The Other Forgotten War:

Understanding atrocities

during the Malayan Emergency

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Many scholars cite the British reoccupation of Malaya after World War II as an example of a successful counterinsurgency. However, this success did not come without notable casualties; almost 5,000 civilians died during the conflict.[1] Anti-British forces caused many of these deaths, but civilians also died at the hands of British troops. While authorities described these deaths as accidents, one event threw doubt on this explanation. In the village at Batang Kali, on December 12, 1948, a patrol of the Scots Guards shot twenty-five Chinese villagers. While official reports claimed that they shot the civilians while they were trying to escape, in line with informal British policy, later revelations suggest that the unit shot the villagers without provocation.

Although the Batang Kali massacre was unique in the number of civilian casualties, along with authorities' use of mass detention and other draconian measures justified under Emergency Regulations, it hurt British efforts to win the "hearts and minds" in Malaya. Even one event can have long lasting effects on civilians' willingness to cooperate in the larger political-military effort. The war in Malaya often threw British units into dangerous situations; the communists used their knowledge of the jungle terrain and terrorist tactics to secure advantage against the more numerous and well-armed British. Yet Batang Kali is the only recorded case of a British unit killing large numbers of civilians. Why did the Scots Guards decide to kill these villagers while other patrols in similar situations did not?

Authorities conducted a cursory investigation in this incident in 1948 in response to the public outcry in Malaya; they quickly concluded that the unit justifiably shot the villagers as they tried to escape. Privately, the Attorney General admitted that the incident was "a bona fide mistake."[2] In 1970, a British newspaper, *The People*, reopened discussion of the massacre based on new testimony from unit members. Although the British government did then refer the incident to

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[1] Thomas R. Mockaitis, *British Counterinsurgency, 1919-60* (New York, NY: St. Martin's Press, 1990): 9.
[2] "Sir Stafford Foster-Sutton," Transcript of Radio 4 "World at One" (2 Feb 1970), DEFE 70/101, National Archives in Kew, United Kingdom.

the Department of Public Prosecutions, the lead prosecutor decided to terminate the investigation less than six months later.[3] In 2009, based on new evidence regarding the Attorney General and his role in covering up the incident, the government has agreed to reopen the case.[4] However, even if the victims' families receive recognition of the incident and compensation for their losses, these investigations cannot answer the question of what led the Scots Guards to massacre these civilians when other units in similar situations did not.

To gain a better understanding of the conflict in Malaya and the challenges British units faced, I examined secondary literature on the history of the Malayan Emergency and reports of the Batang Kali incident. I did most of my research in the United Kingdom. I went to the National Archives, where I found information on the military's reaction to the Batang Kali incident. While there are few records about the incident still available, I examined the military's 1970 investigation. I also inspected military records of the various units involved during the early days of the Emergency and information regarding the United Kingdom's commitment to the Geneva Conventions to determine military socialization efforts. The National Archives also holds information about military training programs and enforcement of military justice. I also examined Cabinet level documents to assess civilian efforts to influence unit behavior. However, government documents do not include personal descriptions of events or reflections. To get a better sense of the Emergency from the unit perspective, I listened to hours of oral histories at the Imperial War Museum. These oral histories gave me a better sense of what the conflict looked like and how the military functioned.

In this chapter, I briefly outline the dependent variable in this case, the various units actively engaged in combat in Malaya between 1948 and 1952. I then explore the most common explanations for the Scots Guards' actions and reveal why they are not helpful in explaining why

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[3] Press release from the Director of Public Prosecutions (29 June 1970), DEFE 70/101, National Archives in Kew, United Kingdom.
[4] Robert Verkaik, "60 years on, Malaya 'massacre' by British troops to be investigated," The Independent (30 April 2009): http://www.lexisnexis.com (Accessed 5 July 2009).

other units did not similarly kill civilians. To better understand this variation, I explore three alternative explanations: Did the military socialize units in the laws of war and appropriate behavior toward civilians? Did government leaders encourage units to kill civilians? Finally, did different units' subcultures make them more likely to kill civilians? I find that while the British military and senior leaders did not adequately socialize units to accept the laws of war, some junior leaders were able to discipline their units and prevent participation in war crimes. Some junior leaders, however, refused to enforce organizational norms and supported a countercultural subculture that resisted tactical innovation and may have contributed to the unit's participation in war crimes.

British military units in Malaya at the outset of the emergency

After World War II, the British returned to Malaya to recover control from Japanese military forces. During the war, even after their withdrawal, the British government supported guerrilla forces that continued to fight the Japanese. These guerrilla forces did not completely disband and served as the foundation for anti-British resistance. Agitating for independence and turning towards communism, these forces targeted British commercial interests, attacking rubber plantations and tin mines. By June 1948, escalating violence and the assassinations of several prominent British landowners led British authorities in Malaya to declare an "Emergency," giving the police and government greater flexibility in prosecuting the war against the insurgents.

At the time of the Emergency, there were few British forces in Malaya that could aid the police; the Seaforth Highlanders and the Kings Own Yorkshire Light Infantry (KOYLI) moved from Singapore to join the 4th Queens Own Hussars and Cameron Highlanders.[5] In August 1948, three regiments of the Guards Brigades arrived: the Coldstream Guards, the Grenadier Guards, and the Scots Guards. The British military deployed additional units in 1949-1950, including the Green

[5] John Coates, *Suppressing Insurgency: An Analysis of the Malayan Emergency, 1948-1954* (Boulder, CO: Westview Press, 1992): 32.

Howards and the Suffolk Regiment. Once in Malaya, these regiments underwent limited jungle warfare training. Although the British had extensive experience in jungle warfare, most recently in Burma during World War II, military leaders had not formalized this experience into a specific jungle warfare curriculum. As the Malayan conflict continued, British authorities refined these efforts. However, in the early days of the Emergency, this training exposed soldiers to the extremes of the jungle environment and reinforced basic military skills.

After a short period of acclimation, regiments went to different areas surrounding Kuala Lumpur, the capital of the Malayan Federation. A Far East Land Forces situation report described general military activities: "Vigorous patrolling by mixed Army-Police detachments continues in the areas in which bandit activity has been reported and several clashes have taken place."[6] All British regiments describe similar activities in their quarterly regimental histories for this time period.[7] However, of these units, only the Scots Guards faced accusations of intentional civilian killings, the massacre at Batang Kali.

Intentional killing of civilians

Guerrilla warfare imposes tremendous burdens on civilians; government and insurgent forces trap innocent bystanders who must negotiate between their demands. In Malaya, insurgents threatened civilians to collect money and food for forces living in the jungle. At the same time, the government sought assistance from civilians to discover the location of guerrilla camps and cut off food supplies. Insurgents had numerous advantages over British forces; they lived in closer proximity to villagers, they sometimes had relatives or close friends in the village, and they were not

[6] Far East Land Forces (FARELF) Situation Report, no. 4 (28 July to 10 August, 1948), CO 717/170/1, National Archives in Kew, United Kingdom.
[7] I reviewed Quarterly Historical Reports for the Coldstream and Grenadier Guards, the KOYLIs, the 4th Queens Own Hussars, the Green Howards, and the Suffolk regiments. I also reviewed the Quarterly Historical reports for the Headquarters Malaya District and North Malaya Sub-District.

afraid to threaten violence. British forces thus faced a dual threat: the insurgents and the silent network in villages who, willingly or unwillingly, supported them. While the insurgents rarely sought out contact with British forces, they did use terrorist tactics to intimidate civilians and elicit material support. British forces, unable to distinguish friend from foe, had to adjust to the constant risk of an insurgent attack.

In this section, I discuss British military policy regarding minimum force and its relation to civilians along with British military efforts to comply with the new Geneva Conventions. I also describe the incident at Batang Kali. I look at communist propaganda to determine the importance of this incident and to find any other instances of mass civilian killings. Finally, I describe the activities of the other regiments that did not participate in war crimes. Many regiments faced dangers from guerilla warfare and insurgent ambushes, but only the Scots Guards massacred civilian villagers.

The Principle of Minimum Force and the Geneva Conventions

Britain, as a colonial power, has extensive experience with indigenous violence and revolutions; these experiences led the army, especially in civil disturbances, to rely on the principle of minimum force. In the military pamphlet, *Imperial Duties in Aid of the Civil Power*, the government outlines the basic principle of these missions: "no more force shall be applied than the situation demands."[8] Regiments in Malaya were to work with and defer to civil authorities regarding action on intelligence or responding to threats. While some Malayan villagers, primarily Chinese squatters, posed challenges for British officials because they supplied food or other materials to the insurgents, they did not pose an imminent threat. Units that discovered civilians providing assistance to insurgents were to detain and interrogate them to discover the location of insurgent camps.

[8] Imperial Policing and Duties in Aid of the Civil Power (13 June 1949), CO 537/5068, National Archives in Kew, United Kingdom. Although the government revised this edition in 1949, it was originally written in the late 1800s in the context of wars in India, and thus would have been available to officers and soldiers prior to service in the Malayan Emergency.

In addition to the principle of minimum force, Britain also faced new obligations to protect civilians under the recently negotiated Geneva Conventions. While the Geneva Convention negotiations did not end until December 1948, the military was aware of the treaty and making plans to comply.[9] However, there was great debate between military and civilian officials about what the treaty should and should not include. Notably, the military objected to a prohibition on reprisals, arguing that "a complete ban on reprisals (other than on personnel) could not be allowed in situations like Malaya today…an occupying power must have powers to take stern measures against passive resistance. These measures need not be unduly ruthless or inhumane."[10] Many of the common unit tactics during the first few months of the Emergency, including burning down villages accused of supporting the insurgents and detaining thousands of suspected collaborators, seem consistent with this logic. Even though the military voiced concerns about the limitations of the Geneva Convention, there is no evidence that they felt the need to retain the right to intentionally target and kill civilians. While the British never explicitly stated their intent to comply with the Geneva Conventions during this conflict, evidence does exist that they drafted pamphlets to inform soldiers of their legal obligations under the treaty.[11] Although the explicit instruction did not begin until 1950, military leaders were aware of the nature of the treaty, and mass civilian killings violated other treaties and customary international law.

The Massacre at Batang Kali

At the outset of the Emergency, units could only respond to threats; the small number of forces available and lack of intelligence limited their options to seek out the enemy. On December 11, 1948, a Scots Guards patrol set out to investigate a village that reportedly provided support to

[9] "Geneva Conventions 1949 Ratification Discussion-General Policy," Minute Sheet, Army Chief of Staff to Sir Robert Craigie, UK Representative to the Geneva Convention negotiations, WO 32/13612, National Archives in Kew, United Kingdom.
[10] "Minute re Geneva and Malaya, reprisals, July 1949," Geneva Conventions 1949-Questions of Principle arising at Diplomatic Conference Geneva, WO 32/13613, National Archives in Kew, United Kingdom.
[11] "Implementation of Geneva Convention, 1949 (8 February 1950)," POW Convention, 1949 – Coordination arising out of, WO 32/13614, National Archives in Kew, United Kingdom.

local insurgents. The Malaya District Headquarters' Quarterly Historical Report documents the official version of the event:

> Acting on police information, patrol of 2SG [Scots Guards] found 26 male suspects in a kongsi house … on the evening of 11 December. 1 who attempted to escape was shot dead, and the remainder confined in the *kongsi* house under guard for the night. Acting on information supplied by one of the suspects, a *kepala* [headman] arriving with a lorry [truck] full of food was arrested early in the morning. Shortly afterwards 25 suspects attempted a mass escape on a pre-arranged signal. They ran into parties of our own troops who had been positioned to block the exits into the jungle, and 24 of them were shot dead.[12]

This version of events, which various authorities repeated in other official reports, however, raised questions both in the local media and with local government officials. Anthony Short, author of the official history of the Malayan Emergency for the Malaysian government, with access to many Malayan and British documents, notes that what British authorities should have touted as a great success they instead buried: "That 24 bandits should have been killed was in itself remarkable but the reticence shown by the army in what should have been a considerable victory made it even more so."[13] Given the difficulty of finding insurgents, such a large number of kills represented a major blow against the insurgents. This lack of publicity raises questions about the initial version of events.

In the days following the massacre, local officials and Chinese organizations' protests led the Attorney General, Sir Stafford Foster-Sutton, to conduct an informal inquiry. He interviewed several members of the patrol and visited the area. However, he conducted no formal inquiry, and there are no records to document his informal investigation. When a member of Parliament questioned Sir Creech Jones, Secretary of State for the Colonies, about the incident and the inquiry's results, he responded: "The Chinese in question were detained for interrogation under Emergency Regulations powers. An inquiry was made into this incident by the civil authorities and, after careful

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[12] "Headquarters Malaya District G Branch, Quarterly Historical Report 1948 October-December," WO 268/555, National Archives in Kew, United Kingdom.
[13] Anthony Short. *The Communist Insurrection in Malaya, 1948-1960* (New York, NY: Crane, Russak & Company, Inc., 1975): 166.

consideration of the evidence and a personal visit to the place concerned, the Attorney General was satisfied that, had the Security Forces not opened fire, the suspect Chinese would have made good an attempt to escape."[14] The Scots Guard's official military history for the campaign, published in 1952, includes a short discussion of the event that while upholding the official story, raises questions about how the unit felt about their actions: "The 12th December 1948 will always remain engraven in the minds of certain members of "G" Company as it will on those of the inhabitants of Batang Kali; for on that day twenty six members of the village were killed by a patrol. *Whether the action was right or wrong need not concern us at the moment.* Suffice to say that those killed were known to be active bandit sympathizers."[15] Despite the British government and military's best efforts to defend the unit's actions, there remained a cloud over the events at Batang Kali.

During 1969 and early 1970, as the United States military dealt with revelations of the My Lai massacre in Vietnam, William Cootes, a member of the Scots Guards patrol that shot the villagers, told his version of the Batang Kali killings to the British newspaper, *The People*. He described his commander informing the unit that they were going to a village and would "wipe out anybody they found there."[16] His fellow platoon member, Alan Tuppen, also came forward and detailed the instructions of the captain before they went to the village: "He said we were to go out on patrol and that our objective would be to wipe out a particular village and everyone in it because, he said, they were either terrorists themselves or were helping terrorists in that area."[17] After the platoon separated the men from the women and children, Tuppen remembers the sergeant calling the men to attention: "He told us that all the remaining men and boys were to be shot. He then said if

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[14] "Incident, Selangor," Excerpt from *The Hansard* (26 January 1949), DEFE 70/101, National Archives in Kew, United Kingdom.
[15] Scots Guards. *Malaya 1948-1951, 2nd Battalion Scots Guards* (Kuala Kubu Bharu, Malaya: The Battalion, 1951): 57 (Italics added by author).
[16] Testimony of William Cootes to *The People*, Feb. 1, 1970, Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.
[17] Testimony of Allen Tuppen to *The People*, Feb. 1, 1970, Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.

anyone of us were too squeamish to carry this out, we should let him know there and then by taking one pace forward and falling out of the parade."[18] The unit divided the remaining villagers into groups, and three soldiers took each group to a different area at the perimeter of the village. Tuppen described the actual massacre: "After a few seconds I heard shooting from one of some of these other groups. Instinctively, we started firing too at the villagers in front of us. The villagers began to fall. One man with bullets in him kept crawling and we fired several more rounds into him but he still would not die. He was finally killed when a bullet went through his head."[19] Tuppen clearly refutes the official descriptions of the incident: "The important point I wish to make is that none of the villagers were shot while trying to escape of their own free will or after being forced away by any action on our part."[20] Other members of the patrol also came forward to support Cootes and Tuppen's version of events.[21]

In addition to this new testimony, *The People's* investigation raised questions about other elements of the military's version of events. In an interview with Captain George Ramsay, the platoon commander who allegedly gave the orders to "wipe out the village," he noted the unit's poor marksmanship; "we had often been criticized before the incident because of our inability to hit moving targets. Up to that day our bag of terrorists had been very poor indeed."[22] If the unit could not shoot at moving targets with any accuracy, how could they kill all of the villagers as they escaped? New evidence also came forward regarding the credibility of the inquiry. Many of the unit members argued that they invented their testimony to the inquiry after the fact. Cootes recalled that the questioner, although he questioned the story, voiced support for the patrol: "I remember the official saying it was strange that if the men had made a run for it, why their bodies were found lying

[18] Testimony of Allen Tuppen.
[19] Testimony of Allen Tuppen.
[20] Testimony of Allen Tuppen.
[21] Other soldiers that came forward are Victor Remedios, George Kydd, and Robert Brownrigg.
[22] Interview with George Ramsay, *The People*, February 1, 1970, Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.

closely together in different groups. He suggested they wouldn't make a break in groups, they would be more spread out all over the place. I just repeated the story that I had already told him and I clearly remember his last words to me. He said he hoped we got away with it."[23] The soldiers' new testimonies and a public outcry led the government to refer the case to the Department of Public Prosecutions, but after several months the Director issued a statement that he was ending the investigation due to a lack of government documents and inability to verify testimony from an event over 20 years ago.[24]

Propaganda and Civilian Killings in Malaya

In 1948, the incident received little more than a small note in the English-language newspaper *The Straits Times*. However, Malayan and Chinese media did cover the incident and demanded explanations from local authorities. Communist propagandists took full advantage of the story to paint British forces as brutal imperialists. *The Freedom News*, a communist newspaper, described the massacre: "Machine guns were then put up. Sharp and woeful cries were then heard amidst the firing of machine guns with bullets passing through the thick foliages of the rubber trees into the air."[25] The *Malayan Monitor*, another propaganda publication, questioned the official explanation of events: "Even the Government puppets in Malaya felt it necessary 'to ask for further information' when 24 detained civilians were shot on December 12, 'while attempting to escape.'"[26] Communist publications compared the British actions of burning villages and detaining civilians to

[23] Testimony of William Cootes.
[24] Press release from the Director of Public Prosecutions (29 June 1970), Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.
[25] *Freedom News: The Untold Story of the Communist Underground Publication* (Singapore: S. Rajaratnam School of International Studies, 2008): 31.
[26] *Malayan Monitor* (London, UK: Putera – A Malay Confederation comprising the Malay Nationalist Party, PETA (Malay Youth Organization), AWAS (Progressive Malaya women's organization, Malay Peasants Union, several Malay groups)): January 1949.

the brutal behavior of the Japanese during World War II.[27] A skeptic might say that the Communists would exaggerate or even fabricate events to make their British enemy look bad to earn the support of the civilians. While impugning the British undoubtedly was their motivation, the propaganda accounts confirm many of the details in the unit soldiers' 1970 testimony.

One might expect similar propaganda to continue throughout the Malayan campaign; insurgents would get more support from villagers if they depicted the British as brutal and arbitrary, and offered them protection. However, while there are many other descriptions of alleged British 'crimes' within these publications, there are no other descriptions of mass civilian killings. The publications targeted National Registration and the New Villages program that relocated Chinese squatters into "concentration camps," but there was no discussion of civilian casualties. By 1952, the tone of the propaganda publications changed from focusing on events inside Malaya to communist victories and struggles throughout Asia.[28] I looked at these propaganda publications to find additional incidents of civilian killings, but I could find no other events that compared to the massacre at Batang Kali.

In addition to the lack of specific massacres or incidents of mass killing in propaganda, I could not find many events where British forces successfully killed large numbers of insurgents. While enemy kills was not as important in measuring success as it was to U.S. forces in Vietnam, British units still had a strong incentive to report kills to demonstrate progress in the counterinsurgency. However, I went through all the intelligence and unit reports I could access for the period between June 1948 and December 1952, and I found few events where units claimed

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[27] Karl Hack, *Defence and Decolonization in Southeast Asia: Britain, Malaya and Singapore 1941-1968* (Richmond, UK: Curzon Press, 2001): 118.

[28] "Malaya Monthly Emergency and Political Report, 15 December 1953-15 January 1954," SE Asia Department – Monthly Emergency and Political Reports in the Federation of Malaya and Singapore, CO 1022/208, National Archives at Kew, United Kingdom.

more than one or two kills per incident.[29] Even five or six kills per incident was rare. I did find, however, one note: "one female civilian accidentally shot."[30] This entry is one of the few records I found that recorded British forces killing civilians. While it is unlikely that British forces recorded all, or even most, of the civilians that they "accidentally" killed, there is also no evidence that mass civilian killing, even masquerading as insurgent deaths, occurred. Anthony Short, in an interview during the 1970 media blitz about the Batang Kali incident, noted: "I would guess that maybe in the whole twelve years of the emergency there I doubt if there were more than a hundred people killed by stray bombs, bullets, or anything else."[31] While the Batang Kali massacre was devastating for its victims and had a psychological impact on the soldiers involved, it did not represent common behavior of British forces in Malaya.

Other British Regiments in Malaya

The uniqueness of the incident at Batang Kali might make it seem uninteresting as a topic of study: many historians, such as Short, argue that the massacre was an anomalous event. However, we should investigate any war crime, particularly unprovoked killing of civilians, to determine any action the government or military might take to prevent similar future incidents. The massacre also fueled propaganda against the British and may have led Chinese villagers to support the insurgents. While British forces did not frequently kill civilians as they did in Batang Kali, they did burn down villages and detain Chinese individuals on questionable evidence. These tactics created the conditions for a longer and more brutal battle for the British forces.[32]

During the early days of the Emergency, brutal attacks on civilians and cooperation between

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[29] Federation of Malaya, Singapore – Law and Order Military Situation – War Office Weekly Situation Summaries, CO 717/170/2, National Archives at Kew, United Kingdom.
[30] Federation of Malaya, Singapore – Law and Order Military Situation – War Office Weekly Situation Summaries, CO 717/170/2, National Archives at Kew, United Kingdom.
[31] Interview with Anthony Short, BBC Television-Scotland, "Reporting Scotland" (2 February 1970), WO 296/41, National Archives at Kew, United Kingdom.
[32] Richard Stubbs, *Hearts and Minds in Guerrilla Warfare: The Malayan Emergency, 1948-1960* (Singapore: Marshall Cavendish International, 2004): 254.

insurgents and villagers created great challenges for British forces. However, only the Scots Guards engaged in mass killing of civilians. Other regiments that deployed on similar patrols did not intentionally target and kill large numbers of civilians; they felt empathy for young insurgents and villagers. Raymond Burdett, a member of the Suffolk Regiment, remembered one encounter with the enemy: "When we met some of these communists, we captured some of them, the poor devils were frightened out of their wits."[33] Herbert Moss, a member of the KOYLI regiment, recalls that many of the villagers were innocent victims: "Local people in the outlying areas were very resourceful, very hard working…frightened of the terrorists."[34] The importance of Batang Kali in fueling the conflict and the variation between these regiments' behavior calls out for explanation: Why did the Scots Guards kill civilians when other similarly positioned regiments did not?

Common Explanations

Each time problems of civilian killings in Malaya and the incident at Batang Kali captured British national attention, journalists, policymakers, and military officials put forward explanations that shifted blame to the insurgents or excused the soldiers' actions. Military leaders noted the necessity of shooting escaping detainees, even civilians, in the larger conflict; they argued that these civilians could give the insurgents valuable assistance to continue to fight against British forces. Civilians noted the inexperience of the soldiers and problems with the National Service program. Journalists and participants blamed the nature of guerrilla warfare and hatred of the enemy amongst the army units. In this section I address each of these explanations and contend that while they may have increased the likelihood of civilian killings, they cannot explain why the Scots Guards killed civilians at Batang Kali while other regiments with similar responsibilities and challenges did not.

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[33] Raymond Sydney Burdett (Suffolk Regiment), oral history interview, no date, cassette tape, Imperial War Museum, London, United Kingdom.
[34] Herbert Moss (KOYLI), oral history interview, July 6, 1998, cassette tape, Imperial War Museum, London, United Kingdom.

Military necessity and the policy of shooting escapees

One of the main principles in counterinsurgency strategy is to separate the fighters from their source of material support, the people. In Malaya, one of the most crucial resources that the insurgents received from civilians was food. British forces used food denial as a key strategy; units took strict actions against villagers accused of helping insurgents. Eventually, British forces moved Chinese squatters into "new villages" that they fenced in and patrolled to avoid contact with insurgents. However, in the initial days of the conflict, British forces sought to achieve control through policing. Sir Henry Guerney, the High Commissioner of the Federation of Malaya, in a conversation with Secretary of State for the Colonies, Creech Jones, argued: "The Chinese 'are as you know notoriously inclined to lean towards whichever side frightens them more and at this moment that seems to be the government."[35] Officers encouraged units to shoot at people trying to escape, even if they only suspected the escapees were villagers aiding the insurgents. In the weeks following the Batang Kali incident, the General Officer Commanding (GOC) in Malaya, Sir Charles Hamilton Boucher, noted: "it must be widely understood that those who have consorted with or assisted bandits were enemies of the state and ran the risk of incurring military action in the same way as those who were killed at Batang Kali."[36] The chaplain of the Scots Guards concurred: "The shooting of escaping prisoners was inquired into—and accepted as a nasty, but necessary part of a nasty operation."[37] Despite this widely understood and informally accepted policy, not all units used deadly force against civilians. If military necessity explained why the Scots Guards patrol shot villagers at Batang Kali, I would have expected to find more cases of civilian killings. The uniqueness of the Batang Kali incident raises questions about how widely military leaders communicated and

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[35] Christopher Bayly and Tim Harper, *Forgotten Wars: Freedom and Revolution in Southeast Asia* (Cambridge, MA: Harvard University Press, 2007): 455.
[36] *Malayan Monitor* 5.
[37] Frank Robson and Tom Brown, "Guards 'killed reds as they fled'," *Express* (February 3, 1970), WO 296/41, National Archives in Kew, United Kingdom.

accepted this policy.

Lack of experience and the role of National Servicemen

Historians and British military authorities have used inexperience to explain the behavior of the Scots Guards at Batang Kali. Despite extensive British participation in jungle warfare in Burma during World War II, many of those veterans left the army before units deployed to Malaya.[38] The units also suffered because of budget cuts and overstretch after World War II.[39] While these units lacked the extensive battle experience of their World War II counterparts, all British regiments that deployed Malaya at the outset of the Emergency faced a similar situation. This lack of experience, while it meant that British soldiers lacked the understanding of what jungle warfare or active combat was like, cannot explain variation in unit participation in civilian killing.

After the soldiers' revelations in *The People*, the headquarters of the Scots Guards wrote a memo that was highly critical of the unit and its competence: "It will be remembered that 2SG [Scots Guards] had only been in Malaya a matter of weeks, and that for some members of the patrol, which included MT [military transport] drivers, sick men, and at least one member of the Corps of Drums, this was almost certainly their first operation."[40] While this criticism might explain the poor performance of the unit, it does not fully explain the unit's participation in war crimes. The villagers in Batang Kali were not armed and the soldiers retained control of the situation; at no time did any of the soldiers describe threatening behavior by the villagers. This description also conflicts with the testimonies of many of the unit members, who claimed they participated in several patrols before setting out for Batang Kali.[41] If the Scots Guards patrol had included such low quality soldiers, one

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[38] Daniel Marston, "Lost and found in the jungle: the Indian and British Army jungle warfare doctrines for Burma, 1943-5, and the Malayan Emergency, 1948-60," in Hew Strachan, ed. *Big Wars and Small Wars: The British army and lessons of war in the twentieth century* (London, UK: Routledge, 2006): 97.
[39] David Erskine, ed. *The Scots Guards, 1919-1955* (London, UK: William Clowes and Sons, Ltd., 1956): 469.
[40] "Allegations of Massacre, 1948," OUT Telegram from High Commissioner Federation of Malaya to Colonial Office, "Following Personal for Higham from Newboult-Incident at Batang Kali on 12 December," 1 January 1949, DEFE 70/101, National Archives in Kew, United Kingdom.
[41] Testimony of William Cootes and Alan Tuppen.

would expect that their lack of skills would make the killing all of the "escaping" prisoners unlikely; a few of the villagers should have escaped, or at least incurred injuries. This explanation seems inconsistent with some of the evidence on the scene and the testimony of the patrol soldiers; it conveniently places blame on the unit without examining the organization's obligations to prepare and monitor them.

In a similar vein, many critics blamed the National Service program for weakening British army units and sending unmotivated troops to fight.[42] Under this post-World War II program, young men were to serve in the army for a set period of time.[43] These soldiers often would deploy to Malaya but rotate out just after completing jungle warfare training or after gaining patrol experience.[44] More cynically, some critics feared that National Servicemen lacked the drive or character to be good soldiers.[45] While many officers and soldiers agreed that National Servicemen caused problems of additional paperwork and frequent troop rotation, few argued that they did not serve as competently as regular soldiers. William John Martin, a member of the Suffolk regiment, argued: "At least 75% of the men in 1st Battalion Suffolk Regiment, one of the most successful battalions in Malaya, were National Servicemen, where the majority of our junior officers were National Service officers."[46] GOC Robert Urquhart, who took over from General Boucher in 1950, reported: "I make no distinction between my National Service boys and my regular soldiers: one is as good as the other."[47] Many soldiers, regardless of unit, agreed that there was little discernible

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[42] "Boys in the Jungle," Evening Standard (July 19, 1950) CO 537/5977, National Archives in Kew, United Kingdom.
[43] Initially, the program obligated individuals for twelve months, the Parliament extended service to 18 months in December 1948. In 1950, the period was extended again to two years. Tom Hickman, *The Call-Up, A History of National Service* (London, UK: Headline Book Publishing, 2004): xv-xvii.
[44] Erskine 473.
[45] Robert Jackson, *The Malayan Emergency, The Commonwealth's War, 1948-1966* (London, UK: Routledge, 1991): 45.
[46] William Martin (Suffolk), oral history interview, March 5, 1998, cassette tape, catalog no. 17933, Imperial War Museum, London, United Kingdom.
[47] Note for the Information of the Secretary of State, CO 537/5977, National Archives in Kew, United Kingdom.

difference between national servicemen and regular soldiers.[48]

Guerrilla warfare, the jungle environment and the inevitability of civilian deaths

Finally, many observers argue that guerrilla warfare, particularly in the jungle, made accidental killings of civilians inevitable.[49] Soldiers often described the terror of jungle patrols; in addition to watching out for insurgent fighters, they had to navigate difficult terrain and avoid dangerous animals and insects. Many patrols would stay in the jungle for days, even weeks, without encountering the enemy and then, in a brief moment, insurgents would ambush them.[50] Other soldiers described finding booby-trapped bodies of civilians and British soldiers.[51] In response to *The People*'s Batang Kali coverage, R.V. Brinnicombe-Wood, a sergeant with the 4th Queens Own Hussars regiment, argued: "'The uninitiated may not be aware that we fought against people who had no respect for the Geneva Convention; they took no prisoners and, in consequence our maxim was 'kill or be killed.'"[52] The guerrilla tactics of the insurgents, and their ability to disappear into the jungle, angered British soldiers trained to fight on a conventional battlefield.

However, even under these extreme circumstances, theater jungle training provided soldiers with a specific protocol to follow when identifying targets to avoid killing innocent civilians. Many of the soldiers who participated in the massacre remember "snap shooting" practice during which trainers instructed them to distinguish between enemy and civilian targets. Regardless of the dangers facing units during jungle patrols, the Scots Guards in Batang Kali did not face this kind of threat. The unit had already separated the men in the village from the women, searched them for weapons, and detained them overnight. These unarmed civilians, even if they had provided material support to

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[48] Grant G. Simpson, ed., *The Scottish Soldier Abroad, 1247-1967* (The Mackie Monographs, University of Aberdeen) (Edinburgh, Scotland: John Donald Publishers Ltd., 1992): 155.
[49] Leslie Thomas, *The Virgin Soldiers* (Boston, MA: Little, Brown, and Company, 1966).
[50] John Scurr (KOYLI), oral history interview, May 1, 1999, cassette tape, catalog no. 18820, Imperial War Museum, London, United Kingdom.
[51] Herbert Moss, oral history interview.
[52] RV Brinnicombe-Wood, "Background to the 'massacre' in Malaya (letter)," South China Morning Post (February 14, 1970), DEFE 70/101, National Archives in Kew, United Kingdom.

the enemy, posed no imminent threat to the unit that would justify their deaths.

While the villagers of Batang Kali may not have done anything to justify their deaths, the soldiers who came forward pointed to brutal enemy tactics to explain their actions. When the Scots Guards arrived in Malaya and began their patrols, they heard many stories of insurgent atrocities targeting British landowners and local civilians.[53] Many soldiers, frustrated with their lack of success and continuing insurgent actions, took out their aggression on civilians.[54] A common British army tactic was to burn down villages near major insurgent attacks; the units assumed that the village must have provided insurgents with food and other support.[55] Guerrilla warfare, these soldiers argued, justified their actions.

While it may be easy to imagine soldiers frustrated with guerrilla tactics seeking vengeance against civilians who were providing aid to insurgents, there were many other soldiers who hated the enemy but did not kill civilians. Herbert Moss, who joined his regiment, the KOYLIs, already in Malaya in 1948, described his disgust: "I hated them because of the atrocities that we had heard about."[56] Other soldiers either had no feelings toward the enemy or actually felt pity or a grudging respect. Michael Gilbert, a member of the Suffolk regiment, reflected: "[It was] my job to do something if the situation came my way, but I had no particular feelings or such hatred."[57] Frederick Dobbs, who served with the Green Howards, noted: "I pitied the enemy – my politics at 18 were nil…But I was out there because the government said I was out there, there was a lot of young lads in the enemy camp who were certainly in that predicament, some of them 14-15 years [of] age who

[53] Ken Gardner and William Dorran, "Horror at a Nameless Village," The People (Feb. 1, 1970), DEFE 70/101, National Archives in Kew, United Kingdom.
[54] Stubbs 74.
[55] Stubbs 74.
[56] Herbert Moss, oral history interview.
[57] Michael Gilbert (Suffolk Regiment), oral history interview, May 27, 1998, cassette tape, catalog no. 18208, Imperial War Museum, London, United Kingdom.

didn't know what they were doing."[58] Many soldiers, rather than developing hatred for the insurgents and Malayan civilians, maintained some empathy.

Guerrilla warfare and enemy atrocities might have made units more likely to commit war crimes. However, despite the insurgent's brutal tactics, some soldiers expressed either antipathy or sympathy for them and civilian villagers caught in the crossfire. Many soldiers, despite civilian and British casualties, maintained a professional view of the conflict and their responsibilities. This explanation fails to address how some units and soldiers avoided developing hatred for the enemy in the face of the same enemy tactics. While hatred of the enemy may have motivated the Scots Guards actions, this explanation cannot clarify why other soldiers facing similar emotions did not kill civilians.

Had any of these common explanations been adequate to explain the actions of the Scots Guards, they would also have anticipated more incidents of civilian killing. However, after examining military documents, enemy propaganda, soldiers' oral histories, and secondary literature, I can find no additional examples of civilian massacres. The evidence suggests that civilian killing was not widespread, even in the most difficult days of the conflict. Thus, the question remains: Why did the Scots Guards massacre civilians when other units in similar situations did not?

In the next section, I explore three alternative explanations: socialization, civilian influence, and subculture. First, I examine the British military's socialization of soldiers in the laws of war. Socialization in the laws of war should include training that informs soldiers about their obligations and senior leaders' willingness to enforce the laws of war through imposition of discipline and specific efforts to punish violators. I looked at training curriculum and records to determine whether units in Malaya were aware of their obligations to protect civilians. I also inspected military justice

[58] Frederick Dobbs (Green Howards), oral history interview, August 7, 1988, cassette tape, catalog no. 10316, Imperial War Museum, London, United Kingdom.

records, unit regulations, and unit members' oral histories to ascertain whether units believed that their leaders were committed to military regulations that protected civilians. Second, I examine the rhetoric of civilian leaders to determine whether they influenced unit behavior; did civilians exaggerate the importance of the conflict or depict the enemy in a way that suggested the laws of war did not apply? I looked at civilian leaders' public statements and soldiers' recollections to determine whether these leaders influenced unit behavior. Finally, I considered the units' subcultures. In the British army, regimental leaders carefully cultivate unit identity. However, this identity could lead units to develop alternative beliefs and norms that conflict with the wider organization. Did the unique identity of the Scots Guards lead them to develop norms counter to the laws of war, and thus to kill civilians? I examined unit histories and oral histories to establish whether unit subculture led soldiers to disregard the laws of war.

Socialization

Militaries, to persuade soldiers to follow orders and comply with regulations, seek to create an identity that transforms incoming recruits into professional soldiers. To ensure that troops understand and respect the laws of war, the military must instruct soldiers in their obligation and test their ability to apply this knowledge in combat situations. The military must also signal its commitment to the laws of war; senior and junior leaders must investigate and punish any violations. I find that the military did not adequately train units in the laws of war, although in theatre units did receive some instruction on distinguishing between civilian and enemy targets. Senior leaders did not enforce these instructions consistently, however, and occasionally issued orders that violated the laws of war. In spite of this confusion, some junior leaders were able to maintain discipline in their unit and enforce the laws of war. In other units, particularly the Scots Guards, junior leaders that did not enforce principles of civilian protection and the laws of war and resented their mission may have

contributed to unit participation in war crimes.

Training

The brutal violence of World War II led nations to negotiate and sign the Geneva Conventions, which provide explicit protections for prisoners and civilians during war. The British, although they did not designate the Malayan conflict as a war, began the process of incorporating their Geneva Convention obligations into basic military training in 1949. In addition, British forces providing aid to a civil power (as in Malaya) operated by the principle of minimum force. However, the question remains as to how the British military educated its troops about minimal force and their obligations to protect civilians. In this section I examine the British basic training curriculum, regiment specific training efforts for Malaya, and the content of in-theater jungle warfare training.

Basic Training and the Laws of War

British troops in Malaya at the outset of the Emergency received almost no training in the laws of war. The Basic Military Training curriculum focused on "drill, weapons training, gas training, physical training, education, health and religious training."[59] Within the section on education, there is some mention of the United Nations, but no discussion of the laws of war. Even in documents about officer training, there is no mention of international law or protection afforded civilians.[60] Michael Gilbert, member of the Suffolk Regiment, described his training: "teaching you how to march, how to handle a rifle, and how to behave in a soldierly manner."[61] Training focused primarily on skills needed in conventional combat, not skills needed in policing or counterinsurgency operations where the presence of civilians could complicate tactical decisions. Rather than officers training them in the principles of the laws of war, many soldiers noted that the purpose of basic

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[59] Lt. Gen. R.N. Gale, Director General of Military Training, "Basic Military Training," December 20, 1951, WO 32/12455, National Archives in Kew, United Kingdom.
[60] Gale, "Basic Military Training."
[61] Gilbert, oral history interview. I thought that "soldierly manner" might include training in the laws of war, but Gilbert's description focuses on drill, uniform, and recognition of military hierarchy (obedience to superior officers).

training seemed to be to break down any individual resistance to obeying orders. Raymond Burdett, member of the Suffolk Regiment, reflected on his experience; the trainers sought "to get us to follow instructions, not to question commands."[62] Basic training for these troops focused on infantry skills, not their ability to judge the appropriateness of orders in the context of international law.

In 1949 and 1950, the British military began to educate soldiers about their Geneva Conventions obligations; on 8 February 1950, the Army Chief of Staff noted that the military should issue a pamphlet to communicate the most important aspects of the treaty to soldiers: "Owing to the fact that Field Service Regulations are, we understand, now obsolete, we think that it will be necessary to issue a pamphlet to all units to acquaint them with their duties in the field or *occupied territory* under the Conventions."[63] In this pamphlet, the section on civilians details soldiers' legal obligations to protect civilians: "Civilians are entitled in all circumstances to respect for their persons, their honour, their family rights, their religious convictions and practices and their manners and customs. They must at all times be humanely treated and especially protected against all acts of violence or threats thereof and, when appropriate, against insults and public curiosity."[64] The pamphlet also prohibits specific abuses of civilians, including physical or mental coercion, physical suffering, collective action, intimidation, or reprisals against their property.[65] While these provisions seem to cover most of the dangers that soldiers could pose to civilians, there is no evidence that the military widely distributed these pamphlets or that soldiers read them. In the many hours of oral histories I listened to, none of the soldiers mentioned learning about the Geneva Conventions or the laws of war.

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[62] Burdett, oral history interview.
[63] Army Chief of Staff, "Implementation of Geneva Conventions," February 8, 1950, WO 32/13614, National Archives in Kew, United Kingdom (Italics added by author).
[64] "Unit Guide to the 1949 Geneva Conventions for the Protection of War Victims," pamphlet, WO 32/13614, National Archives in Kew, United Kingdom.
[65] "Unit Guide to the 1949 Geneva Conventions for the Protection of War Victims."

All of the regiments in Malaya lacked sufficient training in the laws of war. Prior to their emergency deployment to Malaya, the Coldstream, Grenadier and Scots Guards were involved in many ceremonial duties in London. These units were also under strength, so the military added soldiers to the Guards who had not finishing basic training.[66] However, these units had the opportunity to do remedial training on the ship as they traveled to Malaya. In the training instructions for the Grenadier Guards, the commanders note the difficult situation they are going into and the lack of time for additional training: "It is very probable that the Bn [battalion] will not have very long to organize and train in Malaya, before it is required to operate against the bandits, therefore, every opportunity must be taken on board ship to get the Bn ready and fit to fight."[67] The same memo continues to detail important combat skills that the unit can work on, weapons, medical, wireless training and compass and map reading; it does not include any information on protection of civilians or the laws of war. Another training instruction details some lectures that officers will give on board, but these only covered "regimental history and custom" and "general interest" topics.[68] Soldiers in these regiments noted that the lack of space, resources, and widespread seasickness cut many of the last minute training efforts short.[69] This training, and the continued jungle training in Malaya, focused on obedience to orders and specific skill development. There was no mention in these training directives or oral histories of the Geneva Conventions or the soldiers' obligations to protect civilians. While the absence of training left troops unable to uphold their Geneva Convention obligations, this situation existed in all regiments, which means that the lack of training cannot explain variation in unit participation in civilian killings.

Jungle Training – Enemies and Friendlies

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[66] Riley Sunderland, *Army Operations in Malaya, 1947-1960* (Memorandum RM-4170-ISA) (Santa Monica, CA: The Rand Corporation, September 1964): 42.
[67] "3rd Battalion Grenadier Guards Training Instructions, No. 1 1948," September 7, 1948, WO 268/607, National Archives in Kew, United Kingdom.
[68] "3rd Battalion Grenadier Guards Training Instructions, No. 1 1948."
[69] Leslie Raymond Hands (Suffolk Regiment), oral history interview, October 3, 2005, cassette tape, catalog no. 28424, Imperial War Museum, London, United Kingdom.

When British units arrived in Malaya, they proceeded to Nee Soon, where they participated in a short jungle warfare training course. British military officials in Malaya designed the course to expose units to the unique challenges of jungle combat. In several memos describing the importance of this training, officers mention the "legal implications" of jungle warfare. However, these memos do not include a description of these implications; they are included in a special memo only for officers.[70] Although I was not able to track down this memo or any description of these "legal implications," other memos and routine orders suggest that given the military's subordination to the civilian authorities, civilian courts could adjudicate any violations of local laws, including murder. However, I never found any documents that explicitly outlined this problem or how officers should educate their units about it. In a U.S. military review of British innovations in counterinsurgency training, I also found no evidence of training in the Geneva Conventions or the laws of war.[71] Thus, jungle warfare training did not seem to provide units any additional training in the laws of war.

However, during this course, many soldiers remembered that instructors taught them to distinguish between enemy targets and "friendlies," who included civilians or fellow soldiers. At the same time, much of the training sensitized soldiers to fire quickly in the jungle environment. Alan Tuppen, a member of the Scots Guards platoon that participated in the Batang Kali incident, noted that jungle training consisted of a "lot of snap shooting practice at pop-up targets."[72] Raymond Burdett, Suffolk Regiment, described the same kind of training, but noted that the trainers "could put in a friendly."[73] While these statements do not specifically speak to international law regarding protection of civilians, there is evidence that the trainers emphasized the importance of only killing enemy soldiers. All units received standard jungle training in these early days of the conflict, and so

[70] Operational Research Unit, "A Comparative Study of the Emergencies in Malaya and Kenya," 1957, WO 291/1670, National Archives in Kew, United Kingdom.
[71] Sunderland, *Army Operations*, 43-45.
[72] Testimony of Alan Tuppen.
[73] Raymond Burdett, oral history interview.

should have learned the importance of distinguishing between enemy and civilian targets.

In addition to this training that suggested the importance of discriminating between civilians and enemy soldiers, there were also general orders to arrest, not kill, anyone suspected of aiding terrorists. Standard orders directed units to detain these individuals and take them to local police stations for questioning. While these orders do not address the issue of training, they do suggest how military authorities thought soldiers should deal with civilians, even those aiding the guerrilla forces. William Colyear Walker, head of the Jungle Warfare School, describes a similarly conservative rule of engagement: "Before you can fire at the enemy you are instructed to shout 'Halt!' in Chinese, and if, in the twilight of the jungle, where every tree may hide a bandit, you kill a man who is not one, it is a serious offense."[74] Some military leaders communicated strict regulations on unit behavior, both in relation to civilian detainees and insurgents.

However, not all units complied with these expectations or knew how to respond to a conflict between orders and what they thought was appropriate behavior. Attorney-General Foster-Sutton, who conducted the informal inquiry of the Batang Kali incident, denied that it was possible that the Scots Guards sergeant in command ordered the soldiers to shoot unarmed villagers; yet, four of the members of the patrol claim that sergeant told them that the villagers had assisted the guerrillas and thus the unit would shoot them.[75] While some of the soldiers thought that this order was unusual, none of them described feeling that it violated their soldierly values, or felt compelled to refuse the order or report the sergeant.[76] Even though the training environment suggested that soldiers could only shoot at armed insurgents, there was no opposition to the alleged order to shoot the unarmed villagers. Although why the soldiers felt this confusion or conflict is unclear, it is clear

[74] Descriptions of the enemy in Malaya changed frequently during the Emergency. While the official military description was communist terrorist (CT), some soldiers called enemy fighters bandits or criminals. Walter Colyear Walker, oral history interview (produced by Charles Allen), 1989, cassette tape, catalog no. 11120, Imperial War Museum, London, United Kingdom.
[75] Statements from members of the Scots Guards Unit – William Cootes, Alan Tuppen, Victor Remedios, February 1, 1970, DEFE 70/101, National Archives in Kew, United Kingdom.
[76] Testimony of Alan Tuppen.

that their training did not prepare them to question orders, even if they felt they were inconsistent with their personal or professional values.

British soldiers received minimal training in the laws of war and minimum force during basic training and in preparation for operations in Malaya. British efforts to educate soldiers about the Geneva Conventions either did not ever reach units deployed in Malaya or left no impression on them. However, the inclusion of distinguishing targets in the jungle warfare curriculum, along with the ambiguous concerns about "legal implications," suggests that officers knew that British units were not supposed to shoot at civilians. Among all Regiments, the standard of training was very similar. All of these Regiments went through the introductory jungle warfare course and received the same instruction about "snap shooting" and differentiating between targets. Since all British regiments experienced similar training messages and environments, the lack of training in the laws of war and obligations to protect civilians cannot explain why the Scots Guards killed a large number of civilians when other units did not.

Enforcement

While the British military did not explicitly educate soldiers about their international legal obligations to civilians, they did instruct them to distinguish between enemy and civilian targets. If military leaders punished soldiers who targeted and intentionally harmed civilians, those actions would have strengthened the norm of civilian protection throughout the units. Compliance with the laws of war requires a high standard of general discipline and strong unit leadership. In this section, I examine general discipline expectations and practices, specific discipline requirements of missions aiding civil powers, and the influence of junior leadership on unit behavior.

General military discipline

The British military, in a 1945 document, "The Development of Basic Training." acknowledges the importance of cultivating military discipline. This standard of discipline must be

more than just punishment and rewards, soldiers should learn to strive for perfection in all aspects of their behavior: "During his training period we have to make a man understand that discipline does not consist merely in breaking rules…From the very earliest days of service a man must be made to realize that once he has been shown exactly what is required of him on the square, on the training ground, or in military life generally, he must aim at perfection, not just now and then but all the time and whether he is likely to be found out or not."[77] The message of the military is clear: soldiers must absorb the principle of discipline and strive to meet and exceed the organization's expectations.

In Malaya, general unit discipline was mixed. Units on patrol had to learn to move through the jungle quietly to avoid disclosing their approach to insurgents; they also had to manage their fear of numerous animals and insects and learn to live in the jungle leaving no trail.[78] Soldiers on patrol had to be on guard at all times for an insurgent ambush. Some units learned the hard way that lack of discipline often meant serious casualties when insurgents attacked. The Gordon Highlanders lost a whole patrol through negligence; Dobbs, of the Green Howards, lamented their lax attitude. He described the patrol as "walk[ing] through the jungle with your rifle slung over your shoulder" when insurgents attacked.[79] Other units, such as the Green Howards, tightly controlled units to prevent casualties; Dobbs continues, "Discipline was so tight sometimes it made you winge, you used to play a hell about it."[80] Colonial officials and officers with experience in Malaya knew that insurgents could come out of nowhere and attack at any moment; they ordered units to exercise strict discipline on patrols. Unfortunately, lack of discipline, especially during patrols, led to many of the British casualties in the first year of the Emergency.

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[77] "The Development of Basic Training – A Training Directive given by Commander-in-Chief, Home Forces, to Army, Divisional and Brigade Commanders and Commanding Officers of Training Units," December 7, 1944 (published January 1945), WO 32/12455, National Archives in Kew, United Kingdom.
[78] Harry Miller, *Jungle War in Malaya: The Campaign Against Communism 1948-1960* (London, UK: Arthur Barker Limited, 1972): 24.
[79] Frederick Dobbs, oral history interview.
[80] Frederick Dobbs, oral history interview.

The Importance of Discipline in Missions Aiding the Civil Power

Discipline and respect for regulations is even more important in missions that seek to restore law and order. The military forces in Malaya were not in control of their mission; they were under the control of civilian authorities. While soldiers lacked training in international law or protecting civilians, the Guards Brigades, on the boat from the United Kingdom to Malaya, did review the pamphlet, "Imperial Policing and Duties in the Aid of the Civil Power."[81] This pamphlet stresses the importance of discipline, particularly in controlling the behavior of soldiers facing a challenging security environment: "

> Duties in the aid of the civil power call for the highest standards of discipline among officers and men…the patience of soldiers when employed over long periods on these unpleasant duties is sorely strained; casualties among their comrades and the acts of terrorists, who are to the soldiers no more than despicable murderers, try their patience and naturally tend to embitter their outlook. The desire to hit back and the ordinary and quite understandable motive of revenge will only be held in check by good, sound, and humanely administered discipline.[82]

The Conduct of Anti-Terrorist Operations in Malaya, the seminal work that became the handbook of all soldiers and that British forces adopted in other counterinsurgencies, similarly stresses the importance of discipline.[83] Lt Col. C.A.T. Suther, in a memo based on his work training soldiers for counterinsurgency against the Japanese, notes that officers must enforce basic standards of discipline, even in the jungle: "Despite such conditions as para 4 [jungle conditions] suggests, the very highest standards must be the aim all the time including smartness, steadiness, and such things as no falling off in saluting, etc."[84] Junior officers, for protection of the unit and civilians, had to retain control of their soldiers at all times.

The actual practice of discipline and protection of civilians, however, was very different. In a

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[81] "3rd Battalion Grenadier Guards Training Instructions – No. 1 1948."
[82] War Office, "Imperial Policing and Duties in Aid of the Civil Power," June 13, 1949, CO 537/5068, National Archives in Kew, United Kingdom.
[83] "The Conduct of Anti-Terrorist Operations in Malaya," (Third edition, 1958), WO 279/241, National Archives in Kew, United Kingdom.
[84] Lt. Col. C.A.T. Suther, "Offensive Jungle Operations," no date, WO 268/8, National Archives in Kew, United Kingdom.

memo on "Law and Order in the Federation," High Commissioner Guerney argued: "It is in fact impossible to maintain the rule of law and fight terrorism effectively at the same time."[85] He notes that both the police and military forces break the law "every day" and insists that shows of force are necessary to defeat the insurgents. He also signals an unwillingness to enforce the law: "it is most important that police and soldiers, who are not saints, should not get the impression that every small mistake is going to be the subject of a public enquiry or that it is better to do nothing at all than to do the wrong thing quickly."[86] Another telegram in January 1949 from the High Commissioner of the Federation of Malaya to the Colonial Office repeated this reluctance to interfere in military operations: "One of the difficulties of this situation is that we have a war on terrorism on our hands and are at the same time endeavoring to maintain the rule of law. I would also point out that it is an easy matter from one's office and home to criticize action taken by security forces in the heat of operations and working under jungle conditions but not so easy to do the job itself."[87] The telegram, which commented on reports of the killing of civilians at Batang Kali, concluded: "We feel that it is most damaging to the morale of the security forces to feel that every action of theirs, after the event, is going to be examined with meticulous care."[88] While it is important for civilians to give some deference to soldiers in incidents where the enemy claims security forces act inappropriately, the British civilian authorities seemed to prefer to ignore such claims altogether. Although some soldiers remembered strict controls on their behavior and accountability for civilian killings, and received warning about killing civilians and "legal implications" during their jungle training, authorities seemed reluctant to hold units accountable.

In the Batang Kali incident, the Attorney General conducted an informal inquiry during

[85] Memo from Sir Henry Guerney, January 28, 1949, CO 537/4773, National Archives in Kew, United Kingdom.
[86] Memo from Sir Henry Guerney, January 28, 1949.
[87] OUT Telegram from High Commissioner Federation of Malaya to Colonial Office, "Following Personal for Higham from Newboult-Incident at Batang Kali on 12 December," January 1, 1949. DEFE 70/101, National Archives in Kew, United Kingdom.
[88] OUT Telegram from High Commissioner Federation of Malaya to Colonial Office, "Following Personal for Higham from Newboult-Incident at Batang Kali on 12 December," January 1, 1949.

which he visited the site and interviewed a few of the soldiers on the patrol. However, he never interviewed any of the female villagers who witnessed the alleged massacre. His conclusion, in which he acquitted the unit of any wrongdoing, was that the soldiers had made a "bonafide mistake." He does not describe the nature of this mistake, or suggest units could avoid making such a mistake in the future. If lack of discipline or training led to this mistake, the military should have held someone accountable.

The blame for this inaction, or action to avoid accountability, however, cannot fall only on civilian leaders' reluctance to intervene. When authorities did attempt to uphold the law and regulations, particularly on the use of force against civilians, military leaders would balk and threaten to abort the entire mission in Malaya. Ronald Denys Eden Buckland, who served as a staff officer in the Guards Brigade in Malaya from 1950-1952, describes a botched ambush in which soldiers killed a woman and injured an old man. He noted that the soldiers had not followed the general orders to call out to the individuals because "by the time you shouted out in Chinese, Malaya, Tamil three times they've either shot you if they're baddies or they've scampered."[89] However, the civilian magistrate in charge of the inquest found the unit responsible for the death and noted that the civil authorities would try the soldiers under local law. Buckland approached the head of the British forces in Malaya, General John Harding, who threatened the civilian high commissioner, Sir Henry Guerney, with a full military pullout. According to Buckland, Harding told Guerney, "Unless you can sort this out pretty speedily, I'm going to have the whole of the army out of the jungle and the war is over as far as I am concerned, because I'm not going to have this happening."[90] Guerney arranged for a more informal inquiry, which deemed that no one unit or person acted inappropriately. The military leadership's intervention sent a signal to units that civilian authorities

[89] Ronald John Denys Eden Buckland, oral history interview, January 10, 2002, cassette tape, catalog no. 22369, Imperial War Museum, London, United Kingdom.
[90] Ronald John Denys Eden Buckland, oral history interview.

had no power to question their actions.

Aside from these examples, there is little evidence that the military enforced policies regarding protection of civilians. Although diaries and oral histories note a few occasions of soldiers writing reports of accidental killings of civilians, or attending court inquests, the British military did not retain these reports.[91] There is no evidence that the military leadership investigated these incidents. Units did not include accidental civilian deaths in unit reports, and sub-districts also did not include accidental deaths in their reports to the Ministry of Defense or the Colonial Office. Senior leadership failed to send credible signals about their respect for international law and soldiers' obligations to protect civilians.

Junior Leadership

Even if the military as an organization does a poor job of enforcing discipline, junior leaders can command the respect of their unit and enforce principles of the laws of war and civilian protection. The British military, with its vast experience in colonial warfare, acknowledged the importance of strong junior leaders. In "Lessons from the Emergency," the Director of Operations in Malaya reflects: "The key to success or failure has been the quality of leadership by the Commanding Officer himself and among the junior officers and noncommissioned officers."[92] In the Grenadier Guards Training Instructions, issued prior to the unit's arrival in Malaya, officers noted: "Junior leaders – it is expected that Pls [platoons] and Secs [sections] will have to operate independently in the jungle, and therefore a very high standard of junior leading will be required. Coy [Company] Comds [commanders] must do what they can to impress on their young Ofrs [officers] and NCOs [noncommissioned officers] the big responsibility that will rest on their

[91] Colonel J.P. MacDonald (Suffolk Regiment), Diary, 1952, catalog no. 98/23/1, Imperial War Museum, London, United Kingdom.
[92] Ministry of Defense, "Review of the Emergency, 1948-1957," DEFE 11/191, National Archives in Kew, United Kingdom.

shoulders."[93] Junior officers, given the decentralization of the forces in Malaya and the lack of communication between headquarters and units on jungle patrols, had extra responsibilities in terms of exerting discipline and controlling their units.

Some units flourished under strong junior leadership. The Suffolk Regiment, which historians consider one of the most successful units in Malaya, respected official military principles recognizing the importance of discipline and the protection of civilians. William Martin of the Suffolk regiment reflected the official position that civilian casualties carried some cost for those responsible: "the shooting of an innocent person …were terrible headaches to a company commander because it was their responsibility."[94] Many Suffolks credit their discipline and strong performance to their officers. Martin was grateful for "very good platoon leaders – highly experienced in jungle warfare."[95] Noble also noted the importance of officers; when asked why the Suffolks performed so well in Malaya, he said "[the] type of officers…leaders are important…lots of fine officers and many more that got mentioned for honors."[96] Many soldiers from the Suffolk regiment reflected that they had outstanding leadership from their officers, which contributed to their success and strong reputation among all the regiments involved in the Malayan emergency.[97]

However, in the Scots Guards, soldiers and outside observers raised questions about the unit's junior leaders. During the Emergency, the Scots Guards saw tremendous turnover in officers; in the unit's short time in Malaya (1948-1951), eighty officers served in the thirty officer positions.[98] Alan Tuppen, one of the men on the patrol at Batang Kali, felt compelled to mention: "I would like to state finally that there was no British officer with us on this particular patrol. I believe this is quite

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[93] "3rd Bn Grenadier Guards Training Instructions – No. 1 1948."
[94] William Martin, oral history interview.
[95] William Martin, oral history interview.
[96] John Noble, oral history interview.
[97] William Martin, Frederick Dobbs, Leslie Raymond Hands, oral history interview. John William Noble, oral history interview, March 24, 1997, cassette tape, catalog no. 17333, Imperial War Museum, London, United Kingdom. Colonel Adams, oral history interview, February 16, 1987, cassette tape, catalog no. 9707, Imperial War Museum, London, United Kingdom.
[98] Erskine 473.

unheard of. It was certainly the only patrol I ever went on without an officer in charge."[99] The platoon commander, George Ramsay, who allegedly told the soldiers that they were to "wipe out" the village, did not actually go on the patrol. This absence of leadership could weaken the confidence of the unit and erode control over the soldiers' fears or desire for revenge. After the incident, Ramsay moved to the headquarters unit and then left Malaya; there is no explanation for this move in the unit histories or soldiers' testimonies.[100] Two sergeants, Charles Douglas and Robert Hughes, led the patrol, and Douglas apparently had little leadership experience. As the only man still in the military when the scandal broke in 1970, he claimed to remember little about the event.[101] However, other members of the patrol remember that he seemed uncertain how to get the detained villagers to cooperate, and one soldier told a story of how he shot at a young boy, thought he had killed him, but in reality the boy was suffering terribly and another soldier had to put him out of his misery.[102] None of the soldiers who testified about the incident had great confidence in or loyalty to their leaders; instead, they expressed fear of punishment.

James Calvert, who visited numerous units and advised General Harding, also saw difficulties with the unit leadership in the Scots Guards. He remembered a conversation with a platoon commander who claimed that his unit shouldn't be in Malaya: "[The battalion was] raised and trained and organized to fight in Europe. I'm not going to upset the whole organization and training of my battalion just to chase a lot of bare assed niggers around the jungle."[103] This commander, who GOC Harding eventually removed from his position, expressed resistance to tactical innovation that eventually helped the British win the war in Malaya. This officer set the tone

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[99] Testimony of Alan Tuppen.
[100] The Scots Guards order of battle shows that Ramsay became the Signal Officer in the headquarters unit in March 1949, but does not appear on the roster in August 1949. Scots Guards 7.
[101] "Notes on interview between 'The People' and WOI Douglas," DEFE 13/843, National Archives in Kew, United Kingdom.
[102] Testimony of William Cootes.
[103] James Calvert (SAS), oral history interview, October 1987, cassette tape, catalog no. 9989, Imperial War Museum, London, United Kingdom.

for his unit; they would likely follow his lead in resisting change. This comment reflects a lack of respect for the mission and the enemy. The resulting frustration with failed tactics could have led his unit to kill civilians that they saw aiding the enemy.

Enforcement of protection of civilians was, at best, inconsistent during the Malayan Emergency. Many soldiers felt only minimal responsibility to uphold military regulations because they saw that military leaders were willing to intervene on their behalf and civilian leaders were reluctant to challenge the military. Although the military, through official documents, stressed the importance of discipline, particularly in missions such as the one in Malaya, its enforcement of discipline did not convince soldiers that the organization was committed to civilian protection or the laws of war. However, at the junior leadership level, the picture becomes more complicated. While some units had excellent junior leadership and displayed good adherence to discipline, others had inexperienced or inadequate leadership and foundered. Lack of leadership, especially in a difficult environment such as Malaya, might leave soldiers feeling vulnerable and angry at the organization. Also, as the British military anticipated, a lack of discipline could lead soldiers to strike at civilians. This variation in junior leadership at the regiment level could explain why the Scots Guards engaged in mass killing of civilians when other regiments did not.

The British military failed to adequately socialize units about the importance of the laws of war. Training programs did not specifically inform soldiers of their obligations. While there was some effort in the jungle training to encourage units to distinguish between the enemy and civilian targets, the unwillingness of civilian and military leaders to punish civilian killings meant units saw few reasons to take extra risks to protect civilians. While the organization's socialization did not persuade units to comply with the laws of war, some junior leaders were able to control their units and protect civilians; less experienced or motivated junior officers did not. Junior leadership is one

of the key difference between units that may explain why the Scots Guards killed civilians when other units did not.

Civilian Influence

When Britain returned to Malaya after World War II, the colonial empire was crumbling. Britain lacked sufficient resources to maintain its presence around the world. In Malaya, the British return to power met local opposition. British officials, to achieve cooperation with local elites, conceded that Malayan independence was inevitable. Despite this acknowledgement, the government poured substantial resources into the country to fight insurgents during the Emergency. How did British civilian policymakers justify this effort to military leaders and soldiers? Did these justifications lead units to kill civilians? In this section I examine Prime Minister Clement Attlee's government and its attempts to contextualize the conflict as part of the Cold War and the fight against worldwide communism. I also examine civilian inattention to British military's role in the Malayan conflict, and describe its effects on local tactics and unit behavior. Finally, I examine civilian rhetoric about the conflict and test whether attempts to dehumanize the enemy led to unit participation in war crimes. I find that civilian leaders' labeling of the conflict as an "Emergency" undermined their efforts to link the conflict with Cold War. Civilian leaders inattention to the conflict also led military leaders to develop their own strategies that proved inconsistent with the political nature of the conflict. Soldiers recognized their government's lack of involvement and were cynical about their mission. However, given that many British units shared these sentiments, civilian influence cannot explain variation in unit participation in war crimes.

Malaya and the Cold War

When the Colonial Office declared the Emergency, threats from the Soviet Union and communism in Europe dominated the agenda of leaders in London. However, the threat to British

civilians and business interests in Malaya forced the government to temporarily shift its focus to Asia.[104] Creech Jones, Secretary of State for the Colonies, argued in July 1948 that the Malayan Communist Party, which he blamed for the violence in Malaya, was "the nerve center for the whole subversive movement."[105] A Colonial Office memo in March 1949 noted that British failure in Malaya could lead to communist victories throughout all of Southeast Asia: "There is a distinct danger that, as measures are developed for the security of Europe and the Middle East, pressure [from the Soviet Union] upon South East Asia will increase…if the general impression prevails in South East Asia that the Western Powers are unwilling and unable to assist in resisting Russian pressure…eventually the whole of South East Asia will fall a victim to the Communist advance and thus come under Russian domination."[106] While Attlee did not convey this danger explicitly to the British public, Winston Churchill, leader of the opposition, during a campaign speech in October 1949, noted the Communist threat: "Let them [communists] cease to distract in Malaya and Indonesia. Let them liberate the Communist-held portion of Korea. Let them cease to foment the hideous protracted war in China. Above all, let them throw open their vast regions on equal terms to the ordinary travel and traffic of mankind. Let them give others the chance to breathe freely, and let them breathe freely themselves."[107] British civilian leaders clearly felt that, in addition to their economic interests in Malaya, they had to respond to this threat of communist aggression. The ideological importance of this conflict could have led units to believe that the laws of war and principle of minimum force did not apply; given the existential threat of communism, units could have exceeded these limits to defend British, and Western, ways of life.

While Churchill arguably showed greater commitment to Malaya when he took power in

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[104] Phillip Deery, "Malaya, 1948: Britain's Asian Cold War?" *Journal of Cold War Studies* 9 no. 1 (Winter 2007): 30.
[105] Deery, "Malaya, 1948: Britain's Asian Cold War?" 34.
[106] Quoted in Deery, "Malaya, 1948: Britain's Asian Cold War?" 30-31.
[107] Martin Gilbert, *Winston S. Churchill, volume III 'Never Despair' 1945-1965* (Boston, MA: Houghton Mifflin Company, 1988): 437.

1951, during the early days of the Emergency, civilian leaders did not match their rhetoric with interest in the particulars of the conflict. Robert Thompson, who had experience with the British campaign in Burma and later became the permanent Secretary of Defense in Malaya, noted that there was very little coverage of the Emergency in the London newspapers, so there was no sense of urgency to press the government to act.[108] The Chief of Staff stated the lack of a government policy starkly in a Cabinet level meeting about Malaya on June 21, 1950: "Before sending any more troops into Malaya we consider we must know where we are going."[109]Although civilians talked of the conflict as part of the larger Cold War, their commitment did not go far beyond the notion that they must 'do something.' Rather than units feeling compelled to exceed the laws of war to defeat a dangerous foe, they may instead have felt that the government abandoned them and left them to fend for themselves. This isolation could have led soldiers to prioritize self-preservation and kill anyone, including civilians, who posed a potential threat.

In the absence of a larger strategic vision, soldiers lacked a clear understanding of why they were in Malaya or what they were supposed to be accomplishing. The lack of attention to details of the conflict in Britain undermined the soldiers' motivation and morale. Sacha Carnegie, who served in a Guard unit in Malaya, recounts his reaction to media coverage of civilian leaders: "Read about unimaginative politicians having said the same senseless thing for the ninety-ninth time."[110] High Commissioner Sir Henry Guerney pled with leaders in London to pay greater attention to the conflict and support the British civil servants and soldiers who wondered whether the government appreciated their sacrifices.[111] Soldiers were skeptical of efforts to link the conflict to Britain or national security; they saw themselves more cynically as protecting British economic interests.

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[108] Noel Barber, *The War of the Running Dogs – How Malaya Defeated the Communist Guerrillas* 1948-1960 (London, England: Cassell, 1971): 42.
[109] Cabinet Malaya Committee, "Military Situation in Malaya – April 1950, Note by the Chiefs of Staff," April 21, 1950, DEFE 11/35, National Archives in Kew, United Kingdom.
[110] Sacha Carnegie, *Sunset in the East* (London, UK: Peter Davies, 1955): 94.
[111] A.J. Stockwell, *Malaya, Part II – The Communist Insurrection, 1948-1953* (British Documents on the End of the Empire, Series B Volume 3) (London, UK: HMSO, 1995): 113.

Raymond Burdett, of the Suffolk regiment, remembers: "They mostly emphasized King and country, this is what we've got to do it for, but it boiled down that we were there to protect the rubber and the tin."[112] British soldiers, rather than believing that the importance of the fight in Malaya justified means beyond the laws of war, did not understand their mission and were highly suspicious of grandiose explanations of the conflict's importance. However, since all units experienced the same confusion and lack of direction during the first months of the Emergency, civilian influence, or inattention, cannot explain why the Scots Guards killed civilians and other regiments did not.

"The easiest problem I have ever tackled"

This lack of civilian leadership left British authorities in Malaya to determine the tactics to fight the insurgents; given the weakness of civilian infrastructure and the police forces, the military received great deference. Military leaders saw the problem solely in terms of security rather than taking a more comprehensive view of the political and economic aspects of the conflict. Thompson remembered the naïve view of GOC Boucher. He recalls him bragging, "I can tell you this is by far the easiest problem I have ever tackled…In spite of the appalling country, the enemy is far weaker in technique and courage than either the Greek or the Indian Reds."[113] Boucher's approach, which relied on use of force, led to widespread use of Emergency powers, including arbitrary detention and punitive actions against villages suspect of supporting insurgents. The police, some transfers from British Palestine, used torture to try to gain information on insurgent locations and operations.[114] These tactics created animosity between Chinese squatters and the British forces, and were

[112] Raymond Burdett, oral history interview.
[113] Quoted in Barber 41.
[114] Noel James Denis Baptiste (Royal Armored Corps), oral history interview, February 1, 1986, cassette tape, catalog no. 10107, Imperial War Museum, London, United Kingdom.

counterproductive in generating the one resource critical in a counterinsurgency, good intelligence.[115] Boucher's tactics, which relied only on military force, encouraged units to rely on violence to control civilians. However, since Boucher was the head of all British forces in Malaya at the outset of the Emergency, his lack of perspective and reliance on firepower cannot explain why the Scots Guards killed civilians and other units did not.

From bandits to terrorists

In 1945, when the British reoccupied Malaya, members of the guerrilla anti-Japanese forces joined British soldiers for parades in London celebrating their victory over the Japanese. When these individuals reorganized to challenge British rule, civilian leaders and the media depicted them as annoyances or bandits. Once Colonial Officials declared the Emergency, rhetoric about the enemy quickly escalated. In Malaya, radio listeners heard Malcolm McDonald, a British official with a long history in the colony, declared: "It is the terrorists…who are now trying to impose on you a vicious, tyrannical rule."[116] British officials already in Malaya painted the Chinese with a broad brush, depicting them as terrorists deserving the same violent treatment.[117] While depictions of the communists never rose to the level of the demonization of the Japanese during World War II, civilian leadership in Britain and Malaya regarded the Chinese squatter population as a potential threat requiring action. These descriptions could have led units to believe that the laws of war did not apply to these civilians.

While local British authorities ramped up their rhetoric, policymakers in London began a delicate dance between linking the conflict to the larger war on communism and the need to protect the economic interests of British businesses in Malaya. Leaders labeled the conflict an "Emergency,"

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[115] Khong Kim Hoong, *Merdeka! British Rule and the Struggle for Independence in Malaya, 1945-1957* (Selangor, Malaysia: Institute for Social Analysis (INSAN), 1984): 152.
[116] Deery, "Malaya, 1948: Britain's Asian Cold War?" 36.
[117] Harry Miller, *The Communist Menace in Malaya* (New York, NY: Frederick A Praeger, 1954): 89.

rather than a war, to protect these businesses' insurance policies.[118] This limitation hurt policymakers' credibility as they tried to convince their international colleagues and the British public of the seriousness of the conflict. As the Regional Information Officer in Malaya lamented, "This ban [on the designation of the violence as a war or description of the insurgents as the "enemy"] …has had the effect of preventing public opinion both inside and outside Malaya from obtaining a clear picture of the seriousness of the MCP threat."[119] This rhetorical limitation, which British officials in Malaya and military leaders challenged, remained in place until 1952, when the gap between the rhetoric and the reality became too large for leaders in London to defend. While the term "Emergency" remained, policymakers compromised on the designation of the enemy; rather than "bandits," British forces would call insurgent fighters "communist terrorists" or insurgents.[120] However, this change in language could not undo the confusion and lack of understanding about the conflict that in Britain, the international community and among soldiers in Malaya. Civilian leaders' decisions to protect business interests in Malaya undercut their efforts to place the conflict in the context of the global fight against communism and mobilize public support. It also did not persuade British soldiers that the conflict's importance should lead them to abandon the laws of war or their obligation to protect civilians.

"A job to do"

Many soldiers approached their time in Malaya as service to the country without any particular feelings about the enemy; they were there to "do their job." Paul Humber, of the Coldstream Guards, had a simple attitude toward his service: "That was what we were they for, so

[118] Phillip Deery, "The Terminology of Terrorism: Malaya, 1948-1952," *Journal of Southeast Asian Studies* 34 no. 2 (June 2003): 237.
[119] Deery, "The Terminology of Terrorism: Malaya, 1948-1952," 239.
[120] Deery, "The Terminology of Terrorism: Malaya, 1948-1952," 240.

we just had to get on with it."[121] Edward Slade, with the KOYLIs in Malaya both before and during the Emergency, had few feelings toward the enemy: "respected him because of his cunningness, but you never gave a tuss for him."[122] Michael Gilbert, with the successful Suffolk Regiment, noted the risk of getting too emotionally involved: "I had no particular feelings as such or hatred…I didn't like what they were doing to my colleagues…I think you can get too emotionally involved in things, you've got to see it for what it is. If they got a chance to kill you, they would, if you got a chance to kill them that was your job."[123] John William Noble, also with the Suffolks, offered a similar perspective: "I suppose my personal feelings was … I can't remember it was a hate for them. I don't [think] anyone can say they particularly hated them…[it was more] a matter of they were terrorizing people in the area, and we were there to stop it."[124] Many of the British soldiers who served in the early days in Malaya did not view insurgents as evil or less than human.

A few soldiers came to appreciate Malaya and expressed empathy for the insurgents. John Desmond Mander, with the Green Howards in 1949, thought there should have been greater efforts to reach out to them: "What I felt about them was that we knew so little about them. And I thought we ought to send people into the jungle more to get to know them."[125] Frederick Dobbs, also with the Green Howards, felt pity for some of the insurgents: "I pitied the enemy – my politics at 18 were nil. I didn't know why I was there, what I was there for…But I was out there because the government said I was out there…there was a lot of young lads in the enemy camp who were certainly in that predicament, some of them 14-15 years of age who didn't know what they were

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[121] Paul William Humber (Coldstream Guards), oral history interview, February 26, 1999, cassette tape, catalog no. 18270, Imperial War Museum, London, United Kingdom.
[122] Edward William Slade (KOYLI), oral history interview, April 8, 2004, cassette tape, catalog no. 20260, Imperial War Museum, London, United Kingdom.
[123] Michael Gilbert, oral history interview.
[124] John William Noble, oral history interview.
[125] John Desmond Mander (Green Howards), oral history interview, January 20, 1992, cassette tape, catalog no. 12401, Imperial War Museum, London, United Kingdom.

doing."[126] While this more sympathetic view may not have been widespread, it does challenge the hypothesis that dehumanizing civilian rhetoric would increase the likelihood that soldiers would see all Malayans or Chinese as sub-human and not deserving of international legal protections. Civilian leaders' rhetoric, and its failure to influence unit perceptions of the enemy, suggests it did not make unit participation in civilian killings more likely.

The British government, caught up in post-World War II recovery and the opening of the Cold War, had minimal time or energy to devote to the Malayan conflict. Civilian leaders tried to connect the Emergency to the larger global fight against communism, but they had to strike a difficult balance between characterizing the Emergency as a serious conflict and protecting British economic interests. The perceived lack of attention and strategic confusion from policymakers led local military leaders, in particular Gen. Boucher, to fight the war using a conventional firepower strategy that alienated many Malayans and deterred average civilians from helping British forces with key intelligence. Although this approach might explain violence against civilians due to frustration and a limited view of the conflict, because if affected all units in Malaya it cannot explain why only the Scots Guards participated in mass killing of civilians.

British leaders' rhetoric regarding insurgents, which linked them with the global communist movement, also failed to motivate British units. Many soldiers never accepted civilian signals; they simply approached fighting the insurgents as their job. While civilians may have tried to influence unit beliefs, there is little evidence this was successful. Lack of civilian leaders attention to strategy and tactics in Malaya weakened some of their more ideological proclamations. There is no evidence that suggests that civilian signals had any influence on unit participation in war crimes.

[126] Frederick Dobbs, oral history interview.

Subcultures

Developing regimental pride and identity is a key part of basic training in the British military. Each regiment learns its history; training officers quiz new recruits with historical events and regimental honors. Most soldiers stay with their regiment for their entire military careers; their loyalty, while technically to the Crown, often lies with their regiment. Given the strength of regimental identities, members of these units may develop an alternative set of values. In extreme cases, these alternative values could conflict with military regulations or directions and lead regiments to violate the laws of war. In this section, I examine the British regimental system and the subculture of the Scots Guards. I also compare the Scots Guards subculture to the Suffolk Regiment; this regiment, which also had a strong regimental identity, had great success in Malaya and did not kill civilians. Finally, I assess the influence of regimental subculture on unit behavior and unit participation in mass civilian killings. The Scots Guards' national identity, and unwillingness to adopt small patrol tactics, increased the likelihood that they would participate in war crimes and may explain why they massacred civilian villagers when other units did not.

Regimental Pride

Most regiments in the British army cultivate regimental pride and knowledge of the regiment's history. After World War II, men called up under National Service did not necessarily go to a local regiment, so training officers worked to cultivate this identity based solely on regimental history. William John Martin, who served in the Suffolk regiment, remembered working with new recruits to instill the regiment's history and values.[127] Raymond Burdett, also with the Suffolks, remembers training officers cultivating pride and competition: "[they] introduced this pride against other squads."[128] Paul Humber, a member of the Coldstream Guards, noted the importance of regimental identity to individual pride: "[I was] honored in some way [to serve with a] famous

[127] William Martin, oral history interview.
[128] Raymond Burdett, oral history interview.

regiment with a famous history. [I felt a] certain distinction, [I] served my country and served my regiment with a certain amount of honor."[129] Regimental subculture served to motivate the soldiers and give them an identity to uphold.

The Scots Guards

In addition to history and values, some regiments claim a "national" identity. Soldiers from the United Kingdom come from a variety of "national" traditions: English, Scottish, and Irish. Observers of the Scots Guards have suggested that part of Scottish identity is participating in whatever fight the unit is engaged in; no one in the unit was willing to watch other soldiers go on patrol while they waited at the base camp. John Baynes, a platoon commander with the Scots Guards in Malaya, argues:

> [Using small patrols] would have been unthinkable in a Scottish regiment, as opposed to what I have heard referred to as a 'pudding' English one. No self-respecting Jock, however lowly his rank, would accept being left out of an operation while the officers and NCOs went off to hog the action. Had any tried to do so, I dread to think what the NAAFI beer tent would have looked like on their return. The very idea of operating with parties such as the Suffolks used was unthinkable in a Scottish unit.[130]

Oldfield notes that when the Green Howards served with the Scots Guards in Malaya, the Guards had a difficult time adjusting to jungle warfare: "At this early stage, like other battalions before them, they were still feeling their way. Operations were almost exclusively of company or occasionally platoon strength."[131] The Scots Guards had a relatively weak record of insurgent captures or kills; pressure would have been high to generate some kind of result to compare to other units. This pressure could also have led to the kind of frustration and resentment that James Calvert described in the Scots Guard's leadership. The junior commander who Calvert spoke with aired strongly his reluctance to retrain his soldiers to fight what he considered a lesser enemy in the jungle.[132] The

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[129] Paul Humber, oral history interview.
[130] Sir John Baynes, "Scottish Soldiers in the Last Years of Empire, 1901-1967" in Simpson 155.
[131] Major J.B. Oldfield, *The Green Howards in Malaya* (Aldershot, UK: Gale and Polden Ltd., 1953): 4.
[132] see note 108.

Scots Guard's ideas about military operations, their unwillingness to change their tactics, and frustration with their poor performance, could have led to Scots Guards to kill civilians.

The Suffolks

While the Scots Guard's reluctance to adapt to the mission in Malaya could explain their poor performance, frustration, and ultimately participation in civilian killing, other units adapted and earned a strong reputation for their Regiment as a result. Many soldiers acknowledge the Suffolk's reputation in Malaya, and attribute their success to their leadership and small patrol tactics. Raymond Hands, a member of the Regiment, noted that they "had a very solid reputation within the colonial community and [were] highly respected as such for what they had achieved."[133] While Burdett noted that they shared a strong regimental identity prior to coming to Malaya, the Suffolks also built regimental pride through their performance: "best record, lost the fewest men…[I] didn't want to go with anyone else."[134] The Suffolks, an English regiment, did not feel that tactical innovation threatened their identity; instead, they built on their regiment's reputation through their performance in Malaya.

However, despite the importance of regimental identity, even members of the Suffolk's acknowledge that much of their loyalty came from a commitment to their fellow soldiers and officers, not historical battles or national allegiance. Raymond Hands described his unit as "just a random selection of nineteen year-olds who were doing the same thing and received the same training, and did the same job day in and day out."[135] The Suffolk subculture, rather than relying on a pre-determined identity, cultivated loyal soldiers who sought the British ideals of perfection outlined in basic training, even if meeting these ideals required new tactics.

Subcultures and Unit Behavior

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[133] Leslie Hands, oral history interview.
[134] Raymond Burdett, oral history interview.
[135] Leslie Hands, oral history interview.

Within subcultures, members who share the same values will bond together like a family. The Regimental system in Britain fuels this protective culture; soldiers stay in the same units and serve with the same soldiers for years. While many feel pride in their regiment's history, most of the former soldiers feel loyalty to their fellow unit members. As John Scurr, a KOYLI, recalled: " [We] knew a few things in conversation with older soldiers, I wouldn't say the loyalties of ordinary soldiers were directly tied up with the past of the regiment so much, more the immediate regiment…all good pals together."[136] Protecting their buddies, rather than upholding the pride of a historic identity, motivates many of the soldiers in British regiments.

Within this more personally constituted subculture, unit members pledge to look out for each other and the unit; they internally punish any behavior that reflects poorly on the unit. Subculture leaders may enforce these boundaries through threats or other forms of coercion. During the Batang Kali incident, Sergeant Hughes allegedly told the unit that they would shoot the villagers, and gave soldiers unwilling to participate an opportunity to "fall out of line."[137] However, none of the soldiers did so. When asked why, most of the soldiers seemed to have an unspoken fear of what might happen to them at the hands of others in the unit. Alan Tuppen recalls: "I did not want to kill anybody but I was too frightened to move and make myself look a coward in front of the others. I was also aware of the strict discipline of the Guards."[138] Later, in a radio interview, he said: "Well, there's always the chance of…not reprisals but fear of what your comrades might think, you know, when you got back."[139] The interviewer asked: "In fact the pressure not to be thought yellow was greater than the pressure to keep away from what might, perhaps, have seemed to be a doubtful act?" Tuppen answered yes.[140] Members of the unit also described colluding to concoct the story

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[136] John Scurr, oral history interview.
[137] Testimony of Victor Remedios to The People, DEFE 70/101, National Archives in Kew, United Kingdom.
[138] Testimony of Alan Tuppen.
[139] Testimony of Alan Tuppen.
[140] Testimony of Alan Tuppen.

about the prisoners running away when they faced the inquest. While some do not remember warnings about the possible punishment or colluding on the story, others describe the sergeant threatening them with fourteen to fifteen years in prison if they testified to what they had done.[141] This unit worked to conceal the secret of what they had done until members came forward in 1970. The subculture, which serves a useful purpose in cultivating a group identity, created a fear of ostracism or punishment that increased the likelihood of both participation in war crimes and collusion to conceal the unit's guilt.

The Scots Guard's subculture, which discouraged tactical innovation, led to the unit's poor performance in the counterinsurgency effort in Malaya. Frustration with its lack of success could have led the unit to take out its aggression on the civilian 'collaborators' at Batang Kali. The Suffolk Regiment, which was more willing to adapt its tactics, performed well in Malaya and strengthened its unit's reputation. Other regiments that did not perform as well as the Suffolks still tried to adjust to new techniques of jungle warfare; there was nothing in these regiments' identities that encouraged resistance to the larger organization. The unwillingness of the Scots Guards to adapt may explain why they killed civilians when other regiments did not; the unit's refusal to adopt small patrol tactics likely led to pressure to demonstrate success and frustration with civilians suspected of aiding the insurgents. The personal nature of regimental relationships and loyalty to fellow unit members concealed responsibility for this crime, which fueled propaganda about brutal British soldiers and emboldened insurgents to continue their struggle.

Conclusion

The massacre at Batang Kali, while a unique event in the twelve-year Malayan Emergency, exposed weaknesses in British counterinsurgency preparation. While failed socialization and civilian

[141] Testimony of William Cootes.

attention cannot explain why the Scots Guards killed civilians when other units on similar patrols did not, they do identify important points at which greater attention or effort on the part of civilian or military leaders could have prevented the tragic killing of civilians.

The British military, despite its long history of colonial occupation and managing indigenous resistance, did not adequately socialize soldiers in the laws of war or their obligations to protect civilians. Most descriptions of training from the soldiers' perspectives emphasized the importance of obedience and military skills. Some of the soldiers at Batang Kali had a sense that the orders to kill the civilians were wrong, but were not confident in that assessment and did not know how to question their superior officer's orders. If the British military had paid greater attention to educating soldiers about the laws of war and giving them tools to challenge illegal orders, some of the soldiers may have stepped forward to prevent the massacre. While some of the patrol members' 1970 "revelations" of the massacre may have been self-serving, their hesitant tone suggests that one soldier's opposition to the sergeant's orders might have given them the confidence to resist as well. However, since all units received the same minimal training, this lack of training cannot explain unit variation in participation in war crimes.

In addition to this lack of training, the military did not do a good job of enforcing discipline in Malaya. While many senior officers stressed the importance of discipline, particularly in jungle warfare, at lower levels junior officers varied in their enforcement. Some units, such as the Green Howards, exercised strong discipline; others, such as the Gordon Highlanders, learned the hard way. While the Scots Guards were lucky to avoid serious casualties because of their lack of discipline, their junior officers reflected a highly dismissive attitude regarding the conflict, the enemy, and effective military tactics. These junior leaders resented their mission and refused to adapt, which eroded their soldiers respect for the organization and its regulations. In contrast, the strong junior leadership of the Suffolks earned the unit a good reputation in Malaya and their soldiers upheld the

laws of war. Poor junior leadership in the Scots Guards may explain why they participated in war crimes while other units did not.

Civilian leaders, focused on the Cold War, paid little attention to the conflict in Malaya. Conflicting interests limited their actions; while policymakers wanted to link the conflict to the global war against communism, they could not risk characterizing the conflict as a war and thus invalidating major business interests' insurance coverage. These competing interests meant that the British government could do little to mobilize international support for the conflict; their silence led soldiers to cynically believe that they were only in Malaya to protect British corporations. The relative lack of support from civilian decision makers also weakened efforts to demonize the enemy; soldiers who hated the insurgents did so based on their actions, not leaders' rhetoric.

Civilian inattention, however, did provide the military more latitude in determining tactics to fight the insurgents, particularly during the first years of the Emergency. Boucher, and his reliance on firepower, may have given units the impression that large displays of firepower would intimidate the insurgents and force them to surrender. However, this firepower approach alienated Malayan civilians and may have encouraged them to support insurgents as defense against British aggression. While Boucher's approach cannot explain why the Scots Guards killed civilians when other regiments did not, it may have provided support to junior leaders who resented occupation duty and resisted tactical innovation and rules of engagement that aim to spare civilians from death and injury.

The Scots Guards, with their unique regimental identity, resisted small patrol tactics more than other units. This resistance, coupled with poor performance, could have led the regiment to punish the villagers at Batang Kali for their alleged support of the insurgents. The regiment's subculture then concealed their acts, evading responsibility for violating the laws of war and the principle of minimum force. Subculture, while a positive variable in promoting unity within a regiment, can become sinister when it deflects external criticism through silence and punishes

internal criticism through intimidation. The Scots Guards resistant subculture, supported by leaders who resented their mission in Malaya, may explain why the unit killed civilian villagers at Batang Kali.

Although the British did eventually prevail in what most historians consider one of the few successful counterinsurgency efforts, brutality towards civilians during the early years of the Emergency reduced their willingness to provide crucial intelligence and risked creating a larger insurgent force.[142] The implementation of the New Villages Plan to relocate and protect Chinese squatters and the appointment of General Templer to oversee civil and military operations in Malaya changed the nature of the conflict and eliminated the confusion about the strategic approach to the communist forces. Many British soldiers and observers also credit the increased confidence of civilians in the security forces for generating increased cooperation with military units, especially in providing intelligence. Discovering why some units participated in war crimes is critical to understanding how civilian and military leaders can prevent these small scandals that endanger larger political and military operations. The role of junior leaders, in both providing discipline and controlling unit subculture, suggests that efforts to prevent future war crimes will have to target the military as an organization and involve junior leaders in implementation of reforms.

[142] Stubbs 263.

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CAB 130	Cabinet: Miscellaneous Committees: Minutes and Papers (GEN, MISC and REF Series)
CAB 21	Cabinet Office and predecessors: Registered Files (1916 to 1965)
CO 1012	Colonial Office: Prisoners of War and Civilian Internees: Registers of Correspondence
CO 1022	Correspondence with colonies, entry books and registers of correspondence
CO 1030	Colonial Office and Commonwealth Office: Far Eastern Department and successors: Registered Files (FED Series)
CO 537	Colonial office and predecessors: Confidential General and Confidential Original Correspondence
CO 717	Colonial Office: Federated Malay States: Original Correspondence
CO 967	Colonial Office: Private Office Papers
DEFE 11	Records of the Defence Chiefs of Staff
DEFE 13	Ministry of Defence: Private Office: Registered Files
DEFE 28	Ministry of Defence: Directorate of Forward Plans: Registered Files
DEFE 7	Ministry of Defence prior to 1964: Registered Files
DEFE 70	Ministry of Defence (Army): Registered Files and Branch Folders
FCO 24	Commonwealth Office, Far East and Pacific Department and Foreign and Commonwealth Office, South West Pacific Department: Registered Files
FO 1110	Foreign Office and Foreign and Commonwealth Office: Information Research Department: General Correspondence
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WO 33	War Office: Reports, Memoranda and Papers

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WO 81 Judge Advocate General's Office: Letter Books
WO 82 Judge Advocate General's Office: Daily Registers of Letters (Day Books)
WO 83 Judge Advocate General's Office: Minute Books
WO 86 Judge Advocate General's Office: District Courts Martial Registers, Home and Abroad
WO 90 Records created or inherited by the War Office, Armed Forces, Judge Advocate General, and related bodies
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