 1, *the Movement for Reform* (1948), dealt with capital punishment, a topic taken up again in volume 4 and brought to a conclusion in volume 5. This celebrated volume (for which the James Barr Ames Prize of the Harvard Law School was awarded) traced how punishments were ameliorated under the pervasive influence of the liberal enlightenment and utilitarian social thought. Beginning with the vast range of offences to which the death penalty could be applied in the eighteenth century, including the notorious Waltham Black Act (a seminal article on which he published in the *Cambridge Law Journal* (vol. 9, pp. 56–81), Radzinowicz vividly portrayed the way in which the statutes were applied and the nature, forms, and customs of execution. He analysed the reasons why the policy of maximum severity, arbitrarily applied, held sway for so long in face of the reformer's attempts to create a system which ensured greater certainty of punishments by grading them in relation to the seriousness of the crime committed. It is a history of ideas, of social and political movements, and of the individual efforts of those who, like

Sir Samuel Romilly, played so vital a part in the reform of the capital statutes. The research for this first volume was supported by the Pilgrim Trust and Radzinowicz acknowledged the considerable help he had received from his first wife Irene. It was named book of the year by G. M. Trevelyan and earned for Radzinowicz a Fellowship of Trinity College Cambridge in 1948 and, three years later, the Cambridge degree of Doctor of Laws.

The next three volumes of the *History* were supported by the Rockefeller Foundation. Volume 2, *the Enforcement of the Law*, and volume 3, *The Reform of the Police*, (both published in 1956) were concerned with the emergence of public policing in place of private initiatives, and showed how the fears that the police would become a bastion of state control were eventually overcome. In volume 4, *Grappling for Control* (1968), the campaigns for the reform of the capital laws and the establishment of a public system of policing were traced up to the 1860s. Volume 5, *The Emergence of Penal Policy* (1986, with Roger Hood and supported by the Home Office and the MacArthur Foundation), explored nineteenth-century conceptions of crime and criminality, and showed how a diversified state system of punishment was developed to deal with various categories of offender, such as juveniles, the mentally deficient, vagrants, political offenders, and habitual criminals. It also described the system of penal servitude which replaced transportation and how sentencing practices developed to meet changing conceptions of crime and punishment.

Like all pioneering authoritative works, it did not escape criticism and controversy, especially when other scholars started to enter the field. In the 1970s and 1980s when there was a penchant for grand theoretical constructions, especially Marxist interpretations of the state and its controlling mechanisms, Radzinowicz's approach to understanding changes in criminal policy was regarded by some as mere 'Whig history'. He was accused of having failed to recognise that the criminal law was a vehicle for the repression of the lower orders, and for concentrating on a 'top down' approach, relying too much on official versions of policy and practice at the expense of studying the reality of law enforcement for the common people at ground level. There was something in this, but a close reading of his work shows that the point was exaggerated. In any case, the broad Marxist interpretations proved to be unsustainable, as John Langbein forcefully showed in his essay 'Albion's Fatal Flaws' (*Past and Present*, No. 98, 1983, pp. 96–120).⁵

⁵ Referring to vol. 1 of Radzinowicz's *History*, Langbein wrote: 'This work is not in fashion today, for reasons that I do not understand. In my opinion the burst of recent scholarship on

It is true, nevertheless, that Radzinowicz was a ‘Whig historian’ to the extent that he regarded it as essential to analyse the extent to which there had been progress in humanising and making more rational society’s response to crime. Yet, it would be wrong to characterise his work as one that portrayed unadorned progress in the penal sphere. The *History*, taken as a whole, does not present the development of criminal policy as a seamless advance of progressive liberal reforms. Rather, it illustrates the tensions that have existed—and continue to exist—between the search for effective control of crime and the need to limit the power of the state’s penal apparatus so as to preserve the rule of law, to protect innocent citizens, and to ensure just treatment for offenders. Radzinowicz’s *History* was enlivened by clarity of expression, telling turns of phrase, perceptive judgements of events and personalities, and an enormous range of sources: all of which still make these formidable looking volumes not only a pleasure to read but an outstanding resource for historians of the period.

A national institute—critics and achievements

Despite being a home of traditional legal scholarship, the Cambridge faculty gradually came to accept ‘Criminal Science’. A small department was set up in 1945 (in reality three rooms in the gallery of the Squire Law Library) and Radzinowicz was appointed to his first paid job in 1946: Assistant Director of Research in Criminal Science. Four years later, when the Department of Criminal Science was formally established, he was appointed Director, with a staff of one Assistant Director (the lawyer F. J. Odgers), one Senior Research Officer (F. H. McClintock) and a secretary.

The controversy caused by the choice of Cambridge over London as the home for the first national Institute of Criminology in 1959 is well known.⁶ But in reality, London University, which had been favoured by the Howard League for Penal Reform, turned out to be a non-runner.

eighteenth-century criminal procedure has done little to detract from Radzinowicz’s awesome book’ (at p. 115).

⁶ See Radzinowicz’s own account, *The Cambridge Institute of Criminology. Its Background and Scope* (1988) and Lord Butler, ‘The Foundation of the Institute of Criminology in Cambridge’, in R. Hood, (ed.), *Crime, Criminology and Public Policy. Essays in Honour of Sir Leon Radzinowicz* (1974, pp. 1–10).

Hermann Mannheim at the LSE and Max Grünhut at Oxford were on the point of retirement and there was no one else of Radzinowicz's experience and stature to take command of the new venture. Even so, Cambridge had its detractors. The close connection with the law faculty was regarded with deep suspicion; the empirical research so far carried out by the Department of Criminal Science was not generally considered very inspiring; there was no tradition of sociological research in Cambridge (indeed no department of sociology); and Radzinowicz's own reputation rested to a large extent on his historical work. The announcement that Cambridge had been selected was noted with disdain by the editors of the leading periodical, *The British Journal of Delinquency* (later *Criminology*). Furthermore, the *Daily Telegraph*, on 18 August 1959, published a hostile leading article (written, it turned out later, by a Cambridge history don) stating that 'it is unlikely that [Radzinowicz's] researches will have practical consequences' (*Adventures*, p. 188).

In fact, Radzinowicz had prepared a tough agenda for his new Institute. Not only was it to 'undertake and encourage research of the highest academic standard . . . it would teach criminology, especially at the post-graduate level . . . and help to produce the teachers of that subject, and the highly qualified research workers, who are at present so scarce . . . it would from time to time bring together groups of those concerned with the administration of justice and the treatment of offenders . . . and survey with academic impartiality—in the light of the results of the research effort as a whole—the general problem of the criminal in society, its causes and its solution.'⁷

This was an extraordinarily ambitious programme for a staff that consisted of a Director, three Assistant Directors of Research (initially Dr Donald West, Dr John Martin, and F. H. McClintock), an Assistant in Research (Joan King) and a Librarian. And it became even more ambitious when to it was added undergraduate teaching, a biennial National Conference, and Cropwood short-term Fellowships and Conferences.

Conscious as he was that all eyes were on this new venture—not just of those outside Cambridge but also of sceptics inside the law faculty—he was determined that there should be no setbacks. All the promised goods were to be delivered on time and of high quality. Radzinowicz saw it as his duty to *direct* and 'The Director' he was. He ran the Institute with

⁷ A memorandum prepared by Leon Radzinowicz was the basis of the government's statement describing the new Institute in the White Paper *Penal Practice in a Changing Society* (Cmnd. 645, 1959, para. 22).

an iron fist. He was authoritarian, rather remote (he entered the Institute by his own door) and unswervingly formal—there were no first names used in those days. This inspired respect from all and from some not a little fear. When he was knighted in 1970 one of his colleagues at the Institute remarked: ‘It will make no difference to me. I always call him Sir anyway.’

It now seems remarkable that Radzinowicz found time during this intensive period of institution building to complete volume 4 of his *History*. He had some help of course, primarily from Joan King, but he was stung and regarded it as unfair when Edward Thompson compared it unfavourably to the earlier volumes for showing signs of too much reliance on research assistance. The already mentioned three-volume compendium on *Crime and Justice*, produced with Marvin Wolfgang, was hailed by a reviewer in the *New York Times* as ‘the Bible of Criminology’ and he also gave several major public lectures. The most significant were the Carpentier Lectures at Columbia, a brilliant survey of criminological ideas in the context of changing social thought, published as *Ideology and Crime* (1966). At the same time he was taking an active part in public life in this country and abroad. Only a person of immense energy, commitment, and stamina could have accomplished so much.

In due course, Hugh Klare, the Secretary of the Howard League for Penal Reform, was to write, when reviewing Radzinowicz’s Festschrift, of the ‘enormous dynamism needed to put the Institute into effect’ and he concluded: ‘I am now grateful for the Cambridge style of criminology.’ But others continued to criticise Radzinowicz’s Institute, believing that its pragmatic policy-based approach tied it too closely to the Home Office; that the research relied too much on official records without recognising their limitations; and that its major research projects took too little account of the latest sociological theories and approaches, especially those associated with what became known as the ‘labelling and interactionist’ perspective. The late 1960s was, after all, a time of student radicalism and to the ‘young Turks’ Cambridge criminology looked far too Establishment. Indeed, for a time, they were more attracted to the National Deviancy Symposium, which was established at York University in 1968 as an alternative to the Cambridge National Conferences. In reality however, the Institute was far more independent than its critics realised, and better protected from official influence than many of the criminological research groups that have since been set up.

Contributions to public policy

Radzinowicz's first major involvement in public affairs came when he was appointed a member of the Royal Commission on Capital Punishment in 1953. He was proud to have taken part in such a distinguished inquiry and proud of the influence that he had brought to bear on its deliberations. It is sometimes forgotten that the terms of reference of the Royal Commission were to consider *inter alia* 'whether . . . capital punishment for murder should be limited or modified', not whether or not it should be abolished. The Commission came to the conclusion that the only practical way in which such a restriction could be achieved would be to give discretion to the jury to decide in each individual case 'whether there are such extenuating circumstances as to justify the substitution of a lesser sentence for the sentence of death'. But to do so would involve a fundamental change in the traditional functions of the British jury system and 'its disadvantages may be thought to outweigh its merits' (*Report of the Royal Commission on Capital Punishment*, Cmd. 8932, 1957, para. 611, p. 214). Radzinowicz eventually revealed that it was he who had proposed the words that followed, words which proved to be so important in shaping the subsequent debate:

If this view were to prevail, the conclusion to our mind would be inescapable that in this country a stage has been reached where little more can be done effectively to limit the liability to suffer the death penalty and that the real issue is now whether capital punishment should be retained or abolished (*Adventures*, p. 265).

He was opposed to capital punishment but not because he believed that it was a 'human rights issue'. His argument was pragmatic: namely that civilised societies could not and should not tolerate high rates of execution and that a mere symbolic use of the death penalty with a dozen or so executions a year was 'irrelevant . . . one way or another to . . . social cohesion, public morality, or protection against crime' (*Adventures*, p. 275).

In 1967 Radzinowicz became embroiled in a controversy that has refused to go away. Lord Mountbatten had been asked to inquire into prison security following the escape of the notorious spy George Blake. He concluded that a maximum-security prison should be built on the Isle of Wight to contain all those prisoners whose escape would put the police and public in danger of their lives. Leon Radzinowicz was then asked to chair a small sub-committee of the Advisory Council on the Penal System (he had been an active member of its predecessor The Advisory

Council on the Treatment of Offenders) to report on what regime would be appropriate for prisoners confined in such conditions. His committee decided that to concentrate the worst security risks in one prison would have many disadvantages and that a more constructive and humane regime could be provided if they were dispersed amongst other prisoners requiring a somewhat lesser degree of security in several prisons: the essential element being an absolutely secure perimeter. The Home Office accepted this solution but subsequently there were riots in several of the dispersal prisons. Some prominent penologists blamed Radzinowicz for having rejected the Mountbatten solution but he remained to the end convinced that dispersal, whatever its faults, was preferable to concentrating all 'the bad apples' in one institution. In his opinion there had been no fundamental mistake of judgement, but rather a failure of the prison service to provide the kind of special humane regime his committee had recommended, for fear of appearing to give advantages to some of the worst criminals in the country (*Adventures*, p. 307).

Radzinowicz also played a controversial role as a member of the Royal Commission on the Penal System, set up in 1964 with very wide terms of reference: '... in the light of modern knowledge of crime and its causes and of modern penal practice here and abroad to re-examine the concepts and purposes which should underlie the punishment and treatment of offenders in England and Wales ...' He felt duty bound to accept the invitation to serve, but being sceptical that anything concrete could result from an examination of the causes of crime and vague 'concepts and purposes' he was 'pretty certain that this would be a stony path to follow, and one very likely to be met by bitterness and sadness at the end of it' (*Adventures*, p. 337). And so it turned out. After eighteen months he was instrumental in its collapse when he resigned in the company of four other influential members, most notably Barbara Wootton.

On the international stage

Leon Radzinowicz was also a considerable figure on the international stage. Towards the end of 1947 he accepted an invitation for one year to become the first Chief of the United Nations Section of Social Defence, at Lake Success near New York. With typical dynamism he recruited a small staff and within months they had completed an influential report on *Probation and Allied Measures*. After attending the first UN Crime Conference held in Geneva in 1955 he was invited to be the co-chairman

of the second conference in London in 1960. Ten years later he played a significant role as the first non-governmental Rapporteur-Général to sum up the significance of the Fourth UN Crime Congress held in Kyoto. He was also influential in guiding and stimulating the Council of Europe's efforts to boost criminological research, particularly when he was elected as the first chairman of the Criminological Scientific Council of the European Committee on Crime Problems. He gave an opportunity to those who he called 'the young eagles' in their late twenties or early thirties to contribute papers to the annual conferences of directors of research institutes held in Strasbourg.

Inevitably, he was called upon to advise on the development of criminological institutes. He travelled to Australia to assist the National Institute of Criminology and the government of New South Wales. He agreed, but only when he judged the time to be ripe, to advise the University of Cape Town on the setting up of an Institute of Criminology. He produced an influential report for the New York Bar Association on *The Need for Criminology* (1965), making the case for an independent and well-funded Institute of Criminology in that great city. Although that grand vision failed to materialise, his report nevertheless played a part in the subsequent establishment of the School of Criminal Justice at the State University of New York in Albany.

As he approached retirement from Cambridge, and over the following decade, he turned to a new aspect of his career, introducing criminology into the syllabus of some of the major law schools in the USA. He established himself at Columbia Law School as an Adjunct Professor (where he was very close to the eminent criminal lawyer, Herbert Wechsler) for about eight weeks every year from 1964–77, and then set himself a demanding schedule by also teaching during the same period at Virginia Law School from 1968–75, Pennsylvania from 1970–4, Rutgers Camden Law School from 1968–72 and 1979–81, as well as spells at Yeshiva University Law School, John Jay College of Criminal Justice in New York, and the University of Minnesota Law School.

In 'retirement'

In retirement he continued to hold and express strong views on the direction taken by governments in response to concerns about rising crime. He believed that the subject should never be dealt with on narrow party political lines in order to court the popular vote. He was dismayed by

what he termed ‘penal regressions’, especially in the USA, but also in England, whose penal policy he had so much admired when he had arrived here as a young man. He was appalled by the privatisation of prisons and found distasteful the electronic monitoring of offenders. He remained thoroughly opposed to long mandatory prison sentences and to the use of indeterminate sentences for so-called ‘dangerous offenders’. English liberal penal policy, he sadly remarked, ‘has lost much of its vigour and fertility and the ideology which inspired it is rapidly fading away’ (*Adventures*, p. 131).

During the many active years left to him after relinquishing the directorship of the Cambridge Institute, he published (with his assistant Joan King) *The Growth of Crime* (1977). This did not turn out to be the best-seller his publisher had hoped for, despite being informative, trenchant, and well-written. On a visit to the Max Planck Institute for Foreign and International Crime Law he completed the research for a fascinating account of the activities of the International Association for Criminal Law (IKV) to mark its centenary in 1978. While they were working together on volume 5 of the *History of English Criminal Law*, he and Roger Hood published several articles on penal developments in England and the United States relating to sentencing structures and proposals for dealing with dangerous offenders. When many thought that he must have finally run out of steam they were pleasantly surprised to receive offprints from him of several vigorous papers, most notably ‘Penal Regressions’ published in the *Cambridge Law Journal* when he was eighty-five. And when *Adventures in Criminology* appeared everyone was astounded that a man of over ninety should have been able to bring to fruition a work of such scope, length, and vitality.

A remarkable personality

Working with him, as I had the privilege to do for many years, I became in awe of his enormous energy, his extraordinary memory, his powers of composition and attention to detail, his artistic sense, and flair for his adopted language. His was witty, a terrific conversationalist, very generous, and fun to be with except when he was in a demanding frame of mind. He was, as he often said himself, ‘not an easy man’. Indeed, when asked by a fellow member of the Royal Commission on Capital Punishment to define a psychopath he found it amusing to give himself as an example (*Adventures*, p. 257). But he meant it only partly as a joke, for

he was proud to be a person with an unusual degree of determination and desire to succeed. He demanded just as much from himself as he demanded from his colleagues, the same high standards of scholarship and professional conduct. One knew that he placed giving an honest opinion and the pursuit of what he thought was right above trying to avoid hurt feelings. He admired and was loyal to those who stood up for themselves and their beliefs, even if he did not agree with them.

He was rather a 'grand seigneur' and always immaculately dressed. He loved good suits from Saville Row and hand-made shoes and he travelled by taxi and stayed in the best hotels. He was an expert on Martinis and a patron of good restaurants but he ate and drank wine modestly, for he hated vulgar extravagance and greed. While he admired those who succeeded in life, especially in public and intellectual life, he despised pomposity and with his exceptional social antennae could spot a phoney a mile away. He took a personal interest in a wide variety of people from all walks of life and was adored by many of the ordinary people with whom he came into contact from taxi drivers to waiters. They, like so many others, were magnetised by his personality.

ROGER HOOD

Fellow of the Academy

