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# Spencer: Crime and the Services

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relations is encouraged to flow through the grievance procedures and transform the automaton-like railroad worker into a dignified human being with spirit and soul.

Dr. Kaufman seemingly equates free collective bargaining with the process of reaching agreement in direct and unhampered across-the-table bargaining between the parties. This view seems not to accord proper weight to the ultimate goals of collective bargaining—the enhancement of individual worth and self-determination within the framework of values embraced by a democratic society. Success or failure of collective bargaining in any industry must, then, be measured by the direction and degree to which such values are realized. The establishment of institutions of consent under the Railway Labor Act, safeguarded by constitutionally protected concepts of due process of law, reflects the genius of the democratic society and should offer Dr. Kaufman strong assurance that continued federal involvement in collective bargaining in the railroad industry is in the direction not of serfdom but of human freedom.

JOSEPH LAZAR †

CRIME AND THE SERVICES. By John Spencer. London: Routledge and Kegan Paul Ltd., 1954. Pp. xii, 306. 28s.

HERE is a book about the criminal behavior of British servicemen which may be read with profit by criminologists and staff officers in the military of any nation. Heretofore, the general area of war and crime has been studied by a number of European and American scholars such as Novicow,<sup>1</sup> Ferrero,<sup>2</sup> Steinmetz,<sup>3</sup> Constatin,<sup>4</sup> Le Bon,<sup>5</sup> and Sorokin,<sup>6</sup> but this book is one of the few to deal both with offenses within the armed forces and with deviant behavior of soldiers after demobilization. Stereotype thinking and folk judgments that "soldiering is brutal and licentious" die hard. But Mr. Spencer demonstrates that military service does not make criminals out of good men, although neither does it rehabilitate civil offenders or the seriously maladjusted. Many of the same factors which cause criminal behavior in civil life are operative in the army. The most that military duty does is to accentuate them. *Crime and the Services* leaves no cavil that military duty itself is not the primary cause for the high incidence of crime in the services or in the post-war years.

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1. NOVICOW, *WAR AND ITS ALLEGED BENEFITS* (1911).

2. FERRERO, *EUROPE'S FATEFUL HOUR* (1918).

3. STEINMETZ, *ETHNOLOGISCHE STUDIEN ZUR ERSTEN ENTWICKLUNG DER STRAFE* (1894).

4. Constantin, *Observations relatives à l'influence de la guerre sur la criminalité et la moralité*, 10 *ANNALES DE MÉDECINE LEGALE* 89-124 (Paris 1930).

5. LE BON, *ENSEIGNEMENTS PSYCHOLOGIQUES DE LA GUERRE EUROPÉENNE* (Flammarion ed. 1916).

6. SOROKIN, *MAN AND SOCIETY IN CALAMITY* (1942).

Mr. Spencer finds that modern warfare has little use for the dull, the immature, and the unstable man. The infantry can no longer be used as the "dumping ground" for misfits. The British Military has come to learn the hard way that delinquency in the army is very largely a matter of morale among troops—where morale is high delinquency is low and vice versa. Men who cannot identify themselves with a group in civil life, or in the military and thereby contribute to and be imbued with high morale are the very men who are most apt to commit offenses in the service.

*Crime and the Services* suggests certain means whereby the manpower of a nation may be more effectively utilized in war time and in peace. Criminal behavior among soldiers can be reduced by (1) more effective methods of selection by conscription agencies, (2) the elimination of unsatisfactory men once they have entered the service, (3) the maintenance of high morale in training units and combat forces, and (4) the use of rehabilitative methods for the more trainable men. And a nation should give as much attention to demobilization as it does to mobilization. Readjustment to civil life needs to be examined exhaustively in terms of the soldier himself, his family, and the community to which he returns. The military and civil authorities must face criminal behavior in and out of the service as a single overall social problem.

The author brings to his problem the insight of a trained criminologist with unusual practical experience in civil and military life. During World War II, Spencer served as a field gunner in the Royal Artillery in Burma. After the war he served the British government in the repatriation of prisoners of war in England.

On the assumption that no civilian institution can function smoothly with social deviates and that no branch of the services can operate effectively with maladjusted persons in the ranks, the author maintains first that draft boards should reject men who are known to be social deviates or maladjusted in civil life. Here Spencer disagrees with his countryman Alex Comfort who says: "It is the socially maladjusted civilian who is happiest in wartime . . . [T]he criminal can redeem himself by enlisting his delinquency on the popular side. War is essentially the playground of the psychopath in society."<sup>7</sup> Spencer argues that adjustment to military life in World War II was a far different problem from that in World War I. The average British soldier in World War II found himself amid a sea of strangers in the forces rather than in a geographically selected unit. Basically, the process of adjustment in the services was a matter of emotional orientation and interpersonal relationships. The individual soldier became enmeshed in groups in which he lost self in the identification with the larger organization. Lord Wavell has well said that a man "is not a good soldier till he has become imbued with the corporate life of the unit."<sup>8</sup> This is the basis for morale which is the "inward spiritual side of discipline." This anonymity and acceptance of discipline may not be a

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7. COMFORT, *AUTHORITY AND DELINQUENCY IN THE MODERN STATE* 51 (1950).

8. WAVELL, *THE GOOD SOLDIER* 49 (1948), quoted by SPENCER, at p. 14.

difficult procedure for the well integrated person, but for the self-centered social deviate with a background of maladjustment in civil life it is almost impossible. He fights against the discipline and the corporate nature of a command unit. And his lack of self-discipline sets up uncontrolled antagonistic emotional reactions. "Emotional stability may thus be seen to be one of the most important characteristics of the mature Serviceman."<sup>9</sup> Every soldier seeks approval in his unit while at the same time trying to preserve his own individuality. It is the immature or unstable man who ultimately sacrifices group approval and fights to maintain whatever personality he may have.

With ample supporting evidence the author demonstrates that the boredom of basic training and barracks life, and not contact with the enemy, caused men to break regulations and in turn to commit other offenses. In combat the enemy provided an active outlet, while in barracks life men turned their aggressiveness toward their own units. Delinquent behavior has seldom been found among repatriated prisoners of war, perhaps because only emotionally strong prisoners of war survive captivity. But, in any event, the popular notion that "traumatic experiences in combat" are directly related to delinquent behavior cannot be substantiated.

It was some time after the outbreak of World War II that the British Services overcame their rather polite misgivings about modern penology and first established programs for screening out and treating delinquents in the Armed Forces. The procedures which were developed centered about the dual problem of selectivity and morale and were shaped by the lack of facilities for treating the recidivist and the psychopath in the Services. Offenders were divided into three classes: the immature young soldier, who could be reclaimed by transfer to Young Soldier Training Units, the hardened recidivist, who should be discharged from the Services, and the unstable psychopath or neurotic who should be released on medical or non-medical grounds.

Offenses committed in the Armed Forces, in the main, arose from conditions encountered while the offenders were deserters or absent-without-leave (AWOL). These two offenses themselves account for fifty per cent of all service crimes; yet neither is a crime in civilian society. Moreover, desertion or absentation was but the first step in a chain of offenses. Absenters and deserters were forced to go "underground" in civil society during the war, and, in that posture, accounted for the bulk of service crimes. But it should be noted that the causes for desertion and going AWOL are not the factors which make a man commit crimes while a deserter. During the war the British attempted to deal with deserters and AWOLs by promising amnesty or at least milder treatment if the men returned to duty. The program was ineffective because it did not include remission of crimes committed after desertion.

Reviewing British policy of admitting men with criminal records into the Armed Forces, the author points to the doubtful benefits to both the Military

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9. P. 16.

and the men themselves. A civilian cannot shed his past as easily as civilian garb. And while some ex-prisoners have proved themselves worthy in combat, the vast majority of criminals do not. Consequently, despite the necessity for effective utilization of manpower in wartime, the chronic offender must be rejected for military duty. Moreover, in the absence of procedures for dealing with borderline cases, only "good risks" such as first offenders and probationers can be reclaimed for some types of duty.

Spencer criticizes the devices which the British belatedly developed for dealing with delinquents. Detention Barracks were used for those offenders who could not be treated in command units. These establishments were strictly punitive with no facilities for rehabilitation and with conditions which "no civil prison would have tolerated." In 1943 Labour Companies for older offenders were established after the prototype of the Penal Battalions of World War I. In the main, they produced doubtful results except as a threat to the potential AWOL. Only Young Soldier's Training Units achieved a measure of success, in spite of the fact that the eighteen to twenty-one year olds with which they worked were highly illiterate, restless, resentful, and disillusioned. The main features of the Units were relaxation of Army discipline, avoidance of punishments, and concentration on informal education. More than half of the young men assigned to the Units later made satisfactory soldiers.

To meet demobilization problems the British developed Civil Resettlement Units where ex-servicemen could live for a time to bridge the gap between war and peace. In these "Transitional Communities" medical men, social workers, and psychiatric specialists were available to those who needed help. Offenders after demobilization were found most among those who returned to disturbed domestic conditions. Many war marriages had been hasty and often the women had developed a new independence in experiencing the hazards of a total war in the air raids. Men who had dreamed of the day when they might go home found that they could not "go home" because the home community had changed and they had changed. They were confronted with a psycho-social isolation which they could not fully understand. The return was most difficult for prisoners of war. This reviewer regrets that Spencer did not devote more space to the problem of these men even though detailed investigation of the subject was perhaps beyond the scope of this book. There are few reliable pieces of research on the repatriation of ex-prisoners of war, and with the West confronted by a new type of ex-prisoner of war, Spencer's experience would have been particularly valuable.

The second and larger portion of Spencer's book deals with ex-servicemen who had committed offenses serious enough to require imprisonment. He presents detailed information about 282 prisoners in three major prisons of England—100 from Dartmouth prison, 100 from Maidstone prison, and 82 from the Borstal Institutions, progressive rehabilitation centers for youthful offenders. Most of these men entered the Services for what they could "get out of it." The 100 ex-servicemen at Dartmouth had an average of 5.7

criminal convictions before they had entered the Army, more than half of them for breaking and entering. After joining, these same men committed an average of 2.5 offenses, most of which occurred while they were deserters or AWOL from training while on the continent. They were apparently unable to withstand the monotony and "hurry and wait" of routine training, but there was no lack of bravery under fire. The 100 ex-service prisoners at Maidstone exhibited almost the same characteristics as the Dartmouth men: in the Armed Forces they continued the criminal behavior pattern already established in civil life, and in the post-war society, unable to face the disorganized conditions to which they returned, they again took the easy way out. The analysis of the Borstal boys is of special interest. Shortly after the outbreak of the war, about two-thirds of the Borstal boys were released from the institutions and about seventy per cent of them were inducted into the Army. Despite their progressive institutional life they did not respond to army discipline. Apparently the disturbed and unstable conditions of their childhood unsuited them for military duty.

The final portion of *Crime and the Services* recounts the careers of 200 imprisoned men who had entered military service after their discharge from civil prisons. The behavior of these men follows the same general pattern as those at Dartmouth, Maidstone, and the Borstals, and demonstrates the futility of permitting men who have long criminal records or those with marked delinquent traits to enter the Armed Services. They lacked that important quality so prized by the British as "sticktuitiveness."

Mr. Spencer has shown that neither enlistment in nor discharge from the Services is an antidote to delinquency. Civil authorities and the military obviously cannot shift the burden of rehabilitating the maladjusted serviceman to each other. If a nation engages in total war the problem of crime must be met on a total basis, in both the civil community and the military, employing the best knowledge and services the nation can provide.

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N.A.T.O. AND ITS PROSPECTS. By Wing-Commander J. D. Warne. New York: Frederick A. Praeger, 1954. Pp. vii, 110. \$3.00.

THIS small volume by a British officer who has served with both NATO and the United Nations is an acute personal analysis of the capacity of the North Atlantic Treaty Organization to function effectively. It is a valuable report on inter-allied mobilization for defense, if for no other reason than that it poses concretely the issues of resource contribution and distribution. Irrespective of one's agreement or disagreement with the author's conclusions, the book is a healthy contrast to many official documents which are the product of semantic compromise.

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