

Michigan Law Review

Volume 56 | Issue 3

1958

Radzinowicz: A History of English Criminal Law and Its Administration From 1750. Vols. 2 and 3.

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Recommended Citation

Jerome H. Hall, *Radzinowicz: A History of English Criminal Law and Its Administration From 1750. Vols. 2 and 3.*, 56 MICH. L. REV. 480 (1958).

Available at: <https://repository.law.umich.edu/mlr/vol56/iss3/22>

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A HISTORY OF ENGLISH CRIMINAL LAW AND ITS ADMINISTRATION FROM 1750. Vols. 2 and 3. By *Leon Radzinowicz*. New York: Macmillan. 1957. Pp. xviii, 751; xvii, 688. \$15.00 each.

These volumes are part of an elaborate plan of a history of English criminal law and its administration. The first volume has been characterized as "monumental" and "herculean"; and these adjectives do not exaggerate the proportions of Dr. Radzinowicz's *magnum opus*.*

That the University of Cambridge Law School maintains a Department of Criminal Science and that such a treatise as Dr. Radzinowicz's can be produced under its auspices must give American scholars ground for sober thought regarding the situation in the United States especially with reference to encouragement of nonvocational legal scholarship by the law schools.

Volume One, it may be recalled, dealt with one phase of the reform of the substantive criminal law—the progressive restriction of the capital penalty. It is a familiar story—the widespread capital penalty of the book-law and the piece-meal unsystematic legislation, with non-violent crimes against property receiving the major emphasis. Then there were the striking administrative practices of judge, jury and executive, e.g., the technical and narrow interpretations of the statutes, the verdicts that were "pious frauds," and the commutations, which in fact transformed the severe statutory law into an approximation to public opinion and a decent proportion between crime and punishment. There are very detailed descriptions of Newgate, the public hangings and the vulgar celebration of the "performance." The best part of the book is the summary of the thought and efforts of the reformers—Eden, Romilly, Bentham and H. Fielding. The climax is a detailed synopsis of the Report of the Committee of 1819 which heralded the sweeping reforms that led to the restriction of the capital penalty to a few major crimes.

Volume Two deals with one phase of the enforcement of the criminal law—the private system of police which had become notoriously inefficient by the 18th century. At least 100 pages of the text and 60 pages of the Appendix are devoted to the various rewards which motivated police service by private persons; and this extensive reporting is typical of the lush and leisurely fare provided in the treatise. Professional police were maintained only in the London area and on the Thames, and these were divided into independent groups under different commands. The

*The following presents the statistical facts in numbers of pages:

Volume	Text	Appendix	Bibliography	Cases	Statutes	Index
I	604	123	51	5	13	44
II	427	101	84	1	6	118
III	474	97	57	1	2	49
Total	1505	321	192	7	21	211

efforts of private and commercial organizations to supply some form of police protection are fully described, and the corrupt practices of local officers who permitted gambling and bawdy houses to operate are set out in profuse detail. The author recounts the sordid social conditions of the times, and his viewpoint is characterized by disapproval and anticipation of the reforms to come.

It is regrettable that in this huge work very little insight into the rationale of private police service in England is contributed. This kind of interpretation would have balanced the author's uniform attitude of reform and it would have performed part of the historian's function to make the past plausible and life-like in its own terms. It would, moreover, have revealed the popular basis of the subsequent success of police service in England—the frankpledge system of olden days and the wide acceptance of the premise that police work is every citizen's responsibility, which is not satisfied by the mere employment of a professional force. Finally, although this is not within the author's sphere of interest, a sympathetic portrayal of some phases of private police service would be illuminating to residents of American cities. It might even have suggested the possibility of using modern private agencies to supplement grossly inadequate metropolitan police service and thus to cope with conditions that make American cities barbarous hazards that cannot be tolerated indefinitely.

Volume Three deals with the movement for police reform and it terminates with a summary of Edwin Chadwick's article on preventive police, published in 1829. This must lead directly to the major reforms initiated by Peel which, presumably, will be the subject of the next volume. In Volume Three, there are detailed summaries of the agitation for police reform by the Fieldings, Colquhoun and again, the Utilitarians. The early inadequate legislation is described in its minutiae as are the efforts of the reformers to improve social manners, i.e., to diminish "vice" and alcoholism. Again, except for the resurrection of some long forgotten reputations like Chadwick's, the chronicle is a familiar one, but it is here augmented in minute detail in the text and then large portions of the principal relevant documents are required in the Appendices. Bibliographies which seem to repeat in large print the information previously given in the footnotes run into many pages; and the Index of Volume Two alone is the size of some books. But no subsequent researcher will need to experience the ordeal of the author of these ample volumes so far as examination of the thousands of documents and records is concerned.

Any reader of Dr. Radzinowicz's treatise can have only the greatest admiration for the perseverance and painstaking effort that have been devoted to his task. It is not, to be sure, a work of theoretical significance. The author does not present or test historical theories in the way that has, e.g., distinguished the work of Professor Julius Goebel. Nor does he use the history of 18th and 19th century English criminal law as a laboratory to discover recurrent practices and patterns which can be formulated as

generalizations of a science of law. And he does not re-create the times he describes in ways which allow his reader to participate in them.

But none of these was Dr. Radzinowicz's objective and he can hardly be criticized for not doing what he did not set out to do. He has thus far provided a detailed chronicle and history written in anticipation of the reform of English criminal law and administration from 1750 to 1829. It has taken three bulky volumes to cover those years and if the work continues in like detail, it will require five more equally large volumes to do the job. The abolition of the indiscriminate capital penalty and the rise of a professional police force in England are very important subjects, but the retelling of this history in such massive tomes raises questions which temper one's appreciation of Dr. Radzinowicz's extraordinary achievement.

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