

THE CAMBRIDGE LAW JOURNAL

VOLUME 27 PART 1

APRIL 1969

JAMES WILLIAM CECIL TURNER, M.C., LL.D.

1886–1968

WITH the death of Dr. Turner Cambridge has lost a criminal lawyer of world-wide distinction. During the past twenty years his name came to be almost synonymous with criminal law in this country, a process which began with his articles on *mens rea*, attempts and assault, and culminated in successive editions of Kenny's classic *Outlines of Criminal Law* and the monumental *Russell on Crime*, both of which he largely rewrote. Besides this, he wrote several other articles and produced *Cases on Criminal Law* in association with Mr. Armitage, and was joint editor of the *Cambridge Studies in Criminal Science* with Dr. Radzinowicz. He was secretary of the Faculty of Law during the difficult war years, and played a leading part in founding the Department of Criminal Science and continued to be active, even after his retirement, in the Institute of Criminology, which grew out of it.

Cambridge will surely remember Turner best as a teacher and as a man, and can only feel grateful for a life which was so rich in its contribution. It so happened that his lectures were given, not in criminal law, but in Roman law and in comparative Roman and English law. In this material many gems lie buried. It is probable that his analysis of remoteness of damage, and of the *Polemis* case in particular, would, if published in the 1930s, have avoided the misconceptions that grew up to befuddle this topic. Nothing, alas, can be done now, for legal development has gone beyond the point of recall: truly a tragedy of lost wisdom. Again, his theory of possession, built up on an analysis of Holmes's chapter on "Possession" in *The Common Law* and of the Roman texts, introduced sense into this elusive concept, while his interpretation of the *scriptura* and *pictura* cases in Gaius and Justinian, which commentators tend simply to accept, kicked both of them into a new and consistent shape. He

had also prepared a presentation of the texts of Gaius's and Justinian's *Institutes*, after the style of Gneist's *Syntagma*, with an up-to-date commentary, which for some reason never came to fruition. Only the preliminary historical portion was published under the title *Introduction to the Study of Roman Private Law*.

Turner continued the tradition of great teachers, which included David Oliver and Percy Winfield and whose gift cannot be captured in words. What it was to have been taught by such men! Turner especially had an instinctive understanding of the mettle of undergraduates so that he knew when to keep dangling the carrot just ahead of some so as to bring out that little extra bit, and when to sustain others with due encouragement. One of the best aspects of his training was the precision he instilled by his intolerance of loose expression, which to him meant loose thinking. Yet, his ruthless unpicking of what a man may have written or said was done with such humour that the process was as painless as it was salutary. Of his supervisions generally it might perhaps be said that the good man, who had grasped the rudiments, profited more than the weak man from the refined analysis, which illuminated rather than expounded principle; but all enjoyed immensely his astringent wit and liveliness. With mime and pantomime the facts of cases and illustrations of doctrine were indelibly imprinted. Not that he ever set out to be funny, but the way he put things was such as to provoke his audiences constantly to laughter; which is why he often overran the appointed hour. It is not too much of an exaggeration to say that if the next class, waiting outside his room, did not hear a laugh at least once every five minutes, a likely remark would be: "He's not in form today!"

Little wonder that such a man should come to be loved by generations of men, having earned their respect in more ways than one. As a former Worcestershire county cricketer, reputedly "one of the straightest of bats," and for years treasurer of the University Cricket Club, his knowledge of the game was profound. As a Proctor, and he held office longer than anyone else, he was an engaging as well as a formidable opponent. Tales of his activities in this sphere have passed into university legend. He also acted as deputy county court judge, accepting the occasional reversal of his decisions with the cheerful philosophy that the Court of Appeal had, after all, to justify its existence.

What shone through to all was his kindness and understanding. Undergraduate trouble is inconceivable in the case of one who inspired such deep respect and affection. His help of them, which did not end with their *status pupillaris*, was generally unobtrusive,

and there are many who may guess, but never know, how much they owe to him. He also had a strong sense of obligation, insisting that one should think of one's rights only after thinking of what one should give, and some of the tendencies of today, both in universities and outside, saddened him. He was devoted to his family, who were a constant source of pride and support to him; and he delighted in his beautiful garden. Personal advancement never interested him; his concern was with undergraduates and the institutions to which he belonged. Characteristically, it was to please his colleagues in College, who wanted to see him honoured, and at their express request, that he applied for and was awarded the LL.D. Degree in 1963; which also shows what they thought of him. This is not the place to enter into his services to Queens', his undergraduate College, and to Trinity Hall, of which he was a Fellow since 1926 and for long also Bursar and Steward; as can be imagined they were considerable.

Many, no doubt, have felt justly proud of their College and University; but there are few of whom it can truly be said that their College and University could justly be proud of them. Turner was such a man.

R. W. M. D.