

Court-Martial without Law

Punitive measures in the Finnish Civil War of 1918

Over 36 000 people died in the Finnish Civil War of 1918. Finland had become an independent country after the Russian Bolshevik Revolution of 1917. Immediately after that the Finnish people divided into two factions, the Reds and the Whites. In southern Finland the Finnish Red Guard staged a *coup d'état* on 27th January 1918. The White Army, consisting basically of volunteer Civil Guards, started operations against Russian military troops and Finnish Red Guards at the same time in northern Finland.

After three months of war the White Army prevailed in May, but the state of civil war persisted until the summer of 1918. In the Civil War about 5 000 Reds and 4 000 Whites died in battle. After the war was over 13 500 Reds died in POW camps, usually from hunger and disease.

The most controversial part of the history of the Civil War in Finland was the question of the so-called Red and White terror. The Civil War in Finland, behind the front lines, was brutal. Both sides randomly shot their enemies after the battle. The Reds killed over 1 600 Whites or otherwise “bourgeois” people. At the same time, and also after the war, nearly 10 000 Reds were shot by the Whites. Red Guards – it has been told – killed in revenge and for individual and local reasons. After the Whites had occupied the areas that had been occupied by Reds, they, too, killed Reds in revenge.

This is how the story of the Red and the White terror in the Civil War has been told for decades in Finland. For a long time the history of these killings has been covered by political myths and political interpretations. The Finnish Civil War was a problematic issue for Finnish historians. At first the Finnish uprising has been seen – black-and-white – as a part of the Russian Revolution, like a part of a Russo-Bolshevistic infectious disease that extended to the borderland. In this interpretation of these events Red Finns were some kind of puppets of Russian Bolshevism. After World War II the main point in Finnish Civil War history has been to explain the Finnish uprising as a totally distinct phenomenon.

In the 1960s the historian Dr. Jaakko Paavolainen wrote the first studies on the Red and White terror. In these studies Paavolainen contended that Red terror acts occurred mainly in local conflicts. In many cases they were acts of individual revenge. Finnish Red terror was unlike the Bolshevik terror, a class war in a deeper sense. For Paavolainen the White terror, too, was violence from be-

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* I am grateful to Virginia Mattila for checking the language.

low. The Terror was not an organised phenomenon. It was not repression. Finnish terror, both red and white, was summary execution for individual motives, by para-military soldiers.

This way of thinking results in many open questions: why did this violence-from-below continue for weeks without any control by the authorities of the Red Guard and the White Army? If it was spontaneous and only revenge by individual soldiers, why did nobody stop it? And, if the Red terror was only murders for individual motives, not like the Bolshevik ideological class war, why in some areas did it have a class-war structure?

In this study the Red and the White terror are seen as a part of war, as tactics in the Civil War. Clausewitz wrote that war is continuing diplomacy by other means: in civil war terror is continuing the battle by other means. In the Finnish Civil War both armies tried to legitimize their own violence against unarmed enemies. After the battle (the White or the Red) army continued fighting against potential and real enemies with acts of repression.

A new perspective on this violence comes from the courtmartial records, made by the Red Guard and White Army just after occupying areas. These records have not before been researched in a historical study. These documents bring a new perspective to these events. First of all in this study we will show what kind of orders the Red and the White armies received from their commanders: how these acts were motivated. After this we shall see how punitive measures were carried out, how the courts worked. Who were working in the court, whom did these courts judge? The sentences given by courts martial, and how were they carried out?

The outlaw ideologies

The background to the violence in the Civil War could be found in the climate of Finnish society in the early 20th century. Czar Nicholas II gave a manifesto in 1899 for Finland to uphold in the Finnish administration the Russian system. For part of the Finns this was the beginning of new Russian policy against an autonomous borderland. These events were the beginning of the Finnish activism that divided into left and right-wing activism in 1905. This resistance was reflected in a couple of acts of terror. The activists brought violence into the politics of Finland. The acts of terror and political murders were condoned in resisting the Russian authorities and Russian rule in Finland. This first wave of Finnish activism ended after the 1905 revolution, when Finland got its own parliament. After this, the political parties shunned activism and acts of terror.

During the First World War the political situation in Finland began to deteriorate. Even before that, as a part of the Russian oppression, there was conflict connected to the legislation in Finland. During the years of oppression nearly fifty Finnish lawyers were sentenced to imprisonment for breaking the Russian law. For these lawyers all laws and decrees given direct from the Russian administration without consideration of the Finnish parliament were invalid. This conflict fomented especially in the opinions of the young lawyers.

During the war years the Finnish activists started an operation to help Finland break away from Russia. Nearly two thousand men found their ways to Germany, Russia's enemy in the war, to get military training to separate Finland from Russia. This was treason against Russia.

The red violence had its own background. During the war years workers in the industrial centres in Russia started the revolutionary process that culminated in the Russian Revolution and the Civil War in Russia. The Soviets took control of whole sectors of industry. After the February Revolution strikes became a political instrument to put pressure on the Provisional Government.

In Finland the same revolutionary process started in the early autumn of 1917, after the war trade with Russia had collapsed. The first Red guards in Finland originated in the industrial areas, just as in Russia. Revolutionary activity flourished in the industrial areas in Southern Finland: the Kymi, Vuoksi areas and the big industrial cities like Helsinki, Tampere and Viipuri. The development into a revolutionary situation was much the same in Finland as in Russian industrial areas. The Red Guards started to control the factories and the industrial production. Especially after the general strike of November 1917 the Guards controlled industrial areas. From November 1917 to the end of January 1918 there was a simple struggle for political power in these areas. At this time counter-revolutionaries started to build up the Civil Guards against the power of the Red Guard. When the Civil War broke out on 27th January 1918, the Reds and the Whites simply took control of the areas where they dominated.

Red swift justice: control and tactics in the Civil War

The Finnish revolutionaries used terror in three ways in the Finnish Civil War. First, it was a means to repress counter-revolutionary forces in the occupied areas. With repressions the Reds took control of the occupied areas. This was the way to fight a civil war. The Russian Bolshevik revolutionary movement was developing into civil war and terror at the same time, after the same revolutionary development in the industrial areas. These ideas of Terror as a civil war weapon came to both revolutionary groups (Finns and Russians) from the history of the Paris Commune and the battlefields of the First World War.

Secondly, the Red terror had ideological underpinnings. The Whites and bourgeoisie were in this sense class enemies, who should be destroyed as a class. Rank-and-file men in the Red Guard had no idea of these ideological aspects, but the revolutionary leaders did have this ideological idea. In some areas – especially in Kymi industrial area and in Toijala near Tampere – they were also active in terror. Where revolutionary organisations were made strong, it was possible to depart from all norms of the old world: this could include treating the enemy only as a part of a class who should be destroyed.

Finally, the Red terror had individual motives, looting, and killings for individual motives and murders for revenge. In Finnish history this meaning has been exaggerated. Even then the Finnish Revolution was rather gentle than furious. Though the Reds took control of the most populated areas in Finland, in

three months of occupation they committed some 1 600 acts of terror, mostly at the beginning and at the end of the war.

The Red terror worked in two ways. Near the front were the Red Guard military courts. Usually the local Red Guard staff were members of this court. Behind the lines the terror was in the hands of the red investigation organs. On the battlefield, or after the occupation of an area, the staff of the local Red Guard formed a court from its own officers and judged counter-revolutionaries. Usually this meant shooting on the spot. When an occupied area was controlled for weeks, even months, the staff handed the investigation of counter-revolutionary activities over to a reconnaissance patrol, usually called a “flying patrol.”

How did the Red military courts work? The Red courts usually seem to have worked in cases that were a foregone conclusion for the court. The red court condemned persons known to be guilty of the crimes they were accused of. In many cases this meant some kind of random killing, but in many cases those sentenced were indeed guilty. This study describes 120 cases in which the Red Guard investigated the victim before execution. In half (58 out of 120) of these cases the victims were the enemies of the Red Guard: Civil Guardists, white spies etc. Nearly all the other victims were – as the revolutionaries saw it – so-called class enemies: landowners, businessmen, industrial management. Even this small sample reveals some interesting aspects. The Red terror was not only indiscriminate violence from below, it was in many cases directed against the real and potential enemies of the Revolution. This Red terror was in the hands of the Red Guard leaders.

What kinds of men were behind these acts of terror? Rank-and-file men in “flying patrols” were typically young workers. They had no criminal record; most of the leaders of these bands were family men, skilled workers. On the Red Guard staff the leaders of these flying patrols had a chequered background. They had been in prison, mostly for serious crimes. At the end of the war judgement for both groups was the same. They were usually shot, although some of them escaped to Soviet Russia.

White swift justice I: Civil Guards controlling rural areas

During the war the para-military Civil Guards acted as a local police force in white-occupied Northern Finland. After the Whites advanced to Southern Finland, the local Civil Guards gained control of recently occupied areas.

At the time of the Red occupation the Whites in these areas had their own spies and intelligence systems, because White adherents usually stayed in their homes during the Red occupation, even in the front line areas. Mostly due to the information of these spies and the intelligence systems, the White Army started to make lists of undependable persons in these areas. Usually it meant listing all revolutionary men of the Red Guard, but also listing other potential enemies: criminals, hooligans, but also members of the workers’ unions and the Social Democratic Party. When the White troops started to advance in April 1918, they had already made plans for punitive measures. In most places under Red occupation the Whites had lists of enemies.

The orders to local Civil Guards were everywhere the same: round up all potential enemies, shoot the worst ones. The authorities everywhere gave the same orders to Civil Guards to seize power locally. Orders urged to list the revolutionaries now in three groups. Those in the first category could be shot on the spot after a short investigation and trial. Those in the second category could be taken prisoners and sent to POW camps. If the suspects were listed in category three, they were to be set free.

This all means judgement by summary trial. It was made clear to local civil guardists and also to all local people, both sympathizers and enemies of the White movement. These purges lasted 2-3 weeks in White-occupied areas. Local guards arrested all Reds or suspects in their own area, tried them in the courts and sentenced them.

How hard this purge was depended in many ways of the local conditions. It depended on how long and how hard the Red occupation had been, if the Reds had killed Whites, and how much damage they had caused.

In Finnish history it has been reported that this White violence came from below, and as a reprisal, without the control and agreement of the White authorities. Courtmartial records show us that in many ways this purge was very rational. And it happened as the authorities of the White Army ordered.

White swift justice II: the White Army and courts martial

In 1909 Czar Nicholas II provided Finland with legislation for wartime. Because this legislation came in the years of oppression, the lawyers in Finland disagreed on its legality. The opinion of the Finnish lawyers was that these laws were not given to Finland as normal legislation. This was the opinion of P. E. Svinhufvud, Senator and lawyer, whose Senate declared Finland an independent nation on 6th December 1917. After a couple of weeks his Senate was fighting against a revolutionary *coup d'état*.

During the Civil War the White Army needed legislation for war criminals. It also needed legislation for the war to be fought. For the White Senate, now removed to Northern Finland, in Vaasa, it was both ideologically and politically impossible to accept the use of the Russian law, because these activists had fought for years against the Russian legislation and its domination in Finland. Using this wartime decree meant that all crimes, also fighting against White forces, would be judged in courts-martial by Russian military law.

Wartime legislation also meant that all civil administrative organs, also the Senate, were subordinate to the orders given by the supreme command of the White Army. The White Senate could not accept this, because it did not want to be dependent on the White Army and its orders. For the senators in Vaasa it was also difficult to accept subduing the rebels so harshly. Russian military law gave to the White Army the option to handle the revolutionaries in the hardest way.

For the officers of the White Army, who had served professionally in the Russian imperial army, this was unacceptable. Why did the White Senate not give all the authority to the White Army to repress the uprising? At the beginning of

the war these officers had started to use Russian decrees instantly when punishing Red rebels.

The situation was complex: the White Senate in Vaasa disagreed with how the White Army should be dealing with the rebels. When the Senate prevented the White Army from using the wartime decrees, the army had to make its own orders. On February 25 the commander of the White Army, General C. G. E. Mannerheim, gave orders not to use courts martial against Red rebels. Another order was given at the same time: it has recently been called the “shoot on the spot” order: if needed, it was possible to shoot the enemy on the spot – even if he was unarmed – in self-defence. These orders meant that organs like courts martial should not operate. It was understandable, because such courts would be illegal in this situation. Because the White Army needed military punishment for rebels, the “shoot on the spot” order had to be given.

The idea for the White military courts came from this. Because the officers wanted to use punitive measures against rebels, they used General Mannerheim’s order of February 25 as a decree. White officers made short investigations and gave their punishments according to this. Army organisations developed during the war for this investigative and punitive system: every military staff of the White Army had their own judges for this work.

After April 6th 1918 the situation on the Red-White front changed to the Red’s disadvantage. Tampere, the revolutionaries’ stronghold city in Southern Finland, surrendered. On the same day the Whites won the battle in the east, near the Russian border, in Rautu. In ten days the situation of the Reds became more difficult because of the German divisions’ invasion near the capital of Finland, Helsinki. After these events the front lines collapsed in Western Finland, and Red troops, with thousands of civil fugitives, started their journey east, trying to escape to Soviet Russia.

From Tampere the White Army took over 11 000 men and women as prisoners of war after the battle. In this situation the White Army needed a military law to punish Red rebels. The General Staff asked vice president of the Vaasa Court of Appeal, K. Söderholm, if it was possible in this situation to use the wartime decree. When Söderholm approved this, the White Army leaders started to use Russian military law as grounds for sentencing.

The prosecution of cases in occupied towns in Southern Finland was now given into the hands of the local Commandant. The Commandant worked as a part of the White Army: he had military patrols for all the work needed. In towns this was under the Commandant and his staff, in rural areas the local Civil Guards did the same work.

The Commandant took care of prisoners of war and took the occupied areas under his control. The armed patrols collected weapons and other military equipment and spoils of war. The Commandant’s office arranged the interrogations of the prisoners of war. For example, in Viipuri, where the troops of the White Army had taken over 12 000 prisoners of war, all these POWs were put before a military court.

For this interrogation work the Commandant had a Commandant’s office. The Office collected information about the Reds and their crimes during the

war. This work was organised systematically in a few days after the occupation. In a couple of weeks the Commandant's intelligence office had collected large amounts of intelligence on POWs and their crimes.

White inquiry commissions

Commandants set up three-men courts to conduct the investigation. They were called inquiry commissions. These inquiry commissions worked as described before, dividing Reds into three groups: first, second and third. The first group comprised all the Red Guard leaders, war criminals, murderers, looters and the main leaders of revolutionary civil organs. They would suffer capital punishment. The second group comprised all other men and women in the Red Guard and those who worked for it. They were imprisoned in POW camps. The third group was the "innocent" people. They were set free.

The Commissions gave their sentences, and the White Army patrols or local Civil Guard patrols conducted the executions or moved imprisoned persons to POW camps.

Nearly all the members of the inquiry commissions were local people. Over 90% of all the members of these inquiry commissions lived in the same district where the commission was set up and gave its judgements. The members of these commissions were not those who had suffered the most from the Red uprising, neither were they those who worked for the Civil Guard or its staff. Most of these were ordinary bourgeois people. The largest social groups among these members were landowners (23.4 %), businessmen (21.8 %) and officials or local civil servants (12.0 % + 9.7 %).

The most interesting point of view is the proportion of professional lawyers in the work of these commissions. They understood that the work of the courts martial was, if not illegal, not entirely beyond reproach. Most of the Finnish lawyers believed that the wartime decree was illegal. They knew too, that no other law, civil criminal law, or even the old military law of the Finnish Army was applicable in these courts martial. On the other hand, nearly all the lawyers in the Civil War were working as military judges: in the White Army or in the local Civil Guards. They believed that without the lawyers reprisal would be the only way to deal with the Reds. They believed that working – even illegally – in such courts was a better way to render justice than pure revenge. By courts martial purges were rationalised.

For the soldiers the military courts were a way to fight the Civil War. The Red terror had shown to all that these punitive measures had been a necessity. If they were not made, the victory would have been uncertain.

This is the main reason for the silence that fell over these events after the Civil War. Almost all "decent bourgeois citizens" had somehow taken part in these purges. Some of them were working in the Red occupation time as spies, others in the White Army or local Civil Guard, others by collecting information about the Reds' crimes, others giving information to inquiry commissions or working for them. For the lawyers the work in the inquiry commissions had been against

all the principles of their profession. For the soldiers this had only been a way to fight and to win the war.

The political situation in Finland changed after the Civil War. The political groups began to interpret the events of the Civil War to suit their own motives. Both sides in the war defended themselves by accusing the other side of terror. The authorities – trying to build a political consensus – began to admit that the Whites may have acted arbitrarily. This was upsetting to the White-minded people who had worked for the punitive measures. It came clear to these people that the work they had done in the spring of 1918, by following the orders of the authorities, had been somehow illegal.

Suspects

Twelve courts martial have been considered in this study. First, every court martial has been considered with a historical account, then charges, sentences and the social status of the suspects are considered statistically. Ten of these courts are considered together statistically. These courts give us data on over 2 500 persons regarding the sentences and the suspects. Two courts are considered by samplings of 100 (Varkaus) and 369 (Viipuri) persons: in Varkaus the total number of suspects was over 1 250 persons, in Viipuri nearly 12 000 were interrogated.

A typical suspect was a young man, a factory worker who lived in an industrial area near a town. Women were suspected and before the court in two cases. When a married woman was in court, she was asked about her husband and his crimes. When the suspect was a young unmarried girl, she had worked for the Red Guard or had born arms.

Of all the suspects three quarters had taken part in the revolutionary movement. Only 27 % of all suspects had taken part in a battle, armed and in the Red Guard. This tells a lot about the revolutionary movement and also about how the commissions construed the uprising. At the very beginning the commissions knew that the Civil War was much more than an armed uprising. Behind this was the whole revolutionary movement: the Red Army, and the local red civil organisations.

A man with a court martial record had usually been in the Guard in his own home district. If he had been in battle, the front-line had been near his home. About 14.8 % of all the suspects had been in so-called requisition detachments. These groups worked as a part of the Red Guards' maintenance. The members of these detachments were especially hated. To most of the landowners they were only looters. In many cases these men were even more hated than the local revolutionary leaders.

Nearly all the revolutionary leaders and commanders of the Red troops were brought before a court martial before they were shot. This fact tells simply how legal the white purge tried to be. Even the guiltiest men should be put on trial, and be duly sentenced.

The Red Guard commanders and civil revolutionary leaders had the worst prognosis. Nearly a quarter of the revolutionary leaders were shot, and nearly half of the Red Guard commanders were shot after a court martial sentence. The

fate of only one group was even worse. Nearly all those convicted of murder were shot.

For most of the revolutionaries the Finnish Civil War was a battle for political dominance, political power in Finland. They did not see it as a war of independence, against Russian troops – as the White propaganda tried to tell the White soldiers. Nor were they puppets of the Russo-Bolshevistic intervention: they knew very well what they were doing. Their own opinion was that they were making a revolution of their own.

The insecurity of their own future and fear of retribution caused many of the Red POWs to suffer psychological breakdown. Nearly 13 % were informers. This means that they gave the commissions incriminating information about other suspects. The informers did this mostly for three reasons. First, they were afraid of their own fate, in many cases without good reason. Second, they themselves had taken part in violence, lootings and killings. Bitter at their own fate was, they tried to give as much condemning information as possible about the others. Third, informers were old Social Democratic Party leaders, who had been in the revolutionary movement as a part of the party, and were now afraid of their own fate. The informers were useful to the military courts settling the local uprising. The informers hardly ever benefited from their role: nearly all informers were convicted of their crimes like the other suspects.

Sentences

Courts martial meted out sentences to nearly all the suspects. About 40.6 % of them were set free, 25.3 % were sent to POW camps. Nearly the same proportion of all the suspects in the courts martial got capital punishment (13.4 %), or did not have a sentence at all (13.3 %).

The Commissions of the White Army gave fewer death sentences than the local Civil Guard commissions. During the war fewer people were sent to POW camps because the shortage of guards and food in these camps. When the war was near its end, the White Army commissions took more prisoners than during the war. Nearly 60 % were taken in Viipuri as POWs, while during the war this share was only some quarter of all suspects.

Of all the suspects nearly 19.3 % died in 1918. Most of them, 73.4 % were shot, and only one fifth of all of those who died in 1918 died in POW camps.