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CONTEMPORARY EYEWITNESS ACCOUNTS OF EXECUTIONS, INCLUDING THE SELECTION OF FIRING PARTIES

From *Shootings at Dawn: The Army Death Penalty at Work*, by Ernest Thurtle M.P. (London, 1924)

Source notes:

- ***Ernest Thurtle was a Labour Party politician who headed the campaign to abolish the military death penalty after the war's end. It is worth considering how Thurtle may have been less concerned with the supposed inequity of military law than the opportunity to attack the army itself.***
- ***His stated objective was to 'convince the public of the barbarity and gross injustice of this particular part of Military Law'.***
- ***At the time of publication the relevant records remained in the hands of the War Office, and access to these records was not permitted. He therefore relied on eyewitness testimony and the liberal use of hearsay evidence in the form of personal letters. It has been remarked that, rather than being an account of the executions carried out during the First World War, it would be more accurate to regard* Shootings at Dawn *as evidence of the impact executions had on morale and on certain parts of British society; namely, those who recoiled from the conservatism inherent in justifying the conduct of modern wars.***
- ***All the notes included here are taken from letters written to Thurtle after the war.***

Regarding the execution of a Private in the 1st Berkshire Regiment on 30 September 1914:

"To get the firing party, as we were going into the line that night, they called for twelve men to carry tools. Now the men who carried tools at that time had the first chance of using them, so you see there were plenty of volunteers, but once on parade they quickly realised that their job was to shoot poor 'A'. On his being brought out he broke away from the sergeant of the guard, and the firing party fired at him on the run, wounding him in the shoulder. They brought him back on a stretcher, and the sergeant of the guard was ordered by the Provost Marshall to finish him off as he lay wounded."

Letter from a Transport Driver of the 10th Durham Light Infantry on the Arras front, 1916:

"On the evening of May 20, 1916, we were informed that reveille would be at 2 a.m. next morning, and we were to parade in full equipment, with ammunition. At three o'clock next morning we were marched to the outskirts of the village, where we found the rest of the Brigade transports. At 3.30 a.m. we were called to attention, and to our surprise a prisoner was marched down in front of us. Then came out the A.P.M. (***Assistant Provost Marshall, military police***) with some papers in his hand.

Then the prisoner's cap was taken off, and he was told to take one pace forward, which he did. Then the A.P.M. commenced to read the papers, which were to the effect that Private 'Y', of the K.R.R. (***King's Royal Rifle Corps***), 41st Brigade, 14th Division, was found missing from his battalion the night they went into the line. He was arrested and charged with desertion. The man pleaded that he was drunk that night and missed his way. He was tried by court martial, found guilty and sentenced to death, the death sentence being confirmed by Sir Douglas Haig (***Commander-in-Chief, 1916***).

The man was then told to take a pace back again, which he did without a quiver—a braver man at that moment wasn't to be found in France. He was then marched away to the place where he was to be shot. We were then ordered to about turn, and the Brigade Transport Officer threatened us that any man who turned round would be put on a crime (***i.e. a charge***). So we stood in silence for what seemed like hours, although only minutes. Then the shots rang out and one of the Yorkshires fainted, the strain was that great. Still we stood in silence until we heard another shot, which I afterwards ascertained was the doctor's shot to make sure he was dead." (***Note: It was the job of the officer in charge of the firing party, not the medical officer, to administer the coup de grâce with***

his pistol if the man was not killed outright by the firing squad. I found the following account of one officer's reaction to this task: "A man was shot for cowardice. The volley failed to kill. The officer in charge lost his nerve, turned to the assistant provost-marshal and said, 'Do your own bloody work, I cannot.' We understood that the sequel was that he was arrested.")

The following account deals with two separate executions:

"I was ordered to pick the two worst characters in my platoon to form part of the execution party. 'X' was a clean, smart, brave soldier, respected by all his comrades.

The two men I selected for the firing party went with the adjutant. When they came back, tough characters though they were supposed to be, they were sick, they screamed in their sleep, they vomited immediately after eating. All they could say was: 'The sight was horrible, made more so by the fact we had shot one of our own men.' (***Note: Men of the same regiment were deliberately chosen. This was often, though not necessarily, the case***).

Lance-Corporal 'X' had been very lucky in gambling with his comrades and had won a fair amount of money while the battalion was back at rest. This had been his downfall, as he had gone on a drinking bout only a few hundred yards away from his battalion."

(A week later...)

"A private in my regiment, 'W', was charged with desertion. He had been absent about 18 days.

On or about February 16, 1915, I was Sergeant in Charge of the Regimental Guard. I had thirty-two prisoners (***i.e. military prisoners belonging to that particular regiment, as opposed to German prisoners of war***), mostly twenty-eight-day men. Among these men were all those who had formed the firing party for Lance-Corporal 'X'. At 8 p.m. I received an envelope marked:—'Open this when you are alone.' The instructions contained in this were: 'you must warn a party of twelve men from the prisoners you have (those who shot Lance-Corporal 'X' must not be included)'. At 4 a.m. next morning I entered the prisoners' room with an escort. I gave strict orders that no man must move until his name was called out, and he must then get up and go outside. Of course they know poor Pte. 'W' was to be shot that morning, and the idea went straight to them—I was warning the execution party for Pte. 'W'.

It was then I witnessed a scene I shall never forget. Men I had known for years as clean, decent, self-respecting soldiers, whose only offence was an occasional military 'drunk', screamed out, begging not to be made into murderers. They offered me all they had if I would not take them for the job, and finally, when twelve of them found themselves outside, selected for the dreaded firing party, they called me all the names they could lay their tongues to (***Note: Faced with the impossibility of sustaining dignity in a situation that was so degrading, most accepted the official line and compensated with sad or boisterous humour and vulgarity – the vast majority of these men swore profusely***). I remained with the guard for three days, and I leave you to guess what I had to put up with. I am poor, with eight children, I would not go through three more such nights for £1,000."

Regarding the execution of Private 'W', B Company, 2nd Battalion South Wales Borderers, 87th Brigade, 29th Division:

"He deserted two or three times, but he was not a **coward**, as a braver man never went on Active Service. He told me that the reason of his conduct in that way was that he was the sole support of a widowed mother, and that the Government only paid her an allowance of 5s. 6d. a week. He said he would never soldier until that gave her more, which was not done, according to his own words to me. The last time he deserted was at the beginning of July, 1918. He was arrested at St. Omer early in August, 1918, was court-martialled and sentenced to death, the sentence being confirmed by Sir Douglas Haig."

An ex-soldier describes an execution he witnessed as a prisoner:

"'Come out, you', ordered the corporal of the guard to me. I crawled forth. It was snowing heavily. 'Stand there!' he said, pushing me between two sentries. 'Quick march!' and away we went, not as I dreaded, to my first taste of 'pack drill', but out and up the long street to an R. E. (***Royal Engineers***) dump. There the police corporal handed in a 'chit' (***an official note***), whereupon three posts, three ropes and a spade were given me to carry back. Our return journey took us up past the

guard room, up a short hill until we reached a secluded spot surrounded by trees. . . . Certain measurements were made in the snow, after which I was ordered to dig three holes at stipulated distances apart. I began to wonder. . . . Could it be . . . ? No, perhaps spies . . . perhaps oh, perhaps only my fancy . . . . The next scene a piercingly cold dawn; a crowd of brass hats, the medical officer, and three firing parties. Three stakes a few yards apart and a ring of sentries around the woodland to help keep the curious away. A motor ambulance arrives conveying the doomed men. Manacled and blindfolded they are helped out and tied up to the stakes. Over each man's heart is placed an envelope. At the sign of command the firing parties, twelve to each, align their rifles on the envelopes. The officer in charge holds his stick aloft and as it falls thirty six bullets usher the souls of three Kitchener's men to the great unknown. As a military prisoner I helped clear the traces of that triple murder. I took the posts down . . . I helped carry those bodies towards their last resting place; I collected the blood-soaked straw and burnt it. Acting upon police instructions I took all their belongings from the dead men's tunics (discarded before being shot). A few letters, a pipe, some fags, a photo. I could tell you of the silence of the military police after reading one letter from a little girl to 'Dear Daddy'; of the blood-stained snow that horrified the French peasants; of the chaplain's confession that braver men he had never met than those three men he prayed with just before the fatal dawn."

From a letter from an ex-private of the 1st Battalion, East Kent Regiment:

"I think it was hard lines that I should have had to make one of his firing party, as he was a chum of mine. . . . We were told that the only humane thing that we could do was to shoot straight. The two men were led out blindfolded, tied to posts driven into the ground, and then we received our orders by sign from our officer, so that the condemned men should not hear us getting ready. Our officer felt it very much, as he, like me, knew the fellow 'E' years before. 'G' I never knew, but his case was every bit as sad, as he was only a boy."

From a letter of an ex-sergeant of the 13th Middlesex Regiment, who was in charge of the firing party:

"It was a terrible scene, being that I knew him made it worse for me. The ten men were selected from a few details left out of the line. They were nervous wrecks themselves, and two of them had not the nerve to fire. Of course, they were tried, but they were found to be medically unfit—their nerves had gone . . . I have always had it on my mind. I think these terrible things should be abolished, and so would everyone else who had witnessed a 'Shooting at Dawn' affair. . . . Excuse my writing. It is difficult for me to write, but I felt it my duty to help to get these executions abolished. . . .P.S.—The last words the lad said were: 'What will my mother say?'"

From The Imperial War Museum Sound Archives

Maberly Squire Esler (Medical Officer, 9th Battalion Border Regiment – Western Front, Somme area, 1915) – account of role during execution of soldier for **cowardice**:

- Role was to pin on the heart a piece of coloured flannel to give the marksmen something to fire at.
- I lay awake thinking of it all night and I thought I'll try to help this fellow a bit, so I took down a cup full of brandy and presented to him, and I said, "Drink this and you won't know very much about it." He said, "What is it?" I said, "It's brandy." He said, "Well, I've never drank spirits in my life. There's no point in me starting now." That to me was a spurious sort of courage in a way.
- Two men came and led him out of the hut where he had been guarded all night. As he left the hut his legs gave way. Then one could see the fear entering his heart. Rather than march to the firing spot he was dragged along. When we got there he had his hands tied behind his back, he was put up against a wall, his eyes were bandaged, and the firing squad were given the order to fire.
- The firing squad consisted of eight men, only two of which had their rifles loaded. The other two carried blank ammunition. That was so they wouldn't know who had fired the fatal shot

(***Note: Of course, this doesn't tally, but there is some truth here. While there was nothing in the rules to enforce it, it seems to have been usual for the officer of the firing squad to unload one or more of the rifles; the idea being that any member of the firing squad could, in later years, say that his was the rifle that was empty. In some cases the officer even mixed up the rifles, which, by causing soldiers to fire rifles that were not zeroed to them, was actually more likely to result in a botched shooting***).

- I wondered at the time, what on earth will happen if they miss him, they don't kill him completely, and I was very anxious about that. But when they fired he fell to the ground writhing, as all people do, even if they've been killed they have this reflex action of writhing about that goes on for some minutes. I didn't know whether he was dead or not. But at the moment the sergeant in charge stepped forward, put a revolver to his head and blew his brains out, and that was the *coup de grâce*, which I learned afterwards was always carried out in these cases.
- I think it (***the death penalty***) was absolutely essential. It was setting a bad example to the men. They were beginning to feel that you only had to walk off during a battle and then come back afterwards and you escaped any penalty of death or mutilation. It was setting a bad example. It must have happened.
- The crime was planned, definitely. He'd done it twice, you see, and was setting a very bad example, and desertion in peacetime is a bad thing to do, but in wartime desertion when a battle is about to take place and to leave all your comrades in the lurch was an unheard of thing, of course, and must be punished in that sort of way.

Unnamed British Non-Commissioned Officer (Suffolk Regiment, Western Front, 1914-18) – story of guarding prisoner awaiting execution for **cowardice**:

- I was handcuffed to one for two nights.
- I tried to talk to him all night long. I said, "Look, you've got three chances. You can be wounded, you can be taken prisoner, or you can be killed. But now you'll be killed anyhow."
- But I don't think it was **cowardice** I think his nerves were gone, you know?
  Note: there are very few records of how men who were shot spent their last night. What is to be found has been recounted in one published account (Die Hard, Aby! By David Lister, 2005). What follows are the relevant details:
  - For some men, the lifting of all uncertainty concerning their future made way for a feeling of calm acceptance.
  - Some passed their last night with such self-possession and dignity that the men guarding them were reduced to tears.
  - Others were so frightened that the guard would conspire to bring them alcohol so that drink could blunt the edges of their pain.
  - Still other men went through all the above extremes as night crept on and dawn draw nearer.
  - In many cases the chaplain stayed through the whole night with the condemned man.
  - The man would be under close guard, not simply to prevent him escaping but also to prevent him from committing suicide. A chaplain's appeal that the sentries might be removed was therefore not accepted.
  - One chaplain told a distraught prisoner of all the fine fellows who had passed on and what company he would find on the other side. The man subsequently calmed down, but did not much wish to talk. He drank the tea brought for him and ate the bread and jam. Later, he asked if they could sing hymns, and, beginning with 'Rock of Ages', the chaplain and the condemned man sang many hymns together.

Unnamed British private (King's Liverpool Regiment, Western Front, 1915-18) – description of role issuing chair and other items for use in executions:

- Another interesting point you'll hardly believe: when an attack was coming off, the joiners used to make the execution chairs. They always had cases of **cowardice**, of people hiding and not going over. They had these chairs made which I had in my shed (***the interviewee was***

attached to the Royal Engineers at a supply dump). It used to be a stool so far from the ground. They used to tie the legs to the chair legs. At the back there protruded an arm about six inches each side to which his arms were tied. With that chair you sent about ten yards of green canvas. They wouldn't bury him in a blanket. When an ordinary soldier got killed, if you could, you would bury him in a blanket. But with a chap who was shot like that you wouldn't. Also you had a white disk with a pin at a back which they put in the breast hole of the chap who was going to be shot.

- The people who did it never knew what they were going to do, they were out on patrol or to do a job or something like that. They were suddenly taken to a hut, handed a rifle each and some cartridges, and without any warning they were confronted by this fellow in the chair and were told to shoot him. I heard of one case when they decided they couldn't do it, and instead of killing the chap they badly wounded him in the legs and the arms or something like that, and the APM had to go up and finish him off with his revolver.
- After every big attack you did have cases. You can't blame them, if they can get away with it of course. But the generals were so frightened that if one or two got away with it and they spread that mutiny among the others there would be no stopping it.
- You couldn't blame them when they had to go in and face certain death.
- I remember reading one order which they'd pinned on the board when I was with the Royal Engineers, it was a typewritten order, about a soldier that had pleaded that his shoelace had become undone and he'd stopped to tie it, and when he got up he couldn't see anybody and he fell back. Anyhow, he was court-martialled and shot. It was in the orders.

Unnamed British NCO (Oxford and Buckinghamshire Light Infantry, Western Front, 1914-1917) – attitude to concepts of **heroism** and **cowardice**; question of executions; suggestion of local newspaper reports disguising executions:

- I'm going to tell you something that I should be criticised for and a good many won't believe it...
- I don't believe in such a thing as **heroes** or **cowards** in that war, because I was in it from the first week at the beginning. I went through it, I was wounded on three different occasions, I spent the last twenty months as a prisoner of war, so I think I can speak from experience and give my view, and that is: no **heroes**, no **cowards**, because once you've left England as a young man, whether young or old it don't matter, if you've never seen war before, once you stepped into those trenches, frontline trenches, and had a smashing and bashing with shellfire, you weren't human again after that. I'm sure you were not human. Your mind went and you turned from a human being into a machine, and I don't think you knew what you were doing half the time, or you would never have done it (***Note: this substantiates the point made by historian Denis Winter that these incidents 'did not touch the real man and related only to a temporary and unimportant phase of the man's life-span' – witness the title of the narrative poem by ex-serviceman David Jones, "In Parenthesis". In other words, there was a feeling that one operated outside of normal space and time. The psycho-historian Eric Leed describes the trenches as a labyrinth in which the traumatic experience of combat and the wholesale shattering of the conventions and ethical codes of normal social life turned ordinary civilians into 'liminal men': men living beyond the limits of the accepted and the expected***) because I've seen chaps myself, not once but many times, they did things that they should have had a VC (***Victoria Cross***) for, but they wasn't seen doing it. And I've seen those same chaps later on worried, even crying, depressed and down in the dumps, and not seen again. But had they been seen on either occasion they would have had either a medal or a court martial, because at that time early in the war it was strict discipline of the old, old days, and so many, many men then were court-martialled and faced a firing squad, simply because their nerves went, and it was nothing more, and that happened often and often.
- And so, early on, early in 1915, it was published in the press and they began to complain about it, because they began to know what was actually happening.

- The parents of those chaps or the next of kin had a lovely letter (***see John Grainger, below – p. 10***) saying that they had died fighting for their country, not a court martial.
- The outcome of that was, all the ambulance trains were turned around quickly. Each ambulance coach was altered to have a padded cell in it, and I know that's right because I helped dismantle them after the war. Each coach had a padded cell and the chaps who had breakdowns, which was nothing more than nervous breakdown, they couldn't help it, they were sent home and sent to asylums and so cured. But otherwise, early on, they were shot for that.
- Example offences: If they should be giving you heavy shelling when you should be standing-to all along the trench, and one of them found his nerves had gone and he'd dived back and lay in the dugout frightened to death, if he was found out that was a sure thing. Another one was if you were caught fast asleep on your post. And, also, if by chance, someone was frightened, and found himself wondering about behind the lines, that was another sure thing.
- I'll try and explain why I don't believe there was such a thing as heroes or **cowards** during that war. As you know I was in it from the first week to the finish, that includes the trench warfare, Battle of the Somme, Battle of Arras, twenty months a prisoner of war, and collected three lots of wounds on the way. Well now, we were not really soldiers at all, we were just civilians who had gone in as young chaps, mainly young chaps. We came under the old fashioned discipline of years before, very strict.
- There was a hell of an outcry in England when it became realised what was happening, with many people having to face firing squads. They altered their tune. The British forces headquarters altered their tune completely and called it shell-shock, and it was shell-shock. That nearly cut the whole of that firing squad business out.
- Your local paper would have the headline "Local lad / local hero gets the Military Medal" and then another week it might have been "Jack Jones, his mother had a lovely letter from the colonel: died in action fighting for his country." What a shame that rubbish was put in the paper. And yet that poor bugger had been stuck up against a wall and shot for **cowardice**.

Private William Holmes (London Regiment, Western Front, 1916-18) – <u>account of two new recruits' desertion prior to attack; subsequent court martial; parade to announce sentence; execution by firing squad drawn by lots; reactions and question of justification of executions</u>:

- Re: two youngsters who had only been with us for about two weeks.
- When they knew we had to do this (***make a counter attack to push the Germans out of a frontline trench previously held by the British***) they were literally crying their eyes out. See, they'd ever even been in the line before. They'd got no idea that the attack would be straight away.
- When we moved up to the attack we lost sight of these two youngsters. They'd actually cleared off and were caught by the redcaps (***nickname for the military police***) some miles away, about three or four miles away, and brought back and charged by a military court.
- On that Sunday the whole battalion were paraded on a large parade ground, even the cooks had to attend it, and the two young men were stood at the end near the officer. Their caps were taken off their heads and every insignia of the regiment was torn off to disgrace them as much as they could, and then the verdict of the court was read out: that these two young men had deserted at the time of an attack and that through their desertion and letting their mates down (***note: this second point was not an official reason, reflecting instead the attitude of the interviewee***) they were going to be shot the next day at dawn.
- The point was that these two young men had been in my platoon, and it was decided that four men would draw lots. Numbers were put in a bag. Luckily I wasn't one of the four. Those four knew what they had to do the next morning. They were terrified, and almost sick at the whole thought of it. They were going to go and shoot their mates. But that's discipline. You had to do as you were told otherwise you'd have been shot. If they'd have failed to do that, they'd have been shot themselves.
- So next morning at 8 o'clock the two young men were brought out into a yard, though of course we weren't there to see it all (***the details supplied come from accounts given by those***

men in the firing party). They were blindfolded and of the four men of my battalion who had to shoot them, each two had been given a bullet to put up the spout. Each one was told to take one man, one of the boys. Of these two men, one had to fire at the boy's head and the other one at his heart, so that the chances were they would be killed instantly (***Note: this is the only evidence I have found of this technique, suggesting it probably didn't happen this way***)

- The terrible thing was the parents were never told. they were simply sent telegrams to say that your son has been killed on active service.
- When the firing party came back they were sick and I don't think they could eat any food for the rest of the day.
- There was sympathy, but more sympathy, of course, with the parents. We could have, but didn't, tell them.
- It was a terrible thing. We lived with thoughts of that for days and days and weeks and weeks. I can see it all now.
- The point was this: every man who had come out to fight, as soon as he arrived in France, was read the war facts (***Note: this probably refers to the disciplinary code, as taken from the Manual of Military Law (War Office, 1914), details of which I have included below. Men would also have received a copy of a text known as "The Soldier's Small Book" upon enlistment, which contained a list of the offences punishable by death***). You were told, in amongst those things, that mere disobedience you could be shot for. No matter what the officer said, if you openly disobeyed him, you'd be shot, we knew that. That was the attitude we had to live in from the moment we arrived in France.
- We just took it as a fact of life, that's the point. When you're running a war, you must have discipline. And that discipline, if it's not carried out one hundred per cent, the whole war could be jeopardised by it. You're warned about it and you can't say that you don't know. You know what you can get shot for. Not simply for running away and deserting your regiment, but for disobeying an officer's command.
- In principle it was right. It was the only thing that could be done.

Captain Sydney Herbert Firth (Royal Fusiliers, Western Front, 1916-18) – story of role as **Prisoner's Friend** in court martial of deserter; attitude to shell shock cases; story of organising firing party for execution:

- We were going up the line and the Austrians sent over a certain number of shells onto the road we were on, not very many, but a few, and we had a man who ran away. He was found I should think about a couple of months later by the military place. He was having lunch with a military policeman, and he suddenly discovered that he was a deserter from the battalion, and they brought him back to the battalion and he was court-martialled. In the meantime, while he was away, I had received his record. In it I was asked to keep him out of the line as far as possible, because he was a regular soldier and he'd been in so many raids since 1914 that his nerves were completely shattered. But that didn't arrive until after he had run away, so he was court-martialled.
- As adjutant, I had to act as prosecutor. Before the court martial I had to get some particulars from him before I made up what I was going to say as prosecutor. He told me about this business that he's been in so many raids that "If a shell were to drop at the prison door at this present time I couldn't restrain myself from running a mile". He said, "My nerves are so shattered, I can't help it."
- On how a court martial is run: there are generally three officers. I told my story as prosecutor. When I had finished I said to the Colonel or Major who was chief of the people hearing the case, "Have you finished with me?"
  They said, "Don't you know that the officer who is prosecuting stays in the court until everything is over?"
  I said, "I didn't ask to leave the court."
  They said, "What do you mean?"
  I said, "I want to move over to the other side of the court and act as **Prisoner's Friend**."
  "Never heard of such a thing," they said.

"No," I sad, "I don't suppose you have, but this is a very particular case and I refuse to let anybody else do the job."
They said, "I can't help that, the case must go on,"
I said, "It can't. You look up King's Regulations and you'll find that it can't go on without a **Prisoner's Friend** (***Note: this wasn't strictly accurate***), and I refuse to let anybody else act as **Prisoner's Friend**. So you'll either have to accept that or dismiss the court martial."
He said, "Oh all right, I suppose. We didn't have to hear you (***i.e. protesting in such a disorderly manner***)."

- Then I told my story. I said it was the fault of the adjutant of the other battalion that his papers hadn't reached me before we went up the line. If a shell were to fall near these quarters at this present time he'd run, in spite of you and everyone else.
- And, eventually, he got about six months or nine months detention.
- (***Upon being asked by the interviewer whether the accused was pleased to have him there as his friend...***) Well, I don't know. But it would have been wrong. After all, in those days, to run away, for desertion, he was liable to be shot.
- The thing that upset me more than anything else, I once had to detail an officer (***a subaltern***) and five men, to shoot somebody of another unit. It was generally five or more. Some of them had their rifles loaded, and some of them were not loaded, and the officer had to have a loaded pistol. I wasn't there at the time but I had to detail those people (***it is worth noting at this point that the interviewee is close to tears***).
- There was a piece on the television some time ago saying that during the First World War many of the people who were shot had nobody to defend them whatsoever. Well, in my opinion, that is not so. Or, it was not so in the case that I have told you about.
- It is very likely that nervous cases weren't understood. But I can understand it with a person who had been in raid after raid and come through. I can quite understand it. But I was very glad I got that fellow off.
- After all, a lot of these people had volunteered for this job, and their nerves couldn't stand it. I can understand that.

Unnamed British private (Dorset Regiment, Western Front, 1914-18) – description of role in firing party for execution of deserter from his own battalion:

- On that occasion we had to get up at 3 o'clock in the morning.
- There were six rifles laid on the ground.
- They brought a chair, and he was tied to the chair. His arms were tied behind his back. There was a white disk pinned over his heart, and his ankles were tied. He had a gas mask over his head backwards so he couldn't see.
- My platoon officer called out six names, I was one of them. Fall in, march, pick up arms, and one round fire. The officer was stood by with a loaded revolver in case we flunked it.
- We couldn't miss at ten yards. Not a murmur of course. The doctor was there and he felt his pulse and said his life was extinct.
- They cut him loose, put him on a stretcher, carried him away and buried him.

Major Marmaduke Leslie Walkinton (Machine Gun Corps, Western Front, 1916-18) – story of organising firing party to execute deserter:

- The only contact I had, and it was not pleasant. A man had deserted three times from a machine gun company and he'd been dragged back and he deserted again. So he was court-martialled and it was ordered that he should be shot. I was commanding his company at that time, and I was told to detail a firing party of six men to shoot him at a certain place and time. I was told which officer to send – the Colonel thought he knew better than I did. Quite right. And so, under a reliable officer, these chaps had to go and shoot this man. They came back and said that he was very decent about it, telling them, "Don't worry, I know you've got to do it." What they did if there were, say, six chaps with rifles, one rifle would be loaded with a blank so that you couldn't be certain that you had actually killed him.

- A nasty business, but an unavoidable one, I should think.
- The men in the firing party disliked it but they didn't try to evade their duty.

Private Arthur William Baxter (Machine Gun Corps, Western Front, 1915-18) – on announcements of executions in the frontline:

- They read it out to you. You form up on three sides, and an officer reads out that so and so "deserted" or "**cowardice** in the face of the enemy", or whatever, and that the punishment was duly carried out yesterday morning, or whatever.
- We didn't like it.
- Some people's nerves give way, and they slide away from the trenches, but there are police in the second line who would arrest you and take you back. You had to have a court martial, and you could be dead within three or four days. That was read out to you.
- Some people just couldn't stand it. Perhaps they were best dead, I don't know.

Clifford James Lane (NCO, Hertfordshire Regiment, 1914-18) – on reactions to announcements of men executed for **cowardice**:

- Upon coming out of the line, one of the officers read out a statement to the effect that, "Private _____ of the 1st Battalion Scots Guards absented himself from the regiment from 10th March until 14th March. He was court-martialled, sentenced to death, and executed on ____."
- But we didn't get so much of it after the end of 1915.
- We thought it was alright. If men had thought they could get away with clearing off at the critical moment, you couldn't possibly run a war like that.

Graham Hamilton Greenwell (Officer, Oxford and Buckinghamshire Light Infantry, Western Front, 1914-18) – on reading out notice of executions to company:

- When you were a company commander you had to read out certain general orders on company parade.
- Then you would get one which said "Private or Sergeant so and so of the 'X' Regiment was tried by Field General Court Martial for desertion in the face of the enemy, convicted of the offence, and duly shot at 8 a.m. the following day." And I had to read that out on parade to the troops.
- That was dramatic, but it didn't strike one as behaving like a brutal Prussian officer (***Note: The perceived militarism or aggression of German soldiers was a dominant theme of wartime propaganda***).
- The men didn't react much. It was all part of that queer thing of being in the army.

Private Joseph Pickard (Northumberland Fusiliers, Western Front, 1916-1918) – on reaction to execution of soldier:

- You got used to these sorts of things; you just took them for granted.
- You knew what the penalty for **cowardice** was.
- I suppose it was fair. You went, so if the other fellow had got to fight why didn't he go?

Private John Grainger (Lancashire Fusiliers, Western Front, 1918) – on procedure of execution by firing squad of Private William Jack Earl (a local man known to him) who had deserted twice; subsequent notification of family; reaction of other ranks:

- One lad deserted twice and he got sentenced to death.
- There was a court martial out of lines.
- Then we formed up on three sides of a square with all the officers and officials there, and they stripped him of his medal. Then the sentence was read out.
- We all had to go and see it, every one of us. We were all up the hill, and down below they'd got a little stage. There was a chair in the middle of the stage there. He was brought out, sat on the chair. He must have asked about being blindfolded because they did blindfold him. For

the firing squad, they had to take some out of his own platoon, and they took eight of them. But one of them who was picked originally was his mate and he refused to take part in it. He was told that if he didn't he would be court-martialled and receive his own sentence. He was also told, "There is nothing to worry about because you won't shoot him". You see, there was eight rifles and one had a dummy. But none of the men knew which of them had got the dummy bullet. The officer said that each one of them had it that they wouldn't have shot the man. Some of them must have missed deliberately, but that was unfortunate because he did slump over but he wasn't dead. That's when the Provost Marshall had to stand by and shoot him.

- I felt bloody miserable because he was a friend of mine.
- Of course, you can't do that (***i.e. desert***) twice.
- At that time I was company clerk and I had to send a telegram home to his people. The procedure is that if anybody was killed I used to send this telegram: " I regret to inform you that your son ____ was killed in action." Now, with him, I had to send the telegram, but I said just "killed". The words "in action" were not in that telegram. That was for the benefit of the parents to give them the satisfaction that he wasn't a **coward**.
- Unfortunately with this lad, another chap lived in the same street as him. It was his mate, the one who had refused to take part in the firing squad. When he got home on leave he told the parents that their young 'un had deserted and had been shot. They were bitter.
- It got round to us lot and one or two of us gave this guy a right riling up and beat the bloody daylights out of him, because it was a most horrible thing to do. They had got the satisfaction of living their whole lives knowing that their son had been killed during the war without finding out how he was finished.
- (***On question of was it effective as an example***)... To us it was obvious. We didn't have any crying parties on his behalf or anything like that. We were very sorry for his parents, but he got what he deserved. He asked for it more or less. The part where they made us watch, you just shut yours if you want – it was up to you. I just watched it, and that was it. It only took about a minute or two. He was just in a shirt and trousers, and his identification disk was dangling down on his chest. It was like a natural amphitheatre in that wood. But the whole battalion was there, and it was as good as saying "Now you know".
- It worked without a doubt. I wouldn't like to have seen another one.

Private William George Holbrook (Royal Fusiliers, Western Front 1914-18) – story of repeated desertion of a fellow private and view of his execution:

- We had a nasty case of desertion.
- One fellow never hesitated to go on any raid. He would go out in front of the German lines at night and listen to their conversations.
- This fellow if there was any old French girl behind the line, he would get with her and desert with her. He would be away from the front line and didn't get caught for two or three months. This happened three times. The time before last he got caught and was put in a tent. We had to guard him but we let him out because we like him. The following month he got caught again, was court-martialled and sentenced to death.
- The troops and upset about it of course because they all liked him, though an awful lot of the troops that knew him had gone, had died.
- One morning we were at rest in some old barns. We had four days rest. We were called out one morning early, but did not know for what reason. But there was Roberts, sitting on a chair. They picked six men, and General Potter read out a statement: "You men are to watch him be sentenced to death. He is not a **coward**; he is a very brave man. But it is beyond my powers to do anything about it."
- They placed an envelope over Roberts's heart. They put a bandage over his eyes, but he said, "I don't want a bandage! I'd sooner die by a British bullet than a German one!"
- It was in a meadow behind the village. The villagers seemed to know more about it than we did.
- The death was instantaneous.

- It upset the troops, but not so much because they were new troops. But they all didn't know what to think about it.

Examples of letters written by men who were subsequently executed, taken from existing published accounts

Written by Abraham Bevistein, 23rd February 1916:

"Dear Mother,

We were in the trenches, and I was ill, so I went out and they took me to the prison, and I am in a bit of trouble now and won't get any money for a long time. I will have to go in front of a Court. I will try my best to get out of it, so don't worry. But, dear Mother, try to send some money, not very much, but try your best. I will let you know in my next how I got on. Give my best to Mother, Father and Kate.

From your loving son, Aby."

(***This was the last letter the family ever received from Aby. They had no more word from him until the notification of his death***.)

Written by Sub-Lieutenant Edwin Leopold Arthur Dyett, 4th January 1917, the night before execution:

"Dearest Mother Mine,

I hope by now you will have the news. Dearest, I am leaving you now because He has willed it (***Note: witness the correlation with Douglas Haig's belief in predestination – p. 22***). My sorrow tonight is for the trouble I have caused you and dad.

Please excuse any mistakes, but if it were not for the kind support of the Rev. W. C. ------- (***censored***) who is with me tonight, I should not be able to write myself. I should like you to write to him, as he has been my friend.

I am leaving all my effects to you, dearest; will you give my little ------- half the sum you have of mine?

Give dear Dad my love and wish him luck. I feel for you so much and I am sorry for bringing dishonour upon you all. Give ------- my love. She will, I expect, understand – and give her back the presents, photos, cards, etc., she has sent me, poor girl.

So now, dearest mother, I must close. May God bless and protect you all now and for evermore. Amen."

(***This letter was kept by the padre, who forwarded it to the family along with his own message, included here...***)

"I enclose your boy's last letter to his mother. I want you to understand he wrote it entirely by himself, his mind being as clear and as thoughtful as anyone could wish; not a tremor or moment of fear. When his end had been carried out [by order of GCM (***General Court Martial***)], I accompanied his body in an ambulance car several miles away to a beautiful little cemetery, near a small town, quite close to the sea, and here we buried him with the Church of England Service. A cross will soon be erected over his grave. Leave it to me, and I will see that it is done, before our hurried departure to another part of France."

THE BATTLE OF THE SOMME

There appear to have been 3 executions of men in the British Army in the final few days before the commencement of the Somme offensive on 1 July 1916:

(1.) Private John Jennings (2nd Battalion South Lancashire Regiment) – 26/6/1916 (Offence: Desertion)
(2.) Private Griffiths Lewis (3rd Battalion South Lancashire Regiment, attached to the 2nd Battalion) – 26/6/1916 (Offence: Desertion)
(3.) Rifleman Frederick Harding (King's Royal Rifle Corps) – 29/6/1969 (Offence: Desertion)

The details supplied here come from *Shot at Dawn* by Julian Putkowski & Julian Sykes, the authors having already consulted the relevant files held in the War Office collection at the National Archives...

Private John Jennings and Private Griffith Lewis:

- Both men had seen considerable service in the regular army, having enlisted early in the century.
    - Jennings had previously served in France as a Lance Corporal with his battalion, fighting with the original British Expeditionary Force (BEF) since 14 August 1914.
    - Lewis was also a veteran of the original BEF, having landed in France on 15 September 1914.
- The two men had left Lancashire on 25 October 1915 on a draft bound for the 2nd South Lancashires. In London, the party of men left their kit at Waterloo station before marching to the Union Jack Club, where they were allowed to fall out. When the draft was reassembled Kennings and Lewis were absent.
- Nothing further was seen of the duo until they were arrested by Shoreditch Police on 18 May 1916. The two men were handed over to a military escort and then shipped out to their battalion who were billeted in a back area on the Somme.
- The court martial took place on 20 June and confirmation of the two death sentences came quickly.
- Six days later, at 4 o'clock on the morning of 26 June, the sentences were carried out at the village of St Ouen—by a firing squad picked from the men's own battalion.

Rifleman Frederick Harding:

- Harding hard deserted from a frontline trench near Arras.
- Had selection procedures been more rigorous in 1914, and if Harding had been truthful when he attested, then it is almost certain that the man would not have been accepted for army service.
- In a most unusual defence Harding virtually admitted to formerly being a tramp and a beggar, who was prone to 'moving on'.
- Following the trial Harding was medically examined. The check determined whether or not a soldier was physically and psychologically fir to undergo field punishment or hard labour. The medical board were of the opinion that Harding had a very low standard of intelligence and concluded that he showed no symptoms of mental illness.[1]

[1] ***Existing concerns about degeneracy were a crucial factor in the process of reviewing death sentences, which were used with particular severity against those deemed degenerate or 'worthless'. Additional stimulus was provided by concerns about 'race' – in particular, the quality of the Irish 'race'. Concerns about the loyalty of Irish units lingered throughout the war (even though the evidence suggests that these fears were unfounded) and Irish troops were tried by court martial more often than were other soldiers in the British Army. The same cannot be said for the Scottish who, in peacetime, had not been viewed as 'outsiders' or considered abnormal and therefore a threat to society. Moreover, they were not endowed with the same increasing sense of independence from British control.***

- His execution was the last to take place before the Battle of the Somme commenced.
- He was also the one hundredth victim of the death penalty in the British Army in the First World War (in terms of offences punishable under the Army Act, and all theatres of operations – i.e. not just the Western Front)

FURTHER NOTES ON THE IMPACT OF BIG OFFENSIVES (INCLUDING UNIT AND TROOP MORALE)

- In the build up to a large-scale offensive such as the Somme in 1916 tension naturally increased.
- The intensification of the preliminary bombardment, although directed at the enemy, also preyed on the minds of those awaiting orders to advance – this might have resulted in an increase in **desertion**.
- There were private concerns that became particularly heightened during battles which took on a morbid tone, with some wondering whether they would ever see home or family again:
    - The link between home and battle fronts was an important psychic identification. When the link came under threat (such as when all immediate prospect of leave was denied, or some other threat, whether real or imagined, to familial and communal ties) it could induce men to react without regard for the consequences of their actions through an enormous compounding effect on other concerns in soldiers' minds. The link with home was crucial to the morale of the troops and should not be underestimated.
    - A mutual sense of loyalty to one's pals often transcended military training.

  Accordingly, anxiety over how bad news would be received at home, coupled with despair at the loss (actual or imagined) of comrades, was a powerful cocktail which destroyed the ability of men to endure any more. One cannot afford to ignore the impact of soldiers' state of mind at these moments.
- Charges of **cowardice** in the face of the enemy were most likely to be brought *during the battle itself* rather than at times when most units were out of the line.
- Executions reflected the increased determination of commanders, up to and including the Commander-in-Chief (Douglas Haig), to ensure tight discipline and to assert their authority at such times.
- Despite the problems associated with generalising conclusions, it seems that a harsher line was adopted with the New Army and Territorial Force units (as opposed to the Regular—professional—Army) during the Somme offensive, when there was a heightened concern about discipline during a major battle. Concerns were raised about the inexperience of officers in particular, and the solution was held to be the occasional shooting of men in the ranks to set an example. In other words, perceived deficiencies in man-management were compensated for by coercion of the rank and file through a regime of fear.
- Execution was held to be the *only* way to restore discipline where it was thought to be suspect.
- In many cases, however, executions were carried out even though discipline in the unit was regarded as either 'good' or 'excellent'.
- Ultimately, most executions were carried out at critical moments of the war, such as around big offensives, and often an ideal candidate would present himself to the confirming authority harbouring particular criticisms or concerns. Much less frequently did they arise from problems on the battlefield.

HOWEVER, the most notable example of how the First World War gave a powerful impetus to nationalist movements within the British Isles was the Easter Rising in Dublin (1916), and its strongest influence outside Ireland was felt in Scotland. In particular John Maclean, a communist trade union organiser, fused the two influences to create the notion of socialist Scottish nationalism. This could be related to the contemporary European situation, in which war was being fought on the principle of self-determination for small nations (Belgium being the most commonly cited example, but there was also Serbia to consider). It is not unreasonable to suggest that news of this subversive activity reached the ears of British Army commanders.

FURTHER CONTEXTUAL DETAIL

LEGISLATION ALLOWING FOR EXECUTION

- Military law was embodied in the Army Act (1881), with regular amendments to keep it up to date (brought into affect each year by the Army Annual Act).
- The Army Act was administered by military officers and military courts rather than by civilian judges.
- The Army Act and its various applications were contained in a book, the *Manual of Military Law*, which all officers were expected to know and study, and which was issued to every unit and sub-unit for reference. It spelled out offences and punishments.
- Punishments:
    - **Death**.
    - Penal servitude for a term of not less than three years.
    - Imprisonment (with or without hard labour) for a period not exceeding two years (though, accepting that imprisonment and detention were not always practical under the conditions of active service, and that confinement to barracks was pointless, the Act allowed for the imposition of 'field punishment', which allowed the offender to be manacled and to carry out fatigues).
    - Detention for a period not exceeding two years.
    - Discharge with ignominy from His Majesty's Service, loss of seniority or reduction in rank (if a Non-Commissioned Officer).
    - Fines (e.g. ten shillings for drunkenness).
    - Forfeitures and stoppages of pay (eg. for lost or damaged equipment).
- Offences punishable by **death**, arranged by Army Act Section:
    - Section 4: Shamefully abandoning a post, giving up a post, casting away arms in the face of the enemy, giving intelligence to the enemy, giving arms or ammunition to the enemy, voluntarily taking service with the enemy, **misbehaving in such a way as to show cowardice (*see notes on 'cowardice' – p. 17*)**, knowingly assisting the enemy.
    - Section 6: Looting, leaving a post, striking a sentry, assaulting a person (who might be civilian bringing supplies or provision to the forces), intentionally causing false alarms, giving away a password to a person not entitled to receive it, being drunk while on sentry, sleeping while on sentry, leaving post while on sentry.
    - Section 7: Mutiny.
    - Section 8: Striking, or threatening to strike, a superior officer in the execution of his office.
    - Section 9: Disobedience of a lawful command (providing such disobedience showed wilful defiance of authority).
        - Note: disobedience *without* wilful defiance rendered the offender liable to penal servitude.
    - Section 12: Desertion, attempted desertion, the encouragement of others to desert (desertion was the leaving of service with the intention never to return, as opposed to the lesser offence of absence without leave).
    - Section 41: Murder, treason (it being legal to try, under military law, an officer or soldier serving abroad for an offence which, if committed in England, would be an offence under criminal law).

  It should be noted that, with the exception of murder, offences carrying the death penalty could also be punished by lesser punishments allowed by the Army Act.
- Interesting fact: military law descends from Roman law, the court process being inquisitorial rather than adversarial.
- Sections of the Army Act were regularly read out to soldiers on parade.
- In common with many other facets of wartime Britain, higher value was placed on winning the war than on individual rights or liberties. Therefore, death sentences did not require ministerial approval – this is because discipline was considered *the* determinant factor in such matters, and the army alone were in a position to form a correct judgement as to what

sentences discipline required. This meant there was no structure in place that could prevent the abuse of military authority.

- In spite of wartime censorship, there was sustained criticism of the use of the death penalty, which commonly highlighted the unfettered nature of military authority (notably in *The Times* newspaper, as in its coverage of House of Commons debates as early as January 1916; and the Independent Labour Party Conference at Leicester in 1918) – this became a potent element in the movement by the Labour Party to abolish the death penalty for military offences after the war.
- Ultimately, the military code was not a legal framework designed to ensure that justice was dispensed. Its stated objective was to maintain discipline.

'COWARDICE' AND THE DEATH PENALTY

- Despite the popular belief that most soldiers who were shot had been found guilty of **cowardice**, this charge was only levied at 551 trials, or 0.2 per cent of cases.
- Section 4 of the Army Act (*Manual Of Military Law, War Office, 1914*, p. 379) stated:

> 'Every person subject to military law who commits any of the following offences, that is to say...
> (7) Misbehaves or induces others to misbehave before the enemy in such a way as to show **cowardice**,
> shall on conviction by court-martial be liable to suffer death, or such less punishment as in this Act mentioned.'

- Despite the Act's attempt to make the offence unambiguous, interpretations of what did and did not constitute **'cowardice'** were inevitably subjective, and very difficult to prove. The charge was therefore only preferred in cases where could be no doubt whatsoever that the man behaved in a way the average soldier would consider to be a **cowardly** fashion.
- While **cowardice** may have been present on occasions, the offences of desertion, quitting a post or casting away arms were much more clear-cut and more likely to be cited.
- When it came to being 'one of the lads' it was felt, at least by the military leadership, that normal men should be capable of killing, but those who could not were deemed 'childish and infantile' and needed to regain their manhood. This could be achieved through example, namely to eradicate deviance, by means of harsh punishments – according to this theory the individual was of small account when balanced against wider concerns of discipline.

- **346** British, Dominion and Colonial officers and soldiers were executed (322 in France and Belgium) – anything above this is likely to include those executions which were carried out after the Armistice (in this case, the accepted figure is **361**)
    - Of the **346** executed during the war, **291** were of the British Army

They had been found guilty of the following offences:
Mutiny (**3**)
Cowardice (**18**)
Desertion (**266**)
Murder (**37**)
Striking or using violence to a superior (**6**)
Disobedience to a lawful command (**5**)
Sleeping at post (**2**)
Quitting a post without authority (**7**)
Casting away arms (**2**)

- It is has been proposed that this was a managed figure (approximately one execution in every ten condemnations) which it was believed would achieve its military purpose – deterrence – without appearing excessively harsh. In this way the army retained the support of politicians and troops alike, while conforming to a long-established military precedent of balancing authority and consent.
    - Of course, it is difficult to ignore the irony of killing men by numbers when, in fact, assessing troop morale was beyond quantitative methods.

- An execution usually followed a period of up to three months (though usually one or two months) during which condemnations in that particular Division had been rare.

- The figure **306** therefore refers to British, Dominion and Colonial officers and soldiers who were executed for offences other than those which were liable to result in the death penalty outside of the army, namely mutiny and murder.

THE COURT MARTIAL (WITH EXAMPLES FROM THE SOMME)

- A soldier was tried by court martial.
- Military justice had to be swift, and for this there was the Field General Court Martial – the main judicial instrument that dealt with other ranks facing serious charges.
- The court had to consist of three officers, with a field officer (rank of Major or above) as president.
- A sentence of death had to be unanimous, with the most junior member tendering his opinion first.
- In all cases there were strict rules to prevent anyone having a personal interest in the case, or anyone involved with the prosecution of the accused, from sitting on the court.
- All members of the court swore an oath on the Bible:
    - "I do swear that I will well and truly try the accused person before the court according to the evidence, and that I will duly administer justice according to the Army Act now in force, without partiality, favour, or affection, and I do further swear that I will not divulge the sentence of the court until it is duly confirmed, and I do further swear that I will not, on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereunto required in due course of law. So help me God."
- There was no right to appeal.
- No sentence of a court martial could be carried out until it had been confirmed, in the case of death sentences by the Commander-in-Chief which at the time of the **Somme battles** was Douglas Haig. He was required to consider the unit's state of discipline at the time and whether or not the offence was prevalent. However, the decision whether or not to execute was undoubtedly an administrative one, possibly taken by the Director of Personal Services rather than by the C-in-C himself. Although nominally the role of the C-in-C, it is highly unlikely that he could devote the amount of time necessary to review each case
- In the case of a death sentence the court could make a recommendation for mercy, as could all levels of command: the accused's Brigade, Division, Corps, and Army commanders, as well as the Commander-in-Chief himself. The following are examples from the period of the **Somme battles** that give some insight into this hierarchical process. The first two concerned cases of **'cowardice'** in which the men refused to perform duties out in no man's land at night:

  (1.) After refusing to go out into no man's land, saying that he had a wife and children ("I dare not go, as it is sudden death to go out there tonight and I have a wife and five children at home"), Private George Lawton went to trial on 19 July 1916 and was sentenced to death for cowardice, with a secondary charge of disobedience 'in such a manner as to show a wilful defiance of authority'.

  As Lawton's papers went up the chain of command (Brigade commander = typically a Lieutenant Colonel or Brigadier General → Divisional commander = Major General → Corps Commander = Lieutenant General → Army group = General) it seems that the various formation commanders felt compassion for the man. The officer commanding his Brigade recommended commutation of sentence, as did the Major commanding the Division. The Lieutenant General commanding the Corps recommended that sentence be commuted to five years penal servitude, as the man had previously served well and, significantly, 'because no example was necessary'. In the papers which went to the General commanding the respective army, there was even a Suspension of Sentences Form, completed and ready to be signed.

The General (Charles Monro, 1st Baronet of Bearcrofts, whose appointment by Lord Kitchener as First Army commander had in fact gone against the advice of Douglas Haig), as in other cases, disagreed with his subordinates. He commented: "There are no extenuating circumstances of any significance. The Private Soldier deliberately declined to face a duty on the grounds of his being a married man with children. Before the Court Martial he urged shell shock (***see note on 'shell shock' – p. 21***) as the case of his conduct—the medical authorities regard him as being in good health—there is nothing to show that if clemency were extended to this Private Soldier that he would do his duty in future. I recommend that the sentence of the court be inflicted."

In light of this, the Commander-in-Chief confirmed sentence and Lawton was executed on 29 July.

(2.) Private Bertie McCubbin refused to go out into no man's land saying, "I cannot do so, my nerves won't let me; if I go over I shall be a danger to the other man who is out there as well as to myself."

At his trial, his Captain (commander of the Company which formed part of the larger Brigade) gave testimony as to McCubbin's character, saying that the accused man had always done his duty quite well but in the last six months he had "become unsteady generally, and also unstrung".

McCubbin was found guilty and sentenced to death, with a strong recommendation to mercy on account of his previous good character and his condition of health (he had been suffering from boils on his face)

Again, the brigade, divisional and corps commanders all recommended commutation, but the General (Monro again) disagreed, writing: "I have given careful consideration to this case and as a result I cannot support the recommendation of the GOC (General Officer Commanding) XI Corps – if toleration is shown to Private Soldiers who deliberately decline to face danger, all the qualities which we desire will become debased and degraded. I recommend that the sentence of the court be inflicted."

(3.) Private Harry Poole left the front line trench to which he had been posted. He was tried and sentenced to death for desertion.

However, it was widely known in his unit that he was especially nervous under fire and this was recognised by the court and a recommendation to mercy was made on the grounds of his nervous condition.

The brigade commander agreed and recommended commutation of the sentence.

The Major-General in command of the Division also recommended that the sentence be commuted and Poole transferred to a labour battalion because 'his fervour under fire is such as to render him quite incapable of reason or self-control.'

A medical examination proved inconclusive and, disregarding all the recommendations, Douglas Haig confirmed the sentence. It seems likely that the overriding concern of the Commander-in-Chief was that discipline would collapse if those who broke down under fire were transferred, and this undoubtedly influenced his decision.

(4.) In response to a recommendation for mercy in the case of another nerve-shaken soldier (Private Arthur Earp, Royal Warwickshire Regiment) during the Battle of the Somme, Douglas Haig appended the remark 'how can we ever win if this plea is allowed?'

The point that should be brought out here is how distrustful leaders in the uppermost echelons of the army (many of whom were privileged members of the aristocracy) doubted the willingness of the town-bred masses that filled the ranks to withstand the rigours of war with their morale intact. It was their belief that only outward conformity to the tenets of military life and strict discipline would serve to maintain the army's cohesion. Therefore, they built up reputations as unswerving disciplinarians who sometimes ascribed traits based on ideas about social status. Special recognition was given to those commanders whose disciplinary methods met with the approval of the High Command.

Of course, the single most important factor in sustaining morale was success in battle. Accordingly, the suggestion that discipline could be compromised through any infringement of

army regulations, including 'cowardice', says something about contemporary notions of 'victory' and the somewhat precarious idea that the Allied armies were in fact winning the war in 1916.

HOWEVER, at least one General (Brigadier-General Lloyd, who commanded a brigade during the **Battle of the Somme** and had been a professional soldier since 1874) recorded his disapproval of the death penalty, stating in his recommendation that a particular death sentence be commuted that "There is no circumstance which requires the extreme penalty to be inflicted", adding that there was no reason (other than the act of desertion itself) "either for the sake of discipline or example in the units concerned that it should be carried out." In this case Lloyd was overruled by the Divisional commander (Major-General J. S. M. Shea), who justified the execution on the grounds that 'the accused deliberately absented himself from the firing line'. One therefore gets an idea of how common was interference in the independence of courts martial, especially from Divisional commanders, whose character had a profound effect on the Division's approach to the death penalty – Indeed, it is too often assumed that it merely boiled down to some higher office such as the Commander-in-Chief. Evidence suggests that we should dispense with the notion that capital punishments were carried out merely at some explicit insistence of Douglas Haig. Tradition played a significant role. (***I have, nevertheless, included some valuable details on Haig, with particular reference to his religious outlook, as ideas drawn from traditional religion played an important role in underpinning popular understandings of the war in 1914-18***). Divisional commanders could be cajoled or even bullied into following certain courses of action by prejudicial Corps or Army commanders, and some were simply afraid of being branded poor disciplinarians.

In most cases, the death penalty was no more than a signal to those senior in rank as much as those below, that the Divisional commander was a tough disciplinarian

PROCEDURE AT TRIAL

- The accused was informed of the charges he faced and was then asked if he objected to any member of the court. If an objection was reasonable, that remember would be replaced.
- The prosecution presented its case, calling witnesses on oath, who could be questioned by the accused, his defending officer, or the court itself.
- Defending officers were not required to be legally qualified.
- After the prosecution case the defence called its witnesses, if any, and made its own case.
- The accused or his defender had the last word.
- The court adjourned to consider its finding.
- If the finding was 'guilty', the court heard the accused's record read out, and any plea in mitigation of punishment, along with any statement that the accused wished to make.
- The court adjourned again and decided upon sentence, which was duly announced in open court.
- Something open to the Confirming Officer (president of the court) was the power to suspend a sentence 'for such period that seems expedient'. This was a useful instrument which meant that the sentence was not put into effect provided the man behaved, and it was often used.

THE 'PRISONER'S FRIEND'

- In each and every case the accused was supposed to have been offered the services of a defending officer (known to the military as a 'prisoner's friend'), usually of the accused's choice.
- Defending officers were not required to be legally qualified.
- The accused had the right to ask for any officer he wished as his defender, and if that officer was available and not disbarred – by, for example, being the accused's commanding officer and thus involved in the prosecution (***see, however, the curious case of Captain Sydney Herbert Firth in eyewitness testimony – p. 8***) – then he had to undertake the defence.

- A criticism often levelled is that some of the accused were not defended, when in fact they had elected to defend themselves, as they were fully entitled to do, rather than speak through a representative...
    - It should be considered how the severity of expected punishment could make the soldier feel as though he was already beaten. Many memoirs recounting experience of court martial and execution reflect a bewildered acceptance and silence in the face of an antagonist holding all the aces. What's more, like many other features of total war, the questions of both 'discipline' and 'morale' defied attempts to define them in individual terms. Once this soldier found himself alone, he would almost certainly struggle to reconcile the fact that he was being punished for some kind of 'greater good'. He might ponder, for instance, the need for any kind of collective education.
    - Furthermore, a report after the war on the whole court martial system observed that, in some instances, superior authorities actively discouraged officers from appearing on behalf of accused persons, of whom they intended to make examples.

A Note on Shell Shock

- The term was coined in 1914 by the neurologist, Dr Charles Myer and by 1915 had passed into medical language. It was used to describe battle-induced psychological trauma, what would now be referred to as combat stress or, in particular cases, post-traumatic stress disorder. At the time, it was supposed that the explosion of a shell in close proximity to the man damaged membranes in the brain. The suggestion of a physical origin led medical men to look for equally physical symptoms, such as uncontrollable twitching or shaking. Cases bearing symptoms that were psychological in origin, such as sleeping disorders, disorientation and, crucially, **exaggerated fear or pronounced anxiety** were unlikely to be diagnosed. Therefore, highly problematic cases were reduced to the expectation that soldiers – even conscripts – should overcome their fear.
- In light of recent developments, one must be aware that campaigners have managed to convince great swathes of the British public that anyone punished for a military offence during the war must have been suffering from 'shell shock', and was therefore not responsible for their actions. This is palpably untrue. Some men are rule-breakers who resist authority and are happy to flirt with danger. Others simply prioritised 'getting the girl' over 'shooting the German' (***witness the account given by Private William George Holbrook in eyewitness accounts – p. 12***) – proof that not all factors related to events on the battlefield!
- One historian has suggested that shell-shock might have been used as a defence in approximately one third of cases tried though, whether or not the defendant was genuinely suffering from emotional trauma is a different matter.
- The defence of 'shell-shock' was cited, and subsequently rejected, in **3** of the **18** courts martial resulting in executions for **cowardice**. The most likely reason for this is because it confessed to the court and the reviewing officers that the accused 'lacked discipline' and thus was of little further value to the army.

Douglas Haig & Religion

Relevant factors in Haig's personal philosophy of war, as evident in his writing before, during and after the First World War

- Moral and spiritual factors in wartime were related to the importance of inspired leadership through divine inspiration.
- The senior commander must never be seen to change his mind, nor to be lacking a solution to a problem. Prior to the First World War, he noted in his Staff College papers, 'The authority of the CinC is impaired by permitting subordinates to advance their own ideas'. This led to accusations that Haig was lacking a critical mind.

- He maintained that he needed patriots who knew the importance of the cause for which they were fighting.
- His stance on maintaining discipline was revealed in a letter to his wife. It explained how he resented the fact that, upon a visit to the Western Front in early December 1914, the King was 'inclined to think that all our troops are by nature brave and is ignorant of all the efforts which commanders must make to keep up the 'moral' (***i.e. morale***) of their men in war... to go forward as an organised unit in the face of almost certain death'.

EVIDENCE OF HAIG'S PERSONAL BELIEF IN PREDESTINATION AND DIVINE INSPIRATION IN THE CONTEXT OF THE BATTLE OF THE SOMME

- After writing to his wife on 20 June that 'the situation is becoming more favourable to us', he wrote a letter on 22 June which was explicit about the source of his confidence: 'Now you must know that *I feel* that every step in my plan has been taken with the Divine help and I ask daily for aid, not merely in making the plan, but in carrying it out, and this I hope I shall continue to do until the end of all things which concern me on earth'.
- On 25 June, the padre whom Haig greatly admired, Reverend George Duncan, stressed in one of his many sermons at which Haig was in attendance, that 'His (***i.e. God's***) plans rule the Universe... We are merely tools in His hands, used for a special purpose.' In a subsequent diary entry, Haig admitted that this knowledge gave him a 'tranquillity of mind' and enabled him 'to carry on without feeling the strain of responsibility to be too excessive'.
- In the run up to the battle, Haig arranged for Duncan to accompany him to his advanced headquarters at Beauquesne.
- On the eve of the battle, Haig wrote another letter assuring his wife that 'everything possible for us to do to achieve success has been done'.

OTHER EVIDENCE OF BELIEF IN DIVINE INSPIRATION

- The following year, during the Battle of Arras, he wrote to his wife: 'I know quite well that I am being used as a tool in the hands of the Divine Power, and that my strength is not my own, so I am not at all conceited.' Haig clearly had a feeling that God was communicating directly with him, and that he had been allocated an important part in the divine plan.
- In a letter to his wife in 1918, he commented that: 'I am only the instrument of that Divine Power who watches over each one of us'.

OTHER NOTES ON HAIG'S RELIGION

- Religion had played an important part in Haig's life ever since he was a very young boy, but his commitment to it was never as strong as during his period of supreme command. He demonstrated a thirst for religious inspiration which might, if only partially, be explained by the need for solace at a time of enormous strain.
- Haig's religion was essentially practical: it fuelled his optimism, gave him a purpose, and provided life with a plan.
- Despite not wearing religion on his sleeve, it was clear to Haig that he was God's appointed agent for winning the war. This impelled him to take his responsibilities more seriously.
- The sermons he found most uplifting were the ones in which the Reverend George Duncan (a Presbyterian padre who conducted services for the troops in France) reminded his congregation that 'your lives are not your own but purchased at a price'.
    - One of Duncan's sermons, which was a powerful stimulant to Haig's spirit: 'We lament too much over death' / 'We should regard it as a welcome change to another room'.
- Haig urged all clerics at the front to preach to the troops that Britain was fighting for the good of humanity, a noble cause.

- His faith in the resilience of his men was absolute. This faith arose from the assumption that his men shared his religious convictions and his patriotic acceptance of the need for supreme sacrifice. He therefore saw death, the ultimate sacrifice, as the ultimate reward. He also believed that beyond the army there was a great mass of people who shared his willingness and determination to pursue victory at all costs.
    - However, studies conducted since the war have generally indicated that the men in the trenches were inspired by very different emotions from those of Haig. An image of glorious martyrdom did not, contrary to his thinking, propel them from the trenches into the storm of steel that awaited them. In this sense, Haig was seriously out of touch with the emotions of the men under his command. Popular understandings of the First World War were as much political as they were religious, with anti-Germanism and popular patriotism resulting from the prevalence of rumour and atrocity stories, along with sustained propaganda efforts. Ultimately, it was the hard facts of his immediate surroundings and day-to-day life that shaped the soldier's outlook (***see "The Trench")***
      http://www.youtube.com/watch?v=SDdwMxtCX_o
- In Haig's view, on the other hand, faith was at least as important as facts. Confident of God's blessing, he was certain the British would eventually emerge victorious. With the end predetermined, the events along the way became less significant. It is perhaps fair to suggest that he ignored appeals for lenience owing to an unswerving faith in the need for human sacrifice in a war that the goodness of God prescribed would spell victory for Britain.
- It is apparent that success in spirit was the only kind that mattered to Haig, hence the apparent breakdown in morale manifested in acts of **'cowardice'** and desertion that spoke so damningly of ideas about real military victory.
- It also worth considering how Haig's belief in God's Grace may have displaced any fear of divine retribution for essentially murdering the men under his command.