

**SCAPEGOATS OF THE EMPIRE, THE TRUE STORY OF
BREAKER MORANT'S BUSHVELDT CARBINEERS¹**

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Lieutenant George Witton of the Bushveldt Carbineers (BVC) was found guilty of murdering Boer prisoners of war and sentenced to death by a British court-martial in 1902.³ Witton, however, did not face the pointy end of a British firing squad; his sentence was commuted by Lord Kitchener, the British commander-in-chief, “to one of penal servitude for life.”⁴ Witton’s co-defendants, Lieutenants Harry “Breaker” Morant and Peter Handcock, were not so spared. Morant and Handcock’s execution on 27 February 1902⁵ launched them to near-mythical proportions and controversy that lingers today.⁶ *Scapegoats* is Witton’s fascinating account of his service, court-martial, imprisonment, and release in 1904 from an English prison. Witton makes a compelling case that he and his co-accused were indeed “scapegoats of the empire,” although later evidence, primarily from Witton himself, undermines many of his claims. Nonetheless, *Scapegoats* is replete with many thought-provoking issues that resonate 100 years later in the Global War on Terror.

“[The Boer War] was the culmination of two and a half centuries of Afrikaner expansion and conflict with Africans and British.”⁷ Although the proffered justification for the war was to secure the political rights of British settlers who had rushed to the gold fields of the Boer-controlled Transvaal in the 1880s, others saw it as an attempt by “empire builders” Cecil Rhodes and Alfred Beit to secure these gold fields for the British empire.⁸ The British Colonial Secretary, Joseph Chamberlain, “regretted

¹ GEORGE WITTON, *SCAPEGOATS OF THE EMPIRE, THE TRUE STORY OF BREAKER MORANT’S BUSHVELDT CARBINEERS* (Clock & Rose Press 2003) (1907).

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³ WITTON, *supra* note 1, at 160.

⁴ *Id.*

⁵ *Id.* at 154–55.

⁶ For an excellent big-screen interpretation of these events, *see* *BREAKER MORANT* (South Australian Film Corp. 1980). “A good, solid Australian film . . . though the drama is unsurprising, it unfolds so earnestly, so logically and so intelligently, one cannot help being affected.” Vincent Canby, *For the Once-a-Year Moviegoer Here’s the Essential Guide*, N.Y. TIMES, Dec. 21, 1980.

⁷ THOMAS PAKENHAM, *THE BOER WAR* xiii (1979).

⁸ *Id.* at xiv.

that there was ‘too much of ‘money-bags’ about the whole business.’”⁹ One commentator of that era noted, “[i]f there was a good case for the Boer War . . . it was indifferently put, and I doubt if a single nation understood it.”¹⁰

The Boers declared war in October 1899, and by June 1900 the British occupied the capital, Pretoria.¹¹ Lord Roberts, the British commander-in-chief, announced that the war was all but over and returned to England.¹² However, Boer commandos kept up the fight using guerrilla tactics for which the British, and Lord Kitchener, Roberts’ relief, were unprepared.¹³ “[The British Army’s] regulations had not contemplated—to any practical purpose, at least—an enemy who was a combatant one day and a civilian the next.”¹⁴ Kitchener responded with a scorched-earth policy: he confined Boer women and children to concentration camps, and crisscrossed the countryside with barbed wire to corral Boer commandos.¹⁵ And he created an “irregular” unit, the BVC, to prosecute a guerrilla war for which his regular army units were not trained.¹⁶

Into this imperial, guerrilla war stepped Australian George Witton. His patriotism is inspiring. Reflecting a turn of the century style that pervades throughout, he opens *Scapegoats* by stating:

When war was declared between the British and the Boers, I, like many of my fellow-countrymen, became imbued with a warlike spirit, and when reverses had occurred among the British troops, and volunteers for the front were called for in Australia, I could not rest content until I had offered the assistance one man could give to our beloved Queen and the great nation to which I belong.¹⁷

⁹ WILLIAM MANCHESTER, *THE LAST LION*, WINSTON SPENCER CHURCHILL, *VISIONS OF GLORY: 1874–1932*, at 294 (1983).

¹⁰ *Id.* at 296.

¹¹ F. M. CUTLACK, *BREAKER MORANT, A HORSEMAN WHO MADE HISTORY* 44 (1962).

¹² *Id.*

¹³ *Id.* at 48.

¹⁴ *Id.*

¹⁵ *Id.* at 45.

¹⁶ *Id.* at 49.

¹⁷ WITTON, *supra* note 1, at 1.

Connoisseurs of formal, late-Victorian English will enjoy this manner of writing. Other modern readers may find this style wordy and unwieldy, with some passages requiring more than one reading just to follow the narrative.

Witton was well-suited for duty with the BVC. A big man at six foot two inches, he was “born in the bush, could ride almost as soon as [he] could walk, and had learned to shoot almost as soon as [he] learned anything.”¹⁸ Writing chronologically, Witton first describes his deployment from the Australian bush to the African veldt. Readers anxious for details of the Morant case will have to wade through the stories of his training and deployment to Africa, written in his antiquated style. Although these passages provide insights into the life of a soldier 100 years ago, they pale in interest to the details of this fascinating case.

Winston Churchill once described Russia as “a riddle, wrapped in a mystery, inside an enigma.”¹⁹ Churchill²⁰ could very well have been describing the case of the officers of the BVC. The case is shrouded in half-truths and controversy and remains as perplexing today as it was then.²¹

The facts of the case are complex enough in plain language, and become more difficult to discern in Witton’s terse writing style. Witton joined his unit of the BVC on 4 August 1901.²² The next day, Captain Hunt, the officer in charge, was killed, and Morant assumed command.²³ The BVC troopers discovered Hunt’s mutilated body several days later, and found a Boer prisoner, named Visser, in possession of Hunt’s khaki

¹⁸ *Id.* at 2.

¹⁹ Quotationspage.com, http://www.quotationspage.com/quotes/Sir_Winston_Churchill/31 (last visited Oct. 23, 2007).

²⁰ Twenty-five year old Winston Churchill first rose to national prominence in England for his daring escape from a Boer prisoner of war camp in 1899. MANCHESTER, *supra* note 10, at 301–14. As a member of Parliament, Churchill would later advocate for Witton’s release from prison. WITTON, *supra* note 1, at 236.

²¹ One recent commentator stated, “[o]ne hundred years after the courts martial, Australia remains divided on the guilt of Morant and Handcock. The pendulum has swung backwards and forwards as articles, books, academic papers, a play and a film have made this one of the most enduring controversies in Australia’s short history.” NICK BLESZYNSKI, SHOOT STRAIGHT, YOU BASTARDS! THE TRUTH BEHIND THE KILLING OF “BREAKER” MORANT 441 (2002).

²² WITTON, *supra* note 1, at 51.

²³ *Id.* at 52.

trousers.²⁴ Morant ordered Visser shot.²⁵ Several weeks later, eight Boer soldiers were taken prisoner, and Morant also ordered their execution.²⁶ Finally, a German missionary named Hesse was found murdered in the district.²⁷ Witton, Morant and Handcock were charged with the murder of Visser and the eight prisoners. Morant and Handcock were also charged with the murder of Hesse.

The main theory for the defense was that these soldiers were following orders to take no prisoners and to shoot any Boer found wearing British khaki. This issue is the heart of the story, and Witton makes a compelling argument that these were indeed the orders for troopers of the BVC. Morant told Witton that Hunt informed the unit he had direct orders from headquarters in Pretoria not to take prisoners.²⁸ Hunt's order was confirmed by several witnesses at the court-martial.²⁹ Witton also states that items appeared in the Australian press in November 1901 indicating that Kitchener issued orders to shoot any Boer wearing British khaki.³⁰

At the court-martial, Colonel Hamilton, a member of Kitchener's staff, denied the existence of an order to take no prisoners.³¹ Witton's extensive quotes from the arguments at court, including the judge advocate's instructions, are some of the most fascinating passages in *Scapegoats*. The judge advocate's charge to the members included this instruction: "[an officer is] responsible for the carrying out of obviously illegal and improper commands from superiors."³² Witton, Morant, and Handcock were found guilty of murdering Visser and the eight Boers.³³ Morant and Handcock were found not guilty of the murder of Hesse.³⁴

Questions linger and *Scapegoats* only provides partial answers. Did Kitchener issue an illegal order? Were Morant, Handcock, and Witton merely following orders? Or were they carrying out an illegal order they had a duty to disobey? Others will have to determine the ultimate answers

²⁴ *Id.* at 55, 57.

²⁵ *Id.* at 58.

²⁶ *Id.* at 62.

²⁷ *Id.* at 64.

²⁸ *Id.* at 55.

²⁹ *Id.* at 116.

³⁰ *Id.*

³¹ *Id.* at 93.

³² *Id.* at 101.

³³ *Id.* at 157-58.

³⁴ *Id.* at 144.

to these questions. Perhaps the most lasting lesson from the court-martial can be summed up in the argument from the defense counsel, Major Thomas. His point applies with equal force today:

We cannot judge such matters fairly unless we place ourselves amidst the same surroundings, and with the same provocations as obtained with the men whose actions are to be tried. What are our irregular troops for? To ride down, harry, and shoot the enemy . . . [t]hese irregular combatants of the army are really charged now with the bulk of the fighting, and if they are to be restrained and tied down by strict rules, such as might obtain were they fighting French or German soldiers instead of guerillas, then the sooner they are recalled from the field the better, or, at any rate, let definite instructions be issued for their guidance. Do not let them have indefinite, hazy instructions as to what they may do.³⁵

Whatever the truth of these matters, Witton is very persuasive in demonstrating how the court-martial proceedings weighed against the accused. Witton was held in solitary confinement for over three months pending trial.³⁶ He requested counsel and witnesses, but was told by an officer that he had “nothing to fear or trouble about” and therefore made no further efforts for his defense.³⁷ Major Thomas was originally hired by a co-accused, and only came to represent all of the accused upon his petition to the court on the opening day of trial on 16 January 1902.³⁸ Thomas had no time to prepare an adequate defense, and met with Witton “for a few minutes only” before the trial convened.³⁹ Also, the British command disbanded the BVC just before the court-martial commenced.⁴⁰ As a result, key defense witnesses were unavailable for trial. Government witnesses, however, were provided a stipend so they could remain in the area to testify.⁴¹ Significantly, there was a Colonel Hall, the garrison commandant, who would have presumably known of an order not to take prisoners. Hall was unavailable for trial; just before

³⁵ *Id.* at 121.

³⁶ *Id.* at 79.

³⁷ *Id.* at 80.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 80.

⁴¹ *Id.*

the court-martial he was transferred to India.⁴² These procedural machinations lend credence to Witton's argument that the deck was unfairly stacked against the BVC accused.

Further, Witton describes how Kitchener refused to consider matters in clemency. The court-martial recommended mercy for the accused, noting the provocation they felt for the maltreatment of Captain Hunt's body, their ignorance of military law and procedure, their good service throughout the war, and in the case of Handcock and Witton, the fact that they were following orders from Morant.⁴³ Morant and Handcock both wrote to Kitchener, and Thomas attempted to meet with him, but the commander-in-chief was away on trek and not available to consider their petitions.⁴⁴ Thomas further requested an appeal to the King, but was informed that the matters had already been approved by authorities in England.⁴⁵ This was improperly denied, as a contemporary scholar noted that the procedures in place at the time afforded an accused the right to appeal to the confirming or reviewing authorities.⁴⁶

Finally, Witton argues that Kitchener misrepresented certain facts of the court-martial in a telegram describing the case to Australian authorities.⁴⁷ Despite the court's recommendation of mercy because of the mistreatment of Hunt's body, Kitchener telegraphed that "no such ill-treatment [of Hunt] was proved" and that there were "no extenuating circumstances."⁴⁸ This clearly prejudiced opinion against the accused suggests that Kitchener intended to shade the facts against them.

Despite these troubling aspects of the government's handling of the case, later events and more recent scholarship have cast doubt on the legitimacy of some of Witton's claims. The most damaging comes from Witton himself. In 1929, he wrote a letter to Thomas, who was preparing a book on the affair.⁴⁹ Witton wrote, "the shooting of Hesse was a premeditated and most cold-blooded affair. Handcock with his own lips described it to me . . . Morant and Handcock being acquitted my lips

⁴² *Id.* at 51.

⁴³ *Id.* at 160.

⁴⁴ *Id.* at 151.

⁴⁵ *Id.*

⁴⁶ BLESZYNSKI, *supra* note 21, at 603.

⁴⁷ WITTON, *supra* note 1, at 155.

⁴⁸ *Id.* at 155.

⁴⁹ BLESZYNSKI, *supra* note 21, at 490.

were sealed.”⁵⁰ A letter from Hancock was also discovered that suggests Hancock admitted to killing Hesse.⁵¹ If credible, these documents seriously undercut Witton’s claims that he, Morant, and Hancock were “scapegoats of the empire.” This riddle, wrapped in a mystery, inside an enigma, may never be solved.

Scapegoats comes up short in answering whether Witton, Morant and Hancock were in fact scapegoats of the empire, as later evidence casts doubt on Witton’s assertions of his innocence. Nonetheless, *Scapegoats* is a must-read for serious students of the Morant case. Despite its limitations, *Scapegoats* is an invaluable first-person account of this complex and intriguing case. Newcomers to the story of Breaker Morant will discover a revealing behind-the-scenes look at British military justice at the turn of the century, notably the irregularities in court-martial proceedings that cast doubt on the fairness of the convictions. *Scapegoats* also provides cautionary lessons about fighting a guerilla war that apply with equal force to today’s Global War on Terror.

⁵⁰ *Id.* at 491.

⁵¹ *Id.* at 495.