

# 'Likely to make good soldiers': mobilizing Britain's criminal population during the First World War

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## Abstract

During the First World War Britain's criminals were mobilized in much the same way as the rest of society. Courts allowed defendants to avoid prison if they enlisted, while borstal boys, and later adult prisoners, were also granted early release. Although enlistment offered a chance for rehabilitation, criminals were also desirable due to their violent nature, and enlisting them reduced the cost of imprisonment at a time of straitened economic circumstances. How the war was interpreted and later remembered left little room for the inclusion of criminals, which effectively removed them from the collective narrative.

In 1915 rifleman William Mariner used the cover of a thunderstorm to destroy a German machine gun nest that had been troubling the British lines, an action that resulted in him being awarded the Victoria Cross.<sup>1</sup> At a reception held in his honour later that year, Mariner advised the large crowd gathered that they 'would be better employed in khaki and giving the lads at the front a rest'. His remarks were well received and he was presented with a watch by Salford council in recognition of his bravery.<sup>2</sup> Yet the 'rough, silent, Lancashire lad' feted by the media and his local community was an ex-burglar who had been in prison before the war.<sup>3</sup> Despite Mariner's individual heroism, it was assumed that self-interested criminals lacked the sense of duty that encouraged other men to enlist. Atherley Jones, a judge and former Liberal M.P., claimed in the *Northern Daily Mail* in 1916 that 'habitual criminals were not the type of men who entered either the Army or Navy'. He went on to argue that the wartime drop in crime was due to full employment on the home front, not because criminals had entered the army. Jones would have been shocked to learn that in the article above his comment there was a death notice for a criminal who had enlisted; the unfortunate soldier was none other than William Mariner V.C.<sup>4</sup> Yet Mariner's story is not unusual; in fact, he was just one of thousands of criminals who found their way into the army during the war.

This article will begin by addressing the absence of a specific study on the mobilization of criminals during the First World War. How the war has been interpreted at different times and by different people has left little room for a narrative that includes criminals. Following this, the various ways criminals entered the armed forces, namely via the courts, the borstal system, local jails and convict prisons, will then be outlined in turn. The peculiarity of British recruitment, which favoured volunteerism and allowed a degree of negotiation even when conscription was enacted, enabled the absorption of prisoners into the armed forces. The various apparatuses of the state viewed the mobilization

<sup>1</sup> *Supplement to the London Gazette*, 22 June 1915.

<sup>2</sup> *Staffordshire Sentinel*, 14 Aug. 1915.

<sup>3</sup> B. Thomson, *Queer People* (London, 1922), p. 51.

<sup>4</sup> *Northern Daily Mail*, 8 July 1916.

of criminals very differently, and pursued their own, often conflicting, agendas. How mobilization was managed by the judiciary, the prison authorities, the army and the Home Office will be discussed in relation to their competing agendas, which by turns encouraged and limited enlistment. Although rehabilitation and patriotism were certainly factors in allowing prisoners to enlist, there were clear economic and practical reasons for reducing the prison population. Different categories of offender were also considered to make better or worse soldiers. Thieves would only make a nuisance of themselves in the army, and were naturally self-interested. Men convicted of violent and sexual offences were thought to have acted in anger or in response to an affront to their honour, characteristics that might prove useful in a soldier. The article will then discuss the contribution of prison labour to the war effort, before finally considering how criminals were written out of the narrative of the First World War. By examining the mobilization of criminals, we can better understand attitudes to criminality, rehabilitation and military service during the early twentieth century.

By late 1914 it was clear that Britain's small army of professional soldiers was not enough to win the war, and that recruitment would need to be vastly expanded. Although volunteerism was initially the preferred option, conscription would later be enacted, and by the end of the war over four million British men had served in the army.<sup>5</sup> Unlike in Britain's previous armed forces, recruits came from all ranks of society, with the middle classes proving particularly eager to enlist. Jay Winter notes that while 29 per cent of industrial workers had volunteered by 1916, over 40 per cent of professionals had enlisted.<sup>6</sup> The army's new-found respectability starkly contrasted with the historical reputation of the British soldier. It had previously been thought that only desperate men 'took the King's Shilling', with most recruits coming from the fringes of society, namely, debtors, the unemployed, the Irish and, of course, criminals. Indeed, many historians consider Wellington's oft-quoted 'scum of the earth' remark a fair assessment of the average British soldier during the eighteenth and nineteenth centuries.<sup>7</sup> Although better pay and conditions had improved the composition of the army by the late nineteenth century, during the Boer War Lord Roberts still had to issue orders to remove 'criminals and other undesirables who got into the Army during the stress of recruiting'.<sup>8</sup> The 'citizen soldiers' of the First World War may have improved the image of Tommy Atkins, but enlisting criminals remained a matter of military necessity.

Recruitment of criminals was not merely the continuation of an old practice in a new war, however, and the unique circumstances created by the conflict encouraged a more active policy of mobilizing the criminal class. Roger Chickering has presented the First World War as Britain's first 'total war', wherein the distinctions between the civilian and military spheres dissipated, and were replaced by a new highly organized and centralized state designed specifically for warfare.<sup>9</sup> Under this system even those ineligible for military service due to their age, gender or physical condition were expected to make a contribution to the war effort, so why not then the criminal? The Liberal-led coalition government were never entirely comfortable with the commitment to 'total

<sup>5</sup> *Statistics of the Military Effort of the British Empire During the Great War, 1914–1920* (London, 1922), p. 364.

<sup>6</sup> J. M. Winter, 'Britain's "lost generation" of the First World War', *Population Studies*, xxxi (1977), 449–66, at p. 454.

<sup>7</sup> B. Bond, 'Recruiting the Victorian army, 1870–92', *Victorian Studies*, v (1962), 331–8, at p. 332.

<sup>8</sup> *Leominster News*, 7 Nov. 1902.

<sup>9</sup> R. Chickering, 'World War I and the theory of total war: reflections on the British and German cases, 1914–1915', in *Great War, Total War: Combat and Mobilization on the Western Front, 1914–1918*, ed. R. Chickering and S. Forster (Cambridge, 2000), pp. 35–54, at p. 35.

war', something that created a unique system of recruitment that favoured volunteerism and compromise over outright compulsion. Keith Grieves notes that although initially maintaining a large army took precedence over all other manpower concerns, the establishment of the Derby Scheme and the tribunal system allowed for a degree of negotiation that kept skilled workers in war production.<sup>10</sup> Exemptions, although beneficial to war production, did not come without a price. Peter Dewey has shown that exemptions given to metalworkers and miners resulted in disproportionately lower rates of enlistment within these industries. Had they contributed in line with their percentage of the pre-war workforce, their respective enlistment rates would have been higher by 74,000 and 135,000 men, respectively.<sup>11</sup> Allowing prisoners into the army facilitated both military and industrial concerns, as it bolstered recruitment without removing skilled men from the workforce. Even convict labour could be used for the less important aspects of war production, such as making clothes and sandbags, thus allowing civilian workers to engage in more important war work.

The problems of raising an army composed largely of civilians, as opposed to professional soldiers, was not limited to concerns over manpower. Doubts were raised over the fighting capability of civilian soldiers who were more urban and middle class, as well as older, than the average pre-war recruit. Joanna Bourke argues that by the First World War technology had created a battlefield where combatants were largely passive, thus removing the 'offensive spirit'. In order to convince men to kill one another, commanders had to reawaken the primeval taste for violence that supposedly lurked beneath the veneer of modern civilized man. In the British case, this was exemplified by the importance placed on bayonet training for new recruits.<sup>12</sup> Bourke elaborates that the military authorities appropriated psychology to subvert peacetime norms about violence. The 'normal' man was expected to be ready and willing to kill, while those who were hesitant to commit acts of violence were considered weak and unmanly.<sup>13</sup> A point often reiterated by anti-war lobbyists was that killing on the battlefield was little more than state-sanctioned murder. It may have seemed logical, then, to recruit men who were already unimpeded by the normal legal and moral prohibitions against violence.

Jon Lawrence has argued that lifting the prohibitions on violence during the war led to widespread fears about 'brutalization'. The return of men embedded in violence would inevitably lead to a more turbulent society. The role of ex-servicemen in the 1919 race riots, as well as in atrocities committed by the Black and Tans in Ireland, attracted a great deal of public interest. The British, however, liked to reassure themselves that they were a uniquely 'peaceable' people, and that the militarism of the war was a mere interlude.<sup>14</sup> Clive Emsley, however, reiterates that fears about brutalization had little foundation in fact, with violent crime actually falling in England and Wales after the First World War. The number of murders known to the police was 102 in 1911, and although it was as high as 123 in 1919, by 1924 it had fallen again to 105. Similar decreases also occurred in the

<sup>10</sup> K. Grieves, 'Lloyd George and the management of the British war economy', in Chickering and Forster, *Great War, Total War*, pp. 369–88, at pp. 376–7.

<sup>11</sup> P. E. Dewey, 'Military recruiting and the British Labour Force during the First World War', *Historical Journal*, xxvii (1984), 199–223, at p. 220.

<sup>12</sup> J. Bourke, *An Intimate History of Killing: Face-to-Face Killing in Twentieth-Century Warfare* (London, 2000), p. 71.

<sup>13</sup> J. Bourke, 'Effeminacy, ethnicity and the end of trauma: the sufferings of "shell-shocked" men in Great Britain and Ireland, 1914–39', *Journal of Contemporary History*, xxxv (2000), 57–69, at p. 59.

<sup>14</sup> J. Lawrence, 'Forging a peaceable kingdom: war, violence, and fear of brutalization in post-First World War Britain', *Journal of Modern History*, lxxv (2003), 557–89.

incidence of assaults, rapes and burglaries.<sup>15</sup> Training men to commit acts of violence was no easy task, and the risk this posed to civil society complicated the matter even further. Given the reluctance of 'civilized' men to kill one another, and the problems this would create upon their return, criminals, especially those who had committed violent offences, must have seemed promising recruits. Yet, as will be discussed later, the risk of brutalization was considered to be higher among former criminals than among other returning soldiers.

With all the obvious advantages of enlisting criminals, why has their contribution remained a forgotten aspect of the conflict? To answer this question, it is necessary to discuss how service during the First World War has been understood in the collective memory and by historians. As discussed earlier, the composition of the First World War army was unique, with Lois Bibbings arguing that mass enlistment among the 'respectable' middle classes rebranded soldiering as the highest form of male patriotic duty.<sup>16</sup> Jessica Meyer has suggested that soldiers' letters and diaries show that soldiers framed their service in just this way. Domestic responsibilities, such as the health of family members and household finances, remained constant even in the trenches, and such concerns were easily incorporated into more overtly masculine martial identities.<sup>17</sup> The soldier was no longer the desperate rogue who enlisted to shirk his responsibilities at home; quite the opposite, in fact. Soldiering had become respectable.

Modern memory has also had the effect of hiding the criminal contribution to the war. According to Helen McCarthy, perceptions of the army changed again in the 1970s, with the First World War soldier being seen as more of a hapless victim than hero in the popular imagination.<sup>18</sup> More recently, 'service' during the First World War has been elevated to near sacrament, thereby clouding our understanding of why Britons carried on for four years. It is difficult to place criminals, who are generally regarded as self-interested, into this narrative. Writing in 1919, Britain's leading expert in forensic psychiatry, Charles Mercier, summarized criminality with the simple statement 'Crime is due to the preponderance of selfish action over social action'.<sup>19</sup> Janet Watson has challenged the popular belief that participants were motivated by a sense of patriotic duty, only for the realities of war to create mass disillusionment. This narrative, which emerged many years after the war, was the result of the disproportionate number of memoirs written by middle-class, volunteer officers. She argues that how the war was experienced, and then later remembered, varied across gender, class and time. Pre-war soldiers regarded themselves as professionals and the war as a job that needed to be finished. Volunteers who served in the ranks, most of whom were working class, had a similar view of the war, and their participation was dependent on adequate pay as well as support for their dependents.<sup>20</sup> It is difficult to incorporate criminals into the existing narrative of self-sacrifice and heroism, but nor do they fit into the revisionist view that the war was simply a job for some men. The contribution of criminals, then, has been largely forgotten within the existing histories of the war.

<sup>15</sup> C. Emsley, 'Violent crime in England in 1919: post-war anxieties and press narratives', *Continuity and Change*, xxiii (2008), 173–95, at p. 180.

<sup>16</sup> L. Bibbings, 'Images of manliness: the portrayal of soldiers and conscientious objectors in the Great War', *Social and Legal Studies*, xxxi (2003), 335–58, at p. 338.

<sup>17</sup> J. Meyer, *Men of War: Masculinity and the First World War in Britain* (Basingstoke, 2009), pp. 36–8.

<sup>18</sup> H. B. McCarthy, 'The First World War soldier and his contemporary image in Britain', *International Affairs*, ii (2014), 299–315.

<sup>19</sup> C. Mercier, *Crime and Criminals, Being the Jurisprudence of Crime, Medical, Biological and Psychological* (New York, 1919), p. 257.

<sup>20</sup> J. S. K. Watson, *Fighting Different Wars: Experience, Memory, and the First World War in Britain* (Cambridge, 2004), pp. 18, 20–6.

Despite there being no specific study on the mobilization of criminals during the First World War, Emsley's work on crime and the armed forces provides some areas for discussion. He notes that the mobilization of young males, the demographic most likely to commit crime, caused a considerable reduction in offending during the First World War. Magistrates even went so far as to encourage defendants to enlist rather than punish them, and many criminals redeemed themselves while in uniform. Emsley argues that criminals showed a surprising willingness to serve their country. He gives the example of notorious gangster Charles Sabini, who enlisted and won the Military Medal, but quickly returned to his old life after the war. The case of Sabini illustrates that a life of crime did not preclude a man from serving his country, yet likewise the army could not reform a man already deeply embedded in criminality. With respect to juvenile offenders, Emsley notes that military service was considered a convenient outlet for youthful aggression. Notable adherents to this view included Robert Baden-Powell, but Emsley does not discuss the recruitment of borstal boys during the First World War at any great length.<sup>21</sup> Conor Reidy's history of the Clonmel borstal in Ireland has revealed that during the First World War 424 enlisted in the British forces, with the vast majority making good soldiers of themselves.<sup>22</sup> Reidy has also found that men were released from Ireland's inebriate reformatories, most of whom were ex-soldiers who had fallen victim to alcoholism, with their service providing a period of stability in their otherwise chaotic lives.<sup>23</sup> Reidy downplays the economic motive behind allowing inmates to enlist, instead arguing that the prison authorities in Ireland believed that the army could rehabilitate offenders.<sup>24</sup> It is argued here that British prison officials saw the war as a second chance for prisoners, but were clearly motivated by economic factors as well.

Hermann Mannheim's largely forgotten book on war's effect on crime, written in 1941, provides some passing references to the enlistment of criminals during the First World War. He argues that although it is difficult to quantify the number of criminals who enlisted, the figures are likely underestimated. It was believed at the time that criminals were reluctant to enlist, as they would have had to conceal their identity and risk prosecution for fraudulent enlistment. Criminals were also said to be physically and mentally inadequate, and it was assumed that they would be rejected on medical grounds.<sup>25</sup> The belief that criminals would naturally be unfit for service derives from Cesare Lombroso's theory of 'criminal atavism', wherein offenders were considered to be a breed apart from the law-abiding majority and identifiable by their subnormal physiology. A collection of Lombroso's works published in 1911 noted that criminals were identifiable by their excessively long arms, which gave them an 'ape-like character'.<sup>26</sup> It is unlikely that criminals were deterred from joining due to the fear of enlisting under false pretences given the prevalence of the practice. Recruits enlisted under assumed names for a variety of reasons, such as being underage, wanting to escape family obligations or having a Germanic surname.<sup>27</sup> The army was not particularly concerned about

<sup>21</sup> C. Emsley, *Soldier, Sailor, Beggarman, Thief: Crime and the British Armed Services Since 1914* (Oxford, 2013), pp. 8, 36–7, 70.

<sup>22</sup> C. Reidy, *Ireland's 'Moral Hospital': the Irish Borstal System, 1906–1956* (Dublin, 2009), p. 184.

<sup>23</sup> C. Reidy, *Criminal Irish Drunkards: the Inebriate Reformatory System, 1900–1920* (Dublin, 2014), pp. 122–3, 127–9.

<sup>24</sup> Reidy, *Ireland's 'Moral Hospital'*, p. 183.

<sup>25</sup> H. Mannheim, *War and Crime* (London, 1941), pp. 97–100.

<sup>26</sup> C. Lombroso and G. Lombroso Ferrero, *Criminal Man: According to the Classification of Cesare Lombroso* (New York, 1911), p. 19.

<sup>27</sup> R. van Emden, *Boy Soldiers of the Great War* (London, 2012), p. 29; and J. F. Williams, *German ANZACS and the First World War* (Sydney, 2003), p. 63.

previous convictions in any event. According to the King's Regulations, civil convictions committed prior to enlistment could not be used as evidence during a court martial.<sup>28</sup> It is argued here – as Mannheim theorized, albeit with little evidence – that as the war progressed and recruiting standards slackened, criminals were more readily accepted into the army.<sup>29</sup> The existing historiography has provided some important insights for the pursuit of this study, yet none has directly addressed criminal mobilization, despite the immense historical value of the topic.

In 1906 there were as many as 68,000 prosecutions in England and Wales, the highest number of any year prior to 1925. Although the Liberal government made some attempts to curtail this upward trend, it was the onset of world war in 1914 that finally reduced crime to near-negligible levels.<sup>30</sup> By 1915 the prison population of England and Wales had dropped by 37,320 from the previous year, while in Scotland the number of prison committals was at its lowest since 1869.<sup>31</sup> The prison authorities believed that the fall in crime was due to wartime restrictions on the sale of alcohol, increased employment, higher wages and, most notably, the enlistment of many petty offenders. They elaborated that 'there is every reason to believe that the country's call for men appealed as strongly to the criminal as to other classes'.<sup>32</sup> In 1916 the *Northern Whig* praised the 'Sallywag Heroes' who had rushed to the colours. The paper claimed that 'love of country and the love of his fellow man is not incompatible with a past that will not always bear investigation and is in some need of redemption'.<sup>33</sup>

Although the prison authorities accepted that the drop in crime was due to mobilization, the willingness of the 'criminal class' to enlist seemed to challenge their understanding of crime. Dr. James Devon, a prison commissioner for Scotland, seems to have been influenced by Lombroso when he claimed that the average criminal was of little use to the army, due to his physical and mental deficiencies. Emsley has suggested that statements such as Devon's were motivated more by patriotism than by criminological theory.<sup>34</sup> Again we see the assumption, even among relatively enlightened experts like Dr. Devon, that the serious criminal was too asocial to answer the call of king and country. A better understanding of why men enlisted might have been useful to Dr. Devon. Far from being driven solely by patriotism, enlistment in 1914 peaked during the financial crisis that occurred in August, as a result of which unemployment was high. To cite one example used by Ferguson, nine out of ten men in Bristol who found themselves out of work subsequently enlisted.<sup>35</sup> The war therefore removed large numbers of men who might have got themselves into trouble with little else to occupy them. Yet the fall in the number of prisoners was not caused solely by the enlistment of would-be criminals.

<sup>28</sup> S. C. Pratt, *Military Law: Its Procedure and Practice* (London, 1910), p. 111.

<sup>29</sup> Mannheim, *War and Crime*, pp. 97–100.

<sup>30</sup> H. Taylor, 'Rationing crime: the political economy of criminal statistics since the 1850s', *Economic History Review*, iii (1998), 569–90, at p. 582; and Emsley, *Soldier, Sailor, Beggarman, Thief*, pp. 7–8.

<sup>31</sup> *Report of the Commissioners of Prisons and the Directors of Convict Prisons (for the Year Ended 31<sup>st</sup> March 1915)* (Parl. Papers 1915 [Cd. 7837], xxxiii), p. 5; and *Annual Report of the Prison Commissioners for Scotland for the Year 1914* (Parl. Papers 1915 [Cd. 7927], xxxiii), p. 4.

<sup>32</sup> *Report of the Commissioners of Prisons and the Directors of Convict Prisons (for the Year Ended 31<sup>st</sup> March 1916)* (Parl. Papers 1916 [Cd. 8342], xv), p. 5.

<sup>33</sup> *Northern Whig*, 26 Jan. 1916.

<sup>34</sup> Emsley, *Soldier, Sailor, Beggarman, Thief*, p. 37.

<sup>35</sup> E.g., see N. Ferguson, *The Pity of War* (London, 1998), pp. 206–7; C. Harvie, *No Gods and Precious Few Heroes: Scotland, 1900–2015* (Edinburgh, 2016), pp. 16–17; and E. Mercer, 'For king, country and a shilling a day: Belfast recruiting patterns in the Great War', *History Ireland*, xi (2003), 29–33, at p. 31.

From the onset of the war to its conclusion, it was common for guilty defendants to ask to enlist rather than be sent to prison. The judiciary do not appear to have been given any directive for such cases, and the decision to grant the request was at the discretion of the presiding official. At the beginning of the war, courts were generally dismissive of such appeals. In 1914 at Lichfield, a convicted fraudster asked that he be allowed to enlist rather than be sentenced to three years' penal servitude. The recorder responded that 'the country did not want men of his sort'.<sup>36</sup> That same month at a quarter session in Stoke-on-Trent, Thomas Shenton made a similar request after pleading guilty to wounding his wife. The recorder felt that Shenton was too old at forty-four and the crime too serious to allow him to enlist, and sentenced him to twelve months' hard labour.<sup>37</sup> At Manchester later that year, a postman found guilty of stealing letters also asked to enlist. The presiding justice was unreceptive and commented that the army was 'not a refuge for those who wish to escape prison'.<sup>38</sup> Another postman committed a similar offence in Hull the following year and was told by the presiding justice, 'I do not regularly listen to appeals that persons who committed thefts should be allowed to join the Army. It does not appeal to me at all'.<sup>39</sup> The officials in these trials seem to have been infected by the same patriotic sentiments as Dr. Devon: essentially, that the army was reserved for citizens of upstanding character and was not a place for lawbreakers. Criminals' attempts to enlist were initially interpreted as self-interested and motivated by a desire to avoid punishment.

As the need for manpower became greater, courts began to more readily allow convicted men to enlist. This trend was undoubtedly influenced by the Military Service Act 1916, which enacted the conscription of all eligible men between eighteen and forty-one years of age. The deputy chairman of Essex quarter sessions informed the home office in 1917 that he and his colleagues believed a man should not be able to avoid military service by committing a felony.<sup>40</sup> At Durham in 1916 Simon Ramsey pleaded guilty to assaulting a woman on a train three years earlier. In the interim Ramsey had immigrated to America, but had returned to enlist and 'avenge' the death of his brother, who had been killed in the war. Despite being in possession of a revolver during the assault, Ramsey was bound over on the understanding that he would enlist.<sup>41</sup> Ramsey's desire to avenge his brother probably helped his case, given that his actions were easily associated with wartime notions of masculinity and family honour.

As service became increasingly associated with masculinity, the enlistment of criminals was framed in a similar way. In 1915 R. A. Joughins had his contract as a farm labourer terminated on the grounds that he intended to serve his country, but instead went into the employment of another farmer at a higher rate of pay. His employer began legal proceedings, but dropped the matter when Joughins carried out his original promise and enlisted in the Border Regiment. The solicitor involved in the case wrote to Joughins's C.O. to say that 'we hope that you will make of him a man and a soldier'.<sup>42</sup> Practical

<sup>36</sup> *Lichfield Mercury*, 16 Oct. 1914.

<sup>37</sup> *Staffordshire Advertiser*, 31 Oct. 1914.

<sup>38</sup> *Manchester Evening News*, 17 Nov. 1914.

<sup>39</sup> *Yorkshire Post*, 5 May 1915.

<sup>40</sup> National Archives of Scotland (hereafter 'N.A.S.'), HH31/32/I, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917, letter from Collingwood Hope, deputy chairman of quarter sessions, to the undersecretary of state, 16 Jan. 1917.

<sup>41</sup> *Newcastle Daily Journal*, 17 Oct. 1916.

<sup>42</sup> Carlisle Archive Centre, DLONS/L/13/13/9, Papers: recruitment of men with criminal records, 19 Oct. 1914–1 July 1915, letter from Wannop & Westmorland, solicitors, to R. A. Joughins, 28 June 1915; letter from Wannop & Westmorland to Major W. W. R. Binning, 11th (Lonsdale) Battalion Border Regiment, 1 July 1915.

considerations of manpower might also play a part in allowing a man to enlist. A recently commissioned officer was allowed to rejoin after being convicted of fraud in 1916, as 'the Court hoped that the accused would retrieve his character by an excellent record in the army'.<sup>43</sup> The high casualty rate among junior officers meant that by 1916 an ex-officer with combat experience would have been invaluable to the army, and would have been of more use in uniform than in prison. In Ireland, where recruitment was significantly lower than in Great Britain, such requests were generally accepted as well. Robert Johnston was escorted to the barracks at Omagh after offering to enlist after pleading guilty in 1917.<sup>44</sup> At Meath the previous year Terence and John Reilly had avoided prison for writing a false cheque as they too had promised to enlist.<sup>45</sup>

During the war it was common for soldiers tried in civilian courts to be sent back to the forces rather than imprisoned. Civilian courts had the power to try soldiers who broke the law, but they could not order a man out of the army. Although the army tended to oblige, trying a soldier in a civilian court required a degree of negotiation between the two parties.<sup>46</sup> In 1915 a soldier tried in Cornwall asked to be sent back to the army, but was told 'that we don't want criminals and housebreakers in it'.<sup>47</sup> Yet again we see a clear pattern of increasing leniency as the war progressed and conscription was enacted. Despite earlier prohibitions, at Kingston upon Thames in 1916 three soldiers charged with housebreaking were permitted to rejoin their regiments. The first case concerned two soldiers who were accused of breaking into a shop while on home leave. The pair's C.O. gave a favourable account of their previous service, and stated that the regiment was willing to take them back. This request was granted and the defendants were bound over with the payment of £10. At the same session a Canadian was allowed to return to his regiment on the grounds that he 'would be more useful in France than breaking stones over here'.<sup>48</sup>

The decision to allow men back into the army was dependent largely on whether their regiment still wanted them. Aubrey Fraser got off lightly with one day's imprisonment when he 'forced himself upon' a woman and assaulted her in 1916. The colonel of the 44th Canadian Infantry had described him as of 'good character' and suggested the regiment would take him back. At the same quarter session, William Long, described as a 'coloured man', was imprisoned for breaking into a shop, as he was an 'undesirable' and not wanted by his regiment.<sup>49</sup> The relatively high wage paid to Canadian soldiers, as well as the fact that many came from dry counties, meant that they often found themselves before a court while stationed in Britain. There was also the problem of what to do with them once they were released from prison. The Prison Commissioners for Scotland found it particularly difficult to unburden themselves of two Canadians in Inverness Prison, as no one seemed willing to take them.<sup>50</sup> It was perhaps easier, then, to simply allow colonial troops to rejoin their regiments.

After 1916 the judiciary were willing to reduce sentences even for serious offences if anyone could be found to take a prisoner. Samuel Soholovitch, a Russian serving in the

<sup>43</sup> *Lichfield Mercury*, 20 Oct. 1916.

<sup>44</sup> *Londonderry Sentinel*, 21 June 1917.

<sup>45</sup> *Drogheda Independent*, 19 Feb. 1916.

<sup>46</sup> Pratt, *Military Law*, p. 47.

<sup>47</sup> *West Briton and Cornwall Advertiser*, 8 Apr. 1915.

<sup>48</sup> *Surrey Advertiser and County Times*, 22 May 1916.

<sup>49</sup> *Surry Advertiser and County Times*, 8 Apr. 1916.

<sup>50</sup> N.A.S., HH31/32/10, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, report relating to two Canadian prisoners in Inverness Prison recommending remission of their remaining sentences with a view to joining the army, 1917–18.

Canadian forces, was brought before Hampshire Assizes in 1916 accused of murdering a fellow soldier. Soholovitch was found guilty but of the lesser charge of manslaughter, for which he was sentenced to twelve months' imprisonment. The presiding justice suggested Soholovitch might be released early if the Russian army accepted him.<sup>51</sup> This may seem strange, but the following year Britain signed the Anglo-Russian Convention, which gave Russian subjects the option of joining their own army rather than being conscripted into the British forces. Jacqueline Jenkinson has found that in Scotland alone, over 1,000 Lithuanians opted to join the Imperial Russian Army.<sup>52</sup> Despite the increasing leniency of the army, the navy was less receptive to taking back sailors who had been sentenced by a civil court. In 1914 Frederick Leonard was released early from Aberdeen prison, having served half of a sixty-day sentence for assault by stabbing. Yet he appears to have been the only sailor liberated in this way, with the navy generally readmitting only seamen who had been imprisoned by a naval court. At least fourteen naval prisoners were, however, released from Scottish prisons so as to join the army, suggesting a significant disparity in recruiting standards between the two branches of the forces.<sup>53</sup> This seems to correspond with Elise Smith's argument that in the late nineteenth and early twentieth centuries the Royal Navy sought to improve the image of its recruits. The influence of muscular Christianity and the temperance movement, as well as fears about venereal disease and degeneration, created a movement within the navy to improve the moral and physical well-being of sailors.<sup>54</sup> The navy's reluctance to take on prisoners may have been motivated by a desire to maintain this new-found respectability.

Manpower needs aside, allowing defendants to enlist was aided by a wider pattern of efforts to find alternatives to imprisonment. Bailey argues that the Liberal reforms coincided with an abatement in the imprisonment of petty offenders in England and Wales. Between 1910 and 1922 the number of people imprisoned because they could not pay a court-imposed fine dropped from 85,000 to 15,000 per annum.<sup>55</sup> The social reformer Edith Abbott even argued in 1918 that the wartime fall in imprisonment was due to the Criminal Justice Administration Act 1914, which allowed more time to pay fines.<sup>56</sup> Despite the benefits of using enlistment as an alternative to imprisonment, the practice was not without its critics. The pro-suffrage *Votes for Women* lamented that a man convicted of indecently assaulting a thirteen-year-old girl was spared prison, and would be free 'to share in the invasion of any country where women and children will be at his mercy'.<sup>57</sup> Indeed, British propaganda had put sexual violence at the forefront of their campaign to get women behind the war effort. Gullace has shown that portrayals of the German occupation of Belgium relied heavily on both real and symbolic depictions of sexual violence against women.<sup>58</sup> As will be illustrated, sex offenders were being

<sup>51</sup> *Sheffield Daily Telegraph*, 8 Feb. 1916.

<sup>52</sup> J. Jenkinson, 'The impact of the First World War on migrant Lithuanians in Scotland, c. 1917–1921', *Immigrants & Minorities*, xxxi (2013), 171–88.

<sup>53</sup> N.A.S., HH31/32/12, First World War: enlistment of criminals, naval ratings sentenced by naval court martial: notice of question, 1917, naval and naval reservist prisoners under sentences if imprisonment imposed by civil courts liberated before their due time to return to their ship, naval prisoners under sentences of imprisonment imposed by naval authorities released before their time to enlist in the army.

<sup>54</sup> E. J. Smith, 'Raising boys for the navy: health, welfare, and the British Sea Services, 1870–1905', *Journal of the History of Medicine*, lxxvi (2020), 53–77.

<sup>55</sup> V. Bailey, 'English prisons, penal culture, and the abatement of imprisonment, 1895–1922', *Journal of British Studies*, xxxvi (1997), 285–324.

<sup>56</sup> E. Abbott, 'Crime and the war', *Journal of the American Institute of Criminal Law and Criminology*, ix (1918), 32–45.

<sup>57</sup> *Votes for Women*, 15 Jan. 1915.

<sup>58</sup> N. F. Gullace, 'Sexual violence and family honor: British propaganda and international law during the First World War', *American Historical Review*, cii (1997), 714–47.

regularly allowed into the British forces by the late war. The *Globe* also questioned the eagerness of criminals to enlist: 'The picture of the confidence trick man bursting into tears of patriotic remorse, and throwing away his wad of "flash" notes ere hastening to the recruiting office to be attested is very beautiful, but has not the slightest foundation in fact'.<sup>59</sup> Yet such criticisms were rare, suggesting that the judiciary's decision to allow defendants to enlist was widely accepted.

Prior to 1914 Britain's juvenile institutions had proved fruitful recruiting grounds for the military. In the 1900s reformatories and industrial schools, the predecessors of the borstal, even provided army classes to prepare boys for enlistment.<sup>60</sup> As was the case with allowing defendants to enlist, changing attitudes towards how to punish juvenile offenders facilitated the recruitment of borstal boys. Bailey has argued that during the Edwardian era the rehabilitation of juvenile delinquents became focused on instilling notions of 'citizenship'.<sup>61</sup> Military service might have the desired effect of teaching wayward youths the virtues of patriotism, discipline and self-sacrifice. The Prison Commissioners for Scotland certainly felt that soldiering was a good career for boys who had 'only got into trouble because of their physical energy'.<sup>62</sup> The Commissioners of Prisons for England and Wales reported that in the first year of the war alone 340 juveniles had been liberated from institutions for military service.<sup>63</sup> When conscription was enacted in 1916, it became common practice to begin training eligible boys for the army when they reached seventeen years of age.<sup>64</sup> Based on the annual reports of the commissioners, some 958 juveniles were recruited directly from English and Welsh borstals during the war.<sup>65</sup>

The Prison Commissioners for Scotland also granted early release for suitable borstal boys. In a letter from the undersecretary for Scotland to the prison commissioners in August 1914 it was agreed that the boys be placed in different regiments, and that publicity be avoided.<sup>66</sup> In the first year of the war, the Polmont Institution, Scotland's main centre for juvenile offenders, had provided ninety-four boys for the army. The prison commissioners felt that the training provided at Polmont was beneficial for army life, as several of the boys had received promotions, while others were already at the front.<sup>67</sup> By 1918 344 boys had been liberated so as to join the army and one in the navy.<sup>68</sup> In total, 365 boys, including those who had enlisted while out on licence, entered the army during the war.<sup>69</sup> A further eleven juveniles were also given early release from Barlinnie in 1916.<sup>70</sup> Early release in exchange for enlistment was also carried out at

<sup>59</sup> *Globe*, 13 Dec. 1915.

<sup>60</sup> *Fifty-Third Report for the Year 1909, of the Inspector Appointed, Under the Provisions of the Act 5 & 6 Will. IV. c. 38, to Visit the Certified Reformatory and Industrial Schools of Great Britain. Part II* (Parl. Papers 1910 [Cd. 5406], lvii), p. 26.

<sup>61</sup> V. Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914–1948* (Oxford, 1987).

<sup>62</sup> *Annual Report of the Prison Commissioners for Scotland, 1914*, p. 9.

<sup>63</sup> *Report of the Commissioners for Prisons, 1915*, p. 9.

<sup>64</sup> *Report of the Commissioners of Prisons and the Directors of Convict Prisons, With Appendices (for the Year Ended 31<sup>st</sup> March 1917)* (Parl. Papers 1917 [Cd. 8764], xviii), pp. 16–17.

<sup>65</sup> *Report of the Commissioners for Prisons, 1915*, p. 9; *Report of the Commissioners for Prisons, 1916*, p. 14; *Report of the Commissioners for Prisons, 1917*, p. 8; and *Report of the Commissioners for Prisons and the Directors of Convict Prisons (for the Year Ended 31<sup>st</sup> March 1918)* (Parl. Papers 1918 [Cd. 9174], xii), p. 17.

<sup>66</sup> N.A.S., HH31/3/3, First World War: recruitment from Polmont Institution, 1914, letter from W. G. Scott, chairman of the Prison Commissioners for Scotland, to the undersecretary for Scotland, 10 Aug. 1914.

<sup>67</sup> *Annual Report of the Prison Commissioners for Scotland, 1914*, p. 9.

<sup>68</sup> N.A.S., HH31/3/7, First World War: recruitment from Polmont Institution, 1916–1918, letter from D. Crombie, Prison Commission, to the undersecretary for Scotland, 25 Oct. 1918.

<sup>69</sup> *Annual Report of the Prison Commissioners for Scotland for the Year 1918* (Parl. Papers 1919 [Cd. 78], xxvii), p. 7.

<sup>70</sup> *Report of the Commissioners for Prisons, 1916*, p. 5.

the Clonmel borstal in Ireland. In total, 376 ex-inmates had enlisted during the war, 165 of which had been recruited directly from Clonmel.<sup>71</sup> Reidy has suggested that the Clonmel boys saw army service as more stable than life in the slums of Belfast and Dublin. The average inmate was most likely an unskilled urban labourer; a demographic description that could be applied to the bulk of Irish recruits in the British army at this time.<sup>72</sup> Although other motivations, such as the possibility of redemption, or simply the opportunity to leave borstal early, were clearly factors, Reidy's findings can explain the willingness of borstal boys in Great Britain to enlist as well.

The evidence on whether military service reformed the boys who enlisted is contradictory, with some finding the experience of soldiering transcendental, while others showed little desire to change. One boy stated in a letter to his old institution that he was doing well, and had managed to save money for the first time in his life. The letter finished on the promise that 'us lads here will always try our best whether at home or abroad to try to keep up the name of the old place'.<sup>73</sup> The association between service and masculinity was used to justify the enlistment of borstal boys as it had been with adult defendants. One boy wrote that 'I advise all the lads to join, and become a man, it will be the making of me, I am sure, I am as happy as I have ever been in my life'.<sup>74</sup> One C.O. wrote of a boy recently killed in action that 'no one could wish for a better young soldier'.<sup>75</sup> The *Weekly Telegraph* claimed in 1916 that of the reformatory boys who had enlisted while still under licence, three had been given the V.C. and twenty-five the D.C.M., twenty had been mentioned in dispatches, and eight had been given commissions.<sup>76</sup> The heroism of the boys seems to have yielded an uncharacteristic amount of sympathy from the often cynical commissioners. Their report for 1915–16 commented that the heroism of the borstal boys proved the 'magnificent material of which the working-class of this country is composed'.<sup>77</sup>

Indeed, many of the boys appear to have served with distinction. Among the former Polmont inmates, four were awarded the Military Medal, while another received the D.C.M.<sup>78</sup> By 1916 at least twenty had been killed and between forty and fifty wounded.<sup>79</sup> The local community seems to have taken pride in the good service of the Polmont boys, and the *Falkirk Herald* regularly published accounts of their exploits. In 1915 a boy who had been decorated was included in an article on local men who had been given honours.<sup>80</sup> Later in the war it was noted that two more boys had been given medals, one of whom had visited his former institution the previous week.<sup>81</sup> It is interesting that in both articles the inmates remain anonymous, despite the fact that it was normal for papers to publish the names of juvenile offenders at this time. Perhaps the paper did not want to

<sup>71</sup> *Thirty-Seventh Report of the General Prisons Board, Ireland, 1914–1915* (Parl. Papers 1915 [Cd. 8082], xxiii), p. xii; *Thirty-Eighth Report of the General Prisons Board, Ireland, 1915–1916* (Parl. Papers 1916 [Cd. 8450], xviii), p. ix; *Thirty-Ninth Report of the General Prisons Board, Ireland, 1916–1917* (Parl. Papers 1917 [Cd. 8992], xii), p. v; *Fortieth Report of the General Prisons Board, Ireland, 1917–1918* (Parl. Papers 1918 [Cd. 42], xxvii), p. ix; and *Forty-First Report of the General Prisons Board, Ireland, 1918–1919* (Parl. Papers 1920 [Cd. 687], xxiii), p. ix.

<sup>72</sup> Reidy, Ireland's 'Moral Hospital', pp. 184–5.

<sup>73</sup> *Report of the Commissioners for Prisons, 1915*, p. 9.

<sup>74</sup> *Report of the Commissioners for Prisons, 1915*, p. 35.

<sup>75</sup> *Report of the Commissioners for Prisons, 1915*, p. 9.

<sup>76</sup> *Weekly Telegraph*, 4 March 1916, p. 4.

<sup>77</sup> *Report of the Commissioners for Prisons, 1916*, p. 14.

<sup>78</sup> *Annual Report of the Prison Commissioners for Scotland for the Year 1916* (Parl. Papers 1917 [Cd. 8578], xviii), p. 3; *Annual Report of the Prison Commissioners for Scotland, 1918*, p. 7; and *Falkirk Herald*, 27 Jan. 1917, p. 3.

<sup>79</sup> *Annual Report of the Prison Commissioners for Scotland, 1916*, p. 5.

<sup>80</sup> *Falkirk Herald*, 18 Nov. 1915.

<sup>81</sup> *Falkirk Herald*, 27 Jan. 1917.

tarnish the reputation of good soldiers with the stain of having been in borstal, suggesting a degree of rehabilitation, at least in the eyes of the local community. Anonymizing the exploits of criminal-soldiers did, however, have the adverse effect of removing them from acts of commemoration after the war, something that will be discussed later. The Clonmel boys also earned their share of distinctions, and in 1918 the General Prisons Board proudly reported that one inmate had been given a commission, while another had been promoted to warrant officer, and a further fourteen were N.C.O.s. In terms of decorations there had been a Military Medal, a Parchment Certificate and a mention in dispatches.<sup>82</sup> Officers who had served with the boys also spoke highly of them. One C.O. wrote to say that an ex-inmate had been promoted to sergeant and was doing well. He added that he has 'repeatedly distinguished himself in trench warfare and in the open fighting. He is a boy to be proud of'.<sup>83</sup>

Most of the boys who were released early appear to have stayed out of trouble, at least for the duration of their time in uniform. Of the 361 inmates listed as being released from Scottish borstals for war service, only eight were liberated a second time after being imprisoned again.<sup>84</sup> Others, perhaps inevitably, fell back into old habits, with the army merely providing new opportunities for criminality. William Wicks had been liberated in 1914 so as to join the South Staffordshire Regiment, but the following year he was in court accused of stealing from an N.C.O. Wicks made matters worse for himself by appearing in court in the uniform of a sergeant major and with a D.C.M. ribbon, neither of which he was entitled to wear. The court sentenced Wicks to six months' imprisonment.<sup>85</sup> Alexander McCarroll had been released early from Polmont in 1914, but by 1916 he had been discharged from the army due to being 'unsatisfactory' and was before a court again.<sup>86</sup> The previous year another ex-Polmont inmate, Alexander Cairns, had been sentenced to six months' imprisonment for theft. Cairns was at the time of the offence a deserter and had gained entry into his victim's home by pretending to be a dispatch rider.<sup>87</sup> Another borstal boy who deserted was Robert Sedgewick, who pleaded guilty to two charges of theft in 1916. Sedgewick had been travelling around the country living on whatever he could 'pick up', but expressed a desire to re-enlist. The presiding chairman pointed out that Sedgewick had already been given the chance to serve his country, and subsequently sent him back to borstal for three years.<sup>88</sup>

It is difficult to determine whether war service prevented borstal boys from developing into adult criminals. Even modern criminological studies, most of which concern the Vietnam generation, have unearthed conflicting evidence on the effect of enlistment on juvenile delinquents. Glen Elder has proposed that military service has the potential to make positive changes to the life course of young men. Military life encourages social independence and provides a broader range of experiences, while simultaneously allowing a break from the pressures of transitioning to adulthood.<sup>89</sup> Army life seems to have merely improved the health of the average British borstal boy rather than keeping him out of trouble. In 1919 the governor at Polmont commented that the inmates were

<sup>82</sup> *General Prisons Board, Ireland, 1917–1918*, p. ix.

<sup>83</sup> *General Prisons Board, Ireland, 1917–1918*, pp. x–xi.

<sup>84</sup> N.A.S., HH31/32/12, First World War: enlistment of criminals, naval ratings sentenced by naval court martial: notice of question, 1917, particulars of inmates released since 4 Aug. 1914 on licence from borstal institution to join the navy or army.

<sup>85</sup> *Grantham Journal*, 24 Dec. 1915.

<sup>86</sup> *Falkirk Herald*, 19 Aug. 1916.

<sup>87</sup> *Scotsman*, 17 March 1915.

<sup>88</sup> *Sunderland Daily Echo*, 3 Apr. 1916.

<sup>89</sup> G. H. Elder Jr., 'The life course as developmental theory', *Child Development*, lxix (1998), 1–12.

'bigger and of better physique' than they had been in previous years. He believed this was due to many of the boys having been on war service.<sup>90</sup> Even if a longer view is taken, it would seem the war did not improve the life courses of the borstal boys. In 1923 the Prison Commissioners for Scotland interviewed a former boy who enlisted during the war. He was currently serving a sentence for housebreaking, was estranged from his wife and had been 'practically idle since his discharge'.<sup>91</sup> This individual's post-war experiences stress that although military service might provide a respite from offending, rehabilitation was dependent on other preconditions, such as employment and a stable home life.

It would be unrealistic to expect the army to rehabilitate everyone, but then the decision to allow borstal boys to enlist was never solely motivated by a desire to reform. Although adult criminality fell during the war, juvenile delinquency was on the increase, and there was a shortage of resources to deal with the problem. Between 1914 and 1915 the number of persons proceeded against at juvenile courts in England and Wales rose from 36,929 to 43,981. By 1917 the figure had peaked at 51,323, and remained above pre-war levels after the armistice.<sup>92</sup> Abbott suggested that the increase in juvenile delinquency could be explained by the absence of parents through enlistment and war work, the commandeering of schools for military purposes, and a higher number of school leavers caused by shortages in the labour market.<sup>93</sup> This problem was compounded by the fact that many borstals had lost employees due to war service. Among the various borstals and reformatory schools in the county of Middlesex no fewer than thirty-five members of staff had enlisted by 1915.<sup>94</sup> At Polmont several employees, including the schoolmaster and gymnastic instructors, enlisted at the outbreak of the war.<sup>95</sup> The chairman of the prison commissioners even admitted in a letter to the Scottish office that allowing boys to enlist was advantageous due to staff shortages.<sup>96</sup> With respect to Clonmel, Reidy denies that the staff were motivated by reasons of economy, but instead maintains that they saw the war as a chance to reform wayward young men. The borstal already operated at subsistence level before 1914, and although there was no new investment during the war, there were no budget cuts either.<sup>97</sup> It should be noted, however, that Clonmel lost six warders to enlistment, so staff shortages may have been a factor.<sup>98</sup> Questions of military manpower and reform aside, the prison authorities clearly had an ulterior motive in releasing borstal boys.

Juvenile offenders were not the only prisoners allowed into the army, and many adult criminals showed a surprising willingness to serve their country as well. Sir Basil Thomson, head of the Criminal Investigation Department, estimated that 1,100 'habitual criminals' enlisted during the war.<sup>99</sup> Enlistment among ex-prisoners was common enough that in 1916 the Home Office stated that men out on license could forego reporting to their

<sup>90</sup> *Annual Report of the Prison Commissioners for Scotland for the Year 1919* (Parl. Papers 1920 [Cd. 698], xxiii), p. 59.

<sup>91</sup> *Annual Report of the Prison Commissioners for Scotland for the Year 1923* (Parl. Papers 1924 [Cd. 4015], xii), p. 59.

<sup>92</sup> E. Abbott, 'Juvenile delinquency during the First World War: notes on the British experience, 1914–18', *Social Service Review*, xvii (1943), 192–212, at p. 192.

<sup>93</sup> Abbott, 'Juvenile delinquency', pp. 199–206.

<sup>94</sup> *Middlesex Chronicle*, 3 July 1915.

<sup>95</sup> *Annual Report of the Prison Commissioners for Scotland, 1914*, p. 9.

<sup>96</sup> N.A.S., HH31/3/3, First World War: recruitment from Polmont Institution, letter from W. G. Scott, chairman of the Prison Commissioners for Scotland, to the undersecretary for Scotland, 10 Aug. 1914.

<sup>97</sup> Reidy, *Ireland's 'Moral Hospital'*, p. 183.

<sup>98</sup> *Dublin Daily Express*, 29 May 1915.

<sup>99</sup> Thomson, *Queer People*, p. 50.

local constabulary if they enlisted.<sup>100</sup> Given that licensees were already joining the forces, it must have seemed logical to release suitable prisoners for the army. Allowing prisoners to join the army might also help ease criminals back into civilian life. The after care of prisoners at this time was largely left to voluntary organizations such as the Salvation Army and various local and denominational charities.<sup>101</sup> The armed forces could perform a similar role by providing employment, bed and board, as well as the added advantages of physical training and mandatory religious services. Military service also provided a comradelier social environment away from the bad influences and unhappy home lives that had led many prisoners into criminality. As early as 1914 the prison commissioners proposed to the Scottish office that 'reservists, territorials and others' be released to join their regiments'. This directive mainly applied to petty offenders serving short sentences, but as the war progressed more serious criminals were being considered for early release.<sup>102</sup>

In 1917 the offer of a remission in exchange for enlistment was extended to all prisoners who had served half, or in special cases one-third, of their sentence. Aliens, conscientious objectors and soldiers not wanted by their regiments were excluded. Prisoners would also need the recommendation of the chaplain, governor and medical officer. Gaining a recommendation was fairly easy, as the home office had instructed governors to 'take a liberal view of the phrase likely to make good soldiers' when considering prisoners.<sup>103</sup> The leniency of the home office was undoubtedly influenced by growing concerns over Britain's manpower reserves. The Ministry of National Service estimated that by the late war, for every nine men of military age not already in uniform, only three were physically fit.<sup>104</sup> By 1916 a further one million workers had effectively been exempted from conscription for the sake of war production, meaning that the pool of eligible men was becoming increasingly small.<sup>105</sup> The Prison Commissioners for Scotland estimated that even with the drop in crime, there were still 600 men of military age in their institutions on 17 April 1917.<sup>106</sup> Taking into account that a few of the prisoners would have been aliens or medically unfit, this must still have seemed an immense waste of manpower at time when British Expeditionary Force casualties in France for that month alone were over 30,000.<sup>107</sup> Prisoners were also disposable, as enlisting them would not involve diverting labour from war production, and one is reminded of General Wolfe's endorsement of the Highland regiments in the 1750s that it was 'no great mischief if they fall'.<sup>108</sup> Indeed, one prison official commented cynically at the time 'I suppose we could get a few jail-birds into the Army, for what they are worth'.<sup>109</sup>

<sup>100</sup> The National Archives of the U.K. (hereafter T.N.A.), MEPO 3/2035, Convicts on licence serving with H. M. Forces: arrangements for reporting to police, 1916–40, circular letter from Edward Troup, Home Office, to chief constables, 14 Apr. 1916.

<sup>101</sup> H. Davison, 'Organising prisoners' aid', *Charity Organisation Review, New Series*, xlv (1918), 123–7.

<sup>102</sup> N.A.S., HH31/32/1, First World War: liberation of reservists, etc., letter from W. G. Scott, chairman of the Prison Commissioners for Scotland, to the undersecretary for Scotland, 5 Aug. 1914.

<sup>103</sup> T.N.A., HO 45/23547, Criminal: 1917–18, memorandum from the Home Office to local prisons, 11 Jan. 1917; and N.A.S., HH31/32/1, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917, memorandum from the Home Office to local prisons, 11 Jan. 1917.

<sup>104</sup> *Ministry of National Service, 1917–1919, Report, Vol. I. Upon the Physical Examination of Men of Military Age by National Service Medical Boards From November 1st, 1917–October 31st, 1918* (Parl. Papers 1920 [Cd. 504], xxvi), p. 4.

<sup>105</sup> Dewey, 'Military recruiting', p. 214.

<sup>106</sup> N.A.S., HH31/32/1, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917, PRISONS-SCOTLAND, convicted male prisoners of military age in custody, 17 Apr. 1917.

<sup>107</sup> *Statistics of the Military Effort of the British Empire*, p. 261.

<sup>108</sup> 'Letter from Lieutenant-Colonel James Wolfe to Captain Rickson, 9th June 1751', in *The Life and Letters of James Wolfe*, ed. B. Wilson (New York, 1909), p. 141.

<sup>109</sup> N.A.S., HH31/32/1, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917, Prison Commissioners for Scotland minutes, 3 May 1917.

Despite the broadness of the Home Office directive, and the dire need for men, contemporary attitudes to different types of offending dictated who could serve. Men convicted of 'gross indecency', a euphemism for homosexuality, were not generally considered for remission.<sup>110</sup> Such men were incompatible with the ideal of respectable masculinity associated with soldiering, and were unwelcome in the army. There were still exceptions to this rule as several naval prisoners convicted of sodomy were granted early release so as to join the army.<sup>111</sup> Christopher McKee has argued that although punishments for homosexuality could be severe during this period, the navy also practised a degree of toleration provided that both parties were consenting and discreet.<sup>112</sup> The ambiguity over what to do with homosexual men in the forces corresponds with A. D. Harvey's finding that while some ex-officers charged with homosexual offences were allowed to rejoin as rankers, others were blacklisted by the home office and disbarred from future enlistment.<sup>113</sup> Perhaps the state did not wish to dwell too long on such questions, allowing a degree of flexibility in the application of the rules.

Conversely, men convicted of sexual offences against women and girls were not met with the same opposition. In a report on inmates at Peterhead, the Scottish office commented that as most had been convicted of either assault or sexual offences, as opposed to theft, they should be considered for early release. They elaborated that the military authorities did not want 'incorrigible thieves landed on them'.<sup>114</sup> Carolyn Conley has argued that even in the late nineteenth century sexual aggression was considered natural in males, and could be restrained with self-discipline. Rape, and other forms of sexual violence, were understood as a temporary loss of control.<sup>115</sup> This view of sexual assault extended to military circles as well. K. Craig Gibson has argued that the decision to allow British soldiers to use French brothels on the Western Front was designed to prevent sexual assaults against local women.<sup>116</sup> Rebecca Crites has shown that even after the war ex-servicemen could expect a degree of leniency when charged with domestic violence. Former soldiers believed that they had the right to physically chastise a wife who was unfaithful or rejected them. Within reason, courts accepted this excuse as a mitigating circumstance and often treated such cases leniently, including one case where the charge of murder was reduced to manslaughter.<sup>117</sup> A violent attitude towards women was not considered incompatible to a career as a soldier, and it might be argued that such behaviour was indicative of the elusive 'offensive spirit' as described by Bourke. John Davidson was ultimately rejected by the army due to heart disease, but his conviction for rape did not stop him from being recommended for release in late 1917. The medical

<sup>110</sup> N.A.S., HH31/32/1, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917, letter from the Home Office to the secretary of state for war, 22 Feb. 1917.

<sup>111</sup> N.A.S., HH31/32/12, First World War: enlistment of criminals, naval ratings sentenced by naval court martial: notice of question, 1917, naval prisoners under sentences of imprisonment imposed by naval authorities released before their time to enlist in the army.

<sup>112</sup> C. McKee, *Sober Men and True: Sailor Lives in the Royal Navy, 1900–1945*, (Cambridge, 2002), pp. 192–3.

<sup>113</sup> A. D. Harvey, 'Homosexuality and the British Army during the First World War', *Journal of the Society for Army Historical Research*, lxxix (2001), 313–19.

<sup>114</sup> N.A.S., HH31/32/2, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917–18, W. A. C. Goodchild, Scottish Office, regarding reports on prisoners from Peterhead Prison in connection with the decision to allow remission of sentences for certain prisoners in return for military service overseas, 1917.

<sup>115</sup> C. A. Conley, 'Rape and justice in Victorian England', *Victorian Studies*, xxix (1986), 519–36, at p. 532.

<sup>116</sup> K. C. Gibson, 'Sex and soldiering in France and Flanders: the British Expeditionary Force along the Western Front, 1914–1919', *International History Review*, xxiii (2001), 535–79, at p. 564.

<sup>117</sup> R. Crites, 'Husbands' violence against wives in England and Wales, 1914–1939: a review of contemporary understandings of and responses to men's marital violence' (unpublished University of Warwick Ph.D. thesis, 2016), pp. 66–7.

officer at Peterhead remarked that he had a 'hasty temper but on the whole promising', with the governor adding that Davidson was well behaved in prison and that his past indiscretions were due to drink.<sup>118</sup>

In contrast to this, contemporary criminologists regarded thieves as the lowest form of criminal, whose behaviour could only be explained by their genetic predisposition. Thieves were widely believed to be physically inferior to other offenders, and therefore, it could be assumed that they would be below military standards of fitness. Goring's 1913 statistical study of English convicts argued that thieves were more likely to be in poor health and were shorter on average than other prisoners.<sup>119</sup> Theft is normally interpreted as a crime motivated by self-interest, a characteristic at odds with the idealized image of the 'citizen soldier' that emerged at this time. The army itself had a complex relationship with theft, and the moral economy of the rank-and-file permitted some forms of thievery but not others. Emsley has argued that in both world wars stealing army property and from civilians was considered permissible, but stealing the personal effects of another soldier was regarded as beyond the pale.<sup>120</sup> Basil Thomson, claimed that prisoners who were on licence were barred from the Royal Army Medical Corps, due to the opportunity to steal from the dead and wounded.<sup>121</sup> Indeed, the home office felt that there was too much dishonesty in the non-combatant units without the addition of known thieves.<sup>122</sup>

As the war progressed these restrictions were loosened, and many men convicted of theft found their way into the army. One example of this was George Fuell, a habitual thief who stole quite literally anything he could lay his hands on. His case is interesting as the related papers reveal the rationale and process that went behind the decision to allow a prisoner to enlist. Fuell's criminal career can be traced back to at least 1905, and he was regularly in court prior to the war.<sup>123</sup> In 1914 Fuell was sentenced to five years for receiving stolen metal.<sup>124</sup> In 1917 Dartmoor's governor recommended Fuell for release having served one-third of his sentence, stating he 'would make a good fighter and would be a sticker'.<sup>125</sup> Perhaps Fuell's possession of the 'offensive spirit' so sought after by the army, outweighed his reputation as a habitual thief. Although initially denied the chance to enlist, Sir Evelyn Ruggles-Brise, chairman of the Prison Commission, interceded with the home office on Fuell's behalf, arguing that 'for some mysterious reason this war has a great reforming and almost transfiguring influence in the case of the criminal man, and would justify an indulgent view being taken'. He also complained that out of 148 recommended convicts only 25 had been released by the home office.<sup>126</sup> The intervention of Ruggles-Brise suggests that the prison authorities were keen to get prisoners into the army; yet the fact that only a minority had been accepted, reveals that the home office and army had different ideas on who could enlist. Fuell was eventually

<sup>118</sup> N.A.S., HH31/32/2, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917–1918, reports on prisoners from Peterhead Prison in connection with the decision to allow remission of sentences for certain prisoners in return for military service overseas.

<sup>119</sup> C. Goring, *The English Convict: a Statistical Study* (London, 1913), pp. 176–8.

<sup>120</sup> Emsley, *Soldier, Sailor, Beggarman, Thief*, pp. 97–8.

<sup>121</sup> Thomson, *Queer People*, p. 51.

<sup>122</sup> T.N.A., HO 45/23547, Criminal: 1917–18, Home Office minutes, 10 June 1918.

<sup>123</sup> *Birmingham Express and Gazette*, 23 Oct. 1905; 15 Aug. 1907; 31 Oct. 1907; and 12 Oct. 1910.

<sup>124</sup> *Birmingham Daily Mail*, 24 Nov. 1914.

<sup>125</sup> T.N.A., HO 45/10995/158871, prisons and prisoners: release to join army, 1917–1921, form recommending George Fuell for discharge, 1 Feb. 1917.

<sup>126</sup> T.N.A., HO 45/10995/158871, prisons and prisoners: release to join army, 1917–1921, letter from Evelyn Ruggles-Brise, chairman of the Commissioners for Prisons, to Edward Troup, Home Office, 23 Feb. 1917.

allowed to join the army, although it remains unclear if the war reformed him as he was killed at Salonica in 1917.<sup>127</sup>

Fuell was by no means an anomaly, and by the late war, increasingly serious offenders were being allowed into the forces. By mid 1917 the Prison Commissioners for Scotland were considering remissions for 'convicts', a term used to designate serious offenders who had been sentenced to over one year's imprisonment. These men were the nation's worst offenders, and would have been more at home in the armies of Wellington than Kitchener. Justifying the release of such individuals was difficult, and the associated papers include case notes on each convict weighing up the desirability of their release. George Lee would hardly seem an ideal candidate for a remission, as he had over thirteen convictions, was described by the medical officer as 'slightly simple', and by the governor as 'somewhat unruly'. Yet he was said to be 'willing & plucky' but 'not promising except for actual fighting'. Likewise, William Mowatt was recommended as it was felt he might make a 'good soldier', despite his 'hasty temper' and bad record. William Law was described as 'fit. Sharp, but a bad type. Not likely to improve'. Tellingly it was recommended that the prisoners should be disassociated and kept from large towns if they were to be enlisted.<sup>128</sup> Clearly, the prison authorities at Peterhead had doubts that these men could really be reformed, suggesting that the army's need for soldiers with the 'offensive spirit' outweighed other considerations. The medical officer at Peterhead also included notes on convicts whom he felt were unsuitable for remission. Although, undoubtedly coloured by personal opinions, these notes are helpful in understanding the logic of the prison authorities. Jack French was described as physically fit and well behaved, but gave the impression of being more of a 'rogue than a fool'. Overall he seemed 'too deliberate' in his actions. Henry Bell also met the physical requirements, but was 'Not a good type of individual, lacks straightforwardness, more of the fawning type of villain than anything else'.<sup>129</sup> It is interesting that the medical officer seemed to be surreptitiously questioning Bell's masculinity, and that this failing was enough to prevent him from serving. The prison commissioners clearly favoured men of limited intelligence, by who were willing to act violently if the need came.

In total, fifteen convicts were liberated from Scotland's prisons. Among the more serious cases were James Watson and Charles White, both of whom had been convicted of culpable homicide, a crime roughly equivalent to the English charge of manslaughter.<sup>130</sup> Watson had been accused of murdering his sweetheart in 1909, but the charge was reduced to culpable homicide on the grounds of insanity. White, a Boer War veteran, had killed another man in 1908, but was also convicted of culpable homicide due to mental instability. In both cases the sentence was fourteen years' penal servitude.<sup>131</sup> Among the other convicts were four rapists, one attempted rapist and an attempted murderer. The remainder had mainly been convicted of theft, robbery and housebreaking.<sup>132</sup> The fact

<sup>127</sup> T.N.A., HO 45/10995/158871, prisons and prisoners: release to join army, 1917–1921, letter from Scotland Yard to the undersecretary of state for the Home Office, 23 May 1921.

<sup>128</sup> N.A.S., HH31/32/2, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917–1918, reports on prisoners from Peterhead Prison in connection with the decision to allow remission of sentences for certain prisoners in return for military service overseas.

<sup>129</sup> N.A.S., HH31/32/2, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917–18, copy report by medical officer H.M. Peterhead, 10 Oct. 1917.

<sup>130</sup> N.A.S., HH31/32/12, First World War: enlistment of criminals, naval ratings sentenced by naval court martial: notice of question, 1917, ordinary prisoners and convicts under sentences imposed by civil court liberated to enlist in the army.

<sup>131</sup> *Aberdeen Daily Journal*, 24 Feb. 1909; and *Scotsman*, 6 May 1908.

<sup>132</sup> N.A.S., HH31/32/12, First World War: enlistment of criminals, naval ratings sentenced by naval court martial: notice of question, 1917, ordinary prisoners and convicts under sentences imposed by civil court liberated to enlist in the army.

that the army was accepting thieves, despite an earlier statement to the contrary, as well as the criminally insane, illustrates the deterioration of recruitment standards by 1917. Although the prison authorities stopped short of recommending remissions for murderers, they could still enter the army if they had served their time. George Aitken, another Boer War veteran, had narrowly avoided the gallows for murdering his wife in 1902, but was allowed in the army in 1915 while still on licence.<sup>133</sup> Aitken presented himself as a good soldier and husband who had been provoked by his wife's infidelity and intemperance while he was overseas. Conley has argued that at this time the concept of 'provocation' emerged in Scots law, and was commonly accepted as a defence in spousal homicide cases. A murderous husband who presented his wife as unfaithful, drunken or even a 'scold' could expect a degree of leniency before a court.<sup>134</sup> Emsley has also shown that after both world wars a similar concept emerged in the form of the 'unwritten law', a widely held belief among servicemen that taking violent revenge against unfaithful wives and their lovers was entirely justified.<sup>135</sup> Men who had taken life would need little encouragement in adopting the 'offensive spirit' and would prove useful as soldiers. The way in which life taking was framed at this time, particularly where the victim was a woman, helped enable the recruitment of violent men. Aitken's crime did not disbar him from serving; indeed, his violent response to an affront to his personal honour was considered understandable for a soldier.

Many prisoners provided good service during the war, so much so that a few were even recommended for commissions. The discussions over allowing men with criminal records to serve as officers reveals contemporary attitudes to criminality and the limitations of reform, with the army proving to be more lenient than the home office. Chief Inspector Alfred Ward related two curious incidents where a criminal had been considered for promotion. The first concerned an ex-convict who had won the V.C., possibly Mariner, and was offered a commission, but turned it down so as not to draw attention to himself and reveal his old life. The second was a remarkable case involving a subaltern who had been convicted before the war under an alias, but was exposed by his batman who had been a warder at Portland Prison.<sup>136</sup> On at least one occasion a pardon had to be granted so that a former prisoner could be promoted. Richard Perry had been convicted twice for theft before the war, and was imprisoned for nine months in 1912. In 1917, while serving in the Lovat Scouts, he was promoted, but was forced to resign his commission when his past was revealed. Perry subsequently re-enlisted as a private, and after winning the D.C.M., he was again offered a commission. This time his C.O. recommended that Perry be pardoned so that he could be promoted. Gone was the selfish criminal of the past who stole for personal gain; Perry was described by his superiors as a 'born leader' and 'absolutely fearless'.<sup>137</sup> The request was granted and Perry was given a 'free pardon' in October 1918.<sup>138</sup> Yet the home office had initially been reluctant to oblige, arguing

<sup>133</sup> N.A.S., HH16/93, Criminal case file: George Aitken, 1902–23, letter from George Aitken to the secretary of Scotland, 22 May 1911; letter from the chief constable of Glasgow City Police to the undersecretary for Scotland, 28 Feb. 1923.

<sup>134</sup> C. A. Conley, 'Atonement and domestic homicide in late Victorian Scotland', in *Crime, Law and Popular Culture in Europe, 1500–1900*, ed. R. McMahon (Cullompton, 2008), pp. 219–38, at pp. 229–30.

<sup>135</sup> Emsley, *Soldier, Sailor, Beggarman, Thief*, pp. 136–41.

<sup>136</sup> *People's Journal*, 31 May 1919.

<sup>137</sup> T.N.A., HO 144/1226/228017, Pardons: Perry, Richard Curnow, free pardon on the grounds of extinguished war services, 1912–18, memorandum from the Army Council to the Home Office, 9 Sept. 1918.

<sup>138</sup> T.N.A., HO 144/1226/228017, Pardons: Perry, Richard Curnow, free pardon on the grounds of extinguished war services, 1912–18, free pardon to Richard Curnow Perry granted by George Cave, home secretary, 17 Oct. 1917.

that so many criminals had given 'good service', pardoning Perry would lead to an influx of such requests.<sup>139</sup> Clearly, war service was not always enough to exorcize a criminal past as far as the state was concerned. Unfortunately Perry never lived to take up his commission, as he was killed in action less than a week after he was pardoned.<sup>140</sup>

The conflict between the army and the Home Office raises the question over whether military service could rehabilitate criminals. Modern criminological studies suggest quite the opposite effect, with most agreeing that ex-service personnel are generally more susceptible to criminality not less.<sup>141</sup> The prison authorities for their part were keen for their former charges to be given a second chance. A group of prisoners released from Camp Hill in 1915 were instructed to write a letter every month with details of their progress. The men were told to write in general terms so that any officer censoring the letter would not know that the writer had been in prison. It was of the utmost importance that the men's pasts did not become widely known in their regiments.<sup>142</sup> Precautions were often put in place to reduce the risk of reoffending among serving criminals. Peterhead's governor advised that his former prisoners be kept apart, and 'away from the temptations of a large town'.<sup>143</sup> Like many of the borstal boys, some men who had struggled in civilian life, thrived while in uniform. The commissioners commented favourably on an inmate who had received the Military Medal and saved another man's life by giving a blood transfusion. The prisoner in question had previously been 'a man of character and temper, and apparently embittered'.<sup>144</sup>

In 1915 the Dundee *Courier* reported that prisoners were redeeming themselves on the battlefield, giving the example of a tradesman who had taken to drink and was a 'continual annoyance to the police'. The army had succeeded in reforming him and he had reconciled with his estranged wife.<sup>145</sup> Death in battle was, however, the best guarantee of redemption. Basil Thomson said of Mariner that 'when the Great Book is opened his crimes, such as they were, will I think, be found erased on the debit side of his account, and the Recording Angel will have set down his virtues which had but a tardy recognition while he walked on this earth'.<sup>146</sup> Former prisoners themselves also recognized the beneficial effects of military service, and like borstal boys seen it as an opportunity to 'become a man'. One inmate, who had served multiple terms of imprisonment, wrote that 'I am going alright and feel a better man physically, mentally and morally. War is terrible, but it has its refining influences'.<sup>147</sup> Meyer has found that the connection between war service, physical improvement and masculinity was a common theme in soldiers' letters home. Many men seemed to take solace in the fact that army

<sup>139</sup> T.N.A., HO 144/1226/228017, Pardons: Perry, Richard Curnow, free pardon on the grounds of extinguished war services, 1912–18, Home Office minutes, 12 Aug. 1918.

<sup>140</sup> 'Casualty details: Company Serjeant Major Richard Curnow Perry', *Commonwealth War Graves* <<https://www.cwgc.org/find-records/find-war-dead/casualty-details/40106/RICHARD%20CURNOW%20PERRY/>> [accessed 6 Feb. 2021].

<sup>141</sup> J. Banks and K. Albertson, 'Veterans and violence: an exploration of pre-enlistment, military and post-service life', *European Journal of Criminology*, xv (2018), 730–47.

<sup>142</sup> T.N.A., PCOM 7/289, Discharge of convicts with view to enlistment in H. M. services, 1915, letter from W. Grant Wilson, Central Association for the Aid of Discharged Convicts, to the prison commissioners, 18 Aug. 1915.

<sup>143</sup> N.A.S., HH31/32/2, First World War: enlistment of criminals, naval ratings sentenced by naval court martial, 1917–1918, reports by governors and medical officers, reports on prisoners from Peterhead Prison in connection with the decision to allow remission of sentences for certain prisoners in return for military service overseas, 1917.

<sup>144</sup> *Report of the Commissioners for Prisons, 1918*, pp. 14–15.

<sup>145</sup> *Courier*, 3 Nov. 1915.

<sup>146</sup> Thomson, *Queer People*, pp. 51–2.

<sup>147</sup> *Report of the Commissioners for Prisons, 1918*, pp. 14–15.

life was making them fitter, and this in turn improved their mental well-being.<sup>148</sup> Despite the beneficial effects of military service, it is harder to trace the lives of prisoners after the war. James Watson, one of the Peterhead convicts, appears to have been imprisoned for child neglect in 1927; although this pales in comparison to his previous conviction for culpable homicide.<sup>149</sup> Though he was hardly a model parent, the fact that Watson had a family may suggest a degree of rehabilitation, but it is difficult to judge how much this can be attributed to military service. In 1923 George Aitkin, who had been released on licence for life in 1914, asked to forego regularly reporting to a police station. Central to his argument was his war service, and his request was granted, suggesting that he had at least partially redeemed his character.<sup>150</sup>

Yet there were other reasons for enlisting as many prisoners as possible. The annual cost per prisoner rose significantly during the war, from £30 in 1914 to £56 in 1917, due largely to increasing costs in clothing, fuel and provisions.<sup>151</sup> In England and Wales the total cost of victualling all local prisons rose from £77,279 in 1916 to £137,503 by the end of the war.<sup>152</sup> There were also problems with staff shortages; 41 superior officers, 53 clerks and 824 subordinate officers enlisted by 1918, with no new subordinate staff being hired since 1915.<sup>153</sup> Some prisons were even handed over for military purposes in an effort to economize. The prisons at Devizes, Hereford and Chelmsford were used by the army as Detention Barracks, while naval prisoners were held at Lewes.<sup>154</sup> Other sites appropriated for this purpose included Bodmin, Brecon, Cambridge, Knutsford, Lancaster, Reading, Ruthin, St. Albans, Stafford, Wakefield and Warwick.<sup>155</sup> Similar initiatives were also taken in Scotland and Ireland with several institutions being repurposed for the duration of the war.<sup>156</sup> The prison authorities may well have believed that they were reforming their charges, but it is difficult to ignore the clear economic advantages to allowing prisoners to enlist. Indeed, during the war prisons across Britain increased their economic activity to unprecedented levels.

Throughout the war, prisoners were engaged in valuable war work rather than the usual unproductive forms of convict labour, the framework for war production having been put in place by pre-war penal reforms. D. Smith has argued, at least with respect to Scotland, that the Edwardian era saw a shift away from unproductive forms of prison labour.<sup>157</sup> The totality of the First World War catalysed the industrial output of prisons, and by 1918 4.5 million prison-made articles were being distributed to the admiralty, and war office.<sup>158</sup> The commissioners made much of the fact that war work had significantly increased the value of prison labour. In 1913 the average annual value per inmate was £14 10s 1d, by 1916 this had risen to £22 5s 11d, and remained above £18 for the rest

<sup>148</sup> Meyer, *Men of War*, pp. 24–5.

<sup>149</sup> *Dundee Courier*, 16 Apr. 1927.

<sup>150</sup> N.A.S., HH16/93, Criminal case file: George Aitken, 1902–23, letter from George Aitken to the secretary of Scotland, 22 May 1911; letter from the chief constable of Glasgow City Police to the undersecretary for Scotland, 28 Feb. 1923.

<sup>151</sup> *Annual Report of the Prison Commissioners for Scotland for the year 1917* (Parl Papers 1918 [Cd. 9064], xii), pp. 7–8.

<sup>152</sup> *Report of the Commissioners for Prisons, 1916*, p. 37; and *Report of the Commissioners for Prisons and the Directors of Convict Prisons (for the Year Ended 31<sup>st</sup> March 1919)* (Parl. Papers 1919 [Cd. 374], xxvii), p. 61.

<sup>153</sup> *Report of the Commissioners for Prisons, 1918*, pp. 26–27.

<sup>154</sup> *Report of the Commissioners of Prisons, 1915*, p. 13.

<sup>155</sup> *Report of the Commissioners for Prisons, 1916*, p. 11.

<sup>156</sup> *Annual Report of the Prison Commissioners for Scotland, 1914*, p. 15; *Annual Report of the Prison Commissioners for Scotland for the year 1915* (Parl Papers 1915 [Cd. 8265], xv), p. 7; and *General Prisons Board, Ireland, 1914–1915*, p. vii.

<sup>157</sup> D. Smith, 'Colonel A.B. McHardy: the transformation of penality in Scotland (1885–1909)', *Scottish Economic & Social History*, ix (1989), 38–54, at p. 47.

<sup>158</sup> *Report of the Commissioners for Prisons, 1918*, p. 25.

of the war.<sup>159</sup> Prison labour was also used on works of national importance. In 1915 seventy men from Camp Hill were employed on unspecified work for the military, their conduct being described as 'excellent' throughout.<sup>160</sup> Meanwhile convicts from Peterhead helped construct an aerodrome and repaired floats for Scapa Flow.<sup>161</sup> By 1918 the prison commissioners reported that their charges were producing shell packing cases, horse shoes and iron fitments.<sup>162</sup> Convict labour seems to have been less effective in Ireland, perhaps due to the political situation, yet by 1917 Irish prisoners had managed to produce 1.4 million sandbags.<sup>163</sup> The items being made in prisons were hardly indicative of great technical skill, but using prisoners to make simple, but still essential, materials freed up civilian workers to focus on more complex work.

Female prisoners were also employed in war work, but were limited to 'feminine' jobs, and were expected to give up their leisure time for the purpose. At Aylesbury Prison, England's main female institution, the inmates voluntarily produced various garments for wounded men, with the governor commenting that they appreciated the opportunity to contribute as many had relatives in the forces.<sup>164</sup> In Scotland the women of the Jessiefield Institution used their evenings to knit socks and mufflers for soldiers and sailors.<sup>165</sup> Watson has noted that despite the value of 'comforts' made by civilian women, their motivations were often questioned. A common accusation was that their labour could be better deployed, and that their real intention was to gain access to soldiers for purposes that could only be inferred.<sup>166</sup> These accusations could hardly be made of female prisoners, for whom producing knitted goods and other comforts was their only means of contributing to the war effort.

The prisoners themselves seem to have engaged in war work quite willingly. One chaplain commented that 'under these broad-shouldered garments there beats many a heart still responsive to the loftiest sentiments of loyalty and patriotism'.<sup>167</sup> At Cardiff punishments for 'idleness' fell by 70 per cent, and it was reported that 'many who are unable to enlist, find solace in an increased output of their labour'. At Newcastle it was reported that the prisoners considered it a 'privilege' to be allowed to work on a Sunday.<sup>168</sup> Prisoners at Stafford worked 'uncomplainingly' from 6 a.m. to 8 p.m., while the women prisoners had been ordered to bed at 10 p.m., otherwise they would have worked 'till they collapsed'.<sup>169</sup> The prison authorities appreciated these efforts and distributed extra food for prisoners engaged in war work.<sup>170</sup> Prisoners were also happy to undergo certain privations because of wartime conditions. Inmates at Camp Hill forewent the privilege of using the Association Room due to the shortage of warders.<sup>171</sup> The *Social Gazette* praised the war work undertaken by prisoners, and hoped that 'after this experiment work will be given which is not so demoralizing as the tasks of the past, so that something may

<sup>159</sup> *Report of the Commissioners for Prisons, 1919*, p. 26.

<sup>160</sup> *Report of the Commissioners for Prisons, 1915*, p. 20.

<sup>161</sup> *Annual Report of the Prison Commissioners for Scotland, 1919*, p. 8.

<sup>162</sup> *Annual Report of the Prison Commissioners for Scotland, 1918*, p. 11.

<sup>163</sup> *General Prisons Board, Ireland, 1916–1917*, p. v; and *General Prisons Board, Ireland, 1915–1916*, p. vii.

<sup>164</sup> *Report of the Commissioners for Prisons, 1917*, p. 15.

<sup>165</sup> *Annual Report of the Prison Commissioners for Scotland, 1918*, p. 62.

<sup>166</sup> Watson, *Fighting Different Wars*, pp. 108–11.

<sup>167</sup> *Report of the Commissioners for Prisons, 1916*, p. 12.

<sup>168</sup> *Report of the Commissioners for Prisons, 1915*, p. 13.

<sup>169</sup> *Daily Mirror*, 22 Sept. 1916.

<sup>170</sup> *Report of the Commissioners for Prisons, 1915*, p. 13.

<sup>171</sup> *Report of the Commissioners for Prisons, 1915*, p. 20.

be learnt that will be of use on release'.<sup>172</sup> The production of war materials by prison inmates did in fact create a legacy of more meaningful convict labour. In 1920 only 4 per cent of prisoners were engaged in 'low grade labour', sorting oakum or cotton for example, compared to 19 per cent before the war.<sup>173</sup> The *Scotsman* commented that 'to the social reformer who believes in the reclamation of even the habitual criminal facts like these, which show that they can be reached and by unselfish emotions, are full of encouragement'.<sup>174</sup> Although such articles may have contained an element of hyperbole due to the need for morale lifting stories during wartime, the impression remains that the vast majority of prison inmates willingly engaged in war work.

Despite the efforts of Britain's criminals, the uncertainty of the inter-war period quickly extinguished any feelings of gratitude. Notions of service and how the war was remembered, as described by Watson, made it difficult to incorporate criminals into a collective narrative that overemphasized the experience of young, middle-class officers. The same media that had widely lauded the enlistment of offenders, soon returned to peddling Edwardian notions of a 'criminal class'. The press was convinced that mass enlistment had produced a 'new' more dangerous breed of criminal.<sup>175</sup> The fear that a generation had been 'brutalized', as described by Emsley and Lawrence, enabled the stigmatization of criminal-soldiers.<sup>176</sup> Naturally, it was believed that criminals were more susceptible to the brutalizing tendencies of war, and society would be the worse for it. One writer claimed in 1919, 'I would not go to the length of saying that the war has brutalized such men, but it is the unanimous opinion of those who have to deal with criminals in this country and on the Continent that many have lost regard for the value of human life'.<sup>177</sup> The rise in crime that inevitably followed the war was predictably blamed on demobilized criminals. An article published in *Hampshire Telegraph and Post* in 1919 argued that mass enlistment had only given society a temporary respite from crime. Demobilization had the effect of reviving the 'criminal's temptations and restoring his opportunities. As might be expected he yielded to the former and took advantage of the latter'. The writer finished on the cynical note that it had been a mistake to believe that criminals 'were better than they really are'.<sup>178</sup> The commissioners' own investigations found that of 6,461 ex-servicemen committed to prison between 1919 and 1920, only 1,398 (22 per cent) were 'habitual criminals', while 3,411 (53 per cent) were first offenders.<sup>179</sup> Yet despite the fact that only a minority of prisoners were recidivists, the narrative persisted. The excesses committed by the Black and Tans in Ireland were also blamed on brutalized former prisoners who had joined the crown forces, a belief that was as common in Britain as it was in Ireland.<sup>180</sup> Contrary to their reputation, David Leeson has found that although many Black and Tans were ex-servicemen, few had criminal records.<sup>181</sup>

<sup>172</sup> *Social Gazette*, 27 Nov. 1915.

<sup>173</sup> *Report of the Commissioners of Prisons and the Directors of Convict Prisons (for the Year Ended 31<sup>st</sup> March 1920)* (Parl. Papers 1921 [Cd. 972], xvi), p. 25.

<sup>174</sup> *Scotsman*, 1 Nov. 1915.

<sup>175</sup> H. Shore, 'Criminality and Englishness in the aftermath: the racecourse wars of the 1920s', *Twentieth Century British History*, xxii (2011), 474–97.

<sup>176</sup> Emsley, 'Violent crime in England in 1919'; and Lawrence, 'Forging a peaceable kingdom'.

<sup>177</sup> *Courier*, 15 May 1919.

<sup>178</sup> *Hampshire Telegraph and Post*, 11 July 1919.

<sup>179</sup> *Report of the Commissioners of Prisons, 1920*, p. 6.

<sup>180</sup> Lawrence, 'Forging a peaceable kingdom', p. 580.

<sup>181</sup> D. M. Leeson, *The Black and Tans: British Police and Auxiliaries in the Irish War of Independence, 1920–1921* (New York, 2011), pp. 86–8.

It was perhaps easier, then, to forget that among the fallen were men whose pasts were far from the ideal of the 'glorious dead'. On the small number of prison war memorials erected after the war, it was common for the dead to remain anonymous. The writer Harold Begbie noted that the memorial at Camp Hill used convict numbers instead of names. Begbie wondered if 'the grave of the Unknown Warrior should be the body of one of these poor nameless ones – nameless, in spite of their heroism, lest even in their death they should bring shame on their families'.<sup>182</sup> In his 1933 history of Dartmoor, A. J. Rhodes stated that he had discovered a roll of honour for 284 prisoners who had been killed during the war. In terms of medals, there was a V.C., a Russian Order of St. George, as well as several D.C.M.s and Military Medals. Rhodes refrained from naming the prisoners so as to preserve their reputations as good soldiers. Instead he chose to quote from Pericles' speech in memory of those who had fallen during the Peloponnesian War: 'Even those who come short in other ways may redeem themselves by fighting bravely for their country; may they blot out the evil with the good, and benefit the State more by their public services than ever they injured her by their private actions'.<sup>183</sup> Although preserving the anonymity of prisoners who served was intended as an act of respect, this inevitably led to criminals being excluded from acts of commemoration.

While giving evidence to prison reformers in the 1920s, a former army officer claimed, 'The present system of Convict and Local prisons makes good soldiers rather than good citizens'. Ultimately, the mechanical structure of army and prison discipline could enforce good behaviour for a time, but could do little to reform character.<sup>184</sup> Regardless, the recruiting potential of the criminal population was recognized by those in power, and the criminals themselves were happy 'to do their bit' when the time came. Yet the enlistment of prisoners was dictated by less than patriotic motivations, with economic concerns, as well as contemporary attitudes to different types of criminal, dictating who could serve. The judiciary were initially reluctant to let criminals enlist, but softened their position following the introduction of conscription. The prison authorities were the most zealous in terms of getting prisoners into the army, something that was influenced by staff shortages and the rising cost of imprisonment. This often created friction with the home office and the army who wanted to limit the number of criminals within the ranks. The army did at least believe that a man could redeem himself via good soldiering. These competing interests would become less noticeable as the war progressed and the demand for more men became desperate. Violent men could always find a purpose in the army even if their prospects of reform were poor, and even the prohibition against thieves was eventually lifted. The differing perceptions between criminals and soldiers meant that it was ultimately difficult to frame criminals within the narrative of the First World War, something that remains an issue today. Among the many acts of commemoration that coincided with the centenary of the First World War, there was at least one event dedicated to prisoners. In 2018 a memorial was erected at Polmont in recognition of the inmates who had served. In keeping with earlier prison memorials, the names of the prisoners were excluded in favour of the commonly used 'Lest we forget'.<sup>185</sup> The contribution of Britain's criminal population, then, remains a forgotten, albeit fascinating, story of the First World War.

<sup>182</sup> H. Begbie, *Punishment and Personality* (London, 1927), p. 91.

<sup>183</sup> A. J. Rhodes, *Dartmoor Prison: a Record of 126 Years of Prisoner of War and Convict Life, 1806–1932* (London, 1933), pp. 294–7.

<sup>184</sup> S. Hobhouse and A. F. Brockway, *English Prisons To-day: Being the Report of the Prison System Enquiry Committee* (London, 1922), p. 574.

<sup>185</sup> *Falkirk Herald*, 13 Nov. 2018.