

ROGER HOOD

Roger Grahame Hood

12 June 1936 – 17 November 2020

elected Fellow of the British Academy 1992

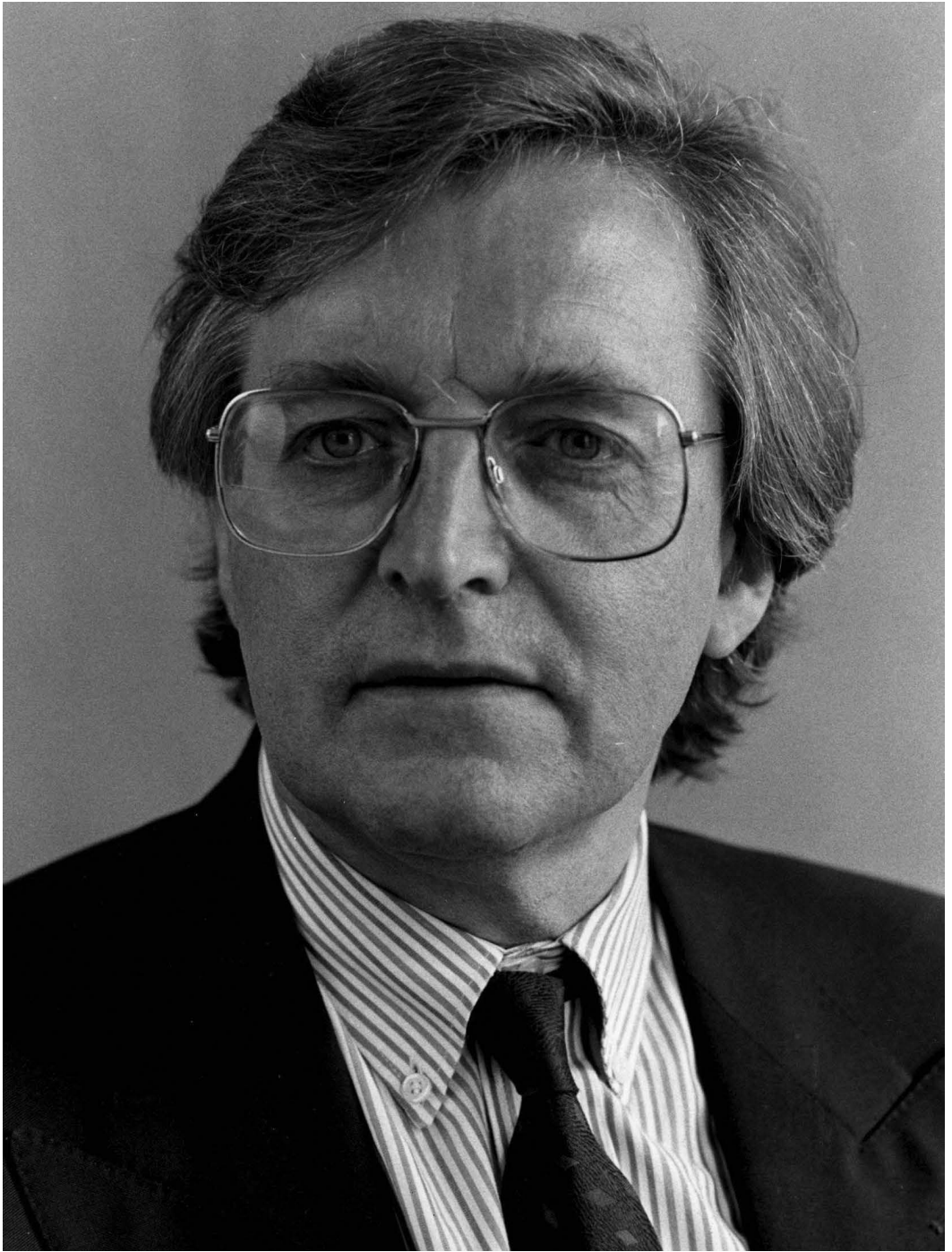
by

ANTHONY BOTTOMS

Fellow of the Academy

CAROLYN HOYLE

Roger Hood, Reader in and then Professor of Criminology at Oxford University from 1973 to 2003, was only the second criminologist to be elected as a Fellow of the British Academy. He will be remembered for two distinct intellectual contributions. First, he played a huge role in the early development of criminological scholarship in the United Kingdom. This was achieved partly through his pioneering research on several aspects of English criminal justice (sentencing, parole, justice for ethnic minorities and penal history), and partly through his wider academic leadership, both in Oxford and beyond. Then later in his career, and following an initial invitation from the United Nations, he became a world-leading scholar on all aspects of the use of the death penalty internationally, viewed primarily from a human rights perspective.



Roger C. Hood

The Editors of the 2003 *Festschrift* presented to Roger Hood, having rightly referred to the ‘awesome ... breadth and depth of [his] research and writings’, structured their Introduction by subject-matter, focusing successively on ‘sentencing, parole, race, penal effectiveness, custody, penal history and the death penalty’ (Zedner & Ashworth 2003: 2). For this Memoir, we have chosen instead to offer a primarily chronological account of Roger Hood’s career. In choosing this framework, we have been influenced by the methodological writings of a former President of the British Academy, W.G. Runciman, who argued that good social science research usually needs not only to report data accurately and to provide explanations, but also to convey to its readers ‘*what it was like* for the agent to do [that action]’ (Runciman 1983: 20, emphasis added). ‘Doing criminology’ in Britain in the 1950s and 1960s, when Roger began his career, was a remarkably different activity from doing criminology at the time that he retired. We have therefore judged it important to try to capture not only some of the special features of ‘what it was like’ in those early days, but also how matters changed over time – in significant part owing to Roger’s influence.

In one main respect, however, we have departed from chronology. Roger’s contribution to death penalty research began in 1987 – roughly half-way through his long career – when he was invited by the Secretariat of the United Nations to submit to them ‘a study on the question of the death penalty’ (Hood 1989b: vii). This topic then became a major – and after his formal retirement in 2003 the primary – focus of his research attention. We have therefore chosen to discuss it in a separate section, not least because Roger’s death penalty research was mostly addressed to a different audience from his other research. Because the UK had abolished capital punishment for ordinary crimes by 1973,¹ most British criminologists now have little interest in this subject; conversely, Roger’s UK-based research is well known to only a minority of the international audience that has so much appreciated his work on the death penalty.

As a background to what follows, it is essential to understand that until the Second World War universities in the UK lagged well behind both the United States and some European countries in their fostering of criminological scholarship. Although there had been a small amount of pioneering work by British scholars, the decisive impetus to the initial growth of the subject stemmed from the migration to Britain of three men seeking to avoid the Nazi regime: Max Grünhut and Hermann Mannheim from Germany, and Leon Radzinowicz from Poland. Each was welcomed into a leading university: Grünhut at Oxford, Mannheim at the London School of Economics (LSE), and Radzinowicz at Cambridge. Roger Hood was fortunate, early in his career, to be able to work closely

¹The death penalty for murder was abolished in Great Britain in 1965, shortly after the last executions in 1964; and in Northern Ireland in 1973, with the last execution there taking place in 1961. The death penalty remained on the statute book until 1998 for military offences and a few offences of treason but no execution had been carried out since 1946 for any offence except murder.

with both Mannheim and Radzinowicz, and in due course he also benefited from (and then himself strongly developed) the foundations for criminology that Grünhut had laid at Oxford.² As we shall see, however, despite the valuable early work of these émigré scholars, when Roger began his academic career in the late 1950s the position of criminology in the academy remained very tentative and fragile.

Early life

Roger Hood was born in Bristol in 1936. His family spent the war years in Leeds, but they moved to Birmingham after the war when his father returned from military service in Africa. He was the middle child, with both an older and a younger brother.

In due course, he attended King Edward's Grammar School in Birmingham, where he became Captain of Rugby and a good cross-country runner. From there, he won a scholarship to the LSE to study Sociology. This was not then the fashionable subject that it became in the 1960s, but it was one that Roger enjoyed, and at which he worked hard. (It was also something of a departure from an earlier suggestion by his school careers department that he might become an apprentice lens grinder – a story that Roger always liked to tell!) Crucially, his degree course included an optional final year paper in Criminology, taught by Mannheim. It happened that, in the year that Roger took this paper, what became the Homicide Act 1957 (which abolished the death penalty for certain categories of murder) was being considered by Parliament. Mannheim recruited Roger as an assistant to help him draft a paper relating to this legislation (Anon 2020) – an interesting prelude to his later emergence as a major death penalty scholar.³

Another incident in 1957 also prefigured aspects of Roger's later career.⁴ Immediately after his final Sociology exams, Roger began a summer job at a vegetable and fruit canning factory in Cambridgeshire. One day, a Spanish student who was new to the factory was dismissed by a supervisor for canning strawberries with their husks on. The student protested, because he had been instructed to do this by a regular worker at the plant – in

²Roger Hood was always very conscious of British criminology's debt to these three men (see for example Hood 1989a). He also wrote memoirs about each of them (Hood 2001a; 2004). Hood (2004) contains important archival data relating to the arrival in Britain of Mannheim and Grünhut following their dismissal from university posts in Germany.

³Later, Roger Hood's (1961) first short publication, written when he was a PhD student, offered an appraisal of how the Homicide Act 1957 was working out in practice. This paper also explicitly advocated abolition of the death penalty for murder.

⁴Information about this incident was provided after his death to Roger Hood's daughter, Cathy Hood, by Bernard Brian, a lifelong friend of Roger from LSE days. Cathy Hood included the story in her moving speech on the occasion of the 'Celebration of the Life and Scholarship of Professor Roger Hood', hosted by the University of Oxford Centre for Criminology on 24 September 2021.

other words, he had been 'set up'. Roger intervened on the student's behalf, but the supervisor refused to change his decision. Roger did not drop the matter: he went to the office of the manager of the factory and convinced him that the decision was unjust, so the student was reinstated. The incident offers an early indication both of Roger's strong sense of justice and of his tenacity – characteristics that were to stay with him throughout his career as a professional criminologist.

Early career: 'moving into underdeveloped territory'

In an engaging article in *The Guardian*, Peter Preston (1964) – later the Editor of that newspaper – interviewed the young Roger Hood after attending a lecture that he had given to magistrates. Preston described Roger as 'one of the brightest of the new, scanty crop of criminologists moving into underdeveloped territory'. It was indeed underdeveloped territory: in Britain, there was an almost complete absence of empirical research on many crime-related topics, and some people in influential positions even doubted whether criminology was an appropriate subject for universities to teach or research.

Roger Hood's early research career had three main phases: an apprenticeship period at LSE and Cambridge (1957–63), followed by lectureships at Durham (1963–67) and Cambridge (1967–73). The main topics on which he focused were sentencing; the effectiveness of intended rehabilitative treatments; and the relationship between criminological research and penal policy.

Sentencing

Roger's criminological career began, in unusual circumstances, very soon after his graduation at LSE. As part of the then growing governmental interest in the possibilities afforded by empirical criminological research, the Home Office had invited Mannheim to carry out a study of sentencing disparity in English magistrates' courts. He designed and set up a study of twelve courts with significantly different imprisonment rates for adult male property offenders (from just under 50 per cent to less than 15 per cent), and appointed a research assistant to conduct the fieldwork. In 1957, roughly half way through the fieldwork (and having written an interim report), the research assistant left the project to join the Prison Service. Impressed by Roger's assistance in commenting on the Homicide Bill (see above), Mannheim invited him to take over this role. This was both a huge opportunity and a daunting prospect for someone who had only just graduated – one cannot imagine such an appointment being made today. The outcome was, however, a happy one. Roger completed the fieldwork and wrote the final report under

Mannheim's supervision; and Mannheim then generously allowed him to be the sole author of the subsequent publication (Hood 1962) – the first major empirical study of sentencing in England. Roger later summarised the principal results as follows:

Information relevant to the offences committed, and to the background of the offenders, was ... correlated with the proportion receiving a sentence of imprisonment. None of these factors by themselves accounted for the disparities in sentencing practice [between different courts], and it is debatable whether any combination of them would have done so: the severe courts were more severe in relation to every factor studied. Clearly, offenders were being imprisoned by some courts who would most likely have received fines if they had appeared at others ... The analysis also suggested that there may be different traditions on benches, passed on by learning through the experience of older members (Hood & Sparks 1970: 151–2).

Within this quotation is a telling indication of the nascent state of British criminology at this time. The phrase 'none of these factors by themselves' is included because all the statistical analyses in the study were bivariate, not multivariate. This would certainly not happen today, and it was criticised at the time, but given the pioneering nature of the study, and the available technology in the early 1960s, it would be unjust to be too critical.⁵

From a policy point of view, however, the results of the study were rightly seen as challenging by the Magistrates' Association. Since, at that time, public concern was being expressed about apparent disparities in the sentencing of motoring offences, the Association invited Roger to carry out a further study of sentencing disparity, focusing on these offences (Ashworth 2003: 311–2). The fieldwork for this research was conducted in the mid-1960s, when Roger was at Durham; it involved the administration of questionnaires and interviews to over 500 magistrates from 32 selected courts in the north, midlands and south of England.

This was Hood's first opportunity to plan fieldwork-based empirical research *ab initio*, and the design of the study demonstrated considerable methodological sophistication. He chose to create five information packs, each containing details of eight real cases. Each magistrate in the study received one of the packs, and was asked to 'sentence' all the cases in that pack. Since many magistrates would then be assessing the same case, disparity (or its absence) could be directly measured.⁶ Disparity did exist, but interestingly

⁵The criticism was by Richard F. Sparks (1966: 79–82), co-author of the 1970 publication from which the above summary is taken. As in most social science research at that date, the analyses for the 1962 study were carried out on a machine known as a 'sorter-counter', the sole function of which was to process punched data-cards to create two-way tables. Multivariate analyses required access to computers, which were at that time about the size of a large sitting room, and could only be used by specialists.

⁶In Roger's interview with Peter Preston (1964) he said that in his 1962 study he had 'talked to a lot of magistrates, but ... not in a fully systematic way. The survey of motoring offences will be different, a full-scale, organised analysis'.

it 'could not be accounted for simply by differences in [magistrates'] personal backgrounds'; moreover, whether respondents were 'from the north, midlands or south, from urban or rural courts, or from large or small benches had no *consistent* effect on the size of the penalty' (Hood 1972: 140–141, emphasis in original).

By contrast, the bench to which the particular magistrate belonged was a very important factor explaining severity or otherwise – a finding that, as Roger emphasised, was 'all the more remarkable because ... magistrates "sentenced" the cases at home, and alone, and not in groups in the atmosphere of the court' (p. 144). Further analysis also showed that the importance of bench membership arose less from 'starting point' schemes (which were then just beginning to be used in magistrates' courts)⁷ and more through a process of socialisation 'brought about through the influence of clerks and senior magistrates becoming embodied in a [local] tradition' (p. 146). This finding about 'bench influence' confirmed the results of the less rigorous 1962 research, and was an early and important contribution to the study of the functioning of criminal justice institutions in England.

The effectiveness of rehabilitation

Roger Hood's doctoral studies were undertaken at Cambridge, simultaneously with completing his first (LSE) sentencing study. His supervisor was Leon Radzinowicz. It was an interesting time to be at Cambridge, because – with active governmental support – in 1959 the UK's first dedicated Institute of Criminology was established there, with Radzinowicz as its Director and Professor (see Radzinowicz 1988). Roger thus became the Institute's first PhD graduate.

His doctoral thesis focused on 'borstals' (intendedly reformatory institutions for young adult offenders) and comprised two parts: a history of the borstal system, and an empirical study of after-care. Both parts were subsequently published (Hood 1965, 1966). Writing this thesis required Roger, among other things, to address the rehabilitative success or otherwise of the system. Here he noted that periods of borstal 'training' had, historically, usually been longer than sentences of imprisonment for similar offences, in order – it was said – to allow time for 'training effects' to develop. Yet post-war research had shown that, in borstals, 'shorter training ... did not increase the chances of failure' (Hood 1965: 156), which raised questions about the justice of longer sentences

⁷These 'starting point schemes' were an embryonic form of sentencing guideline. For certain motoring offences, the Magistrates' Association in 1965 circulated to all local benches a list of suggested 'basic penalties' intended as 'starting points ... appropriate for an ordinary offence committed by an ordinary average person'. However, each local bench retained full discretion whether or not to adopt these suggestions, or whether to create their own 'starting point' list. Only half of the courts in Hood's study had adopted any such list (Hood 1972: 66–67).

for alleged rehabilitation. Hood's empirical after-care research, which focused on trainees who were homeless at the time of discharge, was also challenging. The Borstal After-care Association had set up a special pre-discharge planning unit to assist this disadvantaged group, but Roger's research – based on the detailed records of the Association – showed that 'the success-rate for ... recipients of the work of [this] unit was no better than that for boys released [before it was established]' (Hood 1966: 74).

Roger's experience in considering such issues led to a high-profile invitation in 1964, when he was still only 28. He was asked to present a paper at the second European Conference of Directors of Criminological Research Institutes, held in Strasbourg under the aegis of the Council of Europe, on the topic of 'Research on the effectiveness of punishments and treatments'. Although this paper was not formally published until later (Hood 1967), mimeographed copies quickly became available, and the text was widely admired. The study reaffirmed, from a wider research base, the lack of effect of longer periods of institutional training. However, it now went further, arguing that 'overall results are not much different as between different treatments', although sometimes the same treatment could 'have a different effect on different types of offenders' (pp. 81, 83). This was an early portent of a more sceptical assessment of rehabilitation that was to gather pace in the 1970s. It was also – as we shall shortly see – a set of research findings that was to have a decisive impact on Roger's thinking concerning the justification for a parole system.

The relationship between research and policy

Soon after his return to Cambridge in 1967, Roger developed a collaboration with his colleague Richard F. Sparks. They wrote a book called *Key Issues in Criminology* which examined the then-current state of criminological research on several selected topics, including the measurement of crime, sentencing, the effectiveness of punishments and the effects of imprisonment (Hood & Sparks 1970). The book filled a real need at the time when it was published: the scope of the research that was reviewed was international, and the analysis demonstrated the increasing sophistication of research on the topics that were discussed. The volume quickly became widely used in the English-speaking world, and it was later translated into French, German, Japanese, Spanish and Swedish. The editors of Roger's *Festschrift* therefore did not exaggerate in describing it as, in its time, a 'world-renowned book' (Zedner & Ashworth 2003: 3).

The Introduction to *Key Issues* also contains some brief but interesting comments on the role of criminology vis-à-vis criminal policy – a topic that was to remain of importance to Roger throughout his career. Here, the authors adopted a strong version of the distinction between facts and values, and emphasised that their work aimed to present a 'disinterested and purely scientific' overview of research. Criminologists, they added,

‘cannot ... decide what the *aims* of penal policy should be’ (emphasis in original), but they can use research findings to assess ‘what policy goals are reasonable; and if given certain aims they can try to discover by research the best means of accomplishing them’ (Hood & Sparks 1970: 9).

Roger returned to this broad topic in 1974, in his contribution to the *Festschrift* that was presented to Leon Radzinowicz on his retirement from the Wolfson Professorship of Criminology at Cambridge (Hood 1974a).⁸ This chapter focused particularly on the then-recent enactment of two additional sentences for adult offenders in England and Wales – the suspended sentence in 1967, and the community service order (CSO) in 1972. These two measures had reached the statute book in different ways, but in Roger’s view, in both cases

[their] adoption ... was due to the appeal of their ideologies and ..., particularly in the case of community service, there was no attempt to justify the new penalty in terms of a coherent analysis of crime, criminal behaviour or the effects of penalties. In other words, the part played by criminological analysis, theory and research was minimal (Hood 1974a: 380).

This was a more precise reaffirmation of a comment in his Council of Europe paper that penal innovations should never be based ‘simply on *a priori* principles’ (Hood 1967: 103). He was not here arguing that criminological analyses would lead *directly* to a policy option. He was, however, strongly objecting to penal innovations introduced without a ‘coherent analysis’ of relevant criminological issues. This is a principle that has more recently acquired increased relevance, owing to the considerable growth of what has been called ‘penal populism’ (Pratt 2007).⁹

Transitions

In anticipation of Radzinowicz’s retirement in 1973, Cambridge University elected Nigel Walker, Grünhut’s successor at Oxford, to the Wolfson Chair, which was then still the only Professorship in Criminology in the UK. This left open the Readership in Criminology at Oxford, which was regarded as a very prestigious post, not least because it was linked to a Fellowship at All Souls College.¹⁰ Recent archival research has shown

⁸Roger Hood was also chosen as the overall Editor of this *Festschrift*. This was a significant undertaking, since the final volume contained essays by 28 writers (a majority from outside the UK), and it ran to 650 pages.

⁹Roger’s application of the principle to the emergence of the CSO did however provoke some controversy: see the discussion in Downes (2021: 203–6).

¹⁰All Souls College can fairly lay claim to having initiated the study of criminology in Oxford, because in December 1938 its College Meeting resolved that ‘owing to the emergency conditions’ then prevailing in

that Roger did not apply for this post, but a member of the Selection Committee, Professor Rupert Cross, formally requested that his name should be considered.¹¹ So it came about that, at the age of 37, Roger Hood was appointed to the Readership, to general acclaim among criminological scholars. He was to remain in Oxford, and at All Souls, for the remainder of his career.

But this crucial change was not the only important transition that Roger Hood made in the years 1973–74. A second was his decision, for the first time, to make some direct and detailed proposals about penal policy – specifically, in the field of parole.

Unlike many other jurisdictions, in England and Wales there was no national parole system until 1967. The statute that created this system contained a provision that the Parole Board should always include certain categories of person among its (part-time) members, and one of these categories was that of criminologist. Early in the Board's history, Roger Hood accepted an invitation to serve in this way, although he remained a member for only a short time (1972–73). This experience led him to identify some significant policy 'tensions' within the parole system, which he detailed in an incisive paper to a conference at the Cambridge Institute in December 1973 (Hood 1974b: 2). A central issue that concerned him was how an element of indeterminacy (parole) could *justifiably* be incorporated within a determinate sentence of imprisonment, the length of which had been fixed by a judge primarily on so-called 'tariff principles' (i.e. the seriousness of the offence and the principle of general deterrence). Based on his understanding of the research evidence, Hood rejected several purported justifications for such indeterminacy, including the suggestion that training in prison could 'alter the attitudes of a *considerable proportion* of prisoners' (p. 10, emphasis in original). He further argued that the only plausible justification for a parole system was that 'non-dangerous prisoners can

Germany, 'Professor Max Grünhut be offered [financial assistance] to enable him to pursue in this country his studies in criminology' (quoted in Hood 2004: 478). After the war Grünhut was appointed to a university post in Oxford, and he was subsequently promoted to a personal Readership. He remained a member of All Souls until his retirement, although he was never elected to a Fellowship. On his retirement the Readership became an established university post, linked to a Fellowship at Nuffield College. On Nigel Walker's resignation from this post, Nuffield – while fully recognising Walker's distinction and the fact that he had been 'a very good member of the college' – preferred to bid for a post in Demography rather than to continue its association with the Criminology post. All Souls then made a successful bid for that post, following a motion to its College Meeting proposed by Tony Honoré, Regius Professor of Civil Law. There is no documentary evidence of the reasons for All Souls' decision, but it seems likely that the college's long association with Grünhut played an important role. [With grateful thanks to All Souls College and – on Nuffield's stance in 1972 – to Mr Tarik Gungor: see the Acknowledgements.]

¹¹ With grateful thanks to the archival research of Mr Tarik Gungor: see the Acknowledgements. Rupert (later Sir Rupert) Cross was then the Vinerian Professor of English Law at Oxford. His primary fields of expertise were the Law of Evidence and Criminal Law, but he also described himself as an 'armchair penologist'. In the year before the Readership election he had published two penological books – one on sentencing (Cross 1971b) and the other containing his Hamlyn Lectures on 'Punishment, Prison and the Public' (Cross 1971a).

be identified and the public protected' (p. 10). He therefore proposed an alternative structure which would 'eliminate the indeterminate element' in all determinate sentence cases except those where it was considered politically necessary to provide a review on the grounds either of dangerousness or of 'shock [to] the public conscience' (p. 13). Such reviews, he argued, would be appropriate only for longer-term prisoners, and they would be necessary in only a small number of cases. This was therefore a proposal for a 'highly pared down version' of parole (Shute 2003: 412–3).

Very soon after Roger had presented this paper, a Home Office advisory committee published a report on young adult offenders (the 'Younger Report') that included proposals for a new sentence containing a significant element of indeterminacy (Home Office 1974). This led Hood (1974c), in a prestigious NACRO lecture delivered at the House of Lords in July 1974,¹² to offer a bold 'challenge to what has become a basic element of modern policy, namely the doctrine that the actual period of a custodial sentence served should be fixed by review boards ... advised, in the main, by the penal authorities who have been responsible for containing and "training" the offender'. He made this challenge, he said, with reference both to 'matters of principle' and to the 'empirical reality of our knowledge about the treatment of offenders *rather than to what we wish we knew*' (Hood 1974c: 1, emphasis added).

Both these papers (Hood 1974b & c) clearly contain the criminological analysis that Roger had found lacking in, for example, the proposal for community service orders. But he had now abandoned his earlier claim (in *Key Issues*) that criminology cannot 'decide what the *aims* of penal policy should be' (Hood & Sparks 1970: 9). The reason for this change seems to be that his lifelong concern for justice – exemplified in the canning factory episode – was coming to the fore. As he put it in the NACRO lecture, the Younger Committee's proposals 'may be no more effective, and *almost certainly less just*' than straightforward tariff-based sentences (Hood 1974c: 1, emphasis added). This was congruent with other critiques of indeterminacy being developed at around that time, in which the concept of justice was prominent (American Friends Service Committee 1970; von Hirsch 1976). And as we shall see, the principles that Roger had enunciated in 1974 were later to have a powerful impact on English parole policies.

A primarily historical decade

During his time on the staff of the Cambridge Institute, Roger Hood occupied two important administrative roles – those of Academic Secretary of the Institute, and

¹²NACRO was established in the 1960s as the 'National Association for the Care and Resettlement of Offenders', but from an early date it has always been known simply by its acronym.

Director of Postgraduate Studies. This meant that he worked closely with Radzinowicz, as the Institute's Director, on administrative and policy issues; and it seems that it was during these years that a special bond between the two men began to develop. But it was hugely strengthened in the next decade, because in 1973 Radzinowicz proposed that the two of them should collaborate in working on the fifth and final volume of Radzinowicz's *History of English Criminal Law and its Administration*,¹³ and Roger accepted this invitation.

It was a very significant decision, because the field to be covered – the emergence of national penal policy in the Victorian and Edwardian eras – was very large. The task was not completed until 1986, and the resulting volume comprised 1100 pages (Radzinowicz & Hood 1986). The scale of the task meant that Roger carried out no empirical criminological research for a decade;¹⁴ and during those years the majority of his publications were jointly authored with Radzinowicz, with the latter's name printed first.¹⁵ The gift of so much time and energy to his former mentor was very generous, but it was a gift gladly given: Roger later described their collaboration as 'an immensely exciting and rewarding experience' (Hood 2002b: xxii).

The final volume is very impressive both in the scope of its source material and in the breadth of the topics that it covers. On sources, one reviewer commented that 'with the aid of half a dozen postgraduate students ... Radzinowicz and Hood have thoroughly combed the paper mountains of published and unpublished sources, especially the extensive files of the Home Office, many of which have never before been used by historians. ... The historiography of British criminal justice has never seen such a project' (Wiener 1987: 83). This thoroughness required a mass of footnotes to be included in the final volume, and as an archival source it is unparalleled.

As regards breadth of coverage, this is well indicated by the topics covered in the nine 'Parts' into which the authors divided their volume:¹⁶

¹³ Radzinowicz was welcomed as a member of the Cambridge Law Faculty in 1940 and he soon chose to write on the history of English criminal justice. Volume 1 of his *History* was published in 1948, volumes 2 and 3 in 1956 and volume 4 in 1968.

¹⁴ In 1980, Roger Hood secured funding from the Home Office to lead a large-scale empirical study of sentencing in the Crown Court, building on his earlier research on sentencing in magistrates' courts. However, 'he quickly became aware that this would be incompatible with his investment of time in the *History*. The sentencing project was therefore re-designed, with fewer researchers, and Roger withdrew to a background role' (personal communication from Andrew Ashworth, who then took over the day-to-day management of the project). In the event, this research had to be terminated after a short pilot study, because the Lord Chief Justice (Lord Lane) decided to refuse any further research access to judges.

¹⁵ Several of these papers became chapters in the *History*, but three concerned contemporary issues in criminal policy (Radzinowicz & Hood 1978; 1981a; 1981b).

¹⁶ These are our headings, which are in some instances more descriptive than those given by the authors.

1. Explanatory Frameworks (positivism, Marxism, etc.)
2. Criminal Statistics and Trends in Crime
3. Juvenile Offenders and Reformatories
4. Dealing with Habitual Offenders (including drunkards and vagrants)
5. Dealing with Political Offenders
6. After Transportation: Erecting a Convict System
7. Alternatives to Custody
8. Capital and Corporal Punishment
9. Sentencing Standards

The period covered is of great interest – it includes, for example, the so-called ‘English miracle’ (the decline of recorded crime in the second half of the 19th century); the end of transportation; and a steep decline from 1836 to 1912 in the use of sentences mandating penal custody or transportation (from 93 per cent to 45 per cent of cases sentenced – Radzinowicz & Hood 1986: 777). Anyone reading the book carefully learns a great deal about these and other matters. Stylistically, also, as the criminologist and social policy scholar J.P. Martin (1988) commented in a review, ‘it is a highly readable book, combining interesting narrative with occasional penetrating comments ... [and] some vivid and enjoyable descriptions’. Martin did however offer a degree of criticism of the subject-based structure of the book (see above), saying that this leaves the reader ‘without much of a sense of changes ... at a general level’. One effect of this structure is temporal discontinuity, so that, for example, the birth of the borstal system (roughly, 1895–1914) is dealt with in Part 4 (on Habitual Offenders), but the end of transportation, which occurred several decades earlier, is not reached until Part 6. More generally, the policy-oriented theoretical foundation of the adopted structure leads on occasion to a sense that chapters are distinct essays on particular policy themes.¹⁷ This seems to lie behind the comment by Martin Wiener (1987: 84) that:

Running throughout this work is ... a focus on formal policy formation and application, leaving blurred the social and psychic fabric within which policy is embedded and from which it derives its meaning. ... The work seems to be intended to serve not only as a contribution to modern British history but, even more, as a reference for present-day policymakers and a guide to how their predecessors handled similar problems. These two aims are not easily joined.

Wiener’s suggestion that the volume has dual aims, and that this creates some tensions, is insightful, although nothing supports his suggestion that, in the authors’ eyes, history

¹⁷ Possibly this is also linked to the method of writing adopted by the authors, described as follows by Hood (2002b: xxii): ‘[W]e sat together composing every sentence. Every three sentences had to be read back aloud several times, then every paragraph, page, section and chapter: amendments, refinements and additions being made constantly. It’s a technique that I commend to you’.

was subordinated ('even more') to 'policy'. Rather, the work is written within the broad genre of histories of social policy, sometimes called 'administrative history'; and as such it is without question 'administrative history at its very richest' (Jenkins 1987: 95). However, as Jennifer Davis (1986) pointed out in a review, by the 1980s such an approach 'cut across the prevailing historiography', which preferred to treat criminal law and criminal justice within a broader socio-political framework. Accordingly, some historians, while recognising both the clear merits of the book and the fact that it would become a standard reference-point for decades to come, were in the end critical of it (e.g. Wiener 1987; Weiss 1992).

In the remainder of his research career, Roger Hood did not again return to topics in Victorian and Edwardian penal history. But he did further illustrate the breadth of his criminological interests by conducting a short study in oral history, focused on the testimonies of three generations of working-class 'East Enders' in London on crime and social change in their area (Hood & Joyce 1999). In his various empirical research projects, Roger was always happy (where appropriate) to include qualitative as well as quantitative data, but this oral history was his only wholly qualitative study. The study aimed 'to open a window on to how crime was perceived within the pattern of daily lives' (p. 141) in three different periods – the 1930s, 1950s and 1980s. Important differences were found, especially between the first and last of these decades, with the higher levels of offending in the later period being seen as 'a direct threat to the stability and safety of working class communities' (p. 157). Respondents' explanations of this change 'most closely fitted the concept of anomie, that is, a breakdown in the norms once believed to have controlled criminal behaviour' in families and in a functioning community; and this 'anomie' was in turn seen as linked to a number of social-structural factors including housing policies, the arrival of drugs markets, and greater 'opportunities for material advancement through illegitimate means' (pp. 156–7). Experiences of and attitudes towards crime were thus seen as very closely related to broader social changes.

Post-1985 British research

After the completion of the *History* project, Roger Hood's UK-based research work focused on two main topics: the treatment of ethnic minorities in the criminal justice system and the functioning of the parole system. His research on both these topics had some continuity with his pre-*History* publications, respectively on sentencing and on the justifications for parole.

Ethnic minorities and the criminal justice system

Roger's deep-seated commitment to justice made him, as a colleague once commented, 'an anti-racist before the term was invented'. This, together with his continuing interest in sentencing, meant that by the 1980s he was very conscious of the over-representation of ethnic minorities in the prison population of England and Wales, and curious as to whether discriminatory sentencing practices (distributive injustice) might be contributing to this imbalance. However, he also knew that existing studies on this matter had some important weaknesses (see Hood with Cordovil 1992: ch. 1). He therefore secured funding from the Commission for Racial Equality to undertake a large-scale research project on the sentencing of ethnic minority defendants in the Crown Court.

Data were extracted from the files of over 3000 defendants found guilty in 1989 at five Crown Court centres in the West Midlands (specifically, all convicted ethnic minority defendants and a random sample of white defendants). Permission to interview judges was however refused by the higher judiciary, so the research was restricted to what the records would reveal, which meant that it became simply a multivariate statistical analysis.¹⁸ However, its subject-matter ensured that the results, when published (Hood with Cordovil 1992) received more publicity than any other UK-based study in Roger's career.

The final report of the research focused particularly on the sentencing of black and white male defendants at the two largest of the five Crown Court centres, Birmingham and Dudley.¹⁹ The central methodological feature of the study was the creation of several multivariate 'Probability of Custody Scores' (PCS), which accurately predicted the aggregate probability of receiving a custodial sentence for defendants with differing characteristics.²⁰ The scores could then be used as a control variable (taking account of relevant predictive factors) when comparing outcomes for different ethnic groups.

In the Birmingham courts, analysis showed that, after controlling for PCS scores, some individual judges imposed custodial sentences more often on black than on white

¹⁸ Access problems of this kind are familiar to criminological researchers. In this case, the decision seems to have been influenced by the earlier (1981) decision by the Lord Chief Justice to deny access to a previous Oxford study of Crown Court sentencing (see n.14 above). For further details, see Ashworth (2003: 319–24).

¹⁹ The decision to focus primarily on two court centres was made because they handled 83% of all the cases. In addition to these black-white male analyses, the research also discussed the sentencing of Asian-origin males and of women defendants.

²⁰ The most important of these scores was that based on the whole sample (the 'Total PCS'), details of which are set out in Hood with Cordovil (1992: 70–74). It happens that all the variables included in this score relate to offence(s) or the legal process, but the score was not in principle restricted to such variables. Rather, the variables finally included were those with 'the most significant coefficients and the greatest discriminant power' (p. 70) in relation to the dependent variable (the probability of receiving a custodial sentence). For more on this point, see Hood (1995b: 273–5).

defendants. However, other judges had an opposite practice, so these ‘differences in the “race effect” ... between individual judges balanced each other to produce no effect on the cases taken as a whole’ (p. 118). The situation in the Dudley courts was different. Here, for black defendants the ‘custody rate’ (proportion of defendants sentenced to custody) was 12 percentage points above the expected level (based on PCS scores), compared to 1 percentage point above expectation for white defendants (pp. 92 and 281). Further analyses showed that this difference occurred particularly in less serious cases (less than 45 per cent PCS) and where black defendants were sentenced alongside (only) black co-defendants. Indeed, the relatively small number of cases where both these characteristics were present accounted for ‘half of the higher than to be expected custody rate for black males as a whole at the Dudley courts’ (p. 107). Further analyses then raised the possibility of a distinct ‘bench sentencing culture’ in Dudley (p. 119), analogous to that found by Hood (1962; 1972) in his earlier studies of sentencing by magistrates. However, as Roger pointedly commented, this was an issue that could not be adequately investigated in ‘a study which had no access to the judges themselves’ (p. 120).

A separate analysis of the *length* of custodial sentences showed that the two main predictors of length were the seriousness of the offence and the defendant’s plea. When these two variables were controlled for, while some ‘white/black/Asian racial differences’ remained, they were not large (pp. 123–4). However, the research also showed that, among sentenced offenders, those from ethnic minorities (both black and Asian-origin) had pleaded not guilty much more often than had their white counterparts. This fact, coupled with the well-established ‘guilty plea discount’ rule in sentencing,²¹ had the unfortunate effect of significantly raising the average length of sentence of ethnic minority defendants. Roger suggested that this effect might constitute a form of indirect discrimination, and that ‘there is clearly a need to consider the implications of the policy which favours so strongly those who plead guilty, when ethnic minorities are less willing to let a prosecution go unchallenged’ (p. 191).²²

As even this brief summary has shown, this research study involved some very complex analyses. Although Roger did his best to explain the analyses in straightforward language, inevitably the text is in places hard to understand without some grounding in statistics. Perhaps predictably, however, on publication the complexities were in some quarters ignored; so, as Zedner & Ashworth (2003: 6) reported, ‘some sections of the

²¹The ‘guilty plea discount’ (which still exists, and is now enshrined in a formal Sentencing Council guideline) allows a defendant who pleads guilty to receive a less severe sentence than one who has pleaded not guilty but has been convicted, with a greater proportionate reduction for an early plea.

²²There was no early official response to this suggestion. Twenty-five years later, the Lammy Review (Lammy 2017: ch.3) again drew attention to the apparent indirect discrimination created by this policy, emphasising that ‘lack of trust in the justice system [by ethnic minority defendants] is at the heart of this issue’ (p. 27).

media rushed to accuse the judiciary of racism (whereas Hood was careful to state his conclusions more circumspectly), while on the other hand some judges undoubtedly indulged in a whispering campaign against the findings'.²³ In his response to various critical comments on the research, Roger's defence of the analyses was always measured and convincing (see e.g. Hood 1995b). And despite the criticisms, the study did have an early impact on policy: the then Lord Chancellor, Lord Mackay, decided that from 1993 onwards all Crown Court sentencers should take part in a compulsory programme of ethnic awareness training (Shute, Hood & Seemungal 2005: 8).

A decade after the publication of this statistical study, with colleagues Roger Hood undertook further research on ethnic minorities in the criminal courts – this time an interview-based study focused on *perceptions of fairness* (Shute, Hood & Seemungal 2005). Nearly 800 defendants in the Crown Court and magistrates' courts were interviewed immediately after the hearing of their case, and more general interviews were also conducted with judges and magistrates. Overall, it was found that ethnicity-related perceptions of unfairness in courts were 'considerably lower than had been previously estimated by informed observers' (p. 41): for example, 12 per cent of convicted ethnic minority defendants in the Crown Court and 7 per cent in magistrates' courts thought that they had been given an unfair sentence due to racial bias (pp. 38–9, Tables 3.3–3.4).²⁴ Interviews with judges and magistrates further suggested there had been something of a 'culture shift' in the previous decade. The authors argued that these relatively encouraging findings 'may well be a reflection of the initiative, begun in the early 1990s, to make judges and magistrates more ethnically aware', although they added that 'there can be no doubt that more needs to be done' (p. 116).

Parole

As previously noted, in the early 1970s Roger Hood had identified some policy tensions within the new English parole system. Such tensions later became more pronounced, following changes to the system initiated in 1983 (for details see Shute 2003: 401–6). In 1987 the government therefore decided to establish an independent committee, chaired by the Conservative peer Lord Carlisle, to review the system. Roger Hood was appointed

²³ This judicial scepticism was apparently not short-lived: David Faulkner, a former senior Home Office civil servant, reported that 'some judges were for a long time reluctant to accept [Hood's] finding that there was some evidence of discrimination in the Crown Court' (Faulkner 2014: 114).

²⁴ Although this research was almost wholly focused on perceptions of activities in courts, a question asking whether the police treated all ethnic groups in a similar way yielded much more negative responses than did similar questions about courts (compare p. 33 and Table 6.1, p. 72). As the authors comment (p.33), such perceptions of police unfairness could have had some indirect consequences on court proceedings; and the 'guilty plea discount' issue (above, note 21) is almost certainly one of these.

as one of ten members of this committee, whose recommendations were, with some exceptions, enacted in the Criminal Justice Act 1991.

One of the conclusions of the Carlisle Committee was that a selective parole system is 'wrong in principle' and 'unworkable in practice' for prisoners with shorter sentences (Home Office 1988: para. 186). However, for longer-sentence prisoners, amongst whom many 'have committed grave crimes', the committee recommended the retention of a discretionary release system. The reason given was that such offenders should not be released at the same proportionate point in their sentence as shorter sentence prisoners 'without there first being some opportunity for the question of risk [of further serious offending] to be considered' (para. 246). Interestingly, each of these arguments bears some similarity to those made fourteen years earlier by Hood (1974b).²⁵

But while the committee agreed on these matters, on others it was – according to an anonymous committee member interviewed by Thomas Guiney (2018: 162) – 'split almost down the middle between softies and toughies', with Roger as a liberal, but an atypical one because he had 'theoretical difficulties about [justifications for] early release'.²⁶ The interviewee further described a 'deal' that was struck between the two groups, apparently in significant part owing to Roger's influence (pp. 162–3). This 'deal' had two features pressed for by the 'toughies'. The first was the abolition of the previous practice of 'remission' of the final part of the sentence; this would be replaced by a 'licence' which could be revoked in the event of a fresh offence. Secondly, the committee proposed an increase from one-third to one-half in the proportion of the sentence that must be served before a prisoner became eligible for release on parole (or, for shorter sentence prisoners, qualified for automatic conditional release). As a counterpoint to these proposals, the 'liberals' gained two concessions. First, a number of due process enhancements to parole procedures (such as giving prisoners access to their parole dossiers) were recommended. Secondly and more fundamentally, the committee agreed to report that because the two 'tougher' measures described above would inevitably

²⁵ As Stephen Shute (2003: 413) has rightly noted, the Carlisle Committee (at para. 233) by implication rejected any proposal that would involve a radical reduction in the scope of the parole system, such as its 'complete abolition' or Hood's (1974b) 'highly pared down version' (see previous discussion). Nevertheless, the Committee's risk-based justification of parole for longer-sentence prisoners (in para. 246) has clear theoretical congruence with Hood's (1974b: 10) judgement that, of all the arguments for a parole system in determinate sentence cases, 'it seems to me that only the one relating to the "dangerousness" of offenders is plausible'.

²⁶ We take this to mean that, as in 1974 (see previous discussion), Roger did not regard the research evidence on the effectiveness of rehabilitation as strong enough to justify selective parole release decisions. He was certainly aware that by 1988 the nature of the research evidence had changed, leading to a revival of interest in rehabilitative methods. However, in a later paper he quoted with approval the conclusion of Ted Palmer (1990: 340) – a leading proponent in this revival – that 'although several methods seem promising ... none have been able to produce major reductions when applied broadly to composite samples of offenders' (Hood 1995a: 17).

increase prisoners' overall 'quantum of punishment', it would be 'an unbalanced approach ... to enhance the meaning of sentences in the way that we propose *without at the same time working for a reduction in present [sentencing] tariffs*' (Home Office 1988: para. 296, emphasis added).

But unfortunately for the 'liberals', this last suggestion concerned sentencing – and this was a topic that was, strictly speaking, outside the terms of reference of the committee. For this or other reasons, no significant action was taken on sentencing tariffs when the other main features of the committee's report were implemented in the 1991 Act; and then in the 1990s for a variety of reasons nominal sentence lengths actually *increased*. Moreover, the Carlisle Committee's expectation that, post-implementation, the parole rate for longer-sentence prisoners would increase was also dashed – the rate declined (Shute 2003: 417–8). Perhaps not surprisingly, therefore, there is a wistful tone to the subtitle of Hood & Shute's (2002) overview of developments in the English parole system: it refers to 'well-intentioned reforms and some unintended consequences'.

Roger Hood was very keen to conduct empirical research into the changes in the parole system brought about by the 1991 Act, and he secured funding to do so in collaboration with his (then) Oxford colleague Stephen Shute. Their research was typically thorough and methodologically sophisticated. They carried out two background studies (respectively of the former system and of a transitional stage) before researching the new system after it had fully bedded down (Hood & Shute 2000). The most important findings from this last study emerged from comparisons of data relating to (i) actuarial predictions of the risk of serious offending during the parole period;²⁷ (ii) the assessment of risk by the Board member leading the panel's discussion (the 'lead member'); and (iii) the Board's decision. These comparisons showed that the lead member's assessment of risk was usually substantially higher than that of the actuarial instrument. Moreover, among those actuarially assessed as 'low risk' (i.e., as having a risk score for a serious offence during the parole period of 7 per cent or less), as many as 40 per cent of non-sex offenders and 78 per cent of sex offenders were *not* paroled (Hood & Shute 2000: Tables 4.2, 4.3). The researchers therefore characterised the practice of the Parole Board as one of 'risk aversion' (Hood & Shute 2002: 844).

Intrigued by the low paroling rate for sex offenders, Hood and Shute decided to conduct a further study of this group, this time focusing on actual reconvictions (as opposed to actuarial predictions). Disturbingly, the 'false positive rate'²⁸ for a reconviction

²⁷ At the time of the research, the Home Office had discontinued on cost grounds its previous practice of making actuarial risk scores available to parole panels, so the panel decisions that were studied were made without reference to such data. The Home Office decision was 'probably' made because previously 'the scores were rarely given a lot of weight in [panel] decision-making' (Hood & Shute 2000: 36).

²⁸ In this research, a 'false positive' is a case where the parole panel had assessed the case as one of 'high risk of a future sexual or serious violent offence', but no such reconviction occurred during the stated period

for a sexual or serious violent offence was 87 per cent on a four-year follow-up, and 72 per cent on a six-year follow up (Hood *et al.* 2002: Table 5, p. 381). Based on these data, Hood & Shute (2002: 849) argued that if the Parole Board's 'risk averse' approach were to persist, this would 'inevitably lead to many "false positives" languishing in prisons' – with the implication that this would be unjust. However, the authors also noted that the problem of false positives is, in significant part, one that is inherent in trying to predict a rare event; and because of this, it is an issue that has 'haunted all efforts to identify in advance, by clinical or actuarial means, those who subsequently turn out to be "dangerous"' (Hood *et al.* 2002: 391–2). Since the 'rare events' effect had been known to criminologists since the 1970s, it is arguable that the topic of false positives should have been given greater attention in earlier discussions of the justifiability of parole.²⁹

Developing criminology in Oxford and beyond

Roger Hood's contribution to the development of UK criminology was not confined to his research – he also provided very important academic leadership, both in Oxford and beyond.

Criminology in Oxford ³⁰

When Roger Hood moved from Cambridge to Oxford in 1973, he moved into a very different criminological environment. The Cambridge Institute at that time had a total of six established posts in criminology, a flourishing Master's-level postgraduate course, and small groups of doctoral students and fixed-term research workers. Oxford had one established post (the Readership to which Roger had been appointed), and two or three fixed-term researchers (one of them senior) working in the Penal Research Unit (PRU) that had been established by Roger's predecessor, Nigel Walker, in 1966.³¹

following the prisoner's release. The 'false positive rate' is the percentage of false positives among all cases with a positive prediction of high risk.

²⁹ Roger had referred to this earlier scholarship in a joint 1981 paper opposing a proposal for a longer-than-tariff 'protective sentence' for offenders adjudged to be 'dangerous' (Radzinowicz & Hood 1981a: 757–8). Relying on predictions of serious harm to adjudge parole decisions *within* a tariff-based sentence is less ethically challenging than creating a special 'protective sentence', but even here – as Hood & Shute's (2002: 849) comment indicates – the problem of false positives has the potential to create injustices.

³⁰ Some of the information in this subsection is derived from an unpublished memorandum by Roger Hood (2001c).

³¹ Here and in the remainder of this subsection, we do not include the names of staff members. This is because our focus is on structural issues relevant to Roger Hood's efforts to grow criminology in Oxford, rather than a full history of these developments.

By the time of Roger's formal retirement in 2003, matters were very different, and Oxford had become a recognised and established centre of criminological scholarship in the UK. A significant early step was taken in 1977, when the university agreed to provide much better accommodation than had been available to the PRU, and to change the name of the unit to the 'Centre for Criminological Research' to reflect a broader vision of its purpose. These changes coincided with a decision of the Home Office in the late 1970s to promote criminological research in Oxford by providing a continuous annual 'rolling grant' to the Centre, under which it would be able to suggest its own programme of research, subject to Home Office approval. As Roger later put it, this funding arrangement 'made it possible to offer a few research posts with the prospect of continuous employment over a reasonable period of time', and this enabled the Centre to attract 'a number of very able young criminologists'. That particular funding arrangement was discontinued in the early 1980s, but 'for some time Oxford continued to have a "special relationship" with the Home Office in deciding what avenues of research to pursue' (Hood 2001c: 2). These developments – and the research that flowed from them – significantly enhanced Oxford's reputation in the field of criminology. But Hood's Readership was still the only established post in the subject, and that post had by the late 1980s been slated by the university's Social Studies Board for 'suppression' if and when it became vacant (Hood 2001c: 3).

Matters improved markedly in the 1990s. Following a review of the Centre, the Readership was transferred from the establishment of the Social Studies Board to that of the Law Faculty, which then designated a vacant established lectureship to be filled in the field of criminal justice (from 1992). A further lectureship was created in 2000, and this at last enabled Oxford to set up a Master's course in Criminology and Criminal Justice, beginning in academic year 2001–2. Hood's post remained technically a Readership, although he was – in our judgement, very belatedly – awarded the title of Professor in 1996.

Thus, Roger Hood remained in administrative charge of developments in Oxford criminology for the astonishingly long period of 30 years (1973–2003).³² That role was particularly onerous during the lengthy period when he held the only established post, because he alone was then required to play a leading role in developing new research projects, to 'ensure that the reports written by research officers were completed on time and to the high standard expected' (Hood 2001c: 5), and to lead the teaching of criminology and criminal justice for the undergraduate and postgraduate law degrees.

As he approached formal retirement, Roger was rightly able to say that 'the Centre for Criminological Research is now in a stronger position as regards staff and resources

³²The headship of the PRU carried no official title, but Roger was (apart from periods of sabbatical leave) formally the Director of the Centre for Criminological Research from 1977 to 2003.

than it has ever been' (Hood 2001c: 4).³³ That this was so was, of course, very largely due to his own efforts and commitment over a long period. Oxford has recognised its debt to him by establishing (from 2006) the 'Roger Hood Lecture' as the most prominent public occasion in the annual calendar of the Centre for Criminology (as it is now called).

Criminology beyond Oxford

In the 1970s, British criminology experienced what Lucia Zedner (2003: 211) has described as an 'emergence of competing paradigms'. In 1964, the Cambridge Institute, acting in its role as the UK's first dedicated centre of university criminology, hosted the first in a series of biennial National Criminology Conferences. At the third such event in 1968, a number of young sociologists, dissatisfied with the kind of criminology presented at the conference, decided to form an alternative group known as the National Deviancy Conference (NDC). Throughout the 1970s, there was tension between the 'mainstream' criminology promoted at the Cambridge conferences, and the more radical work presented at the NDC (Downes 1988; Zedner 2003). Debates between those on the two 'sides' were sometimes confrontational, and each could misrepresent the other (Cottee 2005). Roger Hood did not take part in any confrontations,³⁴ but his sympathies remained with the 'mainstream' group, whose contributions, he thought, could be too easily forgotten (Hood 1989a).

By the mid-1980s, these conflicts had lessened; moreover, teaching and research in criminology in Britain had grown apace following the university expansions of the 1960s. The Cambridge Institute had also decided that, given this growth, it was no longer appropriate for 'National Criminology Conferences' to be held only in Cambridge. In this situation, an obvious solution was to create a national professional association of criminologists.

However, a group called the British Society of Criminology (BSC) already existed. Set up in the late 1950s, it met only in London, mostly on weekday evenings, so by the 1980s it was no longer a credible national body. When Roger Hood was elected as its President, he saw the potential to move matters forward. A group of senior scholars of varying intellectual persuasions met to discuss the situation. They jointly decided to promote, in 1987, an *ad hoc* 'British Criminology Conference' at the University of

³³ Its position was further strengthened by the university's decision, on Roger's retirement, formally to establish a Chair in Criminology. In 2016, the Oxford Centre published a volume celebrating the 50th anniversary of the founding of its predecessor, the PRU (Bosworth, Hoyle & Zedner 2016).

³⁴ Indeed, in 1970 Hood and Radzinowicz actively sought to build a rapprochement between the two groups by inviting several members of the NDC to give papers at the fourth National Criminology Conference in Cambridge, with Roger acting as respondent to one of these papers (by Professor Laurie Taylor). However, this attempt at bridge-building had only limited success.

Sheffield, to assess whether the time was ripe for change. The response surpassed the informal group's expectations: both 'mainstream' and more 'radical' criminologists signed up, and the organisers 'had to limit attendance to 200 teachers and researchers' (Downes 1988: 45). At a lengthy business meeting during the conference, chaired by the first author of this Memoir, Roger Hood proposed, and the meeting warmly approved, a new framework for the BSC, whereby it would become a national learned society welcoming all criminologists. Roger thus became the first President of the reformed British Society of Criminology (1987–9).

But of course – and quite properly – even in this less confrontational atmosphere important debates continued about the scope and character of criminological scholarship. Roger's particular interest in this sphere concerned the relationship between criminology and criminal justice policy – a topic that he had previously addressed (Hood 1974a), and to which he now returned (Hood 1987; 2001b; 2002a).³⁵ In his final paper on this theme, he first emphasised the key importance of empirical research in relation to criminal policy:

[T]he voices of criminologists will be heard [by policymakers] only if they can speak ... from a firm base of empirical research. ... This is what distinguishes criminology from other types of discourse about crime. Unless legitimacy can be claimed for this view, the 'criminologist' will be treated as just another person with an 'opinion' on the subject (Hood 2002a: 159).

But, secondly, Roger knew that empirical criminological research could be, and sometimes was, conducted and presented in ways that resembled those of a 'technical specialist'; and this, he argued, was a mistake. Rather, when pursuing empirical research on policy-related issues, it is important to 'take cognisance of the impact of the many ... social changes that have created ... new definitions, forms of and possibilities for criminality and its regulation' (Hood 2002a: 158). Roger Hood was not himself either a social or a normative theorist, but he was always sensitive to the need for empirical social scientists to be attentive to relevant theory.

Given Roger's enduring interest in 'the criminological foundations of penal policy', it was fitting that this topic was chosen as the overarching theme of the *Festschrift* that was presented to him in 2003 (Zedner & Ashworth 2003). Also very fittingly, that *Festschrift* was published in the *Clarendon Studies in Criminology*. This book series, which was launched by Oxford University Press in 1994, was jointly sponsored by the centres of criminology at Oxford, Cambridge and the LSE. Roger Hood was the initiator of the discussions that led to the creation of the series, and he became its first General Editor. At the time of writing, some 110 high-quality volumes have been published as Clarendon Studies; so here once again we see Roger contributing importantly to the development of British criminology.

³⁵ For a helpful summary of these papers, see Zedner & Ashworth (2003: 10–21).

The death penalty worldwide

From 1989 onwards, Roger Hood gradually established himself as the leading authority worldwide on capital punishment. His work in this field had significant continuities with the character of his work on English criminal justice – for example, in his rigorous approach to research evidence; his enduring commitment to justice for all; and his wish, where possible and appropriate, for criminological findings to be used to influence criminal justice policy. However, in his death penalty work, the latter two commitments took him in some important fresh directions.

Responding to a United Nations invitation

From an early point in its history, the United Nations took an interest in capital punishment, seeing this topic as inextricably linked to the 1948 Universal Declaration of Human Rights. In time, the UN's work in this field developed, so that by the late 1980s its Secretariat was able to state that various UN bodies had 'emphasized repeatedly [that] ... the main objective of the United Nations in the field of capital punishment [is] to progressively restrict the number of offences for which the death penalty might be imposed with a view to its eventual abolition' (Hood 1989b: Foreword by the UN Secretariat). In pursuit of this objective, a practice was begun of sending to all member states, at five-year intervals, a questionnaire concerning their use of the death penalty. Responses to the first and second such exercises (covering the years 1956–60 and 1961–65) were analysed and published by the distinguished criminologists Marc Ancel of France (first survey) and Norval Morris of Australia (second survey). Three further such surveys were then conducted, the last of which covered the years 1979–83; and in addition, a special 1987 survey focused on retentionist states' implementation of the 1984 ECOSOC policy document entitled *Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty* ('the *Safeguards*').³⁶ Results from the 1979–83 general survey and the 1987 Safeguards survey were published internally by the UN, but no further criminological analyses had been commissioned in the twenty years following Norval Morris's report. That changed in 1987, when ECOSOC began a search for a senior criminologist who could provide a report 'on the question of the death penalty and new contributions to the criminal sciences in the matter' (Hood 1989b: vii). Roger Hood was invited to accept this commission, and he agreed.

In making this appointment, the UN was looking to Roger for evidence to further its goal of 'progressive restriction'. As he later remarked, 'one would be unlikely to embark on such a task without believing that this is a desirable goal' (Hood 2002c: 7), and that

³⁶ ECOSOC is the Economic and Social Council of the United Nations.

was certainly true in his case.³⁷ Nevertheless, Roger was adamant that his report was ‘not intended to be an abolitionist tract’ (Hood 1989b: 5). It was, rather, intended to be an objective assessment, based on a meticulous review of all the available UN, academic and ‘grey’ literature on the subject, of ‘the extent to which the policy objectives of the United Nations are being achieved, and what impediments there appear to be in bringing them to fruition’ (Hood 2002c: 6). In its careful sifting of many policy documents and sets of statistics, and its elegant synthesis of the findings, methodologically the task had many similarities with the historical work that Roger had done with Leon Radzinowicz. Naturally, he also tried wherever possible to hunt down relevant empirical studies, but he was obliged to report that outside the United States these were very few in number.

Roger’s final report was well received, both by the UN and in academia. In terms of policy, it led to an early strengthening of the *Safeguards* by ECOSOC (Resolution 1989/64). Its academic credentials were ensured by its re-publication by Oxford University Press as *The Death Penalty* (Hood 1989b).

Following this initial engagement, the UN invited Roger to conduct and analyse its next three quinquennial surveys (which were now surveys both of capital punishment and of the implementation of the *Safeguards*); and these surveys provided some of the core content of three further editions of *The Death Penalty* (in 1996, 2002 and 2008, the fourth edition being co-authored with Carolyn Hoyle). However, whereas the first edition was simply a re-publication of Roger’s UN report, as his scholarship advanced the book developed a life of its own. Many of the retentionist countries that made the greatest use of capital punishment either failed to respond to the UN surveys or provided only limited data so, frustrated by the gaps in the survey data, Roger moved on from his original remit to harness evidence from an increasingly wide range of sources. *The Death Penalty* therefore grew greatly in size: the fifth edition (Hood & Hoyle 2015) was more than three times the length of the first edition, and it contained no less than 44 pages of references.³⁸

The next subsections explain some of the ways in which *The Death Penalty* changed over time. They are testimony to Roger’s vigour and tenacity in developing what was essentially a new field of study. Unlike some British scholars who could not see the point in researching an ‘obsolete’ punishment, and unlike most American scholars who focus

³⁷ As previously noted (see n. 3 above) Roger’s first short publication (Hood 1961) favoured the abolition of capital punishment; and later he was a co-signatory, with Leon Radzinowicz and thirty other criminologists, of a pro-abolition letter to *The Times* (15 December 1969) on the eve of a crucial Parliamentary vote that would decide whether or not to make permanent the provisions of the 1965 Act that had abolished capital punishment for murder in Great Britain. His views had not changed by 1987.

³⁸ By the time of this fifth edition, Roger had retired from conducting the UN surveys. This edition therefore drew on the further quinquennial survey conducted and analysed by Professor William Schabas.

only on laws, policies and practices within their own borders, Roger was keen to develop a *global* criminological perspective on the issue of capital punishment.

Embracing a normative human rights perspective

Each edition of *The Death Penalty* judiciously reviewed a progressively more sophisticated body of relevant empirical evidence – for example, on inequities in the administration of justice and on the possible deterrent effect of capital punishment. Roger was always clear that how empirical findings are interpreted will inevitably be shaped by moral and political judgements, but in the first two editions he did not go much beyond this observation. This was because he was mindful of the need to establish his work as academically authoritative, and therefore different from the actively abolitionist agendas of Amnesty International and other non-governmental organisations (NGOs). This stance was congruent with his more general view, previously noted, that speaking from ‘a firm base of empirical research ... is what distinguishes criminology from other types of discourse about crime’ (Hood 2002a: 159).

However, Roger also came to recognise that the authenticity of his work on capital punishment demanded that he should be transparent about his own policy position. In the third edition he therefore made the personal statement that ‘my own involvement in researching the subject ... has convinced me even more strongly of the case for abolition of judicial executions throughout the world’ (Hood 2002c: 7). But more importantly, in that same edition he formally embraced a human rights perspective. He argued that the nature of the debate about the death penalty had changed in recent years because ‘the greater emphasis on the “human rights” perspective on the subject has added greatly to the moral force propelling the abolitionist movement’ (Hood 2002c: 7). He went on:

[This perspective] has further ‘internationalized’ what was formerly considered an issue solely for national policy. And those who still favour capital punishment ‘in principle’ have been faced with yet more convincing evidence of the abuses, discrimination, mistakes and inhumanity that appear inevitably to accompany it in practice (p. 7).

The significance of Roger’s adoption of a human rights perspective is that it simultaneously encompassed both an explicit normative framework and, within that framework, an explicit role for empirical evidence on human rights topics. Thus, this was a deontological ethical position that allowed – indeed *required* – evidence about the existence or otherwise of, for example, abuses and discrimination. Such a framework was clearly distinct from the bulk of death penalty scholarship in the US, which was either straightforwardly empirical or focused on doctrinal analyses of the law. Also, as indicated in the quotation above, the focus of a human rights perspective is intrinsically international (or global), since the aim is to respect the human rights of people everywhere.

It was, we believe, Roger's unequivocal human rights message, supported by an exacting evidence-based enquiry into the rationales for capital punishment, its administration and its impact, that created the conditions whereby each new edition of *The Death Penalty* came to be so well respected. It was indeed often referred to by other academics and, particularly, by leading intergovernmental organisations (IGOs) and NGOs, as 'the death penalty Bible'. Reviewing the fourth edition in the journal *Public Law*, the public policy scholar Gavin Drewry (2009) wrote:

The book does not seek to camouflage the authors' abolitionist credentials, but it is most certainly not a polemic. Its rigorous scholarship and the breadth of its coverage are hugely impressive features; its claim to 'worldwide' coverage is no idle boast. This can fairly lay claim to being the closest thing to a definitive source-book on the subject.

Empirical research in the Global South

Roger well understood that the absence of empirical criminological research beyond the United States was a serious impediment to understanding the justifications for retention of the death penalty, its legal apparatus, and how it is administered worldwide (Hood 2016). He was therefore keen to develop research in other countries, and he chose to do so in collaboration with the NGO 'The Death Penalty Project' (DPP). Until that point, the DPP had been focused on legal casework, including both work with individual prisoners (seeking stays of execution, assisting prisoners claiming wrongful conviction, etc.), and more strategic litigation such as challenges to the existence of a *mandatory* death penalty in several countries. The DPP now agreed to work with Roger on empirical research in pursuit of their shared objectives.

Their first collaboration, undertaken soon after Roger's formal retirement in 2003, provides an instructive example. Working with a Trinidadian academic, Florence Seemungal, Roger analysed the kinds of murder that were recorded in Trinidad and Tobago in 1998–2002, and the extent to which they resulted in a conviction for murder and a mandatory death penalty. The research established that the certainty of conviction for murder was very low, suggesting that the death penalty could not be an effective deterrent. It further revealed considerable *de facto* arbitrariness in sentencing, because the mandatory death penalty was being applied without consideration of relevant offence-related and person-related differences (Hood & Seemungal 2006).

This report stimulated discussions about the mandatory death penalty not only in the local media but also within the judiciary, the legal profession and the government. However, politicians were worried about pursuing reforms while, they presumed, the public appetite for capital punishment was high – not least because of the high rate of lethal violence in the country. Suspecting that there would be a gap between the

perceptions of politicians and the reality of informed opinion, Roger and the DPP gained permission from the Chief Justice of Trinidad and Tobago to interview judges, prosecutors, defence lawyers and other justice ‘elites’ on their experiences and perceptions of the mandatory death penalty. This research found little support for retention of the penalty (Hood *et al.* 2009).

This was the first of seven studies of elite opinion formers’ views on the death penalty carried out to date by Hood or Hoyle. This series of studies established a new methodology for interviewing influential and knowledgeable people in various jurisdictions about their views on capital punishment – people whose ideas can shape both public opinion and policy. The findings of these projects have established weak support for capital punishment among those who know most about its administration and who have the potential to bring about reform. These findings can be, and have been, used by civil society organisations pursuing abolition.³⁹

The Trinidad and Tobago elite opinion study prompted the research team to embark on further research, this time focusing directly on public opinion (Hood & Seemungal 2011). For this study, Roger developed a research instrument that for the first time presented respondents with life-like vignettes sketching realistic crimes and offenders, as well as information on the typical administration of the death penalty and questions that measured support for capital punishment once people were aware of alternatives, such as life imprisonment. The results established that there was little public support for the mandatory death penalty. However, despite the findings, this pioneering research was largely ignored by the government of Trinidad and Tobago.

The research in Trinidad was followed by six further public opinion studies commissioned by the DPP in Malaysia, Taiwan, Japan, Zimbabwe, Indonesia and Kenya, most of which were carried out by either Hood or Hoyle, who further developed these methods.⁴⁰ This body of work, initiated over a decade ago, challenges governments around the world by demonstrating that public opinion is no barrier to abolition (Hoyle 2021). It reveals that opinions in favour of capital punishment are dependent on the belief that it is administered fairly, without the possibility of error leading to the execution of the innocent. When presented with accurate information, showing that this is rarely the case, support declines across all countries where such research has been conducted. Similarly, when presented with an alternative penalty of life imprisonment, support declines dramatically, demonstrating that publics want proportionate punishment, and protection from dangerous offenders, but they do not demand death (Hood 2018).

³⁹ See the website of The Death Penalty Project for various reports on ‘opinion former’ research.

⁴⁰ Roger’s influence can also be seen in other public opinion studies in China, Singapore and Ghana, for which he was a consultant, and which were based on his design (see Hood 2018).

Policy engagement

We have previously noted that, ever since his first essay on parole in 1974 (Hood 1974b), Roger had been keen, where possible, to use criminological analysis and findings to influence policy developments. His death penalty scholarship opened up many opportunities for this kind of policy consultancy in retentionist countries, as can be illustrated by his work in four Asian countries.

In 1999, Roger was appointed to the UK Foreign and Commonwealth Office's new Death Penalty Panel, and in that capacity he visited China in 2001.⁴¹ The visit was regarded as a success, in no small measure due to Roger's diplomacy, particularly his ability to defuse any accusation that the visitors were seeking to interfere in China's internal affairs.⁴² Subsequent research trips to Beijing by Hood and Hoyle in the first decade of this century initially appeared to reap rewards: by 2005, the Chinese agenda had moved from defensive rationalisation of capital punishment to an inclination to learn from other countries that had taken the path to abolition (Hood 2016). Following the publication of a Chinese translation of the fourth edition of their book, Hood and Hoyle heard expressions of intent to reform and move towards abolition, and indeed saw abolition secured for a few offences as well as changes to the review process for death sentences.⁴³ Yet a new regime, some years into Xi Jinping's presidency, ended opportunities for further influence; and in May 2022 the Chinese authorities, citing the 'sensitive nature' of policy on the death penalty, refused to allow the publication of a translation of the fifth edition of *The Death Penalty* that had been prepared by Beijing Normal University.

More propitiously, and also in the 2000s, Roger worked in the Philippines with the Free Legal Assistance Group (FLAG) to help, through a series of presentations supported by the British Embassy, to kick-start a successful campaign to return the Philippines to its former abolitionist status. When abolition was achieved in 2006, FLAG acknowledged Roger's significant contribution.

⁴¹ It was during this visit that the bond between Roger and the co-directors of the DPP began to develop, to the mutual benefit of both parties.

⁴² It might have helped that this senior scholar from Oxford was happy to adapt to local cultural norms wherever he travelled, being a compliant guest as much as he was a hospitable host for foreign visitors to Oxford. Speaking at the Oxford Centre for Criminology's 'Celebration of the Life and Scholarship of Professor Roger Hood' in 2021 (see note 4 above) Parvais Jabbar, co-director of the DPP, shared with the audience that Roger had been told by his esteemed Chinese hosts that he, and his colleagues from the DPP, must sing to them a traditional English song at the end of a banquet in their honour. Roger willingly obliged, insisting that his friends join him in a memorable rendition of 'Ten Green Bottles' (a long and particularly ridiculous song).

⁴³ See *The Death Penalty in China – the road to reform* (2014) at <https://www.law.ox.ac.uk/research-subject-groups/research-index/impact-index/death-penalty-china-road-reform> [accessed 20 July 2023].

As his research and stature in the field developed, Roger was increasingly invited by official bodies to assist them. For example, he was the only foreigner to be invited to address the Indian Law Commission in preparation for their Report on The Death Penalty in 2015, and the Chair has since reported that Roger's contribution was key to convincing the Commission to recommend abolition for all ordinary crimes.⁴⁴

Similarly, at the request of the Cabinet in Malaysia, Roger was appointed as a consultant to the Attorney General of that country to prepare a comprehensive review of the death penalty. Following this, in 2016, the government agreed to abolish the mandatory death penalty for drug trafficking, citing Roger's empirical research and his review for the government as an important factor. A change of government stalled that progress for some time, though certain politicians continued to press for abolition, citing Roger's research to support their cause. After Roger's death, in March 2023 the mandatory death penalty for drug offences was abolished, and sources close to Hoyle have suggested that Roger's research and repeated engagement had been influential.

Criminological continuities, strengths, tensions and influence

We noted previously that Roger Hood's death penalty scholarship had clear continuities with his earlier UK-based criminological scholarship as regards rigour, a focus on justice and a wish for criminological assessments to be relevant for criminal policy. We have now seen that, in this later work on capital punishment, Roger was able to refine his commitment to justice by the adoption of a human rights perspective, and he was able to work more extensively with policymakers than had been possible within the single jurisdiction of England and Wales.

A crucial strength of Roger's writing and consultancy work on the death penalty was that he never allowed his abolitionist stance to soften either his commitment to universal human rights or his rigorous scholarship. For example, while some NGOs will seek to influence reform agendas through an emphasis on the execution of vulnerable populations, such as juveniles or those with intellectual disabilities, Roger focused on the rights and dignity of all, even though many who commit capital offences might not appear to be deserving. (His earlier work on sex offenders provides a similar example: Hood *et al.* 2002.) Similarly, in presenting the case for abolition he never went beyond the research evidence. This was apparent in his responses to abolitionists who declared, as they frequently do, that the death penalty does not deter serious crime. Roger was meticulous in his written and oral comments on this crucial issue: that the body of empirical evidence

⁴⁴ Hood & Hoyle (2015) is referred to 21 times throughout the report (Law Commission of India 2015). In the event, the Commission's recommendations have not been accepted by the government of India, and it remains a retentionist jurisdiction, notwithstanding the relatively few executions over the past decades.

cannot tell us with any certainty if deterrent effects are strong or weak or whether they exist at all, given that all studies fail the test of rigorous replication and robustness of analysis needed to be conclusive (Hood & Hoyle 2015: ch. 9). That said, he was also clear that if capital punishment was to have a greater deterrent effect than life imprisonment, it would need to be mandatorily and speedily enforced on a substantial scale across most categories of murder, with high execution rates. This, he insisted, would increase the probability of innocent or wrongfully convicted persons being executed, and would also lead to the execution of people with persuasive mitigating circumstances. His principled position on justice and human rights therefore led him to the conclusion that the balance of empirical evidence favours the abolitionist position.

There were also other strengths in Roger's death penalty work. One was the extent of his willingness to conduct research and engage in policy dialogues in Asia, the Caribbean and Africa, thus prefiguring the more recent (and overdue) shift of focus of Western criminologists from interest solely in their own countries towards the nations of the Global South.⁴⁵ Again, he was arguably ahead of his time in his long-held belief in the importance of what funding bodies now describe as the 'impact agenda' – that is, the relevance of social scientific research and theorisation to social development of various kinds. Always conscious of the 'impact agenda', Roger also developed – perhaps especially in his death penalty scholarship, but also to an extent previously – an authoritative way of writing that combined a judicious use of material with a writing style accessible to non-specialists.

Notwithstanding these strengths, there were some personal tensions and anxieties in Roger's death penalty work. When he first conducted research on public opinion, he was anxious that the findings might give strong support to governmental claims about the public appetite for capital punishment. He has committed to print the view that 'ultimately, public opinion on the death penalty ... should not determine an issue which many believe must be dealt with on the basis of a principled interpretation of human rights' (Hood & Hoyle 2015: 467), yet he engaged in research to test public opinion empirically. When the findings supported his stance on abolition, his principles and the empirical evidence were aligned, but it might not have been so.

Roger could be tolerant of those offering consequentialist justifications for capital punishment, because he was confident that he could rebut them in the way described above. He was however somewhat dismissive of those who took a principled position that did not align with his own. When Matthew Kramer published *The Ethics of Capital Punishment*, pursuing a deontological 'purgative' rationale for capital punishment to

⁴⁵ Moreover, he was prepared to engage with countries such as China, with poor human rights records, leading to limited reforms even in a context where abolition was not an achievable outcome.

bring to an end ‘the defilingly evil existence of someone who has committed flagitious crimes’ (Kramer 2011: 8), Roger was not impressed, rejecting the principles behind this thesis as unsupportable.

He was full of admiration for David Garland’s corpus of work on the sociology of punishment, yet he was anxious when Garland (2010) published an admirable and influential book on the death penalty, *Peculiar Institution*. This book develops the thesis that the death penalty in the United States serves a symbolic, rather than utilitarian function; indeed, that it is a form of political discourse. Roger’s concern was that this sociological account of the emotional and political functions of the death penalty could be read as a *justification* for the death penalty, rather than an exposition of its appeal.⁴⁶ In such disquiet, we glimpse Roger’s personal, as well as his scholarly, engagement with the issue of capital punishment.

Two years before Roger passed away, Carolyn Hoyle took him for lunch at his favourite Oxford restaurant and described her plans to establish the Oxford Death Penalty Research Unit (DPRU). He embraced this idea with considerable enthusiasm, and humbly asked if there might be a small role for him to play. The DPRU’s ambitions are unambiguously based on the work and approach that Roger developed in collaboration with the DPP: to develop empirical, theoretical and policy-relevant research on the death penalty worldwide; to encourage death penalty scholarship; and to engage in knowledge production, exchange and dissemination. Its purpose is not only to elucidate capital punishment laws and practices, but to challenge them, with the explicit aim of abolition or, failing that, progressive restriction. The Unit is a fitting legacy of Roger’s groundbreaking work in this field.

Roger died while writing a chapter for a *Festschrift* honouring his colleague and friend, Professor Luis Arroyo Zapatero; it was completed by Carolyn Hoyle and Saul Lehrfreund (Hood 2021). The chapter confronts a question that the three of them had discussed at length: what sense should we make of countries that remain abolitionist *de facto*⁴⁷ for decades? Roger cautioned against complacency. Rather than seeing such countries as on the road to abolition, he argued that the longer states remain in *de facto* status, the less likely it becomes that they will abolish. His final academic article is nuanced and authoritative, but it takes a strong normative line on abolition and on the importance of challenging inertia within such states. It is an important contribution which has now been taken up by Hoyle and her colleagues at the DPRU and the DPP.

⁴⁶ Discussions with Carolyn Hoyle while writing the fifth edition of *The Death Penalty* (Hood & Hoyle 2015).

⁴⁷ Defined by the United Nations as a country that, although it retains the death penalty in statute and may even impose death sentences with some regularity, has not executed any prisoner for over a decade.

Honours and legacies

Roger Hood was elected as a Fellow of the British Academy in 1992. He was only the second criminologist to be so elected, the first being Sir Leon Radzinowicz (elected 1973). Both elections were important signals that criminology now had a justified place in British intellectual life.

Serendipitously, the first two criminological FBAs had a close personal and professional relationship, cemented during their collaboration on the *History*. That relationship remained very strong right up to Radzinowicz's death in December 1999. In his autobiography, published earlier that year when he was 92, Radzinowicz (1999: xiv) thanked Roger for being an 'exceptional editor' of the book and spoke warmly of their 'solid friendship and close collaboration'. Then, when in March 2001 the Cambridge Institute of Criminology organised a Commemorative Symposium honouring Radzinowicz's career, Roger offered some heartfelt and moving 'Recollections of Sir Leon Radzinowicz' (2002b). He later remained in close touch with Radzinowicz's widow Isolde, regularly visiting her at her home in Pennsylvania.

Roger received many other honours and awards. In the Queen's New Year's Honours of 1995 he became a Commander of the Order of the British Empire (CBE) 'for services to the study of criminology', and in 2000 he received the unusual accolade, for a non-lawyer, of appointment as an honorary Queen's Counsel. He received three honours from criminological organisations: in 1986, the Sellin-Glueck Award of the American Society of Criminology 'for international contributions to criminology'; in 2011, the Beccaria Medal of the International Society of Social Defence; and in 2012, the European Criminology Award of the European Society of Criminology 'for a lifetime contribution as a European criminologist'. In addition, two universities honoured him by conferring on him the honorary degree of Doctor of Laws (LL.D.): the University of Birmingham in 2008 and Edinburgh Napier University in 2011.

Some of Roger's key legacies have previously been mentioned: they include the flourishing of the Oxford Centre for Criminology; the establishment of the Oxford Death Penalty Research Unit; and the steps taken by various countries, partly as a result of his influence, towards partial or total abolition of the death penalty. A further legacy of Roger's scholarship is less overt, yet of great importance. At the Centre for Criminology's 2021 commemorative celebration of Roger's life and scholarship (see note 4 above), it was noticeable that several speakers referred to Roger's concern for younger scholars – his interest in their work, and his willingness to help them build their research and their careers. Similar tributes have been expressed more informally by many others. For someone of Roger's stature to have cared so much about the next generation of criminological researchers is indeed a very significant legacy.

Beyond criminology

College life

In 1969, while he was working at the Cambridge Institute, Roger Hood was elected as a Fellow of Clare Hall, a then very new (founded 1966) graduate college which admitted both male and female students – one of the first Cambridge colleges to do so. It also aimed to develop an informal and egalitarian ethos. All Souls College, to which Roger moved on his appointment to the Oxford Readership, was quite different. Famously the only Oxbridge college to which one cannot apply to be a student, in 1973 it was still open only to men, and it had a reputation for a certain hauteur and social conservatism. It therefore might not, at first blush, have looked like a natural berth for a young scholar of relatively humble origins who had been to a grammar school (although Roger was not unique in this regard). So it was fortunate that Roger's pathway into All Souls had been strongly influenced – in different ways – by two of its Fellows who were law professors, Rupert Cross and Tony Honoré (see notes 11 and 10 above). Roger quickly built good relationships with each of them, which remained strong until their deaths (respectively in 1980 and 2019). In those early years, it must have been especially helpful for Roger to have, in Rupert Cross, a senior college colleague who had written influentially from a legal perspective on issues of sentencing and penal policy. Memorably, on Cross's death Roger described him as 'the rock on which criminology in Oxford endeavoured to establish itself' (Hood & Radzinowicz 1981).

Thus, Roger soon settled into his new college environment. In due course, he played significant roles in the life of the college, and by the time he retired from his full-time academic post in 2003, he could not have been more at home there. All Souls recognised this by making him an Emeritus Fellow.

Notwithstanding the time and energy he devoted to the Centre for Criminological Research, Roger took his college duties seriously, including serving on various committees and acting as the college's Sub-Warden (deputy head) from 1994–96. Even on his busiest days in the Centre, he would carve out the time to cycle to college for lunch, where he liked to chat with his colleagues, especially the young examination Fellows. He brought the two parts of his working life together at every opportunity, often inviting the Centre's staff and students to All Souls functions. Indeed, the college post that Roger most enjoyed was Kitchen Steward, responsible for the contents of its menus. A talented and imaginative cook, he served as Kitchen Steward for several years from 1980, and then again from 1993 until 2003. He took great pleasure in working closely with the chefs, both to refine a wide range of recipes and to find the best matching wines. Guests at Roger's home in Oxford would often get the chance to taste the results of his culinary experiments before diners at All Souls.

He also brought the Centre and the college together for academic purposes, such as occasional conferences and lectures from visiting speakers. Perhaps most notably, the Centre's academic seminars, which took place fortnightly in term time, were always held in the college; they became known as the 'All Souls Seminars'. After a seminar, Roger would host drinks in his college rooms, followed by an All Souls dinner for the speaker. Roger was the least stuffy of men, but the college still required male diners to dress properly – that is to say, wearing a tie. With younger, less formally dressed speakers, there was sometimes an anxious moment while Roger searched for one to lend to his bemused guest, even if he happened to be wearing a collarless T-shirt, in order to avoid sartorial embarrassment!

Family life

Roger married Barbara Blaine Smith Young, from Pennsylvania, in 1963, the year he took up his first lecturing post at Durham. Their daughter, Cathy, was born the following year. The marriage ended in divorce in 1985, and in October that year Roger married Nancy Colquitt Stebbing, a museum curator from Savannah, Georgia. Nancy had children of her own but the two families soon became close, with Roger a loving, involved father and stepfather. He was also close to his nephew, Matthew, whom he raised from a young age, after the untimely death of Roger's brother. Just as he integrated the Centre with his college, so he involved his family in his working life, taking pains to involve Nancy and their children in Centre and college events, and frequently inviting his students and colleagues to dinners and soirées at their home. Retirement allowed him to lavish attention on his grandchildren, and on Matthew's son, Eben, with whom he loved to watch old movies.

When Nancy died in early 2019 after a short battle with an aggressive form of cancer, Roger struggled to recover. His friends and family did their best to give him emotional support, but just as he was starting to get back on his feet, his isolation was intensified by the Covid-19 pandemic and consequent lockdowns. When the restrictions were eased a little, he sought solace by taking long walks with those he loved on the banks of Oxford's waterways. In the autumn of 2020, his health began to decline. He was hospitalised several times with respiratory problems, and died of pneumonia, with his family at his side, on 17 November 2020 at the John Radcliffe Hospital in Oxford. Roger Hood's and Nancy's ashes were scattered under their favourite tree in the cemetery of a quiet and lovely 13th-century church, St Margaret of Antioch in Binsey, which lies a short upstream walk across Port Meadow from Oxford.

Conclusion

In his important paper on the careers of Hermann Mannheim and Max Grünhut, ‘criminological pioneers in London and Oxford’, Roger Hood commented that the scholarship of both these men was

... imbued with a humanistic conception of the value of scientific effort in the field of criminology. Their writings reveal that neither was a positivist, neither was narrowly doctrinaire, and both were fundamentally liberal in spirit. They were, with Radzinowicz, founders of what is of enduring worth in the English pragmatic and humanistic approach to criminology and criminal policy. There is still much to be learned from them (Hood 2004: 470).

As Roger would certainly have agreed, there are other entirely valid ways of ‘doing criminology’ – for example, by focusing on developmental criminology (the study of ‘criminal careers’), or by working with a stronger focus on theory than any of the pioneers attempted. But his own career is best read as a stellar further contribution within the tradition forged by these ‘criminological pioneers’, because like them he combined ‘scientific effort’ with a ‘pragmatic and humanistic approach to criminology and criminal policy’. In that spirit, Roger Hood played a key role in consolidating and extending the institutional foundations for UK criminology that the three pioneers had established; he made major contributions to research on several aspects of English criminal justice (sentencing, parole, justice for ethnic minorities and penal history); and in his later work on capital punishment, while again combining rigorous social science and a ‘humanistic approach’, he influenced a much wider international audience, notably through the ‘Death Penalty Bible’ (Hood & Hoyle 2015).

References

- American Friends Service Committee (1970), *Struggle for Justice* (New York, Hill and Wang).
- Anon (2020), ‘Professor Roger Hood, Obituary’, *The Times* 9 December 2020.
- Ashworth, A. (2003), ‘Sentencing and Sensitivity: A Challenge for Criminological Research’, in Zedner & Ashworth (2003), 295–331.
- Bosworth, M., Hoyle, C. & Zedner, L. (eds) (2016), *Changing Contours of Criminal Justice* (Oxford, Oxford University Press).
- Cottee, S. (2005), ‘Sir Leon’s Shadow’, *Theoretical Criminology*, 9, 203–25.
- Cross, R. (1971a), *Punishment, Prison and the Public* (The Hamlyn Lectures, 23rd Series; London, Stevens and Sons).
- Cross, R. (1971b), *The English Sentencing System* (London, Butterworths).
- Davis, J. (1986), ‘Review of L. Radzinowicz and R. Hood, *A History of English Criminal Law and its Administration*, vol.5’, *Cambridge Law Journal*, 45, 521–3.

- Downes, D. (1988), 'The Sociology of Crime and Social Control in Britain 1960–1987', in Rock, P. (ed.), *A History of British Criminology* (Oxford, Clarendon Press), 45–57.
- Downes, D. (2021), *The Official History of Criminal Justice in England and Wales, vol. III: The Rise and Fall of Penal Hope* (London, Routledge).
- Drewry, G. (2009), 'Review of R. Hood and C. Hoyle, *The Death Penalty*, fourth edition', *Public Law*, 419–20.
- Faulkner, D. (2014), *Servant of the Crown: A Civil Servant's Story of Criminal Justice and Public Sector Reform* (Hook, Hampshire, Waterside Press).
- Garland, D. (2010), *Peculiar Institution: America's Death Penalty in an Age of Abolition* (Oxford, Oxford University Press).
- Guiney, T.C. (2018), *Getting Out: Early Release in England and Wales 1960–1995* (Oxford, Oxford University Press).
- Home Office (1974), *Young Adult Offenders: Report of the Advisory Council on the Penal System* (London, HMSO).
- Home Office (1988), *The Parole System in England and Wales: Report of the Review Committee* (Chairman, Lord Carlisle of Bucklow), Cm 532 (London, HMSO).
- Hood, R. (1961), 'Capital Punishment', *The Cambridge Review*, 4 March 1961.
- Hood, R. (1962), *Sentencing in Magistrates' Courts* (London, Stevens and Sons).
- Hood, R. (1965), *Borstal Re-assessed* (London, Heinemann).
- Hood, R. (1966), *Homeless Borstal Boys* (Occasional Papers on Social Administration, No. 18; London, G. Bell and Sons).
- Hood, R. (1967), 'Research on the Effectiveness of Punishments and Treatments', in European Committee on Crime Problems, *Collected Studies in Criminological Research*, 1, 73–113.
- Hood, R. (1972), *Sentencing the Motoring Offender* (London, Heinemann).
- Hood, R. (1974a), 'Criminology and Penal Change: A Case Study of the Nature and Impact of Some Recent Advice to Governments', in Hood, R. (ed.), *Crime, Criminology and Public Policy: Essays in Honour of Sir Leon Radzinowicz* (London, Heinemann), 375–417.
- Hood, R. (1974b), 'Some Fundamental Dilemmas of the English Parole System and a Suggestion for Reform', in Thomas, D.A. (ed.), *Parole: Its Implications for the Criminal Justice and Penal Systems* (Cambridge, Institute of Criminology), 1–17.
- Hood, R. (1974c), *Tolerance and the Tariff: Some Reflections on Fixing the Time Prisoners Spend in Custody* (London, NACRO).
- Hood, R. (1987), 'Some Reflections on the Role of Criminology in Public Policy', *Criminal Law Review*, 527–38.
- Hood, R. (1989a), 'Review of *A History of British Criminology*, edited by Paul Rock', *British Journal of Criminology*, 29, 408–11.
- Hood, R. (1989b), *The Death Penalty: A World-Wide Perspective* (Oxford, Clarendon Press).
- Hood, R. (1995a), 'Psychosocial Interventions in the Criminal Justice System: Introductory Report, General Report, Conclusions and Recommendations', in European Committee on Crime Problems, *Collected Studies in Criminological Research*, 31, 11–21 and 191–205.
- Hood, R. (1995b), 'Race and Sentencing: A Reply', *Criminal Law Review*, 272–9.
- Hood, R. (2001a), 'Leon Radzinowicz 1906–1999', *Proceedings of the British Academy*, 111, 637–55.
- Hood, R. (2001b), 'Penal Policy and Criminological Challenges in the New Millennium', *Australian and New Zealand Journal of Criminology*, 34, 1–16.
- Hood, R. (2001c), 'Review of the Centre for Criminological Research: Memorandum from the Director', unpublished paper.
- Hood, R. (2002a), 'Criminology and Public Policy: The Vital Role of Empirical Research', in Bottoms, A.E. & Tonry, M. (eds), *Ideology, Crime and Criminal Justice: A Symposium in Honour of Sir Leon Radzinowicz* (Cullompton, Devon, Willan Publishing), 153–72.

- Hood, R. (2002b), 'Recollections of Sir Leon Radzinowicz', in Bottoms, A.E. & Tonry, M. (eds), *Ideology, Crime and Criminal Justice: A Symposium in Honour of Sir Leon Radzinowicz* (Cullompton, Devon, Willan Publishing), xix-xxiii.
- Hood, R. (2002c), *The Death Penalty: A World-Wide Perspective*, 3rd edn (Oxford, Oxford University Press).
- Hood, R. (2004), 'Hermann Mannheim and Max Grünhut: Criminological Pioneers in London and Oxford', *British Journal of Criminology*, 44, 469–95.
- Hood, R. (2016), 'Striving to Abolish the Death Penalty: Some Personal Reflections on Oxford's Criminological Contribution to Human Rights', in Bosworth, Hoyle & Zedner (2016), 182–96.
- Hood, R. (2018), 'Is Public Opinion a Justifiable Reason not to Abolish the Death Penalty? A Comparative Analysis of Surveys in Eight Countries', *Berkeley Journal of Criminal Law*, 23, 101–24.
- Hood, R. (2021), 'The Enigma of De Facto Abolition of Capital Punishment' in de Vicente Martinez, R., Gomez Iniesta, D., Martin Lopez, T., Munoz de Morales Romero, M. & Nieto Martin, A. (eds), *Libro Homenaje Al Profesor Luis Arroyo Zapatero: Un Derecho Penal Humanista*, volumen II, Instituto de Derecho Penal Europeo e Internacional (Madrid, Agencia Estatal Boletín Oficial del Estado), 925–38.
- Hood, R. in collaboration with Cordovil, G. (1992), *Race and Sentencing: A Study in the Crown Court* (Oxford, Clarendon Press).
- Hood, R. & Hoyle, C. (2015), *The Death Penalty: A World-Wide Perspective*, 5th edn (Oxford, Oxford University Press).
- Hood, R. & Joyce, K. (1999), 'Three Generations: Oral Testimonies on Crime and Social Change in London's East End', *British Journal of Criminology*, 39, 136–60.
- Hood, R. & Radzinowicz, L. (1981), 'Note: Sir Rupert Cross', *British Journal of Criminology*, 21, 176.
- Hood, R. & Seemungal, F. (2006), *A Rare and Arbitrary Fate: Conviction for Murder, the Mandatory Death Penalty and the Reality of Homicide in Trinidad and Tobago* (Oxford, Centre for Criminology).
- Hood, R. & Seemungal, F. (2011), *Public Opinion on the Mandatory Death Penalty in Trinidad* (London, The Death Penalty Project).
- Hood, R. & Shute, S. (2000), *The Parole System at Work: A Study of Risk-based Decision-making* (Home Office Research Study, No. 202; London, Home Office).
- Hood, R. & Shute, S. (2002), 'The Changing Face of Parole in England and Wales: A Story of Well-Intentioned Reforms and Some Unintended Consequences' in Prittitz, C., Baumann, M., Günther, K., Kuhlen, L., Merkel, R., Nestler, C. & Schultz L. (eds), *Festschrift für Klaus Lüderssen* (Baden-Baden, Nomos), 835–49.
- Hood, R. & Sparks, R.F. (1970), *Key Issues in Criminology* (London, Weidenfeld & Nicolson).
- Hood, R., Seemungal, F., Mendes, D. & Fagan, J. (2009), *A Penalty without Legitimacy: The Mandatory Death Penalty in Trinidad and Tobago* (Oxford, Centre for Criminology).
- Hood, R., Shute, S., Feilzer, M. & Wilcox, A. (2002), 'Sex Offenders Emerging from Long-Term Imprisonment: A Study of their Long-Term Reconvictions and of Parole Board Members' Judgements of their Risk', *British Journal of Criminology*, 42, 371–94.
- Hoyle, C. (2021), *Investigating Attitudes to the Death Penalty in Indonesia: Public Opinion: No Barrier to Abolition* (London, The Death Penalty Project).
- Jenkins, P. (1987), 'Into the Upperworld? Law, Crime and Punishment in English Society', *Social History*, 12, 93–102.
- Kramer, M. (2011), *The Ethics of Capital Punishment: A Philosophical Investigation of Evil and its Consequence* (Oxford, Oxford University Press).
- Lammy D. (2017), *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System* (London, Ministry of Justice).

- Law Commission of India (2015), *The Death Penalty* (Law Commission of India Report, No 262; Delhi, Government of India).
- Martin, J.P. (1988), 'Review of L. Radzinowicz and R. Hood, *A History of English Criminal Law and its Administration vol.5*', *British Journal of Criminology*, 28, 404–7.
- Palmer, T. (1990), 'The Effectiveness of Intervention: Recent Trends and Issues', *Crime and Delinquency*, 37, 330–46.
- Pratt, J. (2007), *Penal Populism* (London, Routledge).
- Preston, P. (1964), 'Criminologist '64', *The Guardian*, 20 March 1964.
- Radzinowicz, L. (1988), *The Cambridge Institute of Criminology: Its Background and Scope* (London, HMSO).
- Radzinowicz, L. (1999), *Adventures in Criminology* (London, Routledge).
- Radzinowicz, L. & Hood, R. (1978), 'A Dangerous Direction for Sentencing Reform', *Criminal Law Review*, 713–24.
- Radzinowicz, L. & Hood, R. (1981a), 'Dangerousness and Criminal Justice: A Few Reflections', *Criminal Law Review*, 756–61.
- Radzinowicz, L. & Hood, R. (1981b), 'The American Volte-Face in Sentencing Thought and Practice', in Tapper, C. (ed.), *Crime, Proof and Punishment: Essays in Memory of Rupert Cross* (London, Butterworths), 127–43.
- Radzinowicz, L. & Hood, R. (1986), *A History of English Criminal Law and its Administration from 1750, vol.5: The Emergence of Penal Policy* (London, Stevens and Sons); republished without the bibliography of sources as *The Emergence of Penal Policy in Victorian and Edwardian England* (Oxford, Clarendon Press, 1990).
- Runciman, W.G. (1983), *A Treatise on Social Theory, vol. 1: The Methodology of Social Theory* (Cambridge, Cambridge University Press).
- Shute, S. (2003), 'The Development of Parole and the Role of Research in its Reform', in Zedner & Ashworth (2003), 377–439.
- Shute, S., Hood, R. & Seemungal, F. (2005), *A Fair Hearing? Ethnic Minorities in the Criminal Courts* (Cullompton, Devon, Willan Publishing).
- Sparks, R.F. (1965), 'Sentencing by Magistrates: Some Facts of Life', in Halmos, P. (ed.), *Sociological Review Monograph No. 9: Sociological Studies in the British Penal Services* (Keele, University of Keele), 71–86.
- Von Hirsch, A. (1976), *Doing Justice: The Choice of Punishments* (New York, Hill and Wang).
- Weiss, R.P. (1992), 'Review of L. Radzinowicz and R. Hood, *A History of English Criminal Law and its Administration, vol. 5*', *Social and Legal Studies*, 1, 431–3.
- Wiener, M.J. (1987), 'The March of Penal Progress? Review of L. Radzinowicz and R. Hood, *A History of English Criminal Law and its Administration, vol. 5*', *Journal of British Studies*, 26, 83–96.
- Zedner, L. (2003), 'Useful Knowledge? Debating the Role of Criminology in Post-war Britain', in Zedner & Ashworth (2003), 197–235.
- Zedner, L. & Ashworth, A. (eds) (2003), *The Criminological Foundations of Penal Policy: Essays in Honour of Roger Hood* (Oxford, Oxford University Press), Editors' Introduction, 1–27.

Acknowledgements

We are grateful to the Warden of All Souls College, Sir John Vickers, who kindly made available to us the college's file on Roger Hood and the relevant section of a record of a College Meeting at the time that he was recruited to Oxford.

Our thanks also to Mr Tarik Gungor, a current DPhil student at Exeter College, Oxford, for the archival information detailed in notes 10 and 11 of this Memoir, which

he has accessed in the course of his research on ‘The Origins of Academic Criminology in Britain: Theoretical and Social Elements of its Institutionalisation’.

Finally, we are most grateful to Professors Andrew Ashworth, Stephen Shute and Lucia Zedner for their helpful comments on a close-to-final draft of the Memoir.

Note on the authors: Anthony Bottoms is Emeritus Wolfson Professor of Criminology at the University of Cambridge and Honorary Professor of Criminology at the University of Sheffield; he was elected a Fellow of the British Academy in 1997. Carolyn Hoyle is Professor of Criminology and Director of the Death Penalty Research Unit at the University of Oxford.

This work is licensed under a Creative Commons Attribution-NoDerivatives 4.0 International License.

Biographical Memoirs of Fellows of the British Academy (ISSN 2753–6777) are published by The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
www.thebritishacademy.ac.uk