

11 On licence

Understanding punishment, recidivism and desistance in penal policy, 1853–1945

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During the nineteenth and early twentieth centuries, British legislators reacted to the perceived growth in a hard core of violent repeat offenders and struggled to find solutions to the problem of recidivism. The concept of dangerousness, and the potential threat posed by those people who appeared to be less affected by civilising processes that appeared to be effective in making Britain a safer place to live, have since been a recurring topic of study for researchers of nineteenth-century society.¹ Others, such as Leon Radzinowicz and Roger Hood, have focused more on legislation such as the Penal Servitude Acts (1853–64), Habitual Offender Acts (1869–91) and the Preventive Detention Act (1908), which were designed to incapacitate offenders through the imposition of long prison sentences and extended police supervision.² In an attempt to make the system to work effectively, a vast bureaucracy was created which was responsible for the identification and tracking of many thousands of former prisoners and convicts. This served to create a huge range and number of archived written documentary records – many of which can now be utilised by historians to examine the impact of particular forms of legislation on offenders and the length of their criminal careers. In this chapter we present some case studies in order to outline both the possibilities, and also some of the possible pitfalls, of using these bureaucratic records in modern research. We contribute to the debates initiated by Radzinowicz and Hood by examining the impact of penal practices and policies on repeat offenders in order to understand the relative effects of punishment and surveillance, and also other significant events in individual offenders' lives, on their offending over the whole course of their lives.

¹ Mark Brown and John Pratt, eds, *Dangerous Offenders: Punishment and Social Order* (London: Routledge, 2000); John Pratt, "Dangerousness and Modern Society," in *Dangerous Offenders: Punishment and Social Order*, ed. Mark Brown and John Pratt (London: Routledge, 2000), 35–48; John Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London: SAGE, 2002), 213.

² Leon Radzinowicz and Roger Hood, "Judicial and Sentencing Standards: Victorian Attempts to Solve a Perennial Problem," *University of Pennsylvania Law Review* 127 (1979): 1288–349; Leon Radzinowicz and Roger Hood, "Incapacitating the Habitual Criminal: The English Experience," *Michigan Law Review* 78, no. 3 (1980): 1305–89.

The period under study, broadly the middle of the nineteenth century to the early twentieth century, was rife with changing conceptions of criminality, degeneracy and moral imbecility. The 1870s witnessed the beginnings of anthropomorphic criminology and Lombrosian theory. Biology was thought to be a central driver for criminality, and sentencing which was designed to deter the rational offender was beginning to be seen as ineffectual: more than that, in fact, inappropriate. Given that visceral criminality could not be deterred by normal sentencing tariffs, only very long sentences and surveillance post-release were thought to be capable of protecting society. By contrast to the whirl of ideas about why some people offended persistently, contemporary conceptions of desistance (an individual offender's movement away from a life of crime) were rudimentary (indeed almost non-existent). Desistance was considered improbable, and only possible through moral improvement supported by religiosity. However, by the 1890s, many offenders, even habitual ones, were thought capable of changing their ways with the support of rehabilitative policies enacted by the prison authorities. It would be many more decades before surveillance became associated with probation programmes designed to support individual's moving away from crime, but the social control measures increasingly introduced between the 1869 Habitual Offenders Act (which attempted widespread surveillance of repeat offenders) and the Probation of Offenders Act 1908 were important steps on the route to twentieth-century theories of desistance. These modern studies of desistance pointed to wider support networks as being important to convicts sustaining pro-social lifestyles rather than criminal identities, and also gaining education and employment and forming meaningful relationships.

Fortunately for our understanding of nineteenth-century offenders, the systems erected to watch over habitual offenders and ex-convicts created a huge range and number of bureaucratic records – many of which can be utilised by historians to examine the effectiveness of legislation and of other events outside of the criminal justice system, such as marriage, child-rearing and employment, on criminal careers. Studies by Godfrey, Cox and Farrall and Johnston and Godfrey have now supplemented modern research on desistance, and have provided valuable historical evidence of how and in what circumstances habitual or serious offenders continued, or alternatively, abandoned criminal careers.³ In this chapter we describe the methodology we used to unlock the penal bureaucracy and present some examples in order to show the possibilities (and some possible pitfalls) of using these bureaucratic records in reconstructing the experiences of those subject to, and confined

³ Barry S. Godfrey, David J. Cox and Stephen Farrall, *Criminal Lives: Family Life, Employment and Offending* (Oxford: Oxford University Press, 2007); Barry S. Godfrey, David J. Cox and Stephen Farrall, *Serious Offenders: A Historical Study of Habitual Offenders* (Oxford: Oxford University Press, 2010); Helen Johnston and Barry S. Godfrey "The Costs of Imprisonment: A Longitudinal Study," ESRC End of Award Report, RES-062-23-3102 (Swindon: ESRC, 2013).

under, such laws. To do this, we focus on the life and criminal stories of three offenders: locally ‘notorious’ offender Richard Edwards (1835–96) who left a life of crime behind him when he was in his fifties; the mercurial Walter Mitty-like Charles Dunning (1886–1967); and Catherine Bowden (1849–1913), a woman multiply convicted of theft and robbery who served long periods of time in prison.

Our data sources

The material presented here draws from two research projects: Godfrey *et al.* focused on the impact of individual parliamentary acts as well as the body of legislation as a whole to understand serious offending; Johnston and Godfrey applied the same methodological approach to examine those convict prisoners released on licence from Penal Servitude, after transportation to Australia had come to an end. For both projects we relied upon a mass of different historical records, as detailed below.⁴

To make sense of the records of offending in Godfrey *et al.* (2010), we first populated a database with information taken from the *Birkenhead Register of Offenders 1875–1909* (Chester Archives CJP 20/3/1). This register was created and maintained by Birkenhead Police from 1875 until the late 1930s; the last offence recorded was for burglary committed in June 1937, with the last updated records being entered in 1938. The register, which contains details of offenders born between 1818 and 1907, followed a similar pattern to the Metropolitan Police Habitual Criminals Register, with a physical description of the individual (including an exhaustive list of distinguishing features such as tattoos, scars or deformities), known aliases and previous offences, police remarks (which gave additional details such as the individual’s reporting history) and general remarks (which could include the individual’s trade and administrative details of correspondence between police forces concerning the individual). From this register we collected details of 99 offenders (which formed 32 per cent of the total number of offenders contained in our main dataset).

We then turned to the *Birkenhead Town Thieves Book 1879–1928*, a register which contains details and photographs of offenders born between 1838 and 1888, and covers offences carried out from 1869 until 1907 (Cheshire Archives CJP/20/10/1). It follows a similar pattern to the *Birkenhead Register of Offenders*, and includes individuals who carried out at least one larceny (any kind of theft) within the Birkenhead Police jurisdiction. Several of the offenders who appeared in the *Town Thieves Book* therefore also appeared in the *Birkenhead Register of Offenders*. This document provided us with details of 52 offenders (17 per cent of our dataset). The two other sources, in total, provided us with 20 individuals for analysis. From these main sources, we

⁴ Godfrey *et al.*, *Serious Offenders*; Johnston and Godfrey, “Costs.”

were then able to trace these individuals using a wide variety of other extant sources. The most important sources of further information were the census returns from 1841 to 1911 inclusive (which detailed residence, family status and occupation at an individual level); online birth, marriage and death indices (which detailed if and when our offender was married, had children, and when they died); military records (mainly referring to the First World War); Cheshire Quarter Sessions Calendars of Prisoners (data on all offenders tried for indictable crimes, outcome of trial, details of the offence, and, crucially, previous criminal history and aliases); Cheshire Assizes Calendars of Prisoners (as above, but for those charged with very serious crimes); British Library Nineteenth Century Newspapers Online, *The Times* Digital Archive, and the *Guardian* Digital Archive (which provided trial reports); the Old Bailey Proceedings Online (several of our offenders were peripatetic and gravitated towards London at some time during their offending career, subsequently appearing at the Central Criminal Court); Home Office Criminal Registers (HO26 and HO27) that give details of offenders from 1805 to 1892; Metropolitan Police Habitual Criminal Registers (MEPO 6) covering 1881–1940 and Prison Commission records such as Prison Registers (PCOM 6), which contain details of all prisoners held at various English prisons from 1856 onwards. The now considerable data we had collected on individuals was then organised into life grids. Using this approach enabled us to analyse life events such as marriage, having children, gaining employment and so on, with patterns of offending and incarceration. Whenever possible we also constructed a narrative which helped us to understand the twists and turns of an individual's life story, as the examples below illustrate.

A similar approach was employed by Johnston and Godfrey with prisoners released on licence from convict prisons.⁵ When penal transportation started to slow as a process from the mid-1850s, and more convicts were thereafter imprisoned in British prisons, the British government preserved the 'ticket-of-leave' system that released convicts in Australia before their sentence had ended, so that they could be employed to support the colonial enterprise. Whilst early forms of probation in the Australian penal context, to some extent, seemed to provide an opportunity for experimentation in rehabilitation; and the British appeared to have continued attempts to provide reformatory opportunities for prisoners who behaved well on their sentence, there are three important caveats to be factored into this rosy picture. The first is that, although the ticket-of-leave system may or may not have played a strong part in helping offenders to rehabilitate, the system was primarily designed to provide labour to fuel the burgeoning Australian economy.⁶ Any rehabilitative impact was a by-product of a system of un-free labour that punished criminals by squeezing work out of them.

⁵ Johnston and Godfrey, "Costs."

⁶ A new AHRC project will investigate the role of the ticket-of-leave system in rehabilitation. See www.digitalpanopticon.org.

Second, the British government seemed to give little conscious thought to why the Australian ticket-of-leave system should be repatriated in the 1850s. The ending of transportation was accompanied by the Tasmanian and New South Wales governments' belief that labour needs could be met by colonial-born workers and that a new influx of convicts was unnecessary (indeed unsettling) for the growth of most Australian colonies – although the River Swarthout colony at Perth, Western Australia, would still require convicts until 1868 to ensure growth. The British government was consequently faced with a penal crisis similar to the one it had faced after the American War of Independence ended convict transportation across the Atlantic and there is little evidence that administrators and bureaucrats either side of the Pacific paid attention to the advantages or disadvantages of the ticket-of-leave system. It was simply planted in Britain because it came as part and parcel of orthodox ideas about how a convict system was supposed to run.

Lastly, there is a natural inclination to link good behaviour whilst in prison to the reward of early release. However, although there is some correlation – those that committed offences inside prison, or who breached prison rules, did lose remission, and therefore became eligible for early release later in their sentence – even those that had a quite poor record in prison also gained release.⁷ As Johnston and Godfrey have shown, the early release scheme was very useful to government in reducing the costs of the UK prison system. Saving money therefore went hand-in-hand with any attempt to reduce re-offending. Nevertheless, the licence system maintains from 1853 to today, and remains a remarkable, if complex, example of transnational penal policy and practice.

In England and Wales, convicts were released on licence in order to prepare for their re-introduction to civil life, and so were allowed (indeed encouraged) to gain employment, reside where they wished, and otherwise resume (an honest) life. Convicts on licence were to all intents and purposes “free,” so long as they did not commit further offences, or fail to report to the local police station, first within three days of release and to police each month during the 12 months following the granting of the “ticket.” If a licence holder neglected to report to the police as required above, or was suspected of leading an irregular life, or had committed an offence, the licence was revoked and they were returned to serve the residue of their custodial sentence (colloquially, returned to “finish your ticket”) in addition to any new period of incarceration.⁸

This is, of course, all contrary to the very prevalent modern view that the Victorians forced prisoners to serve their full sentence without remission – that it was a time when “life meant life.” In fact, not even murderers (serving their penal servitude at home or transported for life to the colonies)

⁷ Helen Johnston and Barry Godfrey, “Punishment Inside: Prison Offending 1853–1914,” paper to the Social Science and History Conference, Chicago, 21 November 2013.

⁸ Johnston and Godfrey, “Costs.”

could expect to serve their full terms, and all but a handful were given early release. In 1856, for example, nearly 3,000 ticket-of-leave men were released, and only 20 prisoners were refused applications for tickets and so went on to serve their full term in prison. The majority of serious offenders sentenced to long prison terms were released, albeit with certain conditions, long before their sentence had expired. In England and Wales, approximately 1,300 prisoners a year were issued with licences between 1854 and 1919. This meant that, as the annually published judicial statistics show, approximately a quarter of the sentenced convict prison population was released on licence each year.

Coding and interpreting life histories

Once we had constructed life grids and narratives for each of the offenders and prisoners, we turned to coding the information so it was suitable for aggregation. For example, the offenders in our sample committed many offences, some minor and some serious. Obviously the progression of their criminal careers was integral to our study, and we therefore used the following system of coding in order to determine whether each of their offences, and their offending pattern on the whole, was minor or serious:

- low-level (property crimes which did not involve a large sum of money or valuable property, common assault, all regulatory offences which did not endanger life, public order offences such as drunkenness and breach of the peace);
- medium-level (property offences which involved large sums of money, but which did not endanger life, violence which was not life-threatening and public order offences such as rioting or affray but which did not endanger life);
- high-level (life-threatening offences and offences of a serious violence and/or sexual nature, such as murder, manslaughter, rape, burglary, robbery and attempts to commit such offences, together with public order or regulatory offences which resulted in a loss of life).

To modern eyes, and indeed in line with our coding, many of the offences committed by offenders would today not be seen as serious. Concerns about property crime, the type of offending which actually comprised most of our sample, reflected prevalent Victorian and Edwardian attitudes about class and the protection of property. Although serious violence including murder and rape was treated seriously in the nineteenth and twentieth centuries, many other offences, such as indecent assault, affray, offences against minors, and even manslaughter, received comparatively light sentences. A quick survey of contemporary newspapers or court records will reveal man-slaughters that resulted in less than a year's imprisonment; sexual assaults

on children that resulted merely in fines, and so on. We have however coded these kinds of violent offences as “serious”, and/or “dangerous,” in line with modern values. Sexual violence or offences committed against children (or spouses) are now treated much more seriously, attracting a larger measure of public approbation, and longer prison sentences for perpetrators. We therefore faced a coding conundrum, since we could have followed contemporary historical mores and labelled these kinds of offences as “minor,” or fallen in line with modern conceptions. In the end, that is what we did, since we wanted to avoid trying to guess what historic opinions of particular crimes actually were as we were not convinced we could always do this with accuracy. Second, we were interested in an individual’s behaviour – taking things that did not belong to them, or killing another human being; and how punishment and other events in a person’s life affected their offending/family lives – rather than how criminal acts were viewed in the media or in the public imagination.

Each person in our sample had committed at least two recorded offences, and, in fact, most had committed many more: the average number of offences committed by people in our dataset was just under nine. The focus of our research was an assessment of the impact of legislation passed between 1853 and 1908 on the offending careers and the daily lives of serious habitual offenders. By looking at the impact of lengthy periods of imprisonment and police supervision on criminal careers, employment and family life, we explored not just whether the Habitual Offender, and Preventative Detention Acts “worked,” but at what cost to offenders. We therefore focused on the lives of offenders before and after they became subject to particular Acts. We divided the 1853 to 1940 period into four years, grouping the legislation by what we consider to be its dominant characteristics; either to introduce heavy punishments designed to incapacitate the dangerous, or to establish supervision regulations designed to survey the movements of those too threatening to be left to their own devices.

In order to assess prisoners released on licence, we examined the record series *PCOM* (1853–87, 1902–08, 1912–42) held in the National Archives which contains details of 45,000 convicts who had been released on licence. These penal records list details of the prisoner’s name, sentence, where and when convicted, date and conditions of the current licence; previous convictions, age, previous occupation, when and from where the prisoner was released; and some also have photographs of the prisoner. They also tell us a great deal about the internal workings of prison in relation to these individuals; letters sent and received, visitors, medical attention, special requests as well as offences and breaches of the prison rules and regulations. These penal records were used in conjunction with the other records listed above to compile life-grids of 650 male and female convicts who were released during the mid to late nineteenth century, and utilised to evaluate the effectiveness of Victorian-era legislation and punishment on desistance.

Using our methodology to evaluate the effectiveness of legislation and punishment

Just as we configured the events in our offenders' lives, and the nature of their offending, we also divided the legislation passed in this time into three distinct periods – 1853–71; 1871–9; 1879–1908 – which helped to frame the development of thinking around incapacitating recidivists and the impact that different legislative regimes had on our offenders:

- *1853–71*: This is the period which largely marked the end of transportation as a viable penal policy, and the passing of the Penal Servitude Acts. Prison licence schemes were introduced which gave conditional release to the majority of prisoners well before their sentence had expired. In 1864, active police supervision following release from prison became a feature of prison licence conditions, and further punishment remained as the deterrent against recidivism with a minimum of seven years' gaol for repeat offenders. In 1869 reporting elements were strengthened; the frequency of reporting increased from monthly (1864) to fortnightly (1869). Registers with photographs of all offenders were kept by local police forces and a centralised bureaucracy was developed; and a mandatory period of police supervision for up to seven years was introduced. Punishments could now be imposed for breaching reporting and other regulations, and a maximum of 12 months' custody could be imposed for such breaches.
- *1871–9*: Although the reporting and other restrictions were still in place, with attendant penalties, supervision became a discretionary matter. From 1871, judges were able to impose differing periods of supervision, and chief constables were able to dictate the frequency of reporting. In 1876 photographing of offenders became limited only to particular types of offenders.
- *1879–1908*: The tariff of seven years' minimum sentence was removed in 1879. Penal servitude was reduced to between three and five years, and, in 1891, an alternative sentence of two years' imprisonment (with or without hard labour) could be substituted instead of penal servitude. In 1908 preventive detention largely replaced police supervision and, again, this was targeted against particular types of offenders, and indeed against particular individuals. Preventive detention became a reality in 1909 in order to deter dangerous offenders. Offenders with three previous convictions could be sentenced to a period of penal servitude followed by another five to ten years served under a more reformatory regime.⁹

Through the use of the biographical life-grids constructed from a variety of criminal justice and civil records we have found examples of offenders – as

⁹ Godfrey *et al.*, *Serious Offenders*, esp. 60–84.

is the cases discussed below – whose desistance was caused or at least severely impacted upon by legislation designed to incapacitate prolific offenders.¹⁰ In some cases, for example that of Richard Edwards, the impact was only felt after the acts had been applied iteratively. Edwards, born in Cheshire in 1835, had accumulated over ten summary convictions for vagrancy and drunkenness by his thirtieth birthday. In 1865, he was found guilty of assault at Knutsford Sessions and sentenced to two months' hard labour. The following year he was found guilty of two more offences (an offence under the Criminal Justice Act, and an act of felonious intent) which saw him imprisoned for four months. Another conviction for larceny after a previous summary conviction for a similar offence again saw him in prison, this time for six months. He was then convicted of the larceny of a cotton dress at Tranmere in April 1870 and was sentenced to five years at Knutsford Quarter Sessions court. The *Liverpool Mercury* for 13 April 1870 reported that this labourer from Tranmere had “a long list of previous convictions” on his record. The 1871 Census listed Edwards as “labourer, convict at Gillingham prison,” but he was at liberty in 1875, because he had been released on licence. His licence was not recalled however when he was convicted of another breach of the Criminal Justice Act and sentenced to six weeks' hard labour just a few months after his release from HMP Gillingham. A further theft followed shortly afterwards, and because he was now considered a persistent offender under the Habitual Offender Acts (this was in fact the third offence which qualified him as such under the acts), he was sentenced to seven years' penal servitude at Chester Sessions in 1877. The *Liverpool Mercury* (5 August 1877) was quick to identify him as “a notorious character” who would serve his sentence at HMP Portland this time.

Four years later, the 1881 census described Edwards as a “dock labourer.” Released from HMP Portland the following year, Edwards stayed out of trouble for two years until he was convicted of larceny and sentenced at Chester Assizes to five years' imprisonment together with five years' police supervision. As was the usual practice, even with persistent offenders, he was released early from prison. By 1888 he had successfully completed his police supervision without any problems or incidents. Indeed, he did not commit any other offences **until** he died in Birkenhead in 1896. Our view is that the last long stretch in prison (mandated by the Habitual Offender Acts), coming on top of other long periods in custody, just wore him down, so that, when he was still in his early fifties, he was unable or unwilling to continue a life of crime. Other people, however, appeared to be completely unaffected by the strictures of the acts, and instead appeared to either desist through their own efforts and the support of friends and relatives, or they continued offending until they died.¹¹

¹⁰ See *ibid.*, 35–49.

¹¹ See a summary of debates about the reasons for desistance together with some interesting thoughts about pace of desistance within individual offending trajectories in Ray Paternoster and Shawn Bushway, “Desistance and the Feared Self: Toward an Identity Theory of Criminal Desistance,” *Journal of Criminal Law and Criminology* 99, no. 4 (2009): 1103–56.

As part of our study we researched the desistance story of Yorkshire-born Charles William Dunning, a rather intriguing character. Born in 1886, Dunning clearly had a troubled adolescence as he was prosecuted for vagrancy and petty theft in his teens. Whilst living at home with his parents, he was convicted of an indecent assault and sentenced to two months' imprisonment in 1903. Two years later he was further convicted of larcenies in Yorkshire and in Northumbria. In 1906 he seems to have been in a somewhat frail mental state. He twice attempted to kill himself (the last attempt followed a conviction for being found on enclosed premises in Cheshire). Moving around the country frequently, his unsettled life continued in this manner for some time. He was convicted of housebreaking in Northampton in 1907, of being an incorrigible rogue in Northallerton in 1908, and for burglary in Nottingham in 1909 (for which he received five years' imprisonment). Released from prison at the start of the First World War, Dunning joined the 1st battalion Bantams (so-called due to their recruitment of smaller men under the regulation height of five feet three inches; Dunning was recorded as being just over five feet tall). He was then transferred to the 3rd Battalion Cheshire Regiment, a training regiment based in Cheshire that never saw service overseas, in December.¹² Dunning was discharged in 1917 after the army decided that he was unfit to serve.

After the war ended he was convicted of two accounts of shop-breaking in Peterborough and, in line with the Habitual Offenders Acts, he was given five years' imprisonment followed by three years' police supervision. Dunning was released in 1924 and found a job as a tram driver in Liverpool, but was again convicted of counting-house breaking and possessing housebreaking implements by night in Liverpool. Released early from his five-year sentence in 1929 he was quickly convicted of receiving stolen goods in Liverpool and of being a habitual criminal, and was therefore sentenced to three years' imprisonment and five years' preventive detention under the 1908 Act. Despite this, he was, however, released in 1930, after which there is no trace of him in criminal or other kinds of records for 15 years.

After the Second World War, Dunning found employment with Metropolitan Vickers (the wartime manufacturers of the Avro Lancaster) and also a faith, the Baha'i religion. He later told members of his church that his experiences during the First World War, where he had witnessed mass open graves in France (although we can find no evidence of him being overseas during 1914–18), had greatly disturbed him and caused him to seek solace in the Baha'i Centre in Manchester. He was a quick convert to the Baha'i faith, and he was keen enough to offer himself as a pioneer missionary to Belfast, which must have been a difficult place to establish the Baha'i faith since established faiths had strong adherence. His conversion/embracing of Baha'ism appeared to happen after his last offence had been dealt with, and his devotion and the support offered by the Baha'i religious community must have supported his efforts to lead a good and useful life.

¹² Ancestry Medal Rolls Reg no 20854 (see ancestry.co.uk).

Dunning was certainly revered by members of the community and subsequent publications and memoirs talk glowingly about him.¹³ However, we do not know whether other members of the Baha’i community who knew Dunning were aware of his previous life or his offences, arrests and terms in prison. Marion Hofman, a Baha’i member in the Orkneys (where members of the faith could find a welcome retreat), recalled her memories of Charles the “Knight of Baha’u’llah”:

Charlie was small, slightly strange-looking. The children in Kirkwall used to run after him and throw stones and sticks and call him names. He was simple and uneducated. Charlie went on pilgrimage during the time of the Guardian [during the visit of Shoghi Effendi, leader of the Baha’i faith]. At dinner the other guests were shocked because Charles spoke very forcefully to the Guardian telling his views – and wagging his finger at the Guardian to emphasize his points ... He was a rough diamond, done-up but still scruffy, a bit clown-like. This taught me powerfully that nobility comes in modest packages AND that the Guardian really knew the wheat from the chaff ... Charles was very little but 100% the real thing.¹⁴

Dunning eventually left Orkney in 1958 due to ill health and subsequently resided in a nursing home in Cardiff. In 1967 he died peacefully in his sleep on Christmas Day after having never fully recovered from a bad fall earlier that year. http://bahaikipedia.org/Charles_Dunning. It is possible to characterise Dunning as an ex-offender who almost literally changed from sinner to saint.

The advantages and disadvantages of our methodology

Although Charles William Dunning found faith and community with fellow Baha’i members and that appeared to bolster if not initiate his move away from offending, the majority of offenders had more earthly reasons for desistance, such as a commitment to a loving life-partner, gaining and maintaining employment, and so on, which we were able to discern in the majority of cases. The advantage of our methodology is fairly self-evident. We were able to map changes in individual offenders’ personal lives onto their criminal careers over the whole course of their lives, and by doing that, we could attempt to see the impact that particular events, such as marriage, finding a good job and having children, had on their routes out of crime. We can do this very easily

¹³ The Bahá’í World – An International Record Vol XIV; Bahá’í Magazine for Children, (http://bahai-library.com/uhj_bahai_world_14).

¹⁴ This information can be viewed in the Baha’i in Process, e-newspaper article (<http://process-bahai.wordpress.com/2009/07/21/nobility-comes-in-rough-packages-shoghi-effendi-charles-dunning-and-the-cigarettes/>, accessed 27 December 2013).

by visually scanning, or ‘eyeballing’ the data, of course, but because we have been able to go beyond that through the consistent application of our coding system we have, in fact, been able to quantitatively analyse our life-grids in order to produce some statistical information about the impact of legislation, and that is discussed in *Serious Offenders*.¹⁵

There are some problems with our methodology, of course, as there are with all methodologies.¹⁶ First, we may have made mistakes: tracing the events in people’s lives through extant historical sources is, as we all know, an extremely difficult task, and we are prepared to admit that we may have missed some information that could have offered light on our subject, or we may have incorrectly identified our person of interest with someone else in a historical record – although we do think that we have avoided that particular error, and no one has come forward to say that we have made a mistaken identity (yet). Second, we are not in a position to know what people were thinking whilst they were undergoing these life-affecting events. For example, some of our individuals were married, but were they “happily married”? Again, this is not only a common problem for historians – it is also a problem for modern social scientists – none of us are mind-readers.

Third, in some cases, the information flow continues, and new data can challenge the conclusions we have reached. For example the 1911 census was released just before our project ended, and we scrambled to incorporate the new data which we had received (thankfully) just in time. In other cases, it is us, ourselves, who have sought to add further archival data in order to more fully understand the desistance routes we are describing. For example, many offenders described earlier in this chapter were released from prison on licence. Johnston and Godfrey initiated a project funded by the ESRC to investigate the propensity of licence-holders to desist from crime and to examine the impact of imprisonment upon their lives.¹⁷ In their respective studies of Australian penal colonies, John Braithwaite, John Pratt and Barry Godfrey *et al.* have all suggested that the licensing scheme may have been important in providing a conditional form of release which could possibly have been used to support individual offenders’ desistance from crime.¹⁸ As such, our latest ESRC project has constructed a large sample of male and female licence-holders for the Victorian and Edwardian period.

As can be seen below, the life-grid methodology can easily be used to hold data gleaned from prison licences, and populated with data from other criminal and civil records (see Table 11.1).

¹⁵ Godfrey *et al.*, *Serious Offenders*.

¹⁶ Barry Godfrey, “Historical and Archival Research Methods,” in *The Handbook on Criminology Research Methods*, ed. David Gadd, Suzanne Karstedt and Stephen F. Messner (New York: Sage, 2012), 159–75

¹⁷ Johnston and Godfrey, “Costs.”

¹⁸ John Braithwaite, “Crime in a Convict Republic,” *Modern Law Review* 64, no. 1 (2001): 11–50; John Pratt, *Governing the Dangerous: Dangerousness, Law and Social Change* (Sydney: Federation Press, 1997); Godfrey *et al.*, *Serious Offenders*.

Table 11.1 The life-grid of Catherine Bowden (General Convict Reg. J 72 Local Prison no. 129)

Year	Life events	Offending/punishment
1854	<i>Prison records say born in Runcorn but she is more likely born Ireland in 1849.</i>	
1855–60		
1861	Living at Wicksten's Hill with parents John (b.1820, Ireland) mother Bridget (1823, Ireland), she is unmarried aged 12 (b.1849, Ireland) and sister Margaret.	
1862–6	Also living at property is a group of male boarder	
1867	Married Thomas Bowden in Warrington.	
1868–9	Daughter Mary A. born in Runcorn (probably Mary Alice).	
1870		
1871	Living at 5 Wicksten Hill, Runcorn, with step-father Patrick McGarry, and mother Bridget. She is recorded as being 22 (b.1849), married, living with her child Mary A. Bowden aged one.	
1872	Catherine Bowden born in Runcorn.	
1873–7		
1878		
1879		

Convicted of theft of boots and sent to Knutsford Gaol for one month. Convicted at Cheshire Assizes of Robbery with Violence on 25th April, sentenced to 12 months. She is convicted with Henry Brindrick – and she is convicted in the name of Catherine Brindrick (and reported as his wife in the *Liverpool Mercury* account of the case). The robbery is carried out at knife-point. Harry or Henry Brindrick gets five years' imprisonment

- 1880 Convicted of theft **A** from the person (a purse) at Knutsford QS and sent to prison for 12 months.
- 1881 In Knutsford prison as Catherine Bowden, aged 27 (b. 1854) housekeeper. Says married.
Her children (Mary recorded as Margaret, aged seven; and Catherine aged six) residing with father at 12, Mersey St. Her father has remarried.
- 1882 Convicted at Liverpool County Sessions in July for larceny from the person, sentenced to six months.
- 1883 Convicted on 26 February of criminal damage, imprisoned one month.
Convicted at Cheshire Assizes of **Robbery with Violence** **R** Runcorn on 28 April; committed to higher court 17 May, convicted 21 July.
Sentenced to five years' penal servitude.
Newspaper report – attached to prison record **P**owden (29) of no occupation, and Henry Brindrick (28). In a pre-planned **att**ack **B** order an archway the two defendants, and a third man, punched victim and took his watch guard. Bowden was apprehended when she tried to pawn it in Runcorn. Whilst in custody the male prisoner was overheard to say that Bowden had caused him to be there, and that he may tell “the whole truth” about the affair. Brindrick was a ticket-of-leave man “and wished to say that he would lose his ticket with this offence”. The learned judge in passing sentence, said “he knew what the previous conviction was for [*Brindrick and Catherine Brindrick*] were convicted of robbery from person in 1879, he got 5 years and she got 12 months]. Prisoners were dangerous people, having suffered together for another offence, but they had no sooner got out of prison again but they were repeating their evil practices.” Brindrick got ten years.

Table 11.1 (cont.)

Year	Life events	Offending/punishment
1884	<p>Received at Chester 17 May 1883. Received at Millbank London 3 August 1883. She has five previous sentences by now. 4 August 1883 – letter from Governor of Millbank asking Chester Prison Governor why they have not given date of her entry into HMP Chester. He replies stating this was 17 May 1883, and says that prisoner was anxious about welfare of her children when leaving Chester, and could the Governor of Millbank allow prisoner to have the letter from her father (below). 4 August 1883 – letter from her father John McGarry telling her that her children are fine and all is well at home. Asks her to write to him. Weight on entry Millbank, 150 lbs, and 154 lbs on entry Woking, weight on leaving Woking was 168 lbs. Received at Woking Prison 10 July 1884. 17 February 1884 – Millbank Prison get letter from Cheshire Constabulary at Runcorn stating “with regard to father of Catherine Bowden, John McGarry, he is well known here as a steady, respectable, hardworking man. He lives at 12 Mersey St.” Prison chaplain writes on top saying – note different name and address. 13 April 1884 – letter from St Edward’s RC Church to Governor of Millbank, in response to his enquiry. Priest says she was brought up as RC of Irish RC parents. Her whole family are RC “but very bad ones.” Confirms that Catherine’s children are attending his school. 8 April 1884 – applies to change religion from C of E to RC. The Chaplain opposes the change, stating that she has not been in an RC church since her childhood, does not know RC religion, she was married in C of E church, and has been persuaded to this action by other women. Another letter from Rev William Kay (?) says there is no doubt she is RC and knows the priest at Runcorn, where she was born. 10 April 1884 – Liverpool Prison reply in response to enquiry from Millbank stating that she is Protestant. Chester and Knutsford also reply to say “Church of England.” 17 May 1884 – Directors authorise change of religion. 8 November 1884 – prison offence – fighting in the exercise yard with prisoner J104, Mrs Cormack. Received three days’ close confinement and lost 12 marks.</p>	

1885
1886

Licence Number A42448/7392 – married woman, two children, Roman Catholic (C of E crossed out and dated 1884 “v. Director’s order”).

Good conduct, good health, no education (can’t read or write).

Father given as John McGarry, 12 Mersey St Runcorn.

Features on first sentence in convict prison are:

Dark complexion, dark brown hair, 5’ 4” tall, stout figure with oval face. Ears pierced.

Has varicose veins, some scars, a mole. All these remain the same subsequently, except that her eyes appear to change colour, to hazel.

Trade is recorded as knitter and cleaner.

Has no property on entering prison.

Licence granted 18 February for two years and five months.

Discharged to East End Refuge, Finchley [In 1864 the Sisters of the Good Shepherd

bought East End House on the north side of East End Road, where until 1948 they

maintained a refuge for distressed Roman Catholic women, including former prisoners.

In 1900 they aided 180 “poor penitents” and 130 younger girls. New buildings on the site

included a church in 1875 and a wing for the novitiate in 1886, when East End House

became the provincial house for the order. After a fire in 1972 land was sold for housing

and most of the buildings were demolished, although the original house remained,

“Finchley: Roman Catholicism”, *A History of the County of Middlesex: Volume 6:*

Friern Barnet, Finchley, Hornsey with Highgate (1980), pp. 86–7. www.british-history.ac.uk/report.aspx?compid=22509. Date accessed: 9 January 2011.]

Handwritten – “The Directors of the Convict Prison allow this person to leave the

Refuge.”

Letters from – their quotes “husband” Thomas, c/o Samuel Ashby [can’t trace this man

in 1881 or 1891 in Cheshire], Prescott Terrace, Runcorn.

Letters to father 12 Mersey St, Runcorn.

Table 11.1 (*cont.*)

Year	Life events	Offending/punishment
1887–9 1890		Convicted at Warrington of fighting. Chief Constable reports that she “can fight like a man, often does so, and is proud of her accomplishments.” She received one month’s custody reported the <i>Wrexham Advertiser</i> on 14 June.
1891		Criminal registers – 12 January convicted at Warrington QS as Bowden. Sentenced to 12 months.
1892		Newspaper report – Catherine Bowden and two other women “of doubtful character” took man to the pub in Dial St, and robbed him of £15 in gold at Helsby. Convicted at Chester Assizes of larceny from the person. Sentenced to nine months. Newspaper report – Bowden, 34, laundress, convicted of theft of clothes at Halton. Women got the man drunk and robbed him when he fell asleep by the side of the road. Her co-defendant was a woman of no fixed abode.
1893–4 1895		Catherine Bowden convicted of theft of 9d at Warrington. Sentenced at Liverpool County QS to 1 day’s imprisonment. She is reported as aged 39, laundress (newspaper report).
1913	Dies in Cheshire, aged approximately 64.	

Things all appeared to go wrong for Catherine Bowden between 1873 and 1877 when her husband either died or the couple became estranged. Her new beau Henry Brindrick became her accomplice and co-defendant; in the 1881 census he was recorded as being married, but by 1891 he was recorded as a widower, which suggests that he and Catherine either were never married, or that they had separated following Henry's long period in prison (he was in Borstal Prison in 1881 and in Portsmouth in 1891). To date, online newspaper databases (which end in 1900) have revealed that Bowden appeared to be quite capable of using violence, as the Chief Constable of Warrington noted, and her various prison sentences did not deter her from a fairly sustained criminal career. As she entered her thirties she appeared to have led a dissolute life, mixing with prostitutes and vagrants, and occasionally taking the opportunity to relieve drunks of their property. She appeared to commit her last offence when she was nearly 40 years old. Further study of early twentieth-century Cheshire newspapers may reveal whether she continued offending until she died.

The research on prison licensing has created a large dataset on those released from prison and has allowed us to examine the impact of periods of imprisonment and licence on individual people's life course. The licensing system did operate as a pressure valve for the prison population as a whole (reducing the numbers in prison and the cost) but at the individual level, although periods of custody were shorter due to its use, there was no intrinsic value. That said, looking across the life course of the offender, we can say that the period of licence did allow more time for the supportive processes relating to desistance, we have discussed in these individual examples, to take hold and also reduced the impact of institutionalisation. On that note, let us return again to Charles William Dunning.

Additional information provided by a Baha'i member after our study had concluded, revealed that Dunning had informed members of the church that he had a more "interesting" military career than the one we had recorded for him. Dunning claimed that he had re-enlisted in the forces at the outbreak of the Second World War (despite being 60 years of age by then), and served variously in the RAF (where he witnessed the bombing of Dresden in 1945) and the Welsh Commandoes (during which time he visited some Russian prisons – thereby providing him with his knowledge of prison life). We cannot find any evidence to support these claims. They appear to be little more than fanciful stories, and from our evidence, he clearly deceived his Baha'i biographers (and maybe himself) about his past. We have been able to ascertain, however, that Dunning did not commit any new offences after joining the Baha'i faith. It is possible to characterise him as self-deluded, maybe muddled, or some might even allege mental illness or criminal artifice, but he was also, as our original research concluded, a desister from crime.