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# Floyd Feeney — An Appreciation

*Betty and David Moxon\**

This appreciation is of Floyd as a friend, a fellow researcher, and a wise adviser. We both worked in the U.K. Home Office, David as a researcher and Betty as an administrator and policy adviser. Floyd was a joy to work with. His work was so meticulous, often set in a historical context, and always informed by deep scholarship. He became our friend and more — he was the California part of the family.

*David writes:* While working as a researcher in the Home Office in the mid-1980s I was given the task of putting together a collection of papers under the title *Managing Criminal Justice*.<sup>1</sup> Its purpose was to study the various components of the system and see how they interacted with one another and how things could be made to work better. This coincided with Floyd's spell as director of the London Office of the Vera Institute of Justice, working on just this theme.

Our links with Vera arose from a belief that involving distinguished U.S. scholars could bring fresh perspectives to help us improve aspects of a criminal justice system that was in urgent need of reform. In the event we got much more than a U.S. perspective, thanks to the extraordinary breadth and depth of Floyd's knowledge of systems around the world. Based on extensive consultations Floyd undertook during his time here he contributed two book chapters to the book I was editing, one of which, entitled *Interdependence as a Working Concept*, set the agenda.

In his work in the United Kingdom Floyd engaged with many criminal justice agencies and identified over eighty major areas of interagency operation that those involved thought required improvement. He went on to put forward practical suggestions as to how the necessary changes could be implemented. While direct observation of and discussion with the various agencies were essential, no one could have rivalled Floyd's ability to set it in the wider historical

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<sup>1</sup> *MANAGING CRIMINAL JUSTICE: A COLLECTION OF PAPERS* (David Moxon ed., 1985).

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and scientific context. The sheer breadth of his knowledge and experience made for persuasive reports which gained further strength from the clarity and rigour of the writing: Floyd's chapters were the easiest to edit — the only ones in which I never changed a word. By then I knew that Floyd's tendency to run tight against deadlines wouldn't matter!

The scholarship and creative intelligence that Floyd brought to his work during his time in England were crucial, but his success did not depend on intellect alone. He was universally liked, trusted, and respected, and his courtesy towards all the people he dealt with, at every level, was legendary. Everyone enjoyed his company and he brought the best out of them.

His humanity shone through in everything he did and said, and we felt privileged to have spent so much time with him.

*Betty writes:* In the 1980s I was at home with small children when I first met Floyd. He was on his way to stay with us, and I was expecting him to ring to confirm the details. At that point I had not met him, so didn't know quite what to expect. I can still remember the impact of that first phone call. On the line was the perfect Southern gentleman with the kind of accent I had only ever heard in movies, being charming, kind, courteous, and thoughtful of others in making his arrangements. And this is exactly the man he was. He immediately got swallowed up into the family, and I can still see him being the "horsie" of a gleeful three-year-old boy, both of them having so much fun despite Floyd's somewhat fragile back!

A year or two later Floyd and Barry Mahoney, another Vera secondee, were instrumental in getting David to do a session at the American Society of Criminology Conference in San Diego. We took the boys out of school and did a road trip in the States, starting with Floyd's family in Davis and finishing in San Diego. Floyd showed us his California, even lending us his Toyota Camry for the first week of our trip — beginning our lifelong attachment to Japanese cars!

We would meet up whenever we could. Floyd had family in England so came over regularly. We did a Feeney/Moxon family skiing trip to Norway and met up as often as we could both here and in the States. I was skiing with Floyd at Mammoth Mountain on the memorable day I broke my ankle on the last run of the day. He guarded me until the ski patrol came and kept our little family group on an even keel while we got through the traumatic next few days. (The broken ankle was a doddle compared to the unnecessarily powerful painkillers that made me very ill.) Floyd would also happily pounce on all sorts of interesting titbits from us and take them back with him for use in his teaching. If

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his students found themselves faced with strange Celtic rock band names (like Runrig) in their courses, we are to blame!

One of the patterns of a Home Office career as an administrative civil servant is that you are responsible for different policy areas and move between them every few years. Two of my areas of responsibility aligned with Floyd's specialities: election law and criminal law. I had always been fascinated by elections, whether in the United States or the United Kingdom, and loved T.H. White's *Making of the President* books about each U.S. presidential election. For three years I had policy responsibility for the running of elections in England and Wales. We had much to talk about!

My most significant professional debt to Floyd was incurred in the late 1990s when he became an important policy partner for me as I led a major law reform project on sexual offences in England and Wales. I have to explain that I am not a lawyer. I worked alongside lawyers and advised ministers on the criminal law and had done so for some years. But developing proposals for a new set of sexual offences that would be coherent, reflect modern society, and respect human rights was an immense challenge. The law in England and Wales was a hotchpotch of statute and common law that had built up over time and my remit was to increase protection, ensure appropriate punishment, and fit our proposals within a human rights framework. There had also been a number of other reviews of sexual offences in the past which had foundered so I was also concerned to ensure that our proposals would carry wide support and actually result in much-needed change.

For this I needed to have a deep understanding of the existing law, and the problems around it, and to understand how other common law jurisdictions had developed their often very different approaches from a common baseline. Floyd was a truly wonderful collaborator in this exercise. He enabled me to access and understand the development of the law in California and other U.S. states, although we finally decided that this picture was so complex that it did not form a useful comparator to England and Wales. But his greatest contribution was giving me a much-valued safe space where I could thrash through legal principles and test out potential proposals with someone who had a profound understanding of the law and a wide knowledge of the world. He would always listen, consider carefully, and reply appropriately, testing a thesis here, correcting a false supposition there. This gave me space to think, and to be confident in the proposals we eventually made. All the hallmarks of a great teacher — his students were very fortunate!

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When the report, *Setting the Boundaries: Reforming the Law on Sex Offences*,<sup>2</sup> was published in 2000, the name at the top of the list of “people who gave generously of their time and expertise” was Professor Floyd Feeney. And I am glad to say that the report formed the basis of the Sexual Offences Act 2003.

Floyd had so many amazing research projects on the go. I would love to have seen a book emerge from his work on the German prosecutor who filed murder charges against the first commandant of Dachau. His intellectual curiosity never dimmed, nor did his determination to continue teaching, learning, and writing. It is sad that he did not have time to finish all that he was working on, but this was always bound to happen, as there was no way his commitment would ever waver while he still drew breath.

Floyd was our first close American friend, and for all our family he represented what was best about America: kindness and courtesy, generous hospitality, and an open non-judgmental friendliness. Ally to this a keen intellect and an abiding interest in the world and its people. A very special person.

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<sup>2</sup> HOME OFFICE, *SETTING THE BOUNDARIES: REFORMING THE LAW ON SEX OFFENCES* (2000) (UK).