

Oram, Gerard: *Military Executions During World War I*. Houndmills, Basingstoke: Palgrave Macmillan 2003. ISBN: 1403906947; 228 Seiten

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The issue of First World War British military executions, the subject of this work (despite its misleadingly broad title), still lingers in the British public psyche – in May 2005 a judge allowed that there is a case for reviewing Private H Farr's execution for cowardice. Since the 1970s, and particularly since the publication of Julian Putowski & Julian Sykes's 'Shot At Dawn' and the launch of the associated pardons campaign<sup>1</sup>, the issue has regained the kind of significance it held in the 1930s. In response Catherine Corns and John Hughes-Wilson published 'Blindfold and Alone'<sup>2</sup>, which, though well researched and written, in parts reads simply as an attempt to discredit the 'Shot at Dawn' book and campaign. Thankfully Oram, though loosely affiliated and certainly sympathetic to the campaign, has produced this well-reasoned and non-polemic work, dealing largely with the reasons why executions were ordered, rather than why each specific case ended in execution. He finds that the decision to execute was „undoubtedly an administrative one“ (p. 168) made for reasons of discipline rather than justice.

The roots of the comparatively widespread use of the death penalty by the British Army, which executed 346 men (mainly deserters) during the war compared to the German figure of 48, lies in the social and legal background of military law. The Army of 1914-18 was essentially left with a legal code (descended from Britain's criminal law) that emphasised deterrence and allowed only penal servitude (which was thought to reward the offender), field punishment and execution with which to do it after the abolition of flogging in 1871. Therefore much emphasis was placed on the death penalty and there was a lack of extreme alternatives since, unlike France and Germany, there were no punishment units for British offenders. Also distinct from the conscript armies of the con-

tinient was the social stigma attached to the soldiering class, famously referred to as the 'scum of the earth' by the Duke of Wellington, while French and German army service was universal and respectable – and crucially a certain amount of desertion was expected, unlike in Britain's volunteer army. Hence in 1918, when the emphasis in leadership shifted from discipline to consent and the army was largely made up of conscripts, the numbers sentenced to death and executed fell dramatically. Oram places great emphasis on the role of eugenics and ideas of degeneracy in British military executions (especially relating to Irish and colonial troops), including in the army's wartime reaction to shell-shock.

The other main theme in Oram's thesis is that the army's policy towards discipline and the death penalty, far from being solely down to the Commanders-in-Chief (Field Marshals French and Haig), varied greatly between Divisions (each of which held around 18 or 19 thousand men and was led by a Major General) and especially between types of Division. Here he follows, and frequently cites, the thesis of Gary Sheffield<sup>3</sup>; the Divisions of the Regular (i.e. pre-war, volunteer) army, which fought throughout the war years, were subject to very harsh discipline throughout the war (until the general reduction in death sentences in 1918), influenced by the traditional views of the soldier outlined above, even after the actual personnel in the Division had long since changed from the 'Old Contemptibles' of 1914. By comparison the tradition in the Territorial Force was much more democratic and based on consent and relied much less on death sentences. Regular Divisions condemned an average of 76 men to death, of whom 10 (or 13%) were executed; Territorial Divisions averaged just 20 condemnations and a 11% confirmation rate in their time at the front from early 1915, though the

<sup>1</sup> Julian Putowski/Julian Sykes, *Shot at Dawn*, London 1992; <http://www.shotatdawn.org.uk>

<sup>2</sup> Catherine Corns/John Hughes-Wilson, *Blindfold and Alone*, London 2001.

[3] G.D. Sheffield *Officer-Man Relations, Morale and Discipline in the British Army 1902-22*, unpublished PhD thesis, London 1994.

<sup>3</sup> The rate rose to a peak of 11.1% in 1916 and 11.5% in 1917, before falling to 8.9% in 1918; again Oram ignores this qualification.

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rates in the latter varied considerably depending on the circumstances and a great many of the executions took place at times of great tension (on arrival in theatre and just before or after big battles). The greatest variation, however, occurred in the New Army (or Kitchener) Divisions of wartime volunteers (who fought from mid-1915 until the armistice), where the average was around 35 condemnations with 13% executed, but the role of the commander was hugely influential (in the absence of any tradition) where men such as Sir Ivor Maxse trusted his men, while others like Landon (commander of the ill-fated Bantam Division) did not and reacted to criticism with harsh discipline. Oram shows that the New Army Divisions were treated similarly to the Territorials, albeit with condemnations and executions more likely in general but with less of an increase at tense points in the conflict but with the tough Regular discipline 'creeping in'; for example the rate of confirmation during the Battle of the Somme in the summer of 1916 increased to 23% in Territorial Divisions but only to 16% in the New Armies, while it remained at 13% for the Regulars.

Within the disciplinary traditions of the Divisions, Oram argues, the role of the Commander-in-Chief (or someone else at Headquarters in Oram's view) was to keep the rate of execution down to a sufficiently tolerant but also deterrent rate of around 11% and to make certain examples when they were felt necessary: handily, „an ideal candidate would“ often „present himself to the confirming authority“ when needed (p. 168). However, an alternative thesis could be built from the evidence Oram gives: it could be that these 'ideal candidates' (ie. repeat offenders – one third of those executed had had previous death sentences commuted (p. 54) – or long-term deserters) would have been executed anyway, irrespective of timing, and then other, lesser cases were commuted except where a major need for an example was required. To this end, the large numbers of convictions for desertion and the frequency of appeals for mercy by Courts Martial and unit commanders could reflect the expectation that the offender would not be shot given the „surprisingly low“ (p. 167) rate of confirmation –

to the same end 45% of desertion trials were downgraded to the non-capital offence of absence. Oram's case study bears out his conclusion and this alternative version, with 5 of the 8 men shot in the Regular 7th Division being long-term absentees or repeat offenders, along with 4 of the 6 in the New Army 23rd Division.

Unfortunately, although well written and excellently foot-noted, this book contains a number of worrying mistakes and inconsistencies: did the 7th Division (in the case study) have 60 or 57 condemnations, were 8 or 9 executed (pp. 133, 154) and likewise were 32 or 40 condemned from the 23rd (pp. 134, 146). Meanwhile the 23rd's confirmation rate of 15% is apparently „much higher“ than other New Army formations, even though it does not include 1918 when confirmation rates fell across the board [5]. These problems and the opportunity for counter-theses, however, do not stop this being a very useful, well-argued, rational and quite convincing work on a particularly difficult and emotive subject. In contrast to Pukowski & Sykes and Corns & Hughes-Wilson, one feels Oram's conclusion emanates from his research and evidence, rather than the latter seemingly being used to explain his pre-decided conclusion.

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