Soldier, Sailor, Beggarman, Thief: Crime and the British Armed Services since 1914

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Clive Emsley’s project seeks to frame the intersection of crime and military service in multiple ways and contexts. These include the relationship between wartime service and offending; the comparison of military and civilian crime rates in both war and peacetime; and the changing perceptions of soldiers held by Britons in the 20th century. In so doing, Emsley also very consciously acknowledges and describes the archival and material obstacles to this sort of research. It seems likely that the limitations of the sources have determined the shape of this book, and have lead at times to an overemphasis on the anecdotal rather than the statistical.

In the first three chapters Emsley delineates both the substantial differences of purpose and structure between military and civil law, and also the ways in which the two have also converged over the past century, with the former moving closer to the latter. For example, armies require discipline and order to function, and thus create laws to enforce these that would have no place in civil society. Some offenses, like theft or manslaughter, had civil equivalents. Others, such as desertion, cowardice or even dress regulations, did not. Moreover, military courts, Emsley stresses, are not concerned with equity or ‘justice’ so much as they are with obedience to the law. Unchanged throughout the 20th century was the continued complaint by soldiers that military discipline was far too often focused on ‘spit and polish’ expectations and far less frequently concerned with proportionality or the real demands upon soldiers in wartime.

The use of conscription, and the resulting ‘citizen armies’ or ‘citizen-soldiers’ the two World Wars produced, did nevertheless have some impact on changes in the military law and process by the middle of the 20th century. There were other reasons for this evolution as well, as Emsley rightly notes, for the military was hardly cut off from larger social and cultural developments. The general trend away from capital and corporal punishment, and an increasing emphasis on incarceration and rehabilitation had roots going back to the late 19th century. The growing appreciation of ‘shell shock’ and of the general psychological devastation caused by war did affect sentencing for cowardice and desertion, and it was likely the presence of, and lobbying by, many informed and active civilians in uniform that effected changes in the quality of representation provided to military defendants and in the voting procedures used by court-martial panels.
A larger issue raised in this work is the relationship between war and crime, that is, the impact of war and mass enlistment on crime within the armed forces, as well as the effect of war on civilian offending, both during and after a conflict. As Emsley points out, there has not been a great deal of research in this area, despite rising historical interest in both crime and in the social and cultural impact of war. Instead, contemporary and impressionistic ideas about the impact of war on crime, and vice-versa, remain unchallenged at least in the popular imagination. Ideas that war created criminals through the process of brutalization and dehumanization may have some validity, but this is hardly a universal explanation. On the other hand, the notion that all offenses committed within the military are the work of criminal elements that were conscripted into the forces ignores the opportunities wartime provides for all sorts of illicit activity. Emsley’s conclusions about crime and war are slightly discursive, making their way into several chapters, but his overall argument coheres. At its core, his case is that definite and substantial conclusions are hard to sustain. Crime seemed to decrease during the First World War in England and Wales, but property crimes rose in Scotland. Crime increased in all three during the Second World War, hardly proving the prevailing idea that war had ‘displaced’ crime into the military by virtue of conscription. As for crime in the military, the statistics themselves problematic, as discussed below – offer some interesting comparisons; convictions in the other ranks for drunkenness decreased astronomically between the two wars, whereas convictions for theft almost exactly doubled. The majority of courts martial in both wars concerned breaches of military law, not offenses similar to those found in civilian law. This makes it very hard to construct any sort of argument about comparative criminality inside and outside of the services, or even to talk about the introduction of a criminal element into the military in wartime, unless one can uncover tales of East End youth enthusiastically failing to return salutes in the pre-war years.

Various statistical accounts of both civil and military offenses in wartime do suggest some fruitful areas for further inquiry. In both wars, the numbers of courts martial increased as the conflicts entered their final years. This seems suggestive, but Emsley concedes that there may be multiple explanations here, from rising restiveness in the ranks to a desire to avoid further combat or to the existence of ever longer supply lines which offered more opportunities for pilfering. As historians of crime know, and as is acknowledged here, any statistical accounting of crime raises more questions than it answers. There are no ways to account for unreported or subjectively reported crimes, whether civilian or military, something that hampers an understanding of crimes like rape and sexual assault especially. The practice of informal or ‘barrack room’ discipline also makes any statistical claims problematic. In the end Emsley must conclude that what the statistics ‘do not provide is any clear indication of how far war and, particularly, the recruitment of large numbers of the most crimogenic section of the population influenced the overall patterns of criminal offending’ (pp. 82–3). War may provide new opportunities for criminal behavior, but the need for discipline creates new categories of crime as well, and the impact of war on levels of offending among civilians is ultimately far too difficult to measure.

Having thus established that the relationship between war and crime is hardly clear-cut, Emsley turns to more concrete ground, assessing and identifying some of the ways in which soldiers offended, and the contexts in which they did so. This includes the acts of soldiers while on active service, in the field or temporarily or permanently returned to civilian life. Emsley focuses on crimes against property and against persons, in respective chapters, and follows this with informed discussions of domestic violence committed by soldiers, the use of various defenses like shell-shock in court proceedings, and an overview of offending and the transition between the National Service forces and the professional, volunteer military that exists today. Although heavily and necessarily anecdotal, these accounts do provide some real insight into the complex relationship between war, soldiers and crime.

For many soldiers, especially those working in supply and logistical operations, the temptation to what the War Office once termed ‘fraudulent misapplication’ of goods proved too much to overcome. For some, like Joseph Heller’s Milo Minderbender in Catch-22, simple theft became black marketeering. As Emsley notes, liberated Italy was a particular hotbed for such activity, with some soldiers even linking up with local Mafiosi. There were nevertheless degrees of theft in wartime; not all soldiers who stole were ‘criminal-military
entrepreneur(s)’ (p. 95). Small groups, like military dockers, many of whom came from similar civilian occupations, continued long-standing practices of helping themselves to certain cargoes. In other cases, soldiers in the front lines took household goods, sometimes from still-inhabited houses, to provide some luxury in their billets. One rule remained steadfast: there was no approval for the theft of another man’s personal property. His extra kit on the other hand was fair game.

Crimes against persons were another part of service life, though again Emsley is careful to delineate among them. Soldiers fought within their units, against regimental rivals and, especially during the Second World War, against their better-paid allies from the United States and the Dominions. Mutiny was another sort of violence, but one that might stem at times from legitimate grievances held by citizen soldiers. Emsley sees a sort of ‘moral economy’ (p. 112) at work in these refusals, especially where they concerned transport, as in conditions on board troopships or delays in repatriation at war’s end. On the other hand, British soldiers also raped and sexually assaulted women, though likely to a far lesser degree than their counterparts in the Soviet Army. Ascertaining the extent of this violence, though, is very difficult, as there was no separate category for such offenses within court-martial proceedings, and the designation of ‘indecency’ was used for instances of homosexual activity in the services.

At the conclusion of both world wars there arose concerns about the return of the ‘brutalized, violent veteran’ and the potential for a marked increase in crime. Emsley labels such a vision a ‘fantasy based on assumptions about military training and the battlefield’ (p. 169). Violent crime did in fact increase in Britain in the immediate post-war years, possibly due to the return of veterans to the civilian population, but there has not been established any correlation between service and violence. As Emsley argues, the public impression of such a connection may have something to do with a series of notorious episodes of domestic violence and killing that did capture the public imagination. Men who returned home to find unfaithful spouses sometimes assaulted, and on rare occasions even killed their wives and/or their new paramours. However, following ‘the unwritten law,’ courts and juries did at times acquit or at least reduce the charges against soldiers charged with murder or manslaughter. This was not universal though, and men with previous histories of domestic violence or spousal abuse were not likely to find such forgiving treatment. Sensational treatment of these incidents and trials in the popular press did go a long way to reinforcing the notion that returning veterans were a potentially violent bunch.

In the years following 1945 the British services underwent a fundamental transformation, moving from the conscription-based National Service model to an all-volunteer force after 1960. In Emsley’s estimation another transition accompanied this change. It was not in the levels of crime committed within the military or by veterans, which tended to align with the rates for the populations from which many of the post-1960 service members came, but in the public perception of soldiers and veterans. There is now a much more ‘sympathetic’ public understanding of the ‘fear and horror to which people are exposed in combat’ (p. 199). This is not the same as the unwritten ‘law’, which at times seemed to condone violence by a specific person in a specific context, but it is also a far cry from the enormously negative perceptions of soldiers held a century ago.

In his conclusion, Emsley reiterates that although soldiers may seem to inhabit a different world, they do in fact reflect the societies from which they come. Civilians commit crimes, and so do soldiers and ex-soldiers. What Emsley has done in this work is provide a very useful reminder to historians that military history is always also going to be social history, and that where crime in particular is concerned historians must always tread carefully and in full knowledge of the limitations of their sources.

Inevitably a book with such a wide sweep raises questions, and that is true here in regard to some interrelated issues, notably the sources employed and the scope of the work’s coverage. Regarding sources, it is telling that the author must several times remind readers of the fragmentary and disorganized state of evidence, not just about crime in general, but about crime in the military specifically. As Emsley notes near the end, on the question of whether those inclined to crime before serving were in fact responsible for more offending in the ranks, ‘the evidence for such proof may well no longer exist’ (p. 200). This is not the
author’s problem alone. Trying to reconstruct and assess criminal behavior in the British military is a very difficult task, not least due to the nature of the records. Records of courts-martial in the National Archives exist, but the overall recording of procedures, in hand-written ledgers, is organized by theatre and by date on which records were received, not when courts-martial convened nor when alleged offenses were committed, meaning historians (including this reviewer) must transcribe and build their own databases to look for trends and themes. Moreover, it would have been impossible for the archives to hold and organize the proceedings of each and every court martial even for just one of the world wars. This means of course that significant biographical and contextual information about the many names listed as defendants is difficult at best to assemble. Working from those proceedings that were archived, and from memoirs and other anecdotal material, Emsley is able to construct his work, but limitations inevitably remain.

More within the author’s control is the scope of his research. In attempting to cover so much chronologically, Emsley has had to omit or only briefly consider some aspects of the British war experience that might have enriched the work overall. The most notable omission concerns British troops serving in Asia in the 1940s. India and Southeast Asia Commands were considered the worst possible locations for service, and were of great concern to those like General Ronald Adam who were in charge of bolstering military morale on the ground. This theater also contained a diversity of British and colonial forces, including Asians and Africans, as well as a large contingent of the inevitably well-supplied and well-paid Americans. This was a citizen army, but in a colonial environment, one where questions of racial and imperial prestige remained vital to both colonial and military officials. It was also one where at times Indian and Sri Lankan soldiers were tried in British courts-martial, and in some cases faced much harsher sentences than did British troops convicted of similar offenses. This is not to discount Emsley’s work, but instead to suggest where future research, inspired by this author’s graceful handling of such a compelling historical phenomenon, would be very welcome.

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