

Absence, Agency and Empire: Desertion from the French Army During the First World War

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Abstract

An estimated 66,678 men deserted from the French Army between 1914 and 1918. Using conseil de guerre (military tribunal) evidence, including interviews with captured deserters, this article shifts the scholarly focus on desertion from quantitative to qualitative data. This methodological move centres the experiences and voices of individual, often marginalised soldiers and demonstrates how desertion enabled otherwise constrained combatants to exercise agency, both when deserting and during the military justice process. Focusing on colonial citizens and subjects mobilised from North Africa, the article draws empire into scholarly conversations surrounding military justice to enhance understanding of France's multi-ethnic army and the specific imperial dimensions of desertion during the First World War.

Keywords

Desertion, Military justice, North Africa, First World War, French Empire, French Army

On 28 March 1915, Pierre Martinez, a 29-year-old mechanic from the Algerian town of Klébes serving with the 3rd Régiment de Marche de Zouaves was brought before a conseil de guerre (military tribunal) accused of desertion. One of an estimated 66,678 men who deserted from the French Army during the First World War, Martinez was the first North African-born soldier from the 45th Infantry Division to be prosecuted for this military crime.¹ Much of the evidence contained in his conseil de guerre file is devoted to establishing Martinez's whereabouts between 12 January 1915, when he should have departed for the front to re-join his unit after a period of

1 Guy Pedroncini, *Les Mutineries de 1917* (Paris: Presses Universitaires de France, 1967), p. 25.

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convalescence for bronchitis, and his arrest on 9 March 1915 after he was discovered hiding behind a tarpaulin at a regimental depot just outside Paris. This complicated tale involved Martinez deliberately missing the initial departure of his unit back to the front; more than one failed attempt to get himself recognised as not fit to serve; and his claim that once he did depart for the front, he was unable to find his unit and so simply joined various other companies for a few days at a time without ever formally presenting himself to the officer in charge.²

The main purpose of the tribunal's investigation was to pinpoint Martinez's movements, however, the evidence collected reveals much more than that. His service record, for example, tells us his parents' names, his civilian occupation, physical characteristics, including any scars or tattoos, his campaigns, wounds, and decorations, as well as any prior military punishments. Through the reports of senior officers and testimonies from his comrades-in-arms, we get a sense of how Martinez was perceived by those around him. Crucially, we hear from Martinez himself via transcripts of the multiple interviews to which he was subjected: by the *gendarmes* when he was arrested, during the initial enquiry to determine whether he should be prosecuted, and at the tribunal itself. The file also contains two letters Martinez wrote to the officers in charge of his company. These letters indicate that he possessed a very low level of education: his handwriting is poor to the point of being illegible (although the blunt pencil did not help), the missive is riddled with errors of spelling and syntax and contains no punctuation, while the stripes on the *tricolore* Martinez drew to underscore his patriotism go the wrong way. Nonetheless, what comes across clearly is Martinez's insistence on his devotion to France: 'I do my duty like my comrades' he writes, 'and I defend my *patrie* which is France with honour and glory'. These sentiments coexist with his fear of being 'seriously punished' for his actions and his stated desire to do everything possible to make amends for his transgressions. Apparently unmoved by his pleas, the tribunal's five judges found Martinez guilty of desertion and sentenced him to three years of hard labour.³

Although France's 66,758 deserters represented less than 1% of the 8.4 million men who served and did not significantly affect the course of the war, desertion was an issue that preoccupied the High Command to ever greater degrees as the conflict wore on. The most statistically significant military crime brought before a conseil de guerre, the number of desertion prosecutions rose consistently over the years, peaking at 25,000 in 1917.⁴ Yet the intense interest displayed by military authorities in the

2 Conseil de guerre (hereafter CG), Martinez, Pierre (3° bis RMZ), GR 11J 1548, Service historique de la défense, Vincennes hereafter SHD). All translations are by the author unless otherwise specified.

3 CG, Martinez, GR 11J 1548, SHD.

4 Out of an estimated 200,000 conseil de guerre cases between 1914 and 1918, some 140,000 are preserved. André Bach, *Justice Militaire 1915–1916*, (Paris: Vendémiaire, 2013), p. 155.

phenomenon of desertion has not been replicated in academic works.⁵ In the French context, this is largely because the historiography of military justice revolves around two key poles: the 1917 mutinies and *fusillés*, men executed by firing squad. Both issues are closely tied to debates surrounding the overall harshness of the French military justice system.⁶ Desertion is thus viewed in light of questions of obedience and/or resistance to authority which, in turn, feed into the long-running ‘consent versus constraint’

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- 5 For France, Miquèl Ruquet’s book on the Pyrénées-Orientales is rare in taking desertion as its central focus, although his interest lies in the impact on the region’s communities rather than deserters themselves. See *Déserteurs et insoumis de la Grande Guerre (1914–1918) sur la frontière Pyrénées-Orientales* (Canet: Éditions Trabucaire, 2009). See also the short section in Emmanuelle Cronier, *Permissionnaires dans la Grande Guerre*, 2nd edition (Paris: Éditions Belin, 2017), pp. 262–288; and Emmanuelle Cronier, ‘Les déserteurs à Paris pendant la Première Guerre mondiale’, in Sylvie Aprile and Emmanuelle Retaillaud-Bajac, eds., *Clandestinités urbaines: Les citadins et les territoires du secret (XVIe–XXe)* (Rennes: Presses universitaires de Rennes, 2008), pp. 183–195. For scholarship on other combatant nations, see Stephen R. Welch, ‘Military Justice’, *International Encyclopedia of the First World War*. Available at https://encyclopedia.1914-1918-online.net/article/military_justice (last updated 08 October 2014); Christoph Jahr, ‘War, Discipline, and Politics. Desertion and Military Justice in the German and British Armies 1914–1918’, in Jean-Marc Bellière, Jonas Champion, Luigi Lacchè and Xavier Rousseaux, eds., *Justice militaires et guerres mondiales (Europe 1914–1950)/Military Justices and World Wars (Europe 1914–1950)* (Louvain: Presses universitaires de Louvain, 2013), pp. 73–107; Bruno Benvindo, ‘Désertion le front belge. La guerre et ses marges, 1914–1918’, in André Loez and Nicola Mariot, eds., *Obéir/Désobéir: Les mutineries de 1917 en perspective* (Paris: La Découverte, 2008), pp. 329–344; Paul Simmons, ‘Combating Desertion and Voluntary Surrender in the Russian Army during the First World War’, in Joachim Bürgschwentner, ed., *Other Fronts, Other Wars? First World War Studies on the Eve of the Centennial* (Leiden: Brill, 2014), pp. 41–61; Erik Jan Zürcher, ‘Between Death and Desertion: The Experience of the Ottoman Soldier in World War I’, *Turcica*, 28 (1996), pp. 235–258; Jacques Garat, *Déserteurs et insoumis Basques de la Grande Guerre* (Bayonne: Elkar, 2014); Patrick Bouvier, *Déserteurs et insoumis. Les canadiens-français et la justice militaire 1914–1918* (Outremont: Athéna Éditions, 2003).
- 6 On the mutinies, see, in particular, Pedroncini, *Les Mutineries*; Emmanuel Saint-Fuscien, *À vos ordres? La relation d’autorité dans l’armée française de la Grande Guerre* (Paris: Éditions EHESS, 2011), pp. 229–258; Leonard V. Smith, *Between Mutiny and Obedience: The Case of the French Fifth Infantry Division During World War I* (Princeton, NJ: Princeton University Press, 1994), pp. 175–214; André Loez, *1914–1918, Les refus de la guerre; Une histoire des mutins* (Paris: Gallimard, 2010); Denis Rolland, *La Grève des tranchées. Les mutineries de 1917* (Paris: Imago, 2005). For *fusillés*, see André Bach, *Fusillés pour l’exemple, 1914–1915* (Paris: Tallandier, 2003); Guy Pedroncini, ‘La Justice Militaire et l’affaire des quatre caporaux de Souain (mars 14–mars 34)’, *Revue historique de l’Armée*, 2 (1973), pp. 59–69; Nicolas Offenstadt, *Les fusillés de la Grande Guerre et la mémoire collective (1914–2009)*, 2nd edition (Paris: Odile Jacob, 2009); Jean-Yves Le Naour, *Fusillés: enquête sur les crimes de la justice militaire* (Paris: Larousse, 2010); Odette Hardy-Hémery, *Fusillé vivant* (Paris: Gallimard, 2012).

debate about what kept soldiers fighting.⁷ These important lines of enquiry have yielded valuable scholarship and they map onto issues that matter greatly to present-day French society.⁸ But they equally concern only a small portion of the military crimes prosecuted between 1914 and 1918. As Emmanuel Saint-Fuscien has argued, the focus on *fusillés* and the mutinies has thus obscured the bigger picture of military justice, leaving the histories of the mass of soldiers who passed before tribunals ‘largely unknown’.⁹

The history of these ‘unknown’ men is further obscured by the dominance of quantitative methods in the existing research. This stems mainly from restrictions on access to conseil de guerre records in place until 2008. Prior to this point, permission was required from the Ministry of Defence to view these archives whose content could, furthermore, only be used for anonymised statistical studies; individual names could not be cited.¹⁰ Much can be gleaned from the broad patterns revealed by these quantitative studies, especially in a comparative context,¹¹ or through a deep data dive for a single unit.¹² But, as the example of Martinez shows, statistics are not the whole story. Although primarily created from ‘above’ for a narrowly defined purpose – determining a soldiers’ innocence or guilt – the paperwork generated by the tribunal process offers the historian a wealth of qualitative material. Encompassing a range of voices and perspectives, the now fully accessible military justice archives can be used in new ways to write different histories. Rather than seeing soldiers primarily as ‘types’ through which

7 For an overview of these debates, see Leonard V. Smith, ‘France, the Great War, and the “Return to Experience”’, *Journal of Modern History*, 88 (June 2016), pp. 380–415. For scholars advocating alternatives to the consent/constraint binary, see Nicolas Beaupré, Heather Jones and Anne Rasmussen, eds., *Dans la guerre 1914–1918: accepter, endurer, refuser* (Paris: Les Belles Lettres, 2015).

8 As evidenced by reactions to Prime Minister Lionel Jospin’s 5 November 1998 speech calling for *fusillés* to be ‘reintegrated, today, completely into our national memory’ (available at <https://www.vie-publique.fr/discours/146387-declaration-de-m-lionel-jospin-premier-ministre-sur-la-commemoration>). See also the report commissioned for the Centenary: Antoine Prost, ‘Quelle mémoire pour les fusillés de 1914–1918? Un point de vue historien’, rapport au ministre délégué auprès du ministre de la Défense chargé des Anciens combattants, Paris, 2013 (available at <https://www.vie-publique.fr/rapport/33530-quelle-memoire-pour-les-fusilles-de-1914-1918-un-point-de-vue-historie>).

9 Emmanuel Saint-Fuscien, ‘Les prévenus des conseils de guerre: “mauvais soldats” ou “combattants ordinaires”’, *14–18 Mission Centenaire*, published online 25 June 2013 (available at: <https://www.centenaire.org/fr/societe/les-prevenus-des-conseils-de-guerre-mauvais-soldats-ou-combattants-ordinaires#6>).

10 For discussion of the impact of these restrictions, see Leonard V. Smith, ‘The Disciplinary Dilemma of French Military Justice, September 1914–April 1917: The Case of the 5e Division d’Infanterie’, *The Journal of Military History*, 55.1 (1991), p. 48. For details of the law that opened up access, see ‘Loi no. 2008-696 du 15 juillet 2008 relative aux archives’, *Journel officiel de la République Française*, available at: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000019198529/>.

11 Jahr, ‘War, Discipline, and Politics’, pp. 73–107; Welch, ‘Military Justice’.

12 The two best examples of this are Emmanuel Saint-Fuscien, ‘La justice militaire française au cours de la Première Guerre mondiale. Apports et limites d’une approche quantitative’, in *Justice militaires et guerres mondiales*, pp. 107–123; Smith, ‘The Disciplinary Dilemma’, pp. 47–68.

to assess the robustness of military discipline, obedience, or morale, this article instead adopts a bottom-up perspective that centres individual voices, motivations, and experiences.

In countering the existing preoccupation with executions and the mutinies by highlighting the lesser studied but highly prevalent crime of desertion, this article makes two interventions that are simultaneously historical and methodological. First, it draws empire into scholarly conversations surrounding military justice to better reflect the multi-ethnic composition of the French Army in this moment and make visible some of the distinct imperial dimensions to desertion.¹³ This is the reason for choosing cases from the 45th Infantry Division. One of three divisions of the so-called 'Armée d'Afrique' (African Army) mobilised in North Africa and sent to fight in Europe, the 45th Infantry Division contained a heterogenous mix of metropolitan French combatants, colonial citizens in the form of settlers and naturalised Algerian Jews, and colonised North African subjects.¹⁴ Despite belonging to the same military unit, the differences between these combatants, especially racialised ones, had significant implications for all aspects of their military experience, including desertion. One of the clearest manifestations of this was the different leave policies applied to colonial subjects and the greater restrictions on their mobility away from the front which, as will be explored, shaped both opportunities for and the nature of desertions. Attending to the explanations offered by captured deserters from the 45th Infantry Division demonstrates the importance of race, while allowing its significance to be assessed relative to other markers of identity, particularly gender (specifically masculinity), class, and geography. This in turn highlights what differentiated colonial and colonised combatants from each other and from their metropolitan comrades, without obscuring the commonalities between them.

The second, related intervention takes advantage of expanded archival access to shift the scholarly focus from quantitative to qualitative data in order to build a bottom-up history that centres individual, often marginalised soldiers like Martinez. The focus on the 45th Infantry Division in particular brings to the fore experiences of colonised North African combatants whose voices are typically missing from

13 Within the ever-expanding body of scholarship on the French empire and the First World War, see, in particular, Gilbert Meynier, *L'Algérie révélée: la guerre de 1914–1918 et le premier quart du XXe siècle* (Geneva: Droz, 1981); Marc Michel, *L'Appel à l'Afrique: contributions et réactions à l'effort de guerre en A.O.F., 1914–1919* (Paris: Publications de la Sorbonne, 1982); Myron Echenberg, *Colonial Conscripts: The Tirailleurs Sénégalais in French West Africa, 1857–1960* (London: James Currey, 1991); Joe Lunn, *Memoirs of the Maelstrom: A Senegalese Oral History of the First World War* (Portsmouth, NH: Heinemann, 1999); Jacques Frémeaux, *Les colonies dans la Grande guerre: combats et épreuves des peuples d'outre-mer* (Saint-Cloud: 14–18 Éd., 2006); Richard S. Fogarty, *Race and War in France: Colonial Subjects in the French Army, 1914–1918*, (Baltimore, MD: Johns Hopkins University Press, 2008); Michelle Mann, 'Not Quite Citizens: Assimilation, World War One and the question indigène in Colonial Algeria 1870–1920' (PhD thesis, Brandeis University, Boston, 2017).

14 For further information on the Armée d'Afrique, see Anthony Clayton, *France, Soldiers and Africa* (London: Brassey's Defence Publishers, 1988); Pierre Montagnon, *L'Armée d'Afrique: De 1830 à l'indépendance de l'Algérie* (Paris: le Grande livre du mois, 2012).

textual source bases.¹⁵ Rather than seeing military justice as simply something to which soldiers were subjected, by analysing the justifications provided by accused men in conjunction with other conseil de guerre evidence we can see how desertion offered otherwise disempowered and highly constrained combatants options to exercise agency, both at the point when they committed their crime and during the tribunal process. These sources speak to the calculations men made as they weighed what was important to them in the moment – family, financial imperatives, control of their own time – against the risks of prioritising these personal factors over their military duty. As will be argued, their decisions provide insights into how they navigated between their civilian and military identities, exposing the shifting hierarchies between these overlapping but also competing responsibilities. Agency is equally visible in soldiers' active engagement with the military justice system as they sought to control the narrative by framing their 'crime' in their own terms. In the process, they consciously positioned themselves relative to dominant norms and expectations, both military and societal. What emerges from this qualitative evidence is thus a more nuanced and detailed picture of desertion as a phenomenon and of the men categorised and condemned as 'deserters'.

Defining and Prosecuting Deserters

In total, the three divisions of the Armée d'Afrique contained 211,000 colonial subjects from North Africa, alongside some 75,000 French citizens from Algeria. Although metropolitan Frenchmen also served in the Armée d'Afrique, to foreground the imperial dimensions of desertion the focus here will be solely on North Africa-born combatants, both citizens and subjects. The 'colonial citizens' category mostly comprised settlers whose ancestors had migrated to Algeria from Europe during the nineteenth century and subsequently acquired French citizenship.¹⁶ This status endowed them with the same rights and

15 This approach owes much to the Subaltern Studies tradition where a classic reference point remains Ranajit Guha, 'Chandra's Death', in Ranajit Guha, ed., *Subaltern Studies V: Writings on South Asian History and Society* (Delhi; Oxford: Oxford University Press, 1988), pp. 135–165. A more recent example as applied to military history is Kate Imy, *Faithful Fighters: Identity and Power in the British Indian Army* (Stanford, CA: University of Stanford Press, 2019).

16 Legislation passed on 16 June 1889 stipulated that all children born to foreign parents in France (including Algeria) would receive French citizenship upon maturity unless they renounced it. Some did renounce, often specifically to avoid military service, and this number rose during the First World War. Nonetheless, 60% of children born in Algeria to foreign parents who reached the age of maturity between 1914 and 1918 accepted naturalisation knowing, in the case of males, this would render them liable for conscription. See Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham, NC: Duke University Press, 2008), pp. 30–53; Saliha Belmessous, *Assimilation and Empire: Uniformity in French and British Colonies, 1541–1954* (Oxford: Oxford University Press, 2013), pp. 128–144. For the war specifically, see Gérard Crespo, 'Alger pendant la Grande Guerre', in Jean-Jacques Jordi and Jean-Louis Planche, eds., *Alger 1860–1939. Le modèle ambigu du triomphe colonial* (Paris: Les Éditions Autrement, 1999), p. 65.

duties as their countrymen across the Mediterranean in metropolitan France, including when it came to military service and conscription, even as their experience of living in a colonial territory set them apart in other ways. It also included 13,000 Jews from a community that had been present in Algeria for many centuries before they were collectively naturalised by the 1870 Crémieux Decree, placing them on a par, legally speaking at least, with the settler community and the metropolitan French.¹⁷

The status of colonial subjects was first defined in Algeria via the 1865 Sénatus Consulte, establishing a pattern that would be mirrored subsequently in the protectorates of Morocco and Tunisia. The Sénatus Consulte imposed French nationality upon a majority Muslim population of predominantly Arab and Berber ethnicity, making them eligible for a series of duties towards their colonial master, including military service for men. At the same time, it divorced nationality from citizenship and its attendant complement of rights.¹⁸ In common with other colonised combatants from across the French empire – some 500,000 men in total – subjects from the North African territories were recruited into the military via a combination of voluntarism and coercion. This included laws allowing for conscription in Algeria and Tunisia (but not Morocco) which were instituted in 1912 and applied with varying degrees of intensity over the course of the First World War.¹⁹ Although the self-proclaimed ‘colour-blind’ French Republic did not officially use race as a category, in reality, the citizen/subject divide as it manifested across colonised North Africa functioned as a proxy for racial differentiation. In the context of this article, the legal designation ‘colonial subject’ should thus be understood to refer to Arab or Berber combatants, unless otherwise specified.

Irrespective of their citizenship status or the division they served in, the judicial procedure for soldiers accused of desertion was the same as for any other military crime, with the exception that deserters were sometimes tried in absentia. An initial investigation was undertaken within the soldiers’ unit by their commanding officer who gathered evidence to determine whether the infraction was of sufficient gravity to warrant a full conseil de guerre prosecution. That recommendation then made its way up the chain of command, endorsed or rejected at each stage, to the general of the division who had the final say. Cases dismissed following preliminary enquiries were

17 The statistic comes from Frémeaux, *Les colonies dans la Grande guerre*, p. 55. For discussion of the position of Jews relative to settlers in French Algeria in this period, see Jean-Pierre Le Foll-Luciani, ‘Une guerre “assimilatrice”? Stratégies discursives et reconfigurations identitaires chez les juifs d’Algérie durant la Première Guerre mondiale’, in Sylvain Gregori and Jean-Paul Pellegrinetti, eds., *Minorités, identités régionales et nationales en guerre 1914–1918* (Rennes: Presses universitaires de Rennes, 2017), pp. 154–155; Avner Ofrath, ‘“We Shall Become French”: Reconsidering Algerian Jews’ Citizenship, c. 1860–1900’, *French History*, 35.2 (2021), pp. 243–265; Ethan Katz, *The Burdens of Brotherhood: Jews and Muslims from North Africa to France* (Cambridge, MA: Harvard University Press, 2015), pp. 1–59.

18 Belmessous, *Assimilation and Empire*, pp. 131–145.

19 For an overview of the different recruitment processes at work in the empire, see Christian Koller, ‘The Recruitment of Colonial Troops in Africa and Asia and their Deployment in Europe during the First World War’, *Immigrants & Minorities*, 26.1/2 (2008), pp. 111–133; Fogarty, *Race and War*, pp. 15–54.

categorised as ‘non lieu’, although the files were still preserved and often contain considerable documentation. Each division had its own conseil de guerre whose five judges and the prosecutor were appointed by the general of the division; the accused soldier could usually choose their own lawyer. A further round of investigations and interviews was then conducted prior to the tribunal, with additional testimony aired during the trial itself. A conviction required a majority verdict from the five judges with punishments, determined in accordance with the Code of Military Justice, ranging from a fine through incarceration to the ultimate penalty, execution by firing squad.²⁰

At the start of the war, the Code of Military Justice defined a deserter as ‘a soldier who leaves his corps without authorisation’, in contrast to departing from a specific military obligation, which constituted ‘abandoning a post’. In April 1916, revisions to the code sought to distinguish more clearly between these two crimes. A deserter was thus deemed to be someone who left their unit *and* the Zone of the Armies (the often quite extensive swathe of territory behind the front lines which was under direct military control), while those who left their units but remained within the Zone of the Armies were classed as having abandoned their post. The rules stipulated a certain grace period before the desertion designation was applied which varied according to the circumstances. Men were deemed deserters, for example, if they failed to return within five days of the official end of their *permission* or leave. Soldiers could be convicted of desertion to the enemy, in the presence of the enemy, abroad, or to the interior.²¹ The military was very concerned about Muslim combatants – of which there were many in the 45th Infantry Division – deserting to the Central Powers because of their alliance with the Ottoman Empire. Such fears were fuelled by the high-profile defection in spring 1915 of the Indigenous Lieutenant Rabah Boukabouya of the 7th Régiment de Tirailleurs Algériens. The only indigenous officer to desert to the enemy from the front lines, Boukabouya worked actively with the Germans and Ottomans to encourage more soldiers to follow his example, publishing two scathing accounts of the treatment meted out to colonised combatants by the French Army.²² Although other such instances transpired, including 12 passages to the enemy spread across six different units of the 45th Infantry Division in July 1916, overall desertion to

20 Regular conseil de guerre need to be distinguished from the less regulated and more controversial conseils de guerre spéciaux (special military tribunals), which operated from the outbreak of the war until April 1916. For further information on these, see Bach, *Justice militaire*, pp. 43–44, 129.

21 Smith, ‘Disciplinary Dilemma’, pp. 52, 64. For the 1857 version, see Code de Justice Militaire pour l’armée de terre, 9 June 1857 (available at: <https://gallica.bnf.fr/ark:/12148/bpt6k164962b/f1.item.texteImage>); for the 1916 version, see <https://gallica.bnf.fr/ark:/12148/bpt6k6108631j.r=code%20de%20la%20justice%20militaire%201916?rk=42918;4>).

22 The first account was published under a pseudonym: Lieutenant El Hadj Abdallah, *L’Islam dans l’armée française (Guerre de 1914–1915)* (Constantinople, 1915). The French responded with their own pamphlet, penned by two loyalist Algerians Mokrani Boumezraq El-Ouennoughi and Katrandji Abderrahmane, *L’Islam dans l’armée française: Réplique à des mensonges* (n.p., 1916). Boukabouya then replied under his own name with *Les Soldats Musulmans au Service de la France* (Lausanne: Librairie Nouvelle de Lausanne, 1917). See also Fogarty, *Race and War in France*, pp. 96–97, 107–108, 112–113.

the enemy remained rare.²³ Instead, the overwhelming majority of desertions were ‘to the interior’; 86% of the charges in the sample studied here fall into this category. Almost none of these cases occurred under fire, fundamentally because fewer opportunities existed on the front lines and it was often as dangerous, if not more so to attempt to desert than to stay and fight. The bulk of desertions thus occurred behind the lines when soldiers were at rest, in transit, or on leave.²⁴

Punishments varied by type of desertion but all the sanctions were severe: whereas only desertion to or in the presence of the enemy carried the death penalty, the punishment for desertion to the interior or abroad was incarceration for anywhere between 2 and 20 years.²⁵ Some men succeeded in evading capture for extensive periods, sometimes years. More common, however, were shorter spells of desertion of a few days or weeks. These were often the result of an opportunistic set of circumstances that a soldier took advantage of instinctively and without thinking, as several then claimed in their defence.²⁶ Periods of leave similarly loom large in desertion cases, providing both motive and opportunity. As will be discussed, the fact that men from North Africa were governed by different rules to their metropolitan French comrades, combined with the logistical obstacles of going ‘home’ which entailed crossing not just France but also the Mediterranean, brought important specificities to their experiences. The act of desertion was primarily a solitary one, even though men often ended up encountering others in similar positions as they sought to evade detection and support their clandestine existence.²⁷

Patterns of offending within the 45th Infantry Division do not differ markedly from quantitative data gathered for other divisions.²⁸ Desertion was the most frequently prosecuted crime by a significant margin. Out of 207 cases pertaining to men from North Africa investigated by the 45th Infantry Division between autumn 1914 and spring 1919, 89 (43%) related to accusations of desertion, although charges were dismissed due to lack of evidence in 13 instances.²⁹ The majority of desertion cases concerned

23 Bach, *Justice militaire*, pp. 494–499.

24 According to the army, 15,745 such desertions occurred between 1914 and 1917. *Les armées françaises dans la Grande Guerre* (Paris: Imprimerie nationale, 1931–1937), V.2, p. 194.

25 Saint-Fuscien, *À vos ordres*, p. 142; Ruquet, *Déserteurs et insoumis*, p. 541.

26 See, for example, CG, Cipriano, Ferdinand (1^{er} BMILA), GR 11J 1557 SHD; CG, Lambert, Victor (1^{er} BMILA) GR 11J 1587 SHD; CG, Gil, Guillaume (1^{er} BMILA), GR 11J 1612, SHD; CG, Pastor, Henri (1^{er} BMILA), GR 11J 1612, SHD.

27 Cronier, *Permissionnaires*, p. 272.

28 The two most closely studied divisions are the 3rd and the 5th, both of which were ‘regular’ metropolitan divisions. See Emmanuel Saint-Fuscien, ‘Les prévenus’; Smith, ‘Disciplinary dilemma’, pp. 47–68.

29 In comparison, abandoning a post, the next most commonly prosecuted crime with respect to men from North Africa, accounted for only 10.5% of cases. This is in the context of 3148 final judgements rendered for the 45th Infantry Division as a whole, excluding those dismissed as ‘non lieu’. The high numerical total is explicable by the presence of 1st and 3rd Bataillons de marche d’infanterie légère d’Afrique (BMILA). These were disciplinary units where the army placed men with prior civilian criminal convictions and those who had served their time for military offences. In contrast, the number of final judgments for the two other Armée d’Afrique divisions, which did not contain BMILA units, were 1177 for the 37th and 1518 for the 38th. However, statistics for all three Armée d’Afrique divisions are elevated in comparison with ‘ordinary’ French army infantry divisions such as the 1st, 2nd, and 3rd, where the numbers of final judgements were 752, 190, and 1090, respectively. Bach, *Justice militaire*, p. 574.

French colonial citizens, only 17% involved colonial subjects, a trend that will be explored in more detail subsequently. The 45th Infantry Division was also 'typical' in that the number of desertion cases rose over the course of the war. By far the most such prosecutions occurred in 1917 and 1918, these years accounting, respectively, for 49% and 34% of the total number of desertion charges taken to a conseil de guerre. Although a relatively small quantitative sample size, the qualitative data accompanying these 89 cases enables an illustrative study of a significant crime as it pertained to an important sub-set of combatants.

Statistical data, of course, does not stand alone and needs to be considered in its wider context. What it meant to be judged by a tribunal in 1914 was different from what it meant in 1918. Not least because the Code of Military Justice was substantially revised via the law of 27 April 1916. This legislation introduced greater leniency into the system by allowing 'extenuating circumstances' to be taken into account, complementing the decree of 15 April 1916 which suspended punishments for wounded soldiers, including those injured post-conviction. After April 1916 soldiers could also be convicted but not imprisoned via the application of *sursis* (suspended sentences). This measure was intended to resolve the tension between deterring indiscipline through swift and firm judicial decisions and the practical need to maintain troop numbers. Soldiers were still subjected to the deliberately intimidating and unpleasant conseil de guerre process and officially condemned. But instead of being incarcerated, the majority were returned to their military duties ensuring the army did not lose valuable manpower and crime was not seen as a way to escape frontline combat. With a greater range of penalties at their disposal, Emmanuel Saint-Fuscien argues, military tribunal judges became more likely than previously to convict, leading to a sharp drop in the number of 'not guilty' verdicts. At the same time, due to the cumulative effect of these changes only an estimated 10% of condemned men completed all or part of their sentence.³⁰

Beyond the amended military justice code, there were other reasons why 1916 represented a turning point in terms of rising prosecutions for desertion. Of equal importance, that autumn saw the institution of a much more expansive and regular system of leave. More *permissions* multiplied opportunities for desertion since men were monitored less extensively while in transit and on the home front. A further key element was the attitude of the High Command. The fact that military leaders perceived desertion as the most significant threat to morale and discipline focused ever greater levels of attention on this specific offence, while greater leniency was displayed towards the reporting and punishment of other crimes. The resulting dominance of desertion cases compared to other crimes became increasingly visible as 1916 unfolded.³¹

From the soldiers' perspective, by 1916 it was clear that the war would be lengthy and very bloody, especially in the wake of the carnage of Verdun and the Somme, placing men under enormous pressure. This manifested in increasing incidences of indiscipline, including desertion.³² The profile of offenders also changed from men like Henri Ferrer and Louis Solary whose convictions for desertion, in January and November 1916, respectively, constituted one of several appearances before a conseil de guerre, towards younger soldiers with otherwise clean records and reputations for good

30 Saint-Fuscien, *À vos ordres*, pp. 186, 189, 227; Smith, 'The Disciplinary Dilemma', p. 50.

31 Saint-Fuscien, 'Juger et être jugé', p. 273.

32 Bach, *Justice militaire*, pp. 140, 314.

conduct.³³ Such men included the ‘disciplined and devoted’ colonial subject Tayeb ben Belkacem who claimed he forgot the date he was due back from leave while following his nomadic parents around the Djelfa region of Algeria in summer 1917. It also included the 20-year-old colonial citizen Guillaume Ridel whose conduct under fire was ‘excellent’, but who illegally extended his convalescent leave – granted after he was wounded for a second time in May 1918 – to clandestinely travel to his hometown of Mustapha, Algeria. When questioned, Ridel confessed ‘I was feeling blue, I wanted to see my adopted parents’. Expressing remorse for his actions, Ridel stated that he acted without thinking and did not intend to desert, as shown by the fact that after two weeks with his parents he made his way back to his unit. Although found guilty by the conseil de guerre, extenuating circumstances were admitted and his already quite lenient six-month prison sentence was suspended.³⁴ Who was and was not prosecuted via military justice, for what crimes, when, and how severely was therefore highly context dependent. As the subsequent sections demonstrate, the qualitative evidence contained within tribunal case files allows these variables and how they played out in the lives of individual soldiers to be explored in greater depth.

Engaging with the System

Although highly regulated and constrained, soldiers nonetheless found ways to assert at least some degree of agency as they passed through their military service and the military justice system. The documentary evidence collated in tribunal case files, particularly interviews conducted with accused combatants at different stages of the process, contain revealing insights into the motivations and justifications men offered as they consciously ‘created an image of themselves before justice’.³⁵ Since the majority of soldiers who faced tribunals were from the rank-and-file, military justice thus captures a set of voices that are otherwise scarce in the historical record. This is especially true of colonised combatants for whom we possess almost no other records of their experiences. As with all historical sources, there are limitations to these ‘voices’. Soldiers were compelled to speak within a particular structure of power by the judicial process and the stakes were high given the severity of the potential penalties. Moreover, anyone deemed to have aided or harboured deserters could also be prosecuted. Consequently, many men opted to protect themselves and their loved ones by saying little, if anything, when questioned.³⁶ Nonetheless, a number did discuss why they deserted, their

33 CG, Ferrer, Henri (3^e bis RMZ), GR 11 J 1555 SHD; CG, Solary, Louis Jean (1^{er} RMTA), GR 11J 1566, SHD.

34 ‘Procès-verbal: Ridel, Guillaume’, 29 July 1918, CG Ridel, Guillaume (3^e bis RMZ), GR 11J 1617, SHD.

35 Elwin Hofman, *Trials of the Self: Murder, Mayhem and the Remaking of the Mind, 1750–1830* (Manchester: Manchester University Press, 2021), p. 25. Although writing about a rather different context – civilian trials and a developing ‘sense of the self’ in the late-eighteenth and early-nineteenth centuries – Hofman’s work has been very valuable in helping to shape my thinking in this section.

36 For some, saying nothing meant literally staying silent. Others stated that they had ‘no motivation’. For examples of these strategies, see CG, Leyris, Félix Fernand (1^{er} RMTA), GR 11J 1596, SHD. CG, Guerrero, Angel Juan (1^{er} BMILA), GR 11J 1620, SHD; CG, Castal, Emmanuel (1^{er} BMILA), GR 11J 1620, SHD.

statements illustrating the different ways they understood, approached, and engaged both with the military justice system and with the rules that governed them as enlisted men.

Despite carrying a five-page alphabetised list of military crimes and their associated punishments in the front of their military *livret* (record book), when asked to explain why they deserted, several men claimed they were unaware of the severity of their actions. Samuel Toubianah, a 23-year-old hairdresser from Bône (today Annaba), left his unit on 6 March 1918, the night before it was due to depart for the front lines, to visit his sick father in Algeria. When questioned, Toubianah stated that he did not realise the implications of his behaviour until a telegram arrived in his hometown announcing the condemnation of two other soldiers for desertion. 'I regret having put myself in a similar situation' he told the tribunal, adding 'I am the father of a family and I would never have deserted if I had known I would incur such serious punishments'.³⁷ Other men clearly did understand the gravity of their situation and were so scared of the consequences that they acted in ways that made things worse. This was the case with Fredj Karsenty, who disappeared after disembarking in Marseille on his way back from a period of convalescent leave in Oran, Algeria. Captured after a 25-day illegal absence, he told the conseil de guerre that he had no money when he arrived in Marseille and wanted to work for 'one or two days' to have 'some cash'. 'Then', he confessed, 'I let myself get carried away and for fear of punishment I didn't re-join [my unit]'. Instead, Karsenty, a confectioner in civilian life, worked on the Marseille docks until he was arrested.³⁸

At the opposite end of the spectrum were those who appeared unrepentant, even in the face of severe sanctions. Although he returned from Algeria to Marseille on time at the end of his scheduled leave in January 1918, Henri Jordy did not then board a train and return to his unit but stayed illegally in the city for a further 20 days until he was arrested. Jordy told the investigating officers that when he arrived in Marseille, he met up with some comrades and 'since I had some money in my pocket, I had some fun with them'. Jordy's defiant honesty and determination to prioritise his own desires earned him two years hard labour, although his sentence was suspended.³⁹ A different kind of defiance was apparent in the testimony of fellow colonial citizen Andrès Lorca. Arrested in May 1918 in Marseille as he tried to board a boat for Oran using another soldier's *permission* slip, Lorca stated that he wanted to visit his family, whom he had not seen for four years, 'at any price'. That price turned out to be two years hard labour, although his sentence was quashed in February 1919.⁴⁰

The most common response, however, was to emphasise remorse. 'I regret very much what I did', the colonial subject Ali ben Aïssa told his tribunal, after failing to return from leave because he was taking care of family affairs following the death of his father in

37 'Procès-verbal d'Interrogation: Toubianah, Samuel', 13 June 1918, CG, Toubianah, Samuel (3^e bis RMZ), GR 11 J 1611, SHD.

38 'Procès-verbal: Karsenty, Fredj', 13 December 1918, CG, Karsenty, Fredj (3^e bis RMZ), SHD GR 11J 1621, SHD.

39 'Procès-verbal', 1918, CG, Jordy, Henri Charles François (1^{er} RMTA), GR 11J 1607, SHD.

40 'Rapport du Lt Eseach', 7 July 1918, CG, Llorca, Andrès (1^{er} BMILA), GR 11J 1613, SHD. See also CG, Bridier, Paul (1^{er} BMILA), GR 11J 1555, SHD.

Algeria, adding: 'I joined to serve France without any intention of failing in my duties'.⁴¹ In a similar vein, Marcel Cambolieu, whose two-week illegal absence involved multiple locations in metropolitan France after he was unable to get home to Algiers because Mediterranean crossings were suspended, ended his conseil de guerre testimony by stating:

I regret having a [moment of] weakness behind the lines. At the front, I have always done my duty. I express all my repentance to my leaders and... I will prove it to them by doing my duty at the front, as in the past.⁴²

Such declarations were often accompanied by assertions that the absence was only temporary and they always intended to return to their unit. Equally common in such scenarios was the stated desire to 'racheter la faute' (make amends) by returning to active service. The frequent recurrence of this specific phrase, alongside expressions of patriotism and invocations of duty that appear in earlier examples, suggests a degree of strategic framing based on a shared understanding among soldiers of what was likely to aid their defence. Noticeable, for example, are the number of men – whether citizens like Samuel Toubianah or subjects such as Ali ben Aïssa – who stressed their status as heads of families and associated responsibilities, perhaps seeking to offset their momentary dereliction of their military obligations by invoking alternative forms of duty and evidence of honourable conduct.

There do, however, seem to have been limits to what soldiers deemed 'sayable' in the context of a military justice investigation. While fear of the consequences for their actions features in testimony from men like Karsenty, not one of the accused soldiers from North Africa in the 45th Infantry Division explicitly admitted to a fear of combat or an inability to endure the war any longer as reasons for their illegal absence. The closest we come are euphemistic hints such as Cambolieu's 'moment of weakness', although accompanied by the clear stipulation that this was 'in the rear' and not at the front where, by contrast, he had 'aways' done his duty. Or vague phrasing such as that offered by Joseph Rull who, when arrested in Algiers after 45 days of illegal absence, told his commanding officer that the end of his leave made him 'totally lose his head', hence why he first altered the dates on his leave paperwork to try and buy himself more time before absconding altogether.⁴³ There can be no definitive interpretation of a silence, but this specific absence within an otherwise diverse set of reasons given is likely due to the combination of deeply embedded notions of martial masculinity, potent associated discourses linked to patriotism and heroism, and the stigma attached to psychological conditions such as shell shock, which were widely regarded as attempts by men to 'shirk' their duties.⁴⁴ Taken together, these examples

41 'Procès-verbal: Aïssa, ben Ali', 15 November 1917, CG, Aïssa, ben Ali (1^{er} RMTA), GR 11J 1600, SHD.

42 'Procès verbal: Cambolieu, Marcel Germain', 9 September 1916, CG, Cambolieu, Marcel Germain (3^e RMZT), GR 11J 1557, SHD.

43 'Rapport du Capitaine Durand', 15 November 1917, Rull, Jean (3^e RMZT), GR 11J 1601, SHD.

44 Gregory M. Thomas, *Treating the Trauma of the Great War: Soldiers, Civilians, and Psychiatry in France, 1914–1940* (Baton Rouge, LA: Louisiana University Press, 2009), p. 10.

suggest certain shared understandings not just of what would count as mitigating or aggravating circumstances, but what would be completely unacceptable to the military authorities.

Asserting Agency Through Absence

The desire to assert or preserve agency was visible among soldiers not just when they appeared before the military tribunal, but throughout the desertion process. Arrested by the municipal police in Algiers on 20 April 1917, 3 months and 14 days after deserting while his unit rested behind the lines in Galimard, Belgium, Raymond Gomès was very upfront about what he had done, informing the tribunal ‘I was not given leave, I took it myself’.⁴⁵ Similarly, when he was arrested a few weeks later, also in Algiers, René Duquet told the conseil de guerre: ‘I deserted because I hadn’t had leave for two years’.⁴⁶ Soldiers were most likely to obey rules and orders they perceived as fair and just, reflecting a complex internal moral economy that existed alongside the formal authority structure.⁴⁷ As the soldier’s ‘most precious asset’,⁴⁸ leave became a lightning rod for soldiers as they formulated and acted on their own notions of ‘justice’, which solidified as the war progressed.⁴⁹ In cases where the military was deemed not to be upholding their end of the contract, for example by failing to grant regular leave, men like Gomès and Duquet increasingly felt justified in independently claiming these rights.

The keyword here is ‘rights’. Combatants understood leave as something owed to mobilised men in return for doing their duty as citizen-soldiers, with all the sacrifices that entailed, rather than a concession granted by the military hierarchy as and when they saw fit.⁵⁰ This was certainly Mardoché Lelouche’s belief. While on leave in Algiers in February 1918, Lelouche was given a 30-day prison sentence after he refused to show his *permission* slip to a *gendarme*. Despite being legitimately on leave and possessing the requisite paperwork to prove this, Lelouche protested what he saw as excessive and unnecessary surveillance. In conformity with existing military rules, Lelouche’s disciplinary infraction meant that his leave was cut short, and he was put on a ship back to France. Upon arriving in Marseille, however, rather than rejoin his unit, Lelouche instead boarded another vessel and returned to Algiers, where he remained until his arrest on 28 March – an illegal absence of 20 days. When questioned, Lelouche asserted ‘I deserted because I wanted to enjoy my leave in full’.⁵¹

45 CG, Gomès, Raymond (1^{er} BMILA), GR 11J 1583, SHD.

46 ‘Procès-verbal: Duquet, René’, 24 August 1917, CG, Duquet, René (3^e BMILA), GR 11J 1593, SHD.

47 Saint-Fuscien, *À vos ordres*, pp. 64, 177–178.

48 Smith, ‘Accepter, endurer, refuser’ in *Dans la guerre 1914–1918*, p. 18.

49 For further discussion of this, see André Loez, ‘Militaires, combattants, citoyens, civils: les identités des soldats française en 1914–1918’, *Pôle Sud*, 36 (2012), pp. 67–85.

50 Cronier, *Permissionnaires*, pp. 8–9, 38–42.

51 ‘Procès-verbal: Lelouche, Mardoché’, 26 August 1918, CG, Lelouche, Mardoché (2^e BMILA), GR 11J 1613, SHD.

Closely tied to the conception of leave as a right were demands that the allocation system be made universal, regular, and transparent to ensure that, like the burden of mobilisation, it was distributed evenly. Soldiers had long complained about the army's continuing inability to deliver such a system, expressing this most vociferously during the 1917 mutinies. However, logistical considerations combined with discriminatory attitudes to create additional barriers for men from North Africa. While the June 1915 announcement that first extended eligibility for leave from a handful of exceptional cases to all frontline troops covered French citizens from Algeria and Tunisia, colonial subjects, or 'indigènes' to use the language of the era, had to wait an additional month and initially faced different regulations. In October 1916, the annual leave allocation for metropolitan French soldiers was increased to seven days per trimester. By contrast, the logistical and physical difficulties associated with crossing the Mediterranean meant that combatants from Algeria and Tunisia, irrespective of their citizenship status, were only entitled to a single block of 21 days per year and obtained this allocation in March 1917, 6 months after their metropolitan counterparts. Morocco, the third of France's North African territories, was subject to a still different set of timelines and rules due to the insistence of the Resident-General Hubert Lyautey that he retain a veto over who could return to Morocco on leave, a position he carried over into his appointment as Minister of War in January 1917. Only with his successor, Paul Painlevé, were arrangements governing leave for colonised Moroccans aligned with those for Algerians and Tunisians in September 1917.⁵² This context not only left combatants from North Africa feeling distinctly disadvantaged, it actively shaped the ways in which desertion cases manifested and were treated.

One of the most poignant examples of the impact these systemic disadvantages had on individual soldiers is the case of Isidore Perez, a settler and recalled reservist from Mustapha, Algeria. At the end of his annual *permission*, Perez rejoined his unit on 18 July 1917. He then immediately asked for an 'exceptional leave' to return to Algeria having learned of the death of his seven-month-old son while on route back to France. When the request for compassionate leave was refused, Perez took matters into his own hands, travelling to see his wife in Algeria before voluntarily turning himself into the *gendarmes*. As Perez's file reveals, this was only the latest in a series of tragedies to have befallen him: his first-born child died in April 1916, and his mother in March 1917. Yet, as the commanding officer wrote in his report, Perez's exceptional leave request was refused because the rules stated that 'Algerians will only enjoy one leave per year' and it was not possible to bring forward Perez's next scheduled leave, adding as a further justification 'the distance prevented him from even arriving in time for the burial of his child'. It is striking that this decision was taken at the same moment that thousands of metropolitan French soldiers were departing for periods of exceptional leave granted by Commander-in-Chief Philippe Pétain as part of a concerted effort to restore morale in the wake of the 1917 mutinies. Ultimately evincing more

52 Although beyond the scope of this article, it is worth noting that opportunities for leave for soldiers from other parts of the empire, namely West Africa, Indochina, and Madagascar, were even more limited. For a fuller discussion of these disparities, see Cronier, *Les permissionnaires*, pp. 78–84.

sympathy than his commanding officer, the military tribunal judges found Perez not guilty of desertion.⁵³

Even when leave was granted, getting to North Africa proved difficult. Traffic across the Mediterranean was severely disrupted throughout the war due to the combination of the German naval campaign and ships being requisitioned for more ‘high priority’ activities.⁵⁴ Soldiers therefore regularly arrived at ports only to find the ships they were scheduled to board delayed or already full, forcing them to wait for space on a subsequent vessel. Indeed, the High Command had urgently called for places to be made available on ships heading to Algeria and Tunisia in May 1917 to stem rising troop discontent only to find themselves forced to repeat these demands a few months later in November as they faced a backlog of some 8000 men from North Africa eligible for but unable to take their leave. The chaotic situation in ports and the constantly shifting transport schedules created multiple opportunities for soldiers attempting to illegally extend their leave without falling foul of the military authorities. But these conditions equally caused men diligently seeking to return to duty to be accused of desertion when they arrived back late. This was the case for Joseph Bernabeu, Vincent Ballester, and Damian Sanchis, all of whom had desertion charges dismissed following preliminary investigations which concluded there was insufficient evidence to disprove the men’s claims they had presented themselves multiple times for embarkation at the Algiers port the previous December only to be told there were no spaces available and they should return at a later date. Sanchis, in particular, clearly found this a stressful experience. Like other soldiers we’ve seen, he invoked his family status as a trope of masculine respectability, duty, and honour to shore up his protestations of innocence, testifying:

I am a father and did not try to miss the boat, on the contrary, I was always concerned about the day of my departure, and even having boarded a departing boat twice I was sent away each time by the *gendarmerie*.⁵⁵

Periodic clusters of conseil de guerre investigations into suspected desertion cases like these were common in the 45th Infantry Division, corresponding to the concentrated and relatively rare instances when men from North Africa were permitted and able to travel home.

Such were the obstacles that some men from North Africa were ultimately unable to go home when granted leave. In a further example of the intersecting racial and geographical disparities within the *permission* system, soldiers from North Africa who were French citizens and found themselves in this position were able to stay with relatives or friends in metropolitan France, with the authorised destination on their leave slip adjusted accordingly. This option was not made readily available to colonial subjects who were

53 CG, Pérez, Isidore (275^e Reg. d’artillerie), GR 11J 1595, SHD.

54 For a fuller discussion of the maritime transport situation, see Gilbert Meynier, *L’Algérie révélée: La guerre de 1914–1918 et le premier quart du XXe siècle*, 2nd edition (Saint Denis: Éditions Bouchène, 2015), pp. 287–293.

55 ‘Procès verbal de déclarations reçues par l’officier judiciaire’, 6 January 1917, Non Lieu (hereafter NL), Sanchis, Damian (1^{er} RMTA), GR 11J 1625, SHD. See also NL Bernabeu, GR 11J 1625, SHD; NL, Ballester, Vincent (1^{er} RMTA), GR 11J 1625, SHD.

instead directed to specific sites like the Foyer des amitiés musulman or the Foyer du soldat musulman in Paris for the duration of their *permissions* where their activities and conduct were closely monitored. These additional restrictions probably contributed to the significantly lower number of colonial subjects from the 45th Infantry Division prosecuted for desertion to the interior compared to French citizens from North Africa. They had fewer opportunities to evade direct military surveillance and, as men of colour, were more conspicuous once illegally absent, at least in metropolitan France. For such men, as for soldiers from the occupied territories, leave was thus experienced as ‘a mode of separation which prolonged that of mobilisation’ according to Emmanuelle Cronier. Yet, as she goes on to explain, the two situations were not fully analogous. For colonised soldiers, the iniquities embedded in *permission* allocations reproduced and amplified existing discrimination hardwired into the imperial project. She furthermore notes that while there was considerable political and popular mobilisation over injustices in the leave system as it pertained to metropolitan Frenchmen, the discriminatory treatment meted out to colonial subjects attracted little attention and was never framed in terms of ‘rights’ as was the case for their metropolitan comrades.⁵⁶

Asserting Priorities and Civilian Identities

Within the existing literature on desertion, much attention is paid to the increase in this phenomenon in the run up to the mutinies. Although no units from the 45th Infantry Division, or indeed the wider Armée d’Afrique, participated in the events of spring 1917, the testimonies of captured deserters clearly echo the frustrations articulated by men who did engage in this collective disobedience, confirming that such sentiments were widespread. Framing his analysis of the mutinies around the ‘paradox implicit in the official French ideology of popular sovereignty of soldiers being expected to obey a source of authority originating, ultimately, in themselves and their compatriots’, Leonard Smith argues that a critical part of the refusal to re-enter the trenches in 1917 was the re-assertion by citizen-soldiers of their peacetime identities as fathers, sons, brothers, and citizens. He furthermore views their demands for peace and for improved access to leave as attempts to re-establish a connection to the home front.⁵⁷ Yet, as desertion cases from the 45th Infantry Division show, combatants consciously chose to prioritise their civilian identities over their military status and sense of duty on an individual basis quite regularly both before and after the mutinies.

Evidence of this prioritisation is visible in Louis Mouniguet’s declaration to the conseil de guerre that ‘As my heart was heavy at the thought of leaving my family, instead of presenting myself on the 7th, I went to the depot only on the 11th’.⁵⁸ It also shaped the actions of Michel Pétrus who initially did report on time to the depot at the Algiers docks at the end of his leave but then absconded before boarding the boat back to France in order to spend a further 13 days with his wife, whom he had

56 Cronier, *Permissionnaires*, pp. 9, 84, 235.

57 Smith, *Mutiny and Obedience*, pp. 16, 188–193. See also Leonard V. Smith, ‘Remobilizing the citizen-soldier through the French army mutinies of 1917’, in John Horne, ed., *State, Society and Mobilization in Europe during the First World War* (Cambridge: Cambridge University Press, 1997), pp. 144–159.

58 ‘Procès-verbal: Mouniguet, Louis Constantine’, 3 August 1917, CG, Mouniguet, Louis Constantine (2^e RMTA), GR 11J 1591, SHD.

only just married.⁵⁹ Pétrus had a rather more romantic excuse for his desertion than Joseph Combes who told the tribunal that he left his unit without authorisation and travelled to Algeria in August 1917 because ‘I received two anonymous letters which gave me doubts about the conduct of my wife. I went to Algiers to watch her’.⁶⁰ Nor was such behaviour confined to soldiers who were citizens. Dahman ben Mohamed Moussaoui extended his stay with his family by nine days to look after his sick mother,⁶¹ while Amrane Boubekur returned to his unit 22 days late, having remained in his *douar* to oversee the funeral rites for his brother – killed at the front – and to handle the paperwork so his family could claim the allowances to which they were now entitled.⁶²

These glimpses into soldiers’ private lives and attendant priorities are particularly valuable for North African territories like Algeria for which we lack the wealth of source material that underpins studies of relationships between soldiers and civilians, and between the home and front lines in a metropolitan context.⁶³ Chronically low literacy rates among colonised subjects mean we have almost no letters, memoirs or diaries from these men. But even the better-educated settler and Jewish combatants left surprisingly few personal written records of their military service in contrast to their metropolitan counterparts.⁶⁴ Significant gaps in both official and personal archives stemming in large part from the turbulent decolonisation process compound the difficulties of trying to write social histories of the war years.⁶⁵ In addition to referencing the fact that civilian

59 ‘Rapport du Capitaine Bazzi’, n.d., CG, Pétrus, Michel (3^e bis RMZ), GR 11J 1615, SHD.

60 Combes had received a two-year suspended sentence for a previous desertion conviction on 23 March 1917. He deserted for a third time in December 1917. ‘Procès-verbal: Combes, Joseph’, 12 February 1918, CG, Combes, Joseph (3^e RMZT), SHD GR 11J 1605.

61 ‘Procès-verbal: Moussaoui, Dahman ben Mohamed’, 4 August 1917, CG, Moussaoui, Dahman ben Mohamed (1^{er} RMTA), GR 11J 1591, SHD.

62 ‘Rapport du Capitaine’, 26 October 1917, CG, Boubekur, Amrane Mohamed (1^{er} RMTA), GR 11J 1601, SHD.

63 A particularly notable example of the richness of the metropolitan source base is provided by Martha Hanna, *Your Death Would Be Mine: Paul and Marie Pireaud in the Great War* (Cambridge, MA: Harvard University Press, 2006).

64 Claire Eldridge, ‘“The forgotten of this tribute”: Settler Soldiers, Colonial Categories, and the Centenary of the First World War’, *History & Memory*, 31.2 (Fall/Winter 2019), pp. 3–44.

65 Upon leaving Algeria in 1962, the French could only take a fraction of the documentation built up over 132 years of colonial rule. Two significant casualties were correspondence between the Governor General and various Ministries in Paris between 1914 and 1918, and departmental series capturing local life during these years. What could and could not be brought to France during decolonisation was also an issue for families forced to move, further narrowing the possible range of available sources. Although repositories dedicated to preserving the history of Colonial Algeria like the Centre de documentation historique sur l’Algérie (<http://cdha.fr/historique>) go some way to addressing this imbalance, they are settler-focused and cannot compensate for the scarcity of evidence pertaining to the private lives of the Muslim Algerian community. For further discussion, see Todd Shepard, ‘“Of Sovereignty”: Disputed Archives, “Wholly Modern” Archives, and the Post-Decolonization French and Algerian Republics, 1962–2012’, *American Historical Review*, 120.3 (June 2015), pp. 869–883; Fouad Soufi, ‘Les archives. Une problématique patrimonialisation’, *Insaniyat*, 12 (2000), pp. 129–148; Isabelle Dion, ‘La France et ses colonies. La question du rapatriement des archives des colonies’, *Histoire et Archives*, 17 (2005), pp. 69–81.

life and its associated obligations did not simply cease for enlisted men during the war, the above examples reinforce earlier evidence of a shared, gendered sense of responsibility and familial duty.⁶⁶ Testimony from French military justice thus supports Jessica Meyer's point, made with respect to writing by British men, that while they rarely explicitly discussed masculinity because of the clear gendering of the combat role, the narratives they produced 'inevitably reflect on how they understood themselves to be men, both physically and emotionally'.⁶⁷

Although family once again emerges as an important touchstone within these desertion narratives, there are equally cases that speak to a desire among soldiers to prioritise themselves after long periods during which their every waking moment and action was determined by someone else. Having spent the bulk of his leave trying to arrange benefits for his sister, Mohamed ben Guemri, a colonial subject who enlisted voluntarily at the start of the war, failed to report at the end of his leave in July 1917, telling the conseil de guerre that he wanted to be present in Algeria for Eïd, something he had been unable to do for four years.⁶⁸ After working during their entire leave periods to shore up their families' income, settlers Salvator Llopis and Emile Demoulière deliberately missed their scheduled boats back to France. Llopis wanted to celebrate 14 July and see the parade in Algiers, while Demoulière, who spent his illegal absence drinking with his comrades, explained 'I was very annoyed to have to depart so quickly without having enjoyed my leave as I had expected'.⁶⁹

The examples of the soldiers Llopis and Demoulière draw attention to another key motivation for desertion articulated in testimonies: financial hardship. Economic adversity was not unique to North Africa during these years, nor was working while on leave uncommon. Indeed, the short nature of *permissions* lent themselves to the kind of day-labouring that men from modest backgrounds often undertook.⁷⁰ Nonetheless, there were some specific dimensions to the North African situation that intensified these hardships, especially for colonised soldiers. Badly impacted by the Mediterranean blockade and bombardments, the region struggled to meet increased export quotas of materials required to support the war effort in mainland France. At the same time, shortages drove up domestic prices, especially for imported items such as sugar, coffee, and fuel. Salaries did rise, albeit unevenly, but did not keep pace with inflation. The situation was exacerbated by a series of extremely poor harvests which lasted until 1918, the worst of which occurred in 1914, leading to famine among

66 For further discussion of gender, specifically masculinity, in the French context, see Robert A. Nye, *Masculinity and Male Codes of Honor in Modern France* (New York, Oxford: Oxford University Press, 1993); Judith Surkis, *Sexing the Citizen: Morality and Masculinity in France, 1870–1920* (Ithaca, NY: Cornell University Press, 2006).

67 Jessica Meyer, *Men of War: Masculinity and the First World War in Britain* (Basingstoke: Palgrave Macmillan, 2009), p. 9.

68 'Procès-verbal: Guemri, Mohamed ben', 18 August 1917, CG, Guemri, Mohamed ben (1^{er} RMTA), GR 11J 1592, SHD.

69 'Procès-verbal: Llopis, Salvator', 3 August 1917, CG, Llopis, Salvator (1^{er} RMTA), GR 11J 1591, SHD.

70 Cronier, *Permissionnaires*, pp. 153–154; John Horne, *Labour at War: France and Britain, 1914–1918* (Oxford: Clarendon Press, 1991), pp. 85–121.

indigenous Algerians in 1915. North Africa also saw the return of epidemics: malaria in 1916, smallpox the following year, and then Spanish Influenza in 1918.⁷¹ Equally, while all rank-and-file French soldiers were poor compared to their European comrades and their civilian counterparts, earning just 25 centimes per day or 7.50 francs a month, the standard of living in North Africa was already lower than in metropolitan France, and lower still for colonial subjects.⁷² Moreover, not until the end of the war did the military make the pay and bonuses of colonised soldiers equivalent to those received by French citizens of equal rank.⁷³

This economic context provides the backdrop to multiple cases of desertion. Jacques Andrès, for example, spent May and June 1917 illegally employed as a Marseille dockhand in order to send 20 francs per week to his family, who he described as being in a state of 'complete destitution' after his wife contracted a serious fever and became unable to work. A medical note confirmed this diagnosis, while Madame Andrès penned a letter outlining the significant hardships faced by the family due to her illness. Pleading for leniency towards her husband, who she promised would do his duty from now on, Madame Andrès begged that the family's suffering not be worsened by inflicting the dishonour of a desertion conviction upon her two young children. Describing his actions as committed 'in a moment of madness', Andrès himself wrote to the division's General asking to be sent immediately to the front to 'make amends'. As was increasingly common at this point in the war, given the acute manpower shortages, Andrès' six-month prison sentence was suspended and he returned to combat duties.⁷⁴

We cannot say for certain what, if any, impact the various supplications from the Andrès family had on the verdict, since records of deliberations among the five judges were not preserved. Moreover, how desertion, or any crime brought before a conseil de guerre, was punished 'depended on many barely calculable factors'.⁷⁵ Yet even if we cannot easily quantify it, the attitude towards financial hardship as an excuse for desertion clearly varied, even within a single division. Fernand Moulin, for example, was treated leniently after returning eight days late from a period of exceptional leave granted in November 1917 to take care of his sick wife. That Moulin was found not guilty may well have been connected to the fact that he spent those eight days making and delivering shirts to the military commissariat so that the orders his seamstress wife

71 Pierre Darmon, *Un siècle de passions algériennes. Une histoire de l'Algérie coloniales 1830–1940* (Paris: Fayard, 2009), pp. 599–600; Crespo, 'Alger pendant la Grande Guerre', pp. 62–67; Charles-Robert Ageron, *Histoire de l'Algérie contemporaine* (Paris: Presses universitaires de France, 1964), pp. 266–270.

72 Jacques Meyer, *Les soldats de la Grande guerre* (Paris: Hachette, 1966), p. 178.

73 For a more detailed discussion of wage differentials for colonial subjects, see Fogarty, *Race and War*, p. 121; Meynier, *L'Algérie révélée*, pp. 410–412. For information on the postwar situation, see Belkacem Recham, *Les Musulmans Algériens dans l'armée française (1919–1945)* (Paris: L'Harmattan, 1996), p. 84.

74 'Procès-verbal: Andrès, Jacques', 13 July 1917; 'Letter from Madame Jacques Andrès', 7 August 1917; 'Letter from Jacques Andrès', 10 July 1917, CG, Andrès, Jacques (1^{er} RMTA), GR 11J 1587, SHD.

75 Jahr, 'War, Discipline, and Politics', p. 78.

was contacted for would be fulfilled.⁷⁶ Less sympathy was shown towards Édouard Henrich who, in autumn 1917, explained that ‘because my parents are very old and my two brothers and me are mobilised and my sister, who is a dressmaker, was in the off-season, I prolonged by leave by a dozen days, to earn some money for them’. Despite expressing his ‘deep regret’ for his actions, he was sentenced to six months in prison, although his sentence, like that of Andrès a few months prior, was suspended.⁷⁷ Henrich’s fate was perhaps sealed by a character assessment provided by his unit commander, one Captain Lasserre. Despite a few minor infractions and one prior appearance before a military tribunal for fighting, Henrich was described as ‘intelligent’ and not a bad soldier. But, Captain Lasserre went on, ‘he belongs to that category of very resourceful troops who are likely to render handsome service with little military feeling’. Consequently, although Henrich had ‘carefully avoided’ ending up ‘on the margins’ while within his regiment, Lasserre felt that being on leave and thus away from formal supervision had allowed the ‘real’ Henrich to re-appear.⁷⁸

A similar disjuncture between the narrative offered by the accused and the picture painted by their military superiors was evident in the case of Louis Santolini. The tribunal judges apparently did not find credible Santolini’s claim that he overstayed his leave to earn money to provide for his nephews whose fathers (both his brother and his brother-in-law) had been killed at the front. Indeed, Santolini failed to prove any employment and appears to have been reduced to begging at one stage. The official report into the case thus concluded that it was ‘more likely’ that when coming to embark the boat and re-join the front, ‘the defendant lacked courage’. Yet this conclusion stood at odds with the assessment in the following paragraph of the report that Santolini had conducted himself bravely under fire since arriving at the front in 1914 and had been wounded three times. In fact, Santolini was on convalescent leave, following injury at the Third Battle of Champagne (April–May 1917), when he deserted.⁷⁹

Character assessments were a standard part of the reports officers submitted when making a case as to why a conseil de guerre prosecution should or should not be brought, and they often contained speculations regarding soldiers’ motivations. They were crucial in the military justice decision-making process and clearly informed the final verdict as demonstrated by the frequency with which the framing and phrasing of events in the official summary mirrored that of the initial report.⁸⁰ In this specific sample of cases, there is no discernible difference in the explicit language of commanding officer reports between colonial citizens and colonial subjects. Both sets of men were regularly described using the same formulaic phrases and assessed according to the same yardsticks (usually examples of courage under fire and/or number of prior punishments) when determining whether they should be considered ‘bon’ or ‘mauvais’ soldiers.

76 Moulin was born in Réghaïa, Algeria, but his wife was living in Besançon in 1917. CG, Moulin, Fernand (1^{er} RMTA), GR 11J 1602, SHD.

77 ‘Procès-verbal: Henrich, Édouard’, 27 September 1917, CG, Henrich, Édouard (3^e RMZT), GR 11J 1596, SHD.

78 ‘Rapport du Capitaine Lasserre’, 10 September 1917, CG, Henrich, GR 11J 1596, SHD.

79 ‘Rapport sur l’affaire’, 27 December 1917, CG, Santolini, Louis (1^{er} RMTA), GR 11J 1602, SHD.

80 For an example of this, see Lledo, Joseph (1^{er} RMTA), GR 11J 1625, SHD.

This does not mean that commanding officers or the wider military justice system were ‘colour-blind’, far from it. As has been demonstrated, colonial subjects were governed by different policies with respect to leave and there is also ample evidence in documentation pertaining to other kinds of military crimes of racially inflected character judgements. These range from colonial paternalism towards combatants who ‘could not be expected to know better’ and for whom any praise was qualified with reference to their subject status (‘he has relatively few punishments, for an *indigène*’), to condemnatory asides about certain traits or behaviours being ‘in conformity with the indigenous mentality’.⁸¹ These examples are indicative of the multiple ways prevailing attitudes towards race influenced how soldiers and their actions were interpreted and judged.⁸² It equally reinforces the point that accused men were only one of multiple agents within the military justice process constructing narratives and making choices about what to emphasise, downplay, or omit altogether.

This article has sought to move beyond thinking about desertion as primarily a bellwether for soldierly discipline, obedience, and morale writ large, analysing instead accounts provided by accused individuals. Despite comprising the bulk of the armed forces, the experiences of men from lower socioeconomic groups are under-represented in the sources social and cultural historians of the First World War have traditionally used: men who needed to work while on leave to support their families, for example, or men with very limited literacy, like Pierre Martinez who opened this piece. Qualitative data contained within conseil de guerre files offers a previously overlooked way to write the lives and voices of these men back into the historical narrative. Collectively, the evidence presented demonstrates that even within spaces of strict regimentation and constraint, soldiers could still exert some degree of control over their situations. Documenting the different strategies that accused men employed during the conseil de guerre process helps shift our perception of military justice away from something that was enacted upon soldiers towards conceiving of it as a space of encounter and negotiation, in which men sought to influence, not always successfully, judicial procedures and their outcomes.

Such agency was not, however, without limit or cost. These men appear in the historical record because they were caught, investigated, and, in most cases, tried and punished. That soldiers continued to desert despite the considerable risks is even more reason to look closely at the rationales they offered for their behaviour. In contrast to the High Command’s preoccupation with desertion as a political act underpinned by pacifism,

81 For examples of paternalism, see ‘Rapport du Capitaine Jourdan, commandant la 2^e compagnie’, 1 March 1918, NL, Zaïr, ben Ahmed (4e RMTZ), GR 11J 1395 SHD; or ‘Rapport du Capitaine Santi, commandant la 5e Cie du 3e RMZT’, 15 February 1918’, CG, Debabi, Mohamed Roubia ben Aïsfà, GR 11J 1605, SHD. For examples of racially based condemnations, see ‘Avis de Colonel Richaud, commandant la 91e brigade’, 14 December 1917, CG, Yebka, ben Kadda (3^e RMZT), GR 11 J 1602 SHD; or ‘Rapport du Lieutenant Tachiores, commandant la C.H.R., du 1^{er} RMZT’, 17 June 1916, CG, Bouaounia, Messaoud (1^{er} RMZT), GR 11 J 2356 SHD. The quotations are taken from the reports on Zaïr and Kadda, respectively.

82 For further discussion, see Claire Eldridge, ‘Conflict and Community in the Trenches: Military Justice Archives and Interactions between Soldiers in France’s Armée d’Afrique, 1914–18’, *History Workshop Journal*, 93.1 (2022), pp. 23–46.

socialism, or sympathy with the enemy, cases in the 45th Infantry Division were most commonly driven by personal and socioeconomic factors. Examining these motives and how men chose to frame their actions when called to account enhances our understanding of the constantly shifting hierarchies between civilian and military identities, and the tensions these provoked.

Using evidence from 45th Infantry Division furthermore allows empire to be factored more fully into histories of military justice. This has multiple benefits, not least the fact that incidental details about family finances, cultures, and relationships revealed through conseil de guerre files help fill some of the gaps in our knowledge stemming from the limited nature of the personal and official archival record for North Africa between 1914 and 1918. Moreover, the division's combination of colonial citizens and colonial subjects draws our attention to some of the imperial inequalities at play, many but not all of which were racialised. Colonial hierarchies were apparent, for example, in the different procedures that governed leave allocations for all men mobilised from North Africa, but which were especially restrictive towards so-called *indigènes*. This left colonial subjects with fewer opportunities to desert, as reflected in the statistics for the 45th Infantry Division, rendering the information in the cases that we do have all the more valuable. Yet the rationales offered by men such as Dahman ben Mohamed Moussaoui, Amrane Boubekour, Ali ben Aïssa, and Mohamed ben Guemri parallel the testimonies of their citizen-soldier comrades in terms of what they prioritised. In particular, desertion was often linked to gendered forms of sociability or responsibility which reveal a shared, or at least overlapping, sense of masculinity and its attendant obligations, duties, and desires. Invocations of a soldier's status as head of the family additionally offered a way to assert their honour and respectability and justify, or at least offset, the momentary dereliction of military duty represented by their desertion. This speaks to the fact that race was but one element within a complex set of intersecting identifications specific to each soldier, to the circumstances in which they found themselves, and to the conscious choices they made in response. Reframing desertion to centre the men rather than the crime thus emphasises the contingent nature of the phenomenon and its prosecution, while also enriching our understanding of the multiple personal histories that stood behind the broad label of 'deserter' as applied by French military justice.

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