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Recidivism: Theoretical Perspectives and Qualitative Research

Alvise Sbraccia¹

Abstract

The article is focused on recidivism as a sociological problem. The definition of such phenomenon as an individual failure (with reference to the criminalized subject) and institutional failure (with reference to the criteria of legitimation of the CJS) is explored through the findings of the author's reconstruction of the biographies of individuals who experienced prison. The objective is to identify ideal-types of recidivist and to discuss linear and ideological conceptions of recidivism.

Il contributo è orientato ad affrontare il tema del recidivismo come problema sociologico. La definizione del fenomeno nei termini di un fallimento individuale (con riferimento al soggetto criminalizzato) e istituzionale (con riferimento ai criteri di legittimazione del sistema di giustizia penale) viene quindi confrontata con i risultati delle ricerche qualitative che l'autore ha realizzato ricostruendo le biografie di individui che hanno fatto esperienza della prigione, con l'obiettivo di individuare alcuni tipi ideali di recidivo e di mettere in discussione una concezione ideologica e lineare del recidivismo.

Keywords: recidivism, mobility, biography, criminalization, criminal career

Social or Sociological Problem?

The penal justice systems of the Western world are faced with the issue of recidivism on a daily basis. Data and estimates on prison populations refer systematically to the considerable statistical incidence of reconvictions and reimprisonments.² Taking the view of crime as a social problem, and looking at the characteristics of criminalized individuals, one might almost claim that

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² It is difficult to compare international rates of recidivism (reconviction and reimprisonment) because of the different criteria used to record them (Zara and Farrington, 2015). Generally speaking, the lowest reported rates are rarely under 50 per cent in Western countries, with more credible estimates of 60 per cent in the USA (Langan and Levin, 2002). The phenomenon is not tracked routinely in Italy, but one recent study of the official records indicated a rate of 68.5 per cent (<http://www.rassegnapenitenziaria.it/cop/4825.pdf>).

recidivism is *per se* the problem of criminality. If we go along with the idea that the purpose of penal institutions is to solve this problem, then a prisoner's release should be seen as a crucial moment in the strategic picture of any criminal policy (Visher and Travis, 2003). Administrative criminology relies on its capacity to translate its analysis into "advice for the Prince", formally undertaking to seek solutions. Whatever the preferred option in the field of prevention, and whatever the set of tactics chosen, the rate of re-entry in judicial and penitentiary systems remains the core issue because it has a powerful capacity to delegitimize these systems.

In the field of penalty, the production of knowledge and the adoption of strategies are always interconnected and, from the perspective that we intend to take here, they both depend on the variously selective practices used by regulatory bodies, from police patrolling activities to the more specific aspects of the penalties for different types of behaviour.³ This makes it necessary to specify how we interpret the sociological problem of recidivism, restoring it to the field of criminal policy in all its various facets. This is by no means easy to achieve because it entails drawing comparisons between two strategic planes, two horizons of rationality, that are essentially misaligned. Recidivist behaviour (when socially construed in a negative light) is often described as a relapse/recurrence. In other words, it is seen as an at least momentary failure to stay on a virtually-undertaken virtuous path. This failure can immediately take on a dual meaning (as well as the obvious ideological one), as either a personal failure or an institutional failure, and sometimes as both. In the former case, individuals becoming criminalized and then on regaining their freedom they fail to adapt adequately. They are unable to avoid dysfunctional social and relational contexts, nor find a place in functional, conforming contexts (cf. Maruna, 2001). In the latter case, the correctional goals of the institutions fail to offer effective and linear guidance, leading instead along a hazardous path that tends even to facilitate recidivism. But are these really dysfunctions? Taking a critical view, it may be that they stem from instances of self-reproduction of the penitentiary system and its founding (but necessarily unspoken) aim, which is to reiterate the distinction between that part of the social body that engages in the more aggressive forms of social subordination and the rest of society (Foucault, 1975).

Recidivism is thus a fundamental resource from the material and symbolic standpoints, a genuine strategic mainstay. As a result, its interpretation in

³ Take, for example, the huge differences in the penalties for drug dealing in the USA, which punish the (less lucrative) sale of crack far more severely than the sale of cocaine (Scully, 2002).

sociological terms radically relativizes the feasibility of it being seen as a social problem that the penal institutions should deal with. In fact, it is the reverse, as John Irwin (2013: 85-100) explained, these institutions can be defined by their capacity to *prepare* criminalized individuals to remain behind bars for good, or join the ranks of the most stigmatized part of the *underclass*.

The considerations on the following pages concentrate more on recidivism as a personal and combined failure. If penalty reproduces punishable (and socially dangerous) individuals, the real failure lies in these people's inability to abandon the game. On a strictly individual level, the construct of failure carries a very heavy ideological connotation, however. Deriving it from an assessment of the duration (and suffering) of a prison sentence in the economy of a human life demands an aptitude for generalization that is hard to reconcile with the previously-mentioned elements of selectivity, because the effects of this selection focus on lives that tend to be marked by specific, difficult material conditions (Finestone, 1967, Hannon and DeFina, 2010). Criminological theory has dealt with these specificities.

Criminology and Biographical Approaches

In outlining the basics of their theory of differential association, Sutherland and Cressey (1960) attributed great importance to the depth of the analytical perspective. They consequently issued a sort of methodological warning: affiliation phenomena should be interpreted in their historical-evolutionary dimension, not from a mechanical-situational stance. The learning processes that induce some individuals to join groups that express themselves in favour of violating norms can therefore only be observed from a diachronic perspective. This is primarily because what they learn is not only about the techniques needed to commit crimes, it also touches on complex domains such as relational competences, normative arrangements, and discursive practices of justification. These mechanisms of socialisation (which will remain central to the development of cultural criminology right up to the present day) take time to become established. From the point of view of the subcultural adaptations involved (Cloward and Ohlin, 1960), the basic concept does not change: the dynamics that lead an individual to recognize, interiorise and participate in a criminal subculture cannot be described in terms of isolated events. The adaptation required may call for a subsequent review. Take, for instance, the need to merge the (sometimes converging, sometimes opposing) cultural frames of the criminal and penitentiary subcultures (cf. Clemmer, 1950; Crewe,

2007). In an effort to overcome certain aspects of inflexibility in the model of differential association, our unstable view of this adaptation process enables us to bring out an important difference: diachronic analysis does not necessarily aim for a consequential reconstruction. It is not simply a matter of chaining together a series of cause-effect relationships along a time line, but rather of grasping how to lend sociologically relevant meaning to pathways of association (be they delinquent or otherwise).

From this point of view, it is worth noting how the interpretative frames of a penology of Marxist derivation at least partially overcome the limits of structuralist determinism by dealing with the relationship between the motivational horizons and strategies of penalty in its evolutionary dimensions. The principle of *less eligibility* (Rusche and Kirchheimer, 1939) defines the approach of penalty in anticyclic phases of the capitalist economy, because it can influence the choices made by individuals who, by virtue of their subordinate position, are the object of the regulatory bodies' attention (cf. Becker, 1968). Fluctuations in the capacity for absorption of the job market constantly reshape the material conditions of this component of the social body, and the motives that drive these individuals to take action. Penal deterrence strategies are essentially founded on this domain, proposing more severe penalties (and worse prison conditions) in periods of economic recession and higher unemployment. There will be more space for an inclusive and formative penalty when the production cycle takes an upward turn again.

From a more strictly criminological perspective, the ways in which individuals adapt depend on the changes they perceive in the field of their opportunity structures. These opportunity structures can be variously interpreted as including job offers, networks of social capital (Scott, 2004), and residential conditions (Sampson, 2002). They may be more or less rigid in different historical periods, but they tend to accompany the biographical stages of people's lives. Such changes interact, for instance, with Merton's idea of the criminal as an innovator. Analyzing these changes, as perceived in the great ethnographies of the underworld (Bourgois, 2003; Venkatesh, 2000), for instance, tends to contradict the theory that the processes of criminalization nowadays concern an excess component of society excluded from the mechanisms of functional belonging.

Sutherland's call for a diachronic analysis seems to find support in the theoretical and methodological approaches of symbolic interactionism, which have partly overturned the views of the sociologists of deviance. There is nothing inescapable in the processes of stigmatization described by Goffman

(1963). Even the passage from primary to secondary deviance in Lemert (1967) takes shape through a process of stabilisation of a deviant identity. The disculturation and acculturation processes typical of individual experiences of total institutions (may) have some generalisable effects, but also prompt different adaptive and relational practices, especially in relation to the timeline involved.

In short, it seems clear that (critical) socio-criminological approaches all focus on these evolutionary elements, tending not to isolate criminal behaviour from the context in which it takes shape, nor to essentialise it by means of rigid correlations. For the purpose of producing knowledge in this field, the crucial question can therefore be put in the following simple terms: how can we draw on this diachronic dimension? In the present author's opinion, the most practical way to do so is to use biographical reconstructions.

The (necessarily shortened) empirical content of the following paragraphs is drawn from interviews held by the author with Italian and foreign prisoners as part of several studies conducted at different Italian prisons for approximately a decade (2003-2013). Other useful elements for these reconstructions (mainly for the purposes of comparison) emerged from analyzing judicial files, which can shed light on how criminalized people's biographies are reconstructed by the institutional actors (cf. Sbraccia, 2015).

Careers and Forms of Mobility

The theoretical course charted thus far actually leads to a paradoxical outcome. If recidivism can only be represented from a diachronic standpoint, the same has to apply when it is seen as a defining feature of the irreformable criminal or, in other words, as an element that qualifies the internal enemy. Criminal records are interpreted as a series of symptoms that combine to paint the diagnostic and prognostic picture of a full-blown disease. Given the chance, every police officer will refine his/her suspicions by consulting a (now computerized) database of criminal records. Every actor in the legal system has to deal with this issue. An individual's reiteration of punishable actions leads to the individual to be punished also being qualified: even outside the stricter models for penalizing the repeat offender, even when there is plenty of room for discretion, a longer criminal record tends to elicit heavier punishments, and the offender may be remanded in custody or warrant extra security measures.

Only offenders who are reconvicted are labelled as habitual delinquents because, presumably, they would have developed a stably delinquent persona

with time. This idea of stability is founded on a linear and consequential conception of recidivism, a typical heritage of administrative criminology, and of the institutional culture of the penitentiary world. The punishment would therefore be a reasonable reaction to a life focusing on illegality (irrespective of any significant causal factors that might play a part), so it would also serve as a sort of feedback. The resulting picture is that of individuals “destined” to repeat their criminal behaviour. From this point of view, the various *wars on drugs* seem to have had an extraordinary impact in the way that they have specifically criminalised a certain type of player from among all those active in the drugs trade, i.e. figures who operate at the boundary between retail drug dealing and problematic consumption. In other words, selective practices of penal control have tended to reinforce the concept of recidivism as a compulsive behaviour directly related to a disease – drug addiction – that is, by definition, of a chronically relapsing nature (cf. Lindesmith, 1947; Trangler et al., 2001). Clearly, such a definition poses numerous problems from the socio-judicial standpoint. The metaphor of chronically recurring disease would seem distinctly more appropriate in referring to the practice of imprisonment. In fact, a system incapable of adapting its strategies to serve its claimed objectives suffers from a genuine form of chronically recurring problem, such that we have an institutional recidivism that reproduces individual recidivism.⁴

This is one of the reasons why it seems significant that the recent broad debate on the construct of *criminal career* leaves aside all qualitative characterizations and stays within the bounds of an administrative and actuarial criminology, which often features a sort of biological and psychiatric neo-positivism.⁵ The core idea is that a criminal career can be reconstructed from a database of criminal records (and this engenders a substantial overlap between the idea of a *criminal career* and the mere documentation on file of a *criminal*

⁴ For example, it is worth noting, as Blumstein and Cohen (1987: 987) did, how ‘race’ influences the early stages of criminalization processes in the United States (with the over-representation of ethnic minorities), but has little or no effect on recidivism phenomena.

⁵ “Criminology is once again exciting”, say Wright et al. (2015: 1), celebrating the end of the sociological hegemony over the discipline and offering an interpretation of *Life Course Criminology* tilting towards the relationship between individual pathology (of genetic origin) and *risk management*. Basically, we just need to keep under control that ‘chronic’ minority responsible for 80% of all violent and predatory crimes: “Place in prison a high-rate offender and you will reduce crime [...]. It did not take long for researchers and policymakers to recognize the utility of studying ‘criminal careers and career criminals’” (Wright et al., 2015: 2). We leave it to the reader to decide whether such claims can be described as “exciting”. Either way, their innovative content seems to be highly questionable: “It was during the 19th century that the emerging discipline of psychology, and the dominant paradigm of individualism on which it was based, helped to shape a prevailing cultural ethos and political world view in which people were seen as the exclusive causal locus of behavior” (Haney, 2006: 85).

record). This reconstruction has precise utilitarian objectives, as Blumstein and Cohen (1987: 985) clearly maintained:

Information on criminal careers – the longitudinal sequence of offences committed by individual offenders – is potentially an important element for informing the choices made at the various decision points. Knowledge about criminal careers is most directly useful for assessing the effects on crime through incapacitation.

The above definition of *criminal career* is actually inherent in the research practices of the US National Academy of Sciences Panel on Criminal Careers, on which Blumstein serves as the principal academic reference figure. Farrington shares this definition, clarifying its minimal meaning: it is not a criminological theory, but a frame in which theories can be advanced and tested; it describes the series of crimes committed over the course of several periods of an individual's lifetime, without necessarily suggesting that the offender relies on these criminal activities as a major source of income (Farrington, 1992: 521).

The basic elements of this approach are: *onset* (when the career starts); *prevalence* (the proportion of the population affected by the phenomenon); *duration* (how long the career lasts); *frequency* (how often crimes are committed during the course of the career); *desistance* (when the career ends). The "frame" to which Farrington refers therefore enables specific statistical analyses based entirely on the official data produced by the penal justice systems. Such a frame is consequently scarcely dependable for the purpose of analyzing criminality or testing any criminological theory because penal-penitentiary statistics notoriously only provide a measure of the criminality that has been punished (and therefore seen through the eyes of criminal policy). It would likewise be pointless to attempt to produce any scientifically worthwhile knowledge of prognostic value. Such criticism - which is the traditional heritage of those who support the use of qualitative methods in the socio-criminological setting - only partly hits the mark, however, and the brief than two-line explanation that Blumstein (2002: 17) offers in response seems disarmingly simple:

Since we don't know the demographic characteristics of those who offend, the characteristics of those who get arrested is used as the proxy.

The limitations of the criminological approach are thus 'accepted'. Criminality that has been punished is actually a social field amenable to being handled with

the pragmatism typical of this approach, which starts and ends exclusively within the context of the rationalisations of *policy*. To give a couple of significant examples:

- this type of criminological knowledge can suggest the point in the criminal career of an (already adequately classified) individual where it is advisable to decide the punishment according to a strategy of special inclusive prevention, rather than one of mere neutralization; and
- this type of criminological knowledge may point towards a utilitarian interpretation of the sentencing mechanisms (on statistical grounds, it would generally make little sense to incapacitate an individual over 40 years old).

In the former case, the subjective characteristics of the variables of the model would induce us not to invest in probation measures for an individual whose criminal career features an early onset and a high frequency of offences, but is still in its early stages.

In the latter case, it is worth noting how Blumstein and Cohen (1987: 990) reason strictly in terms of system functionality and the rational management of resources (starting from data relating to the *desistance* variable):

It is possible, however, that the sentence is imposed later in the criminal career so that the time served extends after the career would have been terminated anyway [...] In that case the period between the end of the career and the end of the sentence is 'wasted' in terms of incapacitative effects.

This rationalised approach is implicitly linked (since the issue is the offender's age) to concerns about the rising public health costs of prisons with the aging of its population of repeat offenders (cf. Curtin, 2007). Be that as it may, the statistically most significant relationship is clearly the one between *duration* and *frequency*, where higher values in these fields would substantially coincide with a greater danger to society. This naturalises the link such that the more a criminal activity is frequent and persistent, the more the offender is likely to be punished. The analytical and policy planes thus merge once again: this approach is based on the assumption that an individual's recidivist potential can be measured on the strength of how often he/she is arrested. In short, incapacitation strategies that only consider the criminalised population would "magically" be able to produce appreciable benefits in terms of defending society against the population of criminal offenders. In their comments on the

paucity of criminological knowledge in the field of successful criminal careers, McCarty and Hagan (2001: 1036) make the point that:

Although the majority of offenders are able to avoid arrests and convictions, a sizable number are incarcerated, often on several occasions.

We are talking here about offenders who, in career terms, are employed in the lower ranks of the illicit economies. In this setting, the supposed rationalisation of the penal response would have a number of far from neutral or secondary practical and ideological effects, becoming a powerful means for confirming the validity of the selective mechanisms adopted by the institutional regulatory bodies.

Leaving aside the qualitative elements, these approaches actually elude the topic of mobility associated with delinquent adaptation mechanisms (Sbraccia, 2008). From an analytical standpoint, the degree to which the profits of their illegal activities are important to the individuals or groups involved (in terms of the volume of their economic returns) is by no means irrelevant. Ultimately, when we speak about “having a career” (in any occupational context), we refer to a tendency for ascending mobility, usually associated with rising income levels. But even taking a more prudent approach and considering the hypothesis of career courses that remain stable, or rise and fall, or even decline inexorably, it seems hard to reflect on the matter if we separate the concept of career from that of mobility. In this author’s research experience, the biographical reconstructions of criminalised individuals become sociologically relevant precisely when they draw on these mobility dimensions, and especially when they help to explain where they intersect with others (for example, geographical mobility and identity mobility).

In this sense, the biographical reconstructions (drawn verbatim from interviews and in their own words) of individuals whose first experience of criminalisation came later in their lives are particularly interesting.

D1 is a 55-year-old female with a “deviant” career behind her spanning 40 years. At the time of our interview (2013) she had been granted probation after a first experience of imprisonment. She gives an accurate account of her life as a succession of displacements in Italy and abroad (mainly in Germany) due essentially to the need to avoid being caught by the police. In the early 1970s, as an adolescent, she started experimenting with drugs with a small group of friends (“when they still didn’t have disposable syringes and you took drugs

by making a hole in your vein and inserting a drop counter”). Those were years when a real illicit drug market had yet to develop and procuring drugs was by no means easy:

in the early years we would actually ‘loot’ pharmacies. It was crazy. We would go in and grab everything. I remember that we would then give some of the medicines to old people in the village. Then we refined our methods, learned how to loot the right shelves, and we started selling to other youngsters like ourselves, who wanted to discover what a trip felt like.

This type of behaviour (which the regulatory bodies of the time found hard to fathom) is part of a particular, pioneering form of “polytoxic” lifestyle. Very soon, the institutions will be faced with the evolution of the drug dealing market, and especially with the diffusion of heroin first, and cocaine later on. D1 operated on these markets without ever achieving any genuine ascending mobility:

I was always only interested in doing drugs. I was just seeking those moments of pleasure. I never really stopped, not even when I moved to Piedmont because I was ‘finished’ in my own area, too well known. In Piedmont I even got married, I worked in a factory and had a daughter, but I always continued in that parallel life [...]

All my life it was the same: managing my drug addiction, doing drugs regularly without destroying myself, without being noticed. I always said to the people in on the game: “If you do drugs and then go cataleptic on the street, how long do you think you’ll get away with it? [...] Of course, I lost control too. I lost my husband and daughter, I went back on the street, I went into therapeutic communities... Lots of changes, but in the end I never left that path.

As an adult, D1 was immersed in a daily routine of small transactions, retail drug dealing, robberies. Now and again she was offered more remunerative opportunities (as a courier) that enabled her to ‘take a break’, i.e. to accumulate a little capital so that she could manage her life and addiction on a lower level of stress for a while:

As I always stayed reasonably lucid, people in that world tended to trust me, and they sometimes gave me quantities that you’d never place in the hands of your typical wreck of a drug addict. As well as paying attention to the doses, I always tried to keep a roof over my head.

D1's story is full of escapades and encounters with the police, but she was not convicted until she was 49 years old, when she was caught on one of her occasional trips as a courier.

The above summary describes a rather unusual story of criminalisation. It is hard to imagine that it might be used for the purposes of any typological generalisation, and certainly impossible to think of condensing it in this woman's criminal record, which only contains a few lines. It is not that her criminal career was difficult to intercept because it was intermittent or protected by a higher socio-economic status. Like other unusual stories, hers tends instead to describe a continuous illicit behaviour, conducted more or less intensively, as part of the activities of daily living, for lengthy periods of a person's life. In such cases, recidivism can be interpreted in various ways that change with the historical evolution of the illegal economies and relational systems. It can be seen, for example, as a predictable, natural effect of being employed in the underworld, as an element strictly related to changes in an individual's quality of life, or as a behavioural modality related to a certain lifestyle (as in the case of D1). Such interpretations can hardly be classified using the quantitative dimension of socio-criminological research, but they might be conducive to hypothetical generalisations. In any case, when the individuals interviewed came up against the law, they were always in a phase of transition, a readjustment of the balance. To use a category dear to those authors who like to consider the life histories of offenders, this encounter takes on the connotation of a biographical fracture (Roberts, 2002).

Of course, we can apply these same interpretations when we analyse the features of delinquent adaptations, and their relation to criminalization processes, that emerge from biographies that are less unusual from the criminological standpoint, and easier to translate into more extensive and variegated criminal records. The idea of transitions and biographical fractures alludes to times in a life marked by discontinuity, and implicitly recall the mobility dimension, which includes a mobility in the geographical and occupational sense, but also in the individual's identity. So, in what terms can they be significant in elucidating recidivism? Maybe we need to stop trying to define this construct as an effect of rational, continuous life trajectories, and to reduce it to a personal attribute, or a stable trait of a person's character in the terms of a (possibly irreducible?) propensity for criminal behaviour (Gottferson and Hirschi 1990).

Evolution and Discontinuity

D1's life story brings out an element common to many of the biographies I collected. Albeit in different settings (also as concerns the incidence of the informal part of the reference economies), in different times of life, and for different periods of time, the people we interviewed had been wage-earning workers (working class labourers) - a trait that recurs with a significant margin of independence from the other variables that make these stories so different, such as: the historical depth of the criminalisation processes (some "careers" began in the 1970s, others in the second decade of this century); nationality and geographical origin; legal status (prisoners already sentenced or awaiting judgement); regularity of presence on Italian soil; type(s) of offence being punished; affiliation to more or less organized group(s); and age.

Looking at the criminal records of minors held in penal institutions (a large percentage were defined initially, on the cover of their files, as "unemployed"), even a superficial reading of their reports elicits the picture of a population of apprentices, door-to-door salespeople, shop assistants, builders, delivery boys and house removal employees. These are people who just manage to get by, topping up very low family incomes with odd jobs given the chance. However erratic and uncertain, their day work is significant in terms of the time it occupies in their lives and the construction of their identity (Re et al., 2009).

Therefore, the link between recidivism and an individual's remoteness from the legal and informal job markets is substantially delegitimised. Except in a distinct minority of cases, it seems difficult to claim that recidivism derives directly from a consistency and constancy of exclusively criminal adaptations (cf. De Giorgi, 2006).

In the field of studies on *re-entry*, which consider it useful to analyse what happens after an offender's release from prison, (see Pinard, 2007), this dominant – and strained – dichotomy between occupational inclusion and exclusion as a key to ensuring an individuals' return to legality and an antidote to recidivism can also be effectively attacked on the grounds of "qualitative" evidence (Scott, 2004: 110):

These studies conceive of reintegration and repeat offending as polar opposites when in fact they may well converge in real life: most of the men in this study, for instance, continue offending even while repairing relationships, procuring legitimate employment, and abstaining from drug use [...] Scholars in this arena generally agree that employment operates as a protective factor - it often keeps re-

arrest from occurring. Employment, too, is inappropriately conceived in binary terms: one is either working or not, in either a legitimate or illegitimate position.

Scott (2004: 113) proposes not to surrender to the absolute variability of subjective adaptations. In fact, it is by identifying common trajectories, or similar arrangements of strategies, tactics and opportunities, that we have the opportunity to construct ideal types of social reinsertion.

It could likewise be useful to proceed with a typological breakdown of the stereotypical repeat offender, otherwise used as a lever in the ideological construction of the internal enemy and dangerous class. Mobility trajectories seem decisive from this point of view, as mentioned earlier. While occupational mobility serves as the hinge of this analytical proposal, its articulation – particularly when referring to practices beyond the boundaries between the legal, informal and illicit job markets - is linked to the other two mobility dimensions that we consider significant here, which relate to geographical location and identity. The interweaving of these levels of mobility constitutes the most solid element of affinity within the biographical accounts I collected.

Starting from these stories, it is difficult to support the idea (that can be traced back to the construct of *secondary deviation*) of a process of identity stabilization deriving from being submitted to the regime of a total institution. Even the most fluid prisonization category proves excessively rigid in this sense unless the life stories have culminated in very lengthy periods of detention.

Prisons do affect the people who live in them. They 'breed time' it appears, but they also retrain some few people and scare others [...] In a scientific sense, the exact and precise role of the prison as cause of criminality cannot be determined [...] By observation and presumption, however, it can be stated that imprisonment, even in progressive institutions with their carefully developed training programs, frequently increases the criminality of the individual it holds (Clemmer, 1950: 318-319).

Imprisonment might have differential effects, pushing some offenders towards and others away from crime. Identification processes seem rather discontinuous, uncertain, constantly influenced by moral tensions and redefining scenarios. The more open attitudes of cultural criminology (Ferrell et al., 2008) thus appear fruitful from an analytical standpoint. Basically, learning theory implies that the terrain of identity is fundamental to the subjective transformation that derives from practices of subcultural affiliation: the

redefinition of norms and values cannot fail to be reflected in the field of identity (Yinger, 1982). But there seems to be no end to its evolution. Individuals do not become crystallized in their reference cultural frames.

I'm a repeat offender. I was first sentenced in 2001. When I arrived in prison all my countrymen were expecting me. I had been drug dealing for six months, selling one or two grams to Italian people on the street. With two years in prison I changed completely. To begin with I lost my head, I cut myself, I made a fuss. Then I realized that I had to learn from people more expert than me. Like at school, inside you understand how you have to do things outside. You take fewer risks, you look for the right contacts. It may be a question of how to use weapons for robberies or, for me, the world of drug dealing. When I got out, I started again, but did much better. I wasn't going to get fucked selling half a gram to an Italian. I stopped doing that and moved on to bigger business.

But didn't this hem you in?... I mean, dealing only with certain types of people ...

No, quite the opposite. I hadn't spent time with Italians before, I had just sold them the sachets. When I got out in 2003, I only wanted the company of Italians, young people going to university. In the evenings I never spent time with my countrymen anymore because they'd get you into trouble. No, just people from good families, students, no more than a bit of marijuana, no heroin, no pills. I really enjoyed their company. We had some good evenings together and I learnt lots of new things.

Any attempts at essentialisation on (sub)cultural grounds – which are typical of the culturalist approach to racist considerations (cf. Sbraccia, 2013) - come up against strong resistance in the empirical field, just like efforts tending to hypostatise the figure of the institutionalised prisoner. The two processes of acculturation that would lead to the definition of a repeat offender typology prove very troublesome in terms of their theoretical justification. So, let us try to place them in relation to the ideal types of recidivist that we have constructed on comparative grounds with the utmost level of polarisation.⁶

Career recidivists

These are individuals with a stable identity who tend not to complain about the penitentiary's socialisation mechanisms or underestimate its institutionalising

⁶ Most of the life stories come somewhere in between these extremes, particularly as concerns the *occasional recidivists*. The *career recidivists* are in the minority.

components. When talking about the sufferings of detention, they tend to place them within a precise behavioural and adaptive frame (*'doing time'*). They claim that their criminal orientation has a rational matrix, even when they (self)-critically review the personal cost-benefit balance of their careers. They are skeptical about the prospects of an alternative life to crime, whether this relates to the normal daily needs of life (or survival) or more specific expectations (economic wellbeing, styles of consumption, lifestyles). Their scepticism may stem from direct experience of legal employment or a preventive assessment of their employment opportunities. It is rare for these individuals to see their propensity for recidivism in terms of their belonging to a subculture. They prefer to focus on their individualism, opportunism, and dreams of ascending mobility.

U2 is a 39-year-old male from Tunisia imprisoned (with a lengthy sentence) for international drug trafficking. His economic wellbeing in childhood and early adolescence was assured by his father's construction company, which worked mainly in Libya, where orders were plentiful. Around 1987 "everything changed", because relations between the two countries deteriorated and U2's father had to "choose between Tunisian and Libyan nationality". Returning home meant losing all the capital he had accumulated in Libya. His business picked up again in Tunisia but was much less lucrative and the whole family (six children) had to adapt to a more frugal lifestyle. U2 suffered from the change and found it difficult to adapt to living in Tunisia. Other people expected a great deal of him:

My father's friends are in the elite; all their children are good and they went to university. I was sent down in my first year of high school and began to hang out with the wrong kind of company. We would drink, threaten people to make them give us money, and show that we were tough. My father was ashamed of me ...

After completing his military service to avoid being "sentenced for treason", U2 decided to emigrate (in 1992) "without paying", i.e. by threatening to report some people traffickers to the police. When he arrived in Marsala (Sicily), he went straight to a city in northern Italy where there were "lots of friends, and lots of people from my hometown" who welcomed him and found him work in the local retail drug dealing economy. U2 had to cope with a couple of very tough years ("cold, stress, empty houses, sometimes a little hotel or a client's couch in exchange for a sachet"), during which he came to a fundamental realisation: "I was 19 years old, I looked at my friends and I thought, if you touch this stuff, you don't stand much of a

chance". U2 stayed clean and rapidly rose through the ranks of the illicit drug economy.

He became active in establishing contacts in other cities, moving away before an area became too risky. He began to manage 'half kilo' batches and to control a significant workforce of his 'countrymen' who handled the retail drug sales. This leap forward in his career required the ability to manage the use of force, to compete in controlling the territory. Despite some early detentions, U2 accumulated a significant amount of money, most of which was invested in Tunisia. His brothers joined him in Italy: "I failed to convince them that it was better to have a proper job, that I was doing the dirty work. So, they got involved too". Interceptions and investigations led in 1997 to a first significant sentence, that U2 spent in a variety of transfers from one prison to another, including several prisons in Calabria. He had developed the capacity to intimidate, strictly interpreting the prisoner's code: "make your presence felt, answer back, never show fear, gain respect; I told the people who thought they controlled the prison in Calabria that they had to respect me as a person, and that I wanted nothing from them". By the end of the 1990s U2 had spent a lot of time in prison and set aside a lot of money, a situation that remained much the same into the early years of the new century.

In the morning I would sleep while another three or four people worked for me. In the afternoon I would go and check on how things were on the street. We would have a meeting, I would share out the drugs and manage the money. Then I would look after my best customers, the ones who didn't want to meet kids, only me. In the evening I would go to a friend's nightclub. It was fun, I drank for free, and had a private room with the girls. At five in the morning I would go home.

This was followed by a period of time spent in Tunisia (after being deported) and a stint of family life (his girlfriend was the widow of a friend and had two children). But the appeal of Europe remained strong and U2 set off again. For several months he travelled between Scandinavia, France and Holland, planning to use the money he had set aside to set up an import-export network with Tunisia (carpets and electronic goods). When he finally returned to Italy, he was arrested over a case of international drug trafficking dating from years earlier, and he was sentenced to 16 years in prison.

In the case of U2, an attempt to escape the lucrative criminal circuits became feasible when the process of accumulation was complete. His regret for the time

already spent in prison and the years remaining of his sentence was enormous, but only scratched the surface of his rationality, apart from occasional references to the possibility of a life that might have been along the lines of an 'honest job' and guided by his father's ethics. His ascending mobility stemmed from a precise strategy of emancipation from the habits of his countrymen. The subcultural frame of drug dealing on street corners (even in its aspects of solidarity) was definitively rejected as dysfunctional, easily identifiable with the hallmark of marginalisation, exposure to opportunist behaviour, uncertainty about whether the code of silence would hold, and excessive visibility to the police (Matsueda et al., 1992). This biographical reconstruction is interesting because U2 does not attribute absolute value to the choices he made. The issue of rationality is a battleground on which he dramatically acknowledges having suffered severe losses. The crucial stages in the processes of redefining his identity, inside and outside prison, coincided with when he had to develop an aptitude for command (possibly showing some of his father's enterprising spirit) and for the use of violence. These stages are the signs of a career of ascending type, and consistent with a relatively limited criminal record but lengthy periods of detention.

Occasional recidivists

These individuals have a less stable identity and sometimes experience periods of even very severe remorse. They claim to have a prevailing orientation towards legal employment and they produce arguments to justify and explain their reasons for "slipping" into illegality. They may refer to emergencies (the sudden loss of a job, economic contingencies) or to more permanent downturns in their structures of opportunity. This is an ideal type with less clearly defined features because the frequency of these individuals' illegal actions, in the context of the discontinuity of their adaptations, may vary considerably. From the point of view of their delinquent capabilities, they seem to reflect the figure of the unskilled workforce, or *criminale-massa*.⁷ They naturally tend to deny any personal inclination towards recidivism, and to exclude the idea of crime as a strategy for ascending mobility.

U4 is a 50-year-old Italian in prison with a lengthy sentence having 'accumulated' nine bank robberies, all very similar:

⁷ This term was used by Vincenzo Ruggiero (2000) to explain the transformation of illegal job markets due to the incidence of the drug-related economies and the consequent demand for unqualified workers, i.e. with no particular skills.

I would go in like this, with my face not covered. The first times I would pretend to have some weapon in my bum bag, and later I would use a cutter. You have no idea how the other prisoners laugh at me about it! Sometimes I would go in and come up against an employee who would stand up to me, in which case I would simply walk away. I don't think I'd be capable of really acting violently.

Starting from his family of origin, U4 socialized strictly with the working class. He began working as a brick layer in his teens and grew up in the building industry. In the 1990s he joined a firm that was involved in quality control in the wholesale foodstuffs industry (multinationals) and his earnings improved considerably, "at the expense of the time I had for my wife and children". After a decade (2002), the business suddenly developed problems and went bankrupt because the services it offered were very costly and "one after the other, the firms that employed us began to manage their quality control in-house".

U4's marriage ended at the same time. Now used to a middle-class lifestyle, he had to rely on his savings while looking for alternative employment. He went back to the building sites, but found the job market completely destructured, offering only day work, off the record, and ever-lower wages associated with the availability of immigrant laborers. His odd jobs only succeeded in slightly delaying the erosion of his savings, which soon came to an end (in 2006). His first bank robbery ended with an immediate arrest: he was caught nearly red-handed: "When I left the bank, I went to buy myself a bread roll at the supermarket, and they arrested me". U4's first time in prison saw him in a new relational context, "but it didn't take long to adapt, and understand what you needed to do. It's a bit like military service. I basically read a lot, I cooked, ..." His return to freedom coincided with the start of a new relationship and the retrieval of relations with some of his family. But even after moving to another region, his job opportunities remained discontinuous: "It was wrong, I felt ashamed about it with my companion, but I would leave in the morning saying that I had to go to work when really I just went looking for work, and I almost never found it". His other bank robberies (which earned him from €3000 to €8000) were undertaken more or less regularly over subsequent years, alternating with periods of employment in the informal economies: "I worked for, say, three weeks at a building site, then looked for something else until I finished the money, and if I found nothing I would rob a bank".

The issue of alternation, or intermittence (cf. Piquero, 2004), of the central role of elements of contingency emerges clearly, here again, but in rather unusual terms in this case. With a criminal record that included nine bank robberies, U4 might – on paper – qualify as a repeat offender, whereas the course of his life was clearly and firmly anchored to a work ethic that defines his identity. The motives that drove him to crime seem to be dictated partly by economic necessity, but even more by a sense of mortification and the shame of losing his role as an independent breadwinner. Entirely lacking in the cognitive and cultural features associated with the world of criminality, U4 lives the prison life with a sense of discipline, adamantly refusing to be sucked into the normative sphere of the prisoner's code. He only adapts to the rules that he shares, remaining very critical of the aspects of prison life that he considers morally unacceptable.

This particular story is founded on the same elements of fracture and transition characterising more typical criminal careers that are easier to define in terms of a typological abstraction. The problem that remains is how to generalise from such different life experiences. This is really only a relative problem, however, because any attempt to analyse the topic of recidivism in statistical terms can hardly produce any generalisable content, it can only make the interpretation of these criminal careers a sterile exercise or even produce ideological distortions.

These unusual biographies are also founded on a fundamental dimension. They are individual life courses coinciding with the recent historical evolution in the structures of opportunity in the world of employment. They clearly illustrate the important fallout of a person's passage from a stable occupation (an elite working class in the case of U4) to the more precarious world of the informal economy, but they also point - more importantly - to the profound changes that have been underway in these shadow economies, accentuating their experimental nature, and seeming to focus on the "underground" element, defining increasingly violent forms of subordination and exploitation. The next biographical reconstruction reflects these issues in a story of migration and a more typical process of criminalization.

U6, an Algerian who was 24 years old at the time of our interview in prison (2002), is the eleventh and last son of a now elderly but economically solid couple (his father is a retired soldier and taxi driver, his brothers are salespeople, and the family owns a small farm). He left school at 14 years old because he wanted to work with his brothers in their commercial activities. For three years he had the

chance to learn various trades (mechanic, driver, salesman) and to travel around Algeria. His adolescence took a worrying turn, however, when he began to spend his time in the local bars in the company of tourists, 'take pills' and go out with 'the wrong crowd'. U6 left his job and decided, along with some friends, to try the migratory adventure, which he described as a way to escape his family's control. He had the idea of Europe as a 'dream' world based on the stories of migrants who had returned home and all his family's efforts to dissuade him proved useless.

He went to Tunisia with some friends and paid for his journey to Sicily. That he was met by the police, manhandled and given an expulsion warrant which was not enough to deter him. After a few days spent with the 'homeless' at the railway station in Palermo, U6 went in search of some people he knew in two cities in the north. On arrival, he discovered that they all dealt in drugs, and there were no legal job opportunities. U6 refused their offer of illegal work and returned south. For three years, he experienced the exploitation and irregular working rhythms of various jobs in the countryside of Puglia and Campania until he settled down as a baker's assistant in the Caserta area. For years he worked hard for a very low wage and had few recreational opportunities, but the sacrifices he made were not enough to enable him to legalise his presence in Italy, or to save any money. By now in his twenties, miserable and disappointed, U6 returned to the cities of the north-east and made contact again with the countrymen he had abruptly abandoned before. Within months of starting to deal in drugs, he was also a heavy consumer himself, with the obvious negative psychological and physical fallout. The young man has spent nearly four of the last five years between prisons and administrative detention centres for immigrants.

Deviant at home, deviant abroad. A narcotics consumer in Algeria, and a consumer and dealer in Italy. U6 seems to fit the perfect stereotype of the dysfunctional and dangerous illegal immigrant (even his face is marked and scarcely reassuring). But reconstructing the steps in his story as a migrant brings to light a disjointed path between the various job markets in Italy. U6's experience reveals an indomitable desire for redemption, which is always frustrated. The institutional version of his story is that of the repeat offender, given his series of arrests and penal procedures unequivocally related to his exposure to police control while drug dealing, which in turn points to the typology of the marginalised, foreign drug addict and pusher (Sbraccia, 2015), the role that U6 fatally ends up playing. But he reaches this point after a series of biographical transitions marked by such ambivalence as to make his story

incompatible with the assumption of any consistency, or any attempt at essentialization. U6's experience of international mobility, with its implicit disorientation, can hardly be described simply in terms of his escape from parental control (which might only help to explain the young man's deviant behaviour before he left home). In Italy, he showed a stubborn determination to evade the gravitational pull that drove him towards any criminal activity by hanging on to what seemed to him to be the most solid rock: an honest job. But after years of hard work in the underground economies, he learned to give it a different name: exploitation.

Conclusion

Having analysed other trajectories similar to that of U6, we can say without any shadow of a doubt that a core issue lies in the discontinuity of an individual's adaptations, especially when we see how frequently there are mechanisms of alternation between periods of illegal and informal employment. If someone returns to the more tiring and less remunerative conditions of the Italian shadow economy after (even repeated) experiences of the illegal job markets, this may be a consequence of a moral pressure that the individual feels (Matza, 1969), or a tactic to escape the stress of illegality, or an expedient to fall back on when faced with the high risks of criminalisation. Such potential, and sometimes overlapping explanations derive directly from the ways in which criminalised migrants attribute sense to the various steps in the story of their lives.

Spanning this dichotomy (albeit within the variable boundaries of the concept of discontinuity) between the ideal types of the career recidivist and the occasional recidivist, there is concrete and fairly widespread evidence of what we define here as the *artificial recidivist*, meaning a particular product of the way in which the mechanisms of the penal justice system function. The essential characteristics of the artificial recidivist may combine those of the career recidivist with those of the occasional recidivist. The diachronic paradox becomes crucial here because the artificial recidivist's is a type of behaviour that can be traced back to a generic past. It cannot be brought down to the consequential dimension, and it may be unrelated to the time of life in which it emerges (as in the case of some of our biographical accounts). It is therefore a form of recidivism – often associated with questionable legal procedures based on statements obtained from the accused – with potentially devastating material consequences when it erupts in an individual's life, interrupting periods

of treatment or autonomous social integration that may have been underway for years.

When we seriously consider the evolutionary aspects of the criminal question, the biographical reconstructions collected, compared and briefly described here go to show that their characterising discontinuities cannot be recomposed by adopting a linear conception of the repeat offender. The discontinuous nature of the delinquent adaptations underscores instead that the keys for interpreting recidivism should be sought in the relationship between subjective evaluations and structures of opportunity. This relationship is constantly changing, and it would be wise to consider how it is influenced by experiences of criminalisation and detention (successive steps that are sometimes out of phase with the crimes committed). The individual that we, as criminologists, find interesting defines history and is capable of metabolising it, making it part of his\her personal history. From an analytical standpoint, the descriptions of their biographical transitions, of the points of rupture that change the course of their lives, seem particularly useful because they enable us to focus on the shifting features of the link between their structural frames and the motives that drive them to act. Taking such a perspective, there seems to be a marked distinction between a criminal career on paper (as emerges from the criminal records) and a criminal career in practice (which can only be charted in terms of the attribution of sense). The latter is directed more and more specifically by dynamics of mobility, and that is why efforts at typing and constructing models of collective stories (Richardson 1995), are certainly difficult, but sociologically significant.

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