

# XXXIX. INTERNATIONAL POST GRADUATE COURSE ON VICTIMOLOGY, VICTIM ASSISTANCE AND CRIMINAL JUSTICE



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# CRIMINOLOGICAL ANALYSIS OF RECIDIVISM

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# Questions to Be Answered

How has the development of criminology influenced the understanding of recidivism?

What is recidivism, and how can it be measured?

What do we know about recidivism?

How do different countries respond to recidivism through penal policies?

Is it feasible to compare recidivism data internationally? What aspects can be compared?

+ future research direction



# Historical Evolution and Perception of Recidivism in Criminological Theories

- Recidivism has existed as long as crime itself.
- In ancient civilisations, punishment primarily aimed to restore social order and deter future criminal behaviour.
- Hammurabi Code eliminates the possibility of repeated offences, as the harsh penalties leave no opportunity for offenders to reoffend.
- Ancient Egypt, crimes were seen as disruptions to maat (cosmic order)
- Ancient Greece emphasised public retribution → Draco's severe laws
- Roman law → the Twelve Tables (Leges Duodecim Tabularum)
- In all these systems, punishments were often extremely severe, with the death penalty being a common sanction → such measures entirely prevented the possibility of reoffending, thereby 'resolving' the issue of recidivism

Code of Hammurabi



- **In the Middle Ages (also known as the “Dark Ages”)** → Public punishment
- Between the 14th and 15th centuries, punishments began to exhibit a slight shift towards **less severe forms**, however harsh penalties were still employed as a deterrent to recidivism.
- Before the 18th century, recidivism was not studied or understood in the same way it is today → but the concept of repeat offenders existed in various forms throughout history.
- **Age of Enlightenment** → began to prioritise more humane practices
- **Cesare Beccaria** and **Jeremy Bentham** (the fathers of utilitarianism) → individuals exercise free will, act rationally to maximize pleasure and minimize pain, and can be deterred from crime through the threat of certain punishment.
- **Classical school** (Carrara in Italy, Bentham in England, and Feuerbach in Germany) → humans possess free will, making them morally responsible and legally accountable for their actions, which can be influenced by the fear of punishment
- **Positivist School** (Lombroso, Ferri, and Garofalo) → sought to isolate key differences between criminals and non-criminals and uncover the causes of criminal behaviour + rejects free will, believing that people are influenced by their biology and environment





# Recidivism – Concepts, Approaches and Definitions

- Conceptual Question → Why should we conduct recidivism research?
- Recidivism, originating from the Latin term “*recidivus*,” refers to the tendency of individuals to relapse or “fall back” into previous or mode of behaviour, which in the context of crime is criminal behaviour.
- Third International Congress of Criminology, 1995, London → Norval Morris → distinguished between penal, legal, and criminological definitions
- Criminological Approach - seeks to address the occurrence of criminal behaviour in reality, the nature of criminal behaviours, the manner in which they transpire, and the underlying causes driving their manifestation
- Dark figure of crime





# Normative Approach

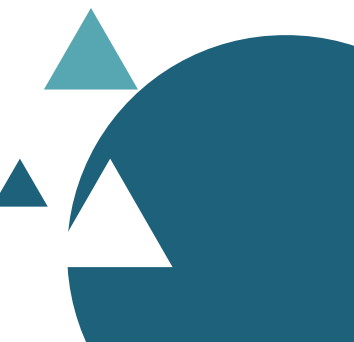
- Deals with punishable behaviours within legal frameworks and procedures, focusing only on the aspect of repeated criminal behaviour that is covered by legal regulation → Limitations?
- Reoffending → the act of committing new criminal offences. = Recidivism?
- Recidivism rates → determined by: 1) the size of the cohort of previous offenders (2) the number of individuals who reoffend, as measured by various indicators such as self-reports of criminal activity, rearrest, reconviction, or reincarceration, and (3) the duration of the follow-up period during which individuals are monitored.
- Rearrest is defined as a second or subsequent arrest.
- Reconviction is a legal event that happens when an individual is declared guilty of a criminal offense, either through a trial or a plea.
- Reincarceration involves the re-entry of an individual into custody, typically in a prison or jail, but it may also extend to halfway houses or community correctional facilities.
- Key recidivism indicators → often influenced by institutional practices, legal frameworks, and policy objectives.







- Penological Approach → refines the concept of recidivism by defining it as the reincarceration of an offender who, after serving a prison sentence for a previous crime, returns to a correctional facility due to committing a new offense.
- Single and multiple recidivism
- Specific (or special) and general recidivism
- Definition: Recidivism may be understood as the repetition of criminal behaviour, regardless of whether it has been formally recorded by state authorities or whether legal rehabilitation has occurred. What remains crucial is that the acts are connected either temporally or substantively, which distinguishes recidivism from unrelated or sporadic offences.





# State of Art in Recidivism Research

## Domestic Recidivism Research and Literature Review

- Published peer-reviewed scientific papers from the Croatian scientific bibliography (CROSBI) and the Hrčak platform (portal of Croatian scientific and professional journals)
- Research identifies a certain lack of relevant and up-to-date Croatian publications on recidivism.
- The majority of Croatian recidivism publications focuses on the causes of recidivism, recidivism trends, differences among various groups of recidivists, as well as the prediction and prevention of future criminal behaviour.
- The main disciplinary approach is penological, whereby most publications present findings from original empirical research conducted on samples of incarcerated persons.
- None of the reviewed publications that are based on own original empirical research conducted amongst prisoners problematises any of the numerous ethical aspects of research involving prisoners.



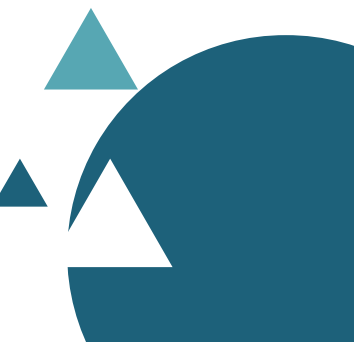




# State of Art in Recidivism Research

## International Recidivism Research

- Attempts to compare data on recidivism rates usually end with the conclusion that international comparisons are still not valid enough.
- Past criminal history is the most important predictor of recidivism. The highest recidivism rates are found among the offenders with the longest criminal history.
- Rates are higher for men than for women. This is mostly explained by differences in criminal history, with men being convicted for violent offence much more often than women.
- Younger persons tend to have higher recidivism rates than older persons.
- Recidivism rates are highest during the first year after release.
- There is no simple relationship between the seriousness of the offence and reconviction, as well as between the first conviction and the subsequent offences and between the type of sentence and the recidivism rate.
- Valid empirical evidence that harsher prison sentences can lead to a reduction in recidivism is still lacking.
- Interventions focused on treatment demonstrate greater efficacy in mitigating recidivism compared to punitive measures alone.





# Current Penal Policy Responses to Recidivism

## Non-differential Response

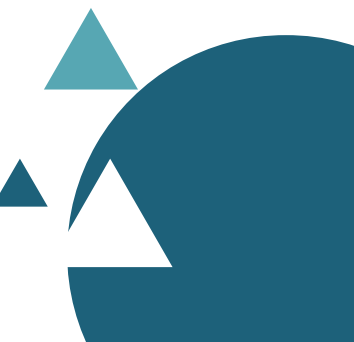
- favouring the "ignoring" or overlooking of an offender's recidivist status, citing principles of legality and the rehabilitative concept

## Harsher Response

- policies advocating harsher penalties for recidivists, such as the "Three Strikes and You're Out" approach, grounded in deterrence and penal populism
- "three-strikes" policy is commonly accepted as a mandatory life sentence without the possibility of parole for individuals convicted of a third specified violent or serious felony, ensuring that such offenders remain permanently incarcerated → John Carlson
- simple solution to a pressing problem
- in the United Kingdom, the call for "honesty" in sentencing with slogans like "no more half-time sentences for full-time crimes"
- impacts can be grouped into three main categories: population increases, fiscal burdens, and constitutional concerns.

## Lenient Response

- An example of a more lenient approach to recidivism can be found in the concept of continued crime and single consolidated punishment







# Is international recidivism data comparison feasible?

- In the literature, attempts to compare recidivism rates across countries lead to the conclusion that such comparisons may not yet be valid enough due to varying data selection processes and legal frameworks.
- What can we compare? → comparisons at the normative or legislative level
- Normative comparisons help clarify how different jurisdictions define and classify recidivism; by comparing the normative frameworks of different jurisdictions, countries can identify gaps or weaknesses in their own legal systems that contribute to higher recidivism rates.
- Central European countries; Hungary, Croatia, Romania, Slovakia, Poland, and North Macedonia



### Hungary:

Repeat offenders are individuals who commit a crime more than three years after completing a previous sentence, regardless of intent.

Habitual offenders repeatedly engage in similar types of crimes.

Recidivists are those who reoffend within three years of completing a sentence for a willful crime.

Multiple repeated offenders commit multiple offenses within this three-year period.

Violent multiple repeat offenders are those who, within this timeframe, commit several violent crimes against individuals.

### Croatia:

No direct legal definition of recidivists; The State Bureau of Statistics - adult offenders who have been previously convicted of criminal offenses.

### Poland:

Recidivists are referred as habitual offenders - adults who have been sentenced to deprivation of liberty or similar penalties for intentional crimes and individuals who have previously been punished for intentional crimes or misdemeanors, or who are under military arrest for such offenses.

### Romania:

Recidivism is defined as the commission of a new intentional crime after a person has already been definitively sentenced to more than one year of imprisonment or to life imprisonment and this occurs before rehabilitation or the expiration of the rehabilitation term.

### Slovak Republic:

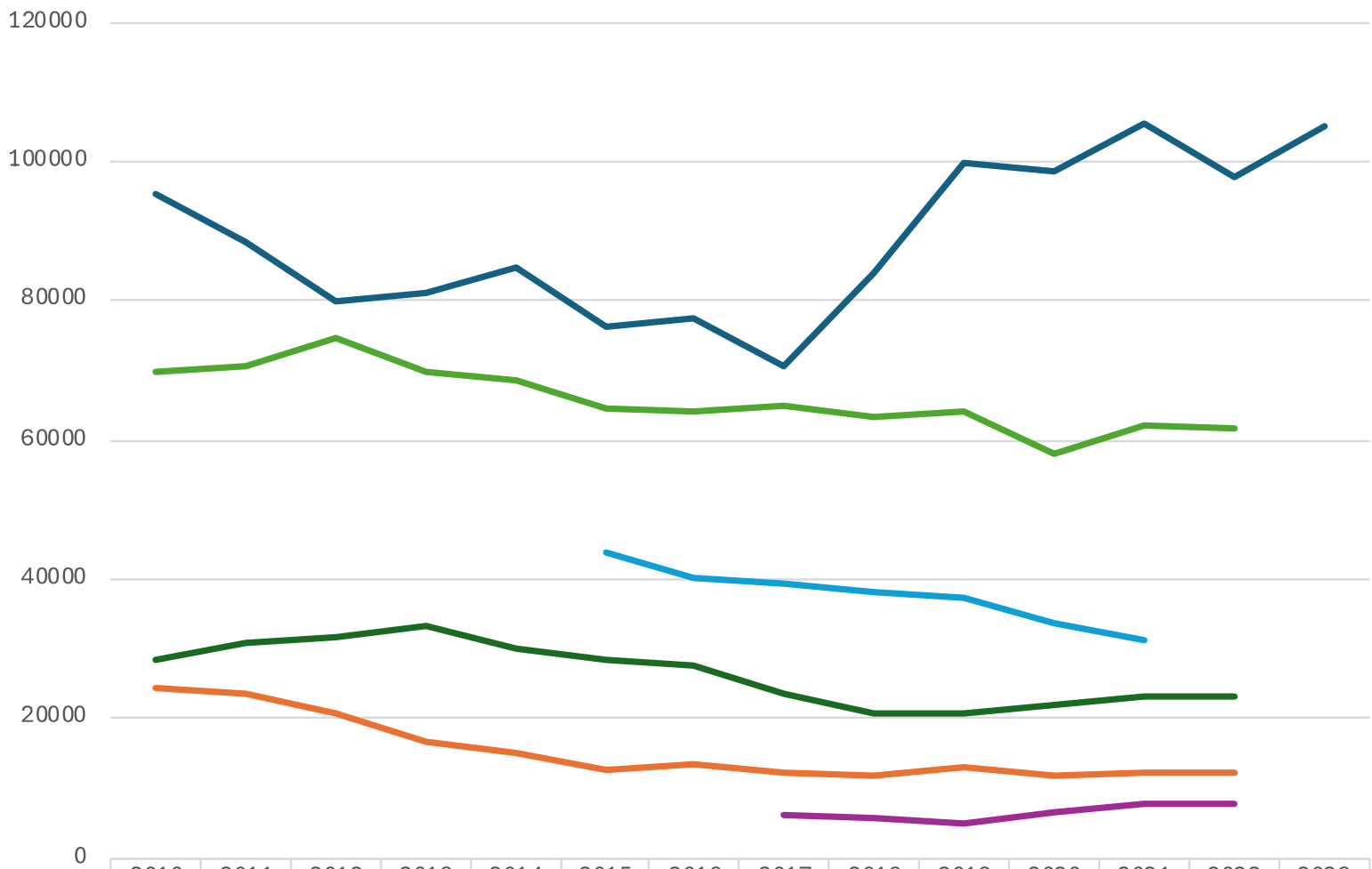
Habitual offenders are defined as individuals who have repeatedly committed the same criminal offense.

### North Macedonia:

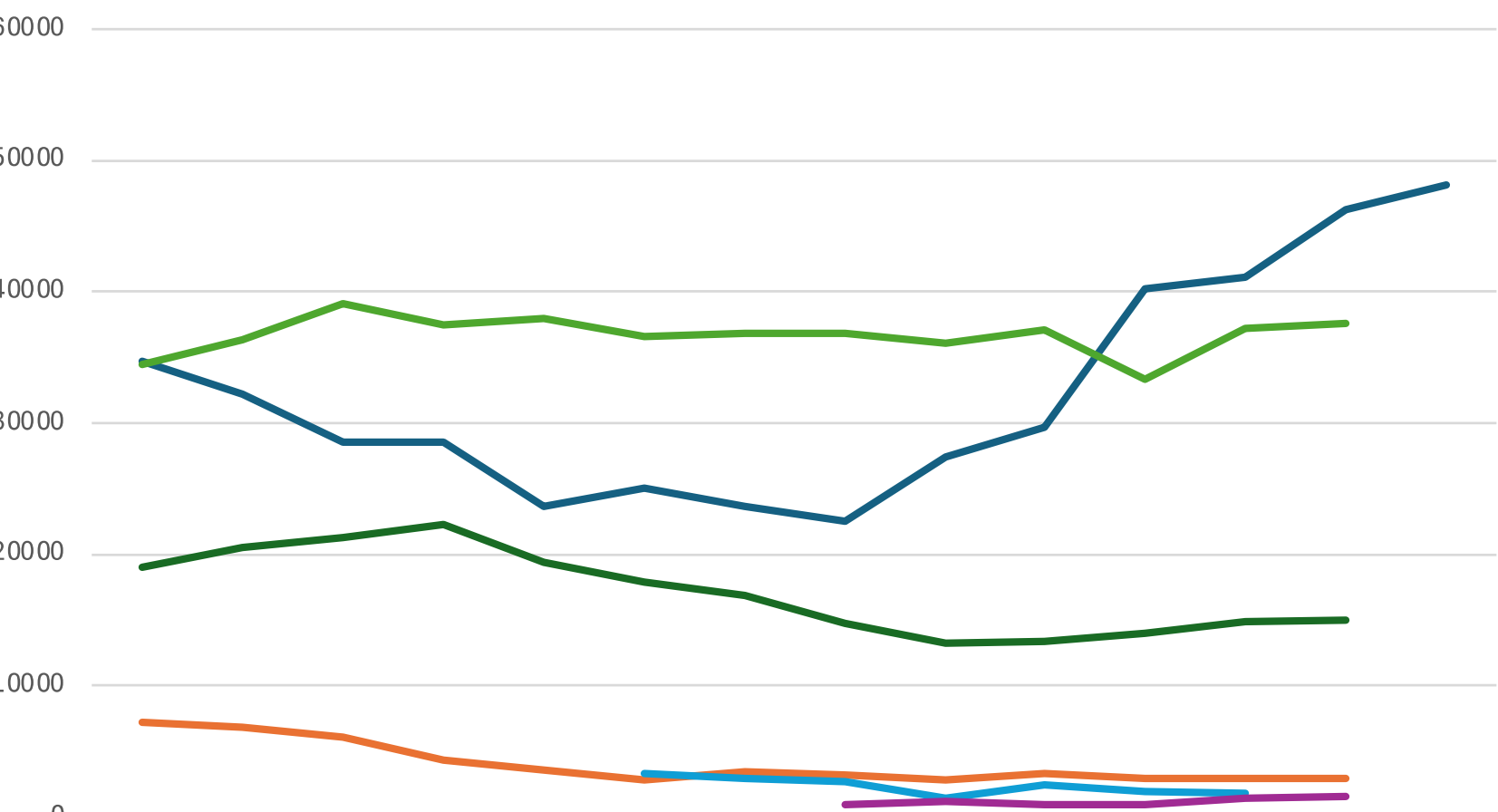
Recidivism is applied to adults who have been previously convicted and for whom penal measures have been imposed.



Total Number of Adult Convicted Offenders in Cental European Countries  
(2010-2023)



Total Number of Previously Convicted Offenders in Cental European  
Countries (2010-2023)

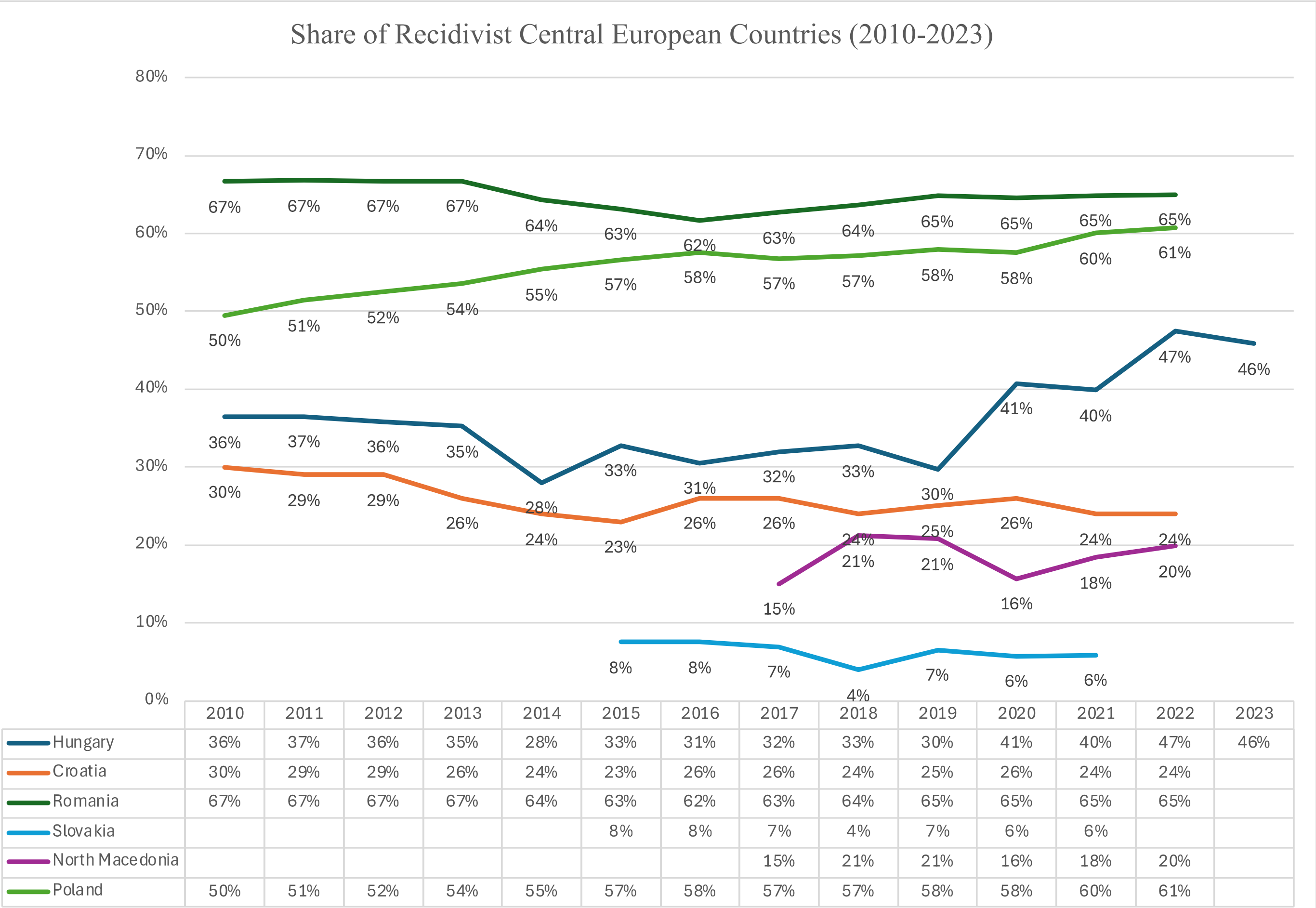


Data collected from: Croatian Bureau of Statistics - Republic of Croatia, no date; Hungarian Central Statistical Office, no date; Republic of North Macedonia State Statistical Office, no date; Statistical Office of the SR, no date; Statistics Poland, no date; Ministerul Justiției, 2023.



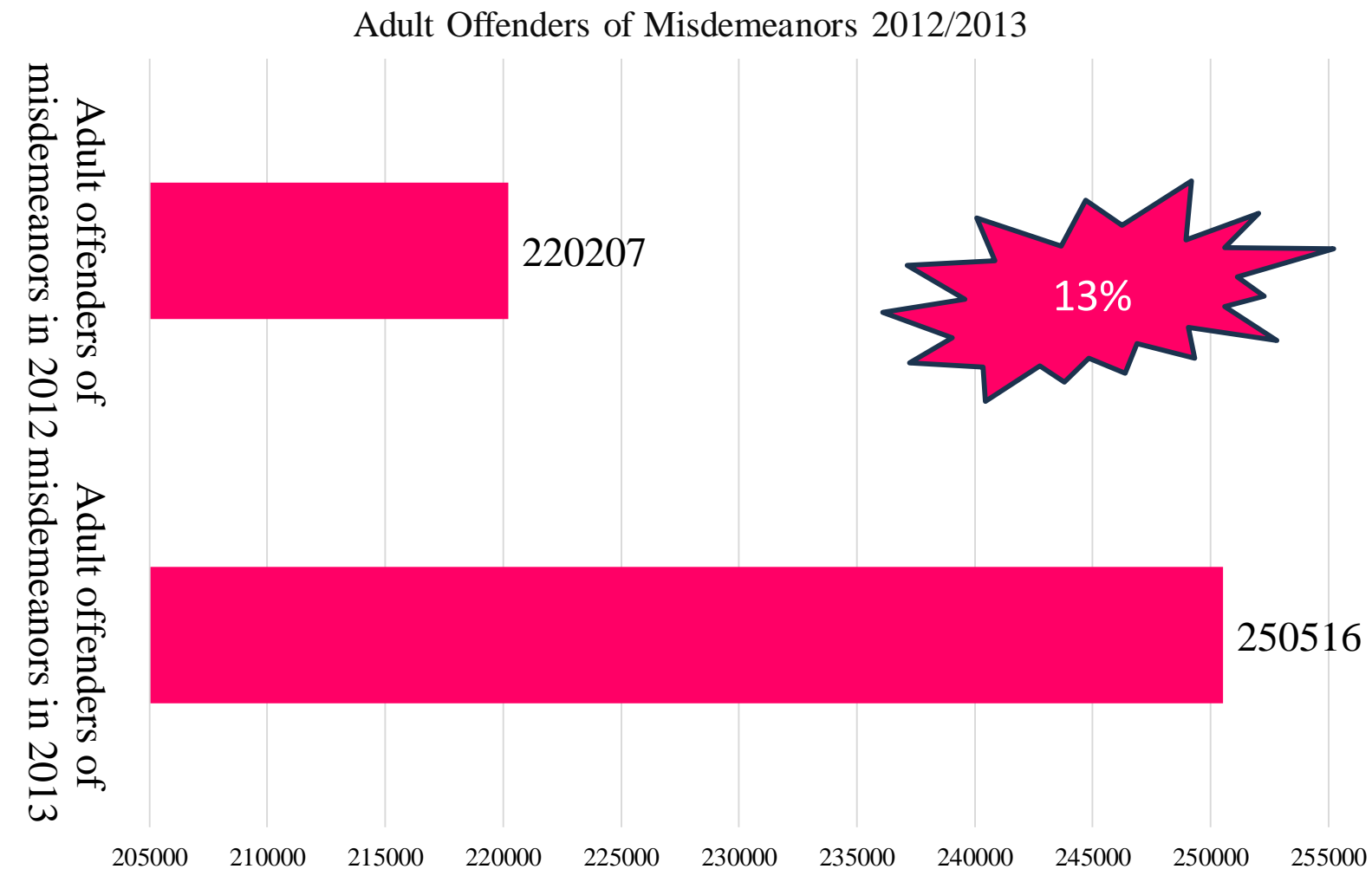
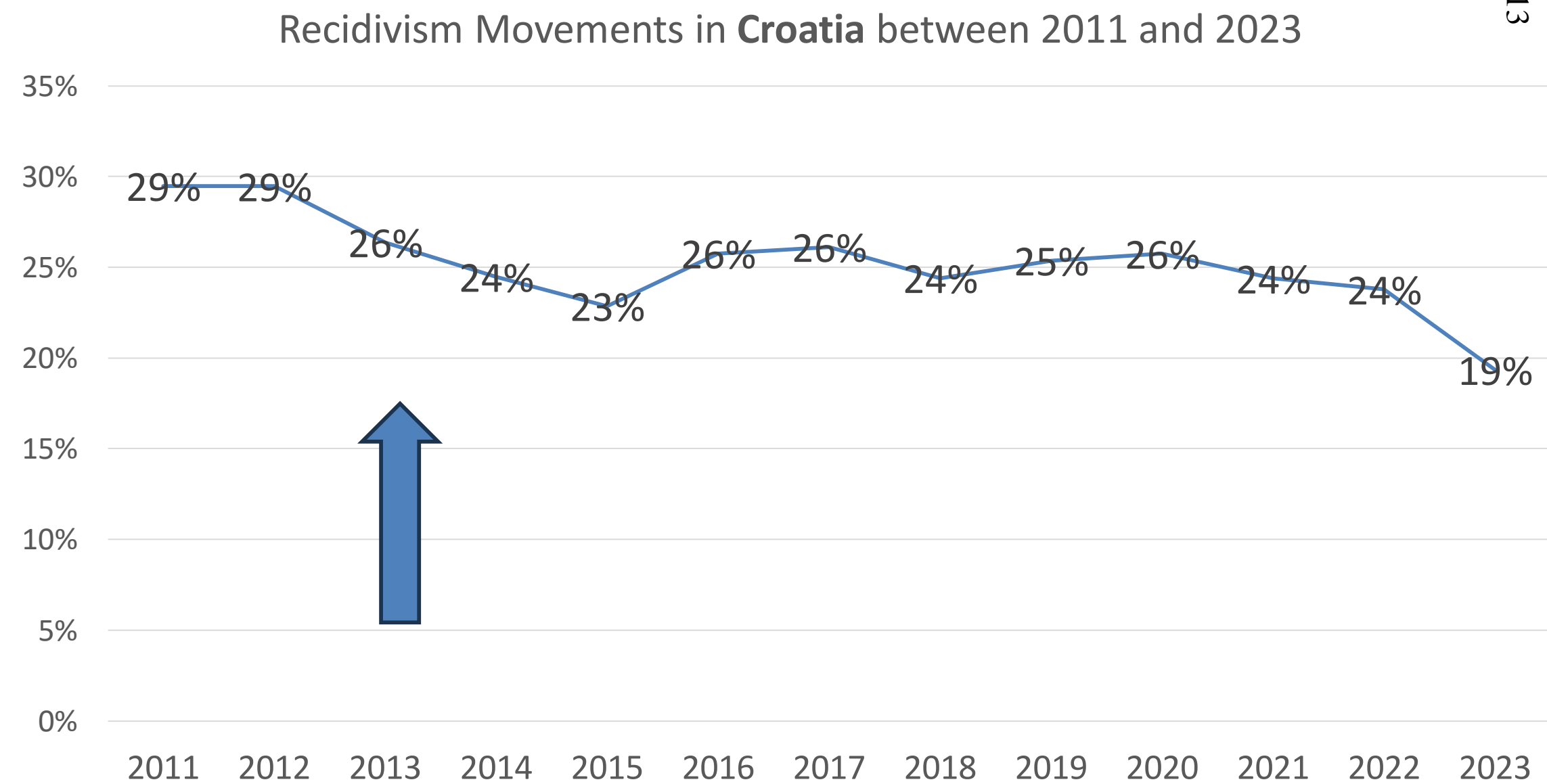
THE SHARE OF  
RECIDIVISTS CANNOT  
BE COMPARED  
BETWEEN  
COUNTRIES!

The purpose of this  
comparison is to see  
how the normative  
definition of  
recidivism affects  
data collection.



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# Future Direction

- Aim: The purpose of research is to explore the underlying factors contributing to recidivism in Croatia, with a focus on understanding the barriers to resocialisation faced by offenders. A key aspect of the study is the inclusion of prisoners' experiences, providing insight into recidivism from the perspective of those directly affected.
- Research Question: *How can the convict criminology perspective contribute to a better understanding of recidivism and its prevention?*
- Hypotheses: *Prisoners' lived experiences will provide key insights into the factors contributing to recidivism and the barriers to successful resocialisation in Croatia.*





# Convict Criminology

- Represents a controversial perspective which challenges conventional views typically held by scholars, policy formulators, and political figures, many of whom often lack direct experience with the penal system and those within it.
- Underscores the importance of integrating the experiences and insights of convicts.
- Lived experience refers to the personal knowledge and insights gained through first-hand involvement in particular life circumstances or events.
- Questionnaire → general information, recidivism and criminal activity, satisfaction with prison conditions and suggestions for improvement, exposure to violence while incarcerated, the factors that contribute to reoffending, what kind of support—both during imprisonment and after release—prisoners believe would help prevent future criminal behaviour.
- Semi structured interview with ex-prisoners





**THANK YOU  
for your  
attention!**

