

Discipline and Military Justice (Italy)

By [Irene Guerrini](#) and [Marco Pluviano](#)

Summary

The article illustrates the soldiers' attitudes to the war, highlighting both the inadequacy of the work of involving the combatants in the reasons for the conflict and the decision to deal with the demonstrations of dissent, both individually and collectively, by rapidly rendering military justice more severe. The General Staff created, among Italian soldiers and officers, a climate of extreme fear using a combination of legal, disciplinary and administrative measures: Italy had the highest number of executions by firing squad as a result of trials, extrajudicial killings and decimations. The erosion of civil and military rights and the repression of every disciplinary infringement were tolerated and encouraged by the conservative leadership, in a perspective of social restoration which led to the post-war reaction, facilitating the establishment of Fascism.

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Italy's entry into the war: adhesion and opposition

[Italy](#) entered the war on 24 May 1915 after almost ten months of [neutrality](#). During the period of "non-belligerence" there were big demonstrations in favour of the conflict, especially in April and May when the political mobilization for the war reached its climax. It remained, however, the heritage of the [interventionists](#), a minority that cut across party lines, made up of intellectuals, representatives of the lower middle class, the bourgeoisie and the student world, which was unable to foster, in the working class, a favourable attitude to intervention in the war, despite the adherence of most of the revolutionary syndicalists. The

decisive support of the monarchy, the military, the financial world and most of the industrialists forced Parliament to vote full powers to the [government](#) for the war, but the country entered the conflict deeply divided.

The lower classes provided the majority of the combatants, but they had not yet developed, as a whole, a full adhesion to the nation and its institutions. Therefore, the declaration of war aroused, in them, mixed feelings, which are still the subject of [historiographic](#) debate. A considerable number saw it as yet another abuse of power by the ruling classes of a state which was still perceived as “alien”. Nevertheless, although there were powerful [pacifist](#) demonstrations organized mainly by the Socialist Party, they did not materialize in a generalized opposition movement. The prevailing attitude among the masses was identified by the authorities of the time as a sort of “resignation”, linked to the ancestral practices of obedience typical of the peasant world, which provided most of the combatants. Even if the latter category is now called into question, there is no doubt that the army and the Italian government did not enjoy a wealth of cross-class consensus comparable to the one which gave rise to the “spirit of August”.

The problem of consent

For a long time, the initiatives of [propaganda](#) and the organization of consent maintained a moralizing, [religious](#), and rhetorical character. They were therefore not the most appropriate for involving the mass of the soldiers in the reasons for a war of aggression which they found hard to understand. Nevertheless, the watchwords seeped into the consciousness of the soldiers as may be seen for example in their correspondence in which, as stated by [Antonio Gibelli](#): “dissent and consensus, alienation and acceptance of the ideological and linguistic models of the dominant classes often appear indissolubly intertwined.”¹ This combination of interwoven elements proved to be an important component of the complex process of the soldiers’ adaptation to the war. This process, although it proceeded unevenly, allowed the combatants to tolerate living conditions of an unprecedented and exceptional harshness.

The army was not equipped to guarantee the soldiers’ relaxation and to be concerned for their morale, partially because of the convictions on the subject of the Chief of Staff, the conservative Catholic [Luigi Cadorna \(1850-1928\)](#), and of the large majority of the highest military echelons. They considered the entertainment of the troops a potential vehicle of disciplinary and moral corruption rather than an opportunity for building consent. For this reason it was only the military [chaplains](#) who were granted the opportunity to intervene in the combatants’ free time; the chaplains were able to realize an important network of Soldiers’ Recreational Homes. The assistance to the civilian population and the soldiers’ relatives was, however, less than in other countries. It proved to be inadequate and was

dispersed in a host of initiatives organized by private charity. Equally insufficient were the regulations for issuing specific benefits for the combatants (leave, subsidies, etc.).

These deficiencies often had a negative impact on the [attitudes of the soldiers](#) who believed that their sacrifices were not sufficiently appreciated by the ruling classes, and the high command, which moreover did not take their needs and those of their families into account. Nevertheless, this did not translate into an organized movement of rejection and rebellion comparable to those in [Russia](#) and [France](#) in the spring and summer of 1917. It manifested itself instead in isolated acts of collective disobedience and a multitude of individual acts of "flight from the war" (self-harm; simulation; desertion; failing to return, or delaying returning from leave, etc.).

It was only after the [retreat of Caporetto](#) (24 October to the end of November 1917) and the replacement of Cadorna, on 8 November, by [Armando Diaz \(1861-1928\)](#), that the [propaganda](#), the assistance for the soldiers and the management of their free time acquired a character more attentive to their real needs, being able moreover to exploit the theme of the invaded homeland. The most up-to-date tools of propaganda were employed, also making use of the wealth of experience gained before and during the war by the Americans, who allocated almost unlimited funds for this purpose. Furthermore, "P officers" were also appointed, who were responsible for the propaganda, assistance and control of the soldiers.

Therefore, the activity of organizing consent grew in quality and quantity. However, for over two years, the disciplinary constraint had been the main instrument for keeping the troops in line, and even during Diaz's period of command, there was no appreciable attenuation of the repression, if not in its most extreme forms of summary justice. This approach was motivated by the conviction that the anxiety, the fear and the suffering that drove soldiers to violate the rules were not usually due to the psychological and moral distress induced by the alienation linked to the conflict, but to hereditary defects, criminal tendencies, and subversive plots which could only be dealt with by means of repression.

The Instruments of Ruthless Discipline

The Italian Military Penal Code, which had been issued in 1869, was largely modelled on those of 1859 and 1840. It was not therefore suitable for repressing the new type of crimes which were characteristic of a mass army engaged in very hard and exhausting trench warfare. In the early months of the war, Cadorna and the Department of Military Justice, Discipline and Progress of the General Staff issued numerous circulars on military justice. This regulatory intervention contravened the fundamental juridical rules as it gave the force of law to norms which were not subject to the control of Parliament. Moreover, far from modernizing the Code, it made it even more severe.

Cadorna was convinced that, because of the moral weakness and lack of patriotic spirit of the Italian working class, the cohesion and control of the army could only be maintained by applying the harshest discipline and repression. For example, in circular no. 3,525 of 28 September 1915, he wrote: "Discipline is the spiritual flame of victory; the most disciplined troops, not the best trained, win ...The commanding officer has the sacred duty to execute immediately the recalcitrant and the cowards."²

In order to strengthen the repressive action, the High Command put constant pressure on both the Corps of Military Justice, which provided the investigating magistrates and the public prosecutors, and on the panels of judges, composed of officers seconded from their operational units, so that they would operate with the utmost severity, on pain of being removed from office.

While in the country at large the territorial military tribunals continued to operate, at the front and immediately behind it there were War Tribunals, which were normally based at the Army Corps Headquarters, and the extraordinary military tribunals. The latter envisaged even less safeguards for the defendants than those granted by the ordinary tribunals, where these safeguards were already reduced to a minimum by the wartime criminal procedure. The extraordinary courts were composed of officers belonging to the defendant's unit, and could be convened if a commander saw the urgent need to set an example of great severity. The crime had to entail the death penalty and the defendant had to be caught in the act, or arrested for a known deed. Neither an appeal nor a plea for clemency to the Sovereign were envisaged, and the death sentence had to be carried out within twenty-four hours. Both the trial records and the testimony of lawyers and defendants show that the extraordinary tribunals often operated outside the-few-rules, and that the trials were a formality because the death sentence had already been decided upon.

The Conduct of the Courts

To date there are no official statistics about the conduct of the courts during the conflict. We only have a document drafted in 1927 by the statistician [Giorgio Mortara \(1885-1967\)](#)³, which records 262,481 indictments, plus 26,862 disbanded soldiers declared "free from punishment" and 170,064 convictions. Almost two-thirds of those tried were convicted, while among the 2,658 officers indicted (among them only 145 high-ranking officers), two-thirds were acquitted. The sentences were severe, with 15,345 life sentences, 15,096 of which were for desertion, partly in absentia.

To avoid many combatants preferring jail to the trenches, at the end of June 1915 the High Command decided that the sentences of up to one year would be served after the end of the

conflict, and the suspension was gradually extended to sentences of up to seven years, and, sometimes, to harsher condemnations. Thanks to these measures, the courts were able to act with extreme rigour, without having to be concerned about removing men from their units. Moreover, the officers also had a powerful instrument of control over the convicted men as only good behaviour could give them hope of avoiding imprisonment at the end of the war. At the end of the conflict 130,126 soldiers found themselves under a “suspended sentence”, and in September 1919, the government issued an amnesty which the Right called a gift to deserters and subversives. In fact, it generally benefited the soldiers who had done their duty, yielding to a moment of weakness or despair, in a desperate attempt to escape from the war. Most of the soldiers were convicted for individual acts, often as a result of simple clues found by the postal [censorship](#) or a phrase heard by a confidant. However, at least 20,000 soldiers remained in prison, sentenced to life imprisonment or long prison terms.⁴

The Death Sentences

Mortara's statistics report 4,028 death sentences of which 2,967 in absentia. Less than 30 percent of the 1,061 who were convicted and imprisoned benefitted from the commutation of their sentence to life imprisonment or twenty years in jail, while these measures of clemency were applied in much higher percentages in the other armies. Those executed by firing squad were 750, of which 391 for desertion, five for self-harm, 164 for surrendering or disbanding, 154 for indiscipline, two for greed, twelve for violence, one for sexual offences, and twenty-one for [espionage](#) and treason. The crime of indiscipline included acts of rebellion, insubordination, and mutiny, even though the collective crimes were few and only in the case of the *Catanzaro* brigade can one talk of a revolt.

The number of 750 executed by firing squad is one of the highest among the armies in the field: for example in France 600-650 death sentences were carried out, in the United Kingdom about 350 and in [Germany](#) less than fifty,⁵ while in [Bulgaria](#) the figure was approximately 800.⁶

Nevertheless, the figure indicated by Mortara is lower than the real one. He does not specifically mention the extraordinary courts, so that it is not certain that all their sentences have been taken into account. Moreover, the sources of military justice state that often the extraordinary courts failed to communicate the results of the trials to higher authorities. Also, victims of summary justice hadn't been taken in count by Mortara. The total of victims of Italian military justice amounts at 1,100 persons, at least. Finally, many tribunals lost their documents during the retreat from Caporetto.

In Italy, contrary to what happened in France and the United Kingdom, the number of death sentences continued to grow. In the other Allied armies the executions by firing squad were numerous in the early months, but starting in 1915 the civilian leadership regained political control of the army and of military justice, insisting upon compliance with certain legal principles, while in Italy the political world abdicated its function of control and political direction of the war, delegating it totally to the General Staff.

In the first year of the war (24 May 1915 to 23 May 1916) there were 103 executions by firing squad, in the second 251, in the third 342, and in the fourth (24 May 1918 to 4 November 1918) fifty-four. The summer of 1917 may be defined “the fiery summer of indiscipline” because of the steep increase in crime, provoked in our view by the heavy sacrifices in terms of loss of life imposed on the troops during the X and XI [Battles of the Isonzo](#). That summer witnessed the revolt of the *Catanzaro* brigade and other significant episodes of collective indiscipline. Sometimes the rioting troops sang the praises of the Russian Revolution, but they were spontaneous acts, without any revolutionary plan. This wave of indiscipline, while not occurring at the frontline and not endangering the security of the front, caused widespread terror in the political and military leadership.

During 1918 there was a much lower monthly average of executions. This can be attributed on the one hand to the end of Cadorna’s strategy of repeated and bloody frontal attacks against the well-defended Austrian positions. On the other hand to the combatants’ greater patriotic involvement due to a more intelligent use of propaganda and the threat of an invasion that hung over the country, occupied by the enemy in the eastern regions.

Summary Justice

Summary justice was among the instruments that characterized the growing violence exercised by the Italian commanders on their men. Article 40 of the Military Criminal Code established the obligation for anyone holding a position of command “to use every possible means” to prevent a number of crimes, including disbanding, abandoning one’s place in front of the enemy, desertion with conspiracy, looting, mutiny and revolt. It was not, however, specifically envisaged that soldiers could be executed by firing squad without a trial, a possibility contemplated instead in the version of the *Combat regulations* issued on 1 September 1913. This was a collection of disciplinary provisions, of which paragraph 7 stated that whoever, in the course of the fighting, detrimentally influenced his companions’ morale with acts or words or by refusing to obey orders, had to be immediately executed by any officer present. The High Command, also as a result of additional provisions, ruled that executions without trial were legitimate, as long as they were related to crimes: occurring “in front of the enemy” and which seriously endangered the security and cohesion of the unit;

were repeated despite a superior officer's orders to stop; those responsible were arrested in the act. The facts had to be so serious and incontrovertible as to justify an immediate execution after a quick investigation and the drawing up of a simple report. Summary justice was thus legitimized and regulated through a hybrid instrument: partly legal and partly disciplinary.

The upper military echelons themselves were forced to admit that this extreme repressive device was applied more broadly than permitted. In fact, the investigation conducted between August and September 1919 by the Army Advocate General, General [Antonio Donato Tommasi \(1867-1949\)](#) established that several episodes, among the forty which had come to his attention that caused 152 victims (plus an undefined number in three other cases), could not be considered legitimate because they did not comply with the established rules.⁷

In the course of the research we have conducted over the last few years at the Central State Archive (ACS) and that of the Army General Staff (AUSSME), the number of episodes of summary justice has risen to ninety-four, of which eight concern twenty-seven inhabitants of the area occupied in the early weeks of the war, who were executed by firing squad for non-existent acts of espionage and sabotage. We found a total of 294 victims to which must be added an unknown – but significant – number of soldiers killed, in nine cases by machine-gunning and bombing, because they were disbanding or trying to surrender.⁸ We can therefore estimate at least 350 victims of extrajudicial killings, with a steady growth in the first three years of the war. In 1917, partly because of the wave of indiscipline in the summer and the defeat of Caporetto, more than half of the victims were killed, 155 plus two cases with an unknown number of deaths, while in the following year the number of those executed by firing squad, without trial, shrank to sixteen, with a peak in June, at the time of the very violent Battle of the Solstice. One can therefore conclude that there was little room for summary justice in the army of Diaz.

The Decimations

Cadorna also imposed decimation, that is the drawing by lots of the soldiers to be executed by firing squad from among the suspects in the case of serious collective offences for which it was not possible to identify the guilty. He therefore ordered the killing of a man about whom there was no certainty of guilt, but merely clues.

The most important decimation was that of 17 July 1917 of the 6th Company of the 142nd regiment of the *Catanzaro* brigade. There was an immediate execution by firing squad of sixteen soldiers – of the brigade that had rebelled during the night – about whom there were

only clues. Then, another twelve men of the 6th Company (one-tenth of the force) – guilty of having barricaded themselves in a shack and fired on loyalist troops – were drawn by lots and executed by firing squad. It is important to note that when the other 124 men of the unit were tried on 29 August, only three of them received long-term punishments, while all the others had sentences of between five years and a few months. Twenty-three soldiers were acquitted, and this also occurred in other trials which followed episodes of decimation. Yet they could all have been drawn by lots to be executed by firing squad.

Cadorna was always in favour of this repressive instrument. As early as 14 January 1916 he wrote to the Prime Minister [Antonio Salandra \(1853-1931\)](#), regretting that the Code did not provide for the option of utilizing decimation.⁹ On 1 November, following two incidents of indiscipline which had occurred on 30 October 1916, he issued circular no. 2910, to order that: “When it is not possible to ascertain the identity of those responsible [for offences], the commanders have the right and the duty to draw by lots, from among the suspects, some soldiers and punish them with the death penalty.”¹⁰ Seven months later he harped on this subject once again with the new premier, [Paolo Boselli \(1838-1932\)](#), to whom he wrote on 6 June 1917 that he would be compelled to resort to the decimation of the “units infected by the contagion.”¹¹ Cadorna was lying to his political superiors, because – as we have seen – he had already begun the practice of decimation. Among other things, it was precisely for having ordered the decimation of eight men on 27 May 1916 of the 141st Regiment, of the *Catanzaro* brigade, that the commander of the regiment had the exceptional honour of seeing his name mentioned in the Agenda of the High Command from 22 June 1916.¹²

Cadorna was supported by powerful men such as the commander of the 3rd Army, [Emanuele Filiberto of Savoy \(1869-1931\)](#) who, in his proclamation to the troops on 1 November 1916, expressed his approval that in two units in which there had been riots: “some, whether guilty or not, should immediately be executed. I will do so, inexorably, as many times as necessary.”¹³ During our research we have identified at least eight cases of decimation, not all thankfully with the ratio of one execution by firing squad for every ten soldiers involved.

Conclusion

Military justice also played a decisive role in the other belligerent armies, and expanded its scope of repressive intervention everywhere by imposing drastic reductions in the areas of freedom of conscripts and civilians, but it was only the Italian army which applied such severe measures. Even the officers were involved because the commanders deemed insufficiently inflexible were generally dismissed, and sometimes brought to trial. For thirty

months, Italian soldiers suffered repression which aimed at creating a climate of terror, which was made widely known at the front but not in the country at large. Although there were no revolts or mutinies comparable to the Russian, French, German or Austrian ones, a much higher number of combatants were executed by firing squad. For example, the invitation to a group of wounded soldiers of the *Salerno* brigade stuck in [no-man's-land](#) to reach the enemy lines prompted the commander to order the bombing of the wounded and the execution without trial of eight men accused of incitement to desertion.¹⁴

Italian soldiers were not involved in instances of organized rejection and fought with valour and courage, almost always on the offensive in harsh environmental conditions. The army held together despite the inefficiency of many commanders and the organizational difficulties of the military machine, and this was not only due to the fear of repression. This played a decisive role, but we think that by itself it would not have been enough: the story of the conflict in Europe shows that, in extreme conditions, the firing squads did not succeed in keeping the soldiers in line. The explanation of why the army held together is to be found not so much in the full and conscious acceptance of the reasons for the conflict, present only in a minority of soldiers, as in the relationships that were established with fellow soldiers and officers within the smaller units and in the overall behaviour studied by military sociology. It was a different matter when it came to the officers in the reserves: their acceptance of the reasons for the conflict was deep and firm.

The work of military justice must be seen in the more general context of the country at war. The government, the King and the conservative political world knew how Cadorna was running the army and did not intervene to restrain him. In fact, the Commander in Chief complained several times – above all during 1917 – about the insufficient suppression of “defeatism” and the protests that were flooding the country and which – in his opinion – were threatening to “infect” the front.

Nevertheless, although not always in perfect harmony, the dominant classes and the major institutions approved of Cadorna’s reactionary and anti-socialist attitudes and his hostility to the parliamentary regime and the reforms initiated during Giolitti’s premiership. The friction with the political world, especially with the Interior Minister [Vittorio Emanuele Orlando \(1860-1952\)](#), was not in fact motivated by his management of men.

The wave of [nationalism](#), [imperialism](#), and narrow-minded conservatism found its symbol in Cadorna, supported by the daily newspaper of the northern upper middle class, the *Corriere della Sera*. The perversion of justice during the conflict was part of the more general “management of human material” and must be seen as part of a social engineering project for the post-war period, which envisaged a radical authoritarian turn. The Italian army, which

was so slow to adapt to the tactical and strategic innovations imposed by the conflict, quickly adopted measures to eliminate the still existing spaces of freedom and justice. Military justice was also part of that process of social reaction, which continued after the war and fiercely opposed popular demands culminating in [Fascism](#).

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