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Turning away from criminal intent

Reflecting on Victorian and Edwardian strategies for promoting desistance amongst petty offenders

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Abstract

This article reflects upon the ideas of commentators and the experiences of those convicted in the summary courts in the late Victorian and Edwardian period (particularly the recidivist element), locating these with societal reactions to such individuals, especially via the voluntary sector. How did this period construct a concept to present, promote and explain cessation? An exploration of the strategies used to promote desistance in this period provides a range of useful insights for the modern age, removing (as it does) the focus from a formal management of the offender via prison and its associated rehabilitative strategies to the role played by the family and community context of the offender. This is illuminated through the work of those voluntary agencies associated with the criminal justice process, such as the London Police Court Mission. The formal theorisation prevalent in current criminological thinking about desistance is countered with evidence indicating success rates associated with a greater recognition of individual (and so unpredictable) choice, predicated upon the particular societal context of the individual, given impetus by the emphasis on hope as a moral driver in sustaining desistance.

Key Words

desistance strategies • historical perspectives • hope • London Police Court Mission • petty offenders
Introduction

The interest in desistance studies is generally characterised as a relatively ‘new’ development, receiving its substance from Laub and Sampson’s (1993) study of criminal careers. As an identifiable and discrete area of criminological study, apart from (if complementary to) recidivism, that may be a reasonable stance. Yet it belies the reality that, as an aspect of recidivism, it has a long pedigree as an issue of concern to both society affected by career criminals and commentators and policy-makers reflecting on this. Unlike recidivism, desistance was not a term familiar (in this context) to 19th- and early 20th-century commentators, yet the concept it encapsulates—of the ceasing of criminal activity amongst law-breakers and especially those convicted on more than one occasion (habitual criminals was then the term)—was a key concern. An historical investigation into the issue of ex-offenders and how to encourage desistance amongst them may seem of little practical value to today’s criminologists, yet, discussing the importance of including an historical dimension, one early criminological commentator, William Hoyle, pointed out that that ‘there are great practical advantages resulting therefrom, as it enables us to gauge the influences which conduce to the national well-being, and also to detect those which are detrimental thereto’. He added that ‘Every patriotic and enlightened statesman will therefore avail himself of any experience which a retrospect of history may afford’ (Hoyle, 1876: 1)—a message modern policy-makers seem, sadly, to have overlooked.

Apart from anything else, such historical explorations contribute to the ‘long term longitudinal studies of crime over the full life span’, whose absence Laub and Sampson once regretted (Laub and Sampson, 2001: 1). Now, the work of others (notably Farrall, Godfrey and Cox in this issue; Godfrey et al., 2007) provides testimony to the value of the historical dimension; indicating thereby the usefulness of work such as this, involving a qualitative, rather than quantitative, investigation of the conclusions reached during the late Victorian and Edwardian period. Burnett has highlighted the need for an identification of the processes which have traditionally promoted desistance (Burnett, 2004: 182). This article explores the wider structural background which contextualises both formal and informal late Victorian and Edwardian attempts to aid desistance, especially in the period up to 1907, including the contribution of the vast voluntary philanthropic sector. Most significantly, though, this was the era which saw the impact of the London Police Court Mission (LPCM), which provided a formalisation of ideas and strategies already extant in the criminal justice system about how to promote desistance amongst petty offenders, while maintaining the community-orientated informal approaches which characterised the voluntary sphere. It is a measure of their impact that the state formally took on key elements of the LPCM’s work in 1907 with the establishment of the probation service under the terms of the Probation of Offenders Act 1907.

This Act made desistance strategies a statutory obligation, but did not dispense with the services of the voluntary sector. The essence of voluntarism
was still seen as crucial, as comment at the time, and subsequently, makes plain. Radzinowicz has described probation as ‘a form of social service’, and in the early 20th century, the statutory duties of the probation service concentrated on the control element, leaving the responsibilities for providing assistance and friendly influence with the voluntary sphere (Radzinowicz, cited Bottoms and McWilliams, 1979: 159; Bowpitt, 1998: 678). It was not until the interwar period that concern with the implications of the moral/Christian inspiration of the voluntary sector resulted in government action to end that association (Bowpitt, 1998: 679; McWilliams, 1983).

Thus an examination of the effectiveness of associations between informal and formal structures in promoting desistance from crime provides an informative long durée study of the effectiveness of the process (Bowpitt, 1998; McWilliams, 1983; Vanstone, 2004). As with Sue Rex’s article on desistance, this is an exercise in empiricism which brings together both theorisations about social process and practical experience (Rex, 1999). The article thus provides comment on how life course transitions were understood in the late 19th and early 20th centuries and explores the experience-based conclusions of that era emphasising the importance of hope for individuals in their desistance process, including the contribution of the criminal justice system thereto. As Burnett has commented, ‘crucially, desistance strategies worked by influencing heart and mind’, because this has ‘a greater potential to result in deep-seated behavioural change’ than purely instrumental or managerial approaches. As the LPCM missionaries would have agreed, such a personalised approach bolsters ‘the offenders’ self-efficacy and intrinsic motivation to desist’ (Burnett, 2004: 182).

This empirical study concentrates primarily upon the experiences of those convicted in the summary courts—particularly the recidivist element—in terms of the reactions of society to such individuals. It seeks to draw out useful patterns which can be used to inform current theoretical models in terms of how the promotion of individual agency, inspired by an essentially moral choice, operates in the desistance process. There are clear epistemological issues here, given that the available evidence is inevitably flawed, partly because it is incomplete, but also because (unsurprisingly) much of the material used comes from sources with a vested interest in demonstrating the success of strategies to prevent recidivism. However, there is sufficient agreement amongst these qualitative sources, as well as corroborative support from the contemporary statistics, to warrant use of these wide-ranging pieces of evidence to evolve the argument presented here (Tucker, 2004). It is worth noting the evidence range, from newspaper reportage, memoir, annual reports and parliamentary records, to legal comment and contemporary criminal statistics.

In terms of the historical context, there was an identifiable 19th-century concern about a supposedly burgeoning class of habitual (and so incorrigible) criminals; consequently recidivists of any description, even if guilty only of repeated minor offences, were likely to be classified as part of the core of that class (Holt Schooling, 1898, cited Rowbotham and Stevenson,
Interestingly, the practical campaigns to promote desistance amongst recidivists were reaching their apogee at the same time as the development of that school of thought amongst early criminologists which used scientific determinism to encourage an increasing pessimism about the likelihood of effective reformation of persistent criminals in the late 19th century (Ellis, 1890). In practice, there was a sustained and expanding will amongst many actually involved or practically interested in the criminal justice process to promote desistance in the summary courts at least. This expressed itself via the long-established informal efforts of magistrates (Behlmer, 1994: 232) and the strategies emanating from philanthropic societies (Davis, 1984; Prochaska, 1980; Rumgay, 2007). While the most notable of these societies was the LPCM, the voluntary sector had a longstanding interest in involving itself with the criminal justice process (Prochaska, 1980). Philanthropists from Elizabeth Fry and Mary Carpenter to Marquis Townshend and John Passmore Edwards provided ideas, time and funds to aid individuals’ escape from the mire of criminality in an era when philanthropic social investigation suggested that criminality was increasingly associated with environment (especially the morally depressing urban environment) as well as individual nature (Rowbotham, 2006; Welshman, 2006).

Philanthropic reclamation efforts demonstrate that reactions even to recidivists in the petty courts were complex and by no means universally pessimistic, despite the development of scientific approaches promoting ideas about incorrigible criminality (Ellis, 1890). Instead, a belief in the ability of the criminal justice system and its philanthropic adjuncts to effect desistance at useful levels was central to crime management in this period. Given that then, as now, over 90 per cent of all criminal cases, including those featuring significant levels of recidivism, were concluded in the summary courts, such confidence and the levels of success achieved are worth studying.

**Contextualising desistance: deterrence as crime management in the late Victorian and Edwardian period**

In terms of what may be termed practical ‘official’ efforts through the criminal justice process to promote crime management in society, the first line of defence was provided by the various police forces. However, mainly they were seen as a deterrent factor. Street patrols, enabling detection of possible offenders and, by their very presence, deterring the commission of individual crimes, sum up the common expectation of the time of how the police would perform (Emsley, 1996). However, it was also true that expert commentators reflected that one of the most important deterrent activities performed by the police lay in the petty courts, rather than the streets. In the courts, they provided a level and quality of witness testimony that promoted the efficiency of the courts in getting convictions, with the anticipated deterrent effect on similar individuals that such convictions brought,
thereby indirectly promoting desistance by creating a culture where convictions were more likely. One Metropolitan Magistrate mused,

So essential is the testimony of the police in the support of charges and the bringing of offenders to justice, that one half of all the charges and at least two-thirds of the night charges would fall through and be utterly without proof but for the evidence of these functionaries.

(Metropolitan Magistrate, 1882: 51)

He added, though, that where a case was ‘dependent entirely or chiefly upon the evidence of the police, the utmost care is required to see that such evidence is not tainted by exaggeration or undue colouring’! (Metropolitan Magistrate, 1882: 52).

However, for all this informed enthusiasm about the contribution of the police, Hoyle was not alone in commenting that though the establishment of the police theoretically ‘tended to check’ crime perpetration by various individuals, he was dubious as to its full effectiveness in achieving this nationally. Though a police presence checked an individual moment of criminal impulse, the police could do nothing to deter a criminal intent which was ingrained—the mark of the repeat offender. That would simply wait for better opportunity: another place or another time (Hoyle, 1876: 83). The police were thus one remedy for the public pain of the criminal malady, but not a cure. They could not guarantee desistance from crime as they had no powers, official or moral, to enable them to persuade habitual petty offenders to desist permanently.

Despite their high levels of recidivism, petty offenders were not, it was acknowledged, the same threat to the nation and its stability as were criminals whose crimes (from burglary to forgery) were more severe (Birmingham Daily Post, 15 July 1863). But they were an interruption to individual and community happiness and welfare. With an average in this period of over 90 per cent of all cases being concluded in the summary courts, busy metropolitan police courts could easily deal with 50 cases per day (Emsley, 2004). What provides an interesting challenge today is the contrast between Victorian and Edwardian faith in the ability of the criminal justice system to manage crime (despite familiar concerns about crime levels) and current disenchantment. It meant, in practice, that there was greater readiness to provide the societal context which criminal justice practitioners consider(ed) essential to successful desistance (Cairns, 1920). Then, people were reassured by a conviction that the criminal justice system would punish appropriately, which promoted community involvement in strategies which could encourage desistance amongst such petty offenders (Rowbotham and Stevenson, 2005, 2007). The petty courts were then much more visible to the public gaze than they are currently, and so contemporaries recognised that the bulk of offending was comprised of petty, rather than indictable, crime, and as direct spectators felt more involved with the criminal justice process, including its societal as well as penal aftermaths (Rowbotham and Stevenson, 2007).
Deterrence and desistance: courtroom sentencing strategies

The concepts behind the great Victorian and Edwardian experiment with long-term, as well as short-term, prison sentences set up initial expectations of incarceration as providing an important tool in promoting desistance. Mr Baron Parke had commented that the ‘principal object’ of this kind of punishment was, in his opinion, to deter offenders (and others by emulation) ‘from the repetition of the crime … by the pain and inconvenience he sustains’ (cited McConville, 1995: 99). Dickens, however, in David Copperfield, deliberately chose his villains Uriah Heep and Mr Littimer to reflect his opinion on the likelihood of prisons promoting desistance amongst truly hardened criminals. His readers were actively encouraged to perceive that, despite their protestations of reform, if either was to be released they would return to their deviant ways (Dickens, 1850: Chap. xxvii). Dickens was not alone in his critique of this purely penal approach to desistance by rehabilitation.

The contemporary reality was that prison was not generally seen as the answer to preventing recidivism: an early social scientist, T.B.L. Baker, commented that there was ‘grave cause to doubt’ the effectiveness of prison as anything but a retributive tool (Baker, 1865: 126). In reflecting on the dilemma of how to apportion appropriate sentences for particular crimes, complicated by the prevalence of recidivism, he acknowledged that desistance required a conscious choice on the part of an offender to cease offending. He, and others, questioned whether the prison environment was the right context for making such choices durable or practicable long before modern scholarship. Historians acknowledge an increasing disenchantment with the rehabilitative effects of punitive justice by the 1880s: barely a half century into the great prison experiment (e.g. Priestley, 1999). But it is often forgotten that that this disillusion with the effects of prison focused primarily on the lack of permanent positive effects of penal servitude and that such lengthy prison sentences represented less than one-fifth of the incarcerative experience. Four-fifths of all prison sentences between 1840 and 1914 were for less than a month. This translated, for 1862, into 130,000 gaol (or local prison) committals, while the convict population was only 6000 (McConville, 1995: 98). Was prison an effective tool to promote desistance amongst these petty offenders?

There was the regular hope that for first time offenders, the shock of a brief period of incarceration would be sufficient deterrence. Such anticipation was regularly expressed in sermons preached to magistrates such as that preached by Rev. George Sandby, when he argued that such prison sentences formed the core of a ‘vigorous and national movement for the Reformation of society’; a ‘grand Educational system for the Prevention of crime—for its repression and counteraction in its earliest bud’ (Sandby, 1846: 13). In the case of first time offenders, especially where law-breaking had been out of character and attributable to impulse promoted by external causes including drink, poverty or provocation, it was believed that a brief period of imprisonment could provide space for reflection and the consequent choice of...
desistance for the future. The same held true for those who might have been guilty of repeated petty peculation but who were prosecuted and convicted for the first time. Mr Cooke, the stipendiary for Clerkenwell Police Court, was characteristically inspired by the short, sharp shock principle when he sentenced 16-year-old Mary Murphy to ‘four weeks hard labour in the House of Correction’ for attempting to steal a halfpenny at the Pickering Arms, to buy bread. He commented that, while it was her first prosecution, he did not believe it was her first attempt and his objective was a sentence that would be a deterrent to her future wrongdoing (Daily News, 21 December 1868). As the Justices’ Notebook reflected, anyone unaccustomed to incarceration, ‘locked up alone for twenty-four hours or so, with nothing in the world to do, a ferocious appetite and a plank for the night, would have tasted punishment in its purest form’ (Wigram, 1892). Victorian prisoner reminiscence and didactic literature both indicate that it was, indeed, the first days (and nights) in prison which were the most shocking, and so most likely to promote reflection (Priestley, 1999).

The questions that contemporaries asked, though, was how could this salutary ‘shock effect’ continue to have any deterrent value upon persistent repeat offenders? (Leeds Mercury, Letter to the Editor, 11 November 1863). Failing that shock element, what was the point of repeated short sentences, given the widespread belief in that period that substantial periods of time were required for the manifestation of the rehabilitative effects of incarceration, either in a prison or other institution, from the Magdalen homes aimed at fallen women to the reformatory or industrial schools aimed at juveniles? (Lloyds Weekly, 19 February 1860). This thinking underpinned, for instance, the recommendation in the 1895 Scottish Report into habitual criminals that ‘habitual offenders, i.e. those charged with four offences within one year, should be registered as such, and if charged with a further offence within 30 months, they should be committed to an adult reformatory’ — something which would have required the development of a whole new layer of incarcerative institutions (Report, 1895).

Increasingly, as the 19th century drew to a close, contemporary commentators saw short sentences as retribution: a proportionate response to the crime committed reflected in the days, weeks—occasionally months—that petty offenders spent incarcerated (Reynolds Weekly, 21 May 1882). This retributive dimension affected the numerical if not the chronological majority of cases. Nonetheless, it is a challenge that while the majority of those appearing before the magistrates’ courts were first time offenders, it was an uncomfortable truth for contemporaries that this did not represent the majority of prosecutions brought to the summary courts. As now, crime statistics indicated falling crime levels but prosecution levels were rising, providing (to the popular mind at least) a real contradiction, and making the recidivist an ever-more problematic issue. Some petty offenders would turn up in their local magistrates’ courts time and time again, and the evidence is also that there were numbers of petty criminals who travelled quite widely to perform their pattern of offending (Priestley, 1999).
How, then, could desistance be promoted amongst the huge numbers of petty offenders? If prison did not work, could it be promoted? Why should, and could, criminals cease offending? What, if anything, could be done with them if magistrates and spectators were unable or reluctant to commit such recidivists to anything with more clout than the Quarter Sessions? If, within the summary system, sending them to prison was simply a device to remove them from society for relatively short periods of time, what was the point of punishment, given the shortness of most sentences? Questions such as this led to an increasing focus on reducing crimes and prosecutions by reducing the levels of repeat offending and to the crucial issue of how desistance from crime was to be promoted.

Stereotyping the recidivist

It was generally acknowledged that the impulse to desistance had to come from some other impulse than that provided by the official resources of the criminal justice system. However, while the hows, whys and whens of a desistant impulse were held to depend very heavily upon the character of the individual recidivist (Pall Mall Gazette, ‘Jottings from Jail’, 8 March 1887), it was also true that both society and the criminal justice system expected ‘types’ of offender to behave according to certain patterns, which could then be used to guide the reaction of that system when promoting desistance as well as sentencing. Stereotypes associated with class, gender and age were held to be symptomatic of individual character. It was an age when good (or bad) character was taken seriously as evidence in the courts, and comprehension of this extended to the wider family, friendship or employment circles and the place of the offender within those circles. In daily life, stereotypical indications of character were more negotiable than they were in the court system (Rowbotham, 2005), and this was an asset in developing desistance strategies.

Questions consciously and unconsciously asked included whether an individual looked or conducted him/herself respectably: an issue of importance to all levels of society, including the working classes (Thompson, 1988). Such considerations could define the optimism (or pessimism) with which individuals were viewed. Certain ‘types’ of character were attributed with a greater or lesser inclination to criminality, and magistrates regularly remanded even recidivists who appeared before them in order to make greater enquiry into their characters, as when Mr Newton, at Marlborough Street, remanded the recidivist beggar, John Thompson (Daily Telegraph, 10 March 1875). William Webb was prosecuted for passing bad money because he had ‘the appearance’ of an artisan and according to the prosecutor, looked villainous. Damagingly, he could produce no character witnesses to speak for him as he was a visitor to the area. The magistrate disagreed, fortunately for Webb, but on many similar occasions having a dubious appearance and no character supporters was a point on which guilt
and innocence could turn (Daily Telegraph, 16 July 1870; News of the World, 27 January 1861; Rowbotham, 2006).

When it came to typical male petty offenders, there was a belief in ‘that peculiar class of men styled “roughs”’, found in most urban areas, often in groups or ‘gangs’, who were amongst the most incorrigible of recidivists in young adulthood, but who desisted from criminality as they matured. In one sense, they were not ‘altogether deserving of being considered as among the criminal classes’ even though they caused significant annoyance to both the general public and the police, arguably even more so than hardened major criminals because of the regularity and persistence of their offending. Stereotyping labelled them as becoming such ‘by degrees’, being confirmed as a ‘rough’ by 15, and remaining one up to the age of about 30. At that point, a small core became ‘properly’ criminal and started committing indictable crimes, but most ceased regular offending and settled into humble occupations (Metropolitan Magistrate, 1882: 77). It was a worrying puzzle for contemporaries. The roughs were ‘constantly brought before the magistrate to answer for some act of violence’, where, as a repeat offender, conviction for common assault, say, could attract a sentence of as much as two months hard labour. But the rough ‘receives his sentence … with an air somewhat of satisfaction rather than distress’. Were his case to go to the Quarter Sessions, again ‘his demeanour is much the same’. It was agreed that ‘in either case the punishment works no reformation, for on his release from prison he returns … with habits unimproved’ (Metropolitan Magistrate, 1882: 82). Yet, from their 30s on, many roughs became apparently respectable members of society. Theorisations about character did not provide the answer, but the flexibility of societal rehabilitation did, as voluntary initiatives to promote male desistance recognised, because ‘rough’ offending demonstrated essentially ‘British’ traits of masculinity, even if taken to an unacceptable extreme (Rowbotham, 2005).

Female recidivism was regarded rather ambiguously, partly because the concept in itself was problematic, signalling deviant femininity in a way that being a rough did not signal deviant masculinity (Zedner, 1991a). One early criminologist commented, ‘It is a well-established fact … that female criminals are infinitely worse than the worst of male criminals’ (Adam, 1908: 37). Women convicted of crimes were thus measured against a standard of ideal femininity which was regularly mediated in daily life, but was much less flexible within the criminal justice process (Rowbotham, 2000). While there was some sympathy for female first time offenders driven to, say, suicide, immorality or petty theft due to need (especially where children were involved), recidivism indicated a deviance from acceptable standards of femininity which materially hindered contemporary conceptualisations about the possibilities of successful desistance (Rowbotham, 2006). Yet their threat was diminished because, in contemporary eyes, of the sheer predictability of women being recidivists, a diminution which endured even when numbers of women in prison were as high as 17 per cent (Zedner, 1991b: 312; 1991a).
The most common type of female recidivist was the female inebriate, a ‘typical’ signal of feminine deviancy. A liking for drink and the consequent yielding to uncontrolled physical passions of all kinds was accepted as being central in having led women into an inevitable immorality; understood as full- or part-time prostitution and criminality (Newcastle Courant, 15 September 1882). Discussing the ‘Degeneracy of Women’, one provincial newspaper reflected that in Liverpool on Monday 17 August 1868, ‘Nearly a hundred women were charged ... with drunkenness and its concomitant crimes’ (Liverpool Mercury, 24 August 1868). Drink was thus clearly identified by contemporaries as being at the heart of petty female offending: making them essentially ‘bad’ women, since by nature women were presumed to be ‘normally’ more temperate than men (Rowbotham, 2000). The social impact of such women was distressing, since they were not only personally criminal but also deprived their households of the domestic comforts that kept their menfolk and children safe from criminality (Newcastle Courant, 15 September 1882). Most respectable and medical comment agreed that it was virtually impossible to reform a female inebriate (Rowbotham, 2000).

Concern about juvenile recidivism was at its peak in the mid-century, and by the late 19th century, was identified by contemporaries as less problematic. This was because of the strategies in place to remedy such offending for the majority of juveniles and because juvenile delinquency was now identified as a universal issue for society, rather than being class specific (Gillis, 2001; Pegg, 2007). The majority of even recidivist juveniles appeared before the summary courts (indeed the legislative process was set up so that this should be the reality). It was rare for them to be remanded higher than the Quarter Sessions because of the concern that a heavy-handed criminal justice process had a hand in creating incorrigible juveniles who became adult habitual criminals. As one commentator reflected, there had ‘grown into existence a process which may be termed one of ‘manufacturing habitual criminals’ (Pall Mall Gazette, 12 May 1880). Strategies for juvenile desistance were, in this period, rooted in belief in the plasticity of the juvenile mind in most instances (Rowbotham et al., 2003). Commonly, juvenile recidivists were stereotyped either as ‘victims’ themselves, of circumstance and poor parenting, or more rarely as genuinely ‘bad’, to a degree that they were ‘incorrigibles’, bound to become adult criminals (Pegg, 2007). This pointed up the need for alternatives to prisons, such as reformatories and industrial schools and the like, as alternatives to prisons for juveniles, but made juvenile recidivism a less pressing issue than adult recidivism (Pegg, 2007). Failure to ensure desistance, while regrettable, did not shake confidence that these strategies were the most appropriate for promoting juvenile desistance, given the recognition that much juvenile petty criminality ceased with the transition to adulthood. It was seen as a part of ‘normal’ life course transition from immaturity to maturity, as Davies’ work on gangs underlines (Davies, 2006; Trasler, 1980).
The puzzle of desistance

Stereotyping of adult criminality meant that the steady trickle of adult desistance was less readily explainable than the explanations encouraged by stereotyping associated with juvenile delinquency. The practical problem was that, at first sight at least, those roughs who did, as adults, desist from crime often did so for no contemporarily convincing reason (such as a shame-inspired religious conversion or similar moral impulse). In this absence, it seemed impossible to early criminologists to theorise about which recidivists would desist and which would not, preventing the development of any dominant desistance theory in this period (Adam, 1908).

This nonconformity to stereotypical expectations actually meant that some desistance lacked conviction as a lasting transformation. It did not carry the stamp of ‘genuineness’ at the time; an interesting reversal of today’s realities, when shame leading to religious conversion, as with Jonathan Aitken seems, popularly, much less genuine than the stance taken by Jeffrey Archer (BBC Breakfast with Frost, 26 March 2000). But it underlines the reality that, then, a sense of shame, promoting a moral impulse to desistance was useful on a number of levels. It was individually comprehensible to contemporaries that men or women should be so emotionally inspired to reform; modern desistance studies also confirm the significance of the emotional dimension to the choice to desist (Burnett, 2004: 182; Farrall and Calverley, 2005). But this also had practical advantages. Few recidivists without this moral ‘stamp’ could hope for ‘respectable’ employment, something bitterly pointed out by George Wright, first convicted of burglary in 1878 who found himself before Lord Justice Hawkins for an aggravated burglary in Hoxton in 1884 (Lloyds Weekly, 21 September 1884). Men like Wright could, at best, hope for work in the category described as ‘discreditable’, being seasonal and unskilled, and so most likely to encourage a return to offending, as in this case (Cox et al., 2007). This was a reality then recognised, and used, by those interested in promoting desistance.

Desistance strategies at work

In any study of the police courts from the 1850s on, a picture emerges of a steady and sustained effort to promote desistance which included not only philanthropic individuals and organisations but also large numbers of magistrates, police and prison officials. Magistrates in particular, directed by personal inclinations and knowledge of the social contexts of offenders passing through their hands, were often activists in their private personas, as well as favouring informal in-court strategies which took individual circumstances into account in their treatment of petty offenders (Davis, 1984; Godfrey et al., 2005). Magistrates were, for instance, often sympathetic to the idea of using moral suasion to promote desistance. They were thus very ready to bind repeat violent offenders over to keep the peace, because (in their
experience) of what one described as the ‘magic effect’ of being bound over in terms of community involvement. ‘It is perfectly astonishing what a restraining influence’ resulted from a violent rough being subjected to the scrutiny of those of his fellows who had put up the necessary monetary bond and who had a consequent clear interest in ensuring his desistance from offensive conduct (Plowden, 1903: 69). A willingness to be bound over was an indication, it was believed with a justification born out by the statistics, of a susceptibility to the good opinion of that community of which they were a member. The truly incorrigible would neither find those willing to so risk their money, nor would find in himself (or occasionally herself) a willingness to be so constrained (Cairns, 1920).

However, magistrates had limits to their powers and to the time they could spare to promote desistance in that sphere outside the courtroom where they believed efforts needed to be concentrated (Plowden, 1903: 70). They were well aware that work in the community undertaken by philanthropic societies was an invaluable adjunct to the criminal justice process (Montague, 1904: 238). Philanthropic societies abounded to deal with a wide range of social issues. Many, like the Ragged Schools Union, had established connections with the courts as well as with the wider community. The lists of subscribers testify to their value to magistrates. Sir Robert Carden of Bow Street, for instance, was a regular donor to many charitable enterprises, and was also a volunteer at the Oge Mews Ragged School, an important movement associated with preventing juvenile delinquents from tipping over into criminality (Montague, 1904: 142).

However, the pre-eminent philanthropic endeavour associated with the courts in the last years of the 19th century was the LPCM, with its clearly articulated agenda and strategies drawing on the best principles of Victorian voluntary endeavours in its day-to-day operations. Its roots lay in the informal work in the courts already undertaken by, amongst others, the Church of England Temperance Society because of the link (presumed and real) between alcohol and petty offending. Famously, Frederick Rainer provided a substantial donation because of his sense of the ‘lack of hope and help for those who come before the [police] courts’ (Gamon, 1907). His donation enabled the first full-time paid missionary to be appointed to the Southwark Police Court, one of the most notorious for the numbers of recidivist petty offenders (Potter, 1927). From the start, the LPCM had powerful support from within the criminal justice system, and it epitomises both the individuals and the strategies employed in this period to promote desistance amongst petty offenders. It was reported that often magistrates would ‘remand the first offender for a week or more [before sentencing] to enable the missionary to make closer enquiries into the case’ and these enquiries would influence the consequent sentencing (LPCM Annual Report 1899: 22).

The activities of the LPCM spread rapidly throughout the metropolitan area, and its efforts expanded as the funds poured in. Its sole aim was to promote what we would now label behavioural desistance—the cessation of criminal conduct on the basis of the cessation of an individual’s desire to
commit criminal actions. The core of the LPCM was the actions of its missionaries. Such police court missionaries were, in the first instance, likely to be working class and men (and women) of deep religious conviction, which spurred them on in their work (Holmes, 1911: 35). It is a measure of its radicalism that though officially the LPCM was a body rooted in Anglicanism, many of its missioners were, from the first, drawn from the ranks of nonconformity. Equally, while virtually all missionaries were profoundly evangelical in their personal faith, their zeal for the promotion of desistance did not lead them to rely upon conversion as a sine qua non of their work. They were also less bound by stereotypical expectations of individuals based on appearance and conduct. Instead, the dominant practical agenda guiding their efforts ensured that, while they were convinced of the need for a moral dimension to desistance, these did not automatically involve preaching and attempts to convert. Famously, their best known missionary, Thomas Holmes, responded to a query about the Christian dimension of his work that he could not ‘carry Christ in parcels and distribute him’. Instead he did ‘as I think He would have done ... I give them myself’ (Gamon, 1907: 100). Missionaries like Holmes were certainly unstinting in their efforts. It helped that when employed as missionaries, they already had good connections with the local churches or chapels and the philanthropic groups working in their localities, so that they could draw upon and coordinate the potential input of such resources into individual cases (Potter, 1927). But increasingly, they were the leaders in work in these localities. By the end of the century, these missionaries had become ‘the principal social investigators for magistrates throughout England’, and for other interested charities also (Gamon, 1907: 255).

Yet despite the lack of religious conventionality in their daily work, the religious rhetoric that surrounds particularly the published records of the LPCM (it is worth considering their intended, essentially Anglican, audience) has diverted attention away from their practical efforts. In making this point, it is not intended to condemn or ignore the moral discourse used to disseminate the information for contemporaries, because the reality is that the missioners did believe that it was a central element in their success. It is intended, though, to redirect attention at the practical aspects of that moral dimension. There is precise and substantial detail of the operation of the missionaries in the records of the LPCM, in their records and associated publications and also in unassociated publications, notably the national and local press. A survey of such sources indicates that there was an empirically-based theory used by the LPCM, and widely advertised by them as the key to their success: the impact of hope (Holmes, 1911: 32).

The emphasis of the missionaries in their daily activities, and consequently of their supporters in both the community and the criminal justice system, was on how to inspire, but also facilitate, an individual in making a conscious and sustainable choice to desist from crime. Their experience concurred that such a choice was likely to need, to be sustainable, a moral impulsion as well as practical support. For the missionaries, that moral
impulsion was summed up in the concept of Hope. As individuals, they needed hope that they could change and that they would be accepted as having changed by the social contexts in which they operated. It was the main ‘object which we have to set before [recidivists] continually in our work’ (LPCM, Annual Report, 1900: 23). As the Annual Report for 1898 commented, ‘Whether our missionaries are dealing with first time offenders or old offenders, Hope is the grace they need and use’ (LPCM, Annual Report, 1898: 20). This alone, the LPCM argued, served as the key factor in deciding desistance. It was ‘despair, leading on, as it so often does, to desperation and utter recklessness’ that was at the bottom of most petty recidivism dealt with in the summary courts (LPCM, Annual Report, 1900: 23). Desistance was thus linked to an individual’s conviction that even those who had ‘lost situation and character and self-respect’ could be helped to ‘start again’ by being given hope (LPCM, Annual Report, 1900: 25). Hope was accepted as being rooted in moral impulse, but in practice, related very strongly to the social context in which the individual offender found him/herself. It was that context which made hope attainable, rather than merely desirable—as more modern investigations also suggest (Burnett and Maruna, 2004; Farrall and Calverley, 2005; Holmes, 1911). As missionaries understood, to result in permanent desistance, hope needed to be sustained over a substantial time period—an interesting echo of recent comments on the current issues involved in promoting desistance, emphasising the ‘vision that an alternative ‘normal’ life is both desirable and … possible’ (Farrall and Calverley, 2005: 192–3). Making a fresh start, away from criminality, a feasible objective for the individuals they served, was thus the main objective for LPCM missionaries.

In terms of achievement, the LPCM reports feature accounts of both failure and success which can be checked against court records and press reports. The successful 1897 case of WGR was recalled in 1899, as testimony to sustained desistance. He had been ‘visited by the missionary in the cells’ and as a result, the missionary had worked with his wife, inducing her to take the pledge (abstaining from alcohol) and, once sober, she had earned the money to repay the peculation that had seen her husband convicted. As a result, his situation had been kept for him, and now ‘two years on’ he was still honest and prospering (LPCM, Annual Report, 1899: 20; Daily News, 20 July 1897). But ‘disappointments and discouragements’ were also regularly met with, and accepted on the basis that ‘we feel that it must ever be so’ (LPCM, Annual Report, 1898: 31)—and in this, it is admitted that not all LPCM missionaries were of the same high calibre as, say, Thomas Holmes and so were less equipped to be successful activists in the cause of desistance (McWilliams, 1983; Vanstone, 2004).

Hope could not be enduring without substantial practical support from the wider community, as well as from the LPCM, and this was not always forthcoming, any more than an individual’s will to desist could be hopefully maintained in the face of a range of personal obstacles which acted to depress the spirits and imagination (Simpson, 2004). In promoting attainable hope, the
resources of the well-established voluntary sphere and its connections, not just donors but also those willing to donate employment opportunities and well as cash, were a major asset that LPCM missionaries regularly drew on. It should be remembered that, while there are extraordinary names and figures, the ‘ordinary’ philanthropist was very much a man or woman representative of their communities and class. Such philanthropists included the donors and fund-raisers as well as the front-line activists, and it is worth remembering that it was regular small donations from the majority of middle-class households which kept the voluntary societies going, but which also ensured a wide publicity for the activities of such societies, as a way of extracting donations (Gruche, 1907). Mainly middle-class, Victorian women were well-known for their philanthropic activism, and this activism continued to intensify even at a time when the suffrage movement occupied the attention of so many of the leading female philanthropists who had previously focused exclusively on voluntarism. And even the suffrage activists advertised as their objective their desire to gain the vote to make their philanthropic endeavours more effective (Rowbotham, 2002; Rumgay, 2007). Thus, in qualitative terms, the disposition of the middle and upper classes to be supportive of campaigns for criminal rehabilitation can be measured by the levels of support. However, an even greater asset, this author would argue, was the well-developed sense of community operating in the poor areas in which most of the LPCM work lay. There was, there, a considerable understanding of the various socio-economic factors which had led individuals into criminal actions, even amongst those who had kept themselves out of the clutches of the criminal justice system (Behlmer, 1994; Ross, 2001). This promoted acceptance of the errant individual, because such communities were more flexible and accepting in attitudes to reformed criminality than was likely to be the case for better-off and more obviously respectable neighbourhoods (Holmes, 1911). This reality was core to LPCM and other voluntary activity with the mainly working-class petty offender.

The labours of philanthropy

Although volunteers in other philanthropic enterprises had always put in substantial time, this was limited by the part-time nature of much of their efforts, as well as the reality that many of these volunteers were women, with all the constraints that suggested for their activities (Rowbotham, 2002; Rumgay, 2007). Being paid, LPCM missionaries could work even longer hours to overcome the obstacles in the way of desistance. The usual practice was for missionaries to attend the court to which they were attached on a daily business and, taking note of all those appearing before the magistrates as prosecutors, defendants, petitioners and advice seekers, to develop and maintain a good knowledge of the community in which they were working. They would also identify particular cases to follow up in detail (Potter,
1927). Such identification often was at the instigation of the magistrates and as has already been stressed, missionaries generally had good relations with the magistrates with whom they worked (Behlmer, 1994). Men like Mr D'Eyncourt of Worship Street, or Mr Selfe of Southwark, showed themselves particularly ready to work with the LPCM in establishing the social context of offenders (LPCM, Annual Report 1898: 25).

After visiting a convicted prisoner at the court, either on remand or before his or her despatch to prison, to get permission to visit and confirming domestic and (if in work) employment details, the missionary would call on the family of the convicted man or woman. They would also make enquiries about the family in the neighbourhood (Holmes, 1911). A slightly different strategy was employed for juveniles, depending on judgements made about the complicity of the parents in the juvenile’s criminality, but space does not permit a proper exploration of this aspect. Through a series of concentrated visits over a couple of days initially, as well as exploration of the family standing in the district by talking to neighbours, employers and local philanthropists including district visitors and other female activists (Elliott, 2003; Rumgay, 2007), the missionary would form an assessment of the likely needs not just of the prisoner awaiting release but also of the family, if desistance was to be achieved and sustained.

The strategies employed were, undoubtedly, gender bound, as well as bound by considerations of the nature of the offence, the sentence and the age, class and particular family and socio-economic circumstances of any offender. There are, in these strategies, clear echoes of present expectations about positive life course transition events or developments (Laub et al., 1998; Warr, 1998). Thus home visits were crucial to mission strategies, especially for men, because of the urgency to ensure that the released prisoner did not (re)turn to drink and so to crime out of despair. As Farrall et al. have identified from their Crewe data in this issue, many of the marriages encountered by the missionaries were unhappy, as much much due to the intransigent actions of the wife as the convicted husband; or due to the failure of a husband to support his wife appropriately (Godfrey et al., 2007; Ross, 1982). Where possible, men like Thomas Holmes did work to improve marriages and effect reconciliations, believing this would provide the best foundation for permanent desistance for most individuals (Laub et al., 1998). Stereotypically as well as in reality, many a home would provide a far from welcoming environment for sustained hopeful desistance, and missionaries sought to persuade wives to ‘turn over a new leaf’ in anticipation of their husbands’ release, so that they could be located in a domestic context which restored some self-respect (Holmes, 1911). It was argued that a mixture of gratitude and surprise at unexpected comfort would be the best foundation for work to persuade the offender to give up the drink that was associated with so much crime, and the examples cited by a range of sources seems to indicate this was a practical summing up of the realities. The LPCM records are full of letters of gratitude from offenders who were, as one published
extract put it, ‘overjoyed’ to find what the missionary had accomplished in his brief absence (LPCM, Annual Report, 1889: 31). The figures for London in 1900 indicate a total of 8777 ‘home visits to and re cases’, stemming from 3431 court visits (LPCM, Annual Report 1900: 22).

The issue of preparing the return home was more complex for women, partly because of the association with immorality as well as intemperance, and partly because it was the woman, rather than the man, who was seen as responsible for the ‘comfort’ of any home (Ross, 2001). This was especially the case where a woman was in prison because of an attempt to commit suicide (Weylland, 1882: 128). Ideally, the forgiveness of husbands and a reconciliation with children was seen as an ideal, but LPCM missionaries and other voluntary activists recognised that this was not always achievable, at least initially (Rumgay, 2007). Often, the resort was instead to ‘friends’ rather than the former family, at least initially until a woman had proved her ability to stay sober and honest (LPCM, Annual Report, 1880, 23; Rowbotham, 2006). The case of A.H. is illuminating in this respect. She was ‘a domestic servant, 24 years of age’ convicted of stealing clothing. When the LPCM missionary enquired into the circumstances, he discovered that ‘she had been married at a young age, but deserted by her husband, from whom she had been unable to obtain support’. As a result, she had taken to drink, and then to crime. On a previous occasion, the LPCM had placed her in a (Roman Catholic) home for inebriate women, and after a time there she had ‘been placed in a situation, but again fell’. Returning to her case, the missionary had ‘obtained her admission to another Convent Home, and satisfactory reports are received as to her conduct’. It was made plain in the records that she was less at fault than many other inebriate women, because her resort to drink stemmed from her husband’s failure and it is interesting that the missionary recorded no attempt to trace him and effect a reconciliation, preferring instead to direct her to employment (LPCM, Annual Report, 1898: 30).

However, generally, the emphasis on marriage as a key factor in promoting a hopeful personal context, is very clear from the records. Often a first step in desistance promotion was the regularisation of a hitherto irregular relationship. Missionaries would persuade a couple to marry, and ‘give up lodging-house life and to occupy a room for themselves’ (Weylland, 1882: 129). Yet assumptions about the automatic support of LPCM missionaries for the preservation of existing marriages cannot be sustained. They were well aware of the real nature of domestic life in the slums, and privy to the complaints of both husbands and wives about the conduct of their partners in ways that made them comprehend the practical issues that contributed to an irretrievable marriage breakdown (Ross, 1982: 593). Missionaries constituted the ‘largest single category of witness to testify before the Royal Commission on Divorce’. While they testified to the positive effects of achieving a genuine reconciliation and improvement in a marriage, they also testified to the beneficial effects of separation orders from a husband or wife where there was such profound temperamental unsuitability that no long-term happiness seemed
possible (Report, 1912). Many missionaries informed the Commission that a cheaper and speedier divorce system would be a major asset in their work, because an unhappy marriage produced just that recklessness and despair that fuelled recidivism (Reynolds, 1910: 488–9; see also Farrall et al., this volume). At a time when the mainstream moral line emphasised the importance of maintaining the sanctity of the marriage contract, once entered into, the LPCM missionaries demonstrated a much more clear-sighted comprehension of the individual realities of a marriage and, if it was identified by them as a hindrance to desistance, they supported spouses in obtaining separation orders—giving them hope by ending the misery of domestic discomfort (Daily Telegraph, 12 January 1888).

Another important element in missionary strategy was paid employment and/or the local community context—again providing an interesting echo for modern desistance strategies (Farrall and Calverley, 2005). Missionaries would seek to ensure that a potential desister could return to, or become a member of, a law-abiding neighbourhood and so a wider community, through being employed. A regular income was held to be the best guarantor of individual self-respect, as well as promoting a continuing positive domestic and friendship context, all contributing to a desistance from drunkenness as well as crime. Visits or letters to employers could ‘save’ employment, and invocation of the LPCM’s wide contacts could ensure either a new situation or a new location for a craftsman or tradesman (LPCM, Annual Report, 1898: 24–6). Again, the figures for London in 1900 show that, from the 3431 court visits, a total of 450 visits to original employers were undertaken, of which 162 were recorded as being ‘successful in averting loss of employment’. A further 201 men, 190 lads, 198 women and 150 girls were found new employment, and a further total of 649 were ‘helped with tools or stock’, amounting to some practical outcome from around 50 per cent of the court visits (LPCM, Annual Report, 1900: 24). Equally, if friends (in the shape of work companions) and neighbours were held to stand in the way of sustained desistance, the LPCM would invoke its contacts to move a desister and his or her family to a new locality, even if that also meant fresh employment (LPCM, Annual Report, 1989: 24).

Regular comment in the Annual Reports suggest that, for instance, approximately 30 per cent of the 1900 total did not fulfil the hopes of the LPCM, but that still indicates a real level of success in promoting a return to respectability, including membership of the wage-earning community and so, implicitly, a desistance from crime. What this also indicates is the sustained interest that the LPCM, both as an institution and individuals, took in those it had aided. It is also plain from these Reports that the LPCM missionaries did not give up on individuals when first attempts at promoting desistance failed. They would continue to draw on their community and other contacts to proffer alternative visions of hope that might be more sustainably achieved than the first efforts (LPCM, Annual Report, 1902: 22).
Conclusions

There is a striking familiarity between many of the comments made by Victorian and Edwardian commentators and practitioners and that appearing in the last decade, in terms of agreement on what promotes desistance. This includes the importance of a hope-inspired individual choice and the impact of life course transitions (whether promoted by external sources of assistance such as LPCM missionaries or probation officers, or self-generated). However, these current echoes of the past disguise the even more striking differences between past practices and belief, and present perspectives and policy. The Victorian and Edwardian promotion of desistance by perennially cash-starved voluntary agencies, especially the LPCM, who resolutely stuck to their moral guns and maintained an independence of action and judgement rather than becoming an agency of the state, ensured consistency of both impulse and action in the eyes of the consumers of their efforts. As a result, these agencies evolved and, aided by the development of the LPCM, formalised that tradition labelled ‘personalism’ by Bill McWilliams (Nellis, 2007; McWilliams, 1983). It was a morally-inspired approach, which was also deeply practically orientated in its focus on the individual. But it also emphasised the community context in which sustained desistance needed to be initiated if it was to be successful.

A century ago, strategies involved a degree of choice about the involvement of deterrence-orientated agents like LPCM missionaries. In visiting convicted prisoners and seeking their consent to intervention, LPCM missionaries were already restoring some individual agency to offenders. It is plain from the LPCM archive that this was a crucial step in the rebuilding of the necessary self-respect which is still seen as crucial in enabling individuals to make permanent desistance choices. The probation service has traditionally had a ‘core value of respect’ for those it worked with (Bottoms and McWilliams, 1979: 159), however as a statutory agency there is an inevitable tension between its penal duty and the rehabilitative impulse (Canton, 2007). Probation officers hold their clients accountable; activists like the LPCM missionaries did not, which meant that offenders received their efforts to aid desistance in a different, and often more positive, way. Though the Crime and Disorder Act 1998 sought to broaden the involvement of voluntary groups, it was on terms set by the statutory sector, and did not restore the independence that institutions like the LPCM had.

The second major divergence is that the past saw an active community involvement in desistance strategies. The formal theorisation prevalent in current criminological thinking about desistance is countered with evidence indicating success rates associated with a greater recognition of individual (and so unpredictable) choice, predicated upon the particular societal context of the individual. Involvement of a voluntary sector which relied for its activists on ordinary members of the community
meant that these people could engage with the sectors of society with which they had contacts, in and out of the courts, to create appropriate societal contexts in which desistance could be achieved effectively. Voluntary activists knew their communities well, and while some (such as middle-class women philanthropists) could arouse some resentment, most were at least respected and many were loved and welcomed. When it came to the early LPCM missionaries, their own humble backgrounds gave them an insider’s knowledge of the society from which an offender came. All this helped an informed, collaborative community involvement in the desistance process which is not in place today. As restorative justice initiatives indicate, a direct relationship between offenders and victims is often a major factor in desistance choices. But generally, society today is distanced from the criminal justice process in a way that they were not a century ago. Individuals are no longer involved in the decision to proceed, or not, with a prosecution: in the hey-day of the LPCM, by contrast, even with the police acting as prosecutors on behalf of the community in increasing numbers of cases, many petty crimes were prosecuted by the aggrieved individual(s). This was, in itself a cathartic process, as well as a boost to the recording of crime (The Guardian 13 February 2008 on current levels of unrecorded crime). Today, if a case does come to court, the crime victim’s involvement is moderated by the bureaucracy of the criminal justice process, including the involvement of any expert testimony. Magistrates do not have the discretion of their historic counterparts, either. As a result of this distancing process, there now is less active moral impulse arising out of the criminal justice process to get the community involved with the rehabilitation of offenders.

Of course voluntary institutions, including the LPCM, were not universally successful in promoting desistance, though they succeeded to a level that convinced the state that there should be a statutory obligation for this promotion incorporated into the criminal justice process. But that statutory obligation was initially viewed as complementary to, and not a replacement for, community-orientated and originated voluntary effort. Canton rightly comments that there is, in crime management, always a tension between retribution and rehabilitation (Canton, 2007: 236–7), but, historically, the tension between the two was significantly moderated by the involvement of voluntary activism which was firmly grounded in the wider community. It largely ensured, amongst other things, a reduction of that sense of grievance on the part of victims of crime which is so apparent today. While it would not be possible or desirable to turn the clock back, strategies for involving the community (which is offended by crime) in the process of rehabilitation and desistance, and instituting some distance between the statutory agencies and voluntary action would seem, on the basis of the evidence, to be the most practical way forward for effective desistance strategies in the future. The essence of an individualised approach will never, practically, be feasible within the remit of statutory agencies!
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