



## Shot at Dawn

by George Campbell Gosling

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It is now 2014 and over the course of the year we will be hearing a lot about the centenary of the outbreak of the First World War. One of my favourite lectures in my 'British Society and the First World War' module is on *Opting Out*. After looking at those running the war and what the war effort meant for men and for women, we turn to those who opted out of that war effort either by refusing to serve or by deserting once serving. By examining these transgressions of the soldierly ideal, we get a different perspective on the war.

This sets up a seminar I always enjoy, where we debate whether or not the government was right in 2006 to grant a blanket pardon to the 306 men 'shot at dawn' by the British Army. As John Reid said in 1998, as Armed Forces Minister:

"For some of our soldiers and their families... there has been neither glory nor remembrance. Just over 300 of them died at the hands not of the enemy, but of firing squads from their own side. They were shot at dawn, stigmatised and condemned? a few as cowards, most as deserters. The nature of those deaths and the circumstances surrounding them have long been a matter of contention."

These executions occurred throughout the war, beginning with Pte Thomas Highgate on 8 September 1914 and ending with Ptes Louis Harris and Ernest Jackson on 7 November 1918, less than a week before the Armistice. However, Reid decided a pardon could not be justified. "*However frustrating*," he said, "*the passage of time means that the grounds for a blanket legal pardon on the basis of unsafe conviction just do not exist.*" When considering the cases individually, he equally found there was simply not enough evidence remaining to be able to offer pardons.

"I have personally examined one third of the records?approximately 100 personal case files. It was a deeply moving experience. Regrettably, many of the records contain little more than the minimum prescribed for this type of court martial?a form recording administrative details and a summary?not a transcript?of the evidence. Sometimes it amounts only to one or two handwritten pages.

"I have accepted legal advice that, in the vast majority of cases, there is little to be gleaned from the fragments of the stories that would provide serious grounds for a legal pardon. Eighty years ago, when witnesses were available and the events were fresh in their memories, that might have been a possibility, but the passage of time has rendered it well-nigh impossible in most cases."

This decision was reversed eight years later, however, by Des Browne as Defence Secretary - still in Tony Blair's Labour government. Browne rejected considering individual cases, saying: "*I don't want to be in a position of second guessing the commanders in the field who were making decisions.*" He further argued: "*We can't be in a situation morally where we cannot redress injustices because we don't have paperwork in relation to an individual case. But we can in other cases where we have some paperwork.*" As Browne told parliament in September 2006:

"In each case, the effect of the pardon will be to recognise that execution was not a fate that the individual deserved but resulted from the particular discipline and penalties considered to be necessary at the time for the successful prosecution of the war. We intend that the amendment should so far as possible remove the particular dishonour that execution brought to the individuals and their families. However, the pardon should not be seen as casting doubt on either the procedures and processes of the time or the judgment of those who took these very difficult decisions."

A difficult (if not dubious) balance, to say the least. The government's final position was summarised by Derek Twigg, as Minister for Veterans, when he said:

"The Government believe that the time is now right to remove the dishonour that still taints the memory of those servicemen who were executed, which, clearly, is still deeply felt by their families today. Now, almost 90 years after the end of the First World War, it is time for us to recognise that execution was not a fate that those soldiers deserved."

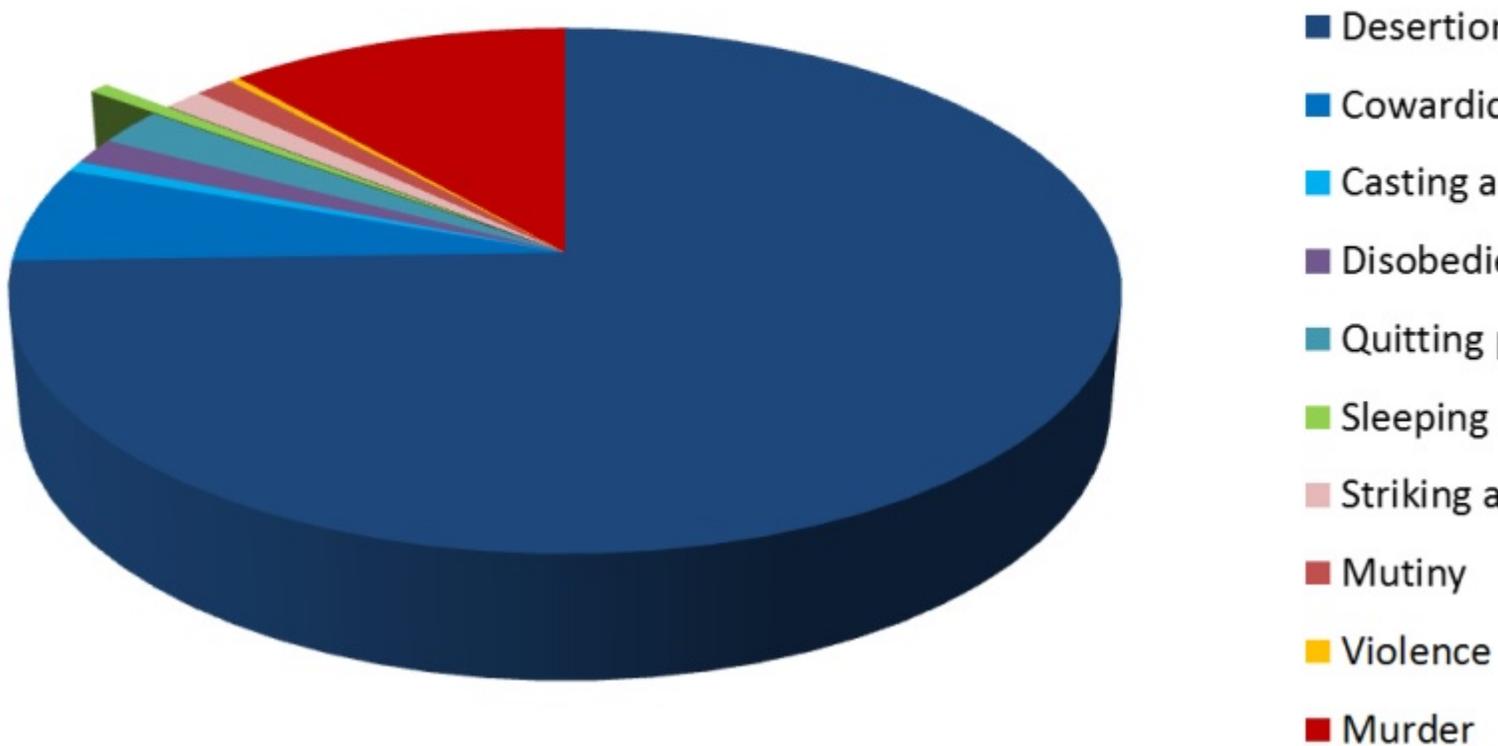
So I ask my students: was this decision right? It's not as easy a question to answer as it sounds. It is no surprise that over all the seminars I've taught on this subject, the students have been roughly split down the middle. What is odd is that I've never had a class where the sides are evenly balanced in the room. Every single one has been

heavily on one side of the other. I ask them to read a briefing document I put together about the pardon and a chapter from an academic text on the topic, and to prepare a short opening statement saying why they think the 2006 pardon was right or wrong. I ask the first few students to arrive to sit on one side of the room if they agree with the pardon, the other if they disagree. I then ask each student arriving which side they're on before telling them which is which - so they can't just choose the easy option of siding with most of the class. Each time I hope this will give us a decent split, but it never does. I give them the option to cross the floor during the debate and again at the end, which usually balances things out a little. But I've only once had a close vote at the end. I have no idea what this means - probably nothing. Although I have noticed a tendency for 9am seminars to be harsher, voting against the pardon. Make what you will of that.

But this is not an easy question. The very image of being ['shot at dawn'](#) whilst ['blindfold and alone'](#) is part of our being haunted as a nation by the First World War. Yet there are difficulties we cannot overlook. As any historians will tell you, we must take seriously the problems with the available sources. Equally, we need to ask whether it is right to pardon a particular person or group from the host of historical injustices. What about soldiers in other wars? The matter of pardoning a case as exceptional, leaving less famous others un-pardoned came up recently when some historians [spoke out against the posthumous pardon granted to Alan Turing](#). There are similar concerns to consider here. Ultimately, pardons and apologies for historical injustices raise difficult questions about how much we can right or rewrite the past. There are also a great many genuine issues in relation to this particular matter.

I would not quite make the same distinction as [former Defence Secretary John Reid](#), between those who did and did not let down their country and comrades. However, it is worth looking (using figures from [Gerard Oram's work](#)) at a breakdown of who was executed and of what crimes they were found guilty.

## British soldiers executed by offence

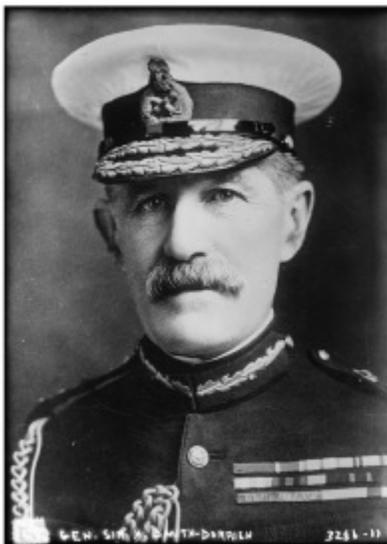


Whatever your instinctive view on the question, you are likely to be thinking of those in the blue-ish sections here: those who were executed for opting out of fighting and failing to live up to the role of a disciplined soldier. Of the 306, 228 were found guilty of desertion, 18 of cowardice, 5 of disobedience and 7 of quitting their post. With the possible exception of the 5, these are those we tend to think of. Their execution is deeply troubling to us. Faced with such a ridiculous and barbaric situation, was 'desertion' or 'casting away arms' not a sign of common sense? How many of those executed for 'cowardice' were incapacitated by fear and the 'war neuroses' that the medical profession was slowly learning to call 'shell shock'? But the question becomes far more complex ethically when we consider those in the red-ish sections. They include 4 found guilty of striking a senior officer, 4 of mutiny, 1 of a violent offence and most problematically 35 of murder.

In all these cases, however, we should bear in mind context - both statistical and historical. First of all, we should remember that these men executed amounted to only around 10% of those sentenced to death. Moreover, executions were consistently around 10% of condemnations, with a fall in one matched by a fall in other. Might we then assume that these are the most persistent offenders? Perhaps this system of executions handed out by courts martial - which unlike Russian or Austro-Hungarian counterparts had no right to appeal (whereas Britain was at the same time unusual for having a right of appeal against conscription in the form of military service tribunals) - was not so cruel or unforgiving after all?

It is worth remembering that the British military was in the middle of a transformation from an old imperial army to modern professional one. During this period of change it had to cope with the sudden arrival of 'citizen soldiers', with a different class constitution, degree of training and willingness to accept authority to those who had come before or would come after. In this context, maintaining an orderly army was no small matter. We also know that there were problems of discipline that needed addressing. In particular, drunkenness and murder (often murder of locals by drunken soldiers) were real concerns. We also know that 23 of the condemnations and 3 of the executions were for crimes including robbery and rape. So what alternatives were there?

Instilling discipline in the nineteenth century meant a combination of capital punishment and flogging, until the 1881 abolition of flogging meant an over-reliance on execution. During the First World War, imprisonment - removal from trench life - was seen commonly as a reward rather than a punishment. There were Field Punishments, which could mean being tied to a post for two hours a day for 21 out of 28 days. This humiliation, which replaced flogging as a disciplinary option, was referred to as 'crucifixion'. Meanwhile, the idea of using executions as a form of discipline was summed up by [Sir Horace Smith-Dorrien](#):



**“There is a serious prevalence of desertion to avoid duty in trenches, especially in the 8th Brigade and I am sure that the only way to stop it is to carry out some death sentences.”**

So perhaps these soldiers were executed not so much for their own crimes as to set an example to others? Whether or not it was realistic to think the execution of 4 soldiers for falling asleep at their post would actually

prevent further such cases is another matter. Certainly the idea of execution as example is supported by Oram's finding of notable increases in condemnations in the month before each major offensive. But it was not just a matter of unlucky timing. Some people were more likely to be executed than others.

Those from social groups deemed more likely to be unruly were more often executed. This was true for the 'Regular Army' and 'Regular Divisions', who were generally viewed before the war as the dregs of society and certainly not as civilised as the patriotic soldiers of Kitchener's Citizen Army. It was true for Irish and black ("colonial") troops who were seen as ill-disciplined and in need of firmer management. A lottery might have been fairer.

A difficult dimension to this is found when we consider those found guilty and executed for murder. Of the 10 cases where we know the victim was a civilian, all were women and nine were prostitutes. Nine of those executed were "colonial" or labourers from China or Egypt, quite clearly suggesting that racial and gender assumptions influenced sentencing. Only one white man was executed for murdering a civilian. Corporal Wickens of Rifle Brigade strangled a prostitute in her room and executed on 7 March 1918. Meanwhile, this leaves the majority of cases where the death sentence was carried out for murder as murders of fellow soldiers, likely to be the result of drunken brawls that unsurprisingly accompanied the 35,000 convictions for drunkenness overseas.

The aspect of pardoning those executed that most readily gives cause for concern is the pardoning of those found guilty of murder - something not covered by the 2006 Armed Forces Act, which only pardoned the 306 executed for military offences. But we must ask ourselves difficult questions about why these murders took place. Is it right to condemn and execute a man for killing, when he has been sent (possibly against his will) to fight and kill? Are these men who would have been killers in normal circumstances? Can we really separate these murders from the wartime culture of drunkenness and [prostitution](#) within which they occurred? Who then is ultimately responsible?

We should also remember that the 2006 pardon was only for the execution, not the conviction. When the conviction in question was for a violent offence, that may not be too troubling to many. But when the conviction was for 'cowardice', it is perhaps a different matter. If we do want to right the wrongs of the past, maybe we are wrong to think the job is done.

It is a harrowing but also a complex episode in the history of the First World War. Cathryn Corns and John Hughes-Wilson probably reflected the opinion of most academic historians when they closed their book [Blindfold and Alone](#) with a call to "*leave the courage - and the cowardice - of the Western Front and the lost world of our grandparents where it belongs: long, long ago*". The problem is that the First World War - perhaps more than any other episode in our national history - is one we are simply not prepared to leave alone. The last government's granting of a pardon and the current government's [centenary plans](#) (and [outspoken ministerial moments](#)) are just the latest episodes in a very active afterlife for the war in British culture. The way we understand the First World War - whether as a prophecy or as a contrast - is fundamental in how we view contemporary wars. Leaving this debate 'where it belongs' is not an option. So it is a debate we must continue to have.

My view? That I reserve for the closing minutes of the seminar - allowing me the cover to argue whichever side of the debate is under-represented in the class. But I do make my students take sides. We often end up discussing how simplistic it would be to really take one side completely. One thing that surprised me in a recent class was a distinction that most of the students agreed with between thinking a pardon *was not possible* as a historian, but *obviously right* as a human being. Objectivity is all well and good, but a history without humanity is not one I would want to write or read.

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*Cross-posted on [the author's personal blog](#)*

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