



Photo by Michal Zimring

GORDON JOSEPH HAWKINS 1919-2004

ACADEMIC WHO SWAYED MINDS AND HEARTS by Judge Greg Woods, QC*

Gordon Hawkins – criminologist, soldier, philosopher and academic star – died on the 29th of February 2004 from the complications of a heart condition which overtook him in October 2003. He was 84 and had lived in Australia since 1961.

Born in London in 1919, he was part of the generation whose education was interrupted by the war against Hitler and Japan. He served as a soldier between 1939 and 1946. Posted to the Indian Army, his first experience of sub-continental military life was an early parade and then a breakfast of gin extending to lunch. He was particularly fond of the Ghurkhas whom he commanded, and whom he regarded as wonderful people but distinctly dangerous. He was demobilized as Captain Hawkins. Returning to postwar Britain, he took a degree in philosophy with distinction at the University of Wales and then furthered his philosophical interests at Oxford where he read for a doctorate. He and his wife Stephanie lived

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in an isolated farmhouse outside Oxford, producing daughters. His thesis subject was the free will-determinism debate, but the rationed food, cold water, and financial stringency of postwar Britain overbore his free will and determined his conduct: he was forced to abandon the doctorate and take a paying job as an Assistant Governor in the English prison service. He spent seven years in this service, particularly at Maidstone and Wakefield prisons.

In 1960 Professor Ken Shatwell, Dean of the Faculty of Law in the University of Sydney, visited England and heard Hawkins speak at a conference on prisons. At this time Shatwell was keen to establish a school of criminology at Sydney University. He offered Hawkins a three-year senior lectureship. Hawkins was seduced by promises of sunshine and money and arrived to start teaching at Sydney Law School in 1961. Hawkins settled with his family near the beach at Manly, and he lived and swam there until the end of his life.

From 1961 until his retirement in 1984 at the statutory age of 65, Hawkins taught criminology to a number of generations of Sydney University law students. The present federal and state parliaments contain ministers and members in various parties who were exposed to Hawkins' ideas. His approach to crime and criminology was eclectic and driven by no party agenda, but his influence was probably greater upon those who found their way into ALP ranks.

Hawkins' first major book was *The Honest Politician's Guide to Crime Control* (1970), written in collaboration with Norval Morris. The *Honest Politician* urged the adoption of humane penal and policing policies based not on spur-of-the-moment populism, but on research-based evidence. These notions coincided with a spirit of liberalism and tolerance abroad during the 1960s and the 1970s, but they have not been central to public policy and legislation in the 1990s and after. It is remarkable that Morris died in Chicago just eight days before Hawkins' death in Manly Hospital, Sydney.

Morris, originally a Melbourne academic, took up posts teaching criminal law and criminology at Harvard, and most notably at Chicago, from the 1960s. Morris persuaded Hawkins to make what became for him virtually an annual journey from then onwards as Visiting Professor in Criminology at one or another of the universities where Morris was influential. The sun-loving Hawkins would usually take leave from Sydney University during the winter term, and visit America to take in the northern hemisphere summer and to write another book. His output over the several decades following the *Honest Politician* was prodigious: working between 1984 and 2001 at the Earl Warren Legal Institute at

Berkeley, he wrote eight heavily researched studies in collaboration with Franklin Zimring, the brilliant successor to Norval Morris. These followed an earlier major book on deterrence (1976) and covered fundamental criminological subjects such as gun control (1987) and incapacitation (1995). To his friend Richard Harding, Hawkins sent a copy of another Hawkins/Zimring opus *Pornography in A Free Society*, inscribing the flyleaf with characteristic irony: “*Another problem solved.*” With co-author Michael Sherman, he wrote *Imprisonment in America: Choosing the Future* (1981), which was an extension of Hawkins’ 1976 book *The Prison: Policy and Practice*. There he wrote:

. . . [some] would argue that the failure of prisons is due to their not having been sufficiently punitive. But both past and present experience clearly indicates that the only result to be expected from the implementation of a more punitive policy in prisons would be greatly intensified unrest, turbulence, riot and revolt, and a substantial increase in death and injury for both staff and prisoners.

"Turbulence, riot and revolt" is what had occurred in the New South Wales prison system in 1970. On the 3rd of February 1974 it was repeated at Bathurst gaol and a large section of that institution was burned. In response, a number of prisoners were bashed. Hawkins did not take a party political position on this issue, but he was influential in promoting the notion that prison riots were a symptom of maladministration. Pressure from the Council for Civil Liberties and various reform advocates forced the establishment of a Royal Commission to inquire into the New South Wales prison system. This was presided over by John Nagle, now retired from the Supreme Court bench, with the assistance of David Hunt Q.C. The lengthy proceedings of the Royal Commission indeed revealed maladministration and led to a very good report, much of which was actually implemented in following years. There is no doubt that Hawkins’ writings and lectures had an indirect effect in moulding submissions to the Royal Commission, and its recommendations.

Hawkins was no research drudge, roped to the academic mast churning out footnotes. On his return to Sydney each year from America, he would show off some outrageous new coat or other item of coloured-chic clothing. The *sportif* Hawkins wardrobe was a regular source of interest to students and colleagues. He was a great socializer and often drank with colleagues and students in the old Carlton-Rex in Elizabeth Street and in various of the wine bars, pubs, and clubs in the central city area. The New South Wales Leagues Club in Phillip Street was regularly the venue for discussions about subjects such as linguistic analysis and

the Australian materialist school of philosophy, as well as less elevated interests. He was proud of his daughters, one of whom had taken to philosophy, studying under David Armstrong at Sydney.

One of Hawkins' less elevated interests was swimming and (occasionally nude) sunbaking. Many of his friends are astonished that he died only recently from heart problems and not much earlier from skin melanoma. After his arrival in Australia in 1961, Hawkins made up for years of sun deprivation in the northern hemisphere. Permanently tanned, he was part of a group of people who enjoyed the sun at a discreet harbour beach near Manly. One of the all-over sun worshippers was Hawkins' Steyne Hotel drinking mate, taxi-driver turned film actor Grahame Marshall. When Marshall and a lady friend were charged with the criminal offence of "indecent exposure of the person," Hawkins arranged for their legal representation. Marshall was found guilty and admonished, and the lady was acquitted on the ground that she did not have a "person" to indecently expose – "person" meaning, in law, a penis. These ludicrous proceedings persuaded the new government of Neville Wran to change the law and to legalize nude bathing in certain declared areas.

In the 1960s, Hawkins' good looks and negligent charm in the style of David Niven prompted television studios to offer him more exposure than he had at the university or on the beach. He supplemented an academic salary with income from a starring role in a daytime series called "People In Conflict." In an era of more innocent daytime television than the present, he briefly became an object of abstracted romantic interest to Australian housewives. More seriously, he wrote and presented for ABC television a sequence of programs entitled "Beyond Reasonable Doubt," identifying and directing official attention to various criminal cases where some real doubt about the justice of a conviction appeared. This was published as a book. During the sixties and seventies he also wrote a weekly newspaper column, a miscellany of witty and pointed observations on social events. These were not always on subjects related to criminal or penal issues, and they reflected his breadth of learning and a tolerant and realistic view of the world.

Notwithstanding media celebrity, Hawkins was a serious academic and a forceful defender of academic principles. In Mackinolty's 1991 history of Sydney University Law School, Hawkins derided criticism that the teaching of criminology at Sydney had been captured and controlled by the conservative values of Sydney's practising lawyers, and that research produced there was not based on any particular theoretical position. He wrote that "*The result of 'theoretically propelled research' too often tend to reflect the parti pris of the investigator and to*

confirm the theory that provides the propulsion.” Hawkins was too much the sceptic to have been captured by any fixed ideology.

He is survived by his wife Stephanie and three daughters. He will be missed as well by a wide circle of university friends and an indeterminate number of greying romantics who remember daytime television from the 1960s.