

British Military Executions In The Great War

Part 5

Conclusion

'The past is a foreign country, they do things differently there.'

The author of this phrase, L P Hartley, is describing the impressions one would have if they were transported to a bygone era. We would feel like we'd been transported to another country with a strange language and very different set of political, social and cultural rules. The Great War years, 1914-18, would be as alien to our society as any other foreign country would be, with different social, moral, values and attitudes along with different laws, customs and cultural beliefs. Looking back more than 100 years to the war from our modern perspective arouses a whole range of emotions. This also raises the philosophical question of whether it is right to look back on the past and apply our modern, enlightened views and morality on events that happened a long time ago, in academic terms *presentism*. It appears that for some contemporary politicians apologising or trying to right the 'wrongs' or perceived injustices of the past command popular appeal. But, how far back should we apply our standards and make our apologies or give out pardons? To the Irish for our role in the potato famine? For Boer deaths in British concentration camps? To Indians for the Amritsar Massacre?

Nothing raises more emotion or controversy than the 346 British and Commonwealth soldiers who were executed for capital military crimes between 1914-18. It is a subject that probably generates more heated debate than any other issue of the war. It is largely surrounded by myth and misinformation, yet in August 2006 306 executed soldiers were pardoned by the British Government; soldiers who were punished within the British legal framework in recognised courts of law.

Above any other conflict fought by the British, the Great War is largely seen in a unique way; a complete horror where the reasons for fighting it are still disputed and every battle a waste of life. It is seen in a negative sense by comparison to WW2; WW1 bad and pointless, WW2 good and the Nazis defeated. However, it could be argued that the Great War marked a watershed in the development of the British Army with many tactics and ideas carried forward to WW2 and beyond. The regular army that went to war in 1914 was tough and disciplined and could identify more with Wellington's army of 1815 than the army that won the war in 1918.

For the regular soldiers of the Edwardian age the regiment was the be-all and end-all of the army. Once officers and men joined a regiment they focused their complete lives around that unit. They trained with it and served their term of enlistment with it. In return for regular meals, pay and their welfare cared for they accepted the harsh discipline that army service demanded. They were familiar with the punishments for military offences listed in *The Manual of Military Law* (MML), including the ultimate sanction for capital military crimes, the death penalty. For the influx of men into the army following the

outbreak of war, Territorials, New Army and Conscripts, imposing the same rigid rules of discipline were essential in maintaining the army as an effective, coherent force.

As hard as it is for some contemporary observers to acknowledge, all the men shot for capital military offences were tried within a legal and lawful framework with procedural and legal conventions overseen by a judge advocate or court martial officer, qualified in British law and the judicial system, advising the court. The idea (in the minds of some) that a General Court Martial was held by an improvised group of officers, dispensing summary justice in a muddy trench to a shell-shocked and disorientated teenage soldier is pure fiction. At every stage in the proceedings the sentence was sent up the chain of command, reviewed and recommendations made with most of the death sentences being commuted. This is evidenced by the number of men sentenced to death by courts martial between 1914-19; **3,080** death sentences with only **346** executions taking place (**11.23%**). **88.77%** of all death sentences were reprieved.

Other myths surrounding the executions also need to be highlighted:

- Of **324** British, Dominion and Colonial soldiers executed, **91 (28%)** were under suspended sentence for a previous offence, including **9** soldiers under **two** suspended sentences.
- Of the **91** soldiers, **40** had been previously sentenced to death and their sentences commuted.
- **1** soldier had been sentenced to death for desertion on **two** previous occasions.
- Contrary to popular belief only **18** men were executed for cowardice. The majority, **266**, were executed for desertion.
- The majority of soldiers were over **21** years of age.

Shell-shock is often cited as a reason for a soldier absenting himself from trench duty and there is no doubt that in looking back from our modern perspective in some cases shell-shock was clearly a factor in a soldier's behaviour. However, the clearly defined and recognised condition of what we would now call combat stress or battle fatigue was not a medical condition recognised by the army. Many men who we now believe to have been suffering from shell-shock were, at the time, thought to have lost their senses, gone insane, or simply deserted to get away from the horrors of the trenches. For those soldiers tried at a court martial for absence using shell-shock in mitigation of their actions were often less than successful. The prosecution's case often depended on whether a soldier knew the difference between what was right and what was wrong and in many cases the defendant was unable to prove he didn't know what he was doing.

It was also the case that executions were carried out to serve as examples to the rest of the army and to ensure the maintenance of discipline as clearly stated in the MML, 'The object of awarding punishment is the maintenance of discipline'. The peak years for executions were **1916** and **1917**, two years that saw

the British Army fighting desperately on the Somme and at Passchendaele. Casualties at Passchendaele for the month of October 1917 alone amounted to 110,000. In the six months leading to the Battle of the Somme the army sustained 107,776 casualties in minor actions and the everyday routine of trench warfare. Private Arthur Earp of the 1/5 Warwicks was court martialled in July 1916 for leaving his post on the Somme and was executed. Three weeks earlier three other men from the same battalion had been convicted of the same offence and had also been sentenced to death but had had their sentences commuted to 2 years imprisonment and another soldier from the same battalion was awaiting trial also for the same offence. For the British High Command, the maintenance of discipline at such a desperate time was essential in maintaining the coherence of the army. A recommendation of mercy for Earp by his Divisional and Corps commanders was made, but the IV Army commander, General Gough, disagreed writing on the schedule,

‘The evidence of previous convictions for the same offence in this battalion does not support the contention of GOC Division that an example is not necessary. On the contrary, an example is very necessary. This is a very serious military offence and if it is passed over the state of courage of the British soldier is likely to be lowered.’

When we look back on the past we can be disturbed or horrified by events that occurred or by the moral standards of our antecedents, but do we have the right to interfere, change or apologise for events that we judge according to our contemporary moral values? We can feel immense sadness for the soldiers who were executed for capital military offences, but they were judged according to the laws and values of the day and we should accept that.

*Not yet will those measureless fields be green again
Where only yesterday the wild sweet blood of wonderful youth was shed;
There is a grave whose earth must hold too long, too deep a stain,
Though for ever over it we may speak as proudly as we may tread.*

Charlotte Mew

Jeff Clare

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