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BOOK REVIEW

Colin R Moore¹

Clive Emsley, *Soldier, Sailor, Beggarman, Thief: Crime and the British Armed Services since 1914*, Oxford: OUP, 2013. 240pp. £65.00 hardback. ISBN 978 0 19 965371 3.

'We normal law-biding citizens of the kingdom are as soldiers have always been. When an army sweats blood and guts to win a town [. . .] it presumes that that town is their prize – quite forgivable really'

Trooper W. Hewison (1944)

Emsley, *Soldier, Sailor, Beggarman, Thief*, p.4.

As Clive Emsley identifies here, writing about crimes committed by soldiers primarily during wartime is problematic, since focussing on such behaviour could be perceived as tarnishing the memory and courage of both war heroes and ordinary soldiers. This problem for writers is further magnified in those countries on the winning side in a war, or where the military is held in high regard with, as Emsley notes, highly-regarded American criminologist Robert Lilly for one being derided online as 'a fucking sociologist', for daring to publish an academic account of rapes committed by American soldiers during World War II. Richard Holmes, in his monograph *Soldiers* (2011), explained that, 'there are those who prefer their pictures to have blemishes air-brushed'. Emsley's justification for covering this topic mirrors that of Australian historian Peter Stanley, namely that armed forces reflect both the good and bad of the society from which they are constituted, with failure to admit this leading to a corresponding failure to appreciate the make-up of the armed forces, including the internal pressures or temptations which they face. Given the level of reluctance and resistance to the consideration of these issues, it is perhaps unsurprising that there is a paucity of British monographs focussing on crimes committed by soldiers in wartime, with most studies of crime in wartime instead focussing on the home front. Consequently, there is a need for studies in this area, which this monograph has strong potential to at least go some way to fulfilling.

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It is tempting to blame criminal offending in the Army, Navy or Air Force on criminals who have been recruited into the forces. However, a key feature of the book is Emsley's main argument that, despite evidence of Home Office assumptions to the contrary, criminal offending was not simply displaced from the civilian to military sphere by mass recruitment. Emsley observes that while some crime might have been displaced, other offences may have either been prevented by the strict supervision of Army barracks, or conversely other offences occurred only because of boredom and inactivity that sometimes surrounded barrack life, or were fostered by the community and opportunities of service life. Indeed offences such as desertion were entirely specific to the armed forces, although the text itself focuses primarily on offences that could be committed both by civilians and military personnel. Emsley also makes a secondary argument that, as a result of the mobilisation of a large number of civilians into the armed forces, military jurisprudence and its system of punishment was significantly influenced by its civilian counterpart in terms of procedure, as well as by the perceptions of crime and justice held by those individuals recruited into the forces for the duration of the war.

The monograph is divided into three parts. The first part concerns the military criminal justice system in the first half of the twentieth century, featuring comparative analysis of various aspects of the civilian and military criminal justice systems in the UK. Central to this analysis is of course the fundamental procedural differences between the two systems, with the civilian justice system in England and Wales based upon the summary jurisdiction of the magistrates court for less serious offences, or before juries in courts of Quarter Sessions or Assizes for more serious offences. In London the main civilian court of summary jurisdiction was the police court, while more serious offences were heard at the Old Bailey. The military system was different: less serious offences were heard informally by the relevant commanding officer during 'orderly room' disciplinary proceedings, while formal courts martial dealt with more serious offences, with a panel of officers sitting as both judge and jury. A key issue examined in the text is the unfamiliarity of many officers in conducting these procedures, particularly in wartime, although such problems were tempered to some extent by the appointment of judge advocates (or courts martial officers during World War I) to provide assistance on matter of law and procedure. The text identifies concerns about the fairness of courts martial across all military ranks, but Emsley does argue that in the most serious cases, there was very little difference between the conduct of cases before courts martial and civilian courts, due

to the presence of legally qualified individuals, usually in uniform, acting for both the prosecution and the defence. Other issues examined in the text include the differing use of punishments, including execution, as well as questions of jurisdiction between the civilian and military justice systems. The role of the Royal Military Police (RMP), including the Special Investigation Branch (SIB), is also considered alongside the often negative reaction of the ordinary rank and file soldier to such manifestations of authority, as evidenced by the 'monkey' nickname often applied to members of the RMP.

The second part of the book begins by examining the pattern of criminal offending by service personnel primarily during the two world wars, using crime statistics from both the Home Office and the armed forces themselves. However, the problem is that, as Emsley acknowledges, whilst significant official statistics exist for domestic offences, there is no official record of crimes reported to the RMP or SIB, let alone offences dealt with in the orderly room and any evidence that does remain is fragmentary. Therefore, Emsley observes that the statistics available do not show the precise effect of mass recruitment into the armed forces on overall patterns of crime offending, although the evidence presented does seem to support Emsley's notion that crimes committed by armed forces personnel were not necessarily displaced from the civilian sphere. After the examination of these statistics, the focus of the text switches to more specific offences as well as to a number of related issues, in order to provide a more detailed picture of illegal behaviour. A chapter on property crime examines petty thefts, the black-market, frauds, as well as various other miscellaneous offences, while a chapter on crimes against the person examines alcohol-fuelled fighting amongst troops, reprisals and rebellions, lethal violence, sexual violence and gross indecency in the form of homosexual activity. A subsequent chapter looks at domestic violence by servicemen, including manslaughter of wives under 'great provocation', servicemen attacks on lovers of unfaithful wives, and bigamy. A chapter is also devoted to the shell-shock defence, including its emergence and diagnosis during World War I and cultural replacement with other diagnosis, such as 'battle neurosis' during World War II. A short section is also included on the lesser-known Barbed-wire disease, suffered by prisoners of war due to the effects of their incarceration.

The third part of the monograph examines patterns of offending in the armed forces after World War II, including issues prevalent during the Falklands, Northern Ireland

and the Gulf war, together with changes in the structure of the military criminal justice system as it continued to undergo a process of civilianisation after the abolition of conscription. The text suggests that significant change occurred in the 1950s when an appeals court for courts martial cases was established, alongside other procedural improvements, such as the increased legal scrutiny of command officers conducting proceedings, although a number of problems still remained. There is also specific focus on war crimes, other changes in the military justice system, post-traumatic stress disorder and offending on the return to civilian life. Ultimately Emsley, by way of general conclusion at the end of the third part, suggests that service personnel are still reflective of the society of which they are a member and so with crime being an element of any society it is unlikely that military service will change individuals in such a manner that they no longer reflect that society. This position does appear to have been sustained through periods of armed forces conscription, as well as in the subsequent all-volunteer force, albeit in the latter case one consisting of primarily male volunteers from working-class backgrounds.

As Emsley himself mentions in the text, this monograph represents a significant departure from his previous research over 40 years on the history of crime and policing, but clearly this new direction is a welcome one. This study represents a useful and valuable contribution to the field of military criminal justice, even if it is unable to conclusively identify precise patterns of crime committed by servicemen during wartime, or confirm the exact level of crime which were simply transferred from the civilian to military spheres. From Emsley's observations here, as well as from the reviewer's own research experiences, it is clear that evidence and sources on crime in the military are fragmentary and largely uncatalogued, compared to their civilian counterparts, despite the current valiant efforts of Colonel Jeremy Green, Richard Callaghan and Matthew Wood at the Royal Military Police Museum. Nevertheless, Emsley does an excellent job of telling the personal stories of a range of servicemen here, mostly but not exclusively anti-heroes, but all worthy of our attention even if the available military crime statistics are not as conclusive in terms of the overall picture as one would wish.