

RECIDIVISTS AND RECIDIVISM:

some broad conclusions from the English experience

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The comparative study of a concept is always hampered by the problem of similar words having rather different usages in different languages. «Recidivist» and «recidivism» exist in the English language and have a long pedigree. According to the *Oxford English Dictionary* the word «recidivation» was very common in seventeenth-century English meaning «relapse into sin, error, crime, etc.; backsliding, apostasy». It could also mean «a relapse in a sickness or disease» or «the fact of falling again under an interdict». Such meanings from earlier centuries are similar to the use in French, and are also similar to the modern use. But, unlike much of continental Europe, in England the words «recidivist» and «recidivism» did not acquire a specific legal meaning and appear to have fallen out of use during the eighteenth and for much of the nineteenth centuries. It was only in the late nineteenth century that the words were revived and this revival appears to have come from knowledge of French usage and of the new science of criminology as expounded by the theorists of continental Europe. In modern English, use of recidivism is primarily concerned with «the reconviction rates of offenders released from custody». These rates are then used to test the extent to which different forms of penal sanction may be said to reduce future reoffending¹.

Concerns about repeat offenders and how best to deal with them, have long been issues that concerned the English as much as their continental neighbours. The aim of this brief chapter is to provide a broad survey of perceptions of the repeat offender in England from roughly the mid-eighteenth to the early twentieth centuries. The terms recidivist and recidivism were used occasionally, but repeat offenders were more commonly known as members of the «criminal class» or «classes» in the mid-nineteenth century, and «habitual criminals» or «incorrigibles» towards

¹ For the modern usage see «Recidivism» in Eugene McLaughlin and John Muncie (eds), *The Sage Dictionary of Criminology*, London, 2001.

the end of the century and into the early twentieth century. Today, as the chapter by Dee Cook indicates, such offenders in Britain are most likely to be categorised under the heading «persistent (young) offenders».

During the eighteenth century English juries, magistrates and judges used discretion in coming to verdicts and passing sentence. A first offender might be treated leniently, especially if he – and it was most often «he» – was young and there was evidence of genuine extenuating circumstances. A known offender was more likely to receive a tougher sentence, and less likely to have a sentence of execution commuted. Returning from transportation before the expiration of a sentence was a capital crime for this reason. Those who wrote about crime in eighteenth-century England saw criminality, and especially repeat offending, essentially as a problem rooted in the lower orders who preferred «luxury», idleness and predatory behaviour to honest, hard work. Bad examples set by profligate members of the gentry were to be condemned and such individuals were criticised for not setting a better example to their social inferiors, but, except on rare occasions such as the scare over the violent young gentlemen styled as «Mohocks» in the early eighteenth century², these individuals were not seen as part of the problem of crime. Much like their continental neighbours eighteenth-century English gentlemen anxious about crime concerned themselves particularly with discharged soldiers, men who had been trained in the use of arms and brutalised by war, and with vagrants. These had been traditional bogeymen at least since the Tudor period, and towards the close of the eighteenth and beginning of the nineteenth centuries they were joined by the juvenile offender. Schools for the sons of gentlemen could be rough, violent places that occasionally broke out into serious riot and rebellion³. But the sons, and to a lesser extent the daughters of feckless lower-class parents were the individuals who were feared as potential criminals, and «criminals» almost by definition were perceived as repeat offenders. By the middle of the nineteenth century these groups had been melded into the «criminal class» or «classes», a social group lurking in the slums and regularly portrayed in lurid terms by journalists and social commentators for the vicarious delight of their respectable readers⁴.

² Daniel Statt, «The case of the Mohocks: rake violence in Augustan London», *Social History*, 20, 2, 1995, pp. 179-199.

³ Jonathan Gathorne-Hardy, *The Public School Phenomenon 1597-1977*, London, 1977, pp. 63-66.

⁴ Clive Emsley, *Crime and Society in England 1750-1900*, 3rd edn, London, 2004, chapter 3; Heather Shore, *Artful Dodger: Youth and Crime in Early Nineteenth-Century London*, Woodbridge, 1999.

It was one thing to assume the existence of a criminal class, or a group of criminal vagrants wandering the country committing offences, but it was something rather different in an early modern society to be able to identify a prisoner as a repeat offender. This was, after all, a society with little bureaucracy – the entire government department of the home office consisted of less than two dozen individuals at the end of the eighteenth century – and with no systematised record-keeping practices. Executing the offender was one way of ensuring that he did not repeat his offence. Transporting him first to the Americas and later to Australia for a period of years, or for life, was a way of keeping him from offending at home. But the problem remained of how to identify an accused, or even someone found guilty, as an individual who had previously committed offences. It was possible to brand an offender or to mark their body in some way. Burning on the thumb was the mark generally made on someone convicted of the lesser homicide of manslaughter; it was also inflicted on some thieves. The Shoplifting Act of 1699 (10 & 11 Will III cap. 23) required that the mark be made on the left cheek, though the requirement was repealed after seven years when it appeared that people with such marks were shunned by employers and had no other recourse but a life of crime. The repeal only applied to lesser offenders however, and facial mutilation continued for serious offences and serious offenders well into the eighteenth century. Burning in the hand and other kinds of penal marking ceased in England towards the end of the eighteenth century – though «marking» continued in the British army for another hundred years. Some of those engaged in the penal debates of the mid-nineteenth century suggested restoring it for civilian offenders, but there was little chance of this ever being adopted among Victorians increasingly sensitive to «brutal» punishments.

The *Hue and Cry* newspaper, which began in 1773 and was published from London's Bow Street Police Office, provided a means of circulating details about offenders, but it was hardly a solution. Success in apprehending individuals identified in the *Hue and Cry* depended on the activity and zeal of the magistrates who received it. Local prisons could keep details of offenders, but there was no way of circulating these very far. In the middle of the nineteenth century prison officials and some police officials began experimenting with photography as a means of recognition. But there remained the problem of circulation and of systematically correlating and storing the photographs. Only with the work of Alphonse Bertillon at the end of the 1870s did a solution seem forthcoming. Fingerprinting and developing bureaucratic filing structures meant it was possible to store information on offenders, and particularly

on recidivists⁵. The collection of information of this sort enabled early English criminologists to engage in the debates about criminals in the late nineteenth and early twentieth centuries. It was during the late nineteenth century that the perception of the criminal shifted from his being a member of a class to his being an inadequate individual, though heredity and feckless parents were still believed to play their part. And while the late Victorian English may have been rather less enthusiastic about some of the ideas of «criminal man» than their European contemporaries, it was the English anthropologist and cousin of Charles Darwin, Sir Francis Galton, who devised a composite photograph machine to enable the recording of the inherent features of a race and of criminals⁶. The collection and storing of this information appeared significant and important to the academic, to the medical man and to the senior police officer, as a demonstration of the scientific expertise that their *métier* could command, yet it is unlikely that it was of much use to the ordinary policeman on the street in his deterrence and pursuit of offenders. Evidence from the late nineteenth century suggests that police searches of these sources was extremely time consuming and met with only limited success⁷.

Fingerprinting, photography and criminal records may have been of use when there was a suspect, and particularly when that suspect had been apprehended, but the working-class men who made up the English police, like other police patrolmen in Europe and America, appear to have prided themselves on their street-wise know-how. Moreover the fact that they were required to appear in court to confirm previous convictions against newly convicted recidivists probably cemented any beliefs about «criminals» that they may even have had when they began their police careers. Alexander Hennessy served 24 years in E Division of the Metropolitan Police – E, or the Holborn Division covered the small, heavily populated area that included Soho and Covent Garden. His career was unremarkable, but he was exceptional in that he kept a private pocket book and this book has survived to be deposited in the

⁵ Jens Jäger, «Photography: a means of surveillance? Judicial photography 1850-1900», *Crime, history & societies*, 5, 1, 2001, pp. 27-51; Richard W. Ireland, «The Felon and the Angel Copier: Criminal Identity and the Promise of Photography in Victorian England and Wales», in Louis A. Knafla (ed.), *Policing and War in Europe: Criminal Justice History*, Westport Ct., 16, 2002.

⁶ Daniel Pick, *Faces of Degeneration: A European Disorder, c.1848-c.1918*, Cambridge, 1989, pp. 163-165.

⁷ Sean McConville, *English Local Prisons 1860-1900: Next Only to Death*, London, 1995, pp. 395-397.

Metropolitan Police Museum⁸. Few of the offenders with whom Hennessy had to deal were violent or dangerous, but some were repeat offenders, and Hennessy remembered them. Eight years after Samuel Baldwin's conviction for the theft of a leg of mutton, Hennessy appeared in court to testify to that conviction when Baldwin was found guilty of stealing money from his master. In December 1876 Hennessy was involved in the arrest and prosecution of 15 year-old John Tierney who had taken four shillings-worth of copper coin from a shop till. Tierney was sentenced to 10 days in the House of Correction to be followed by four years in a reformatory. 18 months later, after Tierney had absconded, Hennessy travelled 50 miles north of London to the small county town of Bedford to testify to Tierney's identity when the youth was prosecuted at the Borough Sessions for picking a lady's pocket. Tierney was using an alias in Bedford and it is unclear how he was detected as a previous offender.

The most serious thief that Hennessy encountered – serious in the sense that his offences took him before a judge and jury at the Old Bailey rather than magistrates in police courts, also used an alias. Robert William Shepherd who, according to Hennessy because of a lame right foot, was also known as Shepherd Hoppey, appears in the records of the Central Criminal Court at the Old Bailey charged with burglary under the names of William Thompson, in August 1861, and Henry Smith, in October 1866⁹. In the first case Shepherd, then aged 23, was accused with John Thompson, aged 17, of breaking into the house of the brothers George and Myrthyl Brunswick who ran a cabinet making business just off Oxford Street. Thompson had been employed by the brothers, and it appears that he and Shepherd were hoping to get their hands on the money that was sometimes kept in the house on Friday nights to pay the workmen their weekly wages on Saturday. Instead of money, they made off with a watch (value £10), two coats (value £3), a comb (value one shilling) and other small pieces of property. All of this was pawned at different pawnshops in the immediate neighbourhood of the theft. Hennessy, on patrol on the night of the robbery, came across Shepherd keeping watch. His testimony at the Old Bailey is illustrative of the way that the police moved on suspicious loiterers, and also for the way that it suggests that Shepherd was already a marked man by the police.

⁸ Metropolitan Police Archive, Bk. 1116, Notebook of Alexander Hennessy, PC 84E, PC 76E.

⁹ *Central Criminal Court Sessions Papers*, (May to October 1861), pp. 419-21; (May to October 1866), p. 666.

I know the prosecutor's [the Brunswick's] house – on the evening of 5th July, I first saw William Thompson about ten minutes past 10' clock – I did not speak to him then – I saw him near a passage that runs from Newman-street to Upper Rathbone-place – I afterwards saw him in Newman-street at the other end of the passage, about twenty minutes past 10 – I stood and looked at him for a second, and said, «You have a waiting job to-night» – he said, «I don't know what you mean, I don't understand you» – I said, «I spoke plain enough for you to understand: you have a waiting job on to-night» – he said, «Oh! It is not a late hour» – I said, «Whether it is a late hour or not I shall not have you about here, I shall see you away» – I followed him through two or three streets – he had been pointed out to me before...

Constable Joseph Lambert, also of E Division, testified to Thompson's real name being Shepherd, and said that he had known both him and his mother for several years. A third constable from the division, William Heper, gave details of Shepherd's previous conviction at the Middlesex Quarter Sessions in December 1856 for the theft of 448 pounds of lead from a building – a conviction that had brought a sentence of four years' penal servitude. The burglary at the Brunswick brothers' house brought Shepherd a new sentence of six years penal servitude.

In October 1866 it fell to Hennessy to play a role similar to Heper and to «prove» the 1861 conviction when Shepherd, now going under the name of Henry Smith, and following the trade of a shoemaker, confessed to a burglary at 9 Charlotte Street, the house of a tallow chandler. Again Shepherd's haul had been meagre – two coats and a few other articles. On this occasion he was sentenced to seven years' penal servitude. At the foot of the page where he noted this case, Hennessy wrote: «66/ 67/ 68/ 69/ 70/ 71/ 72/ 73/ time will expire». He clearly saw Shepherd as an incorrigible criminal who was likely to return to offending when his prison sentence was up. Thirty years later researchers working on Charles Booth's great investigation into the people of London were guided through the streets by police officers. Some districts and some streets were stigmatised by these officers. Inspector Drew explained to one researcher that «Bethnal Green is with Hoxton and Haggerston one of the districts to which the police turn most naturally for the discovery of offenders and stolen goods». P.C Ryeland took a researcher along Bacchus Walk in Hoxton, which looked clean and quiet, but which was, allegedly, «the home of a fair proportion of criminals and housebreakers: a type of street almost peculiar to Hoxton: [the] inhabitants [were] neither poor nor rowdy but sportsmen who [broke] the monotony of their ordinary work by an evening's housebreaking». And according to Police

Sergeant French Boundary Street in Bethnal Green was full of «thieves, prostitutes and bullies, especially thieves». He contrasted the policing of this poor part of East London with the affluent West End where, rather than the undesirables of his district, traffic was the major problem for the police¹⁰.

Perhaps Shepherd was an incorrigible offender, perhaps too, in 1898, certain streets in east London were full of thieves. But such beliefs among policemen indicate that the inhabitants of some places were stigmatised and suggest that it could have been difficult for men like Shepherd to «go straight» when they were released from prison. Perhaps Shepherd's use of aliases was an attempt to change his identity and not to be known as a former thief and convict. Released convicts commonly complained of police harassment. Charles Hunter, who had served a sentence of transportation and who was subsequently charged with robbery with violence, protested to the Old Bailey court that he had been harassed from job to job by Police Sergeant Beard:

and every time I came in or out of the court where I lived, he would stop and search me, if any of the neighbours or their children were about; so that at last I could get nobody to trust me with anything; what had I to do? I would work if they would let me, but they will not¹¹.

A few years later Samuel Anderson, charged with street robbery at the Old Bailey complained similarly: «I am innocent, but I am known to the police as a convicted thief; therefore they do not care what they say to bring the charge against me»¹². This could, of course, simply be an excuse used by an accused individual in court. But the issue was never confined to complaints made in court. At a meeting of ticket-of-leave men held at the National Hall in Holborn in January 1857 the matter was raised directly with Lord Carnarvon, a key figure in Victorian penal policy. It was also discussed in the press. During the 1850s the government was reluctant to require police supervision of those convicts released early on licence – the so-called «ticket-of-leave» – for fear of creating the opportunity for police harassment. A moral panic about street robbery in the early 1860s, however, banished these fears and led to a clause

¹⁰ London School of Economics, Booth Notebooks, B352 pp. 62-3 (Drew) and 116-17 (Ryelands), and B351 pp. 196-99 (French). These notebooks can be accessed at <http://booth.lse.ac.uk/notebooks>.

¹¹ *Central Criminal Court Sessions Papers*, (November 1856-May 1857), p. 103.

¹² *Ibid.*, (November 1862-May 1863), p. 42.

in the 1864 Penal Servitude Act (27 & 28 Vict. cap. 47) introducing such supervision. While the climate following the street robberies' scare was hostile to ticket-of-leave men, disquiet about police harassment continued. Some of the societies that were formed to aid offenders on their release from prison expressed such concerns and they were reluctant to use serving, or former police officers as their agents on precisely these grounds. The additional point was made that even police kindness and offers of assistance to a released offender could have the ulterior motive of getting him later to act as an informant¹³.

If the situation for released male offenders was difficult, it appears that the problems of following an honest life were even greater for released female offenders. Morality and virtue in every sense were even more important to a woman in nineteenth – and early twentieth-century English society and imprisonment marked a loss of both. Fewer women than men were processed by the criminal justice system during this period, but the proportion of women who reoffended was higher and cases of the most persistent offending appear to have been greatest amongst women. Much reoffending seems to have been drink related¹⁴. But the large number of rearrests for prostitution further suggests that the stigma of a prison offence and the problems of finding regular, honest work bearing this stigma were considerable for a woman.

Throughout the nineteenth and early twentieth centuries commentators on penal issues were aware of the difficulties for employment at the end of a term of transportation or prison and the consequent temptation, even necessity, to reoffend. They were also concerned that prison might corrupt the first-time offender as he or she was educated into a life of crime by habitual offenders¹⁵. There were attempts to prevent such education or contagion; this was especially the case with juveniles for whom industrial schools were established and then, at the dawn of the twentieth

¹³ McConville, *English Local Prisons, op. cit.*, pp. 37 and 322-323; Peter W. J. Bartrip, «Public Opinion and Law Enforcement: The Ticket-of-Leave Scares in Mid-Victorian Britain» in Victor Bailey (ed.), *Policing and Punishment in Nineteenth-Century Britain*, London, 1981. It is interesting, however, to note the praise heaped on these societies by the man responsible for reorganising the Metropolitan Police detectives in the 1870s and 1880s; C. E. Howard Vincent, «Discharged Prisoners: How to Aid Them», *Contemporary Review*, XLIII, 1883, pp. 325-331.

¹⁴ Lucia Zedner, *Women, Crime and Custody in Victorian England*, Oxford, 1991, pp. 44-46; McConville, *English Local Prisons, op. cit.*, pp. 336-337.

¹⁵ See, inter alia, E. F. DuCane, «The Unavoidable Uselessness of Prison Labour», *Nineteenth Century*, XL, 1896, pp. 632-42; William Douglas Morrison, «Prison Reform: Prisons and Prisoners», *Fortnightly Review*, LXIII, 1898, pp. 781-789.

eth century, Borstal institutions for reforming youths «with criminal habits and tendencies, or associations with persons of bad character»¹⁶. There were, in addition, attempts to instil in prisoners the Victorian virtues of a belief in God, an awareness of the importance of the existing social hierarchy, and a recognition of the value of hard, honest labour. But attempts at reformation were always tempered by concerns about those who appeared impervious to both punishment and attempts to encourage and/or persuade them to reform. As long as such individuals could be shipped to the antipodes the problems seemed less acute. However, by the mid-nineteenth century in Australia free settlers were combining with convicts who had served their time and with their children to resist their colony remaining a dumping ground for the mother country's social detritus. Henceforth the offender who had served his time would have to be released at home and this situation led to the development of the vaguely defined concept of penal servitude, which essentially involved the convicted offender being incarcerated in a government-run convict prison in Britain where he laboured on public works. After a sentence of penal servitude the convict was released on licence with a ticket-of-leave and under police supervision. Penal servitude and the ability to sentence «known-offenders» on police suspicions of their activities enabled harsh magistrates to inflict ferocious sentences on what appear often to have been pathetic individuals with no money, no job and no hope.

The years following the end of transportation to Australia saw a tough attitude taken towards habitual or incorrigible offenders, notably through the Habitual Criminals Act of 1869 (32 & 33 Vict. cap. 99) and several of its subsequent emendations. Towards the end of the century several voices were raised demanding the permanent incarceration of «habituals» or «incorrigibles»¹⁷. The Prevention of Crime Act of 1908 (8 Edw.VII cap. 59) gave the police the opportunity to request that repeat offenders be prosecuted as habitual offenders and hence subject to sentences of preventive detention in addition to any sentence imposed for the offence for which they had been apprehended and charged. However when he saw that petty, often pathetic, persistent offenders rather than serious

¹⁶ The words come from the Prevention of Crime Act, 1908 (8 Edw. VII cap. 59).

¹⁷ See, inter alia, Anon, «Incorrigible Rogues», *All The Year Round*, VI. 1861-1862, pp. 471-473; W. S. Lilly, «The Philosophy of Crime», *Contemporary Review*, LXV, 1894, pp. 217-241; S. A. K. Strahan, «What to do with our Habitual Criminals», *Westminster Review*, CXLIII, 1895, pp. 660-666; R. H. Law, «New Plea for Old Remedies», *Westminster Review*, CXLV, 1896, pp. 674-689; Isabella Foard, «The Criminal», *Westminster Review*, CL, 1898, pp. 90-103.

«professional» criminals were victims of the legislation, the new home secretary, Winston Churchill introduced regulations that emasculated the law and ensured that the poor, petty offender was spared lengthy prison terms. A few persistent offenders continued to have lengthy additions made to their sentences as «habitual criminals» (see table 3), but Churchill's action was in keeping with the increasing liberalisation of English penal policy that had been signalled by the Departmental Committee on Prisons that had met under the chairmanship of Herbert Gladstone in 1894-95. Indeed the preventive detention ideas that made their way into the 1908 Act had been intended as a liberal measure even if they had not worked out as such in practice¹⁸.

The end of the nineteenth and beginning of the twentieth centuries saw an overall levelling out of the crime statistics for England and Wales and this «English miracle» encouraged a general satisfaction¹⁹. Together with this satisfaction went the belief that repeat offenders, benefiting from shorter sentences, were responsible for more and more crime. There was very little idea what to do with these offenders. The harsh measures of the 1908 Act were seen as one solution, but, as noted above, this was short-lived. The belief that persistent offenders should get longer sentences remained, but the liberal consciences of some magistrates and some judges meant that they were reluctant to impose longer sentences on elderly recidivists brought before them. Sometimes, assuming that persistent offending was the result of some kind of mental weakness or disorder, they chose to send the offender to an asylum rather than to prison. But while there was a small rise in the statistics of crime in England in the aftermath of World War One, the liberal perspective continued to be dominant in penal policy, prisons were closed, and while the recidivist was recognised as a pest, he was rarely the subject of serious public anxiety. Indeed, throughout the first half of the twentieth century public and political attitudes towards crime and penal policy remained generally moderate and restrained.

¹⁸ These issues can be followed up in Leon Radzinowicz and Roger Hood, *The Emergence of Penal Policy in Victorian and Edwardian England*, Oxford, 1990, chap. 8.

¹⁹ For the statistics and a convincing assessment see V. A. C. Gatrell, «The Decline of Theft and Violence in Victorian and Edwardian England», in V. A. C. Gatrell, Bruce Lenman and Geoffrey Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe since 1500*, London, 1980. For a debate about the value of the English Crime Statistics see Howard Taylor, «Rationing Crime: the political economy of the criminal statistics since the 1850s», *Economic History Review*, LI, 3, 1998, pp. 569-590, and the response by Robert M. Morris, «“Lies, damned lies, and criminal statistics”: reinterpreting the criminal statistics in England and Wales», *Crime, history & societies*, 5, 1, 2001, pp. 111-127.

Towards the end of the 1930s Hermann Mannheim, one of the pioneers of academic criminology in Britain made a study of 1274 recidivists (1197 men and 77 women) in London for the period 1915-1935. He presented the details of his findings in his *Social Aspects of Crime in England Between the Wars*²⁰. Mannheim's recidivists were a disparate and often pathetic group. They committed a wide variety of offences and very few of them can be said to have specialized in just one type of offence. His evidence also suggested that there were few «where the significance of *insanity* or *mental deficiency* in relation to recidivism becomes apparent». He gave two examples of the latter (tables 1 and 2) though it is possible that in another social and medico-legal context neither would have been considered as suffering from «insanity». The woman in table 1 would probably be considered today as a depressive. And while the popular image of the criminal might well be an individual who starts with relatively minor offences and progresses to more serious crimes, the ultimate being murder, there is nothing in the offences themselves of the man in table 2 to suggest either «insanity» or «mental deficiency» other than the decisions of the last two courts that he faced. Although the details are bald, they might also suggest an increasingly desperate and frustrated individual who, because of the stigma of his past criminal career, found it impossible to find a permanent job and a permanent female partner. Mannheim's finding that few recidivists committed the same offence time after time might also suggest the problems for some of following a law-abiding life-style once they were stigmatised by prison and known to the police. The range of property offences, interspersed with many fewer violent offences, suggests more an economy of makeshifts.

The man in table 2 appears to have been violent and dangerous, particularly towards the end of his criminal career. The woman in table one was violent and dangerous towards herself, and this highlights a difficulty with the broad concepts of habitual criminal, incorrigible criminal, or recidivist as these were used in England during the nineteenth and early twentieth centuries, namely the enormous range of offending and re-offending and the assumption that the perpetrators could be lumped together easily and readily under a single classification. Table 3, drawn from a different source²¹, gives the criminal career of an individual who

²⁰ Hermann Mannheim, *Social Aspects of Crime in England Between the Wars*, London, 1940, chap. 12.

²¹ David J. V. Jones, *Crime and Policing in the Twentieth Century: The South Wales Experience*, Cardiff, 1996, p. 101.

might be said to have progressed down the traditionally-feared path from juvenile offender to habitual criminal, and finally being given an additional sentence because of this labelling. But it is worth noting in this instance the victimless nature of some of his early offences, namely gaming and deserting from the military. With a background of an industrial school and a dishonourable discharge from the military, this individual might be said to have carried a double stigma that militated against regular, honest employment.

During the nineteenth and early twentieth centuries the concepts of habitual criminal, incorrigible criminal, recidivist became catch-all terms to enable categorization of a wide variety of individuals, metaphors for the problem of continuing crime. However, a recognition of the metaphorical use of such terms needs to be balanced with a recognition of the difficulties that such a label imposed on those individuals to whom it was applied and of the annoyance and sometimes pain that those individuals in turn caused to the victims of their crimes.

The arguments presented here, and amongst the essays collected in this volume suggest that there are three critical moments in relation to the consideration of recidivism, that is three moments in the criminal justice process when recidivism has an importance: the search; the sentence; the aftermath. In a modern society with a professional police the search constitutes that moment of police procedure when police react to a crime and search for an offender. A very high percentage of arrests follow an immediate identification, but there is a problem when no-one has been identified and the description of the offender or offenders is poor and/or contradictory. Claiming to be the experts on criminals, police officers have taken, and continue to take a pragmatic response in seeking out known, previous offenders in such circumstances. This response has succeeded in getting sufficient results to justify its continuing use, though there has been disquiet about it in general and challenges to it in individual cases such as those of Hunter and Anderson mentioned above.

When it comes to sentencing a convicted offender the role of recidivism is, and has been much more contextual. Different countries have, and have had different philosophies of punishment, and different mixtures of these philosophies. Where the crime, rather than the criminal, is or has been the main focus, then the importance of recidivism is less significant. However, where the positivist tradition has been in the ascendant, and where the belief in the possibility of prevention or reform has been a main feature of penal ideology, then the previous criminal record of an offender has acquired a much greater significance. In the aftermath

of the sentence, whether or not the offender experienced a penal regime focused primarily on the crime or the criminal, on punishment or reformation, stigma has commonly been the order of the day. The stigma may not necessarily been found within the offender's own immediate, community. But it is often in the broader society, and most importantly given their potential power, in the police and the courts. This presented, and presents a problem for the identified recidivist: how to break out of the vicious circle of search, sentence, aftermath.

Table 1
Criminal career of a woman aged 52

Year	Offence(s)	Sentence
1907	Attempted suicide	Recognizance
1909	Stealing boots	Recognizance
1912	Attempted suicide	Sent to infirmary
1913	Stealing money	2 months' imprisonment
1914	Stealing money Attempted suicide	2 months' imprisonment Recognizance
1918	Attempted suicide	6 months' imprisonment
1920	Attempted suicide	Recognizance
1921	Attempted suicide	Recognizance
1922	Attempted suicide	6 months' imprisonment
1923	Attempted suicide	Recognizance
1924	Attempted suicide	To be removed to an institution for Mental Defectives

In addition the woman had 22 summary convictions for drunkenness. (Mannheim, *Social Aspects*, p. 372)

Table 2
Criminal career of a man which began when he was aged 22 years

Year	Offence(s)	Sentence
1905	Stealing	3 months' imprisonment
1906	Embezzlement	3 months' imprisonment
1907	Unlawful possession Stealing wheels	3 months' imprisonment 3 months' imprisonment
1908	Stealing wool Stealing metal	3 months' imprisonment 10 months' imprisonment
1909	Wounding	3 years' penal servitude
1912	Damage	2 months' imprisonment
1913	Attempted carnal knowledge	2 years' imprisonment
1916	Horse stealing	18 months' imprisonment
1919	Stealing costumes Stealing clothes and 12 summary convictions (drunk, assault, etc.)	6 months' imprisonment Detained under the Mental Deficiency Act
1923	Murder	To be kept in strict custody as a criminal lunatic

(Mannheim, *Social Aspects*, pp. 372-3)

Table 3
Criminal Career of a man aged 32

Year	Offence(s)	Sentence
1897	Stealing from the person	1 day in prison 6 strokes of the birch
1899	Beyond parents' control	Industrial school until aged 16 years
1905	Playing pitch and toss	Fined
1906	Desertion	(Court martial) 21 days' imprisonment
1907	Stealing lead	1 months' imprisonment
1907	Desertion	(Court martial) 6 months' imprisonment and discharged from the military
1908	Stealing lead	12 month's imprisonment
1910	Stealing brass bearings	9 months' imprisonment
1911	Break in, counting-house	3 years' penal servitude
1915	Break in, counting-house	3 years' penal servitude
1920	Stealing portmanteaux etc.	3 years' penal servitude
1922	Stealing portmanteaux etc.	3 years' penal servitude and 5 years' detention «as habitual criminal»

(Jones, *Crime and Policing*, p. 101)