

Reflections on the uses of history for criminology and war

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As the Iraq war drew to a close in 2013, public attention turned away from the Middle East and sharpened its focus upon British and US soldiers returning from the conflict. Stories of the violent veteran dominated the UK press and acted as a release valve for expressing latent fears that the returning soldier, brutalised by war and acclimatised to violence, would commit violent crime upon his return to civilian life. Post-war anxieties permeated public narratives as the brutalised veteran threatened to rupture the social fabric of 'orderly' British society. Returning soldiers were 'more likely to commit violent crimes at home' (Independent, 15 March 2013), with, 'One in eight soldiers [committing] violence on return' (BBC News, 24 July 2012) and 'Young British troops [were] three times as likely to commit violent crime after returning from home' (Daily Mail, 24 July 2012). As an early twentieth century comparator to the debates surrounding soldiers returning from Iraq in 2012, Clive Emsley (2008) noted an increase in the use of the 'unwritten law' within the interwar courts – the traditional right of men to chastise a disrespectful wife—and shell shock were employed as mitigating factors in domestic violence cases. Domestic violence had hitherto been seen as an exclusively working-class practice, and, much like modern day narratives, these ideas functioned to explain domestic violence amongst the middle classes, as well as reinforce established gender roles.

Fears over the violent veteran are, then, not a new phenomenon. Anxieties of the returning soldier were established in the eighteenth century, resurfacing during the Napoleonic and Crimean wars of the Victorian period, before re-emerging in the aftermath of the two World Wars, and most recently, the Iraq war (Emsley, 2002). The British soldier has undergone multiple transformations in public discourse over the past two centuries: Imperial adventurer, drunken vagrant, shell shock victim,

conscientious objector and the People's hero (Alker and Godfrey, 2017). But it is the figure of the hardened veteran that has generated the most concern.

Histories of crime and war are, at present, few and far between. Modern-day ethical constraints and data protection laws means that historians can access a broad range of data not available to researchers of contemporary crime resulting in an obvious shift in the ways in which historians and criminologists approach the topic. Broadly, historians have approached the relationships between war and crime in two ways: firstly to examine recorded crime rates within war/ peace transitions and secondly the ways in which enlistment was used as an alternative court disposal route during times of conflict. These studies, dominated by the eighteenth century, found that there was an evident reduction in indictments at the onset of war before rising again during peacetime with historians contending that increases were the result of economic hardship experienced as a result of saturated labour markets, rising food prices, and the loss of the male breadwinner wage (Hay, 1982; Beattie, 1986; Palk, 2006).

When England went to war, men needed to be recruited quickly, and prosecution rates for working-class young men - prime cannon fodder for the British state - were enlisted in to the army or navy rather than being imprisoned (King, 2002). "The British state could not fight wars without soldiers, and, at times, there were problems in filling the army barracks and the Royal Navy with enough men to keep up the war effort" (Alker and Godfrey, 2017: 77). King's exhaustive study of Hanoverian Middlesex discovered that enlistment was commonly offered to offenders of indictable offences- a "clearly better option than facing a public trial for an offence that frequently led convicts to the gallows" (King, 2001: 112) and a "cheap alternative to starting a prosecution" (Hay, 1982: 141-142). But enlistment into the army or navy was not limited to serious offenders; magistrates' extensive discretionary powers ensured that impressment was used for a range of petty offences including theft (Munsche, 1981), a pattern which appeared to continue in to twentieth century (Alker and Godfrey, 2017).

But while these studies have contributed significantly to the study of crime and war and expose the symbiotic relationship between the state, media, and criminal justice system during war/ peacetime transitions, there is much scope for further work.

Existing accounts deal with the relationship between law, the state, and war from the 'top down', obscuring the veteran- to an extent- behind policy, procedure and statistics.

Life course histories of crime, however, offer a potential route for placing the veteran out from the margins of crime history. Life course criminology has emerged as a valid area of investigation in to criminal lives. Life course approaches allow historians and criminologists to explore how their individual life courses were linked to structural changes including wages, welfare provision, and penal policy alongside informal shifts such as the onset of employment, marriage and family formation. As Godfrey et al argue (2017: 123), "Placing individual lives within their social, political, economic and cultural contexts enables the examination of criminal lives and a deeper understanding of the pathways in to and out of offending". Life course methods can alter how lives are seen behind the demonising portrayals that dominate crime narratives; offenders are more than the sum of their convictions, but people living difficult and complex lives- in military and civilian life. Laub and Sampson (2001) have argued that the value of life course criminology is that it requires us to consider a broad range of personal, political, social and economic factors that contribute to desistance. In doing so, this research can contribute evidence to the ever-shifting policy landscape.

Histories of crime which adopt life course techniques have multiplied in the past decade, but a systematic study of military service, crime and the life course still remains to be conducted. Godfrey, Cox and Farrall's *Serious Offenders* (2007) and *Criminal Lives* (2010) cross-linked criminal records against birth, marriage and death registers, employment records, and the census to evaluate what factors contributed to the onset and persistence of criminal activity amongst a cohort of 300 railway workers based in Victorian and Edwardian Crewe. The study found that desistance tended to be a result of informal social controls- marriage, employment and family formation- rather than criminal justice system interventions. However, given that railway work was a reserved occupation during World War One, an examination of relationship between war and crime was not feasible (Alker and Godfrey, 2015).

The *Young Criminal Lives* study (Godfrey, Cox, Shore and Alker, forthcoming, 2017), collated lives of 500 young offenders sentenced to reformatory and industrial schools

in northwest England between 1855 and 1920, While the military is not a large focus in the study, the study found that boys who joined the military had a very high rate of desistance (over 80 percent). The study reinforces the findings from Laub and Sampson's influential revision of Glueck's data on 1000 juveniles from Boston which contended that military service encouraged desistance through disciplinary regimes, removal from polluting networks, and the employment opportunities afforded by the GI Bill (1944) (Sampson and Laub, 1996). But the findings from the Young Criminal Lives study should not be used to "advocate national service, nor that every juvenile delinquent is 'hoiked off to boot camp' to sort them out" (Godfrey et al, forthcoming, 2017: 67).

Firstly, involvement in the military can be criminogenic: hyper-masculinised cultures and the stigma attached to returning soldiers lead to prosecution for certain crimes, in particular, violent crime, drunkenness, and absconding. Secondly, desistance rates for those who served in the military were not significantly higher than those in the sample who did not, and finally, many boys sent to join the military were never afforded the opportunity to commit crime because they paid the ultimate price and were killed at the Front (Ibid., 2017: 67-68).

But while these accounts reflect on the relationship between crime and the military, a systematic history has not been yet undertaken, nor has a study of violent offenders.

The recent digitisation of criminal, civil, and martial records means that it is possible to explore the relationship between war, crime and the life course in more detail however. The availability and accessibility of historic civil and criminal records including birth, marriage and death records, school registers, census returns, and criminal records including criminal registers, court reports and prison licences, means that researchers can link these accounts together to construct cradle to grave life narratives. This data is often not available to contemporary researchers due to ethical constraints and data protection laws. And, while individual experiences are of tremendous value to researchers, the ability to explore hundreds, if not thousands of lives, is a further advantage of historical work. Digitisation has made datamining and record linkage possible on a previously unimaginable scale (Godfrey et al, 2017). The forthcoming *Digital Panopticon* resource has synthesised over 90 criminal and civil

datasets charting the lives of over 60,000 criminals sentenced to imprisonment or transportation to Australasia from the Old Bailey between 1790 and 1925 (<http://www.digitalpanopticon.org>). The site is the most exhaustive and comprehensive set of civil and criminal records, but military records have not yet been integrated. These records can be linked, however, to a range of useful military resources, including pensions for example, on alternative sites such as Ancestry (<http://www.Ancestry.co.uk>) and FindMyPast (<http://www.findmypast.co.uk>). Despite popular interest in genealogy and the military, many military resources have not been digitised, but can be located within the National Archives (<http://www.discovery.nationalarchives.gov.uk/>).

Retrospective life course approaches allow researchers to piece together fragmentary aspects of offenders' lives and document their official, formal, and informal lives—where they lived, worked, served, and died. This approach, then, facilitates an examination of the violent veteran away from the demonising media-led narratives, but as an individual undertaking a difficult life before and after release. “The ability to analyse the whole life-course of individuals and the representation of those lives in ways which humanize the poor and disadvantaged and make visible the challenges which shaped their lives, is, in essence, an attempt to retrospectively ‘rescue’ lives” (Godfrey, 2017: 150). In one of the first collections to synthesise the once disparate fields of criminology and war, Ruth Jamieson encouraged researchers to continue to develop a systematic exploration of the relationships between war and criminality in order to reflect about what war is and how it relates to crime (Jamieson, 2014). Walklate and McGarry’s *Transgressing the Borders* (2015) drew “attention to some of the substantive criminological areas where war had been studied, theorised and researched from within the margins of the discipline” (McGarry and Walklate, 2017: 37). I would like to build on the proposals set out by Jamieson, McGarry and Walklate, and encourage researchers to view historical data as a potential lens to examine the interconnections between the military and crime in making connections with the present. Criminal justice interventions do not operate in a vacuum, but in a continuum of social relationships (Godfrey et al, 2017). Historians have access to a wealth of data not accessible to researchers of contemporary crime and justice, but historical

analyses can provide a useful comparator to cogent criminological work and for contemporary policy framing.

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