

People's Histreh

Nottingham & Notts Radical History Group



103 FORESTERS

MUTINIES AND DEATH SENTENCES
IN THE LOCAL REGIMENT – 1914-18

ISSUE 1:

Introducing and contextualising our
research project



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This is the first issue in a series of pamphlets, planned to be published over the next few years. Given that this is a work in progress, you will find that we will be revisiting earlier issues as the project develops, adding to or changing sections of previous publications. For some more information on People's Histreh, please see the links below and have a look at the last page of this document.

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Please keep an eye on our (highly irregularly updated) blog to find future issues in this series, and information on events, past projects by People's Histreh, etc.:

<http://peopleshistreh.wordpress.com>

You can also find us on one of those social media thingies:

<http://twitter.com/PeoplesHistreh>

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Introduction

Since early 2014 we have been carrying out research regarding the soldiers who served in the local regiment, then known as the Sherwood Foresters, and were sentenced to death or sentenced on mutiny charges by courts martial during World War One (hereafter WWI).

We have identified 103 persons, two thirds convicted for their alleged involvement in mutinies, the other 38 sentenced to death for various offences, one of them twice. Eight soldiers were executed.

By choosing the period of the so called 'Great War' as the setting for this research project, we have for once picked a widely debated subject matter. In the past we used to take on projects that were not at all on the public agenda, for instance inspired by an important, but almost totally unnoticed anniversary like the fight against the Poll Tax,¹ or researching rather obscure – though fascinating – subjects such as Nottingham's Great Cheese Riot. Even the burning of Nottingham Castle in 1831, albeit often referred to, is hardly a mainstream subject.² In contrast, WWI has been omnipresent in recent months, not only on the screens of our televisions and our various computerised gadgets, but also in public squares, museums, schools, libraries, etc., whilst bookshops prominently display a mass of new publications. Peaking between the 4th of August and Remembrance Day 2014, all kinds of media have been and continue to be filled with stories of brave heroines and heroes, all doing their bit during the 'Great War', pulling together in the face of despair and adversity.³ Beyond the rhetoric of government bodies and media outlets, the success of installations such as the Tower Poppies⁴ exemplify that these commemorations have indeed struck a chord with large parts of the public.

Besides the official commemoration efforts there have also been alternative ones, for instance initiated by various radical history groups and individuals interested in examples of resistance to WWI.⁵ A number of events, research projects, exhibitions, art installations, etc. have been held already or are being planned. Some focus on the actions of civilians, for instance looking into industrial disputes or conscientious objectors, others investigate events involving military personnel, researching soldiers' strikes, mutinies, etc.

Although this is exciting and encouraging, there should be few illusions about the size and potential impact of such alternative commemorations. On the one hand popular perceptions of WWI continue to provoke the ire of reactionary historians and politicians alike,⁶ damning the lasting influence of historians like ALAN CLARK,⁷ or cornerstones of popular culture such as *Blackadder Goes Forth*. On the other hand the mass appeal of the Tower Poppies demonstrates the immense popularity of beautified forms of commemoration over other, angrier and genuinely anti-militaristic forms of remembrance, more in the tradition of

¹ Regarding our celebrations of the 20th anniversary of the successful fight against the Poll Tax, held in early 2010, please see [the archive section on our blog](#).

² See YARNSPINNER, VALENTINE (2014): *Nottingham Rising – The Great Cheese Riot of 1766 & the 1831 Reform Riots*, Loaf On A Stick Press, Nottingham. Please find a [free digital version on our blog](#).

³ This narrative appears to have become the smallest common denominator of mainstream contributions to the WWI commemorations. Therefore it not only seems to be the BBC's standard storyline, but also fed into arguments on both sides of the Gove versus Baldrick spat in early 2014. Although Tony Robinson simply defended teachers against their panto-villain nemesis Michael Gove, Tristram Hunt's reply to the former education secretary's nonsense was unbearable, with Hunt for instance proudly declaring how 'the left needs no lessons on "the virtues of patriotism, honour and courage"' (see [DMO2](#); [GUO1](#); [IND](#)). Regarding the BBC's WWI related output over the past year, it is necessary to point out that there were a number of fantastic programmes, such as [David Olusoga's *The World's War: Forgotten Soldiers of Empire*](#). However, the bulk of the corporation's broadcasting was pretty dire, especially when it featured reports on the commemoration efforts. A local example was a short news item exemplifying how 'young people [were put] front and centre in our commemorations', just as it had been demanded by David Cameron. In this case male primary school children were put into little soldiers' uniforms and female primary school children into little nurses' outfits, with the boys being allowed to play with rifles before everyone sowed some poppies and waved at the cameras. Adorable (see [GOV](#); [BBC1](#)).

⁴ See e.g. [BBC3](#).

⁵ See e.g. [the blog 'TheRealWWI'](#), featuring a good reading list etc.

⁶ See e.g. [PUT2](#); pp10-5.

⁷ See e.g. CLARK, ALAN (1961): *The Donkeys*; London; Pimlico (this edition 1991).

FRIEDRICH'S *War against War!*.⁸ Furthermore, the angry backlash against the sparsely voiced criticism of the Tower Poppies⁹ exemplifies how far those pushing reactionary ideas about WWI have come. Public discourse appears to be dominated by interpretations of the war that continue to seek some meaning in the slaughter, often by mystifying the gruesome deaths of millions and the suffering of millions of others as, almost pseudo-religious, heroic sacrifices.¹⁰

Given this wider background, and although it was a very pleasant surprise that the local program of official commemoration included one event remembering the eight executed Foresters,¹¹ it is pretty safe to assume that the stories of most of the 103 Foresters, especially the mutineers, will play no role in the official commemorations. It seems therefore up to us to research and tell their stories, though we would be much delighted if others want to join in.

We are of course not the first to look into the complex field of military law enforcement, its context and its casualties. Over the course of the last century some of the stories of the 103 Foresters, namely of those eight men who were shot at dawn by their fellow soldiers, have been looked into, to varying degrees, by a number of different researchers. Given that the cases of these eight Foresters were usually examined as part of research projects looking into all executions carried out by British troops during the period, there still seem to be significant opportunities to further investigate the lives and deaths of these persons. With regard to the 30 condemned soldiers whose sentences were commuted, very little information has been published at all. Similarly, on the largest group of soldiers in our sample, those 65 who were convicted for mutiny, we had initially very little to go on, with only one of the numerous publications regarding the subject even mentioning these events.¹² This is surprising as it quickly became apparent that one of the two alleged mutinies involving Foresters is by far the largest incident of British troops being prosecuted on mutiny charges before Spring 1918.

Before settling on and delving into the 103 Foresters project, we had been thinking for quite a while about possible subjects for some WWI related research. We were vaguely aware of a number of potential stories that might have been examined, such as fascinating examples of resistance by civilians in the local area, including the return of the good old food riot.¹³ In the end, choosing this specific subject was much inspired by attending an excellent talk in 2013, held by a member of the amazing [Bristol Radical History Group](#), focussing on soldiers' strikes and mutinies in 1919. A few months later a quick look around the online store of the National Archives resulted in ordering PUTKOWSKI'S *British Army mutineers 1914-1922* (referenced as PUT1). The website's cunning algorithms succeeded in selling us more stuff by also suggesting to buy ORAM'S *Death sentences passed by ... the British Army 1914-1924* (referenced as ORA1). Both works are essentially extensive tables of names, dates, units, etc., listing the cases of persons sentenced for mutiny and/or sentenced to death by courts martial. These invaluable works therefore allowed a rather convenient initial access to the subject. Focussing on the local regiment seemed to be the most logical choice to narrow down the thousands of cases to a practical sample size.

Having thus established a sample of 103 persons, our research has been, especially in its early days, much determined by the fact that we had previously not seriously worked on either the period, the subject matter or modern military history. This presented a number of challenges, not least the necessity to get acquainted with a lot of basic military terms in order to be able to make sense of the sources. As a result we were faced with the rather unpleasant necessity to read up on such things as the structure of the British Army, or the chillingly efficient murder tools utilised by soldiers on all sides. Again, we were of course not the first ones to be confronted with such a problem. It had for instance been summarised in LEESE'S excellent work on shell-shock, with the author describing his book in a way that is far too appropriate for our own work not to

⁸ See FRIEDRICH, ERNST (1924): *War against War!*; Nottingham; Spokesman (this edition 2014).

⁹ See e.g. [GUO3](#); [HUF](#).

¹⁰ See e.g. [GUO2](#).

¹¹ Julian Putkowski held a lecture regarding the executed Foresters in October 2014, titled *Outlaws and Un-Merry Men*, as part of the [Trent to Trenches](#) project.

¹² See ORA2; PUT. It needs to be pointed out that what little data we had proved to be invaluable. We are very much indebted to Oram and Putkowski, who spent untold hours trailing through the incredibly important, but incredibly boring registers of court martial cases, held at the National Archives (reference WO213).

¹³ See RIC; pp11-4: Apparently one food riot was triggered by margarine shortages.

borrow it. He had stated that although 'this is not a military history of the war, it is necessary to understand something of how it was fought'.¹⁴

Another issue that became apparent very early in this process has been summarised by ASHTON in his work *Trench Warfare...*, who described that 'no single "typical", "average" or "truly common" war experience existed, but rather a number of diverse, sometimes inconsistent experiences'.¹⁵ Indeed, this truly global conflict involving many millions of persons has left researchers with an enormous pick and mix of evidence, allowing them to find some primary evidence to support all sorts of thesis, especially when individual soldiers' experiences are generalised, thereby also making it rather easy to present their work as apolitical and objective.

This has motivated us firstly to pursue this project as a series of case studies, trying look into each individual case in as much detail as we can, striving to break down the incredibly diverse array of evidence regarding soldiers' wartime experiences to as personal a level as possible. Secondly, in doing so, especially at those times when we will look at the wider picture and make generalisations, we will make no attempt to hide our anti-national and anti-militarist convictions behind a flimsy veil of pseudo-objective, pseudo-apolitical statements.

This project, even though we are at present only focussing on narrative depictions rather than analytical deliberations, has already proved to be most extensive. We decided against rushing the research process, resulting for example in a single longish pamphlet to be published on the centenary of the outbreak of WWI. Instead we designed this as a (very) long term project, spread over the course of the next four years, giving us time to research and contextualise the Foresters' cases. We plan to publish more or less extensive pamphlets on the individual cases, using the centenaries of the respective trials as deadlines by which we would like to be able to put out some information. Given that this will remain a work in progress, we will keep going back to earlier issues, changing and adding passages, for instance as we come across new sources allowing us more insight into earlier cases. Of course we also hope that you, the reader, will help us develop this project by commenting, criticising as well as contributing your specialist knowledge. It is yet undecided what will happen at the end of this process, this will depend on the sum total of our research and analysis that will have (hopefully) accumulated by late 2018.

This is one of the reasons why for instance our research questions and methodological toolkit will for the time being remain the result of an open, constantly evolving process. One of the things we do already know with ample surety is that the circumstances of the cases of the 103 Foresters are as complex as they are varied, so we want to allow ourselves plenty of options to follow up and examine new strands of evidence.¹⁶

In this first issue of our pamphlet series we will briefly introduce some essential terms and arguments and summarise some of the information that is already known about the cases of the 103 Foresters. Again, please remember that this is a work in progress, so at this point this is nothing but a very condensed form of our notes and the heaps of spreadsheets that we put together during the past year. An awful lot that needs to be discussed in rather extensive detail is only referred to in passing or briefly outlined, whilst many other issues have yet to be mentioned at all. Please look out for revised versions of this pamphlet and future issues in this series. For further information also have a look at the bibliography at the end of this pamphlet.

¹⁴ LEE; p4.

¹⁵ ASH; pp21-2: 'There can never be a comprehensive history of the trench war for it was an infinity of profound experience; perhaps that is why trench war continues to fascinate and to endure in the folk consciousness.'

¹⁶ Which is of course just another way of saying that we will have to make it up as we go along as we have no idea where the research might take us.

I. Some essentials regarding military law and its enforcement

One of the many complex issues regarding this subject is that WWI only very recently ceased to be within living memory and continues to feature prominently in British collective memory.¹⁷ Although those who were actively involved in WWI are now gone, many of their direct descendants are still around, their children, grandchildren, nieces and nephews and so forth. Overall, many people, even if they are separated from those who lived through the period by three or four generations, feel strongly connected to them in very personal and often very emotional ways. This also means that the public debates on military law and its enforcement, which have primarily focussed on the cases of the executed soldiers, have been and to an extent continue to be much influenced by the social stigma associated with a so called 'crime' such as desertion, for instance in the ongoing debates whether to include executed soldiers on war memorials.¹⁸

There had been fierce public debates in the direct aftermath of the war, resulting for example in a reduction of the number of capital offences, which meant that by the outbreak of the Second World War desertion was no longer punishable by death.¹⁹ However, it was apparently the first examination of the executed soldiers' records by BABINGTON, resulting in the publication of his ground-breaking work *For the sake of example...* in 1983, that provided much of the basis for the modern debates which were to continue, more or less publicly, to the present day.

BABINGTON wrote that viewed by 'the standards of today few of the executed men received the most elemental form of justice.' In the preface to the 1999 edition of his book, he summarised the initial reaction to the publication as 'one of shame and indignation that British soldiers had been treated in such a manner in the name of military justice.'²⁰

These two quotes point towards the essence of many arguments that were to be exchanged in the, often heated, debates of the following years, which continued even after a public campaign succeeded in 2006 to achieve a 'conditional' parliamentary pardon for those executed for 'military offences'.²¹ Then as now the arguments, not only regarding the legal status of these cases but also how they should be evaluated in hindsight, usually raged between one side declaring that 'we cannot rewrite history by substituting our latter-

¹⁷ See e.g. BOD; p9.

¹⁸ See e.g. BBC2 regarding the ongoing debate whether to include Thomas Highgate, the first British soldier to be executed during WWI, on the war memorial in his birthplace. See also BAB, pXII: 'I am very much aware of the distress which could still be occasioned to the relations of the executed men if their names were revealed, and I have avoided giving any particulars [...] from which they might be identified.' See Issue 2; Introduction, regarding our current policy of referring to personal data about the 103 Foresters that has already been published elsewhere, whilst deciding on a case-by-case basis whether to publish any additional personal information that comes out of our research.

¹⁹ See COR; pp403-29 for an account of the post-war debate, including the work by various committees, such as the Darling Committee that looked into military law and its enforcement (1919) or the 'Shell Shock Committee', that published the *Southborough Report* (1922).

²⁰ BAB; ppXI/XIII.

²¹ See e.g. PUT1; p20: 'The terms of the conditional pardon stated that the executed men did not deserve to be executed, that they were victims of war, not military injustice. So, the original judgements of the military courts martial were not overturned, the executed men remained guilty and the families [not] presented with the dead men's war medals.' See also PUT2; pp17-21; PTS; pp9-10: The 'Shot at Dawn' (or 'SAD') campaign was rather diverse with regards to the backgrounds and aims of its participants. This can be illustrated by the differing opinions regarding the issue whether to push for a complete exoneration of all executed persons, irrespective of their offence, as well as the campaigners' diverse assessments of the 2007 pardon. Even though this pardon was conditional, it was heavily criticised by conservative politicians and historians (see e.g. COR; pp442-7; ORA1; p4; PUT2; pp17-21). The most extreme example we came across was a comment by Mark Connelly, a professor at the University of Kent who stated: 'Let's say [...] some German families say "My great grandfather was in the Second World War and he was executed because he was involved in some Nazi atrocities [...]. We as a family would like to expunge that record." Would we feel comfortable overturning judgements like that?' (quoted in BBC2). Indirectly equating the actions of a British WWI deserter with those of fascist murderers is so stupid that it does not need to be discussed, but so outrageous that it needs to be mentioned. By saying such things Connelly is competing with David Starkey for the title of historian-who-most-discredits-other-historians-by-stating-unreflected-drivel.

day judgement',²² whereas the other side also stuck to a well-established narrative, that of moral outrage in the face of blatant injustice. It has often been stated that those shot at dawn also bravely²³ did their bit for King and Country, but were broken by the unimaginable hell of combat stress, whilst the army, failing to acknowledge this, shot these soldiers for desertion, cowardice, etc.

The primary problem with such a narrative is that it does not question the idea of doing your bit for King, Queen, fatherland, or other such follies. What is being questioned, be it out of conviction or for strategic considerations, is merely the 'unjust' conduct of the army. It is understandable why many who campaigned on behalf of the executed soldiers chose this approach, even if they held more radical views, given that they often pursued objectives that required public and institutional support, such as during the pardoning campaign.

However, whether focussing on death sentences in particular or military law and its enforcement in general, we do not approach the actions of the army as injustices that need to be unveiled and corrected. Indeed, the British Army itself is rather clear on the function of military law:

'The object of military law is to maintain discipline among the troops and other persons forming part of or following an army.'²⁴

This statement, taken from the *Manual of Military Law* (1907 version), makes it very plain that military law and its enforcement by the British Army had nothing to do with 'justice', here to be understood as being concerned with determining an alleged offender's guilt or innocence of their respective 'crime'. Military law is simply a tool employed by the army to uphold discipline.²⁵

Discipline has been defined in this context as the 'maintenance of control of the army by its commanders', ultimately upholding the soldiers' continual 'obedience to the will of the commander-in-chief',²⁶ or to put it simply, disciplined troops do as they are told.

It is apparent that the actions of the army during WWI were motivated by a perverted but coherent logic aiming to keep the war machine going, whatever the cost. This required the army to uphold discipline and enforcing military law was an important tool in doing so.

Therefore, by putting the maintenance of discipline at the centre of military law, the army did exactly what it was set up to do. A condemnation of what happened to those ending up blindfolded against a wall therefore necessitates the condemnation of the very ideas and principles that any nation's army is based on.²⁷

Harsh repression was neither new nor limited to the British Army in the early twentieth century, but had always formed an important tool in controlling armed forces.²⁸ It was also not unusual that the British Army

²² BAB; pXIV. This argument has repeatedly been made, see e.g. COR; p17, ignoring that what in hindsight might appear as the universal standards of the time were in fact always contested. See *ibid.*; pp86-7: An example for this is Corns' and Hughes-Wilsons' appeal not to judge the brutality of the Field Punishments by modern standards. However, a few paragraphs later, the authors refer to Australian troops being shocked by the practice. For some examples of resistance to WWI in general see e.g. Hochschild, Adam (2011): *To End All Wars...*; Pan (this edition 2012); London. See also THU: Thurtle's pamphlet, although full of factual errors, exemplifies resistance to military executions and demonstrates that many arguments since used by critics of the army were also voiced at the time.

²³ See e.g. PUT2; pp17-8.

²⁴ TWO1; p6.

²⁵ See ORA1; pp14-5: 'Accounts of British executions have been deficient simply because most authors have failed to recognise that military law was not as concerned with justice as it was with maintaining discipline. [...] Discipline was considered to be the determinant factor in such matters and justice does not even warrant a mention. It is this fundamental point that has eluded so many writers.'

²⁶ ORA1; pp34/41. See also SSB: *The Soldier's Small Book* ([we found a digitised copy of the 1903 version](#) which belonged to Harry Henly). This was part of the kit of British soldiers at the time, also containing advice on feet hygiene and recipes for stew. It begins however with the words: 'Obedience is the first duty of a soldier', followed by an excerpt from the *Army Act*, outlining capital offences.

²⁷ Something which will have to be postponed to a later version of this pamphlet. For now, circumstantial rather than systematic army-bashing shall suffice.

²⁸ See e.g. TWO1; pp1-14; JAG; p1: A fairly recent handbook (co-)authored by the then Judge Advocate General traces the roots of the British 'dedicated system of military justice' back to Roman codes.

looked back on a long tradition of reliance on corporal punishments. It has however been argued that many British officers' focus on upholding a strict disciplinary system can be partially ascribed to the most noticeable anomaly of the British Army. When it went to war in 1914, the British Army was, unlike the other major powers' mass armies of conscripts, a relatively small organisation made up of volunteers. Paradoxically this point, often referred to when citing the credentials of the British state as a comparatively liberal one, can be seen as one of the reasons why Britain's soldiers faced very harsh punishments whenever they came into conflict with the army's disciplinary regime. Whereas the French or German conscript armies enforced a code of military laws that took into account that a large number of troops had been forced into military service, the British Army followed a code of laws based on the assumption that the soldiers had voluntarily and consciously given up personal liberties when joining the army.²⁹

Indeed, the code of laws used by the British Army in 1914-18 had only been designed relatively recently³⁰ for a small, professional army operating in colonial wars. Furthermore, the rank and file of the army had a characteristically bad reputation, interestingly among the working as well as the ruling classes:³¹

'Far from being an honourable profession, soldiering was considered worthless by most classes, but most especially among the working class who regarded the army as a refuge for drunkards and criminals [...]. The Duke of Wellington's comments that "[our army] is composed of the scum of the earth [...]" remained equally relevant at the end of the century. [...] The result was a form of discipline that was particularly harsh as this was believed to be the only effective means of ordering men drawn from the very bottom strata of society.'³²

BABINGTON extensively argues that the British Army's officer corps had been very reliant on traditional forms of punishments such as flogging, stating that such public corporal punishments were seen as 'essential for the maintenance of proper discipline' in order to prevent the 'spreading of a disorderly or mutinous spirit'. However, according to BABINGTON, ubiquitous brutal beatings did go hand in hand with the fact that (official) death sentences were a rarity in the second half of the nineteenth century, with executions being virtually unknown in peacetime and extremely rare on active service.³³

This left British Officers much taken aback after they were suddenly unable to continue flogging their subordinates when the punishment was finally abolished in 1881, though flogging was still practised in the Indian Army. Other common practices in dealing with disobedient soldiers, such as forcing them into penal units, much utilised for instance in the French and German Armies, did not exist in the British one. As the sentiment was apparently widespread that imprisonment was a 'reward to cowards', the standard package of punishments consisted of financial penalties and the so called Field Punishments (see below). Apparently neither sanction was thought to be as 'an effective deterrent for a determined deserter'. For ORAM this resulted in the threat of capital punishment taking a central role in the British Army's approach to discipline, reflecting British civil legal codes and practices that were also very much focussed on the assumed deterrent effect of the death penalty.³⁴

In practise however, most disciplinary transgressions were dealt with summarily by the soldiers' commanding officers, who had fairly far ranging powers to punish soldiers, for instance with detentions, fines, deductions and forfeiture of wages as well as Field Punishments for up to four weeks.³⁵

If for one reason or another a case was not summarily punished, soldiers ended up before courts martial. This decision was dependent on rather complex and very political factors, often taken when senior officers

²⁹ ORA1; pp32-3.

³⁰ See ORA1; pp20-30: It was not until the nineteenth century that military law was formally codified at all, the long reform process finally culminating in the annually renewed *Army Acts*.

³¹ ORA1; pp13/26; see also Issue 2; chapter I.

³² ORA1; p26.

³³ See BAB, pp1-3: He describes floggings as an 'habitual occurrence' and states that for 'centuries the British Army had been governed by a system of control which was once referred to as the "discipline of fear".' Babington's examination of nineteenth century courts martial records found that apparently there was not a single execution during the Crimean War, the usual punishment for desertion, disobedience etc. at that time being 24 or 50 lashes.

³⁴ ORA1; pp30/36-7/47-8/69/165; ORA2; pp2/13.

³⁵ TWO1; pp31-2.

felt that one or more examples had to be made. There were a number of different types of court martial. Most common in Britain was the District Court Martial, that could hand out sentences up to two years imprisonment. Severe cases and officers would be dealt with by a General Courts Martial (GCM), which could sentence alleged offenders to death. Given that these GCM had to adhere to fairly complex procedural requirements, the most common type of court martial in the field was the Field General Court Martial (FGCM). These only needed to involve three commissioned officers and were 'far more simple to convene', whilst still having full powers to sentence defendants, though in cases of capital punishments the verdict had to be unanimous. Crucially, defendants had no chance to appeal against convictions and, before 1916, did not even have a mandatory right to be represented by any sort of legal counsel, the so called 'soldiers friend'.³⁶

Assessments of the role and professionalism of all these types of courts martial, but especially of the FGCM remain rather controversial. A recent handbook on military law nostalgically reminisces about a 'time when the criminal law could easily be assimilated and applied with a dash of common sense by unqualified people, of whatever outstanding intelligence',³⁷ whereas BABINGTON describes defendants as being:

'[...] tried and sentenced by courts which often regarded themselves as mere components of the penal process and which, until the final year of the war, were asked to perform a complex judicial function without any sort of legal guidance.'³⁸

There can be no doubt that the that the decks were stacked against rank and file troops ending up before courts martial. Their set-up, procedures and verdicts reflected, just as much as the civil courts, the class system in Edwardian Britain. PUTKOWSKI and SYKES summed this up by describing how sentences were 'imposed by officers overwhelmingly drawn from the upper classes, on soldiers who were predominantly of working class origin':³⁹

'Most defendants, particularly the ill-educated and inarticulate, would have been easily over-awed when facing rigorous cross examination by either the court or the prosecuting officer.'⁴⁰

'Little imagination is required to envisage the scenario of the ill-educated soldier on trial for his life, being led into making unfortunate admissions when questioned by his superiors, in their respective roles as prosecutor and judges.'⁴¹

When soldiers were represented by a 'prisoner's friend', reportedly being regarded by many courts as 'superfluous', this could turn out to be worse than useless. BABINGTON refers to occasions when the mere presence of a legal counsel was held against the defendant, let alone when they showed any sign of competency:⁴²

'When [the courts] do recognize the right [to a legal counsel] they are immediately prejudiced against the prisoner if the right is exercised. Any attempt to discredit or genuinely cross-examine a witness is regarded as a rather sinister piece of cleverness'.⁴³

Despite the necessary caution when examining the army's own data on courts martial between 1914 and 1920, it does not only show that defendants could have but little hope to avoid a conviction, but also that the

³⁶ See e.g. BAB 12-3. ORA1; p53; PUT1; p10.

³⁷ JAG; p4. See also COR; p92: 'What is quite clear, however, is that the FGCM was a formal and legally constituted judicial instrument. It was not a "paramilitary kangaroo court" or a "hasty and illegal tribunal" [...].'

³⁸ BAB; pXI.

³⁹ PTS; p16. See also COR; p93: Even Corns and Hughes-Wilson acknowledge this, even though they try to use the argument in order to defend the army's courts martial: 'The law at the time was the law at the time. And as for the complaint that courts martial were "class based" it is clear that all justice in the early years of the twentieth century from magistrates' courts to courts martial was "class based".'

⁴⁰ PUT1; p10.

⁴¹ PTS; p15.

⁴² BAB; pp13-4. See also ORA1; pp34-5.

⁴³ BAB; p14. See also PTS; p15: The accused or his representative were allowed to cross-examine a witness, however this 'was rarely done, and even less often effectively. At the conclusion of the prosecution case the defendant might call his own witnesses or give evidence himself. Undoubtedly unjust inference was drawn if a prisoner chose to remain silent, and those who elected to speak must surely have been subjected to an awesome ordeal.'

rank and file stood even of a less chance than commissioned officers. The overall conviction rates for privates as well as NCOs were, depending what type of courts martial is being examined, between 83 and 92 percent.⁴⁴ Officers on the other hand, already much less likely to be prosecuted at all,⁴⁵ had considerably better chances of getting off without a sentence, with conviction rates being around 75 per cent. Furthermore, by far the most common punishment for officers, in almost fifty per cent of the cases, was a mere reprimand. Although undoubtedly highly embarrassing and problematic for their further careers, this was quite comfortable in comparison to many of the punishments dealt out against the other ranks.⁴⁶

‘Much may be made of the point that officers were invariably assisted by a defending officer, even though the latter were not always as effective as their legal qualifications might suggest. More may be made of the common social values, wealth and privileged education that officer-defendants shared with those who staffed the courts martial.’⁴⁷

For the rank and file the most common outcomes of courts martial were detentions between three and six months in about a third of all cases, and financial repercussions, in form of fines, reductions and stoppages of wages, in about a fifth of the cases.⁴⁸ Just under a third of courts martial against low ranking soldiers resulted in them being sentenced to Field Punishments Number One or Two (hereafter FP1 and FP2). Indeed, after three monthly spells of detention, FP1 was the second most common sentence handed out at courts martial, being (part of) soldiers’ sentences in more than 60,000 cases.⁴⁹

FP1 was a form of corporal punishment, introduced in the 1870s to replace flogging. The offender could be attached to a wheel or a wooden post, often in a pose which resulted in the punishment becoming known as ‘crucifixion’.⁵⁰ Although the severity of its enforcement largely depended on the offenders’ direct superiors, FP1 is described in the *Army Act* as follows:

‘[An offender] may be kept in irons, i.e., in fetters or handcuffs, or both [...]. When in irons he may be attached for a period or periods not exceeding two hours in any one day to a fixed object, but he must not be so attached during more than three out of any four consecutive days [...]. He may be subjected to the like labour, employment, and restraint, and dealt with [...] as if he were under a sentence of imprisonment with hard labour. [...] Where an offender is sentenced to field punishment No. 2, the foregoing rule [...] shall apply to him, except that he shall not be liable to be attached to a fixed object [...].’⁵¹

Per capita levels of courts martial cases remained rather high throughout the course of the war. Examining the figures of courts martial held abroad in relation to the number of troops stationed outside Britain, each year between October 1914 and September 1918 saw on average two cases per 100 soldiers.⁵²

ORAM argues however that levels of courts martial do not necessary correspond with actual levels of discipline in specific army units. The numbers of prosecutions in a certain unit could simply reflect that it was

⁴⁴ Our analysis of data published by the War Office in 1922. See ORA; p2 regarding comments on the quality of the data. The data was excerpted from TWO3; pp642-73, with additional data regarding overseas troop numbers taken from an unnumbered fold out page (in between pp64-5) in the same book. Our analysis of that data is hereafter referenced as DATA TWO3.

⁴⁵ DATA TWO3: In the overseas forces the average ratio of officers to other ranks was about 1 to 25. However, for each court martialled officer, 45 other ranks were prosecuted.

⁴⁶ DATA TWO3.

⁴⁷ PUT1; p11.

⁴⁸ DATA TWO3: It appears that financial penalties against officers are much rarer. Although this throws up many interesting questions, we have to go back to the data and make the numbers dance around a bit before we can further comment on this (see also TWO1; pp385-93).

⁴⁹ DATA TWO3.

⁵⁰ PTS; p16.

⁵¹ TWO1; p598-9.

⁵² DATA TWO3: In total 304,262 courts martial were held between August 1914 and March 1920. 125,955 of these took place abroad between the 1st October 1914 and 30th September 1918. Of these courts martial, a vast majority of 95 per cent were FGCM against rank and file troops. We do not have any data available for punishments dealt out summarily in the field.

commanded by an officer who was keen to make an example of real or imagined troublemakers, trying to demonstrate his tough stance on discipline, whilst other officers refrained from repeated prosecutions as they did not want to be perceived as being in command of an unruly unit. Such differences were not necessarily the result of these officers' characters, but often dependent on the attitudes of their respective superiors.⁵³

The high number of cases per capita does however indicate that courts martial formed part of most soldiers' experiences, whether from their own experience or by knowing other soldiers who ended up in front of an army court. It can be speculated that the number of cases that were dealt with summarily was significantly higher. Therefore the data seems to back up the assumption that repression was indeed seen by most officers as an important part in the complex mix of tools used in order to maintain troops' discipline.

However, it needs to be noted that this was of course not the only instrument utilised to that purpose. Much time and resources were invested in efforts aimed to create esprit de corps, fuelling nationalist sentiments, trying to establish bearable conditions, especially behind the front lines, etc. Such efforts ran alongside and were balanced against the traditional fall-back position of rigorously enforcing discipline through repression. All these tools came together in an effort to maintain that rather elusive term 'morale', often described as the basis by which discipline could be upheld.⁵⁴

The enforcement of military law has to be treated as a highly complex and varied beast, although clear trends can be seen at different stages of WWI and in different settings. Whereas the overall picture of the maintenance of morale and discipline is definitely more complex than mere oppression, 'oppression there certainly was'.⁵⁵

⁵³ See ORA1; pp16/101: 'Rather than providing an accurate indicator of the level of crime in a particular army formation, these [figures] might be no more than a reflection of the willingness of the commanders to bring prosecutions.'

⁵⁴ ORA1; pp49-50/79-81/88/102: 'Morale may here be understood as the 'acquired quality [counterbalancing the] instinct of self-preservation'.

⁵⁵ Ibid.; pp79-81/102-11/128-30.

II. Some essentials regarding death sentences and executions

BABINGTON began his ground-breaking work on death sentences by declaring that:

‘The number of soldiers in the British Army who were executed by firing squads during the First World War is utterly insignificant compared with the massive carnage at the front.’⁵⁶

Indeed, although the numbers of death sentences and executions stated in various publications fluctuate quite a bit,⁵⁷ the total of 343 British Army personnel executed between 1914 and 1924 seems surprisingly small, considering both the scale of the relentless slaughter⁵⁸ as well as the complex and often emotionally charged debates on the subject.⁵⁹

However, what makes these soldiers’ deaths as unusual as controversial, even a century after the events, are their extraordinary circumstances. This was again poignantly expressed by BABINGTON:

‘Death did not come to them, random and abrupt, on the field of battle; it came with measured tread as the calculated climax of an archaic and macabre ritual carried out, supposedly, in the interests of discipline and morale.’⁶⁰

Furthermore, with regards to the total number of British Army personnel deliberately murdered by their own side, it needs to be stated that all our deliberations do merely examine courts martial cases and their aftermath, that is *official death sentences* and *official executions*. There are a number of eyewitness reports regarding officers and/or NCOs threatening to kill or indeed killing soldiers summarily⁶¹ as they fled, refused to go over the top, etc. Such summarily executions are however impossible to quantify and if they were recorded at all, the evidence will primarily be in anecdotal form, noted in diaries, autobiographies, etc. We will never know for instance how many panicking Lieutenants may have shot a terrified Private in their unit to encourage others over the parapet, only for everyone to be instantly mowed down.

In light of these issues we focus on the official sentences and official killings. As mentioned before, it has been argued that the assumed deterrent effect of the death penalty took an important role in the British Army’s approach to the enforcement of discipline, increasingly so as the army was faced with the stark realities of WWI:⁶²

‘The exigencies of total war, which had caused the state to mobilise its entire resources, meant that any depletion of those resources through desertion for example would not be tolerated. The result was an unduly heavy reliance on the threat of the death penalty to control the army and maintain discipline.’⁶³

⁵⁶ BAB; pXI.

⁵⁷ See e.g. *ibid.*; pp228-31; DATA TWO3; ORA2; pp15-6: The figures vary in different works, not only depending on the sources used (ORA2 seems to provide the most accurate account), but also which groups of court martialled persons are included. Sometimes only British soldiers are referred to, sometimes also civilians, civilian labourers, POWs, etc. Furthermore the figures depend on whether all sentences are counted or only those for so called military offences, e.g. excluding courts martial held on murder charges. Over time the figures have been revised upwards a few times as more records became available and data processing was computerised. According to ORA2; pp15-6 the total number of death sentences listed in the courts martial registers for the period 1914-22 is 3,362. 455 persons were executed. Only looking at the troops from the British Army and assorted colonial troops from all over the Empire, the total number of death sentences and executions is 3,078 and 343 respectively. All these figures exclude the cases of troops serving with the Indian Army, which kept separate records.

⁵⁸ Much has been written about WWI casualty estimates. See e.g. BOD; p24: According to the estimates stated in this publication the ‘British Empire and Dominions’ mobilised a total of 8,904,467 persons. 908,371 died and 2,090,212 were wounded. Along with POWs and missing troops that amounts to total casualties suffered by the ‘British Empire and Dominions’ of just under 3.2 million. Total military casualties are estimated around 38.2 million.

⁵⁹ See e.g. ORA1; pp1-9; ORA2; pp21-67 for brief summaries of the debates.

⁶⁰ BAB; pXI.

⁶¹ See e.g. ORA1; p109. See PTS; p102: In at least one of the cases of the 103 Foresters there were reports of officers pulling their revolvers on their own troops to stop them fleeing.

⁶² BAB; pp4/7/9-11.

⁶³ ORA2; p13.

This marked a significant change from practices during the nineteenth century, when capital convictions and executions had been rare in the British Army. Then, the armies of other European powers not only made greater use of the death penalty, but some of their penal codes also contained more capital offences.⁶⁴ But by 1914 the British *Army Act* listed more acts that were punishable by death (27 in total) than for instance its French equivalent.⁶⁵ During the final years of the nineteenth century and at the beginning of the twentieth it appears that the British Army did not see much need to back that threat by actually putting many of their own soldiers up against a wall. BABINGTON's examination of courts martial registers showed that during the Boer Wars, only a handful of cases resulted in death sentences and even fewer in actual executions.⁶⁶ With the onset of WWI, the threat of the death penalty became very real indeed. By November 1918 the British Army had shot far more of their own troops than the, undoubtedly more authoritarian, Germans. This did not go unnoticed by German commanders like Ludendorff, who expressed his envy of British officers' powers regarding questions of life and death and whose complaints about being restricted in the enforcement of discipline fed into the Dolchstoßlegende.⁶⁷

Also relating to some of the practicalities of having a soldier shot following a court martial, British Army law differed from several of its European counterparts. The ultimate responsibility whether to confirm or to commute a sentence by a GCM or a FGCM lay with the commander-in-chief of the respective theatre of war, i.e. in the vast majority of cases in the hands of John French and later Douglas Haig. Therefore the decision whether or not to execute a soldier was not only practically, but also legally entirely in the hands of the army, with the commander-in-chief making these decisions without any civil oversight, whereas in France the last word fell technically to the president. This anomaly had been justified and successfully defended during the long process eventually culminating in the first *Army Act*, with the officer corps using arguments relating to the alleged political neutrality of the army.⁶⁸

In case of a conviction in a capital case the sentence of the court martial, given with or without a recommendation for mercy, would travel along the chain of command, with each officer adding to the

⁶⁴ BAB; pp1-3: Babington contrasted practices and legal codes in the British Army during the nineteenth century with those in the French Army, whose rank and file were less frequently beaten, but who could be executed for a far greater number of offences.

⁶⁵ See e.g. ORA1 31-2; TWO1; pp267-80: There were 12 offences punishable by death at any time: abandoning post; shamefully casting away arms in the presence of the enemy; corresponding with the enemy; assisting the enemy; whilst a prisoner of war, serving with enemy forces; cowardice before the enemy; causing a mutiny; inciting others to mutiny; joining a mutiny; failing to inform commanding officer of a mutiny; striking or threatening to strike a senior officer; disobedience. Another 15 offences were only punishable by death if committed on active service: commission of an act which imperils H.M. Forces; leaving commanding officer to go in search of plunder; leaving a guard, picquet, patrol or post; forcing a safeguard; striking a soldier acting as sentinel; impeding Provost Marshal; act of violence towards person bringing provisions; housebreaking; causing false alarms; treacherously revealing the parole or watchword; misappropriation of provisions; sleeping on post, or drunk or leaving a post whilst being a sentinel; desertion; inciting others to desert.

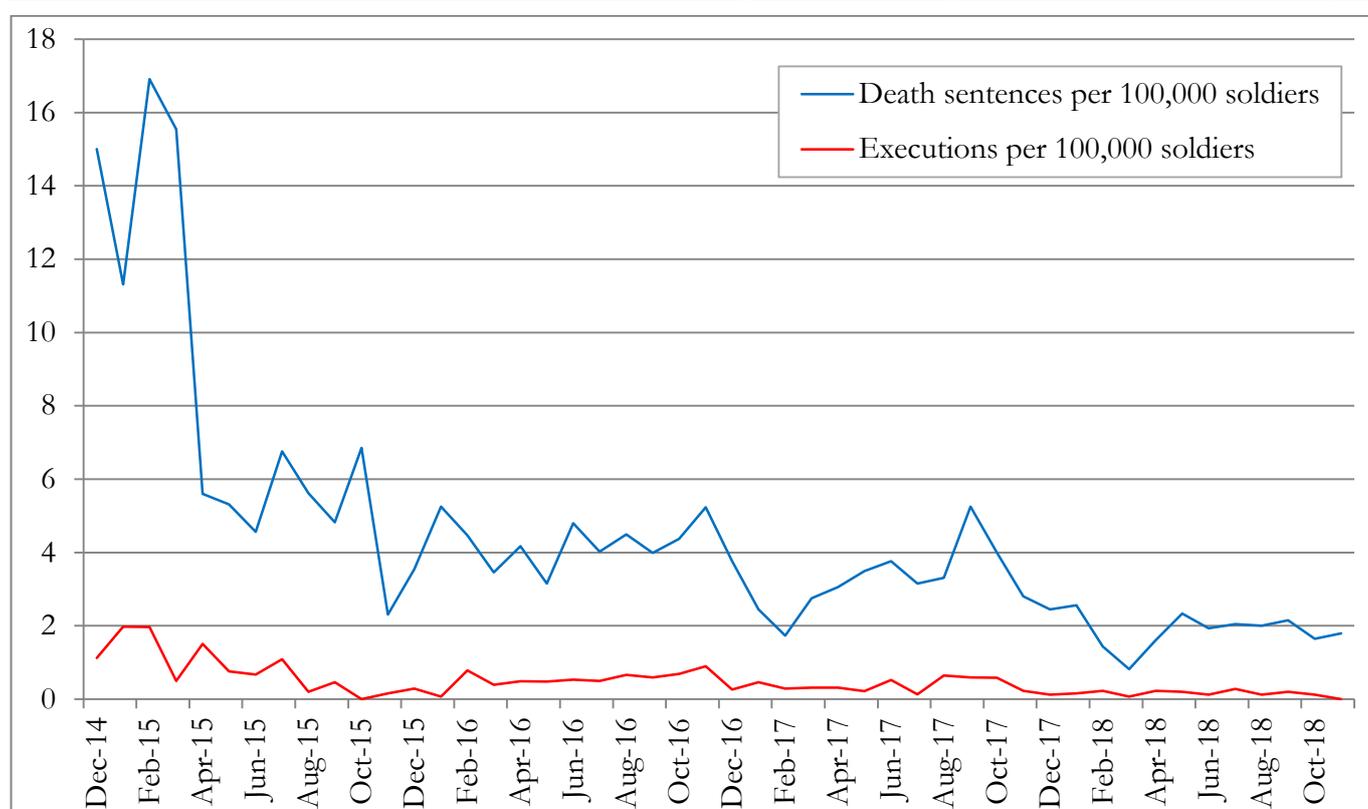
⁶⁶ BAB; pp2-3.

⁶⁷ ORA1; pp8-9/14/31-2/19/36; ORA2; pp2/13; PTS; pp18-20. See ORA2; p13: Although there is a lack of comparative work, Oram states: 'Britain condemned 3,080 of its own troops and executed 346 whereas Germany, with an army more than twice the size of the British, condemned 150 and executed 48. It is a comparison that does Britain few favours. Britain's European allies, France and Italy, fair even less well (France condemned approx. 2,000 and executed 600, Italy 4,028 and 750 respectively).' See BSB: The so called stab-in-the-back-myth was widely circulated in post war Germany, popularised e.g. by military leaders like Ludendorff and Hindenburg. The myth soon proved to be a powerful propagandistic tool, in essence stating that, whilst the German Army had remained unbeaten in 1918, the war had been lost due to betrayal. Frequently blamed were Jewish people, liberals, social democrats, socialists, communists and women.

⁶⁸ ORA1; pp22-3; ORA2; p14. See TWO1; p52: 'Where the officer is the Commander-in-Chief in India, and sometimes where he is commanding-in-chief on active service, the power of confirmation is given without any reservation, except at the option of the officer.' See also ORA1; p68; WOR; pp1-2: However, there were apparently ways of putting political pressure on the commander-in-chief if e.g. the prime minister wanted to. This seems to have happened in the cases of more than thirty conscientious objectors who were 'smuggled out to the Western Front' and sentenced to death for disobedience in June 1916. Haig wanted them shot, but apparently gave in to political pressure at the last minute.

paperwork, commenting on the convicted soldier, the discipline in the unit, etc. The file would therefore include comments by the person's direct commanding officers as well as from the battalion and brigade HQs. From there the growing bundle of paper would in turn be passed to the division, corps and army HQs before ending up in the Adjutant-General's office, whose responsibility lay in checking whether the conviction was legally valid. They did quash quite a few convictions they deemed to have failed to meet the, rather minimal, statutory requirements. Although the ultimate decision to confirm or commute the sentence lay with the commander-in-chief,⁶⁹ ORAM urges not to underestimate the relative autonomy and influence of the other links in the chain of command. He refers especially to the influence of the commanding officer of the respective division.⁷⁰ Furthermore, although the commander-in-chief's personal responsibility is undeniable, their actual involvement in these cases must be assumed to have been rather superficial. Claims that Douglas Haig agonised for many hours over capital cases appear pretty unlikely given that during his time as commander-in-chief he had to deal with an average of 70 cases per month. His predecessor John French had to decide on an average of 40 death sentences per month. Hours of agonising would not have left either commander-in-chief with much time to do anything else,⁷¹ like eating nice meals and looking at maps.

Table/Chart No 1: Death sentences and executions per 100,000 troops abroad (Dec 1914-Oct 1918)



During the period August 1914-November 1918, death sentences were handed out at just over two per cent of courts martial held overseas against British troops. Of these sentences 321 were confirmed,⁷² i.e. about 11 per cent of all condemned persons were shot. When these figures are broken down to their ratio per 100,000 soldiers two things are particularly noticeable: firstly, as argued by ORAM, the ranks of the Regulars,

⁶⁹ See e.g. BAB; pp12-7; PTS; p17.

⁷⁰ ORA1; pp100-2.

⁷¹ Ibid.; pp54-5/100-2; PUT2; p11. Even if assuming that 'hours' accounted for only a couple of hours per case, that would have meant that Haig would have spent between four and five hours a day (every day!) agonising.

⁷² See ORA2; p16. See also own calculations, based on the data referenced as DATA TWO3 and data excerpted from ORA2; pp14-6/21-67 (hereafter referenced as DATA DS/EXE). Again, keep in mind that the figures vary depending which group of condemned/executed persons are included in the data, but in either case the following figures regarding percentages and per capita breakdowns would not vary very much. It is not much of a surprise that only six officers were sentenced to death. As mentioned above, the average ratio of officers to other ranks in the overseas forces was about 1 to 25, whilst there were about 550 death sentences against other ranks for every condemned officer.

those pre-war professional soldiers who were the first to be thrown into the fight, faced a notably harsher disciplinary regime.⁷³ Secondly, whereas the figures for the death sentences per capita do fluctuate quite a bit,⁷⁴ the ratio of executions to overall troop numbers is remarkably stable, with a monthly average of about 0.5 executions per 100,000 soldiers. This is especially apparent for the years 1916-1917, as the war was just grinding on and on from one bloody fiasco to the next.⁷⁵

It may be speculated that, although the average number of executions per capita is quite low, it may have well been enough to keep the fear of ending up in front of a firing squad on soldiers' minds. Furthermore, the recurring executions, averaging about six per month in the period August 1914-November 1918, continued to fuel the ever-present rumour mill.⁷⁶

The relative stability of the execution quota per capita implies that the army did try to keep a balance between deterring potential deserters and maintaining the consent of the troops.⁷⁷ In short, the British Army shoot just enough soldiers to make a point, but not so many as to turn fear into defiance.

ORAM, arguing along similar lines though examining different sets of data, described the army's approach as one of 'bureaucratic decimation'.⁷⁸ This aims to exemplify again that in their use of capital punishment the British Army appears not to have been driven by ideas of mercy or indeed cruelty, but rather by a bureaucratic mechanism, albeit one that in hindsight has a distinct whiff of Stalinism about it.

Choosing who would be shot and who would return to the lines, given that commuted sentences tended to be quickly suspended,⁷⁹ does not seem appear to have been an arbitrary selection. Most executed soldiers seem to be those who were of no further use to the army, for instance persons who were seriously shell-shocked⁸⁰ and/or had repeatedly deserted. However, other concerns, for example regarding the actual or imagined levels of (in-)discipline in the condemned soldier's battalion, brigade or division, influencing assessments whether an example was deemed necessary, were often highly relevant for the reasoning behind the (non-)confirmation of a death sentence. It appears that only a very few cases were decided on the 'basis of their own merits'.⁸¹

'The criteria applied [to the decision whether or not to execute] are not always obvious. Unit discipline and individual character were of undoubted importance here, but so too was timing. Most executions were carried out at critical moments of the war. Often, an ideal candidate would present himself to the confirming authority, but not always, and those cases which seem to defy rationale should be viewed in this context. The most obvious examples are the two officers [...]

⁷³ DATA DS/EXE; ORA1; pp79-81/102-111/128-30.

⁷⁴ DATA DS/EXE; ORA1; p54: This reflects for instance the tendency of increased numbers of death sentences in the build-up to and during major offensives, such as the Battle of the Somme. See also ORA2; p14.

⁷⁵ DATA DS/EXE; ORA1; p167: Towards the end of the war the ratio of executions per capita begins to flatten, indicating e.g. slowly changing attitudes in an army that had changed beyond recognition, now being a mass army of conscripts, rather a small organisation of volunteers. Oram summarises: 'At the end of 1917 the British Army, mindful of the situation in Russia, increasingly concerned about the quality of its own troops and aware of deteriorating morale following the failure of the Flanders campaign, implemented subtle changes, which would have dramatic implications for discipline.'

⁷⁶ DATA DS/EXE; ORA2; pp15-6.

⁷⁷ DATA DS/EXE; ORA1; p167.

⁷⁸ ORA1; p168.

⁷⁹ BAB; p22. See MOR; p31. See also Issue 2; chapter III; Issue 3.

⁸⁰ See e.g. LEE; p20: Although there is a lot to be said about the British Army and shell-shock, for now it may suffice to point out that shell-shock was primarily approached as a disciplinary rather than a medical issue. The Royal Army Medical Corps has been described as dedicated 'to root out malingerers'. See also BAB; pXII: 'The army doctors as a whole seem to have set themselves up as an extra branch of the provost corps, intent on securing the extreme penalty for [...] offenders whenever possible.'

⁸¹ See e.g. ORA1; pp9-10/40-1/54-5/60-1/68/167/170: In many cases concerns about low levels of discipline 'crept in at corps and army level', which may in part be explained by lower ranking officers not wanting to admit poor discipline among their immediate subordinates. In a number of cases racist ideas, e.g. anti-Irish sentiments, also influenced the decision making process.

who were executed at the very moment that there was increasing disquiet at the inequality of punishment between officers and men.⁸²

Beyond such deliberations on the numbers and the practicalities of executing a soldier, the importance and impact of death sentences and executions can be exemplified by referring to the enormous impact they had on many of those whose lives were 'touched' by such events. This includes the families and friends of the executed soldiers, as well as their comrades.⁸³

ORAM summarises:

'In short the British went to war in 1914 with a military code that allowed a proliferation of capital punishment to go unchecked. Paradoxically, the abolition of flogging – one of the few progressive features of the reforms – was a contributory factor. Lacking alternatives, British commanders were simply bereft of ideas short of capital punishment when it came to controlling the army during wartime. This had not proved to be a major problem in the minor wars at the end of the nineteenth century – not even the war in South Africa. But the intensive nature of warfare on the Western front in particular cruelly exposed the inadequacies in the rules for management of the army. Commanders, fearful of losing control of a much-enlarged army, were encouraged, expected even, to resort to capital punishment. Complicit in all this were the legislators who followed draconian criminal as well as military traditions when they acquiesced and allowed the army to maintain its grip on such a harsh and rigid system.'⁸⁴

'What kept men in the line – why did most of them “stick it” through to the end? It seems unlikely that the threat of the death penalty was by itself sufficient to ensure obedience. Yet it undoubtedly formed a vital part of pre 1914 thought, much of which survived to the end of the war. These ideas, though, were continually revised as the army learned to cope with the pressures and changes that modern warfare forced on it. The army never abandoned its faith in deterrence and continued to execute men until the final days of the war, but by 1918 use of the death sentence, and of execution itself, was in decline.'⁸⁵

⁸² Ibid.; p168.

⁸³ See e.g. ORA1; p91; PTS; pp68-9/131/137/140/249-50; THU; pp4-8.

⁸⁴ ORA1; p38.

⁸⁵ Ibid.; p164.

Summarising our sample: Foresters sentenced to death

During WWI, soldiers serving with the Sherwood Foresters were sentenced to death in 39 cases,⁸⁶ although the total number of individuals is 38 as one person received two death sentences. This was not particularly unusual as about a third of all those executed had been previously sentenced to death.⁸⁷

Eight of the 39 death sentences were confirmed by the respective commander-in-chief and the soldiers executed by firing squad.

Table/Chart No 2: Foresters sentenced to death and executed (total numbers)

| | death sentences | executions | % executed |
|------------------|-----------------|------------|------------|
| Foresters sample | 39 | 8 | 20.5 |
| All cases* | 3,078 | 343 | 11.1 |

* Unless stated otherwise, references to 'all cases' in this sub-chapter refer to all cases involving British Army personnel in the period 1914-24 (the total number of all death sentences and executions was 3,362 and 455). We might revisit this in the future as our definition of army personnel might change, but this will have but little impact on the overall figures and percentages.

Although there are apparently no records of capital cases brought against a Forester ending in the alleged offender being acquitted, four convictions (10.3 per cent) were apparently quashed by the Adjutant-General's department.

None of the condemned Foresters was a commissioned officer. Two were NCOs, all others Privates.

Table/Chart No 3: Foresters sentenced to death and executed (by rank)

| | Privates | % | NCOs | % | Officers | % |
|------------------|----------|------|------|-----|----------|-----|
| Foresters sample | 37* | 94.9 | 2 | 5.1 | 0 | 0 |
| All cases | 2,938 | 95.5 | 134 | 4.4 | 6 | 0.2 |

* One private is counted twice as he received two death sentences.

The soldiers were sentenced for a range of alleged offences.⁸⁸ Partially mirroring general trends, by far the most common charge was desertion, followed by sleeping on post, cowardice and quitting, as well as one case of an offence 'against inhabitant', i.e. probably, given the location of the respective soldier's unit at the time,⁸⁹ an offence against a French civilian. This would not have been a court martial following a murder as this always constituted its own offence, it may have been a case of armed robbery or a sexual assault.⁹⁰

Table/Chart No 4: Foresters sentenced to death and executed (by alleged offence)

| alleged offence | death sentences (Foresters sample) | % Foresters sample (39) | executions (Foresters sample) | % Foresters sample (8) | death sentences (all cases)* | % all death sentences (3,362)* | executions (all cases)* | % all executions (455)* |
|--------------------|------------------------------------|-------------------------|-------------------------------|------------------------|------------------------------|--------------------------------|-------------------------|-------------------------|
| desertion | 25 | 64.1 | 5 | 62.5 | 2,005 | 59.6 | 272 | 59.8 |
| sleeping on post | 5 | 12.8 | 0 | 0 | 449 | 13.4 | 2 | 0.4 |
| cowardice | 4 | 10.3 | 2 | 25 | 213 | 6.3 | 14 | 3.1 |
| quitting | 4 | 10.3 | 1 | 12.5 | 82 | 2.4 | 6 | 1.3 |
| against inhabitant | 1 | 2.6 | 0 | 0 | 22 | 0.7 | 3 | 0.7 |

* These figures refer not only to British Army personnel, but to all persons sentenced to death/executed following proceedings before British Army courts martial. The other 591 death sentences and 158 executions were the results of courts martial on different charges.

⁸⁶ Unless stated otherwise, this sub-chapter is based on our analysis of the data referenced as DATA DS/EXE.

⁸⁷ See e.g. ORA1; p54.

⁸⁸ See TWO1; pp267-80 for detailed legal definitions.

⁸⁹ See MOR; pp52-4.

⁹⁰ See ORA1; pp45-5.

At the time of their convictions, the soldiers were serving in eleven different battalions of the Foresters, mostly New Army ('Kitchener's Army') units, as well as one battalion each Territorial and Regular Army.⁹¹

Table/Chart No 5: Foresters sentenced to death and executed (by unit)

| Battalion (type) | death sentences | % | executions |
|---------------------------------|-----------------|------|------------|
| 11 th (New Army) | 9* | 23.1 | 1 |
| 9 th (New Army) | 7 | 17.6 | 0 |
| 1 st (Regular) | 7** | 17.6 | 2 |
| 10 th (New Army) | 4 | 10.3 | 2 |
| 8 th (New Army) | 3 | 7.7 | 0 |
| 15 th (New Army) | 3 | 7.7 | 1 |
| 2 nd (New Army) | 2 | 5.1 | 0 |
| 17 th (New Army) | 2 | 5.1 | 2 |
| 1/5 th (Territorial) | 2 | 5.1 | 0 |

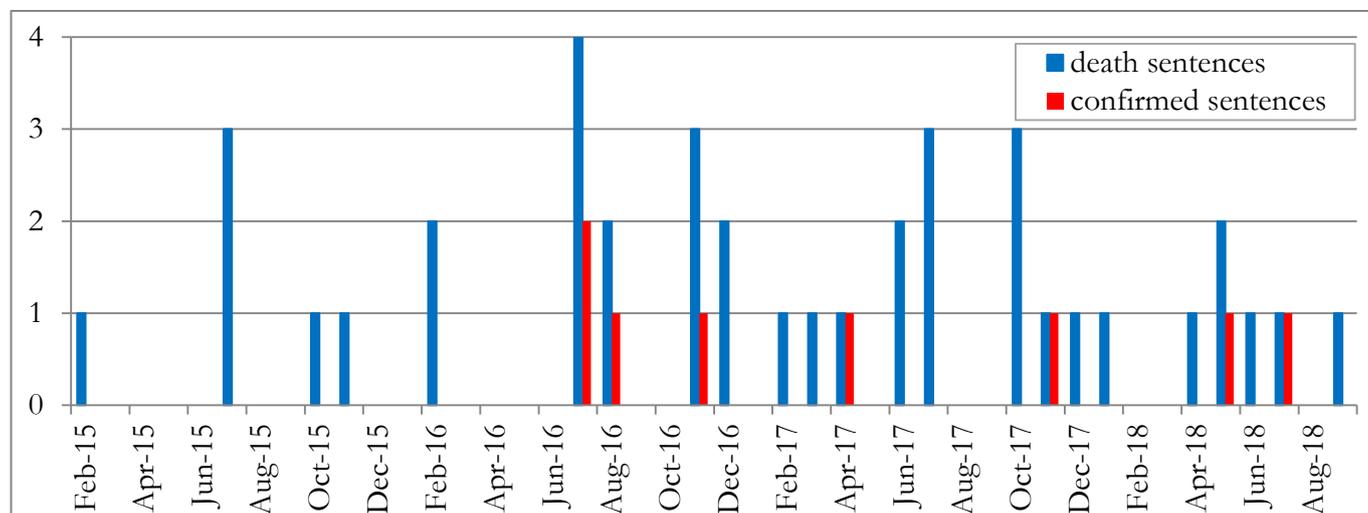
* One private is counted twice as he received two death sentences.

** Although one soldier's battalion is not specified by Oram, another database⁹² indicates that he was attached to the 1st Battalion.

In most cases the alleged offences occurred and the trials were held in France and Flanders. In one case a soldier was arrested in Britain after he overstayed his leave,⁹³ though both his trial and later execution took place in France and Flanders. Two alleged cases of 'sleeping on post' and one on charges of cowardice were tried in Gallipoli. None these cases resulted in an execution.

These courts martial cases and executions occurred pretty much over the entire course of the war. The first Forester was sentenced to death in February 1915 and the first execution took place in June 1916. Although the data appears to partially mirror general trends,⁹⁴ given the small sample size, it seems rather questionable whether such speculations are actually verifiable.

Table/Chart No 6: Foresters sentenced to death and executed (by date)



⁹¹ See ASH; pp7-14: These pages contain an excellent summary of the structure of the British Army as well as on the different types of units within it. See ORA; pp40/102-111/128-30: Of course at the time of some of these convictions the make-up of these units had long changed, e.g. the 1st Battalion no longer included many pre-war Regulars. However it appears that the origins of the unit continued to be relevant, e.g. in respect to the disciplinary regime, even after the 'Regular army had ceased to exist in anything other than name'. See also Issue 2; chapter I.

⁹² See FDB: The *Database of the Sherwood Foresters Collection...* can be accessed [in the regimental museum at Nottingham Castle](#).

⁹³ See e.g. PTS; 249-50.

⁹⁴ See e.g. Oram; pp111-30: Here Oram analyses e.g. the effect of major offensives on the number of death sentences.

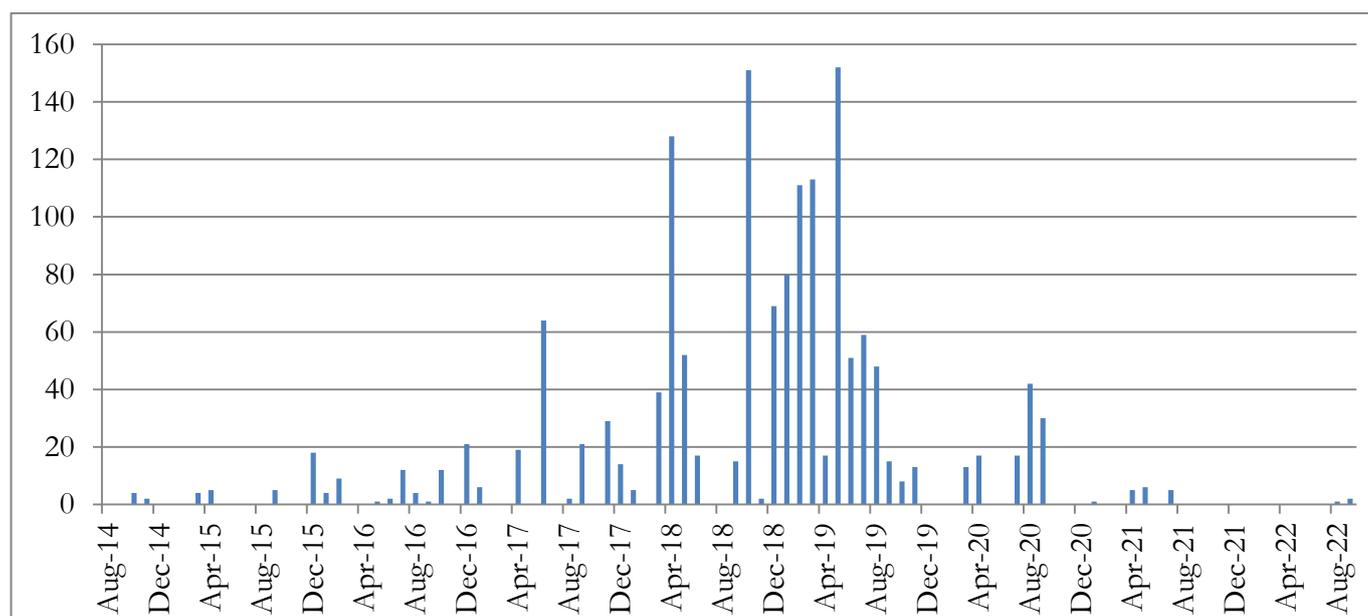
III. Some essentials regarding mutineers in the British Army

Whereas even before the pardons of 2006, most executed soldiers had been largely exonerated in the eyes of many persons participating on either side of the debate,⁹⁵ British Army mutineers have often been seen rather differently, even by people campaigning on behalf of the executed soldiers. This can be exemplified by a strategy chosen by Labour MP Andrew Mackinlay in the early(ish) days of the ‘Shot at Dawn’ campaign. Aiming to ‘attract maximum support’ when tabling initial proposals for a pardoning law in 1992, he planned to exclude not only soldiers executed following murder convictions, but also executed mutineers.⁹⁶ Another twenty years later, mutinies still appear to have retained their potential to bring ‘shame and embarrassment’ on the soldiers involved, their units and the army as a whole.⁹⁷

This is of course all the more reason to look into the cases of mutinying Foresters. However, as outlined with regards to executions, we are not examining mutinies per se, but more specifically incidents that led to prosecutions on mutiny charges. These numbers of *official mutineers* do not necessarily reflect the actual numbers of mutineers in the British Army. In fact it may even be the case that charging mutineers for mutiny was the exception rather than the norm, with many officers seeking to deal with the situation in other ways (see below).

Between 1914 and 1922 c.1,500 British Army personnel were charged overseas for mutiny, more than half of those after the armistice in 1918.⁹⁸ According to PUTKOWSKI, mutinies had become more common after the war began in 1914, whilst previous decades had seen frequent trials for insubordination, but rarely for mutiny. However, it was after the armistice on the Western Front that charges for mutiny ‘mushroomed’ in 1919, with the focus being on the period October 1918 to September 1919:⁹⁹

Table/Chart No 7: Overseas British forces charged with mutiny (Aug 1914-Aug 1922)



⁹⁵ See e.g. BAB; pXV: He quotes former government minister John Reid who had commented on the ‘removal of the stigma of [the soldiers’] condemnation’.

⁹⁶ See PUT2; p17: According to his, Mackinlay excluded ‘mutineers because mutiny was [...] still a capital offence in 1992’. It does however appear that this strategic decision might be used to back up David Kelly’s description of Mackinlay as an ‘utter bastard’ (see TEL1). See AFA: In the end, the conditional parliamentary pardons, when they became part of the *Armed Forces Act 2006*, did include all those who had been executed for so called ‘military offences’, including mutiny.

⁹⁷ See DMO1; TEL2: These words were used by a judge dealing with the aftermath of a brief mutinous incident involving soldiers of the Yorkshire Regiment in 2013.

⁹⁸ Own calculations, based on the data referenced as DATA TWO3 as well as data excerpted from PUT1; 145-72 (hereafter referenced as DATA MUT).

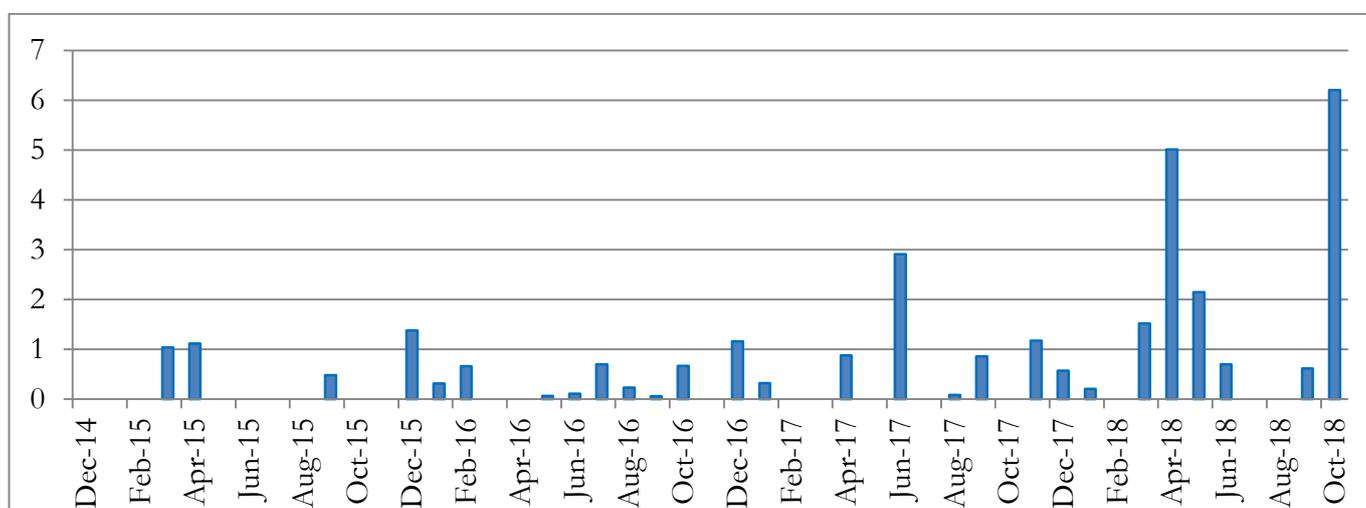
⁹⁹ PUT1; pp9/15-6; see also DATA MUT.

Despite the methodological problems in estimating the actual number of mutinous events, what these numbers do exemplify is that the overwhelming majority of soldiers did not mutiny.

‘The majority of soldiers obeyed orders well enough not to be punished; only a minority mutinied. Compared to the millions of men who served overseas, the number that figure in the JAG registers appear almost insignificant.’¹⁰⁰

Indeed, examining the numbers of troops charged overseas in relation to the overall number of soldiers deployed in the various theatres of war around the globe, the rather depressing result is that an average of 99,999.3 out of every 100,000 soldiers cannot be counted among the official mutineers. It is probable that the actual number of mutineers was much higher than indicated by the number of prosecutions, not only as many mutinies might have been dealt with in other ways, but also as in prosecuting this offence, the army might well have gone after alleged ringleaders rather than all the troops involved. However, the low figures of official mutineers per capita illustrate what can only be described as high levels of troop compliance in the British Army, at the very least before the armistice in November 1918.

Table/Chart No 8: Troops charged with mutiny per 100,000 soldiers overseas (Dec 1914-Oct 1918)



According to the *Manual of Military Law*, acts constituting mutiny were ‘closely connected’ to other charges that ‘resist lawful military authority’, such as insubordination or disobedience, the difference being that they were committed by a collective rather than individual soldiers.¹⁰¹

Similar to all other aspects of military law and its enforcement, in deciding what constituted ‘mutiny’ and whether or not to push for mutiny prosecutions, the role of the officer commanding the respective unit was crucial. They apparently had very considerable leeway in interpreting the respective passages and would have been wise to carefully consider their options. Bringing mutiny charges could have very grave consequences indeed, not only for those who might end up before a court martial, but also for their commanding officers and of course for the army itself, given the potential symbolic impact of a mutiny. Reflecting such concerns, the *Manual of Military Law* made it clear that the ‘offence is so grave that a charge for it should only be brought on very clear evidence’. It seems therefore probable that in a significant number of cases officers sought different ways of dealing with an event that could well have been interpreted as mutinous. Besides the various options to get rid of suspected or actual troublemakers in the middle of a massive war, officers may simply have pressed different charges or tried to transfer soldiers to another unit. As exemplified by many of the post-armistice mutinies, often focussing on the question of demobilisation (see below), it can also be assumed that on various occasions officers chose to deal with mutinous events by making concessions and relieving specific grievances. However, to what extent officers were actually thought responsible for mutinies and how this may have influenced their decision making process is difficult to ascertain given that too few trial proceedings survive.¹⁰²

¹⁰⁰ PUT1; p14.

¹⁰¹ TWO1; pp15-6. See also PUT1; p9: He describes mutiny as being ‘essentially collective insubordination’.

¹⁰² Ibid.; pp9-10/12/20; TWO1; pp15-6.

‘What is easier to substantiate is that officers were never tried for mutiny. [...] Mutiny was an offence that was wholly determined by officers but only the rank and file were ever prosecuted for it.’¹⁰³

Although the exact place where mutinies took place is not always clear, apparently no unit rebelled in the front lines. According to PUTKOWSKI, this has been explained with ‘high morale [...] and male bonding’, but he refers to other factors, such as the ‘obstacles confronting the organisation for collective action’. In the trenches, there were numerous practical problems of organising with anyone but those in a soldier’s direct vicinity, given for instance that there were no places to meet, discuss and hold demonstrations. Another crucial factor hindering effective organisation in the front lines was the ‘enemy’, namely the presence of another heavily armed force on the other side of no-man’s-land. Furthermore, the enormous casualties inflicted time and again on so many units and the correspondingly high level of personnel changes hindered effective organisation. Accordingly, mutinies appear to have been more likely among troops spending more time behind the lines, especially units in long term non-combat settings. PUTKOWSKI describes these troops as usually being older and often having families.¹⁰⁴

‘These predominantly non-combatant troops were relatively static, numerous and could communicate and organise themselves more easily than the men at the front. That they did not feature significantly as mutineers until after the end of the war invites speculation about the reasons. The two most obvious are that they knew they could be shot for mutiny and they were aware that their situation was a good deal more tolerable than that experienced by men at the front.’¹⁰⁵

Similarly to the numbers of mutinies, the mutineers political radicalism should not be overestimated. There is an apparent danger in mixing up the existing anxieties of army grandees, alarmed about ‘syndicalists and Bolsheviks influencing the rank and file’¹⁰⁶ with actual events on the ground:

‘[...] general war-weariness, recruitment of reluctant conscripts, Irish nationalism and the 1916 Easter Rising, the impact of the Russian Revolution, troubles in the French Army, contemporary industrial unrest and post-war demobilisation [...] worried senior commanders, but [...] with the important exception of demobilisation, none of these inspired soldiers to mutiny.’¹⁰⁷

Regarding the specific grievances triggering mutinies, it has been remarked that ‘most’ of the strikes:

‘[...] between 1914 and 1922 were directly associated with the terms and conditions of service [...]. In most cases, it was a matter of soldiers collectively taking the initiative, reminding the army of its obligation to care for soldiers or at least recognise that the rank and file had valid grievances.’¹⁰⁸

Mutineers’ arguments often appear to be centred around questions of ‘fair treatment’.¹⁰⁹ This directly or indirectly referred to the de facto contractual relationship between the volunteer soldier, giving up liberties to the state, and the state being expected to look after him in return. It may be assumed that this thinking would still have resonated strongly, even after in the later stages of the war the bulk of the British Army had ceased to be made up from volunteers. Such a focus also meant that many mutinies were rather short-lived affairs:

¹⁰³ PUT1; p10.

¹⁰⁴ Ibid.; pp16-8.

¹⁰⁵ Ibid.; p18.

¹⁰⁶ See e.g. *ibid.* pp15-6: This anxiety is e.g. demonstrated by the increasing severity of punishments following the signing of the armistice on the Western Front, especially during the anti-Bolshevik expedition in 1919. See also ORA2; pp15/35-6/68-9: Between 1914 and 1924 55 death sentences were passed following courts martial on mutiny charges, 15 persons were executed. The vast majority of these (31 sentences and 12 executions) occurred after the 11th November 1918. 18 members of the 1st Slavo-British Legion, who may have been Russian troops under British command, were sentenced to death on the 11th July 1919 in ‘N[orthern] Russia’, 11 were executed. This was the most extensive mass shooting of military personnel following British Army courts martial procedures, although 16 persons were sentenced and shot in the aftermath of the Easter Rising in Dublin.

¹⁰⁷ PUT1; p18.

¹⁰⁸ Ibid.; p14.

¹⁰⁹ Ibid.; p18.

‘A claim for fair treatment might in itself have sparked off a mutiny but it was not enough to sustain one for very long. Indeed, the absence of a more developed critique seems to have limited the duration of a mutiny as much as the threat of the firing squad.’¹¹⁰

Regardless whether their political dimension was overtly articulated during the mutinies, they were of course highly political events. PUTKOWSKI makes an intriguing proposal to approach them as a continuation of civilian industrial action in which ‘direct collective action as a means of securing improvements’ was taken.¹¹¹

‘Certainly, defining mutinies as a form of collective bargaining by armed public service sector workers represents a novel compromise between the criminality enshrined in the Manual of Military Law and the political left’s proto-revolutionaries.’¹¹²

¹¹⁰ Ibid.; p18.

¹¹¹ Ibid.; p14. See also LEE; pp2/10-1; ORA1; p60.

¹¹² PUT1; p18.

Summarising our sample: Foresters sentenced on mutiny charges

Although the majority of the 103 Foresters were convicted on mutiny charges, these prosecutions followed only two separate events, the first involving a lone soldier on the Western Front, the other ending in 64 persons being tried and imprisoned in Egypt.

The first soldier was prosecuted in December 1915. The court martial was held in Steenbecque, a village in France near the Belgian border, not far off the front lines. His unit, the 11th Battalion, part of the new 'Kitchener's Armies', was chiefly comprised of Nottinghamshire and Derbyshire miners who had volunteered after the beginning of the war. Since August 1915 they had been in a sector of the front on the French-Belgium border (near Lille and Ypres), and had already experienced high casualties and extremely adverse conditions.¹¹³ Although the details of this case remain at present unclear, his trial may have followed an incident when he had allegedly been trying, but failing, to incite a mutiny. This may be implied when looking into the apparent contradiction of an individual being sentenced¹¹⁴ for an offence that was by definition a collective one. According to the *Manual of Military Law* it was possible to prosecute a soldier 'for conspiring to cause a mutiny though the conspiracy proved abortive, and no mutiny took place'. At the present stage this remains however speculative, a whole range of other options seem just as likely. The punishment was fairly lenient, implying that both the trial and the punishment may have been more of a warning to him and others in his unit. He was sentenced to four weeks of FP1 and 'reduced to the ranks', implying that he had been an NCO. At present it remains unknown what happened to the alleged mutineer. His name is not listed in the database of the COMMONWEALTH WAR GRAVES COMMISSION. If he however continued to serve with the 11th Battalion it seems rather likely that he would have been wounded on one or more occasions. The unit was to take atrocious casualties on July 1st 1916 when they went over the top on the first day of the Battle of the Somme. On that day, the battalion was to suffer casualties around the 70 per cent mark, with a series of other battles in the following months and years resulting time and again in heavy losses.¹¹⁵

Following another event or series of events, 64 Foresters were sentenced for their alleged involvement in a mutiny in June 1917 at Kantara, an army base on the Suez Canal. This mutiny is especially notable for the number of prosecuted soldiers. Up to that point there had been only four occasions when more than 10 persons had been prosecuted in a single or a succession of connected trials by British Army courts martial. So far, the greatest number of troops facing mutiny charges had been 19 soldiers, court martialled in December 1916. Following the trial of the 64 Foresters, there would be no mutiny case of a similar size before the war was well into its final year, when 39 troops were tried in India in March 1918. The Kantara mutiny would only be surpassed in April 1918, when 118 troops were prosecuted together. All in all, the 64 Foresters were the fourth largest group of soldiers tried in the entire period (1914-22) and the third largest group prosecuted before the armistice on the Western Front. The 64 soldiers all received a sentence of two years imprisonment with hard labour. They were sent to Alexandria on the 12th June 1917 and, given that such sentences were apparently served in military detention in the respective theatre of war, it is likely that they spent the remainder of the war there. Their unit, the 1st Garrison Battalion, formed in Lichfield, seems to have been just that, a rear unit involved in securing infrastructure, detention barracks, supply depots, airfields etc. However, they had suffered casualties from enemy fire, for instance when they had been deployed to Gallipoli and as the war dragged on, more and more troops were reassigned to fighting units.¹¹⁶

¹¹³ See FRY; pp25/29: 'This part of France where the Battalion [was] stationed at the beginning of the winter of 1915 beggars description; men grow to fear it and to hate it as they never feared the enemy. There was no remedy. Dry weather for 48 hours – the dust was choking; rain for two hours and the mud was unbelievable. There were chances – vague sometimes in the earlier days but more certain as time went on and conditions improved – of retaliation to the enemy's shell fire, but against this natural enemy underfoot, that made the winter of 1915 a prolonged and hideous nightmare, what weapon was there?'

¹¹⁴ See DATA MUT: Although Putkowski listed a few more cases that day and on the following days, these occurred in Marseilles and Malta, i.e. hundreds of kilometres away. Sentencing individuals on mutiny charges was quite common, accounting for about a third cases during the period 1914-22.

¹¹⁵ See FRY; pp11-2/19/24-9/30-2/53-9/67/84-5/98-100; PUT1 106/145/173; TWO1 15-6/273.

¹¹⁶ See BWD1G; entries dated 11/11/1916; 26/11/1915; 13/08/1917; DATA MUT; PUT1; pp15-6/173. See also Table/Chart No 6/7. Referring to these event as the 'Kantara Mutiny' is probably imprecise, but the term is too catchy not to use it!

Partially contradicting patterns of mutinies outlined by PUTKOWSKI and others, the case of these 64 Foresters throws up fascinating questions. Our research is currently progressing on the assumption that it may have been not so much the Foresters' alleged act of collective defiance that was so unusual, but rather the army's reaction to it. It is possible that the unusually heavy clampdown on the 64 Foresters may have been caused by the timing and the location of the yet unknown events:

Warfare in this region revolved around the crucial significance of the Suez Canal for the entire British Empire. In short, the whole British war effort might have been endangered by recurring attacks on the canal by Ottoman forces and their German allies. Therefore the British strategy was to push the battle eastwards, beyond the Sinai towards Gaza and Jerusalem, where it was thought possible to establish a 'suitable line for the permanent defence of the Suez Canal'. The Foresters' trials at Kantara took place at a time when the British advance had ground to a halt before Gaza, following a series of suicidal frontal assaults. Both sides had dug in and a few months of trench warfare ensued. During that period all supplies to the British lines, including the water, came from the Suez Canal, mostly via a railroad and water pipelines originating at the Kantara base. Kantara had been transformed from a 'a small Canal village, comprising a few huts [into] an important railway terminus with wharves and cranes'. The stalemate before Gaza would only be broken in October/November 1917, following a massive build-up of troops and equipment. The trials of the Foresters at Kantara base occurred at a time when that build-up had just begun in earnest. Given the crucial strategic importance of the base for all operations in the region, any obstruction at or near the base must have been of extreme annoyance to army officers, which may well be the reason why someone decided to make an example of the 64 Foresters. The commanding officer of the battalion appears to have been rather keen to keep things rather quiet, given that he does not mention the events leading up to the trials or the convictions of a rather significant proportion of the soldiers in his unit.¹¹⁷

¹¹⁷ BWD1G; e.g. entries dated 01/06/1917-20/06/1917; DATA TWO3; [LOC](#); chapters I-VII/XII.

An outlook

We have tried to demonstrate that we are attempting to avoid the many myths and clichés regarding WWI in general and military law and its enforcement in particular. We have no interest in repeating tales of a nation and an Empire coming together in a great though terrible struggle. However, we also want to make sure not to tell equally glorified tales of brave revolutionaries ending the war, yet falling ever so slightly short of actually achieving revolution. Especially with regards to Britain it seems to be necessary to carefully distinguish between ruling class fears and the real level of danger to power and property relations.

Indeed, it is striking that despite the horrors of WWI, the respective war machines of the great powers kept going on and on for such a long time. There are notable exceptions to this, such as the French Army mutinies of 1917, or of course the total collapse of the Russian Empire. But despite all the methodological problems in ascertaining the levels of unrest in the British Army, it seems to have been remarkably successful in avoiding any serious breakdown of discipline throughout the war, however many blunders led to one bloodbath after another. A point can be made that the unrest after the armistice spoiled ambitions to commit the full force of the British Army to fight revolutionaries in Russia, but between August 1914 and November 1918, unrest in the British Army proved to be rather manageable. Even after the armistice most mutinous soldiers could be pacified by being demobilised.

It is thoroughly depressing but maybe unavoidable to face up to the tragedy that this was due to the vast majority of troops giving their consent to the war. This majority stayed disciplined, they did as they were told. It is of course crucial to state that consent and enthusiasm are very different things. There were many strategies soldiers employed to avoid murdering or being murdered by soldiers who wore a different uniform, notably the widespread system of live-and-let-live.¹¹⁸ But despite such practices and although it is apparent that consent to the war was given increasingly grudgingly, it was given nevertheless.

Therefore the cases of the 103 Foresters are rare examples of active disobedience, not at all unique, but rare. However, that makes their stories not less crucial, but even more so. Taking the example of the alleged mutineers sentenced at Kantara,¹¹⁹ their stories are incredibly relevant, regardless whether we will end up debating mutineers climbing on tanks, waving black and red flags or whether we will unearth a story of Foresters simply protesting against a particularly nasty bunch of NCOs and officers. Consciously or not, the Kantara Mutineers' acts of disobedience did undermine the war effort. As such they were a rare glimpse of sanity in a world that was expressing the in-built insanity of its social and economic system in the most murderous ways yet conceived.

For the foreseeable future the main focus of this project will simply be on researching the stories of the 103 Foresters, putting them and an account of their experiences at the centre of a gradually built up narrative.

Although it is already clear that this will not be doable in every case, whenever possible we would like to find out the following information about each of the Foresters:

- full name, date and place of birth, regimental/soldier number, unit(s), etc.;
- their profession;
- names and professions of parents (and possibly siblings);
- date when they signed up/were drafted;
- finding out whether other close family members became soldiers/casualties;
- outlining their army experiences (e.g. drawing on the history of their respective units);
- the circumstances of their respective cases and their aftermath.

¹¹⁸ See ASH; pp15-20/28-37: Live-and-let-live means exactly that, a practice of, often surprisingly long-lived, unofficial truces between opposing forces. This will be discussed in detail in a future issue of these pamphlets, given that it did form part of the war experience of many Foresters (see e.g. MOR; pp87/155; WET; chapter VI; WYL; p28).

¹¹⁹ Given the information available at present, the following statement is not applicable with regards to at least one of the soldiers sentenced to death, as his (commuted) death sentence was the result of a court martial apparently held following an act of (possibly sexual) violence against a French civilian.

Our alternative commemoration calendar shows the upcoming centenaries of the courts martial of the 103 Foresters:

Table/Chart No 9: Commemoration calendar for the 103 Foresters project

| Date | No of cases* | Summary of cases |
|--------|--------------|--|
| Feb-15 | 1 | death sentence (not confirmed) |
| Jul-15 | 3 | death sentences (not confirmed) |
| Oct-15 | 1 | death sentence (not confirmed) |
| Nov-15 | 1 | death sentence (not confirmed) |
| Dec-15 | 1 | tried and convicted for mutiny |
| Feb-16 | 2 | death sentences (not confirmed) |
| Jul-16 | 4 | death sentences (two confirmed) |
| Aug-16 | 2 | death sentences (one confirmed) |
| Nov-16 | 3 | death sentences (one confirmed) |
| Dec-16 | 2 | death sentences (not confirmed) |
| Feb-17 | 1 | death sentence (not confirmed) |
| Mar-17 | 1 | death sentence (confirmed) |
| Apr-17 | 1 | death sentence (not confirmed) |
| Jun-17 | 66 | 64 tried and convicted for mutiny; two death sentences (not confirmed) |
| Jul-17 | 3 | death sentence (not confirmed) |
| Oct-17 | 3 | death sentences (one confirmed) |
| Nov-17 | 1 | death sentence (sentence not confirmed) |
| Dec-17 | 1 | death sentence (not confirmed) |
| Jan-18 | 1 | death sentence (not confirmed) |
| Apr-18 | 1 | death sentence (confirmed) |
| May-18 | 2 | death sentences (not confirmed) |
| Jun-18 | 1 | death sentence (not confirmed) |
| Jul-18 | 1 | death sentence (confirmed) |
| Sep-18 | 1 | death sentence (not confirmed) |

* total = 104 as one Private was given two death sentences

As mentioned in the introduction, at the current stage it seems premature to commit ourselves to a set of fixed hypotheses that will be tested using this or that method. Although this is already happening to a certain degree as these lines are being written, it appears sensible to keep the research process as open as possible, simply as it is yet unclear what information we will unearth in the primary sources, possibly leading to totally new angles and questions.

It seems however necessary to lay out some assumptions and ideas that have formed over the last year:

Regarding military law and its enforcement

Maintaining mass consent to four years of organised mass murder was not merely based on repression. Enforcing military law was however one important tool in a complex mix of measures utilised in order to maintain military discipline, i.e. to maintain the troops' obedience to their officers.

The ways in which discipline was enforced were a reflection of Edwardian class-relations and acts of top-down class struggle.

Although perceived to be a serious danger to military discipline, individual as well as collective acts of disobedience, however inspiring and courageous many may turn out to have been, were at no point a real threat to the British war machine. Chances to end the slaughter that may have occasionally existed (the Christmas/New Year truces of 1914-15, or the French Army mutinies of 1917 might arguably be described thus), were not acted upon.

Regarding WWI in general

Although we do not agree with their conclusions, many conservative historians, politicians etc. do have a point regarding the German Empire being a particularly nasty regime, even given the standards of the time. It

was a society striving to enlarge its global power and dominate Europe. Germans had systematically perpetrated the first genocide of the century against the Herero and Namaqua people, while the Kaiser's infamous 'Hun speech' (followed by brutal atrocities in China), or a long list of war crimes committed by German troops during their advance in Belgium and France (let alone on the Eastern Front) were all too real, foreshadowing some of the horrors to be committed by Germans in the following decades. Although the racist German soldiers of 1914 were not yet the race warriors of 1939, much of the foundations of German fascism had already been laid.

WWI can be seen as a total failure for (almost) everyone involved. The ruling classes of the Allied nations failed to construct a stable post-war settlement, which in turn contributed to the near-destruction of bourgeois liberalism during the fascist onslaught of the 1930s and 1940s. The British ruling classes in particular failed in their attempt to safeguard their Empire. The working classes and the labour movement not only failed in averting the war, but without their active support it would never have been possible to drag it out for more than four years. Much blame must be put on the various Social Democratic parties and unions, which, although having long abandoned any revolutionary intent, showed their true colours in 1914 (and in Germany openly collaborated with proto-fascist paramilitaries in order to smash the revolution of 1918-19). But regardless how much blame the SPD and their international counterparts deserve, WWI marked a collective failure of the working classes who readily took up arms to slaughter each other.

The words of GEORGE BERNARD SHAW, commenting on the British Army in the early stages of the war, sum up the tragedy of WWI like nothing else we have yet encountered:

'No doubt the heroic remedy for this tragic misunderstanding is that both armies should shoot their officers and go home to gather in their harvests in the villages and make a revolution in the towns; and though this is not at present a practicable solution, it must be frankly mentioned, because it or something like it is always a possibility in a defeated conscript army if its commanders push it beyond human endurance when its eyes are opening to the fact that in murdering its neighbours it is biting off its nose to vex its face, besides riveting the intolerable yoke of Militarism and Junkerism more tightly than ever on its own neck. But there is no chance – or, as our Junkers would put it, no danger – of our soldiers yielding to such an ecstasy of common sense. They have enlisted voluntarily; they are not defeated nor likely to be; their communications are intact and their meals reasonably punctual; they are as pugnacious as their officers; and in fighting Prussia they are fighting a more deliberate, conscious, tyrannical, personally insolent, and dangerous Militarism than their own.'¹²⁰

¹²⁰ NYT.

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Most footnotes in this pamphlet refer to a fairly small number of works, mainly as these provide excellent summaries of a number of key arguments and debates. In an often emotionally charged debate, the works of ORAM, especially his 2003 book (referenced as ORA1), stand out for their concise style, focussing on excellent analysis rather than pathos.

In general one of the many challenges of the project is the fact that numerous libraries can be (and indeed were!) filled with literature on every aspect of WWI. Many of these books are very good. Many are not, especially when the reader enters the murky realms of traditional military history, dominated by works filled with plenty of maps featuring brightly coloured arrows or disturbingly enthusiastic descriptions of competing pieces of field artillery. These kind of books are to a certain extent unavoidable, as they do provide much contextual information, outlining for instance the battles a deserter's unit took part in, where a particular unit was sent as part of what operation, etc. For an excellent summary of some of the basic military terms regarding this subject, for example describing the structure of the British Army, or the standard layout of trench systems, see ASH; pp7-14.

In this pamphlet, we decided to use shortened references as the footnotes would have otherwise become rather messy.

We have been examining data excerpted from various sources. These are referenced in this pamphlet as follows (see also the footnotes in the respective sections):

- DATA TWO3 our analysis of data published by the War Office in 1922, based on TWO3; pp642-73, with additional data regarding overseas troop deployments taken from an unnumbered fold out page in the same source
- DATA DS/EXE our analysis of data regarding death sentences and executions in the British Army, based on the data referenced as DATA TWO3 as well as data excerpted from ORA2; pp14-6/21-67
- DATA MUT our analysis of data regarding mutiny convictions in the British Army, based on the data referenced as DATA TWO3 as well as data excerpted from PUT1; 145-72

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About the People's Histreh group:

People's Histreh

Nottingham & Notts Radical History Group



Who we are...

We are a group of people with different political backgrounds, interested in what has been called 'history from below', 'grassroots history' or 'social history'. As Nottingham and Nottinghamshire have such a long and turbulent history of socioeconomic transformation, disturbance and conflict, there is a lot to be unearthed. In fact, the most amazing, inspiring, shocking and outrageous stories leap out wherever the surface is scratched.

...and what we do...



We have been working on a number of different projects since we first got together in late 2009. Among many other subjects, such as Chartism or the local history of slavery, we have e.g. been remembering the successful fight against the Poll Tax (for instance by celebrating the 20th anniversary of the custard-pieing of local councillors).

Probably our main project so far has been working on the history of riotous Nottingham during the Industrial Revolution. There is for instance our popular guided walk *To the Castle!*, retracing the 1831 Reform Riots. The publication of the same title, along with our pamphlet *Damn his charity...* (on the remarkable events known as Nottingham's 'Great Cheese Riot'), has just been reprinted in our new paperback book *Nottingham Rising...*

We (that is 'Loaf On A Stick Press') were also proud to publish Chris Richardson's exciting book *A City of Light...* on the struggles of courageous women and men in 1840s Nottingham who challenged the inhumanities of the Poor Law, contested charges of sedition, blasphemy and riot, confronted the forces of established religion, and championed new forms of democratic control.



For information, images, maps, audio files, documents, etc. regarding all our activities please visit our (very irregularly updated) online presence:

<http://peopleshistreh.wordpress.com>
peopleshistreh@riseup.net

NOTTINGHAM RISING

The Great Cheese Riot of 1766 & the 1831 Reform Riots

By Valentine Yarnspinner (Loaf On A Stick Press; 2014); ISBN 9780956913968

Paperback £6 (free digital version [on our website](http://peopleshistreh.wordpress.com))

A CITY OF LIGHT

Socialism, Chartism and Co-operation – Nottingham 1844

By Christopher Richardson (Loaf On A Stick Press; 2013); ISBN 9780956913944

Paperback £7.99 (see also <http://acityoflight.wordpress.com>)

Available from [Five Leaves Bookshop](#), [Waterstones Nottingham](#), [Nottingham Castle](#) etc.