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In the Courts or Off the Record: Discipline in the British Expeditionary Force, September 1939–June 1940

Edward Smalley[1]
University of Kent

The British Expeditionary Force that deployed to France in 1939-40 was a professional military force, made up largely of volunteers, and was capable of consistently high discipline in extreme conditions. However, beneath this uniform exterior a complex disciplinary system operated, and varying performance levels existed. This article aims to show how analysis of courts-martial records offers a quantitative method of comparing disciplinary standards within units. Generally, rear-echelon units experienced the worst disciplinary levels and Territorial infantry battalions the best, although there were exceptions in both cases. Disciplinary statistics allow the France campaign to be placed in a wider context and demonstrate the steady evolution of military justice. Furthermore, this article will show a widespread, persistent and institutionally accepted undercurrent of ill-discipline afflicted the BEF throughout the campaign without ever contributing to courts-martial records. Bureaucracy, reputational damage and awareness of limited detention capacity encouraged tolerance of all but the most serious disciplinary breaches; internal, pragmatic solutions were sought wherever possible. An inability to control endemic, inappropriate alcohol consumption and widespread black-market activities led to drunkenness and theft being both prevalent and, paradoxically, under-reported within the BEF. Failure to curb these relatively trivial offences enabled individuals to commit further more serious crimes against colleagues, superiors and civilians. Under reporting increased during combat operations as the chaotic battlefield weakened the ability to maintain discipline and investigate infringements. By June 1940, courts-martial statistics bore no correlation to reality. Only by balancing quantitative and qualitative approaches can the true level of ill-discipline within the BEF be revealed.

The establishment view of BEF disciplinary standards is overwhelmingly celebratory and conveniently skirts over any incidents of ill-discipline. The official history of discipline 1939–1945 argued that the discipline instilled into BEF personnel during the pre-war period 'enabled them

1 edgs2@kentforlife.net

to fight and endure all that they encountered in the face of the enemy'.[2] In his Despatches, BEF Commander-in-Chief Lord Gort recorded his appreciation of the 'firm discipline' displayed by subordinates throughout the testing France campaign.[3] The official campaign history added to the accolades by describing the withdrawal to the channel ports, particularly Dunkirk, as a pinnacle of British military discipline in terms of planning and performance.[4] However, the war diaries upon which these sources relied rarely recorded courts-martial proceedings or anecdotal incidents of ill-discipline. 2nd Cameronians Regiment war diary makes no mention of ill-discipline in March 1940 when, in reality, 12 personnel were court-martialled for various offences; this monthly total was unsurpassed by any other infantry battalion during the campaign.[5]

Several modern historians have similarly adopted the view that BEF discipline was generally good, nuanced only by fleeting moments of ill-discipline which occurred during high-pressure situations. John Ellis has acknowledged disciplinary lapses were inevitable, but has suggested exceptional discipline overall was a vital prerequisite to successful Dunkirk evacuations. Brian Bond has argued discipline remained good as long as unit cohesion was maintained; at Dunkirk, intermingled units significantly added to the chaos. Mark Connelly and Walter Miller have accumulated evidence of commendable levels of discipline and morale amongst BEF personnel up to Dunkirk, regardless of hunger, tiredness, poor communications or garbled orders; indeed, futile military situations compelled large-scale capitulation, rather than inadequate discipline.[6]

A more sceptical view of BEF discipline is that misdemeanours were more prevalent than is generally acknowledged, but that conclusive evidence is difficult to produce. John Keegan has argued ill-discipline could not be localised to solitary individuals because groups always emulate trendsetters, especially in regard to alcohol consumption. The German Army had a range of punitive punishments for ill-discipline, yet Omer Bartov has shown these could not deter spikes in drunkenness, theft and

2 The National Archives (hereafter TNA), WO 277/7, *Official History of Discipline 1939-1945* (Compiled by Brigadier A. McPherson, WO, 1950), p. 5.

3 Liddell Hart Centre for Military Archives (hereafter LHCMA), BRIDGEMAN 1/1, *Lord Gort's Despatches of the Operations of the British Expeditionary Force*, p. 89.

4 Ellis, L.F., *The War in France and Flanders 1939–1940*, (London: HMSO, 1953), p. 326.

5 TNA, WO 167/721, *2nd Cameronians Regiment War Diary, September 1939 — June 1940, (March),* pp. 1–8.

6 Ellis, J., *The Sharp End: The Fighting Man in World War II*, (London: Pimlico, 1993), p. 263; Bond, Brian, 'The British Field Force in France and Belgium 1939-1940' in Addison, P., and Calder A. (eds.), *Time to Kill: The Soldier's Experience of War in the West*, (London: Pimlico, 1997), pp. 45–7; Connelly, M., and Miller, W., 'The BEF and the Issue of Surrender on the Western Front in 1940', *War in History*, Vol. 11, No. 4, 2004, p. 436.

brawls amongst personnel in occupied France. With a less draconian disciplinary system, it is reasonable to conclude the BEF would have been equally vulnerable to the temptations of Phoney War France. Rejecting generalised judgements as inadequate, David French has highlighted specific courts-martial cases involving desertion, absence without leave and insubordination to demonstrate how ill-discipline occurred before May 1940, during which time British troops had hardly seen a shot fired in anger.[7] By analysing all courts-martial records from the campaign, this article will provide a more detailed and accurate assessment of BEF discipline than has been previously possible.

Courts-martial statistics help outline the BEF's disciplinary record, demonstrate the evolution of military justice and help identify unique characteristics of the France campaign. British soldiers could be court-martialled for 25 separate offences ranging from civil crimes inevitable in any large group to military specific infringements; sentences ranged from small fines to capital punishment for treason, murder and mutiny. Analysis of courts-martial statistics between 4 September 1939, when BEF advance parties first arrived, and the official end of the campaign on 18 June 1940, has revealed 1761 individuals were court-martialled for 2650 separate offences. Seventeen courts-martial occurred in September 1939, 113 in October, 157 in November, 267 in December, 240 in January 1940, 270 in February, 332 in March, 283 in April, 71 in May and 11 in June.[8] With over 430,000 BEF personnel deployed to France, this means less than 0.5% were officially court-martialled during the campaign; an offending rate consistent with the pre-war British Army in 1938.[9]

Of those convicted of an offence within the BEF, 518 soldiers (29%) had their sentences reduced or quashed at a later date; 381 had sentences reduced by the convening officer, whilst a further 137 convictions were, at least partially, quashed by the Judge Advocate General.[10] By comparison, Timothy Bowman's study of 5645 courts-martial involving personnel

7 Keegan, J., 'Towards a Theory of Combat Motivation' in Addison and Calder, *Time to Kill*, p. 10; Bartov, O., *Hitler's Army: Soldiers, Nazis and War in the Third Reich*, (Oxford: Oxford University Press, 2001), pp. 64–9; French, D., 'Discipline and the Death Penalty in the British Army in the War against Germany during the Second World War', *Journal of Contemporary History,* Vol. 33, No. 4, October 1998, p. 538.

8 TNA, WO 90/8, *Judge Advocate General's Office: General Courts-Martial Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *Field General Courts-Martial Register: (Abroad only), Volume No. 35, October 1939–April 1942*, pp. 1–81.

9 [Cmd. 5950], The General Annual Report on the British Army (for the year ending 31 December 1938), *Parliamentary Papers*, February 1939, p. 26; Ellis, L.F., *The War in France and Flanders*, pp. 305, 326.

10 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

from Irish regiments on the Great War Western Front has shown 34% of original sentences were altered.[11] Although there are similarities between the two figures, British military justice had evolved between the wars. In the Great War, 346 British soldiers were executed for a wide range of offences, whereas only two BEF personnel were sentenced to death during the France campaign. The individuals were convicted of separate incidents of murder and both had their sentences commuted to life imprisonment by Commander-in-Chief Gort. The ability of courts-martial boards to sentence individuals to death safe in the knowledge that a higher authority could intervene was indicative of the military justice system. Having participated in several courts-martial in 1940, Major E. Thornhill noted 'I had no qualms about giving very heavy sentences. I knew that these would be reviewed at a later date by the convening officer and reduced if they were too harsh'.[12] The exploitation of this legal failsafe by courts-martial boards was commonplace within the Army and explains why senior officers were ambivalent about the persistently high percentage of altered convictions.

Disciplinary issues in the British Army continued to evolve throughout World War Two. In the BEF the almost exclusive reliance on volunteers, the large proportion of career regulars and the absence of sustained combat meant desertion barely registered as an issue with just 49 cases. In fact, both Subaltern P. Martin, 2nd Cheshire Regiment and Private A. Notley, 1/7th Middlesex Regiment wrote home describing how fear of being transferred away from Phoney War France moderated behaviour within their units'.[13] Furthermore, generous reporting procedures also contributed to low desertion figures. Units were only obligated to inform an officer of the Provost branch on the eighth day of an individual's disappearance; until this point, offenders were frequently dealt with internally and prosecuted under a lesser charge.[14] Widespread preference

11 Bowman, T., *Irish Regiments in the Great War: Discipline and Morale*, (Manchester: Manchester University Press, 2003), pp. 16–17.

12 Corns, C., and Hughes Wilson, J., *Blindfold and Alone: British Military Executions in the Great War*, (London: Cassel & Co, 2001), p. 503; TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81; Imperial War Museum (hereafter IWM), Lieutenant Colonel E. Thornhill, 99/36/1, *Memoirs*, p. 69.

13 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81; IWM, Major General P. Martin, 07/7/1, *Manuscripts and Letters 1939–1947, Letter dated 05/03/40*, p. 1; National Army Museum (hereafter NAM), No. 2000-11-55, *Papers of A. Notley 1940–1944, Undated letter*, p. 2.

14 TNA, WO 167/1345, *Deputy Assistant Provost Marshal (GHQ) War Diary, September 1939–April 1940, Minutes of 23/11/39 Provost Marshal's Conference, Appendix B*, p. 3.

for giving deserters the benefit of doubt also minimised the figures. Upon discovering a missing subordinate already awaiting evacuation at Dunkirk, Second Lieutenant P. Hadley, 4th Royal Sussex Regiment, blamed the individual's disappearance on temporary memory loss, rather than a desire to escape combat.[15] Decisions such as this helpfully maintained BEF desertion rates, which although good, were far from flawless. As the war progressed, relentless combat and conscription ensured desertion became an increasingly important issue. Christine Bielecki has argued the main reason for wartime desertion was not cowardice, but the temporary loss of physical and mental stamina necessary to endure army life. Subsequently, between 1939 and 1945 there were 30,740 desertions; the second most prevalent offence in the British Army.[16]

Looking at the BEF in more detail, courts-martial records offer an excellent method of ranking infantry battalions on a national or even individual basis. There were 690 courts-martial within the 151 rifle, machine-gun and motorcycle battalions of the BEF, meaning the average disciplinary record was 4.56 courts-martial per battalion during the France campaign. Whilst English (4.23), Welsh (4.33) and the elite multi-national Guards battalions (4.125) had better than average discipline, Irish (5) and Scottish units (6.13) performed below average. However, worthwhile conclusions require qualification of statistical data, for example, due to the small number of Irish battalions within the BEF, the 12 courts-martial sustained by the 2nd Royal Inniskilling Fusiliers unfairly distorts the average of the other three Irish battalions. Conversely, without the brief courts-martial free deployment of 20th Guards Brigade for the defence of Boulogne, the elite Guards battalions would have averaged a surprisingly inferior 5.5 courts-martial per battalion. Similarly, the belated courts-martial free deployment of 52nd (Lowland) Division in June 1940 prevented the other 21 Scottish battalions averaging an even more disorderly 8.76 courts-martial. It is possible that early deployment, lengthy tours of duty and rigorous enforcement of regulations contributed to the poor disciplinary record of these battalions; however, many English battalions maintained good disciplinary records in the same conditions. This suggests internal factors within Guards and Scottish battalions materially impacted upon unit discipline.[17]

15 Hadley, P., *Third Class to Dunkirk: A Worm's Eye View of the BEF 1940*, (Bath: Hollis & Carter Ltd, 1944), p. 121.

16 Bielecki, C., *British Infantry Morale during the Italian Campaign 1939–1945,* (University of London: Unpublished PhD, 2006), p. 348; TNA, WO 277/7, *Discipline 1939–1945* (McPherson), Appendix 1A, p. 1.

17 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

The 4.56 battalion average hides a vast gulf in standards between the best and worst disciplined battalions in the BEF. The worst five battalions for discipline were 5th Division's 2nd Cameronians Regiment (43 courts-martial), 1st Division's 1st King's Shropshire Light Infantry (28), the GHQ machine-gun battalion 4th Gordon Highlanders (22), 44th Division's 1st Queen's Own Royal West Kent Regiment (20) and 3rd Division's 2nd East Yorkshire Regiment (20). Above average ill-discipline was not restricted to particular sections of the BEF with the worst five battalions unconnected in terms of UK origins, locality once deployed to France, chain of command or type of battalion. However, the worst battalions generally served long tours and therefore suffered from the rise in official ill-discipline that occurred in the cold winter months. Despite being disproportionately responsible for BEF courts-martial, these units' charge sheets were not filled with trivial offences considered by other commanders too mundane for official proceedings; for example, 4th Gordon Highlanders court-martialled only one person for drunkenness, but 13 individuals for offences involving violence or insubordination against a superior.

In contrast, 59 infantry battalions had no courts-martial during the campaign, including the entire 12th, 23rd, 46th and 52nd Divisions (all of which were dominated by Territorials). Although the official disciplinary records of these battalions are identical, their staggered deployment to France allows differentiation on the basis of time served overseas. Deployed in October 1939, 1st Suffolk Regiment (3rd Division) served the longest tour in France without sustaining a courts-martial. Territorial battalions deployed in January and February 1940 complete the top five places.[18] There is no evidence to suggest these units more flexibly interpreted disciplinary regulations, or that a blind eye was turned to ill-discipline. Even including off the record misdemeanours, some units had remarkably blemish free campaigns. For example, apart from one internally dealt with uncensored letter posted on arrival at Cherbourg, no other military offence occurred within 2/6th Duke of Wellington's Regiment during its participation in the campaign.[19] Commendably, some units genuinely had negligible ill-discipline throughout the campaign.

Courts-martial analysis is essential because memoirs fail to objectively assess unit discipline or the impact of senior officers. Second Lieutenant J. Ogden felt Lieutenant Colonel Given controlled 'his battalion with a

18 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

19 Barclay, C.N., *The History of the Duke of Wellington's Regiment 1919-1952*, (London: William Clowes & Sons Ltd, 1953), p. 198.

rod of iron', enthusiastically supported by company commanders such as 'veritable tyrant' Captain Spencer.[20] Similarly, Private L. Arlington believed 2nd Middlesex Regiment was unwaveringly subjected to excessively high standards of discipline and appearance; this made Lieutenant Colonel Haydon 'the most disliked man in the whole regiment'.[21] The first battalion mentioned (2nd East Yorkshire Regiment) had significantly above average ill-discipline, whilst the second achieved an admirable campaign record of one court-martial. In reality, most soldiers believed no officer could match their own commanding officer for toughness, just as they believed in the superiority of their battalion.

The largest numbers of BEF courts-martials were attributable to multi-unit, multi-location regiments and corps whose sheer numerical strength and decentralised deployment made incidents of ill-discipline more likely. The Auxiliary Military Pioneer Corps was most ill-disciplined during the campaign with 262 attributable courts-martial, although the quality of its officers, rank-and-file personnel and working conditions contributed heavily to this. The worst officers were deliberately concentrated in the rear-echelon AMPC; on 19 November 1939, the Adjutant General demanded the transfer of all officers too elderly or incapable for combatant units to 'AMPC units'.[22] Although theoretically healthy men aged 35 to 50, AMPC rank-and-file personnel had similarly limited career prospects. For example, a Phoney War GHQ investigation found high sickness rates caused by ubiquitous 'poor physique' and an average age of almost 50 amongst the men. Formed with the objective of easing the manual labour workload of BEF units in training, just three weeks after downing civilian tools, AMPC units began a relentless schedule of pioneer duties, with no uniform, few resources and an absence of esprit de corps. With no tangible incentive for following the rules, ill-discipline was inevitable; by December 1939, a powerless BEF Adjutant General informed the War Office that AMPC caused 'a serious deterioration in our relations with the French'.[23] The poor discipline of AMPC units deteriorated further in close proximity to combat, for example, on 23 May, HMS *Whitshed* reported attempts by a drunken, panic-stricken rabble of AMPC officers and men to rush the ship.[24]

20 IWM, Captain J. Ogden, 67/267/1, *Memoirs*, pp. 16, 19.

21 NAM, No. 1994-03-12, *Memoirs of L. Arlington, Middlesex Regiment 1939–1945*, p. 27.

22 TNA, WO 90/8, J*AG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, p. 1–81; TNA, WO 167/11, *BEF Adjutant General's War Diary, September 1939–June 1940, (November),* p. 4.

23 TNA, WO 167/11, *BEF Adjutant General's War Diary, (December),* pp. 2, 9.

24 Harman, Nicholas, *Dunkirk: The Necessary Myth*, (London: Hodder & Stoughton,

Other disappointing disciplinary records included the Royal Artillery (256 courts-martial), the Royal Engineers (161) and the Royal Army Service Corps (135). With less officer supervision, greater opportunity for crime and, in some cases, a lack of unit pride, John Ellis has argued multi-location units were more vulnerable to ill-discipline. However, within the BEF, several dispersed units displayed exemplary discipline, for example, the Royal Army Pay Corps had only one court-martial, whilst the Military Provost Staff Corps had no courts-martial irrespective of 62 other ranks for every officer. A possible reason for this impressive record was fierce unit pride, for example, in October 1939, MPSC Commandant J. Gordon successfully protested that the identity of the MPSC could be lost completely if its personnel were used to augment the Corps of Military Police.[25] Unfortunately, the value of positive research peaks at this point because courts-martial records do not distinguish between units within multi-location corps and regiments, thereby prohibiting further in-depth analysis of unit types and geographical factors. It also means these units, due to their vast size, frequently topped the tables for individual offences.

The most frequent identifiable offence within the BEF was drunkenness, for which 446 personnel were court-martialled; the top three offenders were the AMPC (74 courts-martial), RA (60) and RE (49).[26] These figures are merely the tip of the iceberg as an epidemic of inappropriate alcohol consumption consumed the BEF. In Phoney War France temptation was everywhere, for example, 2nd Middlesex Regiment discovered approximately 33% of all properties in Gondecourt officially or unofficially sold alcohol. To compound this, opportunities for off-duty entertainment, cheap dining and sources of fresh produce were often restricted to buildings that also sold alcohol; 52nd Heavy Regiment RA utilised Fleurbaix *estaminets* for non-military needs for there were few alternatives.[27] All types of alcohol in France were extraordinarily cheap and sold at prices never before experienced by most serving soldiers. In March 1940, the British Government considered any overseas military facility that sold draught beer at six-pence per pint as good value and

1980), p. 113.

25 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81; Ellis, J., *The Sharp End*, pp. 227–9; TNA, WO 167/1354, *Provost No. 1 Military Prison War Diary, September 1939–April 1940, (September),* p. 1, *(October),* p. 2.

26 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

27 NAM, No. 1994-03-12, *Memoirs of L. Arlington*, p. 25; IWM, Signaller L. Cannon, 79/27/1, *Memoirs*, p. 15

competitively priced with a 6d Bass on Third Class Rail. However, it was distinctly uncompetitive with Phoney War France where British soldiers could 'get very drunk on two franks [3d]' (sic) a night.[28] A beneficial exchange rate of one franc = 1.36d (176.5 francs = £1), and fortnightly pay issues in 20 franc notes, further encouraged excessive drinking habits.[29] The combination of plentiful free time, increased spending power and easily accessible alcohol had inevitable consequences. Whilst impoverished signallers in 48th Divisional Signals increased consumption from two half-pints per night to '23 drinks of 11 different varieties' in a single session, 2nd East Yorkshire Regiment junior officers 'stuck to champagne every night; one bottle per person, per night, at one shilling per bottle'.[30]

In the context of BEF alcohol intake, official drunkenness figures remained low; many incidents went unbeknown to commanders, but with more blatant events the soft-touch disciplinary system only intervened if personnel were rendered completely incapable and, wherever possible, operated unofficially. 2nd Middlesex Regiment rejected courts-martial proceedings for two privates guilty of unauthorised absence from Roubaix Barracks and returning drunk; unofficial discipline — '24 hours guard duty on the main gate'.[31] When it became clear BEF frontier patrols in the Baisieux area routinely 'disappeared like needles in a haystack, drinking themselves silly as fast as possible' supervising officers introduced surprise spot-checks, rather than bring charges for dereliction[32]. Similarly, when it was discovered the 2100hrs curfew for visiting local *estaminets* was being regularly ignored, the Adjutant General's response was to extend the curfew; officially to allow troops to 'hear the 9pm BBC News', unofficially to legalise after curfew drinking.[33] The BEF's unwillingness to enforce regulations, combined with undue leniency for alcohol-induced misdemeanours, encouraged repeat offending and more serious crime. Although 171 individuals were court-martialled purely for drunkenness, a further 275 personnel were simultaneously court-martialled for other offences along with drunkenness. These offences included mutiny,

28 [HANSARD], Written Answers (Commons), 14/03/40, *Parliamentary Papers*, p. 1; Thomas, Tommy, *Signal Success*, (Lewes: The Book Guild Ltd, 1995), pp. 93–5; NAM, No. 1994-03-12, *Memoirs of L. Arlington*, p. 25.

29 'Exchange Rates in 1939', Times [London, England] 3 January 1940: p. 12, *The Times Digital Archive*. Web 16 July 2012; TNA, WO 167/840, *1/7th Warwickshire Regiment War Diary, January–May 1940, (January),* p. 1, *(February),* p. 2.

30 Saunders, W., *Dunkirk Diary of a Very Young Soldier*, (Studley: Brewin Books, 2010), pp. 27, 38; IWM, Captain J. Ogden, 67/267/1, *Memoirs*, p. 15.

31 NAM, No. 1994-03-12, *Memoirs of L. Arlington*, p. 32.

32 IWM, Captain J. Ogden, 67/267/1, *Memoirs*, p. 41.

33 TNA, WO 167/11, *BEF Adjutant General's War Diary (October),* p. 5; Saunders, W., *Dunkirk Diary*, p. 44.

scandalous conduct and striking a superior; serious crimes that may not have occurred had the offenders been sober. Interestingly, the German Army also experienced deteriorating discipline during its occupation of France. In an assessment strikingly similar to many BEF officers, the Commander of 12th Infantry Division argued that 'the long rest period in a rich land' had led astray 'many soldiers whose character is not strong enough to resist temptation'.[34]

The BEF's complacent attitude towards alcohol continued during combat operations. Whilst advancing into Belgium, 2nd Buffs headquarters personnel had a drinking session to pass the time during traffic congestion.[35] On 17 May, the retreating 4th Royal Sussex Regiment nearly abandoned four officers and NCOs whose decision to have a 'quick one' between jobs became a 'prolonged stay'.[36] Despite holding crucial riverbank positions on 18 May, upon discovering a wine cellar, 2nd East Yorkshire Regiment personnel became drunk, weapon-less and incapable.[37] None of these incidents resulted in disciplinary action being taken against the perpetrators; with twisted logic, self-enforcing disciplinary procedures were frequently undermined by the desire to preserve unit honour. The incompatibility of alcohol and peak performance was never fully realised by the BEF during the France campaign.

Theft was another offence significantly under-recorded by the disciplinary system in 1939-40. Officially, 209 individuals were court-martialled for theft; prolific offenders included the AMPC (43), RASC (38) and RE (35). With theft courts-martial in infantry battalions totalling only 27, in this instance, dispersed formations did not top offending rates simply because their units were indistinguishable in courts-martial records.[38] Rear-echelon formations had the most sustained, under-supervised access to the vast BEF supply chain and its virtually untraceable commodities (rations, tools and petrol). As illustration of the supply chain's vulnerability, No. 2 Base Ordnance Depot in Le Havre had 858,250 ft.^{2} of covered stores and 44 acres of stores open to the elements, but only a handful of office-based officers to supervise operations.[39] As the BEF expanded,

34 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81; Bartov, *Hitler's Army*, pp. 68–9.

35 NAM, No. 2001-02-444, *Reports by Various Personnel on Buffs 1939–1945: Personal Diary of Captain E. Edlmann, 2nd Buffs Regiment, May 1940*, p. 2.

36 Hadley, *Third Class to Dunkirk*, pp. 47–8.

37 IWM, Captain J. Ogden, 67/267/1, *Memoirs*, p. 93.

38 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

39 IWM, Major General W. Richards, 84/32/1, *Accommodation Requirements of Field Force, dated 01/04/40*, p. 1.

this arms-length supervision led to an 'increasing amount of pilfering', especially 'at Base Ports and from goods in transport to railheads'.[40] When I Corps headquarters disembarked at Cherbourg in autumn 1939, so much equipment was stolen that the entire complement of 40 staff cars were rendered inoperable.[41] Investigations to curtail black-market activities were largely unsuccessful as British Army perpetrators proved elusive and illicit wares were quickly consumed; 1st Division Provost Company made only one significant seizure of stolen goods (236 gallons of petrol) during the Phoney War.[42] BEF petrol was particularly open to abuse due to insufficient supervision, inadequate record keeping, the vulnerability of army containers to leakage and the value of the commodity. To prevent fraud and unit exploitation by French retailers a centralised office at GHQ procured up to 600 tonnes of petrol per day; with only three staff, the BEF could be defended from outlandish requests disproportionate to the majority, but not widespread over-ordering. To compound this, undermanned units responsible for high-volume logistics, such as 1st Base Sub-Area, allowed a very inaccurate record to develop. A further flaw in the system was the British Army's continued use of compressed cardboard four-gallon cans for all transportation and storage purposes - the cans' propensity to leak if mishandled or exposed to the elements provided a ready-made excuse for the incompetent and corrupt. The combined effect of the system flaws was that in November 1939 the petrol black market became sufficiently endemic for the French to threaten imposing duty on BEF petrol in order to protect diminishing French Treasury returns.[43]

Whilst unidentifiable individuals usually carried out wholesale pilfering, at the other end of the spectrum, minor thefts were an unreported fact of life. 48th Division Signaller Wilfred Saunders characterised his friends: 'They'd pinch the milk out of a blind man's tea'; his only action after finding his knife and cap stolen was 'pinch someone else's'.[44] Minor thefts occurred in plain sight of officers, for example, Private A. Notley, 1/7th Middlesex Regiment openly admitted in a Phoney War letter censored by his platoon commander, that chicken rustling was a favourite

40 TNA, WO 167/1345, *DAPM (GHQ) War Diary, Minutes of 23/11/39 PM Conference, Appendix B*, p. 1.

41 IWM, Major J. Finch, 90/6/1, *Memoirs*, p. 2.

42 TNA, WO 167/201, *1st Division Provost Company War Diary, September 1939–June 1940, (January),* p. 2.

43 TNA, WO 167/24, *RASC GHQ War Diary, September 1939–May 1940: CRASC, GHQ Routine Orders, 26/10/39*, p. 1; TNA, WO 167/1076, *GHQ Supply Directorate Transport (Petrol) RASC War Diary, September 1939–May 1940, (November)*, pp. 15–16, *(December)*, p. 7, *(January)*, p. 1, *(February)*, p. 7.

44 Saunders, *Dunkirk Diary*, p. 7.

hobby amongst his colleagues.[45] Combat merely increased the possibilities; whilst evacuating troops at Dunkirk, Little Ship owner Alan Barrell recalled that 'one of them took my revolver from under my nose, it's a way they have in the Army'.[46] In any large organisation, minor thefts are inevitable, but in the BEF the majority of these went unreported due to the victim's disillusion with the official disciplinary system or preference for self-sufficient solutions. The research of another conference speaker, Rachel Pistol, has illustrated how thefts occurred throughout World War Two; internees deported from Britain were occasionally victims of thefts committed by their military escort.[47]

The manipulation of courts-martial procedure to suit detention capacity further validates a balanced approach to research on BEF discipline. Field punishment was a common sentence for soldiers convicted of moderately serious crimes. In 1939, this entailed hours of hard physical labour such as filling sandbags, plus a daily non-stop two hours of drill with full kit; this usually occurred at a specialist camp run for each Corps by MPSC staff. BEF sentencing depended on the crime's severity, the views of the courts-martial board and available capacity. For four months (October 1939 — January 1940) courts-martial of II Corps personnel conveniently ensured soldiers sentenced to field punishment did not exceed the II Corps detention camp capacity of 28; within 11 days of camp capacity expanding to 84, the number of detainees increased to 78. Flexible usage of fines, demotions and unofficial disciplinary procedures allowed the military justice system to function effectively, regardless of capacity. Consequently, on 30 November 1939, I Corps detention camp had an occupancy rate of 48/50 places whilst 27/28 places were filled at II Corps detention camp. These manipulated figures prevent analysis of crime rates or preference for field punishment as a sentence, and merely indicate that I Corps had nearly twice II Corps capacity and courts-martial sentenced accordingly.[48]

If necessary the authorities could manipulate the disciplinary system to ensure technically guilty men went relatively unpunished, whilst the law-abiding could be admonished for breaking unwritten rules. The most striking example of this was the February 1940 courts-martial of four officers (two Majors and two Second Lieutenants) of the 1/7th Warwickshire Regiment. These officers were convicted of mutiny, unauthorised absence and miscellaneous military offences after a private drowned

45 NAM, No. 2000-11-55, *Papers of A. Notley, Undated Letter*, p. 1.
46 NAM, No. 1994-03-19, *Memoirs of A. Barrell*, p. 3.
47 Rachel Pistol, this issue.
48 TNA, WO 277/7, *Discipline 1939–1945*, (McPherson), pp. 25–7; TNA, WO 167/1354, *Provost No. 1 Military Prison War Diary, (November),* p. 6, *(December),* p. 3, *(January)*, p. 1.

during an exercise on a fast flowing river. Their technical guilt and subsequent reprimands had minimal impact on their careers as all officers kept their positions or were transferred to superior units. In contrast, Lieutenant Colonel C. Siddeley, who had successfully brought the charges, was immediately removed from command and side-lined to the backwater position of Town Major, St Nazaire. Instead of those formally convicted, the Army Establishment held responsible the officer who had ordered the ill-fated exercise and lost the confidence of his subordinate officers.[49] Throughout the campaign, the British Army demonstrated tremendous subtlety when admonishing an officer. Post-Dunkirk, Lieutenant Colonel R. Boxshall received a prestigious Mention in Despatches for the exemplary campaign of 1st East Surrey Regiment. However, for accidentally departing aboard HMS *Esk* on 1 June 1940, thereby abandoning his command on the Dunkirk beaches, the pre-agreed Distinguished Service Order eluded Boxshall, unlike other battalion commanders within 4th Division.[50] In the BEF, there was more to military justice than courts-martial.

With only 71 courts-martial held in May 1940, analysis of subjective ill-discipline, such as premature bridge demolitions, poor fire control and immoral battlefield actions, is necessary to illustrate disciplinary failings beyond those officially recognised.[51] During the retreat from Belgium, bridge demolitions proved a vital tool for slowing the German advance with over 500 destroyed at vital crossings. However, the under-supervised demolition teams had a propensity to prematurely destroy their objective, thereby unnecessarily cutting off Allied forces. On 18 May, the entire 3rd Brigade rear-guard (a carrier platoon and several anti-tank guns) was lost after being consciously cut off by a demolition team in Tournai, despite assurances by passing senior officers that no enemy were nearby.[52] Similar bad experiences left Lieutenant Colonel J. Birch fearful of mutiny and even mass desertions in his disillusioned 2nd Bedfordshire and Hertfordshire Regiment; on a personal level, Birch's mistrust was symbolised by his ever-present life-jacket.[53]

49 TNA, WO 167/840, *1/7th Warwickshire Regiment War Diary, (February),* pp. 7–11, *(March),* pp. 1–9.

50 IWM, Brigadier R. Boxshall, 84/41/1, *Memoirs*, pp. 3–4.

51 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

52 LHCMA, BRIDGEMAN 1/1, *Lord Gort's Despatches*, p. 87; Barclay, C., *Duke of Wellington's Regiment 1919–1952*, p. 198.

53 IWM, Lieutenant Colonel J. Birch, MISC 105, ITEM 1667, *Diary of the CO 2nd Bedfordshire & Hertfordshire Regiment (May to June 1940)*, pp. 6, 18–20.

Fire control was another major issue for BEF troops, particularly at night when gunfire risked exposing concealed positions or friendly fire incidents. On 16 May, 2nd Cameronians Regiment was unable to prevent 'SA [Small-Arms] fire by our men' exposing various positions overnight, despite there being 'little activity' on its front.[54] Paradoxically, discipline within 4th Royal Sussex Regiment crumbled on 22 May when infiltrating Germans shouted 'Don't fire — We're the Jocks'. Within moments, Second Lieutenant Hadley witnessed a silent platoon awaiting orders reduced to an arguing mass of men acting independently of the chain of command; chaos and casualties ensued.[55]

Gerry Rubin has portrayed British military justice during this period as a system of impeccable integrity, regardless of the wartime situation, yet the campaign frequently saw snap decisions by fatigued officers in high-pressure situations.[56] Although the official policy was to execute known spies, 2nd Division Provost Company acted as judge, jury and executioner when 'four spies were shot' in Cysoing on 21 May.[57] Inevitably with combat stress, vengeful, impulsive acts occurred, such as the execution of Luftwaffe personnel outside Dunkirk by 2nd Middlesex Regiment; later, this caused 'serious misgivings' amongst those involved.[58] However, the pre-meditated subordination of civilian interests was widely tolerated as casualty prevention policy. Whilst 2nd Buffs Regiment forcibly evicted civilians in their vicinity to bolster mutual safety, 8th Brigade used lethal force to deter approaching civilians. These immoral battlefield actions paled in comparison to the brutal German massacres at Wormhoudt and Le Paradis; nevertheless, they did go unpunished.[59]

BEF discipline was worst at Dunkirk and during events south of the Somme River. It is difficult to be critical of ill-discipline at Dunkirk because conditions were not conducive to unit cohesion and made the maintenance of good order virtually impossible. A senior 2nd Middlesex NCO concluded, in the last 200 yards of beach, even limited control was 'impossible for as soon as I found one, so the shells and confusion broke us up again'.[60] The magnitude of the chaos is best demonstrated by the

54 TNA, WO 167/721, *2nd Cameronians Regiment War Diary, (May),* pp. 11–12.
55 Hadley, *Third Class to Dunkirk,* p. 86.
56 Rubin, G., *Murder, Mutiny and the Military: British Court Martial Cases 1940–1966*, (London: Francis Boulte, 2005), p. 57.
57 TNA, WO 167/215, *2nd Division Provost Company War Diary, September 1939–May 1940, (May),* p. 2.
58 NAM, No. 1994-03-12, *Memoirs of L. Arlington*, p. 50.
59 NAM, No. 2001-02-444, *Personal Diary of Captain E. Edlmann*, p. 3; IWM, Captain J. Ogden, 67/267/1, *Memoirs*, p. 120; Thompson, Julian, *Dunkirk: Retreat to Victory*, (London: Pan Macmillan Ltd, 2009), pp. 203–4, 213–14.
60 NAM, No. 1994-05-188, *D Company, 2nd Middlesex Regiment War Diary (May*

experiences of 1st Suffolk Regiment, statistically the most disciplined battalion in the BEF. Having arrived at Dunkirk with few officers and a multitude of evacuation options, ranging from little ships to the Mole, at 0400hrs 1 June, the final order issued by battalion headquarters was 'every man for himself'.[61] Every unit has a breaking point and, at Dunkirk, many found theirs.

Post-Dunkirk, a further 144,171 BEF personnel were repatriated through largely unopposed evacuations south of the Somme River.[62] However, a widespread collapse in discipline and morale occurred as the campaign descended into chaos and the Allies lost control of events. Ironically, in 18 tense days of June 1940, with 150,000 personnel still in France, only 11 BEF courts-martial were convened and these were largely for incidents relating to the previous month. Apart from demonstrating that drunkenness remained a serious issue, the small sample prevents worthwhile analysis.[63] With a collapsing front and a desire to return home, senior officers did not have the enthusiasm or inclination to follow up reports of criminal and military misdemeanours. Consequently, fully equipped and available units, such as 12th Division Provost Company were reassigned from traditional law and order to guard duties until evacuation.[64] With France's inevitable defeat fast approaching BEF fighting spirit crumbled and considerable losses in equipment were tolerated in the haste to depart. The official history of discipline 1939-45 has argued 'on no account should troops be allowed to feel that the particular campaign in which they are engaged is a sideshow'; remaining BEF personnel had this precise problem.[65] On 5 June, J.B. Priestly broadcast to the nation "Now that it's all over, and we can look back on it", despite the perilous predicament of many BEF troops still in France.[66] The November 1940 report on post-Dunkirk evacuations scathingly concluded headquarters were too easily panicked by rumours, officers of all ranks were not prepared to accept any risk, and perhaps most damning, troops widely developed 'the fatal habit of looking over their shoulders and of thinking in terms of a good get-away'.[67]

1940), p. 11.

61 TNA, WO 167/832, *1st Suffolk Regiment War Diary, September 1939–June 1940, (June),* p. 1.

62 Ellis, L, *The War in France and Flanders*, p. 305.

63 TNA, WO 90/8, *JAG Office: GCM Register (Abroad) 1917–1943*, pp. 107–9; TNA, WO 213/35, *FGCM Register: (Abroad only), Vol. 35, 1939–1942*, pp. 1–81.

64 TNA, WO 167/260, *12th Division Provost Company War Diary, April–May 1940, (May),* p. 2.

65 TNA, WO 277/7, *Discipline 1939–1945*, (McPherson), p. 22.

66 Connelly, M., *We Can Take It!: Britain and the Memory of the Second World War*, (Harlow: Pearson Education Limited, 2004), p. 62.

67 TNA, WO 163/415, *Report of the Committee on the Evacuations of the BEF from the*

As early as 21 May, the Le Havre Garrison had incorrectly feared the enemy were 'at the gates'.[68] By June 1940, exponentially increasing anxiety compelled 17th Field Regiment RA to needlessly abandon at Le Havre 80 vehicles and 16 25pdr guns. Disciplined individuals could achieve where units failed; having safely embarked subordinates, Assistant Adjutant M. Cummings and liaison officer Fabre-Luce remained in Le Havre to almost single-handedly collect, load and repatriate via French ships, 13 disabled 25pdr guns, 13 vehicles and a small arsenal of infantry support weapons.[69] Elsewhere, fear remained the primary influence, for example, on 17 June, 1st Armoured Divisional Signals rear-guard withdrew to Brest Docks at 'Quick march', and then 'Double march' before running the final stretch to avoid being left behind.[70] The military evacuations were complicated by the civilian population's exodus south, which, Rebecca Schtasel has shown, was particularly chaotic and desperate in Le Havre.[71] Whilst civilian efforts to avoid occupation proved futile, many BEF personnel retreated and, ultimately, evacuated faster than the enemy could advance, thereby preventing the mass surrenders befitting their disorganised state.

This article has no desire to vilify the decisions of individuals, made under extraordinary pressure in the heat of battle, nor does it seek to portray the BEF as a rampaging army, capable of great brutality against friend or foe alike. The BEF had a disciplinary record worthy of considerable praise. However, casual acceptance of courts-martial statistics as the sole, accurate indicator of disciplinary levels, fails to appreciate the complexity of the disciplinary system and the reality of events on the ground. As the campaign drew to a close, the reduced number of courts-martial did not equate to a dramatic improvement in discipline; instead, in May and June 1940, discipline became more subjective and more difficult to record. The unique conditions of the France campaign largely prevented militarily feared offences such as desertion whilst encouraging the more trivial drunkenness and theft in epidemic proportions. Scottish and Guards battalions performed badly in terms of discipline, but neither the best nor worst performances were restricted to particular sections of the BEF. System flexibility prevented mindless adherence to regulations and allowed military justice to be applied subtly

French Ports, November 1940, pp. 4–7.

68 TNA, WO 167/54, *Line of Communication Headquarters War Diary, September 1939–June 1940, (May),* p. 18.

69 TNA, WO 163/415, *November 1940 Evacuation Report*, pp. 12–13.

70 Thomas, *Signal Success*, p. 115.

71 Rebecca Shtasel, this issue.

and practically. On occasion ill-discipline appeared through courts-martial, at other times it remained off the record, but, at a low level, it was an ever-present within the BEF in France.