Ruin and Redemption: Losing and Regaining Honour in the
Canadian Officer Corps, 1914—1945

By

Matthew Kenneth Barrett

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Abstract

This dissertation is the first comprehensive study to trace the evolution of military dishonour and dismissal from an historical perspective in the Canadian armed forces during the First and Second World Wars. Using extensive general court martial records, archival documentation, and restricted personnel files, this study examines judicial sentences of cashiering and dismissal as well as administrative punishments used to deprive officers of their commissions for misconduct, inefficiency, and incompetence. An officer’s failure to follow the formally and informally enshrined rules and values recognized as honourable in military culture deprived him of the right to respect among peers and the right to command subordinates. As this thesis is concerned with the construction of the concepts of honour and dishonour within the officer corps of the Canadian army and air force, I analyze the complicated social, economic, medical, and cultural consequences of officers’ disgraceful termination from military service. Examining institutional responses to officers’ misconduct offers important insights into the espoused values, beliefs and practices prioritized in both military culture and in the wider society. Derived from a British military heritage the idealized form of martial masculinity was best exemplified by dual identity of a man as an officer and a gentleman. Within the martial justice context, examining the nature of officers’ crimes and misbehavior provides historians with the opportunity to explore the boundaries of acceptable forms of gentlemanliness. Perceptions of what exactly constituted ungentlemanly and scandalous conduct in the military exposed the contradictions that underpinned divergent codes of masculinity. The model officer and gentleman was at once expected to be restrained and dignified while also exhibiting aggressiveness and virility. Misbehaviour whether in the officers’ mess, in public settings before civilians or on the battlefield revealed how the social conventions and commitments fundamental to an officer’s identity often depended on a sense of honourableness that was not nearly as stable as government and military authorities preferred to believe.
Acknowledgements

“A PhD thesis is very, very rarely read by anyone except the two or three professors who are compelled to do so in order to pass judgement upon it.”¹ This quote from a letter which I happened upon in archival work may have much truth to it, but even so I can say that I enjoyed my entire time at Queen’s University discussing, researching and writing this dissertation.

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Chapter 1: Introduction

Shortly after the outbreak of the First World War in August 1914, Leon Archibald, a 27-year old, Nova Scotia-born civil engineer in Regina volunteered as a private with the Canadian Expeditionary Force (CEF). After receiving a head wound at the second battle of Ypres in April 1915 and suffering shell shock with the Royal Engineers at the Somme in July 1916, Archibald transferred to a Canadian reserve battalion with the rank of lieutenant. Following several months stationed in England, Archibald became restless and discouraged while still afflicted by the lingering effects of his battle wounds. On 29 June 1917, a Canadian general court martial convicted the lieutenant of drunkenness and violent disorderliness after he had been arrested by the civil police in Canterbury the previous month. His defence counsel argued that Archibald’s behaviour was “a direct result of his service in the campaign” and felt that “the ignominy of confinement in a civil cell” warranted leniency. The court martial members disagreed and sentenced him to be dismissed from His Majesty’s Service. Upon official confirmation and promulgation of the sentence one month later on 27 July 1917, Archibald ceased to hold a commission in the CEF and returned to Canada.¹ Over a year later he unsuccessfully appealed for reinstatement at his former rank when he wrote to the minister of the militia, “Having to leave the Army before the job is finished is in itself bad enough, but to have to leave it in disgrace after three years honorable service ... is about as hard a blow as any man be called upon to take, and I sincerely trust that for the sake of an honorable family, my friends, and my own feelings, I may be allowed to get back into the service so that I can one day claim an honorable discharge.”²

¹ General Court Martial of Lt. Archibald, RG 24, reel T-8651, file 649-A-44.
Why has dismissal from military service and the loss of an officer’s commissioned rank been regarded as such a serious punishment? What does the legacy of this penalty as a crucial feature of military culture and officer corps discipline reveal about the meaning of honour and dishonour in a national armed force? Even according to Canadian military law today, the sentence of dismissal with disgrace, which now applies to commissioned and non-commissioned members, ranks third in the scale of punishments higher than imprisonment for less than two years, and only below imprisonment for more than two years and imprisonment for life. One hundred years after Archibald’s sentencing, in the July 2017 standing court martial of a Canadian ex-corporal convicted of absence without leave, military judge Colonel Mario Dutil identified the grave implications of dismissal from the Canadian Armed Forces (CAF):

Dismissal is not similar in nature to that of being dismissed, discharged or fired by your employer in the civilian context. The fact that a person has been administratively released from the CAF prior to receiving his or her sentence at court martial, does not make the punishment of dismissal ineffective or moot per se. Not only does such reasoning evacuate the rationale for this punishment in military law, but it ignores the fact that dismissal either with or without disgrace from Her Majesty’s service can have far-reaching consequences on a former service person in civilian life. In addition, the punishment of dismissal sends a serious message to the military community in promoting the sentencing objectives of general deterrence and denunciation of the conduct.3

According to Dutil’s summary, “dismissal with disgrace from Her Majesty’s service and dismissal have no equivalence or resemblance in the civilian context.”4 Other professions endorse codes of good conduct and enforce measures to discipline and exclude unfit members after evidence of gross misconduct. Lawyers can be disbarred. Priests can be defrocked. Doctors can lose their medical licences. Depending on labour laws and union regulations, employers in a civilian workplace may terminate an employee with or without cause. Yet expulsion within

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4 As of my original writing, Colonel Dutil had been charged with eight counts of fraud and false statements. He was to face his own court martial scheduled for 10 June 2019, which has been postponed.
military culture is supposed to represent an exceptional form of condemnation designed to mark a special stigma which may even carry “far-reaching consequences” into the ex-service member’s civilian life. Retired colonel and military lawyer Michel Drapeau asserts that, “Most obviously, the punishment is severe and has lifelong consequences. Moreover, the shame and opprobrium associated with such a punishment is likely to be haunting the CF member’s descendants for many generations.”

A dismissal sentence passed by a military tribunal in the form of a court martial, once confirmed by higher authorities and promulgated through official channels, marks the disgraceful end of a military career. As a court martial is composed of a panel of serving commissioned officers, and because confirmation must move up the chain of command, this sentence represents a definitive judgment on behalf of the entire service. To be dismissed symbolizes more than a personal punishment against an individual offender, and more than a symbolic mark against their family members and descendants. The strong emphasis placed on denunciation and general deterrence points to the public nature of the sentence as a collective statement intended to reaffirm espoused values of good conduct and reinforce desired moral norms. By designating specific types of offences, as well as certain individual offenders, as deserving expulsion from the service according to the enforcement of a distinct military-legal code, the martial justice system has aimed to strengthen a commitment to good order and discipline by discouraging potential misconduct in the future. This formula for maintaining the highest standard, in part through the threat of dismissal, depends on the expectation that service members privilege their position and status within the military institution. While this description identifies the rationale

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behind the sentence it does not fully describe the indirect consequences of dismissal nor does it fully explain its historical significance as a fundamental feature of military culture.

This dissertation is the first comprehensive study to trace the evolution of military denigration and dismissal from an historical perspective in the Canadian context. The importance attached to dismissal as a symbolic disgrace reveals much about how the military has classified its members by their rank and perceived status—which indicates to what extent the institution has acknowledged members’ claim to honour. What does it reveal about the priorities of military justice and discipline that only the commissioned ranks were seen until relatively recently as entitled to the special dishonour associated with a dismissal sentence? As derived from British Army history and tradition, dismissal as a formal penalty for misconduct exclusively applied to the officer corps. A general court martial sentence, upon confirmation by royal authority or by a designated representative of the crown, cancelled the offender’s commission, which the sovereign granted to every serving officer, and expelled the ex-member from an exclusive honour-bound group. The most disgraceful form of dismissal known historically as cashiering signified a ritualized process through which a convicted officer was physically dishonoured by having his rank badges and buttons torn off his uniform before assembled peers. As this type of public punishment and disciplinary deterrent was fundamentally designed to destroy an ex-officer’s honourable reputation, all officers by virtue of holding a commissioned rank were presumed to have a sense of honour that could be disgraced. The British Army historically did not assign the same sense of honour or prestige to lower ranks meaning that dismissal in the past did not form a corresponding role in discipline for privates and non-commissioned officers.

As this thesis is concerned with how the concepts of honour and dishonour have been constructed and interpreted within past Canadian armed forces, I focus primarily on the meaning
and significance of the dismissal of Canadian officers during the first half of the twentieth
century through the First and Second World Wars. Comparing the dismissal of officers with the
sort of dishonourable discharges imposed on soldiers will nevertheless be important to illustrate
how the military’s separate scales of punishment based on rank evolved as ideas about the
exclusiveness of honour changed.\textsuperscript{6} Whereas the sentence of discharge with ignominy for lower
ranks almost always included penal transportation or branding during the nineteenth century, and
imprisonment or detention during the twentieth century, in the CAF today a court martial
sentence of dismissal applies to both officers and non-commissioned members. As this thesis
will show, mass mobilization during both world wars and the public expectations for the
appropriate commemoration of military duty expanded the number of uniformed men who could
claim a right to honour—and therefore gradually expanded the number of military personnel who
could be dishonoured as an accepted and effective punishment.

The exclusiveness of dismissal as a special punishment reserved for officers historically
reflected the unique status granted to the type of man likely to attain a commissioned rank. As
part of a British regimental tradition which had evolved through the eighteenth century, the
privilege and responsibility of receiving a commission in His or Her Majesty’s Service meant
that a man was not only an officer but also a gentleman. As part of a shared imperial culture, by
adopting British Army customs and by following a nearly identical formal code of officer
discipline, the Canadian officer corps attempted to emulate this gentlemanly model as a measure
for a man’s moral conduct and etiquette. As I document in the thesis, the meaning of
gentlemanliness throughout this period changed depending on a range of acceptable and
unacceptable masculine behaviours and expressions. An officer’s failure to follow the formally

\textsuperscript{6} I use “dishonourable discharge” as a catchall for the various forms of judicial and administrative separation from
the service for misconduct. The specific sentence of “dishonorable discharge” for soldiers and NCOs exists in the
United States martial justice system.
and informally enshrined rules and values recognized as honourable by military and regimental cultures deprived him of the right to respect among peers and the right to command subordinates. The composite identity of an officer and a gentleman meant deprivation of the former also negated the latter. By tracing how Canadian military authorities defined gentlemanliness during the world wars, this thesis further examines how changing definitions of scandalous behaviour shaped the quintessential honour crime known as conduct unbecoming an officer and a gentleman. Studying the role of the military justice system and interpretations of conduct unbecoming in Canadian officers’ court martial cases provides historians with important insights into the values and beliefs prioritized in both military culture and in the wider society.

While this thesis uses the general court martial record of the Canadian army and air force as a central source base to trace the shifting meaning of dismissal and cashiering according to military-legal precedent, I am not only interested with the judicial process. Understanding non-judicial, administrative punishments is equally important to the impact of dishonour on an officer’s social status and sense of masculine worth. In “‘Temporary Gentlemen’ in the aftermath of the Great War: Rank, Status and the Ex-Officer Problem” (1992), historian Martin Petter refers to “the uniquely awkward adjustments associated with being ‘de-officered’ at the same time as being demobilized.”7 By analyzing the contemporary writings of former British officers anxious about class position and civilian prospects in the aftermath of the First World War, Petter connects the process of being demobilized with the difficult transition experienced after losing officer status. In this thesis, I offer a modified concept of “de-officering” as separate and distinct from the process of demobilization and honourable retirement.8 While not denying that

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8 While historians may refer to any former commissioned member—demobilized or otherwise—as an “ex-officer,” in this thesis, I use the term “ex-officers” only to refer to those sentenced to dismissal or cashiering by court martial
many former military officers might experience a loss in perceived status and self-worth at the termination of a conflict or the end of a career, my thesis focuses on the difficulties and consequences of being forcibly deprived of a commission due to alleged misconduct, unsuitability, incompetence and inefficiency.

This more precise form of de-officering is a more useful category because it encompasses judicial sentences of cashiering and dismissal as well as administrative reclassification categories such as removal, resignation and forced retirement—though the stigma was not necessarily as evident in these cases, the social and economic effects could be just as shameful. Although military authorities justified dismissal by legal means or removal by administrative policies as essential for deterrence and reinforcing espoused values, the capacity to dishonour and expel certain officers also reflected a priority to reject individuals deemed unworthy of a commissioned rank. Officers whose behaviour or temperament appeared to depart from the masculine ideal expected of officers and gentlemen could be marked for exclusion. Those officers who failed to develop a sense of solidarity within their unit and engender comradery with fellow officers furthermore could not draw on peer support when targeted for removal or when under charge for an offence. Failure to live up to one’s rank and exert self-control contradicted the cultural importance placed on willpower as a defining feature of manhood throughout this era. Contemporary moral and medical assumptions about corruption, degeneration and criminality further aimed to isolate instances of bad behaviour in the supposed abnormal predispositions of accused officers. De-officering therefore provides a unique window into stigma formation that enables historians to identify the direct and indirect ramifications of social ostracization, judgment and shame on this once privileged class of male military leader.

as well as those administratively deprived of their commissions for misconduct. Likewise, I use “de-officering” only in reference to involuntary separation from the service for misconduct and/or incompetence.
The potential economic repercussions and social stigma involved in the loss of a commission helps to identify the level of esteem in which the wider society has historically placed on military service. In Canada, with a population often described by scholars as largely composed of an “unmilitary people,” militia participation and professional army service did not generate substantial public prestige during the nineteenth century, and in fact military membership often elicited public derision. Mass mobilization during the First World War, the commemorative importance assigned to veteran status during the interwar period and the total war experience of the Second World War shifted Canadian attitudes toward military service as a patriotic duty more likely to be respected and honoured by many segments of the population. Examining the evolution in public responses to martial service through the prism of dishonour and dismissal provides important insights into how expulsion from the military assumed greater social and economic consequences than simply being excluded from a narrow circle of army professionals. During the nineteenth century, dismissal and cashiering from the army denied an unworthy officer the status of a gentleman and reduced the man to the station of a citizen. I argue that as voluntary martial service increasingly defined male citizenship and masculine self-identity in Canada during the world wars, being deprived of a commission for misconduct or incompetence became a more detrimental and dishonourable punishment because it reduced the ex-officer to a status below that of a citizen and even below that of a man, with the potential loss of civic rights, social capital, masculine status and financial entitlements.

The effectiveness of cashiering as a deterrent to maintain good discipline and as a punishment to stigmatize offenders depended on each officer’s recognition that his honour, as

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symbolized by his commission, represented a precious value to be protected. The process of legal and administrative de-officering illustrated the importance of honour at the same time as its fragility. That the potential loss of a commission could represent a significant threat to an officer’s livelihood, social standing and sense of worth identifies the types of behaviours deemed by a regimental culture as most egregious. In this respect, loss of a commission was more than simply a military penalty. The power of disgraceful dismissal to destroy an ex-officer’s character and reputation also depended on the willingness of others within a society, most of whom did not belong to the military, to enforce the stigma against fallen ex-officers. Unlike dismissal from a government position or being fired in another occupation, expulsion from the military carried a higher implication of dishonour designed to exclude any ex-officer and ex-gentleman from association with respectable society and civic service. Throughout the thesis, I place a strong emphasis on shifts in the potential loss of these various citizen rights in order to highlight a gulf between rhetoric that stressed the inherent shame of dismissal and the reality of de-officering which did not always prove to be as much of a perpetual and debilitating stigma in practice.

The sentence of cashiering or the loss of a commission by administrative means was supposed to ruin a man’s honourable reputation but because the penalties strictly applied to a unique class of officers and gentlemen, victims of the punishment were presumed to already possess a sense of honour that could be disgraced. A man who truly acted dishonourably might not have perceived loss of honour as much of a punishment at all. Those who genuinely felt the shame of such an ignominious judgement by comparison still acted honourably because they acknowledged the consequences of their dishonouring. The full effect of expulsion and denigration thus depended on an individual’s internal sense of disgrace combined with the external disgrace imposed by group members as well as the loss of esteem from the wider
society. Central to the dishonouring process was the expectation that a worthy ex-officer would attempt to seek rehabilitation through re-enlistment in the private ranks. The hierarchical structure of the military provided a redemptive path for a man disgraced after having achieved a commissioned rank to voluntarily choose to climb the ladder from the lowliest position. Endorsement of re-enlistment and commendation for those ex-officers who joined again best exemplified the central importance placed on redemption and willpower in military culture specifically, and within twentieth century masculine culture more generally.

Of the tens of thousands of officers commissioned into the Canadian armed forces during both world wars, only several hundred were ever “de-officered” either through judicial sentences or administrative reclassification. While the varied experiences of this unusual type of officer did not reflect the general conduct of the entire Canadian officer corps, this history offers a critical perspective into how the military interpreted and constructed notions of honour and dishonour in war and peace. In the interest of denunciation and deterrence, the Canadian officer corps designated a number of members deemed to have failed to uphold the honour of the service as disciplinary examples to be expelled and disgraced. While the unfortunate fate of some convicted ex-officers may have deterred other serving members from committing similar crimes or indulging in delinquency, the threat of dismissal did not guarantee good conduct. Indeed, the threat of dismissal as an important means to promote discipline and good behaviour had the potential to undermine a notion that the officer corps would always uphold a virtuous honour code for its own sake. Misbehaviour whether in the officers’ mess, in public settings before civilians or on the battlefield revealed how the social conventions and commitments fundamental to an officer’s identity often depended on a sense of honourableness that was not nearly as stable as government and military authorities preferred to believe.
The theoretical basis for this dissertation centres on several intricate concepts which must be unpacked through greater explanation and analysis. First, the significance of de-officering depends on understanding the nature of military culture, as well as the distinct concepts of military justice and discipline. Second, as this project is primarily interested in the dishonouring process within Canadian officer corps culture, the extensive literature on the meaning of honour itself must to be more closely assessed. From a greater appreciation for the complexities surrounding historical interpretations of honour, this thesis will next develop the integral concepts of dishonour, stigmatization and redemption. Third, as codes of honour have historically been conflated with ideas about manliness, the special symbolic capital granted from possessing honour will next be explored in relation to the cultural construction of a martial masculine ideal in Western society. Within British military culture specifically this notion of exemplary masculinity has been most clearly expressed in the creation of a commissioned member’s dual identity as an officer and a gentleman. Just as the culturally privileged forms of masculinity evolved through the two world wars, the meaning of gentlemanliness came to reflect different meanings within Canadian military culture and the wider society. The ability to claim a right to honour and behaving according to the standard of a gentleman combined with the special status achieved through military service in turn formed fundamental components for male citizenship in the first half of the twentieth century. Finally, I outline my methodological approach for this thesis, explain my use of primary sources and summarize each chapter in this dissertation.
Military Culture and Military Justice

To appreciate the significance and consequence of disgrace and dismissal, I begin with a deeper exploration of military culture itself. Different professional and organizational cultures encompass the values, attitudes, beliefs and behaviours both expressed and practiced by any group’s leaders and members. In *Understanding Military Culture: A Canadian Perspective* (2004), Allan English identifies the study of culture as a useful theoretical framework “to explain the ‘motivations, aspirations, norms and rules of conduct.’”10 English divides military culture into two essential components: its professional ethos, which includes cohesion, etiquette and discipline, and the military’s relationship with civilian society. By its unique cultural artefacts such as rituals, regulations and ranks, the military as an institution is distinct from civilian society yet it is still shaped and influenced by its national culture. Although the concept of culture tends to imply a neatly ordered sense of shared assumptions tightly bound up in the common beliefs of group members, the actual function of any organizational culture is characterized by more complicated and contradictory practices. Organizational cultures endorse certain values and assumptions but there is a crucial difference between members’ espoused values and their values-in-use. Espoused values represent the enshrined rules and regulations said to govern group members’ behaviours whereas values-in-use describe the unofficial practices and actions actually exhibited by group members.11

Canadian military culture is largely a product of the history of the Canadian Army which in turn owed much of its organization, regulations and customs to colonial British heritage. Although the early Canadian militia attempted to emulate British regimental structures, for

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political and cultural reasons the idea of professional soldiering held little appeal for most Canadians during the first decades of the dominion’s existence in the late nineteenth century. The experience of two world wars fundamentally reshaped Canadian military culture and improved public esteem for voluntary military service.\textsuperscript{12} Throughout this period Canadian Army leadership identified its institution as part of a wider British imperial culture, though certain unique features shaped the dominion’s primary celebration of citizen-soldiering and its interpretation of good officership. The voluntary tradition of Canadian military service tended to privilege those with the wealth, education, social standing, ancestry or political connections required to obtain a commission in a militia regiment, which also rested on an assumption that success in political, civic and business life was critical to military leadership.\textsuperscript{13} Although the officer and gentleman dual identity did not always match the espoused democratic beliefs of a supposed “classless” Canadian society, the military culture actively promoted the social, financial and moral obligations expected of every honourable officer and gentleman.\textsuperscript{14} The military prioritized its espoused values and interpretations of good conduct through how the chain of command defined and disciplined particular unofficer-like offences. Some forms of misconduct breached a more subjective honour code based on regimental traditions and unwritten customs while other crimes violated the formal rules and regulations established by military law.

Especially in a wartime context, the Canadian military not only used administrative procedures to deprive unsuitable officers of their commissions; it also depended on an intricate

\textsuperscript{12} English, \textit{Understanding Military Culture}, 87-90.
military justice system to legally dismiss convicted officers from the service. Derived from British military-legal precedent and legislation, the Canadian military justice system was empowered to enforce a code of discipline against uniformed members. To many citizens the word justice implied an application of law and punishment with a primary concern for impartiality, but military justice differed from its civilian counterpart in how it placed practical and external considerations before simple fairness to the individual. During the time period studied in this dissertation, general courts martial followed common law customs in regard to basic trial prosecution and defence, presumption of innocence and burden of proof, but an accused officer’s punishment often depended more on important situational factors such as overall discipline, general conduct within the officer corps and protecting the public image of the Canadian armed forces.

The important subject of military justice has received limited attention from Canadian historians. After twenty years Chris Madsen’s Another Kind of Justice: Canadian Military Law from Confederation to Somalia (1999) remains the only comprehensive historical study of the Canadian military justice system. Madsen traces Canadian military law from its nineteenth century British origins through to the twentieth century in which legal developments adapted to the extraordinary circumstances of the First and Second World Wars. Rather than reflect a nationalist impulse for greater autonomy and “Canadianization,” the evolution of military law in the country owed more to practicality and expedience than to deliberate design or careful consideration. Madsen’s attention to the intricate administration and organization of the Canadian military justice system and his analysis of the growth of the Judge Advocate General’s branch through the twentieth century provides significant background for the legal and judicial

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15 Chris Madsen, Another Kind of Justice: Canadian Military Law from Confederation to Somalia (Vancouver: UBC Press, 1999), 2.
16 Madsen, Another Kind of Justice, 6.
aspects of this thesis. My research on dismissal by court martial and the broader theme of officer discipline aims to build on Madsen’s work and contribute to greater knowledge and understanding about the history of Canadian military justice and the creation of separate administrative de-officering policies.

When historians have turned their attention to military law in wartime most have focused on the controversial role of the death penalty for cowardice and desertion. Teresa Iacobelli’s *Death or Deliverance: Canadian Courts Martial in the Great War* (2013) provides an excellent examination of First World War military law and discipline through her investigation of all Canadian soldiers sentenced to death including nearly 200 cases where higher authorities ultimately commuted the extreme penalty. While Iacobelli thoroughly examines the legal, administrative and medical issues surrounding execution sentences during the First World War, the subtitle of the book is slightly misleading because her study of Canadian courts martial is more narrowly focused on capital cases and field general courts martial of other ranks only. British literature on First World War courts martial and discipline likewise reflects the interest of historians in the complex issues surrounding the death penalty for military crimes on the battlefield. Most notably Gerard Oram has published several works on military execution in the Great War and he provides essential background for the disciplinary strategies pursued in the British Army. Canadian and international studies on themes of insubordination, mutiny,

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discipline and morale during either the First or Second World War tend to focus primarily on lower ranks within the context of a combat theatre.\textsuperscript{20}

Some historians of the world wars have referred to dismissal sentences and officer discipline in a more cursory manner—usually in the context of general studies on war and army organization—but few have delved into deeper analysis on the specific topic. More focused on the fairness of the coercive punishments awarded to ordinary soldiers or on uncovering the experiences of persecuted other ranks, many historians also tend to frame the concept of dismissal as a product of officers’ privilege and therefore not so much a punishment but instead an indicator of preferential treatment.\textsuperscript{21} This thesis will address the debate over the actual punitive nature of dismissal for officers particularly by assessing how military authorities and courts martial could use cashiering as a substitute for imprisonment, and even in the place of actual execution. The exclusive nature of dismissal must be understood in the context of separate scales of punishment based on rank which in turn reflected underlying institutional beliefs about the class, education, intellect and honour possessed by officers compared to other ranks. At the same time, my research seeks to move beyond an uncritical assumption that the loss of a commission for an officer simply constituted either no or minimal punishment in contrast to the “vulgar penalties” inflicted on soldiers.\textsuperscript{22} Ex-officers’ appeals for vindication, claims of economic distress, and expressions of personal shame and humiliation need to be taken seriously though with the recognition that a professed sense of disgrace usually contained elements of truth, lie and exaggeration depending on motivation and circumstances.

\textsuperscript{20} Craig Mantle (ed.), \textit{The Apathetic and the Defiant: Case Studies of Canadian Mutiny and Disobedience, 1812–1919} (Kingston, ON: Canadian Defence Academy Press, 2006); Howard Coombs (ed.), \textit{The Insubordinate and the Noncompliant: Case Studies of Canadian Mutiny and Disobedience, 1920 to Present} (Kingston, ON: Canadian Defence Academy Press, 2007).


\textsuperscript{22} Morton, \textit{When Your Number’s Up}, 107.
Dismissal and Dishonourable Discharge in Context

Although the social, economic and cultural dimensions of termination from the military have largely eluded the attention of historians, several scholars of military law and serving military legal officers have recognized the importance and relevance of research into this topic. Most of the relevant literature about “punitive separation” from the armed forces has focused on the United States military context. In the American service branches, court martial sentences of dishonourable discharge and bad conduct discharge, or disciplinary forms of administrative release such as the most severe, an “other than honorable” discharge, involve the loss of veteran grants, restrictions on access to government-provided medical care and denial of other federal benefits. American ex-soldiers with “bad paper” discharges may face particularly difficult mental health problems and economic challenges transitioning to a civilian life.23 In a 1961 *Military Law Review* article, Captain Richard J. Bednar commented on the increasing tendency in the post-Second World War era to stress “material” consequences of dismissal and discharge in the form of denial of benefits over the sense of “spiritual” denigration: “The real punishment should be the haunting realization to the offender that he has been judged to be ‘dishonorable’ and that honorable men both in and out of the military community will shun him and seek to avoid the malodorous taint which he bears.”24 A 1976 *Military Law Review* article by Captain Charles E. Lance used statistical analysis to measure the actual economic and employment costs experienced by dishonourably discharged American service members. He argued that punitive separation represents a more effective disciplinary tool in wartime and only for the most serious

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offences in peacetime. As he pointed out, “Too frequent imposition of a discharge makes it commonplace and causes a loss of significance.”

In more recent years, scholars and sociologists have focused on the direct and indirect economic and health care costs suffered by American veterans subject to administrative forms of release such as “other than honorable” discharge.

The current United States Uniform Code of Military Justice defines dismissal for officers as equivalent to dishonorable discharge for lower ranks but the separate terms suggest different symbolic meanings based on attitudes towards rank and status. By the very language attached to each punishment the dishonour associated with “dishonorable discharge” is evident and explicit; meanwhile the dishonour associated with the term “dismissal” is only implied. United States judge advocates have long called any reference to a “dishonourable dismissal” of an officer superfluous. Depending on the context in which it is used, the word “dismissal” nevertheless might appear to the general public as signifying any number of reasons for release from the military from mere reduction of surplus personnel to possible ineffectiveness to actual gross misconduct. Although the word dismissal usually implies some type of negative consequence, it is not a mere semantics that unlike dishonorable discharge the dishonour is not literally attached to the actual sentence of dismissal.

Although both the United States and Canada derive their respective military justice systems from a British military-legal tradition, the two have evolved differently in regard to how each approach expulsion by court martial and administrative release for bad conduct. The modern Canadian Armed Forces does not use the legal term dishonourable discharge; instead the

26 Michael J. Wishnie, “‘A Boy Gets into Trouble’: Service Members, Civil Rights and Veterans’ Law Exceptionalism,” *Boston University Law Review*, vol. 97, no. 5 (2017), 1709 - 1774
National Defence Act defines two types of dismissal which apply to all ranks. The two categories—dismissal with disgrace, and dismissal—differ by severity of the offence rather than by the status of the offender. Over the last 25 years, over 30 CAF officers and non-commissioned members have been dismissed by general or standing courts martial. Private Kyle Brown of the Canadian Airborne Regiment was the last Canadian service member to be dismissed with disgrace (plus five years imprisonment) for his role in the torture and death of a Somali teenager in the 1993 mission. This rare use of dismissal with disgrace as strong disciplinary deterrent points to the sentence’s continued gravity and relevance in Canadian military culture. In a 2003 commentary on the history of military law and sentencing, Michel Drapeau makes the claim:

> In simpler days, when the bulk of Canada's population was rural in nature, the punishment of dismissal with disgrace or release for misconduct had little long-term impact upon the future employability of the disgraced soldier or officer. At worse, his reputation, prestige, and standing in his own community was tarnished after being branded as unfit for service to Queen and country. However, if he relocated to some other part of the continent, with or without an assumed alias, he could live out his existence in relative anonymity, tranquillity and even comfort. Such a scenario is very unlikely today in an age of electronic mass communications and regulatory intervention by the state in several aspects of modern life.

While Drapeau’s commentary addresses current problems with the military justice system, an assumption that dismissal represents a greater punishment in modern society compared to the past warrants a more thorough examination. This thesis aims to provide important context for understanding the role of dismissal in the modern armed forces by addressing the complicated cultural history of de-officering within Canada’s military past. The material loss, social

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27 Dismissal with disgrace in the CAF carries ineligibility to serve Her Majesty again in any military or civil capacity except in an emergency while dismissal does not include this restriction on future employment by the crown.

28 After failing to overturn the sentence on appeal, ex-Pte. Brown was released from the CAF in May 1995. He was confined to a civilian penitentiary until release in November 1995. Recent news stories have reported his difficult post-military life.

29 Drapeau, “Canadian Military Law Sentencing,” 440.
exclusion, family shame and personal disgrace all formed a part of the dishonouring process. The relevance and significance of this process, however, first depends on a solid theoretical foundation upon which to investigate the root concept of honour.

**The Meaning of Honour and Dishonour**

As evident by the title of the current Canadian Armed Force’s service manual, *Duty with Honour* (2009), the concept of honour is particularly evident, and frequently evoked, in military cultures. Nation-states claim to go to war in defence of national honour, to honour a commitment to an ally or to advance an honourable cause. Military organizations espouse honour as a central feature of the profession of arms.  

Soldiers are said to have died for the honour of the nation and their names are listed on “honour rolls.” Victory or defeat on the battlefield is to be achieved with honour. Medals and citations are awarded for honourable actions in battle. The public is expected to pay honour to the dead and veterans through ceremony and memorialization. Monuments, plaques and public buildings are named in honour of heroic soldiers and battles. By associating this version of honour with notions of martial strength, historian Paul Robinson asserts, “War and honour are inseparable.” Although warfare and military culture appear closely connected with this language of honour, the intricate meaning of the word is often taken for granted. Analysis of honour from a military and political perspective rarely delves deeply into the complicated meanings and implications of the term as well as of its essential counterpart—dishonour.

**Defining Honour and Symbolic Value**

How honour has been imagined and expressed in the past serves as a valuable investigative framework for historians to understand the role that cultural attitudes and beliefs have played in

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30 *Duty with Honour: The Profession of Arms in Canada* (Canadian Defence Academy, 2009).
shaping ideas about socially acceptable and unacceptable behaviours. Studying the rules and rituals that characterized unique honour systems in turn provides important insights into the historical context of a particular societal or organizational culture. Examining the role of honour during English Civil War-era political intrigues and slander in the seventeenth century, historian Richard Cust encapsulates the importance of honour as a rich area of historical inquiry: “Honour can be said to mediate between the aspirations of the individual and the judgement of society. It therefore provides a means of exploring the values and norms of a society, and also the ways in which individuals compete to sustain or increase their status and power within that society.”

Charting the construction of notions of honour and dishonour enables historians to determine the type of actions and expressions that a society, community or profession deemed either admirable or offensive. Scrutinizing the nature of the rewards or punishments assigned to these behaviours indicates how the group prioritized certain espoused values and values-in-use that governed social interactions and inter-group dynamics. By focusing on the process for gaining, maintaining and losing (and perhaps regaining) honour, historians identify the boundaries of socially acceptable and unacceptable thoughts, behaviours and expressions. This approach allows historians to identify the complex and often contradictory interpretations of prestige and disgrace within specific historical, geographic and cultural contexts.

Particularly since the 1960s, anthropologists and social scientists have turned to the study of honour and dishonour to understand the development of order and custom in societies. Honour represents a code of conduct that aims to shape human behaviour and social interactions through ritual and prescribed rules which are usually understood as implicit. Among the leading theorists of honour in the field of anthropology, J.G. Peristiany and Julian Pitt-Rivers, state, “honor is too

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intimate a sentiment to submit to definition ... It is therefore an error to regard honor as a single constant concept rather than a conceptual field within which people find the means to express their self-esteem or their esteem for others.”33 The word honour itself does not itself signify specific universal values—such as courage, trustworthiness or decency—instead honour gives meaning to those normative values which a society or group either extols or condemns. Indeed, the adage that “there is honour among thieves” illustrates how honour may exist as a concept even in criminal groups that contravene the larger society’s code of honourableness. The power assigned to honour is derived from the willingness and accepted obligation of others within a community or group to recognize certain positive qualities and behaviours as worthy of symbolic significance and reverence.34

A prevailing bipartite theory in the literature identifies honour as composed of two separate aspects: internal and external. The former is a person’s private self-worth while the latter signifies a person’s public reputation. While some scholars examine these two aspects as only loosely connected, anthropologist Frank Henderson Stewart persuasively argues that together internal honour and external honour form an individual’s “right to respect.” Recognition from others thereby validates a person’s inner feeling of worth. The duty of the individual to behave honourably entails a corresponding duty from the wider society to grant the individual value.35 Paul Robinson notes that while external and internal definitions of honour co-exist and interact, they do not always mirror each other.36 Depending on different circumstances, the external expectations and priorities of society might conflict with the internal conscience of the

33 J. G. Peristiany and Julian Pitt-Rivers, eds. Honor and Grace in Anthropology (Cambridge: Cambridge University Press 1992), 4
36 Robinson, Military Honour, 2.
individual. A student might for example privilege a personal code of honour over doing something unethical in order to gain an advantage. Conversely, the awards offered by an education system that privileges good grades might give others an incentive to cheat in order to do well on a test.

Stewart’s theory of honour groups serves to reconcile possible contradictions between internal and external definitions of honour. An external understanding of honour is in part comprised of the collective internal beliefs and values of individuals belonging to a specific community just as each individual’s internal conception of honour is in part shaped by external influences from peers. Within a larger society individuals also belong to distinct smaller communities, organizations and professions in which members share a unique culture and must adhere to codes of appropriate conduct. Within these honour groups, shared understandings of internal and external honour provide a measure which allows members to evaluate themselves against their peers as well as define the boundaries of the membership’s inclusion and exclusion. Honour governs the relationships and interactions of the group because the attitudes and behaviour of each member reflects the reputation of all.\(^{37}\) The personal honour code of an individual within an honour group therefore must mirror the code of honour espoused by the collective. As individuals may belong to multiple honour groups simultaneously, such as smaller ones like family and social organizations to larger ones like professions and nations, individuals are, however, still sometimes bound by contrasting or contradictory codes of honour.

Stewart further distinguishes honour between its horizontal and vertical components. Horizontal honour is a form of mutual respect granted to equals. It provides the basic requirement for exclusive membership in a particular honour group through a prescribed set of behaviours and values. Acting honourably according to the collective standards of the whole

maintains an individual’s status within that group. By contrast, violating the honour code results in shame and exclusion designed to preserve the honourable reputation of other members. Vertical honour involves a competitive hierarchy which serves to validate some form of claimed social superiority. As Stewart explains, it is the esteem and admiration granted to individuals “who are superior, whether by virtue of their abilities, their rank, their services to the community, their sex, their kinship, their office, or anything else.” Whereas vertical honour can increase or decline relative to the status of others, horizontal honour can only be lost because it is by definition the right to respect among equals. Possession of horizontal honour and the competition for vertical honour therefore serve as vital benchmarks to privilege a specific group as distinct from the wider society and population.

Pitt-Rivers explains that honour for an individual “is his estimation of his own worth, his claim to pride, but it is also the acknowledgment of that claim, his excellence recognized by society, his right to pride.” As a “claim right” honour holds special value which an individual aims not only to maintain but also to use. Although often understood principally as a moral concept and an abstract ideal, honour is in fact closely intertwined with material and economic interests as well as notions of power and influence. Pierre Bourdieu identifies honour as representing a form of symbolic capital which offers a sense of authority for esteemed individuals to utilize in their public lives. Studying the legal implications of honour in nineteenth century Imperial Germany, Ann Goldberg effectively summarizes the importance of honour as a commodity: “The value, symbolic as it was, translated into all the important material

38 Stewart, *Honour* 59.
things in life—social status, jobs, credit, marriage, and power—honor being a kind of currency that could be turned into goods and services, or, to the contrary, squandered and lost.” As the commodity analogy suggests, a fundamental aspect of honour is its preciousness and fragility. Vertical and horizontal honour can be lost through inappropriate, or perceived inappropriate, behaviours which thereby results in disgrace, stigmatization and devaluation of the offender’s symbolic capital. Loss of horizontal honour necessarily results in exclusion from the honour group while loss of vertical honour reduces the disgraced individual relative to the status of other members.

In a concise, theoretical approach, political philosopher Robert Oprisko offers a clear explanation for how internal/external and vertical/horizontal dynamics interact within an honour system. Internal honour is composed of honourableness, an individual’s acceptance of the social values ascribed by the group, and dignity, the value an individual places on oneself. External honour includes six separate components: prestige, shame, face, esteem, affiliated honour and glory. Although many of the terms appear quite similar, each conveys a distinctive meaning. Prestige is a positive motivation earned within a hierarchal honour group for actions and attributes deemed worthy by members of that group. Shame, or more properly the capacity for shame, is a negative motivation to avoid actions or attributes that violate the group’s standard. Face maintains horizontal honour within a group as an equal member. Esteem is the value placed on an individual or group by those external to that honour group. Affiliated honour refers to the collective prestige or shame assigned to individual members by virtue of their mutual association with the whole honour group. Glory combines these five components of honour along with fame, to enable “a person’s social value to transcend his or her own life-world, escaping the bonds of

time and space.” Honour immortalized in glory is most clearly evidenced in the mythological stories of hero-creation such as Homeric epics.

The example of a British Army regimental system helps to visualize this process of honour formation in practice. An honourable officer internalizes the values and principles of the regiment and expects to be treated with dignity as a part of that military culture. In battle, behaving at least according to the expected standard of fellow officers preserves the officer’s position (saves face) within the regiment. If the officer performs a heroic action for which he receives commendation from superiors that in turn enhances his prestige relative to his peers. The officer who was motivated to act heroically, or at least motivated to do his duty, does so in part, because to shirk his duty and behave in a cowardly manner would be shameful to both himself and the group as a whole. By excelling according to the standards of his own regiment, an officer is expected to receive the esteem of civilians though as an external population to the regiment they do not directly participate in the military honour system. Members of the entire regiment in turn receive greater honour though their mutual affiliation with a prestigious and esteemed hero. Finally, honour (doing one’s duty) combined with fame (going beyond the call of duty) results in the glorious elevation of the heroic model of an officer to “transcendent exemplar par excellence.”

Dishonour, Shame and Stigma

If prestige enhances an individual’s standing due to good conduct then disgrace follows conduct judged offensive and immoral by the group’s standard. The regimental model again serves as a good example for the equally important inverse process of dishonouring. In battle, for instance, whereas the heroic officer went beyond the call of duty, and another honourable officer

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44 Oprisko, *Honor*, 159.
at least behaved according to prescribed good conduct, a third officer perhaps refused to fight by behaving in a manner which might be construed as cowardly. The first officer is ceremonially honoured with prestige and esteem, the second officer receives affiliated honour by meeting the threshold for good conduct while the third is disgraced by condemnation from superiors and ostracism from peers. Such an officer who has internalized the values of the regiment by linking his dignity (self-worth) to the estimation of the group would be expected to feel ashamed. The sense of shame, and the judgment of superiors, compels the disgraced officer to leave the regiment due to the intolerable humiliation and in order to not tarnish the collective honour of his fellow officers. By following the expectations as prescribed within the honour system a disgraced officer—despite having committed a dishonourable act—might yet regain acceptance through redemption. In this context, the sense of shame is designed to serve as a powerful motivator to regain honour.

As Oprisko observes, “By abiding by the norms of the group, persons show themselves to be honorable, and the burden of shame can become a source of prestige.”45 The opposite of shame might be considered to be pride, but the opposite of a sense of shame is actually shamelessness. Without a sense of shame, the rules and expectations established within an honour system are rendered ineffective for the purposes of discipline, deterrence and motivation. Shameless individuals care nothing for losing face or acquiring the esteem of others or protecting the honour of an affiliate group. Rather than possessing honourableness, members who do not internalize the social values of the group are honourableless, and are therefore personally unaffected by penalties of shame and exclusion. Other members within the group who by contrast do place value on internal and external conceptions of honour would nevertheless be

45 Oprisko, *Honor*, 75.
expected to recognize that the ostracization and stigmatization of even an honourableless individual as a fate to be avoided.

Exclusion from an honour group carries significant meaning because dishonouring depends on a process of formal and informal stigmatization against the disgraced individual. A social stigma marks any person identified with possessing a particular discreditable trait as interpreted by the wider society, community or group. In *Stigma: Notes on the Management of Spoiled Identity* (1962), Erving Goffman explains the sociological theory and analysis which underpins a social stigma as a culturally-specific phenomenon. A stigmatizing attribute might be a physical abnormality such as disfigurement or disability, or “blemishes of individual character” such as weak will or a record of bad conduct, or tribal membership in a marginalized group such as in a family, race or religion deemed disreputable by others.\(^46\) Stigma affects, and in some cases might deny, the ability of an individual to claim honour as a right of respect. Possessing a stigmatized attribute does not necessarily involve total exclusion from a wider society but instead represents a liminal space between social acceptance and rejection. Goffman contrasts stigmatized individuals with those he calls “normals,” people who do not bear a stigma and whose attributes are deemed acceptable by society.\(^47\) As Goffman’s analysis indicates, the definitions of normality depend on ever-changing and contradictory societal norms, values and standards.

In what Goffman terms “stigma management” individuals may attempt to conceal, mitigate or disclose a stigma in ways that allow them to navigate interactions and encounters with others in society. The exposure of a stigmatized attribute or the failure to follow the expected stigma management process might therefore also represent another source of dishonour.\(^48\) To return to the earlier cited example, an army officer who failed to do his duty in battle possesses in the eyes

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\(^47\) Goffman, *Stigma*, 119.
\(^48\) Goffman, *Stigma*, 130.
of his peers a discreditable and dishonourable stigma of cowardice. Subsequent expulsion from the regiment by court martial for being a coward further marks the ex-officer with a new stigma of being disgracefully dismissed. Thus forcible removal of unworthy members from an honour group serves both as an institutional stigma management process (to separate discreditable members in order to preserve the honour of the whole) as well as a distinct punishment to impose a stigma on former members.

Redemption and Regaining Honour

Under certain circumstances, a form of stigma management may also provide the dishonoured with a path toward potential redemption. Rather than try to conceal or mitigate their shame and disgrace, individuals may seek the restoration of lost honour to expunge the stigma altogether. Many organizations, societies and cultures privilege certain rituals or acts of atonement for wrongdoers to in some way make amends for their past transgressions. Depending on acceptable social norms of contrition and forgiveness, a stigmatized and excluded person might regain acceptance by their former honour group through subsequent commendable actions. The extent to which lost honour can be regained or restored, however, poses an interesting question regarding the nature of honour and its irreparability. Frank Stewart observes, “I presume that in most systems one who is wrongly dishonoured may recover his or her honour. The question then is whether one who is rightly dishonoured may do so. Once more, if one loses one’s honor only for heinous offenses, then it makes sense that the loss should be irrecoverable.”49 Stewart concludes that “[t]here is nothing in our model of personal honor that excludes the possibility of lost honor being restored,” but as he notes it is not clear that one legitimately dishonoured, for example by justly conviction for misconduct, can ever be fully reinstated to the same previous honourable status. Moreover, the degree to which the loss of

49 Stewart, Honor, 125.
honour constitutes a permanent disgraced status depends on numerous factors including the type of offence, the prior status of the offender and the external responses of others.

With its religious connotations, the concepts of contrition and atonement have often been framed as part of a theological discussion of honour which may obscure their political and secular implications. Although few historians have closely studied theories of redemption and atonement, several philosophers of ethics and political theorists have focused on how societies treat and punish wrongdoers. In Making Amends: Atonement in Morality, Law, and Politics (2009), Linda Radzik places her research focus on to the behaviour of wrongdoers themselves in order to examine the moral and ethical dimensions that unpin theories of redemption. Even beyond its theological meaning, the idea of redemption is evident in common expressions such as “making good” or “paying one’s debts,” and reinforces the cultural celebration of an individual’s “comeback.” Although Radzik does not specifically reference the broader theoretical literature on honour, her analysis helps to clarify the social consequences of dishonour and the process to regain lost honour: “When we speak of ‘redeeming oneself’ after a failure or misstep, we usually have in mind the regaining of one’s place in a community. Redemption involves some significant kind of improvement in the deserved evaluation of the wrongdoer.” The references to recovery and restoration are significant because they imply that a decline in status must be righted in order to restore a sense of societal balance. Therefore a dishonoured individual within this model necessarily must have once possessed a recognized right to honour in order for that claim to be restored.

The manner in which the dishonoured seek redemption depends on how peers and the public evaluate their actions both before and after their misstep or failure. Studying the

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retribution against Nazi collaborators after the Second World War, political theorist John Elster argues, “Moral life does not rest on the assumption that people can build up a stock of moral capital on which they can draw to excuse later wrongdoings. Prior merits do not support the claim that the wrongdoing was a temporary aberration unless it is also followed by meritorious acts.” By this clear formulation, any person’s honourable reputation is destroyed by that person committing a grossly dishonourable act. Yet, as I have attempted to illustrate earlier, the concept of vertical honour may indeed be considered a stock of moral capital which can be depleted, but not necessarily fully exhausted, depending on the nature of the offence. Within an honour-based model, persons considered by a justice system to be of higher honour must receive a punishment proportionate to their honourable status. Thus military authorities historically judged cashiering plus imprisonment as too disgraceful a penalty for an officer while at the same time justifying the prison terms attached to dishonourable discharges inflicted on lower ranks. Prior good conduct furthermore might not excuse bad behaviour but citing a prior honourable record might serve to mitigate the punishment. Even with these important qualifications noted Elster’s underlying observation is still instructive about how societies typically define the path of redemption for most wrongdoers: an individual’s meritorious action must take place following an offence in order to potentially wipe the slate clean.

Much of the language surrounding redemption evokes a sense of cleansing and purification. Typical expressions found in court martial testimony and other sources such as “wiping the slate clean” or “removing the blotch” imply that a disgraceful action might be erased after committing oneself to an honourable path. It is not evident that any act of redemption,

however, can truly erase past disgrace.\textsuperscript{52} The very process of redemption after all is only meaningful because it is supposed to follow a dishonourable act. Subsequent commendable behaviour serves to place this prior criminal behaviour or misconduct in a new, more favourable context. Rather than signifying a disgraceful fall, the failure may be reframed as marking the first step in a re-ascent back to the rightful place of honour. This process of successful redemption and reintegration makes the initial failure possible to obscure but impossible and counterproductive to completely erase. In a military culture, the path forward for a disgraced ex-member who hopes for redemption historically has been clear: re-enlistment. Depending on the nature and severity of the original offence, the act of re-enlistment might be regarded as a sufficient commitment while in other cases a more exemplary action may have been required to reclaim lost honour in the eyes of peers and the public. Significantly, this form of re-enlistment depended on the individual having once been considered a person of honour—namely having once held a commission. Ex-officers who chose voluntary re-enlistment followed the same path as any ordinary volunteer soldier but by virtue of their uniquely dishonoured status ex-officers were seen to have regained something of value that they had once possessed but then lost. Who was eligible for this form of redemption was, however, limited to those able to have earned a commission in the first place as well as those expected to experience dishonour as a real punishment.

\textbf{Masculinity, Gentlemanliness and Citizenship}

Just as the meaning of honour and dishonour are linked to behaviours deemed to be acceptable and unacceptable, the study of honour cannot be separated from the social and historical construction of gender differences and prevailing assumptions about acceptable gender roles in society. In his introduction to \textit{Manhood in the Making: Cultural Concepts of Masculinity} Radzik, \textit{Making Amends}, 5.
(1990), David Gilmore notes, the “state of being a ‘real man’ or ‘true man’ has been regarded as uncertain or precarious,” and ultimately represented “a prize to be won or wrested through struggle.”

Examining how different societies have defined “the criteria for man-playing,” Gilmore states “[h]onor is about being good at being a man.” To lose one’s honour was therefore to also lose one’s status as man. The potential loss of honour highlights the instability and precarious nature of asserting one’s masculinity. Like validating a claim-right to honour, masculinity has required consistent and conspicuous reassertion in Western culture. As Robert Nye observes in discussing the role of the nineteenth century duel in regulating personal disputes of honour, “a man was in the greatest danger of dishonoring himself at the very moment he most expressly affirmed his honor.”

By striving to live up to an idealized model of masculinity, men risked falling short thereby imperilling both honour and manliness. Examining the close connection between honour and masculine codes of conduct, Nye argues that the loss of a man’s honourable character historically constituted “a kind of annihilation and social death.”

The power, influence and social capital derived from honour, and imperilled by dishonour, are closely tied up with dominant cultural attitudes toward the definitions of masculinity. Nye asserts that “honor is a masculine concept” because it “traditionally regulated relations among men” and “summed up the prevailing ideals of manliness.” Paul Robinson’s study of military honour is likewise “exclusively about men.” He argues that “military codes of honour are based on traditionally male values, and when men speak of honour in the context of war, very often what they are talking about is their desire to prove their ‘manliness.’” Whereas male honour

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54 Gilmore, Manhood in the Making, 43.
56 Nye, Masculinity and Male Codes of Honor, 10.
57 Nye, Masculinity and Male Codes of Honor, vii.
58 Robinson, Military Honour, 8.
might be claimed through a number of arenas including martial prowess, business activity or athletic success, historians tend to argue that female honour in Western society during this era was restricted to sexual virtue and the domestic sphere. Consequently, Nye asserts that “[w]omen had no real place in his system of honor.” 59 By conflating power and authority with definitions of manliness, these historians argue that Western culture in the nineteenth and twentieth centuries almost exclusively gendered honour in a political and martial sense as a masculine value.

Just as different groups within society may privilege particular codes of honour, no universal definition can encompass a singular notion of “true” masculinity. Instead, masculinity comprises an ideological and historical process of defining male identity in society through culturally specific values that encompass attributes, behaviours, and philosophies. The various meanings attached to manhood can be fluid, flexible, and contradictory as definitions serve different political agendas and societal needs. The study of gender roles through the framework of honour provides historians with important insights into how certain interpretations of masculinity and normality became privileged by certain groups at particular times. Examining how ideas about masculinity contribute to social order and integration, Gilmore argues that manhood “is a culturally imposed ideal to which men must conform whether or not they find it psychologically congenial.” 60 R.W. Connell observes that competing interpretations of masculinity exist alongside one another within a larger society but argues that a “hegemonic” form represents the dominate ideal against which most men are expected to measure their masculine worth. 61 Behaviour that most conforms to a specific manly ideal, however imagined it may be, enhances a man’s claim to the power and privilege associated with honour as a claim-

59 Nye, Masculinity and Male Codes of Honor, vii.
60 David Gilmore, Manhood in the Making, 4.
61 For the discussion on the much debated concept of “hegemonic masculinity” see, R. W. Connell, Masculinities (Berkeley: University of California Press, 1995).
right. Community leaders, social commentators and peers by contrast express disapproval of behaviour which deviates from this standard by dishonouring such men as “unmanly.” As culturally dominate and acceptable forms of masculinity changed depending on time, place and context, the descriptors of manly and unmanly could convey very different meanings.

Examining masculinity and gentlemanliness as dynamic processes that encompassed competing interpretations rather than static definitions is important to understanding how ideas of manhood have evolved and been reimagined in the past. In *Manliness and Civilization* (1995), Gail Bederman identifies an important shift in Victorian notions of manhood from a concern with respectability and self-restraint to an embrace of the supposed primitive and aggressive instincts believed to be “natural” expressions of true manliness.\(^6\) Bederman’s distinction between nineteenth century definitions of *masculine* and *manliness* corresponds to the difference between horizontal honour and vertical honour. The word “masculine” described the characteristics possessed by all men as distinguished from feminine traits. Meanwhile “manliness” applied moral weight to particularly laudable characteristics. Thus along a horizontal axis all men were considered masculine by definition and therefore could claim membership in a gendered honour group as equals. Manliness by contrast measured the moral worth of particular attributes along a vertical axis in which certain men could be described as more manly than others. The maxim of the Cape Breton Highlanders Regiment, “A Breed of Manly Men,” thus rather than being a curiously redundant expression in fact reinforced the sense that manliness needed to be understood as separate moral quality than simply being biologically masculine.\(^6\) As Bederman explains, by the turn of the twentieth century, increasing references in

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\(^6\) The Highlanders adopted the Gaelic motto, Siol na Fear Fearail (A Breed of Manly Men) during the First World War.
popular cultural sources and literature to a philosophy of “masculinity,” as opposed to the mere
description of characteristics as “masculine,” signalled an important development in the
construction of an ideology centred on physical strength, aggression and virile sexuality.\textsuperscript{64}

Just as participation in public life was believed the exclusive domain of white male
citizens, honour could not be claimed by just anyone. Some historians have argued that a man
was not entitled to honour simply by virtue of his biological sex. William Reddy states that a
naturalizing discourse in science, history and law set the psychological, physiological and racial
criteria of masculine honour. Men deemed inherently weak and passive, or racial groups believed
to be degenerate and primitive seemed to lack the basic benchmarks for manhood in order to be
included in a male honour group. The limits of social mobility therefore restricted which men
could be recognized as possessing honour and could make use of its corresponding symbolic
capital.\textsuperscript{65}

Historically, the military has been identified as one of the most masculine institutions in
society, an identity that most military members and leaders have embraced and endorsed.
Although all military members are expected to confirm to certain masculine-warrior traits such
as courage and self-discipline, an officer holding a commissioned rank represented the ideal
masculine image promoted by the military to the general public. In the British Army tradition,
this form of masculinity was best exemplified by the common expression “an officer and a
gentleman.” Though ill-defined and contested, the concept of the “English gentleman”
permeated British culture and shaped ideas about masculinity and leadership both within the

\textsuperscript{64} Bederman, \textit{Manliness and Civilization}, 19.

military institution and the wider society.\textsuperscript{66} Shifting notions of gentlemanly conduct from an emphasis on respectability and manners in the eighteenth century to an emphasis on competition and character by the end of the nineteenth century influenced perceptions of ideal officer-like behaviour. Within the martial justice context, examining officers’ charges for misconduct or inefficiency provides historians with the opportunity to explore the boundaries of acceptable forms of gentlemanliness. Perceptions of what exactly constituted ungentlemanly and scandalous conduct exposed the contradictions that underpinned divergent codes of masculinity. As Mike Huggins has emphasized, the difference between behaviours deemed reputable and disreputable very much depended on specific social contexts.\textsuperscript{67} Whereas one model praised the prudent gentleman who exhibited temperance, fiscal restraint, sexual morality and general upstanding behaviour another model prized the dashing gentleman who indulged in generous spending, virility and aggressive risk-taking.

A vast literature on the history of masculinities has detailed the ways that in the nineteenth century Anglo world the martial spirit formed a fundamental component in this construction of an idealized male identity. Across the British Empire, according to imperialist activists, politicians, and writers, the honourable qualities of physical courage, endurance, and military skill were synonymous with the making of a good man and hero. The emerging concept of muscular Christianity during the Victorian era pointed to the essential qualities of discipline and force in the formation of strong moral character. J.A. Mangan has written extensively about how an aggressive and competitive “cult of manliness” pushed this notion of strenuous masculinity


even further and came to pervade Edwardian era popular culture.\textsuperscript{68} Providing the wider social context of these developments, John Tosh argues that in response to the perceived feminizing nature of sedentary administrative work and domesticity, middle-class British men sought to define their manhood around physical athleticism, outdoor hardiness and self-reliance.\textsuperscript{69} Mark Moss and Mark O’Brien trace the influence of this martial masculine ideology through Canadian nineteenth century schooling and militia culture until the eve of the First World War.\textsuperscript{70} Central to this cultural celebration of martial masculinity was the central importance of willpower as essential to man’s strength, courage and decency. Willpower in both a moral and a medical sense constituted the force that controlled gentleman’s baser, animal instincts and separated civilization from anarchy and criminal behavior.\textsuperscript{71}

Historians have often framed the First World War as a transformative moment in the construction of a supposed hegemonic form of masculinity founded on stoicism, courage and willpower. The reality that combat stress, or shellshock as it was often called, did not discriminate between different classes or education levels seemed to destabilize certain assumptions about the essential nature of masculine resiliency as men of all ranks succumb to mental and physical collapse. According to this analysis, many gentlemen officers as the epitome of this martial masculine ideology also proved unable to withstand the horror and brutality in the trenches. Examining the construction of the shell shock as a social disease, George Mosse observes, “War was the supreme test of manliness, and those who were the victims of shell-

\textsuperscript{68} J. A. Mangan, \textit{Manliness and Morality: Middle-class Masculinity in Britain and America} (Manchester: Manchester University Press, 1987), 2.
shock had failed this test.” Examining the cultural significance of war trauma, Ted Bogacz likewise argues that the contradictions of shell shock “shattered” British prewar military values, but it is important to also trace the persistence of an idealized conception of masculinity through the course of the war. While shell shock was often portrayed as the antithesis of the Victorian and Edwardian masculine construct, historians have identified the important ways in which shell shock was also reconfigured in an attempt to preserve a cultural belief system rooted in manly values. Michael Roper notes that the war prompted a reassessment of prewar assumptions concerning courage and fear, but commentators sought to “modify rather than abandon the tradition of stoic manliness.” As a result an emphasis on strong willpower and self-discipline remained central aspects of honourable manhood.

A number of historians have also identified the emergence of an alternative masculine construct through the interwar period that was less defined by warrior strength and more bound-up in ideas of restraint and decency. Allison Light argues that in the aftermath of the First World War, home and domestic life re-emerged as important features of manhood. Building on the prominence assumed by this form of “ordinary” masculinity, Sonya Rose argues that an emphasis on emotional restraint and a departure from hyper-masculine aggression contributed to an ideal of temperate heroism. Geoff Hayes effectively applies the concept of temperate heroism to the development of the Canadian Army’s junior officer corps during the Second World War. Based on the selection and training of Canadian officers, Hayes demonstrates that this version of temperate masculinity set the boundaries for acceptable male behaviour and

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defined the ideal qualities expected for leadership.\textsuperscript{76} Psychological and sociological ideas about the correct socialization of men further contributed to an assumption that temperate masculinity naturally corresponded to that which society defined as normal. Behaviours that departed from an interpretation of normality as established through temperate masculinity raised questions about a man’s emotional stability, sense of moral decency or strength of character. Within these psychological and sociological theories, a man’s capacity for willpower remained the crucial component for strong moral fibre.\textsuperscript{77}

Although during the time period studied in this dissertation Canada had yet to officially establish its own concept of legal citizenship, the abstract notion of citizenship during the late nineteenth and early twentieth centuries was essential to man’s place in society.\textsuperscript{78} Even as most Canadian residents’ status was technically defined as being British subjects, the language of citizenship strongly influenced the political discourse and concepts of personhood. Despite some scholars’ assertions that Canadians were an “unmilitary people,” historically, some form of military service and training represented an essential part a man’s worth as a citizen. The experience of two world wars meant that two generations of Canadian men had been expected to voluntarily serve their country through the great crises.\textsuperscript{79} An honourable man who had served in wartime as an honourable officer was expected to emerge from the war as an honourable citizen ready to perform important civic duties. Failure in the first two roles as a military member and as a man due to alleged misconduct and dismissal challenged an ex-officer’s utility as a good

\textsuperscript{76} Geoff Hayes, \textit{Crerar’s Lieutenants: Inventing the Canadian Junior Army Officer, 1939-45} (Vancouver: UBC Press, 2017).
\textsuperscript{78} Canadian citizenship was not introduced until 1947.
citizen which in turn threatened the rights and privileges enjoyed by a class of men who had validated manhood and citizenship through military service.

Methodology, Sources and Outline

While my dissertation studies the fundamental concepts of dishonour and dismissal within a broad British Army tradition, the historical analysis will focus specifically on developments in Canadian military culture. The moderate size of the Canadian officer corps during the two world wars enables a more practical scope as well as a more thorough examination of dishonour and dismissal within a single national armed force. Comparing the Canadian experience with trends in British, dominion and American military cultures is important for providing additional background and context but officers of the Canadian Army (and to an extent, officers of the Royal Canadian Air Force during the Second World War) will be the primary focus for the dissertation. Derived from the rules and regulations outlined in the British Army Act of 1881, the army and air force drew on the same legislative source for their respective codes of discipline and used the same punishments of cashiering and dismissal. For methodological and practical purposes, I do not examine the same concepts of dishonour and dismissal within the Royal Canadian Navy during the world wars. In addition to representing a slightly different disciplinary custom for punishing and expelling its members, the navy does not have as rich of a primary source base compared to the army and air force. Whereas general court martial indexes and records of those two service branches are complete, for the period under investigation much of the naval court martial record from the early twentieth century has since been destroyed or is otherwise inaccessible.

The largest primary source base I rely on is the extensive Canadian courts martial proceedings for the First and Second World Wars. Thorough examination of approximately
17,000 total overseas CEF courts martial during the first war reveals just over 500 general courts martial convened against Canadian officers between 1915 and 1919. Each case record includes trial testimony which varies in length and detail depending on whether the officer was tried in the more formal setting of England or more expeditiously in the field. The Second World War records which include Canadian Army and RCAF courts martial held at home and overseas represent an even larger number of cases though the available proceedings are not a complete record. Nevertheless, over 750 army and air force general courts martial and transcripts consulted for this project represent a sizable portion of all Canadian officers tried during the Second World War. These records are often more extensive as they include typed testimony as well as post-trial letters and petitions which provide more information beyond the limits of the court martial proceedings. As with all criminal statistics, the total number of charges laid in each war may either indicate the most common types of offences committed or suggest that military authorities only prioritized certain crimes over others. In either case, however, the offences cited for depriving offenders of their commissions is vital to understanding how the Canadian military defined and enforced honourable and dishonourable behaviours.

Beyond the court martial records I have consulted a wide variety of primary source documents in order to learn more about the ex-officers themselves as well as to study the non-judicial, administrative forms of de-officering. The digitized CEF service records provide useful statistical data for First World War officers’ personal and professional backgrounds and document their wartime movements. These files typically offer little insight into an ex-officer’s experiences beyond the stamp of “dismissed” or “cashiered” marked on discharge documents. In order to better trace individuals’ post-dismissal attitudes and experiences I turned to militia personnel files and overseas ministry correspondence files. While little used or even known
among social historians, militia personnel files are immensely valuable for understanding the administrative and personal histories of hundreds of Canadian militia officers including First World War veterans. Although privacy restrictions on Second World War personnel files limit the number of available sources, through Access to Information requests for individuals deceased more than 20 years I have gathered the records of over sixty more Canadian Army and RCAF officers sentenced to be dismissed or cashiered between 1940 and 1946. These records typically offer a detailed look into an officer’s service from medical history to administrative documents to letters and petitions.

Court martial statistics, lists of enumerated charges and dismissal totals offer a type of objective data but it is important to note that all of these sources depend in large part on subjective interpretation. In this thesis, my analysis of the court martial record does not attempt to uncover the truth behind the actual offences as charged nor does it aim to uncover the actual guilt or innocence of the accused. By framing ex-officers’ experiences around dual themes of ruin and redemption, I use a narrative method which intentionally evokes multiple perspectives and interpretations of the past. The letters and petitions written by ex-officers, for example, provide valuable insights into their varied responses to dishonour and document how many attempted to narrate their own experiences. However, any correspondence must be analyzed carefully in order to avoid taking individuals’ sentiments and claims at face value. Subjective accounts and narratives will be critically assessed as they reflected the writers’ inherently biased perceptions and hinted at their underlying motives. Biased in this context does not mean wholly false, but acknowledging bias does indicate that ex-officers’ narratives and indeed court martial testimony itself are subjective accounts from a particular point of view expressed with a particular purpose. From this methodological approach, my dissertation does not make any
pretence that the arguments will expose an objective truth about the common experience of dismissal and denigration in Canadian military culture. By framing the past around narrative devices of ruin and redemption I seek to provide insights into how Canadian officers responded to the military justice system and reacted to “de-officering” during two world wars.

As many of the narratives contained in this thesis touch on fraught topics of disgrace, shame and criminality, I have considered the implications of “naming names.” To avoid re-victimizing individuals or to protect surviving families, some historians attempt to provide blanket anonymity to their subjects by concealing the names of even deceased people subject to scandal and prosecution. I argue that this approach, while sometimes appropriate in unusual circumstances, often serves to reduce individuals to a single impersonal initial such as Lieutenant A. or Captain B. In this dissertation, I have decided to treat the ex-officers as real people who had complex lives and complicated reactions rather than as anonymous subjects to be dissected. In addition to stripping these men of their humanity and individuality, anonymity reinforces a stigma by presuming that knowledge of past disgrace remains a shameful secret that must be protected by the historian. As no historian would likely think twice about naming the winner of the Victoria Cross or identifying one maimed in battle, I argue that any special attempt to conceal the identities of men sentenced to be cashiered, or released for misconduct or even subject to shell shock, privileges a social construct of honour that presumes the inherently shameful nature of what military culture deemed dishonourable.

As the subjective concepts of honour and dishonour are at the centre of this work, it would be incorrect and counterproductive to take for granted that the honoured can be named and celebrated while the dishonoured must be hidden to be protected. An important aim of this project is to study dismissal and denigration as central aspects of Canadian military culture rather
than simply to celebrate military achievements and heroism or cynically to scandalize the service through the exposure of crime and misconduct. At the same time, rather than merely subvert public commemoration of the Canadian officer corps, this history of misconduct and failure adds essential context in order to better understand and appreciate the conduct of so many Canadian officers during both world wars under the same trying circumstances.

Outline of Chapters

Chapter 2 traces the history of British military law through the evolution of various medieval precedents and chivalric rules of conduct into a modern code of discipline by the latter half of nineteenth century. The creation of the Army Act in 1881 provided the legal and administrative framework through which the British military, and by extension the forces of dominion partners like Canada, could enforce discipline and impose sentencing by general court martial. While reformers in the British Army aimed to displace a nebulous code of honour with more precise legal standards, the quintessential honour crime of scandalous conduct unbecoming an officer and a gentleman under Section 16 of the Army Act persisted through the modernization of military law. Shifting cultural norms surrounding masculinity and gentlemanliness in turn shaped the types of offences considered conduct unbecoming. The development of separate categories of cashiering and dismissal served as essential punishments for disciplining of officers according to the rules and regulations established under the Army Act. The chapter provides the necessary historical background in order to understand how this legal and administrative framework served to discipline and potentially expel Canadian officers after the outbreak of the First World War.

Chapter 3 examines how the Canadian Expeditionary Force adapted to the laws and regulations under the Army Act in order to enforce officer discipline overseas during the First
World War. The appointment of thousands of volunteers to the commissioned ranks in the CEF not only made them temporary officers, but by their newfound higher social status, it also made them temporary gentlemen. Attempts to emulate an imagined gentlemanly ideal by manners and appearance exposed the contradictory assumptions at the root of this masculine performance. In drinking, finances, social behaviour and sexuality, competing impulses called on officers to exert restraint while at the same time as they were expected to project manly strength. Misbehaviour in social settings set a bad example for other ranks and embarrassed the dignity of the service to civilians but an officer’s perceived misbehaviour on the battlefield implied the worst moral failing of cowardice and weak willpower.

Chapter 4 examines the consequences of being deprived of a commission and explores the meaning of dishonour, shame and redemption over the course of the First World War. Whether convicted by general court martial or sent home for an adverse report, the disgraceful end to military service entailed financial penalties and the risk of public shaming among a patriotic, wartime population. Based on the cultural celebration of the “come back,” military leaders expected an officer who valued his personal honour as much if not more than his life would appeal for an opportunity to serve on the front in order to rehabilitate his tarnished character. Investigating the circumstances behind instances of misconduct reveals the potential randomness and unfairness of a judicial and administrative process in which one officer could be singled out as a disciplinary example while many others avoided the public disgrace of formal dismissal.

Chapter 5 explores how ideas about honour changed after the First World War as mass mobilization and commemoration of military service appeared to expand the number of uniformed men able to claim honour. In this context, even decades after the war the many ex-officers continued to seek forfeited medals and lost financial gratuities as a way to validate
contributions to the war effort. Despite a democratized interpretation of honour through the collective service of all honourable veterans regardless of rank, the application of martial justice through the interwar period revealed that the military institution continued to reserve gentlemanly status to commissioned officers. From a military perspective, the meaning of gentlemanliness came to assume more of moral implication related to social behaviour and sexuality as evidenced by the evolving meaning of scandalous behaviour and conduct unbecoming.

Chapter 6 assesses the role of the military justice system in prompting officer discipline and enforcing a model of temperate heroism endorsed by Canadian Army leadership during the Second World War. The Canadian military came to place a stronger emphasis a process of mature male socialization for officers, epitomized by the image of “gentlemen in battle dress.” Continuing the trend examined in the previous chapter, the identity of an officer and a gentleman in the Canadian Army became less narrowly concerned with emulating higher social class and instilling financial honour as it became more bound to an officer’s morality and decency. Although military leaders anticipated that an officer’s social conduct would predict his behaviour as a leader in battle, the realities once in an actual theatre of war often called for qualities quite different from the etiquette expected at dinners and dances. As removing officers from a theatre of war involved challenging medical, administrative and legal considerations, depriving officers of a commission required balancing fairness to the individual with overall unit efficiency.

Chapter 7 examines the consequences of being deprived of a commission and explores the meaning of dishonour, shame and redemption over the course of the Second World War. Whether through judicial punishment or administrative reclassification, depriving an officer of a commission had significant personal, social and economic ramifications. In a military culture
that placed a special emphasis on morality, good conduct and normal temperament, dismissal and denigration implied a significant threat to an ex-officer’s manhood. The loss of military status combined with financial distress only added to the potential disruption of an ex-officer’s domestic situation. Influenced by social science theories about personality types and psychological screening, military authorities aimed to reject asocial or abnormal officers who they deemed unwilling to sacrifice selfish instincts in favour of the greater national good.
Chapter 2 - Punishment Worse Than Death: Dishonour and Cashiering in the British Army Tradition

In his 1800 treatise on military law, Scottish legal scholar and former judge advocate Alexander Fraser Tytler defined cashiering as “depriving an officer of his commission, breaking him, by taking from him the honourable character of a soldier, and reducing him to the station of a private citizen.”¹ Derived from the French word “casser” meaning “to break” and the Flemish word “kasseren” for disbanding, the term “casheering” had assumed an ignominious meaning during the English Civil War to signify the discharge of an officer or soldier from the army due to misconduct or treason. By the late seventeenth and eighteenth centuries, cashiering in the British Army referred to the ritual removal of a commissioned officer following a conviction by general court martial for disgraceful, dishonourable or scandalous actions.² Although the court passed the sentence, the actual process for depriving an officer of his commission depended on confirmation by the sovereign and promulgation in an official public record. One oft-cited historical source summarized the ceremonial cashiering of Captain Archibald Cunningham for cowardice at the battle of Falkirk Muir in 1746: “The criminal is brought forth at the head of his regiment ... his charge, and the sentence ... are read to him aloud; after which his sword is broken over his head, his commission torn, his sash cut to pieces and thrown into his face, and, however scandalous and ludicrous it may appear, he is sent off with a kick from the drum-major.”³ The disgraced ex-captain was thus literally booted out of the regiment.

This chapter examines the history of expulsion from the military within the British Army tradition in order to explore the legal and social implications of martial honour and dishonour

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during the decades before the First World War. The customs and invented traditions of the regimental system fostered the development of an honour-based culture which served to restrict access to commissioned ranks. Evolving ideas about gentlemanly manners and codes of manliness both in military circles and in the wider society throughout the nineteenth century in turn determined which socioeconomic classes of men could claim a right to honour, and therefore which classes could be deprived of that honour as a punishment. As established by British military-legal tradition, the classic honour crime of conduct unbecoming an officer and a gentleman set the boundaries for acceptable and unacceptable behaviour within the officer corps culture. Violating this imprecise honour code or by committing crimes against military law marked the offender as unworthy to hold a commission.

By exploring the different definitions of cashiering and dismissal this chapter also traces the important rituals and detrimental effects that were supposed to accompany formal expulsion from the military. The distinction between the two unique sentences reveals how the military ordered particular offences by the degree of scandal and disgrace. Individuals and groups who did not share in the military honour culture or who did not recognize the exclusiveness of honour as possessed by officers and gentlemen perceived cashiering as a more innocuous sentence compared to penal servitude and corporal punishment that typified harsh nineteenth century army discipline. Since army leadership considered the private ranks as largely filled with “scum of the earth,” the enforcement of discipline required more coercive and punitive measures. Discharges with ignominy for other ranks included lashing, imprisonment or branding rather than the symbolic dishonour associated with cashiering.

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By the early twentieth century the exclusive nature of cashiering and dismissal as penalties against commissioned ranks conflicted with contemporary ideas about democratization of honour and equal treatment for all ranks and social classes. The class system in the United Kingdom when compared with the supposed more egalitarian structure of Canadian society during this period reveals important differences regarding the interpretation of military honour and dishonour. The absence of static social hierarchies in a more democratic society seemed to offer greater opportunities for individuals to achieve social mobility within the dominion. Such an analysis, however, overlooks the fundamental assumptions about gender, race and ancestry that continued to limit access to honour, and restrict its associated symbolic capital to a smaller population of educated and connected middle and upper-class Canadian men. The democratic impulse present in both Britain and Canada by the eve of the First World War nevertheless held the potential for reorienting understandings of honour within the military. Conceiving honour as something to be earned rather than simply inherited or bestowed enhanced its symbolic value rather than cheapened it. Instead of primarily indicating noble birth or high social status, an honourable character as a gentleman confirmed an officer’s meritorious conduct and superior sense of morality. By the outbreak of the First World War, cashiering and dismissal for misconduct remained perilous punishments for officers because the sentences ruined a hard-won reputation and erased all past good achievements.

**British Army Tradition**

**Regimental Honour and Invented Tradition**

By virtue of holding a commission within the British Army system an officer was presumed to belong to an exclusive honour group whose continued membership depended on following a shared code of good conduct. Rank rather than social class was supposed to be the
most important factor in the application of military law. The soldiers and non-commissioned officers who theoretically could also earn commissions were also subject to dismissal and cashiering sentences for misconduct regardless of prior socioeconomic status in civilian life. Nevertheless access to a commissioned rank in the British Army historically depended more on ancestry and wealth than on merit alone. The requirement to purchase infantry and cavalry commissions from the seventeenth century until the latter half of the nineteenth century created exclusive regimental cultures that tended to privilege a nobleman class supported by private financial means. Those with the time and resources to invest through their advancement up the commissioned ranks typically belonged to wealthy, upper-class families or descended from aristocratic lineages.\(^5\) The Duke of Wellington justified the commission purchase system, arguing, “It brings into the service men of fortune and education—men who have some connection with the interests and fortune of the country.”\(^6\) An army officered by independent gentlemen concerned more with preserving an abstract concept of honour rather than material gain, so the argument went, guarded against the creation of a mercenary force that could threaten civil liberties and overthrow civilian government.

The hierarchical nature of the British regimental system epitomized the classic honour group. Officers and soldiers each shared separate horizontal honour among members of their respective peer-groups. At the same time potential access for lower ranks to the officer class could be gained through vertical honour such as earning recognition and praise from superiors for acts of merit and bravery. Drawing on Benedict Anderson’s concept of imagined communities, historian David French describes the critical development of a regimental esprit du


corps in which, “The ‘regiment’ was conceived as being based upon a shared comradeship that
transcended the inequalities of power ... It was something so fundamentally pure that it could call
upon its members to lay down their lives for it.”7 Explaining the crucial formation of regimental
identity, David Bercuson notes, “A regiment is built on its history and on the lore, traditions, and
rituals that have developed as a consequence of that history.”8 Battle honours and stories of
gallant actions helped to bind members together with a shared past and sense of solidarity.

Safeguarding the honour of the regiment—signified by its history, traditions and unique
identity—therefore was a preeminent concern especially for the officer corps. Speaking in 1872
shortly after the Cardwell Reforms to the British Army modernized the army and abolished
purchase commissions, Lord Elcho, British Liberal MP and commanding officer of the London
Scottish Regiment, celebrated the fundamental importance of honour in shaping regimental
culture:

It is perhaps difficult to define precisely what was and is meant by ‘the regimental
system;’ but I think I shall not be far wrong if I say that a part, a vital part—nay, the soul
and very essence of it—consists in the free, friendly, social intercourse in each regiment
of the officers with each other, and in the knowledge and belief that whatever might be
their relative social standing in the world, whether born of high or comparatively low
degree, whether rich or poor, whether purchase or non-purchase men, or risen from the
ranks, once they held the Queen’s commission, they were, one and all, officers and
gentlemen; meeting in their common mess-room, like the Knights of the Round Table,
socially on terms, of the most complete equality, the honour of all being the care of each,
and the honour of each the care of all. To the spirit of camaraderie, to the brotherly,
knighthood feelings thus engendered and fostered, we owe that self and mutual reliance
which, plus the in-born native courage of the race, has enabled British officers to stand
and die shoulder to shoulder, as they have stood and died together, in mutual trust, on
many a bloody field.9

7 French, Military Identities, 79; Benedict Anderson, Imagined Communities: Reflections on the Origin and Spread
8 David Bercuson, The Fighting Canadians: Our Regimental History from New France to Afghanistan (Toronto:
Preserving the mutual trust articulated by Elcho meant that a brotherhood of officers could not permit an unsuitable and dishonourable individual whose bad reputation threatened to subvert the entire regimental system. When Lord Elcho referenced the phrase “an officer and a gentleman,” he stressed, “I do not mean a gentleman by birth, but by character and conduct.” Abolition of purchase commissions had not fundamentally changed the upper-class composition of the officer corps but the modernizing reforms reflected an important transition in the concept of gentlemanly honour from a focus on noble birth and inheritance to a focus on decency and moral character.

As Elcho’s allusion to Knights of the Round Table suggested, nineteenth century promoters of a code centred on gentlemanliness and chivalry sought to locate the origins of this honour system in Britain’s ancient and medieval past. Eric Hobsbawm’s concept of invented traditions, “which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past,” clarifies the ritualization of honour in British military culture and the construction of a gentlemanly ideal. In The Return to Camelot: Chivalry and the English Gentleman, Mark Girouard (1981) traces how the language of honour and chivalry, infused with an imperialistic and nationalist agenda, sought to associate late nineteenth century notions of gentlemanliness with an invented tradition centred on Arthurian legends and medieval courtliness. In a military context, the close association of gentlemanliness and chivalry with military discipline and leadership in turn shaped the evolution of a military justice system designed to arbitrate matters of honour as much as matters of law.

10 Ibid.
Moreover, commentators argued that officers who behaved dishonourably or recklessly in battle not only violated a code of gentlemanly conduct, they also threatened to unleash a more devastating and unrestrained form of warfare.\textsuperscript{13}

\textbf{Military Law and Officer Discipline}

As the nature of warfare shifted in the late middle ages from an emphasis on champion combat practiced by elite knights to the mobilization of mass infantry with pike and shot, European armies required greater organization, control and discipline. Wayne E. Lee argues that this evolution in military arms created the need for standardized codes of martial law to ensure obedience to command hierarchy. On the early modern battlefield, the military elite, formerly epitomized by knights, became officers who commanded companies of foot or horse, which formed larger regiments.\textsuperscript{14} Originating from medieval courts of chivalry, the British court martial system evolved from tribunals that regulated the honourable conduct of officers and soldiers under the Articles of War and the Mutiny Acts. During the sixteenth century, the Court of the High Constable and Earl Marshal, from which the term “court martial” likely derived its name, served to enforce the Articles of War which the crown issued by royal prerogative.\textsuperscript{15} The Articles of War established temporary rules of conduct for officers and soldiers while on campaign abroad. Following the Glorious Revolution of 1688, parliament passed the Mutiny Act thereby declaring that acts of desertion, mutiny, and sedition committed within England to be offences punishable by court martial. Renewed annually by parliament, the Mutiny Acts established the

\begin{itemize}
  \item \textsuperscript{13} Morris Janowitz, \textit{The Professional Soldier: A Social and Political Portrait} (Glenco, Ill, 1960), 217.
  \item \textsuperscript{14} Wayne E. Lee, \textit{Barbarians and Brothers: Anglo-American Warfare, 1500-1865} (New York, Oxford University Press, 2011), 85-89.
\end{itemize}
legislative power to regulate discipline in the army and navy and eventually expanded the list of crimes subject to the nascent military justice system.\textsuperscript{16}

Commissioned officers accused of an offence against the Articles of War or the Mutiny Acts could only be tried by general court martial. Convened by order of the crown, or by a general officer delegated with the authority through royal warrant, a general court martial in the eighteenth and nineteenth centuries consisted of no less than thirteen commissioned officers not below the rank of captain. A field officer served as court president. Regimental courts martial which tried non-commissioned officers and soldiers for lesser offences consisted of no less than five commissioned officers usually of junior rank. While general court martial proceedings resembled a criminal court trial it functioned more like an inquiry into the accused’s conduct. After being read the charges, the accused pleaded either guilty or not guilty. A fellow officer appointed to be prosecutor examined witnesses and brought evidence against the accused. A defendant could rely on the advice of counsel but civilian lawyers could exert no formal role in court martial proceedings during the eighteenth century. The court rendered its verdict and sentence by a majority vote, and in the case of capital offences involving the death penalty by a two-thirds majority decision. The Office of the Judge Advocate General needed to confirm sentences of dismissal, cashiering and death in order to ensure that the court proceedings had followed proper legal procedures.\textsuperscript{17}

Military justice drew on common law principles such as presumption of innocence and laws of evidence, but it represented a system separate from civil jurisdiction. When available, civilian courts typically prosecuted military members for felonies like murder and treason, but

\textsuperscript{16} Edward M. Spiers, \textit{The Late Victorian Army, 1868-1902} (Manchester: Manchester University Press, 1992), 71.

courts martial were responsible to trying financial crimes like embezzlement and stealing when connected to the accused’s military duties. The unique nature of military crimes meant that many other offences such as disobedience, cowardice and desertion had no civilian equivalents. Within the British Army throughout the nineteenth century, the primary aim of enforcing discipline frequently conflicted with civilian government oversight that focused on protecting the civil rights of the accused. Gerry Rubin argues that elite regiments like the Horse Guards held to “a language of honor, tradition, discipline and duty to an hereditary commander which extended beyond the confines of a code of military law. The soldier, indeed the officer, was not yet a citizen.”

Meanwhile the Judge Advocate General’s office placed more of an emphasis on the legal aspects of military justice and sought to apply a formal system of law which followed constitutional principles. No offence better exemplified the divide between a more subjective code of honour and a more formal code of law than the crime of scandalous conduct unbecoming the character of an officer and a gentleman.

**Conduct Unbecoming**

According to early versions of the Articles of War, “Whatsoever commissioned Officer shall be convicted before a general Court Martial of behaving in a scandalous infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from our service.”

Tracing the evolving meaning of the phrase “conduct unbecoming” from its earliest usage in the eighteenth century historian Arthur Gilbert argues, “By keeping it vague and indefinite, the charge remained flexible enough to change as ideas of honour changed.”

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19 The earliest written version of the charge first appeared in the Articles and Orders of the Admiralty in 1749, which read: “behaving in a scandalous, infamous, cruel, oppressive or fraudulent manner, unbecoming the character of an officer and a gentleman, he shall be dismissed the service.”

Articles of War did not define the types of offences considered conduct unbecoming nor did army regulations clearly outline a precise code of honour to be adjudicated. In his 1800 essay on the subject of military law, Tytler recognized that certain dishonourable acts could not be considered unlawful from a legal standard yet such misbehaviour still subverted “that principle of honour on which the proper discipline of the army must materially depend.” The imprecise nature of conduct unbecoming therefore allowed military authorities greater flexibility to regulate the moral behaviour of officers by punishing violators of an unwritten honour code that had evolved from custom and tradition. Tytler affirmed that in such cases a court martial represented “in the highest sense a court of honour.”

In a perceptive analysis, Elizabeth Hillman identifies how the distinct crime represented a fundamental feature of military culture: “Despite its apparent superficiality, the crime of conduct unbecoming strikes at the heart of the military enterprise. To be unbecoming is, literally, to ‘un-become’—to unmake, to reverse the process of coming into existence ... Conduct unbecoming, then, sweeps into the realm of the potentially criminal any act by an officer that threatens to unmake the military.” Investigating the types of offences charged as conduct unbecoming therefore helps to illuminate the priorities and principles espoused by the military through different historical eras and contexts. The inclusion and exclusion of specific kinds of misbehaviour over time indicated how the army prioritized and defined “behaving in a scandalous manner” depended on changing cultural attitudes and social norms within the military as well as within the wider society. In the British Army, conduct unbecoming historically comprised an assorted range of charges from disrespect and fraudulence to violence and drunkenness. During the late eighteenth and early nineteenth centuries conduct unbecoming

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21 Tytler, An Essay on Military Law, 118.
generally served to regulate interactions between officers by enforcing an implicit code of honour based on mutual respect and deference to rank. Typical examples of honour violations included insulting language, offensive letters and provocations directed at fellow officers. As Gilbert explains, convening courts martial in the form of an “honour court” served to prevent officers from resolving personal slights and insults through the dangerous and illegal practice of duelling. That some officers on occasion faced court martial for refusing a challenge to duel despite the official prohibitions pointed to the gulf between formal legal standards and an unwritten honour code.\(^{23}\)

By the mid-nineteenth century, British military legal scholars sought to reconcile the two concepts of honour and the law. After the Crimean War, reformers in the British Army began to place a greater emphasis on professionalism and legalism over traditional attitudes and practices. Stressing the need for formal legal qualifications and training, in 1857, Napoleonic War veteran General Henry Murray stressed in a lecture, “Formerly a notion used to prevail that Courts Martial in their proceedings and decisions were to be governed rather by honour than law—now this altogether is a mistake; honour, it is true is a noble influence, but it is rather of a capricious nature—each Gentleman seems to exhume the right of having his own code of it. Whereas law goes doggedly to its point.”\(^{24}\) Although legal standards increasingly took precedence in the application of military justice, the imprecise charge of conduct unbecoming arguably remained a question more of honour than of law.

In May 1878, British Secretary of State for War, Sir Frederick Stanley, introduced the Army Discipline and Regulation bill to consolidate the Articles of War and the Mutiny Acts, which had dictated British military law for nearly two centuries. The new bill and its successor,

\(^{24}\) Quoted in Chris Madsen, Another Kind of Justice: Canadian Military Law from Confederation to Somalia (Vancouver: UBC Press, 1999), 15.
the Army Act of 1881, which parliament also renewed annually, aimed to modernize the rules and regulations for enforcing army discipline. Among numerous other provisions, the Act created field general courts martial as an expedited method to try serious military crimes on campaign in a theatre of war. The Act also granted commanding officers the power to summarily impose punishments against soldiers for minor offences. Through 38 separate sections and various additional subsections, the Army Act outlined the categories of crime punishable by court martial. Exclusive to disciplining commissioned ranks, Section 16 of the Army Act preserved the charge of behaving “in a scandalous manner unbecoming that of an officer and a gentleman.” During the parliamentary debate over the legislation, some MPs argued for the need to finally define scandalous conduct more clearly but the meaning remained of “a very general and indistinct character.”

Lord Stanley and other army traditionalists reasoned that since court martial boards had never found any great difficulty over the question of a definition, precision was still not desirable.

The *Manual of Military Law*, the 800-page guidebook to Army Act rules, regulations and sections, provided little clarity over the actual nature of conduct unbecoming beyond a supplementary note for Section 16 that read:

> An act or neglect which amounts to any of the offences specified in the [Army] Act or which is to the prejudice of good order and military discipline, ought not, as a rule, to be tried under this section. Scandalous conduct may be either of a military or social character. But a charge of a social character is not to be preferred under this section, unless it is of so grave a nature as to render the officer unfit to remain in the service, and therefore is scandalous in respect of his military character. Social misconduct which is not so grave as to bring scandal on the service, should not be made a ground of charge against an officer, but may well form the subject of reproof and advice on the part of his commanding officer.

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The charge of conduct unbecoming fell in an ambiguous boundary between a purely military offence and a purely social offence. As the Manual specified, a crime strictly related to military matters was more properly framed under Section 40, conduct prejudicial to good order and discipline. Conviction for Section 16 therefore depended on the conduct being of such a disgraceful nature as to both impeach the honour of the officer as well as to bring disrepute to the whole military service and especially the officer corps. The Manual distinguished a private indiscretion unrelated to the officer’s military character from the type of social misconduct that could result in a public scandal. Publicity of an officer’s dishonourable behaviour even within a civilian setting had the potential to tarnish his military character and thereby discredit his regiment and the entire army.27 Widespread notoriety was not, however, an essential element for a conviction. Knowledge of an officer’s dishonourable behaviour—such as cheating at cards or drunken revelry in the mess—might be confined to a small group of brother officers within a single regiment yet still be considered punishable as conduct unbecoming.

Beyond its vague legal definition the notion of conduct unbecoming also served an informal code of military honour not set down under the Army Act or its legal antecedents. At the turn of the twentieth century, many elite British regiments still enforced their own brand of rough justice through mock “‘subaltern’s courts-martial,’ which imposed punishments on junior officers for ungentlemanly behaviour, breaches of regimental etiquette, etc.”28 This system of “ragging” involved brutal and humiliating hazing rituals and violent beatings. Press coverage and public knowledge of such incidents became particularly embarrassing for military leaders because ragging reinforced a stereotype of the army as a social club composed of aristocratic

amateurs rather than a professional organization. While some colonels tolerated these types of informal punishments, during the 1900s the new Commander-and-Chief of the Forces, Lord Frederick Roberts, attempted to clamp down on ragging. To avoid greater publicity around abuse inflicted on victimized officers, Roberts usually resorted to his disciplinary powers rather than judicial proceedings to compel the retirement of offenders and complicit commanders.  

The failure of one general court martial to convict seven officers accused of ragging a civilian at a Cape Town hotel during the Boer War in 1902 led critics to complain that charges of indecency had been framed under the more onerous Section 16 in order to secure their acquittal. Condemning the officers’ actions but also criticizing the decision to hold a court martial, the Saturday Review commented, “The country is growing weary of its military scandals. They lower the prestige of the army in the eyes of the general public so much that it is becoming a very serious question whether the disadvantages of this system of washing our dirty military linen in public do not altogether outweigh its possible benefits.” By instead avoiding a court martial, Spectator Magazine argued, “The public would have been deprived of a sensation, but the Army would have been spared a very real discredit.” Rather than allow disreputable officers to go unpunished, the Spectator advised, “the supreme military authorities must retain and, exercise the power to dismiss officers as the head of a business dismisses his employs, not necessarily after a strict trial and on a charge of some definite offence, but on general grounds of inefficiency or undesirability.”

Efforts to modernize military law and administration meant that the legal concept of conduct unbecoming often diverged from a moral sense of the phrase. By the early twentieth century, officers rarely faced conviction for personal indiscretions or non-financial honour.

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29 Ibid.
violations. The resignation of Lieutenant Colonel Charles à Court Repington in 1902 illustrated how private affairs could still ruin an army career without involving a formal charge to justify court martial proceedings. Repington had promised a fellow colonel on “his word of honour as a soldier and a gentleman” to end an affair with a married woman. An ensuing divorce suit not only revealed Repington had continued the affair but more importantly, from the perspective of his fellow officers, it proved the colonel had broken his word. Lord Roberts, concluded, “He has not behaved like an officer and a gentleman,” and forced Repington to resign his commission. Refusal to submit a resignation when ordered might prompt further disciplinary measures, but as officers were not permitted to demand a trial by general court martial and served at the pleasure of the crown, cancellation of a commission could be secured with an announcement of “services no longer required.”

The reluctance to court martial let alone convict officers for violent, indecent or immoral offences like ragging or adultery pointed to the shifting meaning of scandalous behaviour and conduct unbecoming under British military law. While prosecuting strange and indecent offences under a charge of conduct unbecoming had been relatively common practice in the eighteenth century, in court martial proceedings after passage of the Army Act in 1881, conduct unbecoming increasingly referred to financial misconduct rather than private disputes between officers or other immoral crimes. One of the sample charges cited in the Manual—a lieutenant who writes a worthless cheque in payment of his regimental mess bill—pointed to the type of

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33 In rare cases of immoral offences, Section 16 could still be used in place of criminal charges. For example, in 1913, a captain with the West African Frontier Force was charged under Section 16 for “cruelly” forcing himself on a native woman. The Governor of Nigeria had elected for a general court martial rather than a civil trial because “the meaning and gravity of the charge of ‘Rape,’ and the offence which it connotes in England, is a wholly different thing from a similar charge in Africa.” The captain was honourably acquitted. WO 374/60526.
case preferred under Section 16 during this era. Press reporting and popular interest in courts martial for more sensational offences ironically only served to expose illicit private behaviour to greater public scrutiny. In the age of Victorian tabloid journalism and social gossip, trials for officers’ other scandalous behaviour risked proving too scandalous and detrimental to the overall reputation of the army.

Although the original charge of conduct unbecoming under the Articles of War had included a proviso that any convicted officer “shall be discharged from our service,” Gilbert finds in the eighteenth century, “Officers were rarely dismissed from the army when found guilty of this offence.” While many did lose their commissions upon conviction, others received a reprimand or suspension from the army with loss of pay for a set amount of time. Others retired to the reserve list on half-pay. By the late nineteenth century compulsory removal had however become one of the defining features of Section 16. By committing deplorable and scandalous acts an officer proved himself morally unfit to remain associated with brother officers in the service. During the debate over the Army Discipline and Regulation bill in 1879, Sir Alexander Hamilton-Gordon, Liberal MP and Crimean War veteran, stressed, “It was most important that an officer guilty of a scandalous offence should be got rid of from the Army,” and affirmed his belief, “there had never been any alternative.” Following passage of the Army Act, the Manual of Military Law specified only two crimes that carried a mandatory sentence upon conviction by general court martial: Section 41(2), the civil offence of murder, for which a court could only award a death sentence; and Section 16, for which there could be only one punishment that no power could commute: cashiering.

34 In September 1913, the last British officer cashiered before the First World War was a financially irresponsible lieutenant convicted under Section 16 for gambling and being unable to meet his mess bill. WO 339/8663.
36 Gilbert, “Law and Honour,” 76.
Cashiering and Dismissal

The British Army register of general courts martial confirmed at home between 1805 and the eve of the First World War in 1914 records a total of 879 officers sentenced to cashiering (492), dismissal (362), or discharge (25). The different sentences had the same effect—cancellation of a commission and expulsion from the army with dishonour—but each involved subtle differences depending on the nature of the offence and the degree of the disgrace. An overview of the type of crimes documents the changing notions of officer discipline and ungentlemanly behaviour in the British Army over the course of the century. During the Napoleonic War, from 1805 to 1815, 23 percent of the offences concerned financial misconduct, such as embezzlement and defrauding the regiment, while 24 percent concerned disrespect to superiors or peers through insubordinate actions or insulting language. Drunkenness, disorderliness, and violence against soldiers, peers, superiors, or civilians represented 30 percent of offences. Ten percent of charges related to duelling, whether through direct participation or by conveying a challenge, signalled the declining and stigmatized role of the duel in British Army tradition in the years after the Napoleonic War. The transition from the early Victorian era to the turn of the twentieth century witnessed a greater emphasis on financial crimes to the exclusion of violence and disrespectful behaviour. Even in wartime during this entire era, military misconduct comprised a small number of charges involving cowardice, disobedience, and absence without leave.

The sentence of a general court martial required final approval by the crown in order to take effect. Based on recommendations from the court and a review by the judge advocate general, the sovereign either confirmed the cancellation of the convicted officer’s commission, or

38 The National Archives (TNA) WO 92/3. Judge Advocate General’s Office, General Courts Martial Registers, Confirmed at Home. The total includes all general courts martial confirmed in Britain by the crown.
decided to mitigate or quash the court’s sentence. Of 879 total cases examined, 15 percent received a pardon or restoration in rank while another 5 percent received a reduced sentence to reprimand or retirement on half-pay. To enforce the deterrent effect of either cashiering or dismissal and to ensure the public stigma against a former officer, the army entered the sentence into the general order book and read it at the head of every regiment or corps in the service. Cashiering traditionally included a degrading ritual in which the ex-officer was paraded before the other regimental officers and had his buttons and rank badges physically torn off his tunic.

The ceremonial degradation of Captain Alfred Dreyfus exemplified the classic image of cashiering in the popular imagination at the turn of the century. Following his infamous court martial conviction for treason against the Third Republic, Dreyfus stood before thousands of French Army personnel at the Military School in Paris on 5 January 1895. Declaring the condemned man unworthy to carry the arms of France, a Republican Guard adjutant broke Dreyfus’ sword over his knee and then the cut the buttons, braid and gold stripes from the ex-captain’s uniform. Dreyfus marched pass his former comrades and a jeering crowd into penal exile on Devil’s Island where he would remain for nearly five years. The ensuing political controversy over the affair and the decade long campaign to secure his complete exoneration pointed to the destructive social cost of this public degradation. Upon his cashiering, Dreyfus recorded in a letter, “money is nothing. Honor is everything. I was never afraid of physical suffering. I am a soldier, and my body counts for nothing. But I am horrified at the thought of the contempt that must follow me wherever I go. A traitor! The most contemptible of all crimes!”

Until the late nineteenth century when British officers still purchased army and cavalry regiment commissions, a sentence of cashiering or dismissal from the army also meant that an

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officer forfeited the money paid for his rank. Upon honourable retirement from the service, an officer collected the value of his commission from the regimental paymaster who then sold it to another man, usually the officer next in seniority, to then assume the vacant place in the regiment. \(^{40}\) The loss of this investment after removal by general court martial theoretically functioned as a form of collateral and insurance to deter gross misconduct. \(^{41}\) Of 810 sentences of cashiering or dismissal passed between 1805 and the abolition of purchase commissions in 1871, the crown authorized at least 6 percent of ex-officers the opportunity to sell out at the full or partial value of their rank. Among the 15 percent of cases to receive a pardon or restoration, some officers sold their commission and resigned rather than remain connected to the regiment.

The reforming impulse that shifted the focus of military justice from honour to law also contributed to a modernization of the army that soon made the purchase system obsolete. An officer attempting to illegally sell his commission above the regulated value had been liable to cashiering—which thereby negated the transaction—but the penalty was rarely enforced. \(^{42}\) The controversial abuses and inflated prices following the Crimean War led to the abolition of purchase commissions by the Cardwell Reforms in 1871. Although ancestry, class status and social connections remained influential factors, earning a commission notionally became more a matter of merit and qualification instead of wealth. \(^{43}\) In practice membership in elite regiments still required substantial private wealth in order to pay expensive regimental mess fees and uniform outfitting costs. The abolition of purchase nevertheless changed the nature of cashiering and dismissal. A pre-1871 purchase officer still lost the value of his rank upon a court martial conviction while growing numbers of non-purchase officers did not have as vested a financial

\(^{40}\) French, *Military Identities*, 16.  
\(^{43}\) Madsen, *Another Kind of Justice*, 15.
stake in the loss of a commission. An officer who had earned promotion through merit still had much to dread from a sentence which threatened to wipe out all of prior good conduct that had earned him a commission. Beyond forfeiting the value of rank, the loss of a commission could also entail indirect economic hardships due to the termination of a military career and the potential loss of employment prospects.

As early as the eighteenth century, Tytler distinguished between simple cashiering and cashiering that barred future restoration of the ex-officer’s military status and declared “the offender unworthy or unfit to serve his Majesty in any military capacity.” An ex-officer’s incapacity for either civil or military service became a source of confusion in the actual application of military law. The conflation of cashiering with disqualification stemmed from an interpretation of an old Munity Act section which had declared an officer cashiered for false muster or harbouring someone from a civil magistrate, “utterly disabled to have or hold any civil or military office or employment, within the United Kingdom of Great Britain and Ireland, or in his Majesty’s service.” Significantly, the disqualification for future employment by the crown applied to the crime rather than to the sentence. Some nineteenth century legal scholars nevertheless asserted that the word cashiering alone implied incapacity for future military and civil service. Others countered that the court needed to expressly declare an ex-officer’s incapacity from employment in addition to passing a sentence of cashiering or dismissal. Between 1805 and 1825, seventeen sentences of cashiering and twenty-three of dismissal included an additional penalty of incapacity, which encompassed 7 percent of all officers removed by court martial during that period. Half of these convictions concerned financial crimes, namely embezzlement, while the other half included various serious offences such as

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45 *The Statutes of the United Kingdom of Great Britain and Ireland* (London: His Majesty’s Printers, 1832), 5.
disrespectful conduct, violence, and cowardice in battle. Adding to the confusion, in eight
sentences of cashiering and discharge between 1807 and 1809, the court felt the need to specify
that the convicted officer was not debarred from re-enlistment or readmission at a future date.
The overall British Army court martial record prior to the 1881 Army Act provides no consistent
pattern for drawing a substantive difference between cashiering and dismissal in regard to
incapacity.⁴⁶

In an 1877 article United States Army judge advocate Guido Norman Lieber attempted to
untangle the definitions behind the various forms of dishonourable military discharge. Lieber
found that late eighteenth century and early nineteenth century British courts martial used
cashiering, dismissal, discharge and removal interchangeably as sentences against officers.
Noting that certain scholars continued to assert a distinction existed between cashiering and
dismissal, Lieber observed, “though apparently of so intangible a nature as to defy definition. In
truth none does exist, for if disqualification be not the distinctive feature of all cashiering, none
can exist.” Critiquing the United States Army’s preference for the word dismissal, Lieber
nonetheless believed that cashiering conveyed the “more expressive term.” Unlike dismissal
which could refer to any number of military actions (dismissed the service, charges dismissed,
dismissed from parade), Lieber argued that cashiering, “by time-honored usage has become, as a
term of military law, unmistakably distinctive.”⁴⁷ Despite Lieber’s opinion, by the early
twentieth century, the United States Army had abandoned sentences of cashiering in favour of
dismissal from the service.

⁴⁶ Compulsory military service after dishonourable dismissal was an unsettled question. An 1822 statute of the
Upper Canadian Parliament for example declared a militia officer cashiered or dismissed not “exempted from
enrolment, or the performance of the duties of a private militia-man” unless otherwise directed by the governor or
lieutenant governor. The Statutes of the Province of Upper Canada. (Kingston: Francis M. Mill, 1831) 301.
⁴⁷ Guido Norman Lieber, Cashiering and Dismissal (Army and Naval Journal, 1877), 13.
Writing in 1863 British Army judge advocate Thomas Frederick Simmons noted, “the distinction between the punishments of cashiering and dismissal, is not invariably observed; but that a marked difference really exists.” Simmons pointed to the 1811 court martial of Captain G.W. Barnes, cashiered for misbehaving before the enemy during the Peninsular War. Finding Barnes guilty of illegal absence but not guilty of “personal cowardice,” the court had recommended clemency and the Prince Regent in a unique instance chose to mitigate the punishment from cashiering to dismissal. This early, but isolated, example indicated that the crown recognized dismissal did represent a lesser form of removal from the army. While courts appeared to use dismissal and cashiering interchangeably for many offences, the latter punishment tended to be reserved for the most egregious crimes such as violent assault, cowardice and dueling. That cashiering became more closely associated with the ceremonial public degradation ritual not usually practiced in cases of dismissal further indicated that this punishment represented a greater symbolic dishonour in the eyes of army leadership.

During a parliamentary committee meeting on the 1878 Army Discipline and Regulation bill, Sir Henry Thring, first parliamentary counsel, expressed his viewpoint that, “Cashiering is a public disgrace, and dismissal is a private disgrace.” One sub-section of Thring’s draft legislation formally declared a cashiered officer incapable to again serve the crown in either a military or civil capacity. While debating the bill in the British House of Commons, Sir William Montgomery-Cuninghame, Conservative MP and a Victoria Cross winner in the Crimean War, opposed the disqualification as a “slur upon the officers of the Army” due to the severity of the penalty. Calling the proposed sub-section “both novel and unreasonable,” he objected to the

49 According to Simmons, “cashiering is communicated to prisoner either privately, or publicly on parade ... Dismissal is not to be communicated in public.” Simmons, Remarks, 327.
creation of separate categories of cashiering and dismissal.\textsuperscript{51} The Secretary for War maintained that such a distinction had always existed in the army but conceded that mandatory disqualification might unnecessarily constrain courts’ judgments and he withdrew the subsection. Nonetheless cashiering had become associated with the most disgraceful form of military discharge and the disqualification for future service under the crown became an essential part of this unwritten military-legal tradition. In the scale of punishments, the Army Act confirmed dismissal as a lesser form of discharge for officers, which while still dishonourable, did not imply an ex-officer was barred from re-enlistment in the army or from civil employment by the crown (see Fig. 1-1).\textsuperscript{52}

**Fig. 1-1: Dismissal vs. Cashiering**

<table>
<thead>
<tr>
<th>Penalties</th>
<th>Dismissed</th>
<th>Cashiered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cancellation of officer’s commission</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Ceremonial public degradation (rank, buttons torn off)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Disqualification for employment by the Crown, post-1881</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Re-enlistment in the Army permitted, post-1881</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Loss of pension, gratuities, etc.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Forfeiture of medals</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Loss of value for purchase commission, pre-1871</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The Boer War from 1899 to 1903 witnessed the first time that the Army Act went into effect with a large British force engaged in a complex foreign campaign. Referred to by J.F.C. Fuller as “last of the gentlemen’s wars,” the Boer War signified a transition from the imperialist

\textsuperscript{51} Britain. House of Commons. *Debates* (10 Jun 1879), 1565.

\textsuperscript{52} LCO 53/139. British Army commentators recognized that no provision of the Army Act actually specified incapacity as a defining feature of a cashiering sentence.
skirmishes found in adventure literature to the more bureaucratic form of modern warfare. A sample of general courts martial from 1901 to 1902 includes forty-seven British and dominion officers sentenced to dismissal or cashiering. To expedite sentencing and promulgation, Field Marshal Lord Kitchener received a warrant to confirm sentences imposed on imperial and colonial officers while on active service in South Africa. Forty-two percent were charged with drunkenness; one quarter for financial misconduct; sixteen percent of cases concerned military misconduct such as AWOL, cowardice, and surrender; and the remainder for miscellaneous offences. Many officers believed to have shirked their duty were not tried but instead ordered to the base camp at Stellenbosch, South Africa. To be “Stellenbosched” entered British military vocabulary to describe the informal disgrace for being sent back after failure in the field.53

On the concepts of morality and duty in wartime, popular British writer W. Somerset Maugham mused, “In the Boer War officers placed in dangerous positions surrendered very easily, preferring that dishonour to the chance of death; and it was not till some were shot and more cashiered that the majority nerved themselves to a stouter courage.”54 Although no officers were executed for cowardice, the most notorious court martial during the war proved to be a very rare circumstance when a man with a commission faced the firing squad. In January 1902, four Australian officers were charged with the murder of Boer prisoners. Lieutenants Breaker Morant and Peter Handcock were executed by firing squad while Henry Picton received a lesser conviction of manslaughter and was cashiered.55 Lieutenant George Whitton, whose death sentence was commuted to cashiering and penal servitude for life, later expressed: “I felt that

death a thousand times would be preferable to the degradation of a felon’s life; I had already suffered a dozen times over pangs worse than death.”

**Worse than Death**

Scales of Punishment

The few death sentences imposed on commissioned officers during the seventeenth and eighteenth centuries had become nearly nonexistent by the Victorian era. King George II’s controversial decision to confirm the execution of Admiral John Byng for “failing to do his utmost” at the battle of Minorca in 1757 illustrated the exceptional nature of the death sentence against a high-ranking officer. Upon confirming the cashiering of Lieutenant General Lord Sackville for disobedience at the Battle of Minden in 1759, George II announced the importance to show all officers, “that neither high birth nor great employments can shelter offences of such a nature; and that, seeing they are subject to censures much worse than death, to a man who has a sense of honour, they may avoid the fatal consequences arising from disobedience of orders.”

Despite such declarations, government ministers, generals, and the accused officers themselves understood that actual execution constituted the highest punishment. After all, the crown never saw fit to commute a court martial sentence of cashiering to a lesser penalty of death! The high value placed on rank, reputation and status was nevertheless expected to make disgraceful dismissal feel as ignominious as actual execution for true men of honour.

The *Manual of Military Law* outlined the scale of punishments for officers under Section 44 of the 1881 Army Act, in descending severity: (1) Death, (2) Penal Servitude (plus

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58 *History of the Proceedings and Debates of the House of Commons* (18 Feb 1782), 228. Emphasis added. Lord Sackville’s later re-emergence as a cabinet minister challenged the supposed tradition that cashiered officers could never serve the Crown. Several members of the House of Lords, however, objected to his joining their body.
cashiering), (3) Imprisonment less than two years (plus cashiering), (4) Cashiering, (5) Dismissal, (6) Forfeiture of seniority, (7) Severe reprimand, and (8) Reprimand. Whereas as the first five penalties in effect terminated an officer’s service in the army, the last three inflicted a much milder form of disciplinary action. In a professional army that privileged hierarchy and status, loss of seniority and reprimands impeded an officer’s career advancement and might even instigate a convicted man to submit the resignation of his commission. Due to the unique status of holding a commissioned rank, which had been granted on authority of the crown, an officer could not be reduced to the private ranks nor even demoted in substantive rank, such as from captain to lieutenant. The limited sentencing options available in general court martial meant that an officer faced the strong possibility of receiving some form of expulsion upon conviction.

Due to the stigma of even standing trial before a court martial, an accused officer looked toward complete exoneration to expunge any hint of malfeasance. Depending on the nature of the charge a finding of not guilty might suffice. For accusations that directly affected the honour of the accused the court could award honourable acquittal. The Duke of Wellington specified the exceptional conditions for making such a finding: “A sentence of honourable acquittal by a court-martial should be considered by the officers and soldiers of the army as a subject of exultation, but no man can exult in the termination of any transaction, a part of which has been disgraceful to him; and although such a transaction maybe terminated by an honourable acquittal by a court-martial, it cannot be mentioned to the party without offence, or without exciting feelings of disgust in others.” As Wellington explained in an example, the acquittal of an officer accused of fighting in a brothel ought not to be termed honourable because no officer “wishes to connect the term honor with the act of going to a brothel.”

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needed to account for the entire circumstances surrounding the charge and the broader conduct of
the accused beyond the strict legal divide between guilt and innocence.

The central role honour and disgrace played in regulating commissioned officers’
conduct stood in stark contrast to the more coercive methods inflicted on lower ranks. Unlike
continental European powers that tended to celebrate a noble army tradition, historian Gerard
Oram explains that, from the British perspective, “Far from being an honourable profession
soldiering was considered worthless by most classes, but most especially among the working
class who regarded the army as a refuge for drunkards and criminals rather than a respectable
trade.” Since most British generals and politicians regarded the ordinary ranks as drawn “from
the very bottom strata of society,” they assumed that disciplinary measures designed to imperil a
soldier’s honour would be useless in comparison to corporal punishment. 60 Elizabeth Hillman
points out that “the best indication of the gulf between service as an officer and as an enlistee
was the practice of punishing soldiers by extending tours of duty—and officers by cutting them
short.” 61 During the Napoleonic Wars for example, a disgraced officer endured expulsion while a
soldier convicted of a similar serious crime received general service for life.

Justifying the use of corporal punishment to maintain discipline among soldiers, one
eighteenth century legal scholar explained that flogging against an army officer would constitute
“a most irreparable injury, as depriving him of his honour, and rendering him unfit for the
society of gentlemen.” 62 Historically, flogging with the cat o’ nine tails was most closely
associated with the harsh discipline of the British Royal Navy. The meritocratic tradition of the
navy compared to more elitist regimental cultures within the army reflected the evolution of two

60 Gerard Oram, “The administration of discipline by the English is very rigid’: British Military Law and the Death
62 Quoted in G.A. Steppler, “British Military Law, Discipline, and the Conduct of Regimental Courts Martial in the
slightly different systems of military discipline and punishment. As suggested by the earlier example of Admiral Byng, during the eighteenth century it was not unknown for naval officers to be executed, usually for cowardice or sodomy. Yet even in the naval service officers and sailors occupied two separate spheres of discipline. Though flogging continued until formal abolition in 1881, naval rules specified that, “No Officer shall be subject to Corporal Punishment.” In terms of expulsion by naval courts martial, officers and lower ranks were subject to a single scale of punishment. Unlike the Army Act in which cashiering for officers was distinct from discharge with ignominy for soldiers, the Naval Discipline Act of 1860, made officers and ratings alike liable to either dismissal with disgrace or the lesser penalty of dismissal. For sailors, imprisonment nevertheless typically accompanied this form of dishonourable discharge.

In the British Army, “branding” illustrated a clear contrast between the types of punishment imposed against soldiers compared to officers. Whereas cashiering or dismissal only symbolically marked an ex-officer’s honour, “branding,” or tattooing physically marked disobedient soldiers with a “D” (desertion) or “BC” (bad conduct). As reforms did away with punishments like penal transportation and lashing, by the late 1860s, soldiers convicted of disgraceful actions or insubordinate behaviour were increasingly discharged with ignominy; but this sentence virtually always included a prison term and a “BC” tattoo to prevent re-enlistment. A general court martial in New Brunswick in November 1867, for example, sentenced Private George Reynolds of the 16th Foot to five years penal servitude for desertion and threatening his superior. He was further marked with the letters “D” and “BC,” and to be discharged with

64 Although contemporarily referred to as “branding,” the procedure functioned as a form of permanent tattooing with ink by the latter half of the nineteenth century.
ignominy from the army upon completion of his sentence.\textsuperscript{66} No such “branding” was necessary to stigmatize and exclude cashiered ex-officers; notoriety within the regimental mess presumably ensured the necessary criteria for social ostracism.

Even after the abolition of both lashing and marking within the British Army by the early 1870s, the assumption that an officer’s honour prohibited physical punishment still continued to inform attitudes towards military discipline. Incarceration was a deterrent to be endured by the lower ranks. To replace the lash, in 1881, the army instituted Field Punishment No. 1, in which a convicted soldier was fastened to a post or a wheel for an extended period. The introduction of detention in 1906 served as a replacement for short-term imprisonment against soldiers convicted of minor crimes. Detention permitted soldiers to be confined to barracks for periods ranging from days to many months with an aim toward reformation and reintegration.\textsuperscript{67} While some continental European powers used “confinement to a fortress” to punish ill-disciplined officers without resorting to dismissal, the British army judged detention inappropriate as a man holding a commission would never be able to command authority after any period of confinement.\textsuperscript{68}

Imprisonment with hard labour and penal servitude remained severe punishments overwhelmingly inflicted on other ranks for criminality, gross misconduct or military offences on campaign. Nineteen sections of the Army Act, most notably Section 40—the catchall category of conduct prejudice to good order and discipline—specified a maximum punishment of imprisonment for soldiers compared to a maximum punishment of cashiering for officers. As the equivalent of conduct unbecoming for other ranks, Section 18, which applied to soldiers alone, comprised disgraceful conduct such as malingering, self-inflicted wounding, embezzling

\textsuperscript{66} Court martial of George Reynolds. RG 8, C-series, reel c-3791, 1452A.


\textsuperscript{68} “Officers reduction in rank— inclusion in scales of punishment,” WO 32/11097.
regimental money or indecent conduct of an unnatural kind. Whereas officers cashiered for Section 16 were immune to imprisonment, soldiers convicted for Section 18 faced a maximum punishment of two years hard labour.\textsuperscript{69}

\textbf{Cashiering and Imprisonment}

Thring’s original draft of the 1878 Army Discipline and Regulation bill actually held that an officer convicted under Section 16 would be liable to imprisonment as the maximum sentence. Due to strenuous objections from several army officer-MPs, the Secretary for War agreed to stipulate a mandatory sentence of cashiering for conduct unbecoming with no possibility of a greater or lesser alternative punishment. One colonel-MP thought Thring might be a fine legislative draftsman but showed total ignorance of army culture when he proposed such a radical penalty. As another colonel-MP explained, “It [is] most important that the highest punishment … should always remain dismissal from the Service—that [is] to say, dismissal of the officer from the society of gentlemen with whom he had associated.”\textsuperscript{70} Officers accepted that the “moral effects” of cashiering included social ostracism and even incapacity for future service, but could not tolerate the possibility of imprisonment for the crime of conduct unbecoming. Since the cancellation of a commission symbolized the destruction of a convicted officer’s honour, an additional prison term would have involved an excessive disgrace. Imprisonment, or penal servitude almost always accompanied a sentence of discharge with ignominy for soldiers.\textsuperscript{71}

As Gilbert points out in reference to the earlier eighteenth century context, a broad interpretation of a charge of conduct unbecoming had long shielded officers from more serious

\textsuperscript{69} WO 32/3996, “Scale of Punishments of Officers.”
\textsuperscript{70} Britain. House of Commons. \textit{Debates} (8 May 1879), 2004. The distinction between dismissal and cashiering was further complicated by speakers who used the terms interchangeably. In this context, the MP referred to the basic effect of the cashiering sentence (dismissal from the army) rather than the distinct sentence of “Dismissal.”
\textsuperscript{71} Imprisonment with or without hard labour was for less than two years. Penal servitude was for more than three years confinement.
and specific charges that carried severe punishments. Framing a charge for fraud, cowardice, self-inflicted wounding, gross indecency or rape under Section 16 instead of another relevant section of the Army Act or criminal code ensured that the convicted officer could only be cashiered rather than also imprisoned. According to traditionalists, cashiering for officers was supposed to constitute an even graver social stigma than incarceration, which previously could only be applied against officers convicted of a felony. Whereas officers had rarely endured incarceration in earlier eras, of 58 British Army officers cashiered between 1881 and 1913, ten convicted of embezzlement, one for breaking arrest and one for cowardice received additional terms of imprisonment with hard labour or penal servitude. To justify the different punishments preferred against a gentleman officer compared to an ordinary soldier, army leaders and conservative commentators nonetheless continued to assert at the turn of the century that cashiering had always signified “a punishment worse than death.”

By the early twentieth century, critics increasingly scoffed at such rhetoric as exposing the inherent class bias of military justice. Challenging a traditional emphasis on gentlemanly honour and respectability, working-class advocates and progressive politicians in Britain countered that cashiering was not “a real punishment.” The rise of the Labour Party after the 1906 election added more radical and contrarian voices to the British House of Commons. During the annual review of the Army Act in 1912, some Labour members could not understand how a private soldier endured imprisonment while an officer received a sentence of cashiering for the same type of offence. Former Labour Party leader Keir Hardie, who later organized pacifist opposition on the outbreak of the Great War, proposed an amendment to the Army Act making officers liable to incarceration as a maximum punishment for most offences—the same

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72 Gilbert, “Law and Honour,” 76.
as a common soldier. Under-Secretary for War, Colonel J.E.B. Seely, who later commanded the
Canadian Cavalry Brigade from 1915 to 1918, opposed the amendment by pointing out that any
officer sentenced to imprisonment immediately lost his commission anyway. To mandate
cashiering plus imprisonment for a single offence would in effect punish the officer twice. The
“intolerable” alternative would allow an officer to serve a prison term but keep his commission
as a convict. Seely claimed Labour critics fundamentally misunderstood the ruthless nature of
disgraceful dismissal from the service. Rather than a lenient sentence, Seely explained,
“cashiering of an officer is a penalty so terrible that, were you to ask a thousand officers which
they would prefer, to be imprisoned or to be cashiered, I know quite certainly the whole thousand
would say, ‘Give me the imprisonment.’” Having lost his uniform, pension, career prospects, and
associations, “He is a social outcast, and the only thing the poor man can do is to leave the
country or, possibly, the world; and that is what does happen.”
Expulsion from respectable society such as gentleman’s clubs and other fraternal organizations was an expected effect of
cashiering rather than an actual part of the legal sentence itself. The added punishment of social
ostracization depended on group members to apply their own honour code to immediately
exclude from their membership a man cashiered from the army.

Skeptical Labour members questioned why dismissal from the army would be considered
any less shameful for other ranks as to warrant the different punishments. Hardie withdrew his
amendment but felt the debate on the meaning of cashiering had been enlightening: “It has
revealed an amount of class feeling ... I maintain that the common soldier has as high a code of
honour as any officer in the Army, and that being dismissed is as much a social disgrace to him
as it is to the officer.”

Labour members next proposed an amendment to replace the punishment

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75 Britain. House of Commons. *Hansard*, vol. 36 (10 Apr 1912), 1293.
76 Ibid, 1299.
of discharge with ignominy, which applied only to soldiers, with dismissal from His Majesty’s Service in order to place all ranks “on the same footing.” “I think we are only arguing about words,” Seely remarked, yet Hardie’s objections revealed how interpretations of the terms differed depending on the priorities and perspectives of the speakers. When Hardie proposed the addition “with ignominy” to a sentence of cashiering in order “to preserve that appearance of fair play for both [ranks],” Seely countered that such a revision would be redundant as “every officer in the Army would laugh at the phrase, because the word ‘cashier,’ I can honestly say, is dreaded by every officer.”

Liberal and Conservative army officers and titled MPs understood cashiering and dismissal represented the harsher words because both conveyed implicit ignominy for a gentleman. With very different backgrounds in working-class culture and trade union politics, Labour MPs did not attribute any special dishonour to cashiering but did perceive class bias because “with ignominy” was only attached to the dishonourable discharge of ordinary soldiers.

Seely did not deny Hardie’s claim that ordinary soldiers could feel shame following a court martial conviction but maintained that an officer’s commission as a symbol of privilege and responsibility made a crucial difference. By equating holding a commission with having honour, the military justice system implied that lower ranked soldiers had no honour to disgrace; or more precisely, they did not possess the same type of honour as an officer to signify membership in an exclusive and privileged honour group. Labour Party criticisms nevertheless forced traditionalist defenders of the status quo to acknowledge that their arguments were inextricably tied up in class distinctions and social hierarchies. Gentlemen officers from the upper-class or aristocracy were by virtue of perceived higher status and position presumed to have much more to lose from social ostracization than a soldier discharged with ignominy who, as one Conservative MP pointed out, “probably in a few years it is forgotten he was ever in the

77 Ibid.
Army.” Seely admitted that a more egalitarian martial justice system which drew no distinction between privates and officers might be ideal, but he maintained, “We must take the world as we find it.”

**Canadian Context: 1867 to 1914**

**Dominion Militia Culture**

Through the nineteenth and early twentieth centuries, many English-Canadian social commentators and politicians preferred to view their dominion as a society without rank or class in contrast to rigid British social stratification. Without the presence of hereditary nobility and landed gentry to define social boundaries, Canadian men were expected to rise in society through their own industry and intelligence. Arguing that community leadership positions in late-nineteenth century Ontario towns had become, “earned, not inherited” Andrew Holman describes how middle-class professionals derived their honour and authority through success in public life. Advancement through merit rather than noble birth seemed to offer equal opportunities to all citizens, but access to higher social standing remained restricted by assumptions about race, gender, ancestry and education. Privileging achievement and talent served to form an imagined social hierarchy in which middle-class professionals claimed respectability and esteem as gentlemen.

Participation in the Non-Permanent Active Militia (NPAM) served as an important opportunity for self-styled gentlemen to project influence and build a good reputation within their local communities. In this way militia regiments resembled the contemporary fraternal

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78 Ibid, 1292-3.
organizations and professional cultures that many militiamen belonged to as well. Within these distinct communities, membership granted respectability that in turn could be translated into economic, social and political capital. Despite the financial cost of buying a uniform and paying mess dues, historian James Wood observes, “belonging to the officer class bestowed a certain prestige in an otherwise middle-class country that offered few opportunities for social advancement.”

Desmond Morton states that, “in a society acutely conscious of social status, a militia commission became a badge of respectability.” Militiamen adopted the regimental style and uniforms of aristocratic gentleman officers but disavowed an association with professional soldiering. The ideology reflected a late nineteenth-century political and military culture of Canada which extolled the citizen-soldier model as the gentlemanly ideal.

Nationalist and imperialist minded English-Canadians mythologized the militia but for most of the country’s colonial past, defence had relied on the presence of British regulars garrisoned at Halifax, Montreal and Quebec. The withdrawal of British regular troops from the dominion in 1871 prompted many Canadian military thinkers to advocate for the creation of a voluntary army that could assume the responsibility for national defence. Critics meanwhile contrasted the departing British regulars with part-time militiamen who endured mockery for merely “playing soldier.”

Canadian volunteers attached to a local militia regiment were subject to discipline under the 1868 Militia Act, and while on active service, in drill or on parade, under the 1881 Army Act regulations. Militia officers largely rejected the coercive disciplinary methods of their British counterparts by maintaining discipline through consensus.

Chris Madsen explains how officers and militiamen alike were “integrated into their general civic and

social communities, and more often related to each other through family, business, and political connections. An 1868 article in The Volunteer Review and Military and Naval Gazette explained, “soldiers serve without intending to make arms their sole profession, and will not willingly follow officers who are unpopular or unknown. Moreover, officers selected for their local popularity have sufficient influence over their men to prevent gross infractions of discipline.”

Good militia officers were expected to possess personal popularity and tact rather than satisfy “mere qualifications” to earn a commission. Colonels and company captains who could not command the respect and confidence of their men were expected to resign from the militia regiment. The federal government authorized the creation of a small Permanent Active Militia of cavalry and infantry (known as the Permanent Force or PF) in 1883 but many in the public and the militia expressed suspicions of professional “military aristocracy.”

As Desmond Morton argues French Canadians had long encountered obstacles to military service due to the structural failures of the militia institution itself. The Canadian active militia not only mirrored a British regimental model but more importantly it also fostered an English-speaking culture that most French Canadians felt unwelcome to join. Many Protestant Orangemen, who dominated Ontario militia regiments, remained suspicious of French Canadian interest in military training and preparedness. As a result of the 1837 Lower Canadian Rebellion, and the contentious political aftermath, dozens of Francophone officers suspected of disloyalty had been dismissed from their militia regiments. During the late nineteenth century the few French Canadian officers who desired a career in the Permanent Force often found themselves increasingly separated from their cultural roots in Quebec. Throughout this period, hostility

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85 Madsen, Another Kind of Justice, 13.
87 Wood, Militia Myths, 22.
toward Catholicism, opposition from many English-Canadians toward any form of francophone accommodation and the sense of French Canadians’ own exclusion from the rest of the dominion strengthened the Nationalisté movement in Quebec. While some Nationalisté supporters equated militarism with British oppression, others embraced elements of militia tradition and cadet training.\(^8^9\) Rather than indicating a devotion to the imperial defence of the British Empire, this interpretation of militia preparedness called for the national defence of Canadian interests.

The North-West Rebellion in spring 1885 not only served as a flashpoint for the Anglophone and Francophone divide, the conflict also offered the militia a first opportunity to prove itself on the battlefield. Victory over the Métis provisional government of Louis Riel and Gabriel Dumont at the battle of Batoche seemed to confirm for many English-Canadians the natural superiority of volunteer citizen-soldiers—both heroic Canadians and enemy Métis—over professional British regulars.\(^9^0\) Despite reports that some Canadian troops had plundered settler and Métis homes, the commanding officer of the North West Field Force, Major General Frederick Middleton remarked on the absence of serious crime on campaign and ordered no court martial against any officer or soldier under his command.\(^9^1\) Commanding the lines of communication Major General John Laurie confirmed the sentence of at least one insubordinate soldier to 42 days hard labour and “dismissed the service with ignominy.” Suspecting the “instigator” had been a regular army veteran, Laurie commented, “a man of that stamp was quite unfit to associate with the honorable men who filled the ranks of our regiments.”\(^9^2\) Unlike regular soldiers who generals and politicians typically regarded as lower-class miscreants, volunteer militiamen were assumed to be upstanding citizen-soldiers who both possessed and valued

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\(^{9^1}\) Madsen, “Military Law, the Canadian Militia.”

honour. Military theorist and Toronto cavalryman Colonel George T. Denison III recalled in admiring terms:

My men who served in this affair were of a very superior class many of them well educated and of good social status, most of them in comfortable circumstances. There were doctors, bank clerks, business men, farmers, one Oxford graduate, one ex-army officer, etc. They behaved splendidly, keen to obey every order, always willing, and preserving perfect discipline. Not the stolid discipline, the result of years of routine, but the discipline of zeal and enthusiasm, based upon the common desire of us all to do the very best we could for our country, and for the credit of our corps.  

Suspicion of professional militarism combined with the celebration of citizen-soldiering exposed contradictions between perceived arbitrary military discipline and more laudable democratic ideals. During the late nineteenth century, Canadian officers suspected of misconduct, or targeted by the political machinations that characterized much of militia culture, were usually requested to offer their resignations or face compulsory retirement. One ex-officer of the 10th (Toronto) Royals stated this form of arbitrary dismissal destroyed morale “as no independent gentleman would ever stoop to hold a commission under such galling conditions.”  

In the 1890s, Toronto Liberal MP William Mulock denounced the forced removal of several militia officers by the Conservative federal government as “lynch law in the militia affairs of Canada.” “[W]ithout court martial, without the right of fair trial to which every British soldier is entitled,” Mulock declared that several militia officers had been “dismissed arbitrarily and tyrannically.” The Liberal popular magazine The Grip, similarly believed that the summary dismissal of a militia lieutenant from political motives proved “the military system is essentially despotic and incompatible with free institutions.”

Officer Corps Discipline in Canada

93 George Denison, Soldiering in Canada (Toronto: George N. Morang and Co., Ltd., 1901), 267.
94 “The Tenth Royals” Toronto Globe, 16 May 1881, 5.
97 The Grip (22 Oct 1892), 260.
The British General Officer Commanding the Canadian Militia held the power to convene general courts martial until the creation of the militia council in 1904. The governor-general did not receive a warrant to convene general courts martial and confirm sentences within Canada until 1909. Given the embryonic state of Canadian military administration and the limited funding allocated to militia affairs, expertise in military law received little attention through the early twentieth century. Lieutenant Colonel Henry Smith, who became Canada’s first Judge Advocate General in 1911, felt the need to chastise several militia commanding officers for trying nine privates by “field general court martial” rather than more properly by district court martial, which had limited sentencing powers. Pointing out the quite inappropriate application of military law, Smith explained, “In fact, authority to convene a General Court-martial has not been granted to any one, and the authority to convene even a District Court has been granted to a very limited extent only, so, the holding of a General Court-martial for the trial of a Canadian militiaman except by order of the governor-in-council, or by his immediate or direct authorization, is contrary to the spirit if not the letter of our law.”

Between April 1911 and March 1914, the Permanent Force (PF) convened nearly 300 district courts martial. Convictions for the most serious offences namely desertion and violence typically resulted in imprisonment and discharge with ignominy.

The inexperience of most Canadian militia leaders with the administration of military law combined with the voluntary nature of the part-time militia meant that striking an unsatisfactory officer or militiaman from the active list accomplished the same effect as formal dismissal by general court martial. Furthermore, as many militiamen realized, most Canadians at the turn of

98 Madsen, Another Kind of Justice, 39.
the century did not hold militia matters in high esteem in any case. The stigma of dismissal did
not necessarily carry the same ignominy with the wider civilian society as it did among a smaller
network of fellow officers and militia enthusiasts who socialized in armouries or messes.
Alternatively, tight community bonds possibly made the public cashiering of a militia officer
from a local regiment an undesirable outcome for all concerned. In either case, during the late
nineteenth century and early twentieth century, general courts martial appeared to be very rarely,
if ever, convened for the dismissal of Canadian militiamen or PF members due to gross
misconduct or unofficer-like behaviour. Justifying the forced resignation of a financially
dishonest lieutenant from Lord Strancona’s Horse (LSH) in 1911, Colonel Sam Steele explained,
“I am anxious to avoid the publicity of a Court Martial on an Officer, and I think full justice can
be done without adopting this extreme disciplinary measure.”

While forced retirement might mean a certain amount of embarrassment for part-time
militia members, dismissal for professional soldiers entailed the loss of a career and potential
financial sacrifice. The Militia Pension Act of 1901 for the first time in Canada provided a long-
service pension for soldiers and officers of the Permanent Force who had completed a set
number of years’ military service. An officer compulsorily retired after twenty-years’ for any
cause except misconduct received a lifelong pension not exceeding one-fiftieth of pay for each
year of service. Successful receipt of a pension importantly depended on the satisfactory conduct
of the member. When he presented the legislation to the House of Commons, militia minister
Frederick Borden expected that a degree of financial security from pensions would help to attract
the best type of man to fill the officer corps of PF. Sam Hughes, Conservative MP for North

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102 Militia Pension Act (1901), 101-107. To cover the cost of a pension the pay of every officer included a deduction
of 5 percent per annum. https://archive.org/stream/actsofpar11901v01cana#page/102/mode/1up/search/PENSION
Victoria and Boer War veteran, did not oppose pensions but made his feeling against the Permanent Force clear when he snidely referred to high expenses of keeping up “extravagant” entertainment in the officer corps. Hughes’ preference for the Non-Permanent Active Militia (NPAM) reflected his notion that well-trained citizen-soldiers proved superior to professional officers in their performance, conduct and character.104

The divide between the smaller cohort of PF officers and the part-time militiamen connected to the NPAM exposed a tension over how an officer and a gentleman ought to behave within the context of a notionally more egalitarian Canadian society.105 In response to a 1906 memo from militia minister Borden that reminded PF members to treat their militia counterparts with respect, Colonel J.F. Wilson, the first Canadian-born commander of the Royal Regiment of Canadian Artillery, disclosed his poor opinion of amateurs:

It sometimes happens in Messes of the Permanent Force, and has occurred more than once in my own Mess, that men are sent here, as officers of a Militia Unit, who are not gentlemen, have no gentlemanly instincts, and never could be made to act and feel like gentlemen. I am aware that King’s Regulations recognises the fact that the term “officer” is linked to, and “ipso facto,” implies also the term “gentleman.” It does not always follow, in our Militia Force, that the terms are synonymous. I merely mention this point... in order that the Hon’ble The Minister of Militia may be made aware of the fact that it sometimes happens that O.C. [Officers Commanding] Units recommend for His Majesty’s Commission, men who are not in any way qualified for such an appointment.106

Wilson argued that being a gentleman depended more on an officer’s behaviour and etiquette than simply as a product of his rank. Yet his assertion that officers needed to possess

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106 Col. Wilson to Chief of Staff Officers, 5 Feb 1906. RG 24-C-1. Reel C-5052, File 372.
“gentlemanly instincts” and that certain officers could never be made into gentleman suggested that the ideal qualities expected of a commissioned rank were as much inborn as acquired.\textsuperscript{107} In the messes of Permanent Force, officers emulated the atmosphere of a gentleman’s club by following strict protocol for dining, drinking, dress and conversation (no “offensive discussions of a personal, religious, or political nature that may tend to create discord”).\textsuperscript{108} The 1910 Standing Orders for the Royal Canadian Regiment (RCR) stressed, “Officers will not forget that it is due to the honour of the professions which they have selected, to set at all times an example of gentlemanlike feeling and conduct. It will be each officer’s endeavour to support the high character of the service and especially to maintain the esprit de corps of the Regiment.”\textsuperscript{109} While regulations discouraged standing drinks or treating fellow officers, the ability to hold one’s liquor was an important part of mess culture. Beyond indiscretions in the privacy of the mess, public drunkenness represented a more serious matter because obscene behaviour exposed the PF to disrepute from militia officers and civilians alike. Colonel Steele adversely reported on one “useless” LSH cavalryman illegally absent in Winnipeg in 1910: “it was the painful duty of some of his brother Officers to bring him up from a Public Club in the City in a very advanced stage of drunkenness ... I would respectfully request that the Resignation be accepted, and this Officer be allowed to go quietly away without any further action being taken.”\textsuperscript{110}

Commanding officers submitted annual confidential reports to the militia council on each officer attached to their regiments for purposes of reappointment and promotion. The 1910 RCR Standing Orders warned senior officers, “This report is of such a precise and searching nature,

\textsuperscript{109} \textit{Standing Orders of the Royal Canadian Regiment}, 1910. RG 24, vol. 189, file HQ1-12-3.
\textsuperscript{110} Col. Steele to Militia Council, 3 Jan 1910., reel C-4859.
that it is impossible to avoid giving the fullest details. They should therefore remember that not only must any professional ignorance, or want of zeal tell against the efficiency of the regiment ... It is placed completely out of the power of the C.O. to save an officer from any consequence of his own inefficiency.”

In addition to evaluating members’ professional knowledge and moral qualities such as temper and tact, the reports assessed social habits in temperance and finances. Lieutenant Colonel A.E. Carpenter denied the appointment of a militia officer attached to the RCR for instruction in 1911, stating, “He apparently does not know the value of money, and was continually in debt, or at least was unable to meet his Mess bills ... He is addicted to the drink habit, which habit he has shown no inclination to break off.”

According to Paragraph 235 of the King’s Regulations and Orders for the Canadian Militia, commanding officers seeking the actual removal of a subordinate deemed unworthy of a commission needed to personally inform the officer of the adverse report and then allow him an opportunity to appeal.

The 1903 case of Captain G.W. Hamm of the 75th (Lunenburg) Regiment illustrated the administrative process for removing an ill-mannered NPAM officer. After receiving several complaints over Hamm’s indiscipline and misbehaviour, his commanding officer requested that the captain resign his commission or “you will be recommended to be dismissed from the Militia on account of conduct unbecoming an officer and a gentleman.” Hamm refused to resign and demanded a court of inquiry to investigate the allegations. Fellow militia officers claimed Hamm had been drunk at the annual militia camps in Nova Scotia over the past several years. In 1897, he disobeyed orders by marching his company over a bridge; in 1898, he fought with a private and behaved insolently; in 1902, he wore an unbuttoned tunic and placed a turkey feather in his cap. One officer called such a sight “grotesque,” and observed, “His appearance was very bad,

111 Standing Orders of the Royal Canadian Regiment, 1910.
112 Carpenter to A.A.G. 2nd Div, 23 Dec 1911, RG 24-C-1-a, reel C-4859.
dirty and out of keeping with the make up of an Officer.” The inquiry board concluded that the evidence “clearly shows that this officer is not a fit and proper person to hold a commission.” After transferring Hamm to the retired list, militia authorities discovered a deficiency of $159.74 in his company’s stores. Hamm ignored all calls for repayment and the militia council ordered his complete removal from the service in 1904.\footnote{Militia Personnel File of Capt. G.W. Hamm. RG 24, reel T-17664, file 5151-1.}

A decade later, following news of Britain’s declaration of war against Germany in August 1914, Hamm appealed to be reinstated in the militia at his former rank in order to volunteer. Petitioning the militia council on behalf of his constituent, Dugald Stewart, MP for Lunenburg, contrasted “the present emergency” with the peacetime conditions, “when military matters in Canada were run somewhat loosely and the annual camp gatherings were more or less considered as a proper time for a period of play & riot especially for the officers, and when the corkscrew was the principal implement of warfare.”\footnote{Militia Personnel File of Capt. Hamm.} The militia council rescinded the removal order and transferred Hamm back to the retired list although he was by then too old for overseas service. The greater esteem offered to men in uniform after the outbreak of the war in Europe suddenly made dismissal for militia officers a much more awkward predicament and a graver social stigma compared to years earlier. The mass mobilization of volunteers during the First World War marked a shift in public attitudes towards military service in Canada. Donning a uniform not only demonstrated commitment to defend the honour of the empire, but battlefield service was also expected to enhance the personal honour of each soldier and officer.\footnote{Robert Rutherford, \textit{Hometown Horizons: Local Responses to Canada's Great War} (Vancouver: UBC Press, 2005), 59; Brock Millman, \textit{Polarity, Patriotism, and Dissent in Great War Canada, 1914-1919} (Toronto: University of Toronto Press, 2016), 56, 128.} Whereas Lieutenant Colonel J.A. Cooper of the 198th Battalion claimed to have avoided discussing participation in the militia for twenty years “lest anyone should say I was spending my time and
my money foolishly,” in the wartime atmosphere he found, “A man can wear a military uniform
on the streets nowadays without feeling that anyone despises him at least.”116 Under the patriotic
war fervor, civilians and recruiters instead targeted men not in uniform with accusations of
disloyalty, cowardice, and weakness.117 The high value placed on khaki enhanced the honour of
military service; meaning that rejection or failure to serve carried a corresponding dishonour.

First World War Context

When Britain declared war on Germany on 4 August 1914, Canada as part of the empire
was automatically at war; however, the dominion’s government would decide the extent of the
military contribution. Acting on his own initiative, minister of the militia and defence Sam
Hughes disregarded the established Canadian mobilization plan by calling on militiamen and
volunteers to assemble at Valcartier, PQ for the formation of the Canadian Expeditionary Force
(CEF) in August 1914. As the patriotic rush had left “hundreds of splendid officers more than
can be utilized,” Hughes relished his role humiliating rivals and weeding out those he deemed
inefficient or weak. Relying on his own judgment and instincts, Hughes offered command
appointments and promotions to those who impressed while summarily rejecting others who he
deemed deficient in officer-like qualities.118 After the formation of the second contingent in
November 1914, Hughes criticized the same subjective officer selection process which he had so
often embraced when appointing friends and allies to lead infantry battalions:

From the Atlantic to the Pacific there has been scarcely any selection excepting by wire
pullers; political and other intrigue; club influence; society and other causes than military.
There has been little if any, competition for the selection of good Officers … Friendship or

118 Morton, When Your Number’s Up, 97.
pull, with the local D.O.C. [District Officer Commanding], standing in with those Officers and their subordinates, or political friends, have been the highway to preferment.\textsuperscript{119}

In order to fill Prime Minister Robert Borden’s pledge for a contribution of 500,000 troops, beginning in fall 1915 Hughes authorized the creation of dozens of new numbered infantry battalions (culminating in 260 total battalions) to be raised by prominent citizens, businessmen, and politicians from across the county. Asserting that middle-class professionals represented the “natural leaders of a democratic army at the front,” Hughes conflated the qualities of good citizenship and good officership in a belief that prominence and success in public life exemplified the innate qualities of moral leadership and strong character necessary for military command.\textsuperscript{120}

Drawing on a voluntary militia culture infused with political localism, the federal government adopted this battalion system because successful recruitment appeared to depend on the local prominence and personal popularity of the officers responsible (and because it limited federal expenditure).\textsuperscript{121} Through social position and professional status, the lieutenant colonels appointed to organize the battalions were influential community leaders who staked their reputations in order to enlist fellow citizens from their home counties. Selection of junior officers typically depended on personal connections to their battalion colonel more than experience and qualifications. Although the CEF and the militia were separate entities, any potential officer who desired a position in one of the overseas battalions needed to possess a commission with an active militia regiment. Following completion of a qualifying course at an infantry training school where candidates received instruction in areas such as drill and tactics, newly

\textsuperscript{119} Hughes to Borden, 22 Dec 1914. MG 26 H, reel C-4320, 15690.
commissioned officers applied for an appointment through the military district commander or
directly to a battalion’s commanding officer. Finding other battalions had filled their quota of
officers, Richmond Erl Lyon, a 28-year old clerk from Ottawa desperately wrote to the militia
adjutant-general in 1916, “I shall be out in the cold and as I do not see anything further than
civilian life ahead just at present ... I respectfully beg your influence & hope you will be able to
place me.”

In early 1916, the Toronto Globe identified the manpower challenge for the country which
“must find seven or eight thousand natural leaders to form the necessary quota of officers.”
Recognizing that most candidates would lack experience in military matters and more likely
owed their selection to personal connections rather than competence, the article warned, “To
urge the appointment of a youth of dissolute life, weak will, and repellant manners to a position
in which he will have authority over a group of young men, many of whom may be as good
social standing and of better morals than their officer, is a wrong to the nation not lightly to be
forgiven.” The editor of Fairplay, an irreverent Alberta magazine of military news (which
frequently drew the ire of the chief press censor), remarked less optimistically, “Thank heaven
the bulk of the men holding Canadian militia commissions never get near the front, and thank
heaven the men in the ranks are of a better stamp than the average man they are under.
Defaulting debtors, real estate crooks, drunkards, etc.” By the end of the war, 22,843 CEF
officers served overseas with another 3,323 stationed in Canada only.

Hughes’ eagerness for officer appointments and his belief in the virtue of competition
lead to the creation of overlapping battalions contending for declining numbers of recruits within

122 Militia Personnel File of Lt. R.E. Lyon. RG 24, reel T-17691, file 602-12-6. He eventually received a
commission in the 109th Battalion.
125 RG 38, vol. 443. Country of Birth- CEF.
the same geographic regions. This voluntary recruitment system based on the formation of complete units with full complements of officers resulted in commissioning hundreds more officers than necessary for reinforcements at the front. Canadian military authorities overseas broke up the vast majority of the infantry battalions after landing in England, and denied most of the former commanders frontline positions due to over-age, unfitness, and inexperience.  

Alluding to the creation of “pal battalions” based on membership in certain associations or professions, one newspaper editorial mocked, “Why not a battalion or a brigade of officers? ... They would lose nothing in rank when all would be practically equal.” The editorial commented on the detrimental effect of surplus officers on voluntary recruitment: “It is generally felt that in a democratic country such as Canada is supposed to be, where a man in the ranks may be the equal, socially and by education, of his commanding officer, there must be something radically wrong with a system that produces such results.”

Within the units raised in Canada there were slim opportunities for working-class or ethnic minority candidates without social connections or professional positions to obtain a commission. Over three-quarters of officers appointed in Canada came from middle-class backgrounds and held white-collar occupations. Other ranks by comparison worked predominantly in farming, manufacturing and labour. Due to attrition on the Western Front that disproportionately impacted junior officers, commanders in the field preferred to promote officers from the NCO ranks rather than accept inexperienced subalterns who owed their position to social standing or influence rather than battlefield merit. By the end of the war 7,404 officers had been commissioned from the ranks while serving overseas with another 1,684 commissioned from the ranks in Canada. Promotion expanded the social and economic composition of the

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126 Barrett, “Natural Leaders of a Democratic Army,” 23-44.
127 “Explanations as to the Surplus of Officers—Enough For a Brigade,” The Winnipeg Tribune, 28 Jun 1916, 4
officer corps. Though many of these new officers generally came from non-professional backgrounds, over half still had white-collar occupations in clerical and business fields (fig. 1-3).

**Fig. 1-2: CEF Officers Commissioned, 1914-1919**

<table>
<thead>
<tr>
<th>Year</th>
<th>Officers Appointed in Canada</th>
<th>Commissioned from the Ranks, overseas</th>
</tr>
</thead>
<tbody>
<tr>
<td>1914</td>
<td>2560</td>
<td>1</td>
</tr>
<tr>
<td>1915</td>
<td>6507</td>
<td>452</td>
</tr>
<tr>
<td>1916</td>
<td>7298</td>
<td>1692</td>
</tr>
<tr>
<td>1917</td>
<td>2332</td>
<td>2411</td>
</tr>
<tr>
<td>1918</td>
<td>2804</td>
<td>2771</td>
</tr>
<tr>
<td>1919</td>
<td>115</td>
<td>74</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>21,616</strong></td>
<td><strong>7,404</strong></td>
</tr>
</tbody>
</table>

A military justice system under the Army Act which prioritized hierarchy and rank countered the expectations of many democratically-minded Canadian volunteers. Referring to the supposed more egalitarian composition of the CEF compared to the regular British Army, Captain J. Collingwood of the broken-up 130th Battalion felt that the Army Act had been “very efficient in pre-war days,” but it was unsuited for “the present civilian army, where 50 per cent of the rank and file are equal in education and breeding.” Contrary to common assumptions about a martial justice system that privileged the officer class, Collingwood, a 29-year old barrister from Perth, ON, complained that military laws were unfair because they were, in his opinion, much more severe on men holding commissions. During his court martial for drunkenness in England in 1916, Collingwood pointed out whereas one university student might enlist as a private drink too much and only be admonished, a fellow student might take a commission get drunk and face dismissal, which “brands one forever as a criminal.” In spite of his professed sense of Canadian egalitarianism, Collingwood’s allusions to having enjoyed “all

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128 “Officers Appointed” figures also include nursing sisters: 2411 served overseas and 443 served in Canada. Minus the total 2854 nursing sisters, 26,166 male officers served in the CEF: 18,316 appointed (71.7 percent) compared to 7,404 promoted from the ranks (28.3 percent).
the advantages of social and university life” and having descended from “one of the oldest Scottish families” pointed to the implicit belief that dismissal would naturally hold far greater dishonour for gentlemen of a perceived higher social “position and standing.”¹²⁹

**Conclusion**

Dating from the seventeenth century, the term cashiering had evolved in the British Army tradition to represent the most disgraceful form of expulsion from the military. The sentence marked the bounds of officer-like conduct and enforced rigorous discipline by removing men who had disgraced the regiment through misbehaviour or scandalous actions. The unique nature of the punishment exposed the ambiguous boundary between a code of law and a code of honour within the military justice system. Despite the trend toward professionalism and legalism through the late nineteenth century, regimental cultures held to an ideal in which commissioned members needed to behave in accordance with the conduct expect of an officer and a gentleman. Although military commentators stressed that the title of an officer and a gentleman could be claimed by any man through individual merit, democratic-minded critics detected an implicit class bias inherent in military justice through the separate scales of punishment. Cashiering only needed to symbolically mark the reputation and character of an ex-officer to constitute a damaging deterrent; ordinary soldiers discharged with ignominy needed to be at one time physically branded or in later years imprisoned to ensure a sufficient punishment. While traditionalists within the army long claimed that cashiering was a punishment worse than imprisonment or even death for an officer, social reformers in the early twentieth century found greater opportunities to challenge this attitude about the different scales of punishment for officers and other ranks.

For professional army officers, expulsion by court martial meant the end of a career and potential loss of livelihood. The stigma of dismissal and cashiering in the British Army therefore

had traditionally depended on the loss of a high social status and ostracization from a narrow military circle and perhaps from upper class society. Despite the supposed more democratic nature of a Canadian society without class or social distinction, many commentators still took for granted that middle-class professionals, university graduates, and civic elites would suffer most from the disgrace and social ostracism expected to follow public failure and scandalous misconduct. Although the Canadian militia and the Permanent Force did not have as deep a tradition of formal military expulsion as the regular British Army, by the outbreak of the First World War, most of those appointed to serve as officers, along with many civilians at home, understood that disgraceful dismissal could ruin even an exemplary reputation with negative repercussions on future social standing and economic prospects.
Chapter 3- No regrettable incidents: Dismissal and Cashiering in the First World War

Within one month of the declaration of war, the British Expeditionary Force (BEF) had been pushed back by the German offensive through the French frontiers. The retreat from Mons during late August 1914 resulted in one of the most infamous incidents of the early campaign. Leading exhausted and demoralized troops, Lieutenant Colonel John Elkington of 1st Royal Warwickshires and Lieutenant Colonel A.E. Mainwaring of 2nd Dublin Fusiliers attempted to surrender their regiments at St. Quieten. Charged with cowardice and shameful conduct, both colonels were court martialled and cashiered.¹ Upon reading the announcement of the sentences in the London Gazette, a newspaper correspondent remarked:

No ‘regrettable incidents’ will be allowed in the terrible campaign of Northern France and Belgium ... Every officer both of the regular British Army and of the Dominion Forces, has his reputation in his own hands. It is well that the men leading the troops should realise—and doubtless all of them have done so—that this is no military picnic ... The demands may be rigorous, even cruel, but their fulfilment is the only guarantee of success.²

The notion that every officer accepted responsibility for his own reputation implied that each man controlled his own circumstances and behaviour whether under the strange and stressful conditions along the Western Front or in the tumult of wartime England. The expectation reflected a fundamental belief that the model gentleman officer would always exhibit good character and self-discipline in defence of his most prized possession—his honour. Articulating his version of Canadian identity founded on a form of martial masculinity, militia minister Sam Hughes stressed, “Being in uniform should be and in properly constituted Corps is guarantee of manly behaviour ... It is the self-controlled man who proves himself a true soldier.”³ During the early stage of the war few had yet seriously considered that while the character and temperament

² “Officers Cashiered,” The Colonist, 7 Jan 1915, 2
³ Hughes to Adjutant-General, 16 Feb. 1916. Robert Borden fonds, MG 26H C-4230, 15775.
of every officer influenced opportunities for success or failure the unprecedented forces of the
global conflict itself could make or break any man’s reputation.

Upon receiving a commission an officer in the British Army tradition assumed a
tremendous responsibility for the welfare of his men as well as an obligation to behave according
to a high standard as a gentleman. Greater accountability from a leadership role entailed certain
special privileges such as a personal servant (batman), more comfortable accommodations,
access to the officers’ mess, access to a cheque book and more frequent rest leave. Exploring the
complex dynamics of officer-man relations, Gary Sheffield argues that ordinary soldiers tended
to accept the advantages granted to superiors in rank as long as “the officer did not behave in an
unofficer-like way.” Subordinates reserved special resentment for junior and senior officers who
failed to act as responsible guardians of the men. Soldiers welcomed the removal of officers they
deemed abusive, corrupt, cowardly, drunk or incompetent; though prevailing assumptions about
rank and honour meant that the most serious consequences for unsuitable officers involved
losing the right to participate in the war.

In much of the popular imagination of military justice during the First World War, the
court martial system has been portrayed as an unjust product of elitist class prejudice. Desmond
Morton argues that, “Officers, judged by their own equals in status and social background, fared
better than men in the ranks.” Unlike soldiers who suffered field punishment or detention,
convicted officers were never subject to such “vulgar penalties.” Whereas the CEF executed

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4 Craig Leslie Mantle, “Stripes, Pips and Crowns: A Preliminary Study of Leader-Follower Relations in the
Canadian Expeditionary Force during the First World War, 1914-1918,” PhD dissertation, University of Calgary,
2013, 36.
5 Gary Sheffield, “Command and Morale: The British Army on the Western Front 1914-1918,” in Hugh Cecil and
Peter H. Liddle (eds), Facing Armageddon: The First World War Experience (Barnsley: Leo Cooper Pen & Sword,
1996), 420.
6 Desmond Morton, “Military Medicine and State Medicine,” In David Naylor (ed.), Canadian Health Care and the
State: A Century of Evolution (Montreal: McGill-Queen’s University Press, 1993), 50; Desmond Morton, When
twenty-two soldiers for desertion, one for cowardice, and two for murder, no Canadian commissioned officer ever faced a firing squad. Instead a sentence of dismissal from the army left convicted officers, as Tim Cook notes, with “a stain on their character but alive.”

Canadian officers charged under the Army Act for misconduct in England appeared before a general court martial which consisted of a president holding the rank of colonel or brigadier general and a board of at least nine members of superior or equal commissioned rank to the accused. Early in the war half or more court members typically belonged to British Army regiments but as England filled with surplus senior officers from battalions broken-up for reinforcement drafts, Canadians came to assume most of the positions on general court martial boards. A judge advocate, a British or Canadian officer with legal training, presided over the trial and offered instructions to members regarding the trial process and what evidence to evaluate in making a decision. The verdict and sentencing depended on a secret majority vote of the board members. One officer acted as prosecutor while the accused defended himself, selected another officer, or in some cases hired a civilian English barrister to serve as defence counsel. General courts martial held in the field tried officers through an expedited process before a smaller board of at least five officers but still required the presence of a judge advocate.

This chapter examines general courts martial of Canadian officers in order to assess how the military institution and justice system defined and disciplined dishonourable conduct throughout the First World War. Based on 504 general courts martial held overseas in the CEF,

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8 Chris Madsen, Another Kind of Justice: Canadian Military Law from Confederation to Somalia (Vancouver: University of British Columbia Press, 1999), 45-46.
9 Teresa Iacobelli, Death or Deliverance: Canadian Courts Martial in the Great War (Vancouver: UBC Press, 2013), 76-77.
10 Madsen, Another Kind of Justice, 46. There were approximately 17,000 district, general, and field general courts martial overseas between 1914 and 1919. RG 24, vol. 1502, file HQ-1-30-2. Mirroring the conviction rates across the entire British Army, approximately 81 percent of officers and 90 percent of soldiers in the CEF tried by court martial received guilty verdicts.
34.7 percent resulted in either cashiering (49) or dismissal (126).\textsuperscript{11} The offenses against the Army Act can be divided into five primary categories: drunkenness in England and in the field; financial crimes including embezzlement, fraud, and passing bad cheques; scandalous conduct which comprise a number of offences; sexual crimes, namely gross indecency; and military misconduct in the field including cowardice, desertion, and disobedience. Canadians who may have patriotically volunteered to fight for King and Country could instead find themselves fighting a legal battle before a court martial board if they failed to live up to the ideal of an officer and a gentleman. Mass mobilization and attrition on the battlefield required expanding the officer class as replacements were increasing appointed from civilian society and promoted from the ranks. As Martin Petter argues, “The association between officer and gentleman had come about because gentlemen traditionally chose to become officers, not because being an officer carried the assurance of gentlemanly status.”\textsuperscript{12} Yet even newly commissioned Canadian officers, regardless of socioeconomic status or background, were still expected to emulate the customs and etiquette of a responsible and self-controlled gentleman.\textsuperscript{13}

On the amateur status of the CEF compared to British Army professionals, medical officer Andrew Macphail remarked, “A Canadian officer is really a play-actor. He is playing a part, and ... endeavouring to present the part of an English gentleman.”\textsuperscript{14} Attempts to emulate an imagined gentlemanly ideal by manners and appearance exposed the contradictory assumptions

\textsuperscript{11} British Army and dominion forces general court martial statistics record nearly 6,000 general courts martial of which 377 officers were cashiered and 1085 were dismissed between 1914 and 1919. Statistics of the military effort of the British Empire during the Great War, (London: His Majesty's Stationary Office, 1922), 650. Between 1918 and 1919, the United States, both at home and overseas, sentenced 647 officers to dismissal of which 367 cases were confirmed by the president or by the commanding general of the AEF. Annual reports of the War Department. v.1:pt.1 (1919), 672.  
\textsuperscript{13} Gary Sheffield, Leadership in the Trenches: Officer-Man Relations, Morale and Discipline in the British Army in the Era of the First World War (London: Palgrave, 2000), 56.  
\textsuperscript{14} LAC, MG 30 D 150, vol. 4, Macphail diary, 12 Feb 1915.
at the root of this masculine performance. In drinking, finances, social behaviour and sexuality competing impulses called on officers to exert restraint while at the same time as they were expected to project manly strength. The army’s espoused values claimed to privilege temperance and sobriety but the number of charges for drunkenness both in England and in the field indicated that many officers understood that alcohol formed a central part of army culture. Due to the higher pay earned by virtue of holding a commission, the potential to assert financial agency by meticulous saving or alternatively by stylish spending shaped how officers’ attempted to live up to their rank. According to the paradoxical cultural assumptions about male sexuality, young male officers were supposed to be at once morally respectable but also sexually virile. A reputation for courageously and boldness on the battlefield could mitigate disciplinary responses for certain ungentlemanly behaviours but failure to do one’s duty in the trenches represented the worst type of moral failing: cowardice before the enemy.

From the perspective of British and Canadian military authorities, serious infractions against the Army Act resulted from a critical lack of self-discipline and weak character. An inability to handle liquor, manage money or control nerves meant that an officer had disgraced his commission and could not therefore expect subordinates and peers to obey or respect his authority. While military leaders and court martial members recognized that the extraordinary circumstances of the war could in part contribute to officers’ delinquency, the cultural importance placed on masculine willpower continued to inform attitudes toward unofficer-like conduct and ungentlemanly behaviour. Medical opinions and moral judgements within court martial settings therefore attempted to isolate misconduct in the predispositions of a supposed weak-willed officer which was believed to make a man more prone to intemperance, criminality or cowardice.
Drunkenness and Gentlemanly Manners

Eager to prove their officers equal to if not superior than British Army professionals Canadian military and political leaders hoped to emulate the gentlemanly ideal by inculcating proper etiquette and tact with a special emphasis on sobriety.15 A fervent temperance advocate, Hughes advised “getting rid of the lower more unreliable and drinking class” in favour of “a higher type of man.”16 Toleration of bad behaviour harmed overall discipline, and as one Canadian prosecutor of a drunken lieutenant noted, “we must remember that by the example of the officer so will the men act.”17 Drunkenness by its volatile nature bred indiscipline which in turn spread general inefficiency. An officer for whom a drinking habit had become an uncontrolled vice could not be trusted to remain in a position of important responsibility. Slurred speech, staggered walk and vulgar behaviour along with ill-temper, aggressiveness, and abusive language suggested that an inebriated officer had failed to exhibit proper self-control by at least affecting the semblance of a sober gentleman. Forty-seven percent of all Canadian ex-officers removed by court martial throughout the war owed the loss of their commissions to excessive drink or at least to the perception of intoxication.

Drunkenness in England

When the first contingent of Canadian troops arrived to Salisbury Plains in October 1914, Hughes continued the dry canteen policy he had instituted at annual militia camps in Canada by banning all alcoholic beverages in barracks. After reports of drunken Canadians caused disorder and embarrassment at local English establishments, Corps Commander Lieutenant General Edwin Alderson allowed camp canteens to serve beer. So-called wet canteens regulated soldiers’

15 Morton, When Your Number’s Up, 97.
behaviour by attempting to confine any drinking to reserve camps.\textsuperscript{18} While drunkenness remained a constant disciplinary problem for all ranks, officers’ greater privileges and mobility on leave created more opportunities for overindulgence.\textsuperscript{19} Drunkenness in the officers’ mess or reserve camps constituted a breach of military regulations but excessive drinking while in public spaces such as theaters and hotels threatened the dignity of the CEF through greater exposure and scrutiny from English locals.

After the arrival of the second contingent and the formation of the Canadian Training Division in spring 1915, a large portion of the Canadian forces occupied the army camp at Shorncliffe on the Kent coast in southeast England. Among some locals in nearby Folkestone and other surrounding towns some Canadian troops soon gained a reputation for drunken disorderliness. Captain Wilfred Appleyard of the East Surrey Regiment, judge advocate in the courts martial of two rowdy Canadian officers at Folkestone, observed in April 1915, “It is common knowledge that cases have recently occurred in which officers temporarily privileged to wear the King’s uniform have disgraced themselves by drunkenness and other discreditable conduct in public places.”\textsuperscript{20} Appleyard’s reference to men “temporarily privileged” alluded to the expression “temporary gentlemen” which British Army regulars used to describe the status of amateur militiamen and civilians holding a temporary officer’s commission.\textsuperscript{21} The growth of the British Army and the dominion forces over the course of the war had expanded the social and economic composition of the officer corps. Unfamiliar with the proper social manners and restraint associated with their newfound rank, middle-class, temporary officers became targets of

\begin{flushright}

\textsuperscript{19} Morton, \textit{When your number's up}, 109.

\textsuperscript{20} GCM of Lt. J.R. Bell, reel T-8692, file 332-35-11.

\end{flushright}
mockery and condescension from regulars. Some class-conscious British officers similarly felt “a drunken bloody Canadian” holding a temporary commission failed to uphold a high standard of behaviour due to intemperance and ill-manners in the mess or public space.22

According to witnesses at a Folkestone theater on 15 March 1915, Lieutenants J.R Bell and J. Bartlett of the 17th Battalion, the earliest Canadian officers charged with public drunkenness in England, “behaved nosily, and in a way unusual in an officer though perhaps not so unusual in a private soldier.” Although evidence of actual intoxication was mixed, fellow officers and soldiers claimed that the pair had annoyed the audience with loud talking, whistling and catcalling during the performance. Judge advocate Appleyard cautioned that overeager military police, “jealous for the honour of the Army,” might make the hasty arrest of a stranger whose “uncontrolled animal spirits, aggravated by lack of good taste and by youth” might be mistaken for drunkenness. In the context of stressful wartime conditions, Appleyard reminded court members, “Unfortunately, the standard of conduct among officers which might reasonably be expected in normal times cannot be looked for at the present time.”23 The court martial board composed of nine British officers and two Canadians acquitted Bell and Bartlett on 17 April.24 Arguing that “standards of conduct are largely the result of education and environment,” Appleyard suggested that the military police could not hold temporary officers who came from a different social context, particularly from the “colonies,” to the same standard expected of gentleman officers in the prewar regular British Army.25

22 GCM of Lt. Potts, reel T-8676, file 649-P-1962.
24 The fate of the two officers illustrated the arbitrary results of even not guilty verdicts. Less than a month after his case, in May 1915, Bartlett was struck off strength, resigned his commission and returned home. In the same month, Bell was seriously wounded at the battle of Second Ypres and lost his left forearm. He returned home as medically unfit.
25 By 1918, British Army leadership continued to refute the common belief that drinking among officers constituted “a custom prevalent in the pre-War Army.” A confidential memo reminded temporary officers “who have been
The prosecutor against Bell and Bartlett, Captain Paul Goforth of the 17th Canadian Reserve Battalion, assumed a less forgiving attitude towards drunkenness, and even expressed his desire for wet canteens to be “abolished for ever.”\(^{26}\) From his Christian convictions about corruption and degeneration caused by vice, he viewed alcohol as an evil, destructive influence on men’s morals. The pacifist son of a Canadian missionary in China, Goforth had volunteered believing “it would have been shameful to stay home,” but remained steadfast in his objection to any toleration for drink which “hampers the work of the army at every turn and which has ruined and is ruining thousands of our best officers ... and men.”\(^{27}\) In February 1915, a fellow 17th Battalion captain had been forced to resign for drunkenly throwing a glass into the fireplace of the officers’ mess.\(^{28}\) Goforth also prosecuted the regimental sergeant-major for drunkenness which resulted in the man’s dismissal from the service.\(^{29}\) Blaming easy access to hard liquor for the removal of several otherwise good officers, Goforth concluded an open letter to the press, later read into the parliamentary record, “Is it not the liquor traffic that should be cashiered?”\(^{30}\)

Reports of officers’ misbehaviour not only imperiled Canadians’ image among local English people; scandalous stories worried civilians back home. Rumors of immorality through excessive drinking led social reformers, prohibitionists and religious temperance advocates to fear that authorities failed to protect innocent Canadians from the “temptation of intemperance and impurity while in England.”\(^{31}\) The Chief Press Censor, Lieutenant Colonel E.J. Chambers,
complained that circulation of such stories negatively reflected “upon the sobriety and honour of every individual Officer of the Canadian Army,” while the editor of *Fairplay* argued that censorship only served to “whitewash ... drunken escapades by officers.” As more officers arrived to England through 1915 and 1916, the Assistant Provost Marshal (APM) reported numerous incidents of misbehaviour in public around the Shorncliffe base. Corporal J.P. Teahan of the Royal Canadian Dragoons related the gossip of a female friend in Folkestone where, “The Metropole [Hotel] is nightly the scene of drunken orgies by Canadian officers who stop ladies in the street and invite them up as their guests.” In light of Hughes’ disapproval of officers’ drinking and leisure activities, Colonel John Carson, overseas representative of the militia minister, explained, “if any of these gentlemen feel that we can only afford to look on the idle and frivolous side of life, why the sooner that are relieved of their duties and sent home the better it would be for all concerned.” Canadian generals in command of training divisions and reserve brigades downplayed overdrinking but responded to the official pressure to set disciplinary examples.

Carson attempted to impress on officers that they were stationed “in Shorncliffe for an absolutely serious purpose and that is to learn their business thoroughly and go over to the front.” The recruitment system of sending “fully officered” battalions to England, however, had created “a super-abundance of officers” without available positions in France. After battalions had been broken-up for reinforcement drafts and reserve units, surplus senior officers were sometimes given an opportunity to revert to a lower commissioned rank or seek administrative

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Mothers: Alcohol, Soldiers and Temperance Groups in the Great War,” *Histoire sociale/Social History*, vol. 35, no. 70 (2002);
33 John Patrick Teahan, letter 31 Jul 1916, in Grace Keenan Price (ed.), *Diary Kid*, (Ottawa: Oberon Press, 1999), 180; APM War Diary, 14 Jun; 5 Jul; 8 July 1915;
35 Ibid.
36 Perley to Borden, 11 May 1916. Borden fonds, MG 26H, Reel C-4229, 15039.
employment—many surplus senior officers for example ended up serving on court martial boards. Supernumerary lieutenants attended training courses at infantry schools while they waited for trial postings to combat units on the front. Since reverting included a reduction in pay (though not a reduction in separation allowance) and offered no guarantee of a position in the field, many surplus officers did not eagerly volunteer. Yet many also had no desire to return home without seeing action or at least being able to claim first-hand experience in the trenches.37

By 1917, hundreds of surplus Canadian officers had waited in the reserves in England for months in a “contagious state of boredom.”38 One major recalled the few popular diversions for officers deemed surplus to requirements, “Go to the pub, drink more whiskey than was good for you, see more women of a kind not good for you. Anywhere, anytime, anything just to kill time.”39 A spike in arrests for drunkenness and absences without leave highlighted the priority of the newly formed Ministry of Overseas Military Forces to curb restless officers’ misbehaviour around public spaces. Captain J. Collingwood of the 130th Battalion attributed his arrest for public drunkenness in November 1917 to the redundancy produced by the voluntary recruitment system in Canada:

... an officer was encouraged to recruit men, and to spend his private income in doing so. On arrival in England my unit was disbanded, and the men whom I recruited were taken from me and my dream of leading them, which had been fortified by many months of comradeships and training—Smashed ... there were hundreds, like myself, cast adrift and posted to the general list; ambitions sapped, reversions called for ... the result of which were, atrophy, ennui, discontent and disgust, culminating as it did in an act of sheer folly.40

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37 To appease senior officers and test junior officers, Carson instituted short tours of the front. Derided as Cook’s tours, visits to the front by surplus officer were often seen by ordinary soldiers and field officers as unnecessary and reckless.
38 GCM of Lt. G.B. Wotten, reel T-8692, file 332-75-44.
40 GCM of Lt. J. Collingwood, reel T-8692, file 332-50-56.
In an atmosphere of fairly widespread drinking, general courts martial reserved expulsion for the most notorious examples of public drunkenness when the conduct of the accused demonstrated unsuitability to hold a commission and threatened to discredit the army in the eyes of the English public. The case of Lieutenant Duncan Donald McLeod, a 29-year old barrister from Southampton, ON, illustrated the type of misbehaviour that warranted a maximum sentence. Responding to a disturbance at a Guildford, Surrey theater on 27 January 1917, a military policeman found McLeod “very flushed in the face, froth around the lips and very unsteady.” When the policeman warned him to not forget “the honour of [his] regiment”—the 160th Battalion—McLeod became violent, shouting, “I'm a Canadian Officer and not a Goddamned Englishman.” McLeod pleaded guilty and received a severe reprimand and loss of seniority. Eleven months later he received another conviction and severe reprimand for drunkenness. After being under arrest for a month, McLeod celebrated his release with an outing to Piccadilly Circus on 28 January 1918. Despite having two drinks at a hotel, one cocktail, one bottle of red wine and a liqueur at dinner, one whiskey and soda at a theatre, and admitting to “very little recollection” of what happened later that night, he assured the court, “I was not drunk or even under the influence of liquor to the best of my belief.” Realizing he had faced a court martial twice before, he stated, “it is ridiculous to think that any officer would again place himself liable to another charge of drunkenness.” As a repeat offender who on two occasions violently resisted arrest, McLeod was cashiered on 8 March 1918.41

Drunkenness in France and Flanders

While intoxication in England might cause trouble for civil authorities, embarrass the officer and damage the reputation of Canadians among the civilian population, drunkenness in

41 GCM of Lt. D.D. McLeod, reel T-8692, file 332-136-34. McLeod enlisted as a private with the AEF in April 1918.
the field represented a much greater danger as a potential matter of life and death. An inebriated platoon leader or company commander not only set a poor example; he also endangered the lives of his men through recklessness action and impaired judgement. In the CEF, three-quarters of all dismissals for drunkenness occurred in France and Flanders, and across the entire BEF dismissal for drunkenness was more likely to be inflicted on officers serving in a theatre of war. Confirming the dismissal sentence against one drunken lieutenant, Major General Arthur Currie, then GOC First Canadian Division, stressed the need for such cases to be “severely dealt with.”

By March 1916, one year after the arrival of the 1st Canadian Division to France, 20 of the 23 CEF officers tried by court martial in the field faced charges of drunkenness and 70 percent were sentenced to dismissal. In December 1915, Brigadier General M.S. Mercer, GOC 1st Canadian Brigade, recorded that the drinking of Lieutenant Frank Mortimer Perry of the 15th Toronto Highlanders had become “so notorious that he has completely lost all confidence and respect of his men.” Two months later his younger brother Captain Walter Davy Perry of the 18th Battalion was also dismissed for being drunk when ordered to proceed into the firing line.

The two brother-officers attributed apparent intoxication to the effects of the rum ration on exhausted bodies and over-wrought nerves. Instituted early in the war, the daily allotment of rum, which served a range of purposes from motivation to moral to medicinal, formed a vital part of soldiers’ lives in the trenches. Stressing the importance and popularity of the sanctioned rum ration, Captain Herbert Wesley McBride of the 18th Battalion recalled in his 1935 memoir, “many lives were saved by the timely issue of rum, and this may mean the difference between success or failure in the initial stages of an attack ... the rum soothed jangled nerves and revived

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44 GCM of Lt. F.M. Perry, reel T-8695, file 3828-1.
tired muscles inspiring men for continued activity. It was accepted gladly, even by most of those who did not drink.” In small doses alcohol could act either as a stimulant to spark pep or a sedative to calm anxiety. However in larger quantities it became a depressant that dulled the senses and weakened self-restraint. The rum ration offered liquid courage to carry on under the stressful conditions of trench warfare, but it also held the potential for addiction. Officers and NCOs distributed a few ounces to each soldier in order to monitor the men for excess, but greater access to the rum supply created opportunities for overindulgence.

Temperance advocates worried that toleration of rum encouraged a kind of vulgarity and immorality which contradicted the righteous purpose behind the war itself. Lieutenant Colonel Jack Currie of the 15th Toronto Highlanders denied the existence of a rum ration and aimed to reassure civilian readers of his 1916 memoir: “The Canadians that survive this war and return home will have a higher viewpoint, and there will be very few reckless drunken men among them. The ‘rough-neck’ swearing soldier has found no place in this war.” Captain McBride meanwhile described the battlefield as a place for, “Hard swearing, hard fighting and, yes, on occasion, hard drinking men; it is no place whatever for the sissy or the mollycoddle.” He emphasized a model of rough masculinity less tied to the restraint and sobriety advanced by teetotallers. Whether an officer believed virtuous abstinence proved his manhood or that only real men drink hard liquor, failure to display proper self-control indicated dangerous unsuitability for frontline duty. Suffering a nervous breakdown during the battle of Second Ypres, Colonel Currie was relieved from command following allegations that he had been drunk.

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in a dug-out during the German gas attack on St. Julien in April 1915. McBride was dismissed by court martial in February 1917 after being tried twice before for drunkenness.49

A large proportion of Canadian officers dismissed for drunkenness had been previously court martialed for the same offence while others had been informally admonished by superiors.50 When warned for the trenches on 22 December 1915, Captain Henry Ross Gunning 7th Battalion admitted using alcohol to calm his nerves. The former British Army officer and Boer War veteran who had been wounded at Second Ypres, conceded to “have never been a teetotaller,” but added, “I have never been charged with [drunkenness], nor will I ever be charged with it again.” After receiving a severe reprimand and spending months in the reserves in England, Gunning joined the PPCLI in June 1916. Within one month he was court martialed and dismissed for being “constantly drunk.”51 Relapse not only showed an apparent lack of willpower but it also seemed to reveal a problem with chronic alcoholism.

In the context of temperance movements and provincial prohibition enacted back in Canada, generals and doctors tended to interpret alcoholism through a moralizing prism in which sufferers appeared to lack self-restraint and possessed a susceptibility to drunkenness. Commenting on the apparent higher proportion of nervous breakdown among officers, British neurologist Dr. Frederick Mott for example pointed to an “inborn mental instability which predisposed an individual to drink.” Yet in trying to locate the root cause, he also concluded that, “The history of many of these cases suggested that though alcoholism was a prominent feature in predisposing to a mental breakdown, of still greater importance was the stress and strain of the campaign, and had it not been for this the breakdown would never have occurred or would have

50 Examples of multiple courts martialed for drunkenness in the field include, reel T-8692, file 332-120-64 and reel T-8693, file 602-2-664; reel T-8660, file 649-E-1486; reel T-8692, file 338-35-87.
been postponed.” Canadian psychiatrist Dr. Clarence Farrar agreed that “alcoholic and shock symptoms are not infrequently mingled.” Many officers found that the demanding conditions in the trenches had either diminished an ability to handle alcohol or resulted in a dependence on drink.

In the confusion and stress on the Western Front, the differences separating drunkenness, physical illness, and nervous exhaustion could be ambiguous. Pleading guilty to drunkenness in October 1916, Lieutenant David McAlpine of the 1st Canadian Mounted Rifles admitting needing rum “to keep my nerves quiet,” and confessed, “I have been trying to stick it in the hope my condition would improve and that I would still be able to remain with my regiment.” Two months earlier he had been blown up by an enemy explosion and received seven days sick leave in hospital due to shell shock and neurasthenia. The court sentenced him to dismissal. If physical, psychological and emotional exhaustion could be conflated with drunkenness, bizarre and intemperate behaviours could also be interpreted as signs of incompetence or even cowardice. Suspicion of alcoholism and charges of drunkenness therefore fell into a broad category of nervous breakdown that served to justify the removal of unsuited and unstable officers from the field. The 1922 “War Office Committee of Enquiry Into Shell Shock,” clarified the comorbidity of all these symptoms when an expert witness referred to, “breakdown under neurasthenia or alcoholism or fear—all three things went together.”

54 GCM of Lt. McAlpine reel T-8692, file 332-106-329. Notwithstanding McAlpine’s earlier belief that “active service was too much for me,” he volunteered for the Siberian Expeditionary Force in September 1918.
56 War Office Committee of Enquiry Into Shell-shock (London: Imperial War Museum, 2004 [1922]), 53
Financial Crime and Dishonoured Cheques

During one general court martial in England, a Canadian prosecutor argued that charges of drunkenness at a hotel and passing a worthless £2 cheque, “refer to the alleged actions of an officer of the British Army, than whom no more perfect gentleman should exist in the world.” He reminded the court that “civilians seeing his actions in public places would, and probably more or less rightly, draw their conclusions as to the manners of the whole of the Force of which we are privileged to be officers, a Force that has done no dishonour to the Army ... in the Field in this great war.”57 The prosecutor referred both to the spectacle of drunkenness in public as well as to the publicity and scandal of passing a bad cheque. From the standpoint of Canadian Headquarters in London, fraud and embezzlement carried as much disgrace as disorderliness in public space and military misconduct in the field particularly because offenders exploited the high esteem that Canadians had earned fighting on the Western Front.

Middle-class Canadian men eager to take advantage of the benefits and prestige traditionally associated with even a temporary army commission expected that the financial independence offered by a cheque-book would confirm their elevated status.58 Canadian officers serving overseas had their monthly pay deposited to their credit in accounts opened at the London branch of the Bank of Montreal at Waterloo Place, Pall Mall. Upon being appointed to a commissioned rank, officers received a cheque-book and a $250 outfit allowance to purchase uniform, kit, and equipment. Including daily pay, field allowance, and messing, at the end of a thirty-day month, a lieutenant earned approximately £23, or $108 CAD.59 Unlike privates who

needed to present a pay-book to a regimental paymaster in order to receive money, Captain McBride emphasized, “Officers never had to turn their hands over to get theirs.”

The value of a cheque depended on a sufficient amount of money in the issuer’s bank account. The perceived value and legitimacy of a cheque also depended on the good character and reputation of the issuer. The term “dishonoured” for a cheque returned to drawer due to non-sufficient funds pointed to the central importance that the wider capitalist, commercial culture placed on personal honour in conducting financial transactions. Military leaders regarded dishonouring cheques as purely an officer offense. Appointment to a commissioned rank carried the rights and responsibilities of a gentleman and financial integrity formed an integral component of this elevated social status. Financial restraint and living economically were signs of mature manhood. Proper handling of a cheque though taken for granted by professional army leadership, could be completely foreign to temporary officers who may have never used cheques extensively in civil life.

As new infantry battalions arrived to the Canadian training division at Shorncliffe army camp near Folkestone in spring 1915, larger numbers of officers came into contact with local English businesses and civilians. For Canadian officers, largely strangers to English locals, a commission added to their apparent trustworthiness as clients. When a lieutenant with the Royal Canadian Dragoons exchanged a worthless cheque for £5 at the Old Ship Hotel in Brighton, the manager reasoned, “Naturally being an Officer I did not doubt that it would be paid” A Folkestone alderman did not consider the “whole of the Canadian officers dishonourable men,” but he cited the example of one local shopkeeper who had been defrauded by at least seven

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61 GCM of Lt. F.R. Brown, reel T-8692, file 338-20-71. Brown enlisted in the British Army but was later sentenced to six months hard labour for desertion and wearing an unauthorized uniform. Shortly after his release from prison he deployed to the front where he died of wounds on 17 September 1918. Army Service Record of Lt. F.R. Brown. WO 363/517310.
Canadians in November 1915 to call for action regarding worthless cheques. Reports reached Prime Minister Borden that officers accruing unpaid accounts at social clubs had become “a topic of conversation and a scandal in London.” If overseas military authorities did not put an end the problem English bankers, merchants and other service providers might come to doubt the honour and honesty of every Canadian officer.

By early 1916, the Bank of Montreal estimated it had refused between 400 and 500 hundred cheques per month, prompting General Carson to acknowledge that the problem “has been the source of annoyance and humiliation to us.” Routine Order 390 and Divisional Order 1170 circulated on 8 March 1916 stipulated that under no circumstances was an officer to issue a cheque unless he had sufficient funds. “You cannot be too severe with cases of this kind,” General Carson advised the GOC of the training division at Shorncliff, in support for “any drastic measures that you feel necessary to take.” After a court martial cashiered Lieutenant Joseph Fish of the Eaton Machine Gun Company, the first officer charged under the new regulations, the assistant judge advocate general expected, “this man should act as an example for the rest of the officers,” and advised the distribution of a confidential circular warning “any future offences will be dealt with in a similar manner.” The increased number of courts martial pointed to the willingness of military authorities to resort to legal procedures as deterrents but prosecutions also indicated that the problem of financial fraud persisted.

The charges for each dishonoured cheque were laid under Section 16 of the Army Act with an alternative charge under Section 40. Conviction on the primary charge required the

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62 Folkestone, Hythe, Sandgate & Cheriton Herald, 18 Dec 1915, 6
63 Borden Fonds, MG 26 H, reel C-4395, 114208. Borden to Edmund Osler, 26 June 1915.
prosecution prove the officer had signed the cheque “well knowing” he had not sufficient funds while a conviction on the lesser alternative only required proof that the offender had “no reasonable grounds in supposing the cheque would be honoured.” In one of the earliest cases against a Canadian officer, judge advocate Appleyard explained that Section 16 carried the implication of “moral turpitude on the part of the offender” while Section 40 signified “carelessness and slackness ... although nobody could well entirely exonerate him from all blame.”

Defending a lieutenant against allegations of passing several worthless cheques to a hotel and a bank in June 1919, Lieutenant J.A. LeBeau expressed a common misconception regarding the scope of conduct unbecoming an officer and a gentleman. Disputing the legality for such a charge under Section 16, LeBeau supposed, “This offence is of a social character more than military ... for the offence is not cowardice or feigning disease or purposely injuring himself, etc.”

The *Manual of Military Law* specified that Section 16 comprised offences of a social nature when the transgression also reflected on an accused’s military character through publicity or scandal. As one judge advocate pointed out in the case of another officer convicted for dishonouring cheques, the section was “framed definitely to purge from the service any officer who by his conduct brings discredit & obloquy on his service.” Officers may have resented the symbolic disgrace of being charged under Section 16 but conviction mandated cashiering alone thereby preventing possible a prison term sometimes imposed by civil courts for obtaining money under false pretences.

Significantly, most Canadian officers cashiered by general court martial during the entire war were not charged for a military crime in the field; half were convicted of financial fraud in England and over three-quarters of all cases under Section 16 concerned dishonoured cheques.

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67 GCM of Lt. Cockburn, reel T-8691, file 7-99-23.
As the practice of dishonouring cheques frequently accompanied AWOL or desertion, the stoppage in pay meant that any cheques issued during that period were even more likely to be returned for insufficient funds. Officers on leave or convalescing from the front frequently attributed writing bad cheques to nervousness triggered by frontline experiences or general over-stress. From the perspective of some officers on leave in England, the possibility of being killed upon returning to the front did not necessarily encourage long-term financial planning. The stress of war and the lure of city nightlife combined with financial inexperience or recklessness ruined more than a few officers.

Whereas officers who defrauded English civilians risked legal consequences and cashiering, officers on active service on the Western Front who issued bad cheques to field cashiers or French civilians faced more lenient treatment. Commanders of combat units regarded financial fraud committed by subordinates as more of an annoyance than a serious court martial offence. The small number of charges for dishonouring cheques in France, none of which fell under Section 16, did not mean that the problem of financial misconduct was any less widespread than in England. Rather than pursue court martial proceedings in the field that stretched administrative resources and might dismiss of an otherwise courageous officer, the Canadian Corps Headquarters and commanders in France resorted to lesser penalties of censuring and forfeiting several months of leave. Habitual offenders lost their banking privileges and were paid by pay book like a private soldier until they proved financial responsibility. Justifying lighter penalties for dishonoured cheques committed with field paymasters or French civilians, commanders recognized that the personality of a good fighter and leader was not necessarily consistent with a gentlemanly ideal when it came to proper money management.70

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Scandalous Conduct and Officer Morality

Charges for dishonoured cheques in England raised important questions over the definition of a public scandal as well as to what the extent officers expected privacy when conducting personal affairs. Following his arrest for embezzling public funds and issuing six worthless cheques, Lieutenant Thomas Girdwood MacFie of the 30th Reserve Battalion presented himself as an opponent of intrusive military policies during his September 1916 court martial. MacFie, who had been previously entrusted to collect other officers’ dishonoured cheques at Shorncliffe and had helped to draft Divisional Order 1170, articulated a common objection against the broad application of Section 16 in prosecuting what he deemed a purely social offence:

I do not know the Dictionary meaning for “Scandalous.” Presumably it is such conduct that would bring the name of Officers into disrepute. This matter was never taken up publicly and it never came to the notice of anybody outside the individual who cashed the cheque and he was most unwilling to make any complaint ... Scandal must be the result of something fairly public, and I cannot see, under the circumstances how a private matter like that between myself and a Civilian, which has been ferreted out by the Prosecution, could be called “Scandalous Conduct.”

The court found MacFie not guilty on all counts of Section 16 but sentenced him to dismissal on the alternative charges for embezzlement. MacFie doubted that private financial disputes produced any wider scandal and countered that prosecutions themselves had publicized dealings which could otherwise be resolved independently between issuer and receiver. Yet once the bank refused a cheque the possibility for greater publicity increased. A tangled web of agreements and transactions between multiple individuals, the gossip of creditors, and the risk to the reputation of the bank ensured that dishonoured cheques became public scandals.

Defining scandalous conduct primarily in terms of financial integrity meant that other social transgressions went unpunished from a judicial perspective. Of 181 separate charges framed under Section 16 against Canadian officers 85.6 percent involved dishonoured cheques, 11.1 percent were for sexual indecency and 1.1 percent each were for self-inflicted wounding, fighting, and swearing. In the same way some civilians and defendants faulted the temptations of England for causing drunkenness, many blamed vice and immoral impulses for enticing officers to risk an overdrawn account. Focusing on instances of fraud rather than possible illicit purposes behind the transactions nonetheless resulted in instances where issuing worthless cheques to female companions warranted charges of conduct unbecoming an officer and a gentleman not for paying for sex but for failing to honour a promise to pay. In a petition on behalf of a British ex-officer cashiered for dishonouring a cheque with a woman, his father felt that “the usages of male society generally do not attach blame to young unmarried men who so indulge themselves within reasonable limits,” yet he found it peculiar that in a charge of conduct unbecoming, “the line is to be drawn at bilking.” He argued that payment to prostitutes was not a legal requirement but “a social obligation under the code of social laws governing such matters. The giving of the cheque ... on leaving after a night’s pleasure cannot defraud any one.” Other officers might “consort with prostitutes” without paying whatsoever in disregard to this social obligation but his son by signing a bad cheque had, according to the scope of Section 16, behaved in the more ungentlemanly way.

While generals and politicians worried about the moral welfare of officers and soldiers by discouraging promiscuous sexual behaviour that spread venereal disease, from the standpoint of

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73 Atypical charges under Section 16 in the CEF include, reel T-8693, file 602-19-158 (abusive language); reel T-8693, file 602-19-337; reel T-8692 (swearing); reel T-8692, file 332-97-92 (leading an assault on a Black private).
74 Canadian examples include, GCM of Lt. E.S. Fowlds, reel T-8693, file 602-6-176; GCM of Lt. R.J. Beck, reel T-8693, file 602-2-294.
75 NA file of Lt. Armstrong, WO 374/2185.
military law, upholding the good name of the service against public exposure of fraud or vice constituted a higher priority. After a police raid of a Hythe brothel patronized by Canadians and operated by a pair of British officers in July 1917, the GOC at Shorncliffe distributed a confidential circular warning “the certain risk of publicity, prosecution and contraction of disease which Officers run when they frequent brothels or have intercourse with prostitutes.”76 Detailing the scandalous consequences of the civil trials, the circular warned, “the proceedings were public and all the sordid facts and circumstances were fully disclosed and publicity given to the minutest detail in the presence of a crowded Court Room.”77 The private liaisons of an officer with an English woman in a hotel by contrast did not threaten to embarrass the army in the same way. If the officer defrauded the woman or paid for the room with a dishonoured cheque only then did military authorities see cause to intervene with potential charges of Section 16. Enforcing officer morality depended more on an implied threat of public humiliation than on actual legal consequences.

The military justice system showed little inclination to probe too deeply into the private, non-financial affairs or sexual lives of officers. The confidential circular distributed after the Hythe brothel raid resulted in a single general court martial of a CEF officer. By registering at a Folkestone hotel with a woman he falsely claimed to be his wife, the married Lieutenant J.A. Auclair became the only Canadian officer charged under Section 40 for bringing “into the vicinity of Shorncliffe, a woman for immoral purposes.” Declaring “this charge is absolutely without precedent,” his defence counsel forcefully objected that the prosecution had assumed “the right of punishing a man for domestic offences.” Stressing the distinction between a public scandal and a private affair, the defending officer argued, “by no law either civil or military is it

77 GCM of Lt. Auclair.
considered an offence or misdemeanor for a man to have intercourse with a woman who is not a common prostitute.” The not guilty verdict indicated that adultery or sexual immorality existed beyond the purview of good order and military discipline or even conduct unbecoming.

Upholding ideals of strong character and willpower required gentleman officers to exhibit self-control over their desires and impulses. Though expected to possess greater restraint than the men they commanded some officers who discovered themselves “temperamentally incapable of chastity” turned to prostitution in England and France. In his guidebook for newly commissioned men, British General Thomas Pilcher echoed a broader change in the perception of what constituted a gentleman when he conceded that a wild youth led to a mature adulthood. Yet, the general still worried that the degenerating effect of the war on the atmosphere of English society had corrupted a sense of common decency:

I hear that officers in uniform are often to be seen walking with women who undoubtedly are members of the demimonde ... our Colonial troops, probably on account of their drawing more money, being especially noticeable. I promised not to preach morality, but without trespassing on morals I can say that officers thus degrading the King's uniform deserve to be cashiered. It is urged that officers behave themselves in this way in uniform because they are not allowed to wear mufti. My only answer is that of all times the present is the most inappropriate for associating with cocottes.

Despite Pilcher’s judgment that officers consorting with prostitutes or behaving obscenely in public ought to be cashiered, charges for scandalous conduct rarely touched on private vice except when connected to financial fraud. The very few British and dominion officers charged under Section 16 for behaving indecently with women received light sentences or in most cases

78 GCM of Lt. Auclair.
80 [Pilcher], A General's Letters to His Son, 33. Demimonde referred to a class of women considered to lack morality, while cocottes referred to fashionable prostitutes.
Beyond dishonoured cheques, illicit and therefore potentially scandalous indiscretions such as trespassing on sexual morality, paying prostitutes, committing bigamy or contracting venereal disease did not warrant charges for conduct unbecoming an officer and a gentleman.  

**Gross Indecency and Officer-Man Relations**

Whereas military authorities typically overlooked sexual relationships between officers and women, (even suspected prostitutes), from a legal perspective, sexual relations involving officers and men were criminalized as gross indecency and buggery. During the late nineteenth century in Britain civil authorities had increasingly policed same-sex male behaviour as not only unnatural but also immoral to the espoused values of society. After the outbreak of the war, some moralizing commentators equated “homosexualism” with a form of disloyalty by citing conspiratorial influences of Teutonic decadency and Prussian perversion. Although debates about the nature of homosexuality had circulated through sexology literature since the late nineteenth century, the court martial record shows no trace that emerging theories of inversion or the nascent medicalization of homosexuality as a psychological disorder shaped military responses to gross indecency.

The type of indecency charge preferred against an officer shaped the possible penalties available to the court during sentencing. Only other ranks could be charged under Section 18(5),

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81 GCM of Capt. D.P. Sutton. reel T-8694, file 709-S-22 (indecent with woman in public). Rare examples of British officers charged under Section 16 for immorality with women include, WO 339/49264 (woman in his billet); WO 339/1191 (holding woman in disgraceful manner) WO 374/10435 (obtaining native women for immoral purposes).

82 At least one Canadian officer was convicted of bigamy by an English civil court. RG 9 III-A-1, Vol. 303, file 10-M-430.


“disgraceful conduct of an unnatural kind,” which included potential imprisonment. Conviction for Section 41, miscellaneous offences punishable by ordinary law, enabled courts martial to impose the harsh sentences specified by the 1885 Criminal Law Amendment Act; gross indecency carried a minimum penalty of two years imprisonment with hard labour while sodomy carried a maximum life sentence. Convicted under Section 41 for indecency with a soldier in a French chateau Lieutenant Richmond Erl Lyon of the 42nd Battalion was sentenced to two years hard labour in addition to cashiering.\textsuperscript{86} Compared to this one example in the CEF, the British Army more readily framed charges against officers for buggery, gross indecency and indecent assault under Section 41.\textsuperscript{87} As a result, of 31 British Army officers cashiered for indecency, half were sentenced to terms of imprisonment. Some of the cases concerned relations between officers and soldiers but many others involved civilian men and boys.\textsuperscript{88}

As Section 16 offered no higher or lower punishment than cashiering, the charge in effect shielded officers accused of gross indecency from the strict civil penalties found in British civil law. This form of conduct unbecoming almost always concerned officers alleged to have engaged, or attempted to engage, in sexual acts with subordinates. From the British Army’s perspective, same-sex behaviour undermined military discipline through intimate familiarly between higher and lower ranks. Jeffrey Weeks points to the institutional fear that sexual relations across the ranks “threatened to tear asunder the carefully maintained hierarchy.”\textsuperscript{89} A superior’s sexual advances toward a soldier risked the perception of either intimidation or favouritism. Conviction was often uncertain because evidence depended on testimony of a

\textsuperscript{86} GCM of Lt. R.E. Lyon, reel T-8694, file 602-12-6.
\textsuperscript{87} Examples of British officers convicted under Section 41 sentenced to hard labour include, WO 339/31978; WO 374/8208; WO 339/28372; WO 339/41122; WO 339/7239; WO 374/59694.
\textsuperscript{88} A.D. Harvey, “Homosexuality and the British Army during the First World War,” \textit{Journal of the Society for Army Historical Research}, vol. 79, no. 320 (2001), 313-319
subordinate—an alleged accomplice—against a superior’s presumption of innocence. When judging accusations of indecency committed by officers, court members sometimes suspected complainants had sought revenge for real or imagined slights. Even multiple allegations might be evidence of a conspiracy among disgruntled subordinates rather than an officer’s serial abuse.\(^{90}\)

Although only two Canadians were convicted and cashiered for indecency, the offence could be deemed shameful and degrading enough that even acquittal might not salvage an accused officer’s position. On 14 September 1915, three Canadian regimental policemen noticed a corporal and Major Baron Osborne of the 23rd Reserve Battalion masturbating each other in the bushes near Dibgate Camp. A thirty-year veteran of the British Army, Osborne was director of physical training for Ontario schools, though he realized continuing to hold the position would be “subject to the result of this trial.” Osborne claimed that the corporal was merely helping him to fasten a truss. The policemen, he argued, had mistaken the corporal’s pulling motion for something else entirely.\(^{91}\) In his role as judge advocate Captain Appleyard explained that the conflicting testimony presented an awkward problem for the court. The defence had not questioned the integrity or honesty of the three policemen, and Appleyard could attribute “no other motive than a sense of duty and outraged decency” for them to make such a “grave accusation” against a superior. He pointed out that a truss partially hidden by a hand might resemble an “excited male organ” to “an already suspicious mind” but that did not resolve the testimony of one policeman who claimed to have seen Osborne masturbating the corporal as well. In his summation, Appleyard emphasized that a finding of honourable acquittal would remove the “shadow of suspicion” over the accused and release him “without a stain upon his character as an officer and a gentleman.” The not guilty verdict therefore only indicated that the

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\(^{90}\) Examples of officers acquitted for gross indecency with private soldiers include, reel T-8692, file 332-50-57; reel T-8693, file 602-6-290; reel T-8693, file 602-13-420.

\(^{91}\) GCM of Maj. B. Osborne, reel T-8692, file 338-25-9.
charge of gross indecency had not been proven beyond a reasonable doubt; it did not positively refute an indecent act had taken place. Regardless of the outcome, General Carson deemed Osborne “no longer of value to us here” and returned him to Canada.\textsuperscript{92}

Private sexual relations between men in uniform in many cases could have been concealed through discretion and the tacit non-interference of others. Pondering the curious choices made by the defendants in the Osborne case, Appleyard pointed out how it would have been “safer from their point of view to have committed the alleged indecency in the privacy of the tent.” The judge advocate recognized that men so inclined could conceivably find an isolated place in a reserve camp or in the darkness of a dug-out. Defending a fellow Grenadier Guard officer against five charges of indecency in September 1916, Lieutenant Raymond Asquith, son of the British prime minister, felt that the prosecution witness who had observed his client behaved in the more ungentlemanly manner. Describing the scene of a “puritanical” officer belonging to another regiment “padding down the duck-boards in the twilight with muffled feet and gimlet eyes to spy upon the privacy of a brother officer,” Asquith questioned, “whether even the missionary spirit has ever exhibited itself in a more repulsive and ridiculous guise.”\textsuperscript{93} As a number of scholars have pointed out instances of touch and intimacy between men in uniform did not necessarily or even primarily involve sexuality, though a certain amount of same-sex behaviour did occur in camps, barracks, and even the trenches.\textsuperscript{94} Court martial proceedings tended to result when an accuser alleged abuse or where a witness objected.

A paternalistic leadership ethic encouraged officers to know and understand men under their command but relationships that appeared too close or intimate bordered on impropriety.

\textsuperscript{93} John Jolliffe, ed., \textit{Raymond Asquith: Life and Letters} (London: Collins, 1980), 293. The officer was sentenced to be cashiered plus imprisonment without hard labour. WO 339/8664.
\textsuperscript{94} Santanu Das, \textit{Touch and Intimacy in First World War Literature} (Cambridge: Cambridge University Press, 2005); Hynes, \textit{A War Imagined}, 223-234.
Officers who shared drinks with subordinates or associated freely raised suspicions about their motives and undermined the appearance of stoic detachment. The power imbalance between an officer and his batman likewise could lead to the potential for coercion or abuse. Several men in the platoon of Lieutenant Reginald Fuller of the 42nd Battalion similarly accused their leader of behaving in an indecent manner over the course of several months in 1918. Each man claimed Fuller, who often spent an unusual amount of time in the soldiers’ billet, would lie in bed with them, give them wine, and attempt to touch their genitals or compel them to touch his. Fuller’s batman stated on the first occasion, “I told him I’d seen enough of that sort of stuff in civil life and then I went away.” A week later when Fuller grabbed his batman around the neck and forced the man’s hand onto his groin the man responded, “Well sir, what the hell do you think I am, a cock puller or something.”

Pleading guilty to all charges, Fuller stressed, “I am anxious to wipe out this blot and attempt to make good. I hope to bear the punishment which the Court thinks fit to give me and will try afterwards to make good and to see that this offence is never committed again. I hope to be able to put my military experience as an officer and a man at the disposal of my Country.” The court recommended “that the service of this man should be utilized, if possible, in a fighting unit,” but because the conviction fell under Section 16, the court had no choice but to award a sentence of cashiering. By his own guilty plea, Fuller became the only Canadian officer convicted of indecency under Section 16. Since this type of indecency charge almost always involved allegations that a superior had performed a sexual act with or against subordinates, Canadian prosecutions appeared more concerned with discouraging intimate familiarity between

95 GCM of Lt. R. Fuller, reel T-8693, file 602-6-92.
96 Ibid.
the ranks that would undermine command hierarchy than with enforcing sexual morality or persecuting alleged “homosexualism.”

The scope of scandalous conduct in the court martial record illustrated how the espoused values related to sexual morality did not always correspond with the practical application of military justice. Army regulations and prevailing ideals about sexual morality regarded grossly indecent behaviour as incompatible with the good conduct of officers. Yet a court composed of active serving officers in the field evidently saw no contradiction between Fuller’s confessed indecency and his suitability as a useful fighting man. Given the court’s recommendation for mercy, had Fuller not pleaded guilty it seems likely he would have been released. While officials stigmatized same-sex behaviour as contrary to comportment of an honourable officer, a code of honour which privileged the virtue of courageousness could carry more weight than alleged indiscretions. When accused by a soldier of indecent assault Lieutenant Hugh Pope-Hennessy of the 49th Battalion claimed, “there is not the slightest foundation of any kind for his story.” His CO confirmed the lieutenant’s reputation as “a true gentleman,” and recalled how under fire he always “showed great coolness and behaved as an officer should.” Over a month after his acquittal on charges of Sections 16 and 41, Pope-Hennessy was killed in action. From a legal perspective Section 16 defined conduct unbecoming by financial dishonesty and to a much lesser degree by gross indecency. However, from the perspective of the Canadian Corps in France and Flanders, an officer’s honourable reputation could depend more on how he behaved among fellow officers and most importantly how he behaved in combat.

**Military Misconduct and Conspicuous Leadership**

Whenever a battalion went over the top in an assault, a regimental culture steeped in the celebration of heroic leadership required infantry officers to be at the head of their troops as they

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led the advance across the shell-cratered No Man’s Land. An ethic of paternalism required officers to safeguard the lives of their men and set a courageous example to be emulated. Conceived in propaganda as a sporting ground upon which to win glory, the battlefield represented a precarious arena for an officer to risk shameful disgrace in an aborted attempt to reaffirm his honour. Following the carnage of Second Ypres in April 1915, few Canadians could have anticipated the scale and destructive power of modern warfare on the Western Front. The surrender of thousands Canadians in the battle challenged prewar beliefs that brave officers died fighting and those who gave up deserved a court martial for cowardice upon release.\textsuperscript{98} Medical reassessment of nervous breakdown added important nuances to interpretations of fear, yet ideas about courage and willpower continued to shape the code of conduct expected of regimental officers in battle.

As numerous historians studying CEF battlefield performance have argued, many Canadian officers at both junior and senior ranks performed well under fire. Others who proved ineffective or unfit for the strain of service sometimes received a discreet posting back to England or Canada. In cases of gross misconduct generals deemed a court martial necessary in order to enforce the high standard expected for good discipline and strong leadership. Beyond the high number of drunkenness cases in the field, military misconduct made up almost a quarter of all dismissals by court martial in the Canadian Corps. AWOL represented the most common offence and caused the dismissal of twelve officers in France and Flanders. Cashiering was reserved for major military crimes including self-inflicted wounding, desertion, cowardice, and disobeying orders.\textsuperscript{99} Courts cashiered ten Canadian officers in the field including two whose


\textsuperscript{99} Examples of cashiering for serious military misconduct include, reel T-8695, file 3093-1 (self-inflicted wound); reel T-8692, file 332-93-8 (desertion); reel T-8662, file 602-7-478 (AWOL).
death penalties were commuted. A cultural emphasis on the strength of willpower implied those in a leadership position who failed the supreme test in combat therefore lacked a crucial component of manhood.

Resignation and Dismissal

The experience of the 25th Nova Scotia Rifles upon deployment to France in September 1915 illustrated the immediate impact of the stressful and dangerous conditions on men of all ranks. Dissatisfied with the poor performance of the senior leadership after the battalion’s first action, Corps Commander Alderson stressed, “by their determination and force of character, they [senior officers] must get a real grip of their men” and warned that any man or officer who withdrew from action should be shot.100 Nearly one third of the original forty officers attached to the 25th eventually broke down from some form of nervous exhaustion or physical collapse. By the end of 1916, just over one year after former British Army regular and NWMP constable Lieutenant Colonel Edward Hilliam assumed command of the 25th, five junior officers had been dismissed by court martial while several more had been removed by a confidential adverse report. Though one former captain regarded the disciplinarian Hilliam as “a terror,” a strict CO understood the need to swiftly remove unreliable subordinates before actual misconduct necessitated judicial proceedings.101

Whereas commanders and doctors deemed certain unfit officers as worthy of medical treatment and rest leave, others judged unsuitable for active service endured the private disgrace of forced resignation. In December 1915, a 25th Battalion company commander reported serious concerns about Lieutenant J.A. Grant, a 24-year old banker from Halifax: “I am expecting every moment to see him collapse altogether ... I cannot imagine him being of any use whatever within

101 J.W. Mageson to Borden, 31 Jul 1916. MG 26 H, C-4235, 20349.
the sound of a gun now.” Hilliam concluded that, “Lack of training makes him afraid. I shall be very glad to have him sent home.” Regarding Grant as an example of “lost nerve,” Major General R.E.W. Turner confirmed the adverse report against the lieutenant, adding, “In view of possibly other cases arising I do not think it advisable to allow him to leave on that excuse, but recommend that he be permitted to resign.” Grant responded to the charges, “Nervousness is not cowardice, and although I admit the former I do not admit to the latter.” He had no choice but to resign his commission.\footnote{Overseas file of Lt. Grant. RG 9 III-A-1, vol. 149, file 6-G-109. After resigning his commission, Grant re-enlisted as a private in the CEF. He suffered severe gunshot wounds to his face and limbs in October 1918.}

In cases of more flagrant violations of military regulations, superiors expected that the more public ignominy of dismissal would punish unwilling officers and motivate others to “carry on.” Days after joining the 25th Battalion on a reinforcement draft in July 1916, Lieutenant Kenneth Cameron Fellowes, a lanky six-foot-four civil engineer from Toronto, telephoned Hilliam asking to be relieved from a forward post. “I was trying to control myself all the time,” Fellowes later admitted, “and felt as if something would snap, and I should give way at any time.” Hilliam ordered the nervous lieutenant to rendezvous in order to personally assess the legitimacy of his condition. Fellowes lost his way back to headquarters before stumbling across the dug-out of the 31st Battalion chaplain who found him “cowering inside the tunnel ... quivering like a leaf.” For failing to report to his CO, Fellowes was charged under Section 9(2), disobeying a lawful command. The court sentenced him to dismissal but with a recommendation for mercy that he be allowed to resign his commission as “physically and temperamentally unfit.”\footnote{GCM of Lt. Fellowes. reel T-8691, file 332-23-25.}
Rejecting all appeals for leniency, deputy overseas minister Major Walter Gow explained the necessity to enforce a penalty of dismissal rather than allow a convicted officer to simply resign his commission on medical grounds:

Speaking quite impersonally, it is manifest that having regard to the very trying conditions at the Front it would never do to establish the principle that an officer who by reason of his nervous condition, failed to carry out an order given to him could escape the consequences by attributing the fault to his nervousness. Men at the front have to “stick it” at all costs, and the establishment of a precedent excusing the failing to do so would be very dangerous.  

If a battalion commander or medical officer decided that nervous symptoms appeared genuine, an unfit officer might be permitted to relinquish his commission due to ill-health or even retain his rank with a transfer to administrative or instructional duties. Others who seemed to break down too easily had evidently failed to show the necessary resolve in order to receive such lenient consideration. Based on his attitude toward the strong character and willpower required by all officers, Sam Hughes had impressed to field commanders, “I sincerely hope, that in all these cases, you will not allow men to retire from the firing line too easily. The main thing is the firing line. Everything else is looked upon as second.”

**Shell Shock and Cowardice**

Separating cowardice or temperamental unfitness from genuine mental or physical illness were not only legal and administrative issues. Responses to the problem also depended on medical opinion. In judicial proceedings, a medical diagnosis could if not entirely excuse an officer’s misconduct then it might at least mitigate punishment. Popularized in early 1915, the term shell shock became a catch-all to describe emotional and physical symptoms, which ranged from insomnia and depression to tremors and limb paralysis. Disagreements over whether the condition was innate or acquired reflected uncertainty over the root cause. Some doctors pointed

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to the physical concussion of shell explosions while others attempted to locate the problem in the individual psychological disposition of each patient. A legitimate diagnosis of shell shock came to distinguish a true sufferer from malingerers, weaklings and cowards. As men began to self-diagnose, generals came to suspect that the perceived honour associated with a shell shock wound had created a form of social contagion in which men could claim an invisible injury in order to escape the trenches and excuse misbehaviour. Responding to the wife of one cashiered ex-officer who claimed that a nervous condition had prevented him from mounting a vigorous defence, deputy judge advocate general, Lieutenant Colonel R.M. Dennistoun, asserted, “It is well known that the defence of ‘shell shock’ is one which is not viewed with favour by Courts Martial held at the front, it is put forward so frequently and so easily.” In order to exert tighter control over the diagnosis of shell shock as well as to prevent more soldiers and officers from citing nervous exhaustion to excuse serious misconduct, by summer 1917 new military regulations restricted the meaning of the term to a physical concussion injury. Patients who had been affected by close proximity to a shell explosion were labeled wounded while others who could not point to a physical cause for their symptoms were labeled sick. Only the former cases were entitled to wear a gold wound stripe.

Doctors diagnosed sick patients suffering from nervous debility with neurasthenia due to a belief that the men had exhausted a finite amount of nervous energy. While medical responses were complex, some generals and doctors still drew on nineteenth century understandings of

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108 Overseas File of Lt. Leader.

mental disease, hereditary weakness, and degeneration in diagnosing nervous symptoms. Contemporary theories of mental disease portrayed certain afflicted men with alleged personal failings and weak character as unsuited for the stress of combat and command. Rather than cause physiological or psychological problems, traumatic experiences in battle were often assumed to only trigger a latent susceptibility for nervous breakdown.\textsuperscript{110} This interpretation of nervous collapse seemed to confirm the fundamental belief that strong personal character and internal fortitude could overcome any psychological debility including inner doubt and fear.\textsuperscript{111}

A persistent military ethos based on stoic courage required officers in particular to control nervousness and negative emotions in order to always convey a confident attitude in the presence of soldiers and peers.\textsuperscript{112} When ordered to prepare his company for the assault against the German stronghold at Hill 70, on 16 August 1917, Lieutenant Alexander Joseph Gleam of the 10th Battalion communicated to a fellow commander, “All my men are down and out and am afraid they will balk. Am very anxious.” Captain W. Thompson replied, “Your men will go forward as ordered and any man who refuses is to be shot ... The spirit of your message is not becoming a British Officer.” Gleam was found not guilty of neglecting to prepare for the attack but he was dismissed for sending a message “calculated to lessen the confidence” of another officer in the success of the attack.\textsuperscript{113} Also at the battle of Hill 70, Lieutenant Dalton LeRoy Reid of the Canadian Machine Gun Corps stated in the presence of a private, “I will not visit the guns now as my nerves will not stand it.” Although found not guilty of cowardice, Reid was dismissed

\textsuperscript{113} GCM of Lt. A.J. Gleam, reel T-8693, file 602-7-132.
for “uttering unsoldierlike words.” Each case demonstrated the consequences of a leader violating the bounds of horizontal and vertical honour. Despite being equals in position as company commanders, Thompson viewed Gleam as less than an honourable officer after receiving the pessimistic message. By expressing doubts to a subordinate, Reid had forfeited his right to command respect and therefore had waived his right to honour as an officer.

Generals and battalion commanders may have assumed that major military crimes such as desertion, disobedience and self-inflicted wounding implied a degree of cowardice yet the subjective nature of the specific offence itself made it difficult to establish beyond a reasonable doubt. Evidence for illegal absence or refusing orders might be clear enough but a charge of Section 4(7), misbehaviour before the enemy, required insight into the motivation and mindset of the accused. While leading a platoon near Lens on 22 September 1917, Lieutenant Frederick William Prior of the 54th Battalion believed enemy shelling had become “too hot” and he went back down the trench. Although witnesses confirmed that the lieutenant had left the platoon none could speculate whether fear had prompted his action. The court found him not guilty of cowardice but guilty of AWOL and sentenced him to be cashiered plus two years hard labour. Cowardice in the presence of the enemy was a particularly difficult charge to prove especially when the static nature of trench warfare meant that the enemy usually remained unseen.

Whereas early in the campaign a man who seemed to shirk his duty or who left his post had been more likely to be convicted as a coward, as the war went on superior officers and court members became more discerning about evidence of cowardice. A good officer did his duty

114 GCM of Lt. D.L Reid, reel T-8692, file 332-33-42.
115 GCM of Lt. F.W. Prior. reel T-8691, file 332-19-45. Haig confirmed the finding but remitted the prison term.
116 Examples of CEF officers acquitted of cowardice, see, reel T-8692, file 332-121-10 (malingering); reel T-8692, file 338-39-27 (showing undue regard for his own safety).
117 WO 339/19995. Nearly four years after being dismissed for cowardice in November 1914, British major explained, “it was a physical impossibility for me to act with cowardice ... I might not have been managing matters with skill, as being exhausted and worn by the constant fatigues and responsibilities of several days of perplexity.
despite fear while a coward failed to do his because he surrendered to unreasonable fear.\textsuperscript{118} Reassessment of cowardice from simply a moral and personal failing to a complex emotional stress response caused some commanders and court members to consider that an accused officer or soldier was not always accountable for a military crime. A persistent belief that an officer accused of cowardice was already predisposed to moral weakness and breakdown, however, continued to shape medical and military responses to the problem. Medical officer and prominent Canadian physician Andrew Macphail expressed a far more ambivalent attitude toward shell shock as a legitimate form of battle casualty:

\begin{quote}
Already the [medical] profession has fastened on to this condition, and many men are acquiring fame. In olden days this malady was treated with the “cat [o’ nine tails]” for men, and “cashiering” for officers. Many cases are not to be distinguished from cowardice. On the other hand there are cases which approach very close to madness. They must be incomprehensible to that part of the profession which knows nothing of the conditions under which such cases are produced. To hold a middle course is difficult—between injustice to the man and injustice to the Service.\textsuperscript{119}
\end{quote}

**Execution and Dishonour**

Rooted in a military culture based on upholding regimental traditions and guarding personal reputations, generals anticipated that cashiering served as a symbolic death sentence designed to destroy an officer’s standing and good reputation among his peers. The wartime expansion of the officer class through the commissioning of middle-class men and “colonials” led British Army leadership to suspect that a more extreme penalty might be required lest removal appear an easy escape route for a cowardly or nervous officer who surrendered to fear on the battlefield.\textsuperscript{120} In October 1916, following perceived failures in leadership among junior

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\textsuperscript{119} MG 30 D 150, vol. 4. Macphail diary, 26 Mar 1916.
\textsuperscript{120} In the 1915 case of a British officer cashiered and sentenced to five years penal servitude for desertion, the assistant adjutant-general remarked, “it is to be pointed out that private soldiers have suffered the extreme penalty
officers during the battle of the Somme, Field Marshal Douglas Haig stressed the need for stronger examples through the execution of certain officers who had failed their duty. Confirming the death sentence of Nova Scotia-born Second Lieutenant Eric Skeffington Poole of the West Yorkshires, Haig asserted that desertion “is more serious in the case of an officer than a man and also it is highly important that all ranks should realize that the law is the same for an officer as a private.”

Though he recommended commutation due to Poole’s “mental capacity,” Major General J.M. Babington still felt, “the gravity of the offence should be marked by a more serious sentence than cashiering.” While generals expected that officers “should suffer for any offence equally” with soldiers, sentencing still depended on the accused’s rank—and implicitly on his right to honour.

Across the British and dominion forces, only seven officers were sentenced to death, of which three were executed, in comparison to 343 other ranks killed by firing squad. The total number of executions represented approximately 10 percent of all death sentences passed by field general courts martial. As Gerard Oram and Teresa Iacobelli argue in studying the British Army and CEF respectively, courts imposed and generals confirmed the death penalty in a select number of desertion and cowardice cases in order to maintain control and discipline. Oram suggests that military leaders were not only interested in setting examples as disciplinary deterrents; he argues that social Darwinist beliefs of generals and medical officers influenced for desertion and possibly the only reason which prevented the Court from sentencing this officer to death ... was his previous gallant conduct.”


WO 71/1027. GCM of Lt. Poole.

The two additional British officers executed were Sub-Lieutenant Edwin Dyett for desertion on 5 Jan 1917 and Second Lieutenant John Paterson for bad cheques, desertion, and most significantly, for murder on 24 Sept 1918.
how the British Army used execution to remove “worthless men.” Eugenicist thinkers assumed degeneracy caused by tainted heredity and low character created a class of undesirables more prone to criminality and cowardice. Studying rejected volunteers, Nic Clarke connects eugenic theories of inferiority to the stigmatization of unfitness for military duty. By targeting supposed degenerate and mentally unfit soldiers, British Army policy implied that most men put to death by firing squad lacked the capacity for honour.

The case of the first of two CEF officers sentenced to death illustrated how interpretations of honour and degeneracy influenced trial proceedings and the confirmation process. On 24 November 1916, the same day a court had condemned Poole, Major General Watson, GOC 4th Canadian Division, ordered a court martial for Lieutenant Francis Mission Leader of the 72nd Seaforth Highlanders. After Leader had refused an order to join his company in the trenches he was arrested under Section 9(1), willful defiance of authority. Born in Norwich, England on 16 January 1891, Leader had served for several years in the King’s Own Norfolk Yeomanry and later in the Canadian militia after immigrating to Saskatchewan. The 23-year old accountant had first attempted to enlist with the 28th Battalion in October 1914 but was discharged as medically unfit. He tried again nine months later and gained a lieutenancy with the 65th Battalion. After the unit was broken-up in England, Leader proceeded to France in October 1916 to reinforce the 72nd Battalion. A medical board passed him as fit but noted “he is of a slightly nervous temperament.”

Shortly after arriving to the 72nd, Leader admitted to his new CO, Lieutenant Colonel J.A. Clark, “he could not stand shell-fire and was afraid of disgracing himself and the Battalion.” On 11 November 1916, a company commander instructed Leader to proceed toward the front lines but the young lieutenant refused, stating, “You can put me under arrest. I do not intend to go into the trenches.” When Clark asked if the young officer appreciated the serious consequences of disobeying a direct order, Leader replied, “I understand. It is the extreme penalty.” Testifying for the prosecution, Clark claimed that the accused possessed a “weak character” and was “not mentally normal,” while the battalion medical officer stated that the pale, anaemic man should have never passed as fit for active service. “I cannot pass an opinion as to the accused’s mentality,” second-in-command Major A.D. Wilson added, “but he has always struck me as acting in an absurd manner. His manner was unusual for an officer.” Defence counsel Captain A. Leighton cited these prosecution witnesses’ impressions to suggest Leader, “has something wrong with his mental make-up, something deficient. He has shown a strong anxiety to serve his country, as his former service shows; and if he has fallen down, I submit that he should be leniently dealt with. Whether he could have reached the trenches is open to doubt. The accused is entitled to the benefit of the doubt.” Leighton argued that his client was a “weakling,” though the court still found Leader guilty as charged and sentenced him to be shot.

As the confirmation of the sentence moved up the chain of command the harshest judgment came from General Watson who suspected Leader had disobeyed precisely “so that he might escape the trenches.” Believing that the lieutenant wanted to be cashiered in order “to secure whatever honour possible, and get away without facing any danger,” Watson concluded Leader was the worst type of officer: “a degenerate character, of no honour whatever.” Since the

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division commander believed Leader had no honour to disgrace, dismissal would be a rather useless punishment. As in 90 percent of death penalty cases, Haig nevertheless commuted Leader’s sentence on 14 December, incidentally one week after confirming Poole’s death. General Henry Horne of the British First Army felt a question over Leader’s mental balance, “slight as it is, turns the scale.” The lieutenant’s conduct was still considered bad enough to demand an “exemplary punishment” of cashiering plus ten years penal servitude.128

In order to preserve the impression of cashiering as a real punishment military authorities needed to stress the destructive power of disgraceful dismissal on a convicted man’s reputation and character. The expectation that an ideal officer would value his honour over his life served as the basis for British Army law and tradition which classified scales of punishment based on rank. As long as most officers understood cashiering to be a social death sentence, more examples of execution would not be necessary for the purposes of motivation and discipline. Although execution was undeniably the more severe punishment, in the opinion of military leaders, cashiering ought to be at least as disgraceful. Unlike a man cashiered, the adjutant-general of the British Second Army noted in reviewing Poole’s case, “under the Army Act an officer does not cease to be an officer” even after carrying out a death sentence.129 As a result Poole died with his badges of rank and honour technically intact. Unlike executed soldiers whose public death notices were largely censored by authorities, publicity and ignominy were central to the promulgation of cashiering and dismissal.130 Notwithstanding Watson’s belief that Leader, as “a degenerate character,” deserved execution because he had demonstrated total lack of honour by

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128 Ibid.
129 WO 71/1027.
130 WO 339/35077. Poole’s sister for example requested the War Office to “write again simply stating the place where my brother died, a letter we could show my father, and can we hope it is kept from the world.” The War Office informed her, “I need hardly assure you that no notification will appear in the Casualty Lists and that no information as to the circumstances of death will be released to the public.”
trying to escape duty, generals believed that cashiering alone, or in rare exceptions with imprisonment, served as a sufficiently effective warning to other officers who did value their honour.

**Cashiering and Imprisonment**

If cashiering alone was intended to destroy an officer’s honour, a prison term confirmed the lowliest status of a man who had once held an army commission. Ex-officers served out their terms under the harsh conditions of His Majesty’s Prisons in England. Pleading to Prime Minister Borden, the wife of ex-Lieutenant Leader thought her husband’s confinement to Maidstone Prison “amongst convicts ... is surely most unjust,” while his original commander discovered his former officer “was treated like an ordinary criminal.” Borden could only report that Corps Commander Currie opposed early release because he was “very strongly of the opinion that Leader had been very leniently dealt with.” While accepting the sentence was “no doubt justified from the point of view of Military discipline and of warning to others,” deputy judge advocate general Dennistoun advised an application of mercy for the young officer who had “offered his services in a patriotic way as a volunteer.” Following a petition for royal clemency, Leader was released from prison in December 1918, two years into his ten year sentence.\(^{131}\) His application for the daily living expense of ten shillings and first-class passage home normally granted to ex-officers was rejected. The Canadian chief paymaster only offered a third-class ticket, reasoning “he is an ex-convict. I didn’t think his former service as an officer entitled him to any better consideration.”\(^{132}\)

By the end of the war, just over 100 officers in the British Army and dominion forces had been sentenced to imprisonment or penal servitude for offences committed in England and

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\(^{132}\) Ibid. Leader and his wife appeared to have stayed in England where he died in 1974.
abroad. This total represented only 6 percent of all dismissal and cashiering sentences across the entire BEF (23 percent of cashiered officers). Gross indecency and military misconduct in the field such as desertion and cowardice each comprised about 15 percent of the total. For the remaining 70 percent of cases, aside from a few isolated examples of violence, virtually all concerned financial misconduct in the form of false pretences, embezzlement, fraudulence or theft. The American Expeditionary Force recorded an equally low proportion of imprisonment for dismissed officers with just over 50 officers were sentenced to a penitentiary or disciplinary barracks.\textsuperscript{133} Although incarceration suggested that simple expulsion was not always an adequate penalty for either flagrant military offences or criminal misconduct, confirming authorities frequently reduced or totally remitted prison terms of some offenders.\textsuperscript{134}

Many ex-officers nevertheless spent months or years of the war confined to prison cell. Most focused their time submitting petitions requesting a suspension of the sentence often with a promise to re-enlist and redeem themselves in the trenches. Captain A.A.N. Hayne, a Regina mining engineer who had resigned from the CEF to take a commission in the Royal Fusiliers, explained the impact of cashiering plus two years imprisonment for embezzlement: “The first [cashiering] of which alone precludes me from the society & Profession which I was educated for, and the knowledge of which was, as it were, my capital ... I might point out that the working out a sentence of imprisonment is a very much greater punishment to a man of education and artistic taste than it is to one not so situated.”\textsuperscript{135} Despite being deprived of their commissions, some ex-officers did not easily accept the notion that men who claimed higher social status and professional position could be confined to a prison alongside soldier and civilian convicts. In

\textsuperscript{133} Annual reports of the War Department, v.1:pt.1 1919, 674.
\textsuperscript{134} Examples of reduced prison sentences include, reel T-8692, file 332-93-8 (5 years PS remitted); reel T-8691, file 332-19-45 (2 years PS remitted); reel T-8694, file 349-22-19 (10 years PS, less than 1 year served).
\textsuperscript{135} WO 374/32126. Officer file of Capt. Hayne.
general, prevailing regimental culture still held firm to the notion that since most officers claimed they would rather endure a period of imprisonment than suffer the lifelong stigma of cashiering the latter represented the more detrimental and degrading punishment.

Through its mysterious origins and meaning, cashiering was essentially understood as something quite unpleasant and not to be desired by any officer. Few could precisely articulate why it was to be so dreaded. In September 1919, Major General Wyndham Childs director of personnel services for the British Army admitted candidly, “For just over twenty years I have been attempting by very close research to discover what cashiering really means—I have been unable to do so; the Judge Advocate General does not know; in fact, nobody knows. The meaning of the sentence is lost in antiquity.” Some traditionalists in the British Army felt that the stigma of dismissal would represent less dishonour for men only holding a temporary commission especially in the dominion forces. Nevertheless, sentences of cashiering and dismissal remained perilous punishments because they denied self-professed patriotic officers the right to participate in the war as leaders of men. In the CEF, those with militia experience risked public humiliation and a realization that prewar preparation had been for nothing. Those with prominence or connections in civil life endured ridicule and loss of esteem as failures and shirkers upon an unceremonious return home.

Conclusion

In a military tradition that defined an officer’s worth by his right to honour, misconduct or scandalous behaviour—whether drunkenness, cowardice, financial misconduct or intimate familiarity with other ranks—could tarnish the man’s reputation and undermine the respect for command necessary to maintain authority and discipline. An officer might disgrace himself in England from overindulgence or passing dishonoured cheques or on the battlefield through

\[\text{136 WO 339/26450. Officer file of Maj. Wernher.}\]

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suspected nervousness or weakness. Failure to exhibit self-control and willpower suggested a fundamental personal weakness which rendered convicted officers useless. It was not only a man’s personal honour that was at stake; scandalous behaviour and misconduct threatened to damage the dignity of his battalion and the entire army. Through the ritual removal of an officer by court martial, military authorities aimed to create conspicuous examples as deterrents to both motivate peers and regulate the type of man deserving to hold a commission. Except in rare instances, during the First World War sentences of cashiering were still viewed by authorities as sufficiently shameful to make lengthy terms of imprisonment not only unnecessary but also excessively dishonourable.

That a Canadian officer tried by court martial faced a one in three chance of being dismissed or cashiered suggested the serious consequences of pursuing judicial proceedings. If perceived only as an instrument of elite class bias, removal by court martial might alternatively have been regarded as a compassionate sentence that permitted unsuited officers an escape from the army back to civilian life. Many ordinary soldiers who felt subject to harsher forms of military discipline may have come to similar conclusions about the separate scales of punishment but the military institution assumed that the threat of dismissal and cashiering would inspire any good officer to perform honourable service whether in England or on the front. While the court could impose such a sentence, the stigma and sense of disgrace nevertheless depended more on military peers, government officials, the civilian public and the conscience of the convicted man himself to enforce the grave social and economic consequences of expulsion from the army. As the next chapter will explore, if dismissal by court martial symbolized the destruction of an officer’s honour, re-enlistment offered a unique opportunity to reclaim that honourable character.
Chapter 4- Coming back, making good: Removal, Return, Re-enlistment and Redemption

On 4 January 1916, Lieutenant Owen Bell “Toby” Jones accompanied a wire cutting party into No Man’s Land. The Halifax-born barrister had arrived in France only a month and a half earlier when he joined the 25th Nova Scotia Rifles on a reinforcement draft. As the party approached the German lines in the darkness of early morning, comrades came to suspect Jones was completely drunk. When he began talking incoherently and muttering loudly one man forced Jones’ face into the mud to keep him quiet before a captain hit him over the head with a knobkerrie, “hard enough to stun him but not to kill him.” A stretcher party carried the semiconscious officer back to battalion headquarters where Lieutenant Colonel Edward Hilliam discovered a rum flask in Jones’ pocket. A day earlier Jones had witnessed one of his corporals “blown to pieces by a shell,” and the battalion medical officer attributed his condition to a combination of “overstrain, exhaustion and alcoholic stimulant.”¹ A general court martial sentenced the 24-year old lieutenant to be dismissed on 20 January 1916.

By his education, profession, social standing and ancestry Jones represented the ideal qualities and character predicted to make a model volunteer officer. Shortly before the outbreak of war Jones had graduated from Dalhousie University where the student newspaper described him as, “One of the most brilliant members of the class, he shone also as a society man.”² Calling Jones a “brave and able man” of “sterling family, Loyalist stock,” a prominent Halifax lawyer appealed to the militia minister over the apparent “injustice” of dismissal.³ Jones’ grandfather had been lieutenant governor of Nova Scotia from 1900 to 1906 and his uncle, Lieutenant Colonel G.C. Jones, was surgeon-general and director of medical services for the CEF. Medical officer Andrew Macphail, who held a low opinion of the surgeon-general,

remarked of the fallen lieutenant, “One can imagine the high hopes of this young man’s friends when they secured a commission for him.”4 Rather than return home in disgrace, Jones immediately re-enlisted in England as a private. Less than a month later he was back in France on a reinforcement draft for the Montreal-based 42nd Royal Highlanders in February 1916.

By all accounts Jones proved himself an exemplary soldier and soon rose to corporal then sergeant. According to noted writer and fellow 42nd veteran Will Bird, “the story of his adventures would make an epic of the Great War.”5 Lieutenant Colonel G.S. Cantlie of the 42nd recommended a new commission for Jones but Major General John Carson, the militia minister’s special overseas representative, warned that a man dismissed by court martial “has a darned hard row to hoe for anything to be done for him.”6 In the course of one promotion being denied and another working its way through the chain of command Jones was seriously wounded at the battle of Courcelette on 15 September 1916. His superiors enthusiastically endorsed the tale of a soldier’s redemption through “gallant and faithful service.” Corps Commander Julian Byng declared: “He is invariably the leading scout and raider; he is perpetually out at night killing Germans. His fixed resolve is to wipe out his past disgrace and I venture to think that his courage and example to others might now be rewarded by granting him a commission.”7 Awarded the Distinguished Conduct Medal and Bar, Lieutenant Jones returned to Halifax in June 1917 having “won back his honour.”8

This chapter examines the consequences of being deprived of a commission and explores the meaning of dishonour, shame and redemption over the course of the First World War. What did it mean for an officer to be formally stripped of his honour, and under what conditions could

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it be officially regained? First, I survey the occupational backgrounds of the ex-officers to detail the impact of sentencing on professional status and their sense of social importance. Second, the chapter traces the promulgation and disposal policies of the Overseas Ministry with a particular emphasis on the financial implications for ex-officers. Third, I examine how non-judicial, administrative forms of removal for unsuited officers could carry the equivalent stigma of dismissal for misconduct. Fourth, the chapter follows ex-officers’ return to Canada where many attempted to navigate the narrow divide between public celebration of honourably returned veterans and harsh public judgment against perceived shirkers. Fifth, the chapter examines how the abstract concept of honour, intertwined with important social and economic considerations, encouraged voluntary (or in some cases compulsory) re-enlistment. Finally, I analyze how re-enlistment and redemption served to reinforce a masculine ideal in which coming back and making good set a model for every Canadian man to emulate.

According to the cultural expectations of a respectable gentleman, ex-officers like Jones still behaved honourably even in disgrace by accepting the consequences of their misconduct and endeavouring to redeem themselves. Nearly 40 percent of Canadians dismissed or cashiered before the armistice on 11 November 1918 determined to re-enlist and continue contributing to the war effort from the private ranks. A combination of personal shame, social pressure, family pride and economic considerations encouraged disgraced men to volunteer again and perhaps risk their lives for some form of rehabilitation. The cancellation of an officer’s commission following conviction by court martial signified the destruction of his honour; yet the potential for honour once lost to be restored was anticipated to offer a powerful incentive for any ex-officer to follow the prescribed code of good conduct in pursuit of redemption on the battlefield. The propaganda and celebration surrounding an ex-officer’s comeback seemed to confirm the
underlying cultural foundation of forceful masculinity that presupposed strong character and willpower would compel a true man of honour to correct an earlier moment of failure and disgrace. Yet this analysis did not account for intangible factors that were often beyond the control of an individual in deciding his own fate in complex wartime circumstances. Describing the unpredictability and confusion of trench warfare, Victoria Cross winner Lieutenant Colonel Cy Peck of the 16th (British Columbia) Battalion understood the thin margin between victory, where “you are a great hero,” and disaster, where “your position, your reputation, and, perhaps, your head may be the price.”

Investigating the circumstances behind instances of misconduct reveals the potential randomness and unfairness of a judicial and administrative process in which one officer could be singled out as a disciplinary example while many others avoided the public disgrace of formal dismissal.

An officer’s public reputation often meant more than actual guilt or innocence of a specific accusation. As the war raged overseas, public perceptions of returning officers to the home front depended on a complicated set of factors which were neither straightforward nor consistent. One man invalided for nervous breakdown might be accused of cowardice while another shell shocked veteran could be celebrated as a war-wounded hero. A court martialled ex-officer might manage to quietly settle back into civilian life while another struck off strength as surplus to requirements endured public shaming and exclusion due to a perception of incompetence or criminality. The sense of dishonour felt by rejected officers could be self-imposed, and suspicions of what others thought could reveal more about internalized shame than other people’s actual opinions. Some ex-officers disappeared from society leaving abandoned dependants. Others would spend years appealing to the government for some form of exoneration. Divergent responses to military degradation illustrated the power of honour to shape

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officers’ behaviour as well as its limits when certain individuals rejected or ignored prescribed social expectations of good conduct.

**Sentencing and Ex-Officer Status**

If earning a commission confirmed a man’s status as a gentleman and a leader, losing it and being expelled from the service by court martial deprived him of the special privileges and esteem associated with higher rank. A survey of the men dismissed and cashiered overseas reflects the class and occupational backgrounds of most Canadian officers. Two-thirds were born in Canada (approximately 7 percent were French-Canadian) and nearly 80 percent listed white-collar occupations in professional careers or clerical office work on their attestation forms. The leading fields included engineering, finance, and business. Only a small minority worked in what might be termed blue collar occupations. The former group tended to have received a commission in Canada prior to departing overseas; approximately one-fifth of those dismissed had earned a commission while serving overseas. Most Canadians sentenced to be dismissed or cashiered were junior officers: 134 lieutenants in comparison to 33 captains, five majors, and three lieutenant colonels. Within a regimental hierarchy, assumptions about rank, status and honour implied that being sacked from command represented a proportionate rebuke against higher-ranked colonels and general officers.\(^\text{10}\) Widely publicized courts martial against high-ranking officers might have only further inflicted deeper scandal on the service. In effect, dismissal was deemed an inadequate deterrent against other ranks yet too disgraceful a penalty against most senior officers and generals; this made subalterns the most common targets.

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When tried by court martial many accused officers and their defence counsels emphasized how the humiliation of arrest and prosecution let alone the actual sentence served as a sufficient punishment. Middle-class officers with a sense of local prominence cited social position and important connections to reduce the severity of the sentence. Less than two months after joining the 28th (Northwest) Battalion in the field, Lieutenant George Percival Armstrong faced four charges for drunkenness. In a plea of mitigation he argued that he had “taken enlistment for active service seriously from the beginning and the people who are at the top of things in Saskatoon are my friends.” The court nevertheless dismissed him on 5 February 1917. Stressing prominence and success in civilian society was perhaps designed to impress court members by demonstrating the accused man’s valuable contribution to civic life but claims to good reputation, important friends and high family standing only underscored the significant damage that dismissal could inflict as an effective social punishment and a powerful deterrent.

Protesting the rulings of unsympathetic “Imperial Boards,” families and advocates of ex-officers implied that good Canadians must have suffered under draconian British martial law. The brother of ex-Lieutenant Clarence Reginald Banning, argued, “It does not seem right that our boys should have to come before ... those who do not understand our boys and before a court over which we have no control.” When first sentenced to dismissal in June 1915 for drunkenness in France, Banning had stood before a board of five British officers. When dismissed again in January 1917 following commutation to the earlier sentence, the court had been composed entirely of Canadians. Courts martial in the field, which accounted for 57 percent of all CEF officers dismissed, typically consisted of Canadian combat senior officers. Based on

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an analysis of 73 cases tried in France between 1915 and 1916, 70 present included only CEF members, 12.5 percent had a majority of British officers, and the remainder had a Canadian majority. Of thirty-six court cases tried in England during the same period, 17 percent had a Canadian majority, 31 percent had a British majority and 52 were evenly divided; though 86 percent still had a British colonel or brigadier as court president. By 1917, Canadian senior officers assumed most positions on court martial boards convened in England and surplus colonels with legal training were appointed permanent presidents. The common misassumption of friends and relatives that a harsher form of martial justice had been imposed by strangers suggested that rather than understanding dismissal as a lenient sentence granted by equals in social position and background, many at home perceived the punishments as excessively severe.¹⁴

Contrary to the erroneous perception of a less forgiving British justice system, some Canadian officers believed that courts composed of fellow countrymen were more willing to inflict higher punishments from an overzealous and dogmatic application of military law. Lieutenant Robert England, who served as court martial prosecutor with the 17th Reserve Battalion, described how a fellow officer charged for dishonouring cheques and AWOL managed to appear before a board mostly composed of Life Guard regimental officers in London: “He was quite aware that old British Army regulars counted ‘cashiering’ and such-like penalties with social ostracism—a verdict to be abhorred when a man had re-won his spurs on the battlefield of France after misfortunes; they were more likely to be tolerant than a Canadian court-martial, anxious to comply with the letter of King’s Regulations and Orders and Military

Law, and seeing little distinction between dismissal and cashiering."¹⁵ Though an analysis of court martial decisions in England does not suggest a correlation between the composition of a board and the type of sentence awarded, Canadian Headquarters did complain about the perception of leniency from Imperial court members.¹⁶

Thirty percent of all general courts martial in England resulted in expulsion, of which 40 percent were cashiering sentences. By comparison 37 percent of cases in the field resulted in expulsion, of which only 16 percent of officers were cashiered. Despite the higher potential for a court to sentence a guilty officer to dismissal in the field, some accused could cite valuable military service when appealing for mercy. All officers who received a commuted sentence from dismissal to severe reprimand were on active service in France and Flanders. Recommending clemency for a lieutenant with the 15th Toronto Highlanders, Arthur Currie argued, “While I fully appreciate the necessity for drastic punishment for [drunkenness] among officers I am of the opinion that a less punishment than dismissal would be adequate in this case, and would avoid the loss of one who is considered by his superiors a good officer.”¹⁷ In March 1918, a court sentenced Captain Thomas Dixon to dismissal for taking a car without permission. An original volunteer with the 4th Canadian Mounted Rifles, Dixon had earned a commission in June 1916 after eight months in France. During the confirmation process, his commanding officer noted that Dixon had won the Military Cross at Vimy Ridge, and Brigadier General J.H. Elmsley added, “I consider him to be a very able Officer and one who would be a great loss to the Service.”¹⁸ Dixon received a reduction in sentence to severe reprimand and was killed in action.

¹⁵ Robert England, Recollections of a Nonagenarian of Service in The Royal Canadian Regiment (1916-19), (self-published, 1983). Reel T-8693, file 602-2-413. The officer was sentenced to severe reprimand but ultimately administratively removed from the CEF.
¹⁷ GCM of Lt. N. McKee, reel T-8692, file 332-97-74.
¹⁸ GCM of Capt. T.W.E. Dixon, reel T-8693, file 602-4-139.
five months later. While generals only rarely recommended for the commander-in-chief to commute dismissal sentences, mercy could be shown for a limited number of officers who proved otherwise good fighters and useful leaders.

Nearly half of all officers dismissed or cashiered for misconduct in France and Flanders had been in the field for less than six consecutive months prior to being arrested for an offence against the Army Act. Twenty percent had served for two months or less. Typically these officers had joined frontline units as reinforcements from battalions broken-up in England. Not only did they lack the combat experience gained by original veterans and men promoted from the ranks, supernumerary junior officers sometimes arrived to hardened units as unwelcome strangers. A 65th Battalion officer who had joined the 72nd Seaforth Highlanders alongside Lieutenant F.M. Leader described a reception “cool in the extreme, even openly hostile. We were told that our presence was not required or wanted, that every effort would be made to get rid of us ... Our past life, character and morals were sarcastically enquired into.” After visiting Leader in Maidstone Prison following his conviction for disobedience, the former CO of the 65th, by then an elected Canadian MP, speculated that the unfriendly 72nd officers had brought such a serious charge against Leader, which nearly caused his execution, simply to show “he was not welcome.”

Newly arrived officers were especially susceptible to committing indiscretions as they tried to integrate into their new units. Just days after Lieutenant Richard Helson Potter received his commission fellow officers welcomed him to the 5th Battalion with a round of drinks. He was promptly dismissed for drunkenness on 3 January 1916. According to his disappointed father, the 24-year old Potter had “allowed his big heart, and sociable tendency to be influenced by superior

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officers.” Without established friendships and support networks, officers faced a significant disadvantage in court proceedings as they could not rely on supportive witnesses to present evidence for acquittal or act as character witnesses to mitigate punishment. Despite having belonged to the 1st Battalion since September 1914, Lieutenant G.B. Watson rejoined following prolonged sick leave for nervous exhaustion only to discover when charged for cowardice and AWOL, “I am unable to call any evidence as to character, the personnel of the Battalion being completely changed. Everyone who knows me well enough are in England or Canada.” He was cashiered on 15 September 1917. Depending on the disciplinary needs of the Canadian Corps, judicial proceedings could secure the swift removal of worn-out officers as well as weed out unsuitable new arrivals who failed to impress.

Within the English-speaking military institution of the CEF, many French Canadian officers felt similarly out of place and unwanted. Political division in Quebec over conscription and participation in the war further complicated the attitudes among some francophone militia officers. Armand Lavergne, commanding officer of 61st (Montmagny) Rifles and political lieutenant to Nationaliste political leader Henri Bourassa, argued that Canada had no obligation to fight in a foreign war. English-Canadian politicians denounced the outspoken Lavergne as a traitor and demanded the militia minister to strip him of his uniform. The apparent disloyalty and criminality of a few individual French Canadian battalion commanders provoked further suspicions within the militia department that francophone officers would be insufficiently supportive of the war effort. Perceived discrimination against francophone officers both at home and in England aggravated popular resentment in Quebec which undermined the already difficult recruiting environment in the province. Though Sam Hughes had authorized the creation of a

dozen French Canadian infantry battalions in Quebec only one, the 22nd of Montreal, deployed to the front. With a single francophone combat unit, many officers of the disbanded French Canadian battalions faced even more dismal prospects than their Anglophone comrades finding places on the front. With fewer French Canadian officers serving overseas, the total number court martialled and dismissed was not large although critics could point to several notable cases.

As Desmond Morton has noted, “Perhaps there are no bad troops but there certainly were bad officers in some of the French Canadian battalions.”

In 1916, after Lieutenant Colonel Tancrède Pagnuelo, a Quebec barrister and notorious CO of the 206th Battalion made a tacit appeal for his recruits to desert rather than be sent to Bermuda for garrison duty, a general court martial held in Canada sentenced him to be cashiered.

In addition to his subversive speech, militia authorities found that the 206th CO had committed perjury before a board of inquiry, stolen battalion funds and extorted money from his men which resulted in an additional six months’ imprisonment. Although the militia adjutant-general convened very few general courts martial in Canada throughout the war, most of the accused officers were French Canadians stationed in Quebec. Some critics in the province perceived charges of fraud and embezzlement as further persecution against francophone members of the CEF. At the same time, the disproportionate number of dismissals also reflected the poor quality of patronage-appointed officers and exposed the systemic problem of a militia organization that had long excluded many valuable French Canadians from the commissioned ranks.

**Promulgation and Disposal**

Even if “temporary gentleman” officers were uncertain about the precise consequences of cashiering, many understood through their militia experience that it was supposed to constitute a

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24 Approved by governor-in-council under Section 104 of Militia Act. Released from jail after serving two months.
form of social death within military culture. Ex-Lieutenant Colonel Pagnuelo identified how his sentence threatened his civilian life: “I have been wronged in respect to my civil rights ... I lose all my rights as advocate ... and it will be impossible for me to occupy in the future any public official position, parliamentary or otherwise.” A sentence of either dismissal or cashing needed to be confirmed through the chain of command before it was communicated to the convicted officer and then publicized in the Canada Gazette, or London Gazette for cases overseas, and the routine orders of all Canadian commands. Upon promulgation the convicted officer officially ceased to hold a commission in His Majesty’s Service and no longer belonged to the CEF. As confirming authorities tended to trust the judgement of senior officers on court martial boards, commutation was rare; eight cashed officers received a reduction to dismissal, and fourteen dismissed officers received a reduction to severe reprimand. Of those to receive a reduction three were later dismissed and one was cashiered in subsequent courts martial. Until promulgation the guilty officer remained suspended from duty without pay while awaiting final approval by King George V for general courts martial held in England, by the Commander-in-Chief of the Army for general courts martial in the field or by the governor-general for general courts martial in Canada.

Following confirmation of dismissal or cashing, the unit commanding officer announced the sentence by parading the convicted man before assembled officers in a final degrading ceremony. According to tradition cashed officers had rank insignia and buttons publicly torn from their tunics; though it is unclear to what extent the historical ritual was always still practiced. Captain Stormont Gibbs of the British Army recalled his role in a cashing ceremony as, “one of my most unpleasant memories ... I had to cut the poor fellow’s pips off ... it was

25 Pagnuelo disposition. 15 May 1917. RG 24-C-1, reel C-5059, file 1909.
rotten for us both.” A British medical officer similarly recounted, “It was a sickening business, especially the taking off of the buttons and badges from his uniform. Luckily I had some plain leather buttons to give him.” When removed by court martial in France, Canadian ex-officers proceeded to Boulogne under an escort before taking a transport back to England where they next reported to the Canadian Headquarters (Argyll House after 1917) to make future arrangements. Those returning from France had six days to change into plain clothes before becoming subject to arrest and prosecution under Defence of the Realm Regulations for illegally wearing a uniform. An ex-officer dismissed or cashiered by court martial in England had to immediately change as he could not leave the local Canadian command in uniform.

Canadian authorities in England did not establish a clear policy regarding the official disposal of ex-officers until spring 1917 after the formation of the Ministry of Overseas Military Forces of Canada (OMFC). Though reluctant to spend public funds to support men deprived of their commissions, the Overseas Ministry provided $10 to aid indigent ex-officers purchase civilian clothes. In response to APM complaints that discharged men continued to appear in uniform around London, the ministry increased the amount to $20 in September 1917. Some ex-officers may have felt the same social pressure as one Newfoundland ex-lieutenant who had requested discharge papers to verify his dismissal, “as I am brought up for not being in the

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30 To consolidate the confused administrative structure that had organized Canadian forces in England since the start of the war, Prime Minister Borden appointed Sir George Perley as the first Overseas Minister in November 1916 before being succeeded by Albert Kemp in October 1917. The creation of the Overseas Ministry, sidelined Sam Hughes who Borden dismissed from Cabinet in November 1916. Richard Holt, *Filling the Ranks: Manpower in the Canadian Expeditionary Force, 1914-1918* (Montreal: McGill-Queen’s University Press, 2017), 49.
Army.” Rather than endure criticism and suspicion for being out of uniform at least some ex-officers risked breaking regulations. The ministry also granted destitute ex-officers who applied for a return to Canada an “undoubtedly low” living allowance of ten shillings per day for up to one week until the date of embarkation. Those who did not take advantage of the offer forfeited future claims to transportation at the public expense.

Believing that “men of this stamp should not be dumped on the British public,” the Overseas Ministry permitted ex-officers first-class passage on the earliest sailing transport—though there was technically no way to force them to leave England. The sentence meant they had become private citizens no longer subject to military authority. The adoption of the same policy by the Australian and New Zealand forces prompted one audit official to object, “it seems hardly fair that an officer ... being unfit to wear the King’s Commission should involve the Government in the expense of a first-class passage.” Australian Labour MP Charles McGrath, who had enlisted in 1916, pointed out the injustice for “a private who is returning home invalided to see on the deck, which he dare not stand upon, Captain or Lieutenant So-and-so, who has been cashiered ... but who is treated as a first-class passenger.” Justifying the Canadian government’s offer of a first-class ticket—equal to about £25—deputy overseas minister Colonel Walter Gow explained, “Theoretically the officer has paid the penalty for his offence, whatever it was, by losing the King’s commission, and as his return to Canada is arranged for as a matter of grace, I think it would look a bit small to send him back 3rd class.”

Steerage accommodations may have satisfied critics and soldiers who perceived preferential

31 Newfoundland Regiment File of Lt. S. Foran. RG 38, reel T-18004, file O-55.
34 ANZAC Service File of Lt. W. Paton. 9/1477.
treatment for disgraced officers but a lower-class ticket would do little to induce them to quickly depart England.

**Pay, Bonuses and Militia Issues**

For as much as military leaders emphasized an honour code to regulate officers’ proper behaviour financial sanctions functioned as a further practical measure to encourage honourable conduct. While upper-class officers may have possessed independent means and officers from affluent families could receive funds from home, middle-class, temporary gentlemen and men promoted from the ranks relied on military pay as their main source of income overseas. Colonel Gow found that the loss of pay served as one of the “greatest deterrents to crime among officers.” From the time of an officer’s arrest, or from the initial report of AWOL, the chief paymaster stopped all army pay until promulgation of the court martial sentence. Under Canadian Pay and Allowance Regulations, the Overseas Minister could direct the forfeiture of all pay that would have been earned during the period of arrest. From OMFC’s perspective, men in uniform earned a daily wage for a full day’s work. A guilty verdict confirmed that the officer’s inability to work during the period of suspended duty had resulted from his own misconduct and therefore deserved no compensation.

The unexpected loss of pay came as an additional hardship following conviction. From the time of his arrest for drunkenness in Sunningdale, England on 16 August 1917 until the court martial 71 days later, Lieutenant Mike McGlade of the 230th Forestry Battalion lost $255.60 in forfeited pay. His friend, Canadian Liberal MP George P. Graham, could understand such a substantial penalty, “if the offence were of such seriousness as to cause his dismissal,” but

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39 On 22 December 1917, the Canadian Government offered a $25 remission of forfeited pay—nearly a week’s pay for a lieutenant—as an act of clemency.
McGlade had received a mere reprimand.\textsuperscript{40} After being struck off strength to Canada as inefficient in January 1918, McGlade complained to the militia department, “I also know of a returned officer who was cashiered in France who received every cent of pay for the time he was held ‘under arrest.’”\textsuperscript{41} To the frustration of the pay office in London, commanding officers in the field routinely failed to communicate the date of an accused officer’s suspension from duty. In many cases a convicted officer had already been sentenced after full pay and allowances had been inadvertently deposited to his credit in his bank account. The adjutant-general’s branch posted an order reminding COs of their potential liability, through deductions to their own pay, to reimburse the government for losses to public funds due to delays in communicating a subordinate’s suspension from duty.\textsuperscript{42}

Disillusioned by perceived ill-treatment, most ex-officers felt no obligation to refund the government for mistaken overpayments. Only after receiving a man’s last pay certificates did militia officials in Ottawa realize that many former service members had a debit balance yet to be recovered. Ex-Lieutenant R.E. Lyon attributed an overpayment of $90 to the “very poor system” of army accounting and rebuffed a call for repayment, writing shortly after his release from prison, “you can’t get blood out of a stone.”\textsuperscript{43} After receiving no reply to repeated requests for a refund of a $68.29 overpayment, a militia paymaster warned another ex-lieutenant, “I intend to use every means in my power to recover this amount.”\textsuperscript{44} Since ex-officers had ceased to come under military authority as private citizens there was very little the militia department could do aside from constant letters and reminders. Due to seven unpaid cheques and an advance

\textsuperscript{40} Militia Personnel File of Lt. M.L. McGlade. RG 24, reel T-17694, file 602-13-254.
\textsuperscript{42} Adjutant-General to Gow to, 6 Feb 1918; Gow to the Adjutant-General, 7 Feb 1918. RG 9 III-A-1, vol. 64, file 10-2-39X.
in pay gained through a false explanation for his return to Canada, ex-Lieutenant A.J. Gleam acquired a debit balance of $262.08. He ignored all collection attempts and the department, as it did in most cases, declared the amount irrecoverable by 1919. Ex-officers had been court martialled and dismissed because the army deemed they lacked an honourable character. Yet ironically the government could only hope to recover debts by appealing to their sense of honour.

Following first-class transport from England, ex-officers disembarked at the discharge depot in Halifax or Quebec where they next reported in person to their home military districts. From there each was free to return to civil life. The Overseas Ministry in London communicated with the militia department in Ottawa so paymasters knew that returning ex-officers could not receive the post-discharge bonus. Order-in-Council P.C. 1091 in April 1917 provided that honourably discharged CEF members with at least six months’ service, including a portion overseas, would receive continued pay and allowances for three additional months. The government’s post-discharge policy intended this bonus money to afford former members of the CEF an opportunity to find work and re-establish themselves in civil life. “Having been wounded 3 times, if anyone is entitled to such bonus and should have it, I should,” ex-Lieutenant Leon Archibald declared in response to a government claim for a small debit balance. After suffering shell shock at the Somme, Archibald had been dismissed for a drunken disturbance in England. He felt the efforts of the militia department would be better spent explaining the denial of his forfeited pay and bonus, which he calculated at $436, “than to waste their good time and paper over a paltry $54.33.”

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erased any previous good service a man had performed prior to committing what he usually viewed as an isolated mistake.

While the original privy council order deemed officers formally dismissed by court martial ineligible for post-discharge pay, those returned for misconduct or inefficiency were technically still entitled to the bonus. Confirming the eligibility of one returned major, a militia pay branch official explained, “Officers are not ‘Honourably discharged.’ They are ‘permitted to resign’ or ‘dismissed the service.’ While this officer has not a very good record, there would not appear to be any crime against him.” An amendment in November 1917 empowered the militia minister to deny post-discharge pay for any officers and nursing sisters compelled to resign their commissions for disciplinary reasons even if they had not been convicted by court martial or even formally charged. Receipt of the bonus money therefore served as a vital measure in defining either honourable or dishonourable service; status that would hold important implications for compensation and employment into the postwar.

**Adverse Reports and Resignation**

When a CEF officer dismissed by court martial belonged to a Canadian militia regiment, the militia department submitted a recommendation to the militia council to strike the man from the active service list. As the CEF and the Canadian militia were technically separate entities, Judge Advocate General Henry Smith pointed out that an overseas court martial conviction did not automatically affect an ex-officer’s militia status because the confirming authority, Field Marshal Haig for cases in the field, derived his power from the king not the governor-in-council. The consent of the governor-general and the militia council in every case made the process of striking ex-officers from the militia list largely a formality, yet it indicated a degree of

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independence for Canada to determine the membership of its own militia. In cases of militia officers struck off strength from the CEF but not formally dismissed by court martial, removal from the militia was intended “only where there is absolutely no doubt as to the impropriety.”

As the issues surrounding post-discharge pay and militia status indicated, an officer did not necessarily need to be dismissed by court martial to suffer the negative financial and social consequences of losing a commission. Over one third of the 504 overseas general courts martial resulted in dismissal or cashiering, yet a large proportion of the officers who received lesser sentences still found their positions had become untenable. Severe reprimand or loss of seniority left a convicted officer with a blot on his record that he did not always have an opportunity to erase. Even a not guilty verdict failed to shield some exonerated officers from the consequences of simply being charged under the Army Act. Court members may not have judged certain offenses as deserving formal dismissal but a direct superior assumed no obligation to retain an officer following court martial proceedings. Fig. 3-1 lists the various sentences awarded in every individual case alongside the number of officers dismissed by court martial, the number tried again by subsequent court martial and the number struck off strength from the army within six months of promulgation. Analysis of all officers tried by court martial but not outright dismissed reveals that 66 more were removed from the CEF not long after being tried. Including the 33 officers dismissed after a second (or sometimes third) court martial means that 260, or just over half of all Canadian general courts martial, resulted in the accused officer eventually being removed from the CEF by either judicial or administrative means.

### Fig. 3-1: CEF General Court Martial Results, (overseas)

<table>
<thead>
<tr>
<th>Court Finding</th>
<th>Total GCM</th>
<th>Removed by GCM</th>
<th>Tried again by GCM*</th>
<th>Removed, not by GCM**</th>
<th>Re-enlisted</th>
<th>Later KIA/Died</th>
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<tbody>
<tr>
<td>Death (Commuted to Cashiered)</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cashiered</td>
<td>37</td>
<td>37</td>
<td></td>
<td>12</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Cashiered (Commuted to Dismissal)</td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
<td>3</td>
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<td>Dismissal</td>
<td>112</td>
<td>112</td>
<td></td>
<td></td>
<td>45</td>
<td>8</td>
</tr>
<tr>
<td>Dismissed (Commuted to LofS/SR)</td>
<td>14</td>
<td>4(3)</td>
<td>4</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>LofS and SR</td>
<td>63</td>
<td>12(10)</td>
<td>11</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Loss of Seniority [LofS]</td>
<td>16</td>
<td>3(1)</td>
<td>5</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Severe Reprimand [SR]</td>
<td>99</td>
<td>13(11)</td>
<td>17</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Reprimand</td>
<td>53</td>
<td>9(3)</td>
<td>15</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Not Guilty</td>
<td>82</td>
<td>6(3)</td>
<td>12</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Honourable Acquittal</td>
<td>15</td>
<td>3(1)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>504</strong></td>
<td><strong>161</strong></td>
<td><strong>51(33)</strong></td>
<td><strong>66</strong></td>
<td><strong>62</strong></td>
<td><strong>28</strong></td>
</tr>
</tbody>
</table>

*(Brackets=Number dismissed or cashiered by later GCM)*

**Struck off Strength/Adverse Report/SNLR within 6 months of promulgation**

Struck off strength, surplus to requirements and services no longer required (SNLR) were all labels used to justify the return of unwanted officers whether they had been subject to a court martial or not. The fate of these men upon arrival in Canada depended on the discretion of the militia adjutant-general. Some sought an administrative appointment to a local military district but most had their services terminated in the interest of efficiency.\(^{51}\) Unlike those dismissed or cashiered, many former CEF officers remained eligible to at least be included on the retired list of the active militia. The ambiguity surrounding labels such as resignation, SNLR or disposal by the adjutant-general could either conceal an ignominious return or stigmatize those with a legitimate reason for arriving home. Other Allied forces adopted similar administrative processes to strip unsuitable officers of their commissions. The American Expeditionary Force for example established reclassification and efficiency boards at Blois, France in spring 1918 to remove,

reassign or demote incompetent officers and commanders. To be “blooeyed” tarnished the record any American officer ordered to Blois after failing the test of combat or proving unable to meet the responsibilities of high rank.52

Many officers removed from the CEF due to suspected misconduct or incompetence were not formally dismissed or even in many cases charged under the Army Act. Rather than resort to onerous legal procedures that diverted manpower resources, a form of “administrative punishment” enabled commanding officers to submit a confidential adverse report to secure the transfer or removal of unsatisfactory subordinates. Unlike pursuing disciplinary action, a commander did not need to cite specific instances of misbehaviour; rather a “definite expression of opinion that an officer is inefficient is quite sufficient.”53 Authorities recognized that an officer unsuited for one role might be competent in another but the large surplus of officers in England made finding employment for men subject to adverse reports even more difficult and contentious. To deprive undesirable officers of their commissions, Colonel Gow advised employing the powers granted to the Overseas Minister under Paragraph 235 of the King’s Regulations and Orders of the Canadian Militia in cases, “where it is not desirable to go to the expense and trouble of a court martial, where there is no reasonable doubt of the guilt of the officer.”54 It is not clear to what extent the minister needed to specifically cite Paragraph 235 in most cases but the command hierarchy within the OMFC and the Canadian Corps held broad authority to transfer unsuitable individuals away from the battlefield.

The swift and occasionally ruthless nature of administrative removal from the CEF struck some former officers as a violation of their rights because middle-class professionals tended to

52 Richard S. Faulkner, The School of Hard Knocks: Combat Leadership in the American Expeditionary Forces (College Station: Texas A&M University Press, 2012), 185
54 RG 24, Vol. 1133, File 54-21-50-52. According to Paragraph 235, "An officer may at any time be removed by order of the Minister for misconduct."
frame dismissal within a business or civil court context in which a wronged party had an
opportunity to argue his case. The right of aggrieved officers to appeal an adverse report through
the Overseas Minister to the Army Council under Section 42 of the Army Act did offer a check
on a commander’s ability to arbitrarily remove subordinates. Explaining that most junior officers
were unaware of this appeal process, Gow noted cases where adverse reports had not resulted
from inefficiency “but of the friction and personal animus between him and his Commanding
Officer.”55 Those subject to an adverse report usually had little recourse to dispute the decision
as Field Marshal Haig and Corps Commander Currie generally accepted the opinion of battalion
commanders on active service in France. Challenges to a CO’s authority or counter accusations
of incompetence did little to persuade Currie and his division generals to reconsider the
recommended removal of an inefficient officer from the field.

Unlike court martial proceedings which depended on the verdict of senior officers drawn
from other units, adverse reports allowed battalion commanders to exert significant influence
over the personnel under their direct command. Disgruntled former officers, sometimes with
justification, pointed to political machinations and personal antagonisms as provoking their
removal. During the battle of St. Eloi in April 1916, Lieutenant H.A. Prall-Pierce of the 27th
Battalion confronted Major P.J. Daly over what he deemed a suicidal order.56 Although Prall-
Pierce had only received a reprimand by court martial and offered a written apology for his
insubordination, Daly immediately filed an adverse report in which he claimed that the lieutenant
had not “sufficient personality to command in Field.” Upon return to Canada in August, 42-year
old Prall-Pierce appealed for support from one of the court members, writing, “I knew I was
wrong in answering Major Daly as I did, but I could not have it on my conscience that I sent my

junior officers to their death in daylight for no purpose ... I feel I am under a disgrace which will live with me always if I do not get an opportunity to justify myself in the eyes of my friends ... all I want is an opportunity to come again to the firing line & show I have personality.”

The sense of rejection and failure combined with negative social and economic repercussions meant that removal from the CEF due to an adverse report might feel little different from formal dismissal by court martial. In January 1918, Lieutenant Colonel A. Ross of the 28th Battalion claimed after having given Lieutenant D. Sinclair, “every opportunity of becoming acquainted with the duties and responsibilities I find, instead of improvement, that his work is becoming more and more unsatisfactory. I find he takes no interest in this work, is apparently lazy and indifferent and he pays no attention to warnings which I have given him.”

After being struck off strength to Canada, Sinclair, a 40-year old Boer War veteran, protested, “I feel that I have been anything but fairly treated. I was left at home during these months without any information as to how I stood and without money ... It does seem hard that the whole of my future military career can be damned by Colonel Ross—a man who never gave me a chance nor tried to understand me.”

Due to the circumstances behind his return from France, the militia adjutant-general demanded Sinclair also resign his commission in the Canadian militia.

Under the stressful and confusing conditions of active war service, physical illness and nervous breakdown could be conflated with incompetence or cowardice. Militia department bureaucrats in Ottawa sometimes assumed that unfitness to command troops in the trenches implied unsuitability to retain a position on the active militia list. After a nervous collapse and an adverse report, 39-year old Captain J.P. King of the 28th Battalion received instructions to resign.

57 Overseas File of Lt. H.A. Prall-Pierce. RG 9 III-A-1, vol. 203, file 6-P-382. The recipient of Prall-Pierce’s letter, Brigadier General Hughes found himself in the same position six months later after being relieved from command.
his militia commission upon returning to Winnipeg in September 1917. Lieutenant-Colonel Embury, original CO of the 28th, did not withdraw his adverse report but defended his former officer: “To dismiss him from his Militia Regiment is going to extremes. I believe he put into the War all that he could put in. He did go to the front and he did go to pieces there, and I believe he is one of the cases where it could not be helped.”

Embury, who had been treated for shell shock himself in fall 1916, reminded the militia adjutant-general, “there are, as you know, some men who simply cannot stand shells for any great length of time.” King did not receive notice of eligibility for his post-discharge pay until several months later by which time he found himself “in a very embarrassing position for want of money.” In other cases, overseas authorities recognized the potential stigma associated with a sudden return home and felt the needed to stress to their counterparts in Canada that nervous shock “implies in no way any reflection upon that Officer whatever.”

As these three cases indicated, officers subjected to adverse report tended to be older men deemed unsuited to a stressful and physically demanding combat role. Following the confirmation of adverse reports officers understood that a label of unsuitability for active service usually constituted an invitation to resign from the CEF. Commenting on the historical right of an officer to resign his commission, Desmond Morton notes, “As a gentleman, an officer served almost as much at his own pleasure as his sovereign’s.” Superiors might permit an officer to resign for ill health, over-age or to resume a civilian occupation when no employment could be found overseas, but others would be only allowed to voluntarily leave the service on disciplinary grounds. Depending on the circumstances voluntary resignation could carry the implication of

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60 Gen. Embury to Adjutant General, 28 Aug 1918. RG 24, reel T-17566, file 9408-1.
63 Morton, *When Your Number’s Up*, 106.
selfish or cowardly motives. Following an adverse report for drinking and dishonoured cheques, a shell shocked captain “jumped at the chance [to resign] not thinking my action would be misconstrued ... Had I known that my conduct or honor were in question I assuredly would have remained at my post no matter what the cost to my personal health.”

Fig. 3-2 lists the various reasons behind officers’ discharges from the CEF, including 1,394 who resigned their commissions either at home or overseas.

Fig. 3-2: Causes for Officers’ Discharges from the CEF, 1914-1919

<table>
<thead>
<tr>
<th>Cause</th>
<th>Served Overseas</th>
<th>Canada Only</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissed/Cashiered</td>
<td>161</td>
<td>3</td>
<td>164</td>
</tr>
<tr>
<td>Inefficient/Misconduct</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Deserted</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Resigned</td>
<td>805</td>
<td>589</td>
<td>1,394</td>
</tr>
<tr>
<td>SNLR</td>
<td>309</td>
<td>125</td>
<td>434</td>
</tr>
<tr>
<td>Surplus to Requirements</td>
<td>1,029</td>
<td>447</td>
<td>1,476</td>
</tr>
<tr>
<td>Medically Unfit</td>
<td>2,175</td>
<td>295</td>
<td>2,470</td>
</tr>
<tr>
<td>Resumed Occupation</td>
<td>67</td>
<td>11</td>
<td>78</td>
</tr>
<tr>
<td>To Permanent Force</td>
<td>226</td>
<td>53</td>
<td>279</td>
</tr>
<tr>
<td>To Imperial Forces</td>
<td>358</td>
<td>124</td>
<td>482</td>
</tr>
<tr>
<td>Other/Miscellaneous</td>
<td>41</td>
<td>8</td>
<td>49</td>
</tr>
<tr>
<td><strong>Total Discharged</strong></td>
<td><strong>5,181</strong></td>
<td><strong>1,660</strong></td>
<td><strong>6,841</strong></td>
</tr>
</tbody>
</table>

Nursing sisters, who held the relative rank of lieutenant in the Canadian Army Medical Corps, were not immune to the negative implications of return and resignation as well. Militia officials sometimes erroneously denied post-discharge pay to a nurse who according to regulations had to resign her commission in order to marry. Upon return to Canada, one recently married ex-nursing sister complained to the matron-in-chief, “I have nothing to prove that I was in the CAMC & honourably resigned ... It seems rather hard & unfair to be denied

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64 Ex-Capt. E.B. Neff to Borden, 31 Oct 1916, Borden Fonds, 11418.
65 RG 38, vol. 442. Officer disposal.
every privilege after the service I have given.”67 The vast majority of the 262 nursing sisters who resigned their commissions did so for marriage purposes or health reasons but in some cases resignation implied a less honourable form of termination.68 Like their gentleman officer counterparts, nursing sisters were liable to removal due to what might be termed scandalous conduct unbecoming the character of an officer and a lady. Following a nervous breakdown in 1916, Nursing Sister H.I. Huber became convinced of a conspiracy against her and threatened to shoot someone. A medical captain observed, “she gesticulated widely and used language not at all becoming to a Lady.” Huber initially refused to return to Canada but learned “there was no alternative and my uniform, etc., were taken from me at the request of the Matron-in-Chief.” She felt particularly insulted after “a powerful Australian nurse” forcibly escorted her from London. Upon returning to Quebec she was mistakenly sent to an insane asylum then a sanitarium before being released into her family’s care.69 Nursing sisters may not have been subject to cashiering by court martial, but being physically stripped of a uniform and enduring forced resignation entailed a similar sense of disgrace.

Senior officers previously attached to battalions broken-up in England found the label surplus to requirements an equivalent dishonour to removal for unfitness or misconduct. One surplus captain tried for AWOL in England feared that failure to serve in France “would have discredited me even more ... than a dismissal.”70 After the break-up of his battalion, one embittered surplus lieutenant colonel described his forced return to Canada as “humiliating, for the same course would be adopted to discharge an unqualified or unfit officer, or to cashier one

70 GCM of Capt. Guillet, T-8693, file 602-7-25
found guilty of a military offence by court martial.” Upon returning to Canada, the social standing and influence of some local elites who had raised the battalions deteriorated. Civilians and returned soldiers who did not appreciate mitigating factors of age, physical unfitness and military necessity, viewed surplus captains, majors, and colonels with a degree of suspicion and contempt. Return for any reason risked becoming conflated with gross misconduct or incompetence by a public inclined to shame officers seen to have shirked their duty or abandoned their men by seeking safe positions.

Judgement on the Home Front

By mid-1916 as voluntary recruitment in Canada produced diminishing returns and seemingly able-bodied men not serving overseas endured greater social pressure and scrutiny, ex-officers felt exposed to a perception of apparent shirking or even cowardice. Regardless of whether an officer had been formally dismissed by court martial or forced home due to an adverse report, some citizens reacted angrily when they saw a returned local man “still swaggering around” in a uniform. One concerned Brockville, ON citizen demanded the militia minister investigate Lieutenant McGlade, writing, “why he should not be at the front it won’t take you five minutes to find out what a fraud he is & order him out of his uniform, he is a disgrace to it ... he is the talk of the Town.”

A Chester, NS parent felt that a neurasthenic captain had “fooled” the militia department, writing, “If the officers are allowed to set examples like this what can we expect from the private soldiers. Nobody would complain if he had been

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71 Lt.-Col. J.E. Hansford to Kemp, 9 Feb 1917, reel T-17538, file 6759-1.
72 Wood, *Militia Myths*, 266
73 Barrett, “Natural Leaders of a Democratic Army,” 23-44.
wounded or sick but he has nothing the matter with him.” Verifying either overseas service or ineligibility for enlistment became of vital importance for men on the home front not in uniform. Complaining that potential volunteers claimed exemption or unfitness, Lieutenant Colonel Hugh Osler of the 174th Battalion wrote to his Conservative MP father, “How are we to tell if they are lying or not? Surely they should be ‘tagged,’ so that a young man should either have on a uniform or a badge showing that the Government has decided that he is exempt ... The shirkers would be apparent to everyone, and a lot of them would feel ashamed of themselves.” A series of Privy Council orders beginning in August 1916 established distinct badges to be worn by discharged veterans, those rejected for enlistment due to medical unfitness, and men “honourably exempted” due to occupations essential to the war effort. After some revisions over the definitions, by the end of the war, the government had settled on three classes of war service badges: Class “A” for veteran soldiers, officers, and nursing sisters who had seen active service on the front; Class “B” for service overseas in England; and Class “C” for service in Canada only.

Many returned officers and discharged soldiers found wearing a badge essential for economic and financial opportunities. Following the break-up of the 199th Battalion, Major A.C. Prince returned home “from a depleted unit with a depleted pocket book.” Having previously served with the 18th Battalion in France, Prince was entitled to a Class “A” badge which he found greatly beneficial in “showing to those civilians I do business with that I have seen service.” One unsuccessful volunteer “honourably rejected” for enlistment explained the

77 Clarke, Unwanted Warriors, 108-110.
importance of proving one’s willingness to enlist: “today unless some ‘War Service Badge’ of some kind is worn; it is difficult to obtain employment; as one is looked down upon as either a pro-German, or slacker, etc.” As badges were designated only for honourably retired and discharged CEF personnel, the militia department denied court martialed ex-officers who requested some form of visible validation. Upon his return to Canada, an ex-lieutenant, dismissed for drunkenness and riotousness at a French estaminet in January 1918, feared that he had nothing “to show I ever was in the army.”

Although newspaper notices might publicize a general court martial decision and the Canada Gazette announced the removal of militia officers, the particulars of each case were not widely available to the general public. Ignorance sometimes proved detrimental to a convicted ex-officer because the stigma associated with dismissal conflated more mild offences with gross criminality. Dismissed for drunkenness in France, ex-Lieutenant William Roy Hastings of the 24th Victoria Rifles feared, “I am to be misjudged by people for all time to come, who not knowing the circumstances of the case nor the nature and scope of these tribunals are bound to infer that my conduct was such as to be unpardonable and dishonourable.” Even if civilians did not know the exact circumstances behind a return home, in tight-knit communities, some locals gossiped that the cause must have been “for something very serious, perhaps criminal.” Learning that her husband, Lieutenant W.J. Brown of the 6th CMR, had been forced to resign his commission for drunkenness in England (and for bringing women to the Canadian training school, of which she may not have been aware), Kate Brown of Saint John, New Brunswick worried about his job prospects as “all the positions are for returned soldiers with a good reason for coming home.” She realized her husband could not even “wear khaki, or wear a badge to

78 Personnel File of Lt. Lovell, reel T-17565, file 9201-1.
show he offered but was physically unfit.” She criticized the unjust treatment in a pointed letter to the militia minister:

What I resent particularly is the fact that public sentiment here being in such a state at present that thousands will have out to meet and welcome any invalided soldier (provided he has been at the front) and laud him as a hero, although in some cases the cause of return have been for nothing more heroic than “shock” or broken arches ... not exactly hallmarks of heroism. Yet in a case like Mr. Brown’s people are suspicious.  

While unsympathetic to officers with seemingly no legitimate excuse for being home, civilians, politicians and the press readily decried the perceived mistreatment of deserving heroes. Some enterprising ex-officers attempted to take advantage of the public’s inclination to celebrate frontline soldiers in order to conceal a less than honourable return. In November 1915 newspapers called the court martial of Lieutenant Colonel Robert Holden Ryan, CO of the 6th CMR, “one of the most tragic stories of the war.” Sentimental accounts described how Ryan, “a nervous wreck as a result of harrowing experiences in the trenches,” had committed a minor infraction which lead to dismissal.  Angered that Ryan had evidently been peddling “ghost stories” to unsuspecting newspaper editors, the militia minister’s overseas representative, Major General Carson, complained, “It really is an outrage that such yarns as this should be put in papers in Canada. Here is a man that never was in the trenches in France, who never had a day’s service in France.”  

Following dismissal for drunkenness in England on 25 September 1915, Ryan had managed to find a way to France but was quickly arrested upon landing in Boulogne and sent back to Nova Scotia.

Another commanding officer’s boastfulness upon returning to Canada prompted an investigation that instigated a court martial back in France. After suffering a gunshot wound

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81 Militia Personnel File of Lt. W.J. Brown.
82 Washington Post, 5 Nov 1915, 6; Gazette Times, 5 Nov 1915, 1; Quebec Telegraph, 5 Nov 1915, 1.

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Captain Walter Harry Allen received a promotion to lieutenant colonel with authorization to raise the 106th Nova Scotia Rifles in November 1915. Allen never faced the enemy; he had shot himself with his own revolver. In May 1916 he received instructions to attend a court martial in France, where he was convicted under Section 16 and cashiered. Denouncing the court’s ruling in a letter to Prime Minister Borden, Allen asserted, “My duty to my little son & daughter make it imperative that I remove the disgrace from my name.” Those who attempted to overturn convictions and salvage public reputations relied on networks of friends, relatives and advocates to appeal to government and military officials through private channels. “I have played the game squarely, and have refrained from publishing my case,” Allen warned the prime minister, “unfortunately it will be necessary for me to make it public in order to prove to the world I was the victim of jealous, narrow minded squealers.” Airing personal grievances to the press proved unproductive in the context of wartime patriotism with the suppression of political dissent and criticism. By fictionalizing the circumstances surrounding his own dismissal Ryan realized that newspaper editors would offer far more sympathy to a mistreated war hero than to a drunken commander drummed out of the army. Aside from a limited number of advocates, namely family and friends, there was little public support for ex-officers to draw upon particularly when civilians were more inclined to celebrate stories heroism and honourable service. From the perspective of most in the general population, officers thrown out of the army had evidently undermined the war effort by their selfish misbehaviour and possibly imperiled the very chances for victory.

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84 GCM of Lt. Col. W.H. Allen, reel T-8695, file 3093-1
85 Allen to Borden, 5 Jul 1916, MG 26 H, Reel C-4395, Page 114285-6
Fathers, Mothers and Wives

In the same way that families and communities shared in the battlefield achievements of heroic favourite sons, ex-officers assumed that their parents, siblings, wives, and children would suffer for their disgrace. Appealing for leniency in the case of ex-Lieutenant K. Fellowes, dismissed for disobedience in the trenches, deputy militia minister Eugene Fiset felt that, “The stigma ... will follow him through his life, may seriously affect his professional prospects, and reflects on his family.” During the trial, Fellowes’ defence counsel had likewise argued, “Accused left a good position from patriotic motives and has brothers in the service. A conviction against him would be a great blow to him and his family.”86 Such appeals only reinforced the strong deterrent effect of dismissal against any officer who valued the respect of family members and the esteem of his community. Friends and relatives of ex-officers back home felt dismissal was “pretty harsh treatment” for what might have seemed a relatively minor infraction. Referring to the common charge of drunkenness, Overseas Minister Edward Kemp responded, “a case of this sort may, to the civilian mind, appear one of unnecessary hardship,” but as he reminded a colleague, any form of misconduct constituted a serious breach of discipline especially for someone holding a commissioned rank.87

Anxious for information on sons’ alleged misbehaviour, fathers of ex-officers often demanded to see the court martial evidence in order to pass judgement. Throughout the war many fathers had assumed an active interest in their sons’ careers by attempting to aid advancement, secure commissions or resolve awkward problems. Family patriarchs too old to fight could still claim a personal contribution to the war effort by drawing on whatever influence, networks and resources they possessed to support their sons. Although reluctant to criticize from

a distance, the father of ex-Lieutenant R.H. Potter assumed his son’s dismissal for drunkenness had been a “cold blooded deal.”\footnote{Militia Personnel File of Lt. R.H. Potter, RG 24, reel T-17698, file 602-16-13.} Outraged to learn his son had been confined to Winchester Prison, the father of ex-Lieutenant R.E. Lyon believed “this boy has been framed up.” Overseas officials thought to disclose the trial details to the father “would be quite useless and its nature is such that it could serve no purpose but to add to his distress of mind.”\footnote{Overseas Ministry File of Lt. R.E. Lyon. RG 9 III-A-1, vol. 294, file 10-L-46. Haig had reduced the prison term to one year.} Lyon had been cashiered and served one year hard labour for performing oral sex on a private soldier.

The father of ex-Lieutenant Morley Armstrong of the 46th Battalion anticipated that once he received a copy of the court proceedings he could “arrive at a fair conclusion” and assured the militia minister, “I have friends enough in the present house at Ottawa to do anything necessary for my son.”\footnote{Robert Armstrong to Gen. Mewburn, 10 Feb 1919. RG 24, reel T-17670, file 602-1-102.} In deference to paternal authority, militia officials raised no issues of confidentiality in approving the father’s request for the trial transcript, and even stated he was “entitled” to his adult son’s records after payment of copying fees.\footnote{JAG to Private Secretary, 17 Feb 1919. Militia personnel file of Lt. M. Armstrong. RG 24, reel T-17670, file 602-1-102.} When ordered to lead a ration party to the front lines on 30 April 1918, Lieutenant Armstrong, a 20-year old student at Brandon College, had taken a horse and fled. In his own defence, Armstrong explained that he had not intended to desert but the unbearable strain of life in the trenches meant he could no longer carry on:

> I am always very nervous. I was not nervous before coming to France. If there is any shelling I become more or less paralyzed ... I have not been able to control my nervousness. I have tried to do so ... My heart used to beat rapidly and I would tremble. I could not control my voice ... I went to see my O.C. because I felt I could not carry on in the line, and to have the platoon taken away from me ... I did not think I could control a platoon of men, if I could not control myself. I realized I should be called upon to serve in the ranks. I am quite willing to do so now. I should have no responsibility.\footnote{GCM of Lt. M. Armstrong, reel T-8693, file 602-1-102.}
A court sentenced him to be shot for desertion on 21 May 1918. Due to a legal technicality, the court reconvened and awarded a lesser sentence of cashiering.

By requesting the trial transcript, the young lieutenant’s father felt it imperative to discover whether, “He either got off easy or was harshly treated.” Suspecting the latter case, the elder Armstrong insisted on an honourable discharge along with restoration of his son’s post-discharge bonus and all pay forfeited while under arrest. The worried father hoped to leverage his own sense of influence and civic sacrifice as a strong supporter of the war effort and the Unionist Government in order to salvage his son’s broken reputation:

I am fairly well known in many western towns. 3 out of 6 of my near relations are buried overseas, 2 in France, one in England. 2 of the others were wounded. I did my duty at home during the war assisting in every way possible. I think my son tried to do his duty overseas. Enlisting before he was eighteen, spent his 20th Birthday in the trenches to be returned home in disgrace and carry the load through life is pretty high unless there is not a shadow of doubt that he failed while being mentally fit.93

The Canadian justice minister declined re-opening the case in 1920 and pointed out that only a recommendation from the king had the power to overturn the decision of a court martial once duly confirmed and promulgated.94 Despite many fathers’ efforts to intervene on behalf of convicted sons, there was no straightforward process to dispute a verdict and sentence. The inability to assert paternal authority from afar underscored a sense of powerlessness when confronting government bureaucracy and the military justice system.

The dishonour associated with dismissal was more than a symbolic family disgrace. The loss of steady pay and employment sometimes resulted in desperate economic consequences for relatives at home. Mothers or wives who relied on assigned pay and separation allowances as basic income found the sudden stoppage of money all the more distressing because they had in

many cases not heard from their son or husband as to their fate. In response to a government claim for a $94 overpayment on the separation allowance of ex-Lieutenant R. Banning, his widowed mother declined making a refund, explaining, “Owing to the war what little I owned is not paying the taxes and I am going to have hard work getting on.”95 In the context of unexpected economic hardships, government efforts to collect small debit balances and overpayments appeared as petty persecution. Convicted of AWOL in France in December 1917, ex-Lieutenant Charles William Cooper expressed a common disillusionment: “I can scarcely believe that as a reward for three years’ service ... I am dismissed, my dependents allowed to nearly starve.”96 His wife added, “our home was broken up through not having one cent ... I do think he is entitled to fair play after giving up our nice little farm & practically sacrificing our stuff so he could do his bit.”97 Separation allowance stopped, pay forfeited, and post-discharge bonus denied, ex-officers and their dependants sought to salvage every cent owed to them. Whether they were legally entitled to the money was beside the point; they articulated a moral claim against the government in expectation of some form of recognition and compensation. From their perspective, ex-officers had volunteered in good faith only for their services to be rejected in the most degrading way possible. In stark contrast to the patriotic rhetoric that had compelled her husband to enlist at the outbreak of the war, Kate Brown articulated her central grievance: “I hear on every side ‘your King and country needs you’ but it doesn’t ring very true in my case at present for if this is the reward meted out to those who answer the call they had

97 Annie Cooper to Paymaster General, 13 May 1918. Militia Personnel File of Lt. C.W. Cooper. RG 24, reel T-17678, file 649-C-2061.
better have stayed at home and not risked the temptations of the soldier’s life and subsequent disgrace.”

Rather than return home under suspicion and scandal, at least a few ex-officers instead preferred to escape their troubled pasts. Militia paymasters seeking to recover overpayments and creditors holding dishonoured cheques encountered difficulties tracing an ex-officer who did not wish to be found. Parents and relatives urgently investigating a man’s whereabouts sometimes received word from the government that the former officer could not be located. “My family know nothing of my trouble in the army,” an ex-lieutenant wrote to the commander of his local military district, “if possible I do not wish them to.” Militia officials could inform next-of-kin about the court martial verdict and last known address of the man but the department did not track an ex-officer’s movements once he disembarked in Canada and reported to his home military district. Disappearing whether due to shame or opportunity caused an additional economic burden and social stigma for abandoned dependants. Dismissed for AWOL in France, one ex-lieutenant vanished following his return to Canada in July 1917. His pregnant wife appealed to the militia department for information, explaining, “I fear there is something seriously wrong and that my husband did not leave his wife and children to face starvation, purposely.” She knew he had been court martialled but worried he might have been arrested while travelling home because he continued to illegally wear a uniform. Based on the urgent inquires of dependants, the vague responses of government officials and the lack of

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98 Kate Brown to Sam Hughes, 2 Jan 1916. Militia Personnel File of Lt. W.J. Brown. RG 24, reel T-17551, file 8167-1. Brown joined the 140th Battalion as a lieutenant in March 1916. He later served in France with the 26th Battalion until a shell explosion invalided him to Canada in March 1917.


100 Mrs. Purchase to Militia Minister, 16 Nov 1917. Militia Personnel File of Lt. J.D. Purchase. RG 24, reel T-17713, file 681-16-34.

101 While his wife and children struggled for months “in such trying circumstances,” Purchase re-enlisted in Toronto in October 1917 before again going AWOL. His American draft registration card reveals he had re-located to San Francisco by May 1918.
correspondence from the missing men themselves, it is impossible to know the precise reasons behind every disappearance. In some cases, the stigma of the court martial verdict seemed an important factor, yet at the same time, the type of man sentenced to dismissal could also be the type of man willing to leave dependants when given the chance. Whether paying debts or supporting dependents, failure to live up to one’s obligations revealed the precarious nature of social arrangements that relied on a mutual sense of honourableness.

**Coming Back and Making Good**

**Re-enlistment**

While some ex-officers vanished into obscurity others disappeared only to remerge seeking an opportunity to restore a disgraced character. Even before a court martial passed final judgment, a number of defendants pledged to go to the front “and in some degree, wipe off the stain.” Of 147 Canadians dismissed and cashiered prior to the armistice, 40 percent eventually re-enlisted as privates. Despite the prohibition on any man cashiered to again serve the crown, if an ex-officer did not disclose his status, and if the recruiter did not closely investigate the circumstances, the restriction appeared to be less of an obstacle than tradition implied. Sixty re-enlistments were evenly divided between officers court martialled in France and in England, of which a small portion had previously served in the field. Fifty-three percent had been convicted of drunkenness, of which three-quarters occurred in France, 22 percent for financial misconduct, 13 percent for AWOL in the field, and 12 percent for AWOL in England. Some officers subject to adverse reports but not formally dismissed also resigned their commissions in order to re-enlist as privates.

The majority of Canadians who re-enlisted had been court martialled earlier in the war and were more likely to belong to the militia or have prewar military experience. Officers

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102 GCM of Lt. J.A. Proctor, reel T-8692, file 332-34-34.
convicted within only a few months early in the campaign may have been more inclined to get back into the fight quickly rather than return home after a conspicuously short time. While re-enlistment rates for officers dismissed in England remained relatively consistent throughout the war, the rate declined among those court martialled in France and Flanders as the war went on. Whereas half of all officers dismissed in the field before the battle of Vimy Ridge re-enlisted, only a quarter of those convicted in the field after mid-1917 did the same. Officers who had already put in months or years in the trenches appeared less inclined to re-enlist either from exhaustion or a sense that they had made a full contribution. Determining the precise motivations to re-enlist is complicated because it depended on the unique circumstances and economic considerations confronting each individual. Convicted by a civil court for bigamy and undergoing six months hard labour at Wormwood Scrubs Prison, ex-Lieutenant Archibald Mahoney felt, “I should be doing much better and useful work with my comrades in France in the trenches.” In a petition for early release, he conveyed loyalty and humble ambition:

I also feel that I can perhaps win back my lost honour, seeing that I gained my commission on the field at Vimy ridge. I am anxious to be there once again and make a fresh start. To say that I am deeply ashamed and deeply grieved is unnecessary. I admit, too, that I have committed a serious crime and was justly punished, but I think that in these days when every good man is needed and honour and fame is to be had and past failures retrieved that perhaps I should be given another chance and be allowed to come forth from my imprisonment and join up as a private soldier once more and begin over again.¹⁰³

Shortly after being freed to re-enlist at Seaford in October 1918, Mahoney instead committed a series of thefts which resulted in two more months’ imprisonment. While his subsequent crimes contradicted the principled sentiment expressed in the letter, Mahoney’s espoused motives echoed the attitudes of many ex-officers concerned with regaining lost honour through re-enlistment.

Despite a wage decrease from their former rank, ex-officers who re-joined as privates received steady pay and their separation allowances resumed though at the lower rate. Others realized the obstacles to securing steady employment or resuming a civil occupation without honourable discharge papers. Destitute ex-officers confronted a difficult choice between returning home under possible disgrace, looking for work in England or re-enlistment in the army. Social pressure and an expected obligation to family served as further motivating factors to re-enlist. Pleading guilty to drunkenness in the trenches in January 1916, Lieutenant Kenneth Leonard McKay of the 25th Battalion stressed to the court, “there is nothing which I have valued so highly as His Majesty's Commission.” Appealing for “a chance to redeem myself,” the 25-year old tailor from Inverness, NS stated in mitigation of punishment:

Nothing has ever happened heretofore in my life which has caused me such genuine pain and mental anguish. I realize that my character has been besmirched; I realize that my military career has been severely checked; I realize that others beside myself suffer through my unfortunate misdemeanour—I refer to my family. Sirs, I enlisted from the motive of patriotism. It is the sincerest wish of my heart to serve my King and Country.104

Following confirmation of his dismissal sentence, McKay wandered London destitute while pursued by the chief paymaster for a £14 overpayment caused by a banking error. Failing to find munitions work and unable to sail home without first resolving the pay issue, McKay presented himself to a reserve battalion at Folkestone in March 1916. A recruiting officer communicated to Major General Carson, “This boy feels very keenly his position and is not at all anxious to return to Canada disgraced and feels that he can redeem his character should he enlist in our ranks.”105 A family friend wrote approvingly, “His reenlistment after he lost his rank shows he is of the

104 GCM of Lt. K.L. McKay, reel T-8696, file 9856-1.
right stuff.” McKay served with the 43rd Battalion until suffering shell wounds in September 1916. He returned to France in February 1917 with the 1st Canadian Railway Troops and ended the war in Palestine with the 1st Bridging Company. The impulse to re-enlist might depend as much on an ex-officer’s conscience as it did on external pressure. Volunteers did not simply conceive honour as only the abstract moral concept frequently cited by politicians and propagandists. An honourable reputation carried important financial and economic incentives as well which offered material reasons to re-enlist with a view to postwar prospects.

**Compulsion and Conscription**

If many ex-officers volunteered to serve at even a lowly rank, military leaders wondered whether unmotivated officers less inclined to do their duty could be compelled into active service. Even beyond social, economic and family pressures, the choice to re-enlist was not always a purely voluntary decision. Whereas officers dismissed and cashiered from the British Army were liable to be called up following enactment of conscription in England in March 1916, the Canadian Government did not outline a clear policy regarding the status of ex-officers after the contentious passage of the Military Service Act (MSA) on 29 August 1917. Corps Commander Currie recommended conscripting officers who had been “returned from France to Canada on ground of inefficiency, with adverse report practically involving malingering or cowardice but not specifically justifying Court Martial. Such cases fortunately rare, but it is thought general knowledge in the Field that conscription in the ranks may follow in such cases would have excellent disciplinary effect in keeping instances down to minimum.” Some field commanders appeared to be under the impression that an officer deprived of his commission could be compelled to serve in the ranks. Confirming an October 1918 adverse report against an

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“exceedingly poor” captain previously court martialled for drunkenness, Brigadier General J.H. MacBrien recommended, “if the law permits” to conscript him as a private soldier.108

In response to Currie’s suggestion, militia minister General S.C. Mewburn appreciated “salutary results might flow from the knowledge of Officers in the field that they might be forced to serve in the ranks if returned to Canada,” but he noted that the MSA exempted any man who had previously been to France.109 Mewburn only indicated that militia officers not employed within the CEF or “whose service therein has not ... been in all respects satisfactory” could be made liable for call up “notwithstanding their commissions.”110 Upon being returned from England for reckless spending, insolent behaviour and associating with another officer later convicted of murder, 24-year old Lieutenant C.M. McKenzie had refused to resign from his militia regiment in 1916, arguing, “I can assure you positively that no military officer will resign in war time, unless he is forced to do so owing for more justified reasons.”111 Two years later he was conscripted into the Quebec Depot Battalion in May 1918. Notwithstanding a few unique cases, compulsory service for former Canadian officers appeared very rare. A survey of attestation forms indicates that at least a dozen men who at one time held a commission in the CEF—none of whom had been dismissed by court martial—were later conscripted under the MSA.

While some officers indicated that giving up a commission would mean surrendering one’s status as an honourable man, from the perspective of military leaders, refusing the dangers of active service represented the true dishonour. The belief that some “so-called-officers” hid behind a commissioned rank in order to avoid the dangers of the trenches provoked strong

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108 Militia Personnel File of Lt. G.A. Johnson
109 “Officers Cashiered or Dismissed by G.C.M.,” RG 24-C-6-e, vol. 1843, file GAQ-10-56.
111 RG 24, reel T-17563, file 8850-1. Lt. McKenzie to Col. Rioux, 10 Jul 1916.
resentment from soldiers and their families. The Great War Next-of-Kin Association urged the Borden Government to prioritize the conscription of “those officers of the CEF now in England who by reason of a disinclination to revert rank have not yet seen service at the front.” The Ontario branch of the Great War Veterans Association called surplus officers who refused to serve on the front “worse than slackers ... they deserve to be called cowards,” and passed a resolution demanding that the discharge papers of any officer who resigned rather than revert “be marked dishonourable.” The legal difficulties to deprive an unwilling officer of his commission for the purposes of reverting to the ranks or to compel a dismissed ex-officer to serve as a conscript reflected the unique status of men who enjoyed, or had even once enjoyed, the privileges of the king’s commission.

Redemption and Restoration

Given the reluctance of many surplus officers to surrender their commissions in order to serve on the front, a court martialled ex-officer who agreed to join again as a private therefore represented a very unique type of volunteer. Politicians and generals understood the propagandistic value of celebrating a disgraced man who successfully came back to “make good.” Lieutenant General Byng had granted ex-Lieutenant O.B. Jones a new commission not only as a reward for gallantry but also to create a worthy model for his fellow soldiers. Dismissed from the 25th Battalion for drunkenness on a nighttime raid in January 1916, Jones had re-enlisted with the 42nd Battalion and proved himself an effective trench raider. In his memoir _Over the Top with the 25th_ (1918), Lieutenant Ralph Lewis declared, “Every man in the

112 Olive Marriott to Borden, 4 Dec 1917. MG 26 H, C-4321, 42427.
113 Great War-Next-of-Kin Association to Borden, 28 Nov 1917. MG 26 H, C-4413, 132508.
‘Fighting Twenty-Fifth’ lifts his hat to Toby Jones the greatest hero of them all!” When the United States entered the war in April 1917, Jones appeared as a frequent guest speaker at Liberty Loan rallies and recruitment drives for the British-Canadian mission in Boston. In April 1918, the *Boston Globe* recounted his experiences as a celebration of heroism, an inspiration to readers and to promote enlistment. Another full-page spread entitled, “The Man Who Came Back,” appeared as a feature in several North American newspapers in late 1918. Wartime audiences applauded a brave soldier who showed no fear but an officer who faltered only to later triumph over adversity set an example that every ordinary man could emulate. While convalescing in 1918, Jones completed a manuscript of his unique experiences but he believed that, “the story will never be published owing to the great number of such books at present in the market. The supply is greatly in excess of the demand & publishers are not anxious to handle more & more.”

Notwithstanding the flood of veteran memoirs on the marketplace by 1918, journalists and publishers embraced popular interest in war stories of disgrace and redemption in order to impart moral lessons and inculcate a sense of patriotism especially among younger readership. British school teacher and Liberal MP Sir Edward Parrott devoted a chapter in his volume, *The Children’s Story of the Great War* (1917), to the “adventure” of the most famous cashiered officer in the British Army, ex-Lieutenant Colonel John Elkington. Following conviction for his

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118 Jones to Col. Chambers, 19 Mar 1918, RG 6-E. reel T-87, file 273-1.

attempted surrender at Mons in August 1914, Elkington joined the French Foreign Legion in early 1915. He later remarked in an interview, “In that strange collection of men there is no rank, no past and no dishonored names ... There every man is a man and each a hero.” In an unprecedented gesture, King George V later restored the former lieutenant colonel to his old rank in August 1916 after Elkington suffered a crippling leg wound in battle with the Legion.

In his imaginative retelling of Elkington’s story, Parrott described the degrading effect of cashiering: “For a man of honour and spirit you cannot think of a more terrible punishment ... henceforth he is shunned by his brother-officers, and is forced to live his life under a cloud. Many a man so discharged has committed suicide, rather than live on.” Yet the former colonel drew upon innate willpower and perseverance in order “to strive with all his might to win back that honour and esteem which he had lost.” Stressing themes of stoic self-discipline and religious redemption, Parrott concluded:

So we leave Colonel Elkington, lifted out of the pit of dishonour and discredit, and restored to the esteem of all men, to the favour of his sovereign, and to his rank in the army. Never did man more nobly atone for a fault; never did a braver spirit more completely triumph over a reverse of fortune.

There is a lesson in Colonel Elkington’s career for you and for me. All of us are prone to err, and any one of us may by a fault or a mistake of judgment fall from the position which we have honourably attained; but while life remains we are afforded a chance of redeeming the past, and in our effort to do so we shall rise to even greater heights of honour than we ever reached before, if not in the eyes of man, assuredly in the judgment of Almighty God.

Just as Jonathan Vance argues that poets, pastors and propagandists associated fallen soldiers with the sacrifice of Christ, an ex-officer’s path to redemption through struggle and baptism of fire conveyed an equally compelling Christian motif. Parrott’s reference to the judgment of

121 Edward Parrott, Children’s Story of the Great War (London: Thomas Nelson and Sons, Ltd., 1917), 204
122 Vance, Death So Noble, 36.
God implied that although an ex-officer might not survive the attempt he could confidently expect greater glory in a heroic death.

Gallantry in combat and especially death on the battlefield symbolized the final sacrifice in restoration of an ex-officer’s honour. Appealing for leniency in the case of a major reprimanded and forced to resign for drunkenness in England, Deputy Director of Medical Services Colonel A.E. Ross promised, “I am satisfied that if he were given a chance to serve here [France], he would make good or die a decent death.”\(^\text{123}\) The father of ex-Lieutenant Potter claimed his son had personally vowed to “win back his commission or die in the attempt.”\(^\text{124}\) Others did perish in the effort. Following dismissal for AWOL in February 1917, ex-Major Colin MacLeod of the 191st Battalion, a barrister for the Alberta Supreme Court, re-enlisted with 85th Battalion from his birth province of Nova Scotia. On 16 September, he rescued a wounded comrade and then manned a critical machine gun post. The regimental medical officer thought MacLeod deserved a Victoria Cross, writing, “he has fully justified the faith of his friends ... in his ability to make good.”\(^\text{125}\) Just over one month later, MacLeod was killed by an enemy shell at Passchendaele on 28 October 1917.

Nine ex-officers and one whose dismissal had been commuted were killed in action or died of wounds following re-enlistment. Because not all those who joined again deployed to the field, this death total represented one fifth of all ex-officers who served in a combat role on the front lines. Ex-Lieutenant Hastings who had expressed worry over what people might think about dismissal for drunkenness died on 8 October 1916 at the Somme five months after re-enlisting. Although the Privy Council restored the commissions of a number of deceased ex-officers “as an act of grace,” this form of posthumous amnesty did not expunge the original

dismissal sentences. In order for dismissal to remain a powerful instrument for enforcing good order and discipline, erasing a disgraceful blot from a service record could not be made a simple process even for the dead. Ensuring that the original court martial sentence remained fixed on the records of ex-officers who again volunteered served as a permanent reminder that the man had overcome past failure in order to “make good.”

Praising those who re-enlisted, Sir George Perley declared, “Where a man has the pluck to take this method of redeeming the past he is always sympathetically dealt with and where conduct succeeding re-enlistment is satisfactory he is generally restored to commissioned rank.” Ex-officers found that the procedure for reinstatement was neither so straightforward nor satisfactory.

Upon receiving a new commission in January 1919, ex-Captain James Herbert Brownlee explained, “Only one who has passed through such an ordeal, after for a long time holding a high rank, can appreciate how grateful I am.” A 38-year old druggist from Owen Sound, ON and long-time militiaman, Brownlee had enlisted as junior major with the 86th Battalion in October 1915. After nearly two years stationed at the Machine Gun Depot in England, he offered to revert a step in rank in order to proceed to France with the 2nd Canadian Machine Gun Company in May 1918. While under treatment for nervous exhaustion in July he left a hospital and took a car without permission. Five days after promulgation of his dismissal sentence on 15 October, Brownlee re-enlisted in England. Believing that his honour could not be satisfied until he also recovered his former rank and seniority, the ex-captain declared in 1919, “no one can have made larger sacrifices for the service, nor worked more energetically in it, than I have.”

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the war had cost over 60,000 Canadian lives and hundreds of thousands more had lost a family member or friend, Brownlee felt that court martialled ex-officers who gave up rank, seniority, and civilian prospects in order to re-enlist had sacrificed as much. Reviewing Brownlee’s case nearly two decades after the end of the war, the deputy minister for the department of national defence clarified the technical process by which an ex-officer who had re-enlisted, “was granted a Commission—a new Commission ... This action unfortunately was not a vindication nor did it exonerate the Officer concerned.”\(^\text{132}\)

**Conclusion**

For officers who expected that war service would validate their sense of personal honour, being deprived of a commission for disciplinary reasons marked an abrupt reversal of fortune. Court martial conviction might result in ritualized military denigration but authorities also relied on administrative punishments to remove unsuited officers without resorting to the judicial process. Removal from the CEF for misconduct entailed financial penalties through the loss of pay, the denial of bonuses and potential employment problems. Less easily calculated, though equally if not sometimes more detrimental, were the social implications of dishonour. While Canadian and Allied troops bled and died on the Western Front, a former officer’s unexpected return home under dishonourable circumstances risked a shameful stigma. Despite the assumptions of a judgmental public, and the fears of friends, family and the ex-officers themselves, it was nevertheless not always clear to what extent dismissal irreparably harmed one’s social standing. Some former officers endured varying degrees of suspicion and ostracism yet others appeared to benefit from public ignorance about the actual circumstances behind their returns to quietly re-establish their lives or sometimes to disappear.

Military authorities expected an officer who valued his personal honour as much if not more than his life would vigorously appeal for an opportunity to serve on the front in order to rehabilitate his tarnished character. For ex-officers degraded by a sentence of dismissal, so-called the field of honour offered a second chance to restore a broken reputation. Those who successfully proved themselves in the eyes of their peers could receive recognition in the form of military decorations and perhaps a new commission. The celebration of ex-officers who “came back” to “make good” reaffirmed values of willpower and self-control but the experience of the war also exposed the precarious nature of honour as a shared code of good conduct. Other individuals appeared to ignore, if not reject, an honour code that encouraged disgraced men to redeem themselves in order to regain acceptance and esteem. A number of ex-officers returned to civilian life leaving behind debts and creditors and in a few cases abandoned dependants. When individuals refused to follow social expectations, shame and disgrace had little impact on correcting misbehaviour. The next chapter explores how interpretations of honour evolved into the interwar period and continued to exert powerful influence over the idealized image of officers and gentlemen of the Canadian militia in peacetime.
Chapter 5- Unman the manliest of us: Ex-Officers and Gentleman in the Interwar Period

The 1930 war novel *When the Gods Laughed* by Canadian Great War veteran Leslie Roberts tells the story of a nerve-shattered junior officer court martialed for drunkenness on a nighttime trench raid. After the court hands down a dismissal sentence, ex-Lieutenant Gray Thornton of the “35th King’s Own Canadian Rifles” contemplates:

Disgraced ... Insignia stripped from shoulders, and down the Line you go, away from the war that broke you ... People in khaki look at you as you go, and those who can be bothered let you see a sneer at the corners of their mouths ... You shiver and gaze into the toes of your boots ... Cold fury ... Enlist in the ranks? ... To hell with their war! ... To hell with their king! ... To hell with country! ... You’re a free man now! ... Despair again ... You’re not a free man ... You’re an outcast, a leper ... But to hell with them! ... Go back to England and clean out your bank account ... Disappear! ... Forget it! ... But the trouble is you can’t, because you can’t disappear from yourself!¹

Appearing to draw inspiration from the real-life example of Lieutenant O.B. Jones, whose dismissal and re-enlistment I detailed in the last chapter, Roberts has his fictional character immediately re-join as a private and return to the trenches. While initially resigning himself to death, Thornton proves his bravery in battle to earn a new commission, win the Military Cross and regain the love of his estranged fiancé. A critical *New York Times* book review observed that the author, “apparently saw actual service in France,” yet still presented the war as “a continuous show of heroics, whose participants, underneath their exteriors of good humor, were rather self-conscious of such abstractions as honor and disgrace.”² The notion that battle-weary veterans would have placed any real value on honour struck the reviewer writing twelve years after the war as implausible and anachronistic amidst the mud, blood and death of the trenches.

Tracing the emergence of a sardonic modern memory of the First World War, literary historian Paul Fussell argues that the horror and brutality of trench warfare destabilized a previously durable, Victorian-era understanding of “high-diction” words such as honour and

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glory. According to Fussell’s analysis of British officer-writers such as Robert Graves, Wilfred Owen and Siegfried Sassoon, a professed prewar belief in romantic and heroic descriptions of battle and chivalry gave way to ironic cynicism as veterans and the public became disenchanted with the memory of mass killing, waste and destruction. One scholar identifies the conflict as marking the decline of honour as a valued concept in modern society, writing that the millions of deaths in the Great War “opened a mass grave for honor.”3 While the meaning of honourableness may change depending on numerous cultural factors and new circumstances, the notion that most people simply rejected the entire concept of honour has been challenged by historians of Great War memory. Jay Winter counters that older nineteenth century literary motifs and expressions of mourning persisted into the interwar period. Studying local British-Canadian attitudes throughout the 1920s, Jonathan Vance likewise argues that public commemorations produced popular myths designed to sanitize the memory of violence and destruction by emphasizing higher ideals such as justice, honour, and victory.4

For many of the veterans who emerged from the conflict, honour was more than mere abstraction; the honour earned through good service and sacrifice on the battlefield had practical, economic implications which they aimed to use in the postwar period. Responding to political pressure and veteran activism, governments felt compelled, even in a limited degree, to offer rewards and support to men who had served honourably. Opportunities for stable employment often depended on a returned man’s ability to validate a good war record with honourable discharge papers. The high proportion of Canadian ex-officers who re-enlisted in the ranks suggested that many of those dismissed by court martial also recognized the value of honour and

the sting of disgrace from both social and economic perspectives. According to wartime propaganda and political rhetoric, wearing a uniform had enhanced a Canadian man’s honour as he transformed into a patriotic soldier ready to defend the empire.\(^5\) Claiming that citizenship entailed a duty for individuals to fight in their country’s defence and possibly sacrifice their lives for national honour compelled the government to acknowledge an obligation to treat each soldier with respect and dignity. War graves for the dead and war medals for veterans and families aimed to recognize all of those who had served, whether volunteers or conscripts, as equals and validate their collective contribution. As Unionist MP for Kingston William Nickle explained in a 1919 speech, “this war has demonstrated ... the fact the hero is to be found practically under every jacket.”\(^6\) This type of political rhetoric fit a militia tradition which had long conflated citizenship with soldiering.

As much as politicians sought to celebrate “practically” all veterans as heroic soldiers and good citizens, the postwar mythology of honour and sacrifice did not cast every returned man as a hero worthy of public esteem. Commemoration of success on the battlefield and the celebration of exemplary heroic personalities meant that popular memory of the war came to exclude the experiences of officers and soldiers who did not “make good.” As the war came to an end, former officers removed for misconduct, inefficiency or even as surplus to requirements, worried about their place in the wider veteran population. Tracing the economic and social challenges encountered by former British Army officers in the years after the war, Martin Petter argues that, “Being ‘de-officered’ was a more complicated, vexing business than simply being

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demobilized.”⁷ Many middle-class men who had enjoyed the privileges and responsibilities of a commission suddenly found themselves as ordinary civilians often on the same footing as many of the former servicemen they had once commanded. With potentially thousands of former officers seeking employment opportunities, having once held a commission in the army did not guarantee postwar success. If even an honourable discharge could cause significant anxiety over social status and future prospects, dismissal and cashiering by general court martial represented an even harsher and more problematic form of being “de-officered.”

This chapter studies the challenges experienced by ex-officers through the interwar period while also detailing how cashiering and dismissal, as punishments exclusive to officers, persisted through the social class disruptions of the era. First, I examine how Canadian ex-officers who appealed for gratuities and medals hoped to acquire special symbols of honour which could validate their wartime contributions and ease an uncertain transition back into civilian society. Second, I compare the implications of dismissal for officers with imprisonment and discharge with ignominy for other ranks in order to contrast democratic-inspired rhetoric with a military justice system that maintained separate scales of punishment. Third, I trace the development of Canadian military law into the interwar period with particular emphasis on the transition of the prescribed character of an officer and gentlemen. Fourth, I use a 1933 general court martial as a central case study to analyze the changing meaning of officer morality and conduct unbecoming as well as to assess Canadian public reactions to the peculiarities of martial justice. Fifth, I explore the broader interwar cultural context in order to explain how political and economic disruptions in the decades after the armistice led to greater criticism and disillusionment over the war itself. In anti-war novels and through political activism, many veterans looking back on the

war years directed much anger and resentment toward the military justice system. Class
discontent reinforced a perception that ordinary soldiers had suffered from tortuous punishments
and faced execution, while convicted officers had received preferential treatment. Finally, the
chapter provides the background and context for how changes and continuities about honour and
gentlemanliness would continue to shape an officer’s identity into the Second World War.

While in some ways the First World War had reaffirmed a heroic masculine ideal, postwar
disenchantment and the memory of loss also served to destabilize and reconfigure the meaning of
gentlemanliness in the interwar period. If every returned man regardless of prewar
socioeconomic class, race or ancestry could theoretically claim fellowship in a male honour
group of veterans, to what extent had these men therefore earned the title “gentleman”? Despite a
democratized notion of honour which emerged from the collective commemoration of all
soldiers and from wider societal change, the interwar Canadian militia and Permanent Force
nevertheless remained hierarchical institutions in which rank prevailed. Within Canadian and
British military cultures more generally, a commission still remained a requirement for though
not necessarily guarantee of gentlemanly conduct. As this chapter explains, while the Canadian
military adjusted to a peacetime role, interpretations of conduct unbecoming shifted to place a
greater emphasis on officers’ morality, on their public image and, to a more notable degree, on
their private lives.

**Symbols of Honour**

When Canada added its signature to Treaty of Versailles which officially ended the war
with Germany on 28 June 1919 the country had paid a heavy price in both blood and treasure.
Over 60,000 Canadians had died including nearly 3,000 officers. Though some dissenting voices
challenged conventional beliefs surrounding the war’s just purpose, most civilians and veterans
framed victory as the preservation of democracy and freedom.\textsuperscript{8} Surviving CEF members and dependants of the dead therefore readily sought tangible symbols as evidence of their vital military contributions and sacrifices to the patriotic struggle. For economic and sentimental reasons veterans placed a high value especially on symbols that proved they had served in uniform overseas. Financial rewards like bonuses and gratuities eased the transition back into civilian life and represented the collective gratitude of the country. Tangible tokens such as war badges, service buttons and campaign medals confirmed participants’ status as veterans and validated their position in the eyes of both peers and civilians. Stripped of their rank and pay and expelled from the army in disgrace, many ex-officers by contrast found they had nothing to prove they had ever volunteered let alone actually served overseas.

\textbf{War Service Gratuities}

Order-in-Council P.C. 3165 on 18 December 1918 established a war service gratuity to replace the post-discharge pay bonus. The gratuity calculated an amount based on a number of factors including duration of service and rank at the time of demobilization. Members of the CEF who had served in Canada for at least twelve months and every member who had spent any time overseas were eligible for a certain sum based on the nature of service. A soldier who served for over three years overseas received an extra six month’s pay to the maximum of $420 and $180 assigned pay to dependants. Much like its predecessor, the gratuities were designed to aid veterans re-establish themselves in civil life and provide short-term relief as they attempted to secure steady work. The policy also served as a preventive measure to reduce larger government expenditures on future ex-soldier assistance. In the context of contentious political debates over veterans’ welfare, the gratuity proved a controversial policy. Some more radically egalitarian veteran groups felt it did not go far enough and called for a fixed bonus of $2000 for any soldier

\textsuperscript{8} Vance, \textit{Death So Noble}, 28, 35.
and officer who had served any amount of time on the front. Critics warned that the offer of gratuities, guided by post-armistice sentimentality, would prove a costly waste. Concerned about overspending, government accountants and militia department bureaucrats therefore remained vigilant when determining who they deemed worthy of a gratuity.

Unlike the post-discharge pay policy which had been initially ambiguous regarding the ineligibility of officers administratively removed for misconduct, Section 4 of the WSG regulations specified restrictions against various types of ex-officer:

No officer of the Land Forces or his dependents shall be entitled to the gratuity aforesaid if:
(a) He is cashiered or dismissed from the service by sentence of a court-martial.
(b) He is deprived of his commission or warrant by reason of misconduct.
(c) He is called upon to retire or to resign his commission or warrant by reason of misconduct.
(d) His resignation from the Canadian Expeditionary Force is accepted by reason of misconduct.

Whether expelled by court martial or otherwise deprived of a commission for indiscipline, ex-officers who had in many cases forfeited months of pay while under arrest and already had their post-discharge bonuses denied, perceived ineligibility for the gratuity as another reminder of the disgraceful termination of their army service. Following conviction for drunkenness in France, ex-Lieutenant A.D. Reid did not expect any reward as a commissioned officer but he had been advised by friends to at least apply for his earlier time in the ranks. “Surely after three and a half years’ service in the army and being once wounded ... I should be entitled to some recognition in the matter of gratuity,” he wrote to the militia department, “I have been back in Canada over a year but have been reluctant to open old wounds ... I really feel as though I was entitled to

11 Canada Gazette, vol. 52, no. 3 (1919): 2189.
something.”\textsuperscript{12} The gratuity board denied his claim. Bureaucratic enforcement of the restriction typically proved inflexible. Militia Minister General S.C. Mewburn recommended leniency in the case of ex-Captain J.P. McIntosh, who had been cashiered shortly after the armistice for dishonouring cheques. Judge advocate general R.J. Orde countered that any exception “might create a somewhat dangerous precedent and lead to complications in the future.”\textsuperscript{13} Even ex-officers who had re-enlisted discovered that only their subsequent service in the ranks was included in the final gratuity calculation. “I had been in France 6 months but was too much of a fool & lost it [his commission],” ex-Lieutenant G.S. Berridge futilely argued, “I re-enlisted ... was given my old [service] number. Therefore having been given my old number back, my previous enlistment should count.”\textsuperscript{14} Appealing for a review of his case, “rather than lose all financial recognition of my former service,” ex-Captain J.H. Brownlee added a reduced gratuity to his list of grievances after his earlier service was excluded from the final calculation.\textsuperscript{15} If re-enlistment had theoretically mitigated past disgrace, in effect, it also erased all past service. Ex-officers who had resolved to volunteer again were treated from a financial point of view as if they had only enlisted for the first time.

Although government auditors came to regard the gratuity as an unnecessary bonus for returned men who had for the most part successfully re-established themselves, for some less fortunate individuals, it represented much needed money in times of unemployment and economic distress. Financial difficulties shadowed many veterans in the interwar years but especially affected those with poor conduct records, which carried a stigma that restricted

\textsuperscript{12} A.D. Reid to Director, SA & AP, 4 Nov 1919. RG 24, reel T-17702, file 602-18-470.
\textsuperscript{14} G.S. Berridge to Director, SA & AP, 28 Oct 1919. RG 24, reel T-17674, file 602-2-330.
\textsuperscript{15} J.H. Brownlee to M.D. 2 paymaster, 25 Aug 1919. RG 24, reel T-17673, file 9062-1.
government support and employment options. Ex-Lieutenant William David Rolfe explained his precarious circumstances in 1921:

I enlisted in the 25th Battn at Halifax in 1914 and went overseas with that unit. In 1918, I was given a Commission and in 1919 was unfortunately cashiered ... I am married and have three children one aged 3 yrs, one aged 2 yrs and one 3 weeks. I’ve been employed at the HH Shipyards for the past 2 1/2 years but now I’m out of work and I haven’t a cent. Surely there must be some way for me to get part of my War Gratuity ... I have no work and with a child 3 weeks old my wife needs more than I can get unless I get assistance from some one.16

Regarding his court martial case Rolfe only cryptically noted, “I’ll say nothing about my being cashiered only that I am innocent ... I ought to be able to get something for my 5 years service.”

On 22 September 1918, Rolfe had shot himself in the left arm and allegedly attempted to bribe witnesses to stay quiet. One soldier reported hearing an “agitated” Rolfe remark, “This will be the fourth time I have left this damned place.”17 Three-times before Rolfe had been evacuated from the trenches for either injury or nervous exhaustion. Despite the support of the Halifax branch of the Great War Veterans Association in 1921, Rolfe failed to have his conviction overturned and remained disqualified from consideration for a gratuity. Given its earlier denunciation of surplus officers who refused to revert in rank to go overseas, GWVA’s postwar willingness to advocate on behalf of some ex-officers showed how veterans groups privileged active service that ended in misconduct over an officer who had never fought at the front at all.

Beyond the limited advocacy offered by some local veterans’ branches, most ex-officers who had been deprived of their commissions found they could draw on little public or political support. The constitution of the GWVA on its formation in 1917 had stipulated that former CEF members required “honourable discharges” to join.18 Expansion of membership criteria after the war led critics such as Arthur Currie to complain that the association began to permit men of

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18 Great War Veterans’ Association of Canada: Constitution and By-Laws, 3.
poor reputation and suspect character.\textsuperscript{19} The more conservative and imperialist organization, Army and Navy Veterans, explicitly excluded from its active membership, “men who have been dismissed from any such forces for misconduct” and cited receipt of campaign medals as criteria for admission.\textsuperscript{20} Apart from private appeals to individual MPs, there was no serious objection from federal politicians to disqualifying ex-officers from consideration of gratuity money.

What the forfeited money symbolized could matter as much if not more than what it was actually worth. Ex-Lieutenant Leon Archibald, who had relocated to Minnesota to become a civil engineering professor in the 1920s, felt that he “had given his Country every ounce that was in me and a little over receiving injuries from which I shall never recover.” Although he admitted to financial distress, the gratuity represented more than mere financial compensation. “All the wealth of the Indies would not compensate one for but one night” during the heaviest fighting he had experienced on the Western Front. The gratuity more importantly signalled the nation’s gratitude to all former servicemen. “I have not had as much as ‘thank you,’” Archibald wrote seven years after his dismissal for drunkenness in England in July 1917.\textsuperscript{21} Even if they were not technically entitled to bonuses and gratuities, ex-officers hoped at least to receive some tangible symbol to prove they had voluntarily served their country in the great crisis.

\textbf{Service Badges and Campaign Medals}

As former CEF members took off their uniforms following demobilization, war badges and service buttons on civilian clothing showed where a soldier or officer had served. For Canadians, frontline duty on the Western Front represented the highest and most prestigious form of military service which placed a premium on acquiring an “A” Class badge. Citing his visits to the front lines in France, even Major General John Carson, the overseas representative of the militia

\textsuperscript{19} Morton and Wright, \textit{Winning the Second Battle}, 200.
\textsuperscript{20} \textit{Proceedings of the First Convention of the Army and Navy Veterans in Canada} (Winnipeg, 1918), 11.
\textsuperscript{21} L. Archibald to Militia Minister, 3 Dec 1923. RG 24, reel T-17676, file 602-1-303.
minister, felt the need to demand one, writing, “I am not prepared to accept anything else.”

Senior officers deemed surplus to requirements who had served on brief instructional tours of the front also applied for Class “A” badges only to be told that field service of a “temporary nature” made them ineligible. Regardless of rank or prewar social prominence, former officers placed a high value on this badge because it visibly displayed their frontline service under fire. Whether as a valued souvenir or something to be actually worn, badges legitimized veteran status which was supposed to entitle the owner to esteem from the public and establish a fellowship with other veterans. As production of service badges ceased by 1921, most who requested replacements years after the war had no recourse.

Ex-officers dismissed and cashiered were not only denied service badges but the court martial sentence had also caused them to forfeit any claim to campaign medals yet to be issued. All Canadian soldiers who served in a combat theater were eligible for the British War Medal and the Victory Medal. Volunteers who served in France prior to 31 December 1915 and the introduction of conscription in England also earned the 1914–15 Star. Campaign medals symbolized both an individual and collective contribution to winning the war. The medals created a sense of comradery and shared experience among veterans which signified membership within this newly-formed honour group. One major who had served in Siberia but not France, anxiously wrote the militia department, “As I am still in Militia Service & often attend military functions of various kinds, I’d like to have the medal as soon as possible, as I don't like to wear the uniform only.” Another major identified sentimental reasons as well: “it is not so much that I personally am anxious to obtain the medals ... as that one feels one would like to ... in later

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years to pass on to those who follow.” By virtue of being deprived of a commission and expelled from the army, ex-officers had no such physical tokens of service either to show they belonged among fellow veterans or to pass along to the next generation.

In passing its sentence, courts martial also had the power to strip a convicted defendant of previously earned medals. Forfeiture of medals, particularly gallantry decorations, for misconduct or criminal misdemeanors proved a controversial aspect of court martial convictions. In September 1918, a general court martial in Montreal dismissed Lieutenant Colonel L.J. Daly-Gingras for embezzling money from the Quebec Depot Battalion and dishonouring a $500 cheque. A thirty-year member of the militia, Daly-Gingras had suffered shell shock at the front with the 22nd Battalion and won the Distinguished Service Order. When his defence counsel cited this war record the prosecutor submitted, “the more services and honor an officer might have won, the greater his condemnation if he broke regulations.” On the recommendation of the court, the king approved the cancellation of Daly-Gingras’ D.S.O. in February 1919. According to the D.S.O. regulations, in order to “effectively preserve pure this honourable distinction,” the name of a member convicted of certain crimes “shall be erased from the Register of the Order.” The commemorative rhetoric of sacrifice and patriotic heroism made the cancellation of medals for non-military offences appear especially severe. A 1929 review by a War Office committee confirmed officers’ gallantry awards to be “virtually irrevocable” except in “cases of extreme infamy” such as cashiering for treason, mutiny, cowardice, desertion during hostilities, or disgraceful conduct of an unnatural kind.

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27 Montreal Gazette, 29 Aug 1918, 4.
28 Daly-Gingras Militia Personnel File.
29 The private secretary to the king stressed in 1920, “Even if a V.C. were to be hanged for murder, he should be allowed to wear the V.C. on the scaffold”; RG 25, Vol. 1444, File 19-T. “Inter-Departmental Rewards Committee.”
Over a decade after the armistice, the Canadian press reported that the records branch of the department of national defence still held thousands of unclaimed campaign medals awaiting distribution. Sensing a last opportunity several ex-officers hoped to finally gain their withheld decorations. “If possible I would like very much to have these, and would prize them very much,” Reginald Fuller promised, mentioning nothing of his court martial. 30 Having been cashiered for indecent assault against soldiers of his platoon in 1918, his request was summarily rejected. As late as 1939, Rolfe applied for unclaimed medals but the records branch offered the standard response: “owing to the circumstances under which you terminated your service with the Canadian Expeditionary Force, any war medals which you would otherwise have been entitled, have been forfeited.”31 Acknowledging receipt of his medals in 1922, ex-Lieutenant Kenneth Malcolm thought to inquire, “Is there any hope of me being given a Service Button and any Gratuity money or have I sacrificed all claim to same[?]”32 Realizing that the decorations had been inadvertently sent to a man previously dismissed for dishonouring cheques in 1918, a records branch official requested “that you be so good as to return British War and Victory medals ... This error is much regretted.”33 Malcolm’s personnel file does not specify whether he complied with the demand.

To ex-officers, particularly those who had fought in France, the loss of any symbol that could validate military service “savours too much like gross ingratitude, and it hardly seems possible.” Annoyed that a government official had sent a letter erroneously referring to the more disgraceful sentence of cashiering rather than dismissal, Leon Archibald articulated his grievances to the director of records in 1921:

30 Reg Fuller to Records Branch DND, 27 Dec 1930. RG 24, reel T-17682, file 602-6-92.
Pardon me for raising the question, but is the denying of service medals and monetary gratuities to a patriotic Canadian citizen who volunteered in Aug. 1914—wasn’t conscripted in 1918, with the above record of service in France, fair? I can scarcely believe that such treatment is the will of a Government with any sense of British fair play or gratitude.

Was not an amnesty granted all military offenders, and should I not be granted the benefits accruing from such? If a deserter or draft dodger can be pardoned is it asking too much to seek leniency in the behalf of one who endeavored to do his duty honestly?[^34]

On 22 December 1919, the Canadian government granted amnesty to over 20,000 deserters and defaulters who had evaded the Military Service Act.[^35] Few ex-officers sentenced to dismissal or cashiering, including those who had re-enlisted and earned a new commission, ever managed to have their convictions overturned or records wiped clean. Following a final review of Archibald’s case in 1958, Colonel R.B. McDougall, Director of Administration for the Canadian Army, determined that, “A sentence that has been unchallenged for over forty years should only be commuted in the most unusual circumstances which do not appear to exist in the instant case.”[^36] The bureaucratic obstacles encountered when appealing for money or medals revealed how the militia department, the records branch and administrative successors retained long memories regarding the dishonourable termination of ex-members’ service.

**Democratization of Honour**

**Officer-Man Relations**

From the perspective of some men who had once held a commission, the war seemed to upend a social order in which ordinary soldiers and even conscripts earned honour while former superiors in rank and social status could be deprived of their reputations and status. Men of different ranks might have competed for greater honour along a vertical axis by winning

[^34]: L. Archibald to Director of Records, 13 May 1921. RG 24, reel T-17676, file 602-1-303.


[^36]: Archibald service file. RG 150, Accession 1992-93/166, Box 212 – 47.
promotions and prestige, but all veterans held the basic criteria to claim inclusion in a broad honour group along a horizontal axis as uniformed citizen-soldiers. The war expanded the number of men recognized as eligible to join a new, more democratic honour group of veterans that was less conditioned on rank and socio-economic class and more dependent on honourable military—preferably frontline—service. Upon receiving a promotion one new lieutenant wrote to his mother, “Now that I have a Commission I realize that Tommy Atkins is every bit as good a man as the Officer, and deserves just as much credit. We are all Canadians.”

Ex-Lieutenant J.A. Grant articulated a similar sentiment though in more forceful and vulgar terms. Having resigned his commission to re-enlist as a private following an adverse report for nervousness, Grant replied to a disrespectful British captain, “We are Canadians and as good as any fucking officer.”

If some ex-officers had recovered their disgraced honour through re-enlistment and sacrifice on the front, any ordinary private who had volunteered and fought in the trenches had arguably earned the same honour as well.

An officer who refused to respect this wartime social order risked undermining his own position and reveal unfitness to command. Certain officers believed that the power bestowed by a commission still conferred a sense of social superiority over inferiors in rank. Reacting to the “impertinent” manner of Sergeant L.H. Black on 5 December 1917 Lieutenant W.M. Bligh of the 85th Battalion lost his temper and berated his subordinate: “You are a God damned liar ... I am an officer and you are nothing, absolutely nothing, just a thing.” Black had enlisted with the 85th as a private and earned a promotion to NCO after nearly a year in the trenches. Originally commissioned with the 246th Battalion, Bligh meanwhile had only arrived to France as a reinforcement officer four months earlier. In mitigation of punishment a fellow officer claimed

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Bligh “is one of the most respected citizens in Halifax,” but the court dismissed the lieutenant for drunkenness.\(^{39}\) Through the court martial proceedings, Black validated his position and successfully proved that he was more than just a “damned thing.” By court martia[lling officers for verbally or physically abusing subordinates, the military justice system primarily aimed to protect the authority of and mutual respect for the hierarchical command structure but prosecutions also served to validate the honour of ill-treated private soldiers.

The ability of any good soldier to rise through the ranks and receive a commission as a result of exemplary conduct also illustrated how men of ability could gain entrance into the officer corps. By the end of the war, one-third of the 22,843 CEF officers serving overseas had been commissioned from the ranks and a breakdown of occupational data shows that a large proportion came from non-professional, non-white collar fields.\(^{40}\) A meritocratic conception of honour, however, had significant limits. Only 2 percent of Canadian other ranks serving overseas were ever commissioned and few ever rose beyond the most junior subaltern rank. As enlistment and promotion had been further restricted by assumptions about race, ethnicity and perceived intelligence, access to a commission was still open to only a small segment of the population. By regulating both who could volunteer and who earned a commission, the army recruitment system still decided the type of man—and in the case of nursing sister, the type of woman—recognized as deserving a right to honour.\(^{41}\)

**Discharge with Ignominy**

Despite postwar allusions to equality across all ranks and allusions to the democratization of honour, a divide remained evident from the application of military law in which officers faced

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40 RG 38, vol. 442, CEF-occupations.
dismissal for crimes that resulted in field punishment, detention or imprisonment for soldiers and NCOs. The military justice system fundamentally considered depriving an officer of his commission a far greater dishonour than discharge for an ordinary private. In only unusual cases were convicted soldiers sentenced to discharge with ignominy by court martial along with a prison term. The punishment removed “undesirables” early in the war or where “continuance in service was a burden rather than a benefit.”

In December 1914, while undergoing fourteen days detention at West Down South Camp for refusing an order and shouting obscenities at a superior, Private J.A. Bissell argued with the guards who called him a disgrace to the king. Bissell replied, “Fuck him, he has an ass hole as well as anybody else.” Bissell was sentenced to sixty days hard labour and then discharged with ignominy.

Months before Canadians would experience real battle conditions on the Western Front, such a penalty appeared an appropriate measure to maintain good order and discipline among the troops. Donning even a private’s uniform at that time remained a privilege which only loyal subjects would enjoy.

During actual war conditions, field general courts martial could not afford to discharge all problem soldiers lest the punishment offer a perverse incentive for men to commit a crime in order to escape tedious and terrifying life of the trenches. Serious military offences such as desertion or cowardice received penal servitude or in rarer instances execution, 90 percent of which were commuted. Even a lengthy term of penal servitude usually only removed a convicted soldier to a prison for a few months before he earned early release back to the front lines.

Suspended sentences prevented manpower shortages and gave court martialled soldiers “a

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42 Military Secretary to C.C. MacNeil, 24 Nov 1919. RG 24-C-1-a, vol. 446, file 54-21-1-93.
43 Though he had been discharged as “undesirable,” Bissell managed to twice re-enlist in 1915 and 1916, both times discharged as medically unfit.
44 Many foreign-born volunteers with the First Contingent were discharged for being suspected enemy aliens.
chance to save their reputation and to win a remission.” In the same way that ex-officers could redeem themselves by joining the ranks, the possibility of a remitted prison sentence was expected to encourage convicted soldiers to “make good.” Unlike most ex-officers whose choices were to voluntarily re-enlist or return home, convicted soldiers faced either frontline duty or languishing under brutal prison conditions. Some imprisoned ex-officers appealed for early release to voluntarily re-enlist but as dismissal had reduced them to civilian status they were not eligible under the Suspension of Sentences Act. By contrast, soldiers able to earn remission from prison sentences had not technically yet been released from the army following conviction by court martial.

**Fig. 4-1: Disciplinary Discharges of CEF Other Ranks, 1914-1919**

<table>
<thead>
<tr>
<th>Cause</th>
<th>Served Overseas</th>
<th>Canada only</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executed by FGCM</td>
<td>25</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>Discharged by CM</td>
<td>7</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td>Discharged with Ignominy</td>
<td>14</td>
<td>55</td>
<td>69</td>
</tr>
<tr>
<td>Convicted by Civil Power</td>
<td>11</td>
<td>77</td>
<td>88</td>
</tr>
<tr>
<td>Misconduct</td>
<td>427</td>
<td>1,877</td>
<td>2,304</td>
</tr>
<tr>
<td>Inefficient/Undesirable</td>
<td>270</td>
<td>6,430</td>
<td>6,700</td>
</tr>
<tr>
<td>SNLR</td>
<td>472</td>
<td>556</td>
<td>1,028</td>
</tr>
<tr>
<td>Deserted</td>
<td>1365</td>
<td>32,248</td>
<td>33,613</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>2591</strong></td>
<td><strong>41,253</strong></td>
<td><strong>43,844</strong></td>
</tr>
</tbody>
</table>

Regulations required any soldier discharged with ignominy to disclose this status prior to attempting to re-enlist which recruiters usually deemed cause for refusal. Thus dismissal permitted ex-officers to rehabilitate themselves through voluntary service in the ranks whereas discharge with ignominy often implied that a bad ex-soldier was beyond any redemption. The

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45 Iacobelli, *Death or Deliverance*, 35.
46 RG 38, vol. 442, Disposal- CEF
47 Concealing a discharge with ignominy when attempting to enlist carried the possible sentence of two years hard labour. DCM of Pte. Larose, reel T-8671, file 649-L-991
total number of soldiers discharged with ignominy from the CEF amounted to less than 0.5 percent of all court martial sentences.\textsuperscript{48} With manpower shortages no longer a priority after the armistice, most discharges with ignominy occurred during demobilization in 1919 period for crimes of stealing, violence, defiance, or mutiny.\textsuperscript{49} Thousands more soldiers struck off strength for bad conduct or convicted by either a court martial or a civil magistrate were administratively discharged for misconduct under Paragraph 392(xii) of the Rules and Regulation of the Canadian Militia. Like dismissal for officers, discharge with ignominy or for misconduct included the denial of war service gratuities and potential forfeiture of campaign medals.\textsuperscript{50} The government’s gratuity policy contained basic class assumptions about the appropriate recipients of support as much as it signified the country’s moral debt to all soldiers. Government officials conceived a limited role of financial assistance to help re-establish veterans whereas most former officers were expected by their rank and apparent higher social standing to be more self-reliant. Gratuities therefore represented a reward for men and officers honourably demobilized as well as a form of charity for certain needy ex-soldiers.\textsuperscript{51} Ex-officers sentenced to dismissal and cashiering who had forfeited claim to financial consideration could cite neither an honourable record nor appeal for financial assistance as former officers.\textsuperscript{52}

**Interwar Militia and Permanent Force**

Both dismissal for officers and misconduct discharge for soldiers could carry distressing economic repercussions but in a military culture that privileged a commissioned rank only the former sentence was presumed to entail a significant symbolic disgrace. In the British Army

\textsuperscript{48} British Army statistics record 970 discharges with ignominy, or only 0.3 percent of all court martial cases.  
\textsuperscript{49} Many of the Canadian mutineers in the Kinnel Park riots were sentenced to discharge with ignominy by general court martial. For more on the 1919 mutiny see, Howard G. Coombs, “Dimensions of Military Leadership: The Kinnel Park Mutiny of 4-5 March 1919,” in Crag Mantle (ed.), *The Apathetic and the Defiant*, 405-38.  
Desmond Morton, ’’Kicking and Complaining’: Demobilization Riots in the Canadian Army,” in Mantle (ed.), *The Apathetic and the Defiant*, 37.  
\textsuperscript{50} RG 9 III-A-1, vol. 93, file 10-12-50.  
\textsuperscript{51} Ibid.  
\textsuperscript{52} RG 24-C-1-a, vol. 446, file 54-21-1-193
tradition, discharge with ignominy had been less of a deterrent akin to dismissal as it was a
disciplinary process to weed out bad soldiers. The addition of a prison term reinforced the notion
that discharge alone would not cause sufficient degradation to lower ranks as a true deterrent. As
members of the British Labour Party had argued just prior to the war, ordinary soldiers could feel
the same sense of personal rejection and humiliation as any middle-class or aristocratic officer
cashiered from the service. Societal change over the course of the war and the rhetoric of
equality and democracy provided Canadian ex-soldiers with the language to assert their right to
honour and recognition when confronted with the loss of their livelihood. After being discharged
from the Permanent Force on reduction of establishment in 1921, a Canadian sergeant with 20
months’ service in France asserted:

If the first duty of a citizen is to defend his country even to the laying down of this life ... it must be conceded that it is the duty of the State to re-establish all men who did that first duty ... If there is no great wish to assist us to become useful citizens—attempts so far have been rather feeble, no objection can reasonably be made to our asking that all dues from the State should be generously paid. I was discharged on short notice and granted no compensation, no assistance was forthcoming ... my discharge was marked “No longer Required”, which renders it useless, and indeed constitutes an insult.  

Such protests did not necessarily convince militia authorities, some of whom perhaps agreed
with one former general who stated that lower-ranked veterans “had reached their limit in
military advancement and could not be expected to show a higher standard in civil life.”  
Nevertheless expressions of humiliation following involuntary discharge illustrated how many
ordinary soldiers placed a value on honour and reputation as much as superiors in rank and class
regardless of whether higher-ups were willing to recognize their claim.

As the size of the Canadian army contracted in the months and years after the end of the
Great War, many war-weary veterans and civilians turned away from involvement in military

53 L.A. Marston to Secretary, Militia Council, [1922]. RG 24, reel T-17721, file 832-M-94.
matters. Tracing the declining importance of the militia in the years after the end of the war, historian James Wood explains, “There was precious little prestige to be gained by citizen soldiering in peacetime in a country that was now populated by war veterans and the grieving families of those who had not come home.”\textsuperscript{55} The Canadian government aimed to retain the military professionalism and expertise gained throughout the war within the smaller Permanent Force, the total strength of which typically numbered approximately 400 officers and less than 4000 soldiers throughout the interwar period.\textsuperscript{56} By 1924, with the formation of the Royal Canadian Air Force the country established a permanent air force as well. As Chris Madsen details, the small size of the PF and the limited attention to militia affairs by Canadian governments during this period resulted in a situation where education in military law suffered.\textsuperscript{57}

Some disgruntled soldiers and NCOs decried the preferential treatment enjoyed by officers when it came to the application of military justice and the enforcement of discipline in the peacetime era. Following his discharge from the PF in 1924, war veteran ex-Sergeant T.J. Lindow alleged instances of fraud and abuse committed by superiors in Lord Strathcona’s Horse. In particular, Lindow claimed that the regiment’s CO had been the “subject of scandalous gossip” for embezzling government funds, drunkenness in the mess and contracting venereal disease. Lindow declared that, “A commanding Officer such as this should have his conduct and moral standing investigated in the interests of decency.” Militia authorities ignored the rumors uttered by a former sergeant whom General J.H. MacBrien, chief of the general staff, judged “a rough, uneducated and irresponsible type of man.” Feeling persecuted and victimized, Lindow complained directly to Prime Minister W.L. Mackenzie King: “apparently Officers of the Canadian Army are above the law and cannot be treated as men subject to the laws of this

\textsuperscript{55} Wood, Militia Myths, 273-4.
\textsuperscript{56} Granastein, 158.
\textsuperscript{57} Madsen, Another Kind of Justice, 61-62.
country; the underdog must suffer, and such matters as right and justice do not enter into the consideration of your Govt.”

Regardless of the dubious accuracy behind Lindow’s allegations of a scandal and cover-up the appearance of class prejudice and rank bias reflected the primary focus of military prosecutions during the interwar period. Between April 1921 and March 1930, the PF and RCAF conveyed a total 485 district courts martial against other ranks and NCOs compared to zero general courts martial against officers. District court martial cases primarily concerned cases of desertion, losing equipment and clothing by neglect and general misbehaviour.

Officers and Gentlemen in Peacetime

Re-Defining Conduct Unbecoming

Calling acceptance of a commission, “the greatest honour that can be conferred upon any man,” the Alberta Military Institute Journal declared in 1925, “It places me in a position of authority and responsibility in the service of my King and Country and in the most ancient and honourable profession in the world.” In order to uphold this high standard, the journal outlined an officer’s code, which read in part: “I will always, in public and in private, in uniform and out of uniform, so conduct myself as to command respect for the Country and for the profession which I have the honour to represent ... In my conduct with any civilian I will remember that I am dealing with one of my employers and that I must try to show him that I am a faithful servant in the highly responsible position in which he has employed me.”

While officers had always been expected to behave honourably both toward fellow officers and through their interactions...

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59 Reports of the Judge Advocate General in Annual Department Reports (Ottawa: F.A. Acland, [1921 to 1930]).
with civilians, the postwar Canadian militia began to place more of an emphasis on how the private conduct of military members reflected on the public image of the entire profession.

The Canadian militia historically had judged its officers’ financial transactions with civilians as largely private affairs. During the Great War the army had been willing to prosecute and cashier offenders in part to protect the reputation of the overseas forces and to maintain good relations with the British civilian population. Following demobilization in 1919, military responses to service members’ financial misconduct soon reverted to a prewar approach in which indebted officers were only privately encouraged to control their finances rather than be disciplined and prosecuted through the Army Act. Referring to a fraudulent captain’s swindling of American civilians in the late 1920s, the militia adjutant-general agreed, “using his rank and past service as a means of obtaining advances in money, etc. is conduct unbecoming an officer and gentleman,” but noted that there was little Canadian officials could do from a legal standpoint.\(^61\) Concerning the purchases made by Major Roy Nordheimer of the Royal Canadian Dragoons (RCD), one Ottawa grocer complained in 1925, “We feel it is much to be deplored that such a number of officers, (as even we know from our own experience) should not respect their honest obligations of paying their debts.”\(^62\) Tired of Nordheimer ignoring his debts a London tailor likewise protested to the Canadian High Commissioner, “in view of the gentleman holding a Commission, we allowed him credit,” only to discover, “that being an Officer in the Army, he is not amenable to the laws of the country, and Judgement cannot be enforced.”\(^63\) Persistent indebtedness, like other poor lifestyle habits and bad character traits, might be grounds for resignation from the PF or a militia regiment, but the priorities of military justice made general courts martial against officers almost nonexistent during the interwar period.

\(^62\) B.G. Crabtree to Director of Records, 3 Jul 1925. C-4859, file 1183.
Revisions to the Army Act and Air Force Act by British Parliament in 1929 expanded the summary sentencing powers of district commanding officers to handle minor charges against junior officers. Under Section 47 a summary trial could award no higher punishment than severe reprimand and forfeiture of seniority against an officer. Avoiding the formal process of a general court martial not only saved limited administrative resources, it also protected the accused and the wider service from the stigma of a more public trial.64 When officers in the PF or the nascent RCAF broke regulations by marrying without permission, for example, they could be charged and punished summarily by the adjutant-general.65 After the defence department expressed concern that young officers eager to marry failed to appreciate the negative implications of forfeiture on their military careers, the adjutant-general attempted to impose a more punitive deterrent through removal from the service. Although a summary trial could not award severe sentences of dismissal or cashiering, removal could be secured by forced retirement or resignation under the King’s Regulations and Orders of the Canadian Militia.

When deciding on the severity of punishment military authorities needed to balance enforcing discipline with the risk of greater publicity through prosecution by general court martial. Militia leaders were not eager for embarrassing breaches of military discipline or criminal offences to be adjudicated before the public; particularly in cases involving officers whose status personified the respectable public image the army hoped to project to civilian society. The drunken disturbances caused by Captain C.E. Eplett in March 1931 risked bringing the Algonquin Regiment into disrepute among the citizens of northern Ontario. A shell shocked veteran who locals regarded as “crazy,” Eplett had harassed a “foreigner,” fired his revolver in public and paraded his company before a heckling crowd. The 23-year old captain wrote to the

65 RG 24-C-1, reel C-5077, file 5450, “Officers of the Permanent Force Marrying without Permission.”
headquarters at Ottawa, “If this investigation is going to mean cashiering and the rumors accepted, I will be pleased to forward my resignation.” Believing that a formal court of inquiry would be inadvisable, the militia adjutant-general removed Eplett under Paragraph 264(c) of the King’s Regulations and Orders. Eplett’s experience not only pointed to the difficult transition encountered even by those veterans who remained in the military after the war; it also exposed persistent stigmatization and negative attitudes toward shell shock victims who had not appeared to fully recover from their wartime mental instability.

During the war, Canadian Headquarters in London had rarely applied a charge of conduct unbecoming to the private lives of officers stationed in England except in cases of financial misconduct, namely dishonoured cheques, and only to a far lesser degree in cases of sexual indecency. Accusations concerning CEF officers’ sexual indiscretions during the war had in nearly all cases concerned improper intimate or abusive relations with soldiers. Framing such an offence under Section 16 had placed this form of indecency in the same broad category as verbally and physically mistreating subordinates. The violation of the rank divide appeared more significant than a stated effort to regulate sexual immorality. The interwar period witnessed a gradual shift in Canadian military culture which signalled a greater willingness on the part of the PF to use Section 16 to control the moral and social behaviour of its officers beyond financial dishonesty.

An early example in 1920 involved the general court martial of Captain H.F. Preston, a Military Cross winner and ship’s medical officer, who faced charges under Sections 16 and 41 for the attempted rape of a fellow officer’s wife onboard a troopship returning from England to

67 “There is almost total repression and patient says he was ashamed of himself for being so much afraid in France ... his M.O. told him that shell shock was hysteria and that its cleared up in France by stoppages of man’s pay. He immediately had 4 fits.” Eplett CEF Service File. Clive Emsley, “Violent crime in England in 1919: post-war anxieties and press narratives,” Continuity and Change, vol. 23, no. 1 (2008), 187-189.
Quebec during demobilization. His defence counsel outlined the difficulties of rebutting an accusation that directly affected the honour and moral reputation of an officer:

> When I say “the terrible nature of the charge” I am not referring merely to the punishment which is laid down in Manual for a charge of this kind ... and I am not referring to the dishonour which attaches to a man found guilty on a matter of this kind; I am not referring to the dishonour to the uniform which would result from a conviction of guilty ... I am calling it a terrible charge because of the difficulty of defending a charge of this kind. Somebody has said: It is an accusation easy to make, hard to disprove and harder to be defended by the party accused, be he ever so innocent.  

The court found Preston not guilty of the charges though the adjutant-general and judge advocate general agreed that his crude behaviour, as revealed in the trial testimony, did not warrant an honourable acquittal. A general court martial did not convict a Canadian army officer for nearly fifteen years after the end of the war. The unique circumstances surrounding the first high-profile case in winter 1933 illustrated how the peacetime army framed Section 16 as an offence less defined by strict legal or financial standards than by evolving standards of sexual honour and gentlemanly conduct. This case further exposed a disconnect between the military institution’s interpretation of scandalous behaviour and the general public’s understanding of martial law and punishment.

**Brown–Rebitt Court Martial**

At 5am on 2 November 1932, Captain Henry Rivers Rebitt of Lord Strathcona’s Horse (LSH) entered the quarters of fellow officer Captain Charles Graham Brown at the Osborne Barracks in Tuxedo, Manitoba, a suburb of Winnipeg. “Stick ‘em up, I have you covered,” Rebitt announced as he held Brown at gunpoint. He fired but the shot missed. Following his arrest, Rebitt was charged under Section 40 for offering violence against a superior officer, though Brown faced a far more serious charge under Section 16 for his role in an inciting incident two nights earlier. During a Halloween party at the barracks, Rebitt’s wife alleged that a Cossack-...
costumed Brown had forced her into an empty bedroom where he sexually molested her.\textsuperscript{69} Rebitt and Brown had each enlisted in the ranks, earned a commission during the Great War and served together in LSH for nearly twenty years. Born in England in 1888, Rebitt had won the Distinguished Conduct Medal for single-handedly taking on a German patrol, and the Military Cross for leading two raids that captured fifty enemy soldiers. Born in Manitoba in 1891, Brown had fought in the last cavalry charge at Moreuil Wood in October 1918.

Unlike overseas courts martial during the war, the Brown–Rebitt trial attracted substantial local press attention as well as national news coverage. To mitigate the anticipated media attention and publicity detrimental to the militia’s reputation, judge advocate Colonel J.A. Hope highlighted the unusual circumstances of the case by stressing, “The fact that it is the first general court martial of an officer in the last 20 years or so indicates the high standard of conduct of the officers in the service today.”\textsuperscript{70} Journalists recognized the tribunal in Winnipeg as a unique media spectacle that captured the curiosity of a Great Depression-weary public. Extensive press coverage which dominated the front page of the \textit{Winnipeg Tribune} provided readers with detailed insights into the process of military law. Trial proceedings against Brown opened at the Osborne Barracks on 24 January 1933. Brigadier General J.F.L. Embury served as court president and fellow decorated war veterans comprised the five-member board. After conferring over the question whether a court martial dealing with such sensitive and personal matters would be held \textit{in camera}, Embury announced the “proceedings shall be open to the public unless some

\textsuperscript{69} “Witness Tells of Bracelet Found in Room,” \textit{Winnipeg Tribune}, 25 Jan 1933, 6.
\textsuperscript{70} “Military Tribunal, Unique in 20 Years, Tries Two Officers,” \textit{Toronto Globe}, 25 Jan 1933, 1. Hope’s comment appeared to refer to the last general court martial to try a Permanent Force officer in peacetime; several CEF officers had been cashiered for financial misconduct in the months after the armistice and several general courts martial had been held for CEF officers in Canada during the war.
exceptional evidence arises.”71 Some of the testimony and arguments—particularly related to the alleged victim and the details of the alleged assault—were however held behind closed doors.

In his opening address, prosecutor Captain H. Stethem of the RCD justified the serious charge of conduct unbecoming against Brown: “It might occur to the court that such an offence was of a distinctly military character. It was obviously an act not comprised in the civic code. If the conduct complained of was surely a social character, it might be of such a scandalous nature as to make the retention of his services in the army undesirable. The charge, however, involved not only circumstances of a purely social character, for it will be noted the allegations contain reference to a brother officer.”72 An accusation of sexual misconduct made by a civilian woman against a military member would seemingly fall to a criminal court yet because the accuser was an army spouse and as the alleged assault occurred within the barracks, prosecution came under military jurisdiction. Presenting the case for the defence, A. Murray Ross, KC pointed out that the alleged misconduct could only be considered scandalous if “he used force.” Ross further stated that Rebitt’s wife had attended the Halloween dance “in a daring if not provocative costume,” and argued, “If the incident occurred at all, the lady complainant was a consenting party.”73 Ross disputed the applicability of Section 16 by pointing out that the charge against Brown “is that he had a woman alone in a bedroom, but that is not a civil offence. At dances in hotels it is a usual or frequent occurrence, and nobody thinks anything of it. It is not a moral offence. It may be a social offence, but even that is doubtful. Therefore, even if Capt. Brown was alone in a room with her, it is no offence unless it is a disobedience of orders.”74 Ross demanded an honourable acquittal for his client as he maintained that the incident had been purely a private

71 “Capt. Brown is First to Face Officers Court,” Winnipeg Tribune, 28 Jan 1933, 6.
72 Ibid.
74 Ibid.
domestic affair that could not have impacted military discipline or tarnished his military character.

Judge advocate Hope attempted to clarify the scope of the charge and explain the meaning of scandalous conduct to the court in his summation. “It is not a charge of rape or of indecent assault,” he explained, “Consent, I feel, is something which, if it enters into your consideration, might so enter but is not material. What we are considering is an offense against the service, conduct unbecoming an officer, behaving in a scandalous manner, which makes the matter not an individual offense.” Contradicting one of Ross’ key points, Hope stated, “The defense has referred to what goes on in hotel rooms, but I submit that there is something higher in a regimental dance than that.”75 A peacetime military culture that defined gentlemanly conduct in terms of social etiquette and chivalry toward women required Brown act as the “natural guardian and protector of the honor and chastity” of a brother officer’s wife. By even allowing himself to be implicated in a compromising position with the spouse of a fellow captain meant Brown risked exposing all officers to “disrespect through the gossip it makes through all ranks in the barracks and city.”76

Following the conclusion of Brown’s trial, proceedings opened against Rebitt on 28 January 1933. Acting for the defence, civilian barrister R.D. Guy, KC, claimed Rebitt had responded to an “irresistible impulse” to protect “the honor of his family.” Echoing the defence rationale put forward in Brown’s case, Guy felt that the shooting could not be considered an offence under the Army Act because “it was a family dispute not a military matter at all.” Demanding an honourable acquittal, Guy praised his client’s good character: “Capt. Rebitt’s whole life is based on honor. He would not sit there today wearing medals he received for

75 “Fine Army Record Read to Tribunal,” Winnipeg Tribune, 28 Jan 1933, 2.
76 Ibid.
distinguishing himself in his country’s service were it not the fact that he is a man of honor and rightly resents such things as have been told, warrants him in doing what he did.”77 In both cases, the male officers sought to validate honour through their actions, war service and rank. The honour of the alleged female victim meanwhile appeared entirely restricted to her sexual virtue.

The court found both officers guilty. Whereas Rebitt received the minimum sentence of reprimand, Brown received the mandatory punishment of cashiering. Although the court had no alternative for a conviction under Section 16, court members “unanimously, and strongly and respectfully urged that mercy be shown” towards Brown. In an open letter to Prime Minister R.B. Bennett, the editor of the Winnipeg Tribune denounced the punishment inflicted on Brown, declaring: “Shall it be said the government of Canada, WITHOUT JUST CAUSE, drummed out of the army in disgrace an officer with a record of gallantry in the War and long and honorable service in peace?”78 The Tribune channelled public backlash over the verdict in a press campaign designed to secure Brown’s vindication. Due to the unique circumstances surrounding the rare general court martial and the prominent role honour played in the trial testimony and defence arguments, public responses touched on a range of opinions from the peculiarities of military law to the fraught issue of veterans’ advocacy. There was nothing fundamentally partisan or political about the Brown case but within the broader social and economic environment in the depths of the Great Depression, and particularly given the history of labour and veteran activism in Winnipeg following the General Strike over a decade earlier, many interpreted the trial as another heartless and heavy-handed decision by conservative authorities.

From a civilian perspective Rebitt had evidently committed a more serious and violent crime yet under military law conduct unbecoming an officer and a gentleman represented the

77 “Martial Counsel Declares Actions Justified,” Winnipeg Tribune, 31 Jan 1933, 2.
graver offence. One *Tribune* subscriber summarized a common reaction to the ruling: “A gallant officer has been deprived of rank, decorations and pension and his subordinate officer who entered his home in the dead of night and menaced him with a gun is simply slapped on the wrist.”79 While some letter-writers believed Brown had perhaps behaved foolishly at the costume party, none appeared disturbed by the notion that a charge under Section 16 precluded the possibility of any prison sentence unlike conviction for indecent assault or attempted rape before a civil magistrate. While some readers thought Rebitt ought to have been punished more severely according to the criminal code, the *Tribune* called for no more punitive consequences against the Military Cross winner in what the newspaper deemed an unfortunate domestic affair. The *Tribune* editor’s primary complaint was the inflexibility of a military justice system that could award such disproportionate punishments. During the war neither field marshals nor the king could reduce a cashiering sentence mandated by conviction under Section 16. However, interwar revisions to the Army Act in the British Parliament permitted confirming authorities to consider a court’s recommendation for mercy. The Canadian governor-general thus confirmed the court’s findings but reduced Brown’s actual sentence from cashiering to dismissal.80 The *Tribune* nevertheless demanded full exoneration and restoration of the ex-captain’s rank and status.81

The loss of medals and long-service pension represented the greatest injustice and insult possible against a veteran, particularly one made a “physical wreck” by loyal war service. Appalled by the forfeiture of campaign medals, one *Tribune* reader objected, “They were his, won on the field of battle by his own bravery. Whatever has happened since, we cannot understand how it can take from him the reward for past valor. The loss of those medals must

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80 Interwar revisions in Britain to the Army Act provided the highest confirming authority the ability to mitigate a sentence of cashiering to dismissal even in convictions for Section 16.
81 *Winnipeg Tribune*, 14 Feb 1933, 3.
have grieved him beyond all else.”82 Many in the public, and especially those in the veteran community, felt that the economic, social and symbolic consequences of cashiering and dismissal signified an extremely harsh judgment that ruined the reputation of even a sympathetic figure. Implicit in many of the letters, and overtly stated in others, was the implication of dismissal on a sense of masculine worth. “Nothing will ever eradicate the sting of ignominy inflicted upon this man by tearing his medals from his breast,” wrote another Tribune subscriber, “Capt. Brown is and always was a man, judging from the records of his war service, and his punishment would unman the manliest of us.”83

Veterans and their dependants who had long contended with the Board of Pension Commissioners over financial compensation for war injuries identified Brown’s case as another instance of unsympathetic and inflexible government bureaucracy. Indeed, veteran advocates sometimes equated the pension tribunals that scrutinized the attributability of former servicemen’s disabilities with the humiliation of standing trial before a court martial.84 The sentence against Brown seemed further evidence that the government had forgotten an obligation to those who had served and sacrificed. The Army and Navy Veterans, the Imperial Veterans and the Canadian Legion among other local veterans’ associations drafted resolutions demanding that the Brown verdict to be overturned.85 “The only bright spot in the whole affair is the way the returned men are getting behind Capt. Brown,” one unnamed former soldier wrote, “Fifteen years’ experience since the war has shown the vets that they must help one another. No one else

82 “Why Should Medals Have Been Taken?” Winnipeg Tribune, 25 Feb 1933, 4.
85 Bennett Papers, MG 26-K, Reel M-1084, 259639-259640.
is likely to be interested.”

Lieutenant Colonel Ralph Webb, the one-legged war veteran mayor of Winnipeg, attempted to convey the widespread public anger in a private letter to Bennett:

For your personal information I may say I have never seen the public throughout Western Canada worked up to such an extent as in this matter, particularly as regards the loss of pension rights ... Undoubtedly the newspaper publicity given the case will make it almost impossible for him to get established in civilian life, and I understand his wife and family are in straitened circumstances ...

... My personal feeling, and that of most ex-military men, is that the whole affair was badly bungled from the start, and the publicity and comments have done irreparable harm to the honor and integrity of the Permanent Force not only here in Winnipeg but all over the West, just at the time when their prestige was needed more than ever.

Becoming impatient with the inaction of the Bennett government, the Tribune editorialized, “To Ottawa it is a small matter, perhaps, in the midst of the great problems and perplexities confronting governments these days. But to Captain Brown and his little family it is everything ... A man’s honor and the livelihood of his family are both hanging in the balance.”

While the press stirred up popular sentiment and supporters suggested that Brown might bring a lawsuit against the government for his rights, defence counsel Ross carried on a more subtle negotiation with the JAG office. Order-in-council P.C. 490 on 16 March 1933 did not overturn the verdict but as an act of grace and in recognition of Brown’s long service, it approved the exceptional re-appointment of the ex-captain to his old rank and seniority in Lord Strathcona’s Horse. “No one will be concerned about the exact method adopted,” the Tribune declared, “The people at large are interested in the result, and they see simple justice.” Brown medals were restored and he was honourably retired on an annual pension thereafter.

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86 “Calls Attention to Case of Discrimination,” Winnipeg Tribune, 2 Mar 1933, 15.
87 R. Webb to R.B. Bennett, 1 Mar 1933. MG 26-K, Reel M-1084, 259454.
88 “HOW LONG?” Winnipeg Tribune, 7 Mar 1933, 11.
91 For over 24 years’ service in the Permanent Force, Brown was eligible for a $1,521 pension per annum—equal to about $28,600 in 2018 dollars. When Brown died in 1953, his wife received a widow’s half pension until her death in 1980. Brown Service File, 602-2-376; Rebitt also retired from the PF after 19 years on a pension in July 1933.
The significant role played by the press and veterans’ advocacy in mobilizing public support marked a crucial difference between the commutation offered to Brown and the government’s refusal to reconsider the verdicts imposed on ex-officers convicted overseas during the war.92 Even decades later the Department of National Defence continued to regard the men dismissed and cashiered over the course of the First World War as ineligible for reconsideration. Rejecting a petition to review the verdict against one ex-captain, judge advocate general Colonel R.J. Orde explained in 1937, “Since the termination of the War the practice of the Department has always been in cases such as this not to interfere with the Findings and Sentence of Courts Martial held Overseas, and this in my opinion is sound, particularly as in all cases the Proceedings were meticulously reviewed and considered by the highest Authorities.”93 Most ex-officers convicted under wartime conditions found little chance for total vindication. However, as views on the legacy of the First World War changed, opinions about military justice became more critical which in turn opened new avenues for debate.

Military Justice and the Memory of War

The press coverage and publicity surrounding the Brown–Rebitt affair provided commentators with an important opportunity to consider the broader application of military law and reflect on the memory of the war itself. As one of the most prominent figures to speak out in defence of Brown, Colonel Irvine Robinson Snider imagined the general court martial at the Osborne Barracks as a scene from the war-ravaged battlefield. “[Section] 16 came into action with deadly effect on both wings and centre of the accused. At all cost the position had to be taken,” Snider wrote in a provocative editorial for the Winnipeg Tribune, “Our gallant court had

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92 Madsen, Another Kind of Justice, 62.
93 Militia File of Capt. Brownlee.
a hard task getting through the wire surrounding their objective.” The harsh verdict, Snider submitted, had backfired as the military justice system found itself “attacked on all sides by a thoroughly disappointed court of public opinion.” Snider portrayed Brown as a “hundred percent casualty” for whom the legal maneuvering “has been simply hell.” Snider’s troubled wartime experiences made him a particularly interesting and thoughtful commenter on the meaning and perception of disgrace and injustice.

A veteran of the 1885 North-West Rebellion, the Boer War and the Western Front, Snider had served as the first commanding officer of the 27th (Winnipeg) Battalion in the Great War. During the battle of St. Eloi in April 1916, he had suffered a nervous breakdown which resulted in removal from command. Unnerved by constant mortar fire and scenes of death, Snider had suffered headaches, loss of appetite, insomnia and nightmares. A doctor recorded his shattered condition after the battle: “naturally feels the loss of his men personally; returning to billets felt naturally depressed and fatigued but it was only when he saw his bed that he went all to pieces and broke down & cried.” Advocating for his friend to be retained in England, Major General Sam Steele had assumed that a “return constitutes, in the eyes of the Canadian Public especially those of such an Officer’s own province and locality a stigma on his ability as a soldier which would be very hard to remove.” Snider thus spent the remainder of the war attached to the training division at Shorncliffe Camp near Folkestone, England.

Nearly seventeen years after his traumatic experience in battle, the 69-year old retired colonel used the Brown trial in winter 1933 to scrutinize both the legacy of the war and the execution of military law. Snider wrote in the 25 February edition of the Tribune:

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95 Lt. Col. Snider CEF Service File.
I well remember an article published in *John Bull* that shook England. It was entitled “Shot at Dawn.” It depicted the scene when some mother’s boy, a very young officer, was led out in the cold mist just before sunrise ... He stood there shivering a few moments while a firing party marched smartly up and fired a volley at the target that mercifully hid some mother’s Idol from his comrades’ eyes. He had volunteered for service, underestimating, and quite ignorant of the strength of his nerves to stand up under the power of modern high explosives.

That rule of military law that condemned that lad was obsolete in the late Great War. It had been instituted in days when generals and colonels were required to place themselves out at the head of their men and lead them forward, taking more risk than those who followed ... It was necessary, therefore to insure that they be followed if their objective was to be obtained. There was nothing of that sort attempted in the Great War.97

Snider referred to a February 1918 article by Horatio Bottomley, editor of *John Bull*, which had recounted the general court martial of Sub-Lieutenant Edwin Dyett, the second British officer executed after Second Lieutenant Eric Poole. A 21-year old officer with the Royal Navy Reserve, Dyett had been shot by firing squad for desertion on 4 January 1917. By connecting the cases of Brown and Dyett, Snider did not necessarily equate cashiering with execution but he did use both examples to challenge the legitimacy of the entire court martial process.

In a second editorial to the *Tribune* published one week later on 4 March 1933, Snider asserted, “My faith in Canadian military courts were considerably weakened by knowledge and experiences during the war.” Believing that “Prussian methods” had been adopted if not exceeded, Snider cited examples from his time stationed at Shorncliffe where inexperienced Canadian court members had dispensed the harshest punishments from the “overzealous” application of Army Act doctrine. He described how one man imprisoned in England and later killed in action upon release became “a victim of gross injustice at the hands of respectable fellow citizens.” Alluding to his own troubled experiences both on the battlefield and in England, Snider concluded his open letter on a pessimistic note: “Military courts are much constituted, as war in all its ramifications, inane, inhuman and futile. Military courts are a last resort to

dominate and force despotic will. They are getting greatly out of date in this age of progress and human misery.  

Rather than reaffirm the righteousness and moral purpose of the war, Snider’s disapproval of draconian military justice suggested an attitude marked instead by ambivalence and a degree of disillusionment.

By the early 1930s, political and economic disruptions provided greater opportunities for veterans and social commentators to give voice to some less celebratory interpretations of the war that had been previously censored or repressed. When Lieutenant O.B. Jones had submitted his unpublished manuscript for review in 1918, Canada’s chief press censor did not legally object to the content of the text but responded, “there is considerable amount of gruesome and undesirable descriptive matter of a kind which we do our best to restrict the circulation ... The point of view is that vivid descriptions of the terrible sufferings of wounded men etc., have a decidedly undesirable effect upon enlistment and to cause unnecessary grief and pain to those who have either lost relatives at the front or who have sons, husbands or brothers in the fighting line still.”

Jones, who had re-enlisted and earned a new commission following dismissal for drunkenness in the trenches, opted to not publish his memoir. In later decades, other veterans felt less constrained about how they narrated their own experiences in fiction.

Epitomized by works such as Eric Remarque’s *All Quiet on the Western Front* (1929) and Charles Yale Harrison’s *Generals Die in Bed* (1930), postwar literature written by veterans stressed the psychological trauma of modern warfare by depicting the battlefield with stark and gritty realism. Many war novels reserved special condemnation for the military justice system. Among the earliest to explore this theme, A.P. Hubert’s *The Secret Battle* (1919), provided a

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99 Sharpe, *Last Day, Last Hour*, 75-76.
100 Col. Chambers to Jones, 22 Feb 1918, RG 6-E. reel T-87, file 273-1. As detailed in the previous chapter, Jones had re-enlisted following dismissal for drunkenness on a trench raid in Jan 1916.
sympathetic portrait of an executed young officer based on Dyett. A Toronto Globe review of Paths of Glory (1935) by CEF veteran Humphrey Cobb called the court martial scene where French soldiers are scapegoated and condemned to death, “an episode as black as any of the days of barbaric savagery.”101 Cobb narrated another short story in which a brave private risks execution while attempting to conceal a dead officer’s cowardice.102 Leslie Roberts’ When the Gods Laughed (1930) reinforced the popular image during this period of a “malevolent” court martial board headed by “three pompous brass-hats” seated in judgment of the accused who “disgraced the calling they pretend but do not practise.”103 Some literary critics welcomed the indictment of a cruel military justice system in order to expose the futility and injustice of the war itself. A review in Canadian Magazine praised Roberts’ novel for giving voice to the “people who today realize the hollowness of victory” and credited the author for recalling “the nightmare” as “a real service to humanity.”104

Much postwar political criticism of the military justice system focused on the controversial role of executions on the battlefield. The disapproval articulated by a number of Labour Party backbenchers in the British House of Commons were echoed in the arguments put forward by Snider in his Tribune editorial. Labour politicians cited anachronistic attitudes toward cowardice and greater awareness for the psychological effects of shell shock to advance the abolishment of the death penalty for most military crimes.105 Responding to opposition political pressure in 1925 the British secretary of war disclosed the total number of 346 British and dominion soldiers executed over the course of the war. The public revelation that 25 Canadians had been put to

102 Humphrey Cobb, “None But the Brave,” Collier's Weekly (12 Nov to 3 Dec 1938).
103 Roberts, When the Gods Laughed, 23.
death prompted Arthur Currie to forcefully object, “The subject of military executions was always painful, was one never discussed even when necessary, and it is lamentable to have it reawakened ... it is hard to see what conceivable good any one can derive from the information conveyed.” Generals and politicians preferred to highlight “the splendid discipline of Canadian troops overseas” rather than acknowledge thousands courts martial and other instances of misconduct. Executed soldiers, cashiered ex-officers, and soldiers discharged with ignominy did not fit into a postwar mythology that revered sacrifice, honourable service and a just victory. In determining eligibility for campaign medals, those sentenced to death or dismissal, or discharged for misconduct were “deemed not to have rendered approved service.” Yet by the late 1930s, whereas ex-officers continued to be denied unclaimed medals, Canadian government officials began to relent by awarding previously withheld decorations to the relatives of executed soldiers.

The British and Canadian armies abolished the death penalty for desertion and cowardice in 1930. Throughout the political debate over military execution in the British House of Commons, officers cashiered by court martial served as clear examples for critics who believed that higher ranks got off easy while ordinary soldiers suffered severe treatment. Labour MP Ernest Thurtle, a war veteran who published the anti-death penalty pamphlet Shootings at Dawn, revived his party’s stance against an Army Act double standard which could condemn a private to execution or penal servitude but allow a cashiered officer to be “sent home safely out of the danger zone.” British Conservative MP Lieutenant Colonel G. Dalrymple-White agreed that a discrepancy had long existed in the severity of punishments but he wanted to “level up instead of

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level down.” From his perspective cashiering no longer served as the “equivalent to a death sentence”—the Army needed to impose the real thing against cowardly officers. He further observed, “I think there is no doubt that the penalty of cashiering, perhaps, does not for everyone carry quite the same amount of terrible disgrace and stigma as it did many years ago when the penalties were first imposed ... Nowadays I have heard of one or two cases where officers were cashiered in the late War and those who met them afterwards could only say that they did not seem to show much signs of having undergone a stigma.”

The colonel-MP did not specify exactly how ex-officers were expected to behave in order to show this stigma but he evidently felt that disgraced men did not feel an appropriate sense of shame to exclude themselves from respectable society.

In the wake of postwar societal upheaval a sentence of cashiering appeared to some commentators to have become an anachronistic relic and a symbol of old-fashioned class hierarchies. Some traditionalists believed that the punishment had only been effective when most officers belonged to the upper classes or landed aristocracy—men who therefore had more to lose from the destruction of their honour. The wartime promotion of “temporary gentlemen,” and the appointment of “colonial” officers, had evidently elevated men of lower social standing who would not, from this perspective, otherwise value honour. Democratic-minded critics meanwhile believed that the disparity in the scale of punishments exposed the persistent and inherent class bias of military justice. During the annual review of the Army Act in 1935, the Labour Party unsuccessfully proposed an amendment to replace cashiering in favour of the penalty discharge with ignominy to ensure equal treatment across all ranks. An ordinary soldier discharged with ignominy arguably felt as much of a stigma throughout his life yet Labour

members remained puzzled, as they had in years before the First World War, as to why “the offensive phrase” did not apply to officers.\footnote{112}{Britain. House of Commons. Debates, 29 Mar 1935, vol. 299, cc2243-47.}

Although the British Army again rejected Labour members’ criticisms, the judge advocate general recognized the need to address a public perception that the military justice system offered preferential treatment to officers compared to soldiers. Commenting on the 1935 parliamentary debate, the JAG disclosed his doubts whether, “cashiering without imprisonment is nowadays more severely dealt with than a soldier who has been sentenced to be discharged with ignominy ... and to be imprisoned in addition.”\footnote{113}{WO 32/3996, Judge Advocate General to Adjutant-General, 17 Mar 1936.} In order to preserve cashiering as a special penalty exclusive to officers, the military administration needed to clearly justify the different scales of punishment. The adjutant-general remarked in response to the JAG’s concerns, “It is true that the ritual of cashiering (the breaking of the sword, the tearing of the commission and the cutting of the sash) is no longer observed, but the stigma attaching to the sentence still remains. It involves enduring professional and social ignominy ... it is regarded as ‘news’ by the Press. A soldier’s sentence on the other hand receives little publicity.”\footnote{114}{WO 32/3996, Punishment of Officers and Soldiers, 5 Mar 1936.}

Despite criticisms from certain quarters that cashiering and dismissal had lost their prewar potency as effective deterrents, the sentences remained fixed on the scale of punishments under the Army and Air Force Acts.

The war had, however, resulted in slight changes to military law which altered the enforcement of officer discipline. The Darling Committee which had reviewed the British court martial system in 1919 at that time had raised the possibility of increasing the maximum sentence which could be inflicted on officers convicted of certain offences from cashiering to imprisonment. An interdepartmental committee in 1925 recommended no change but members
did admit that the Section 16 provision which allowed no greater or lesser penalty than cashiering had become somewhat restrictive. A new regulation allowed the court to recommend mercy upon conviction for conduct unbecoming and empowered the sovereign to commute the statutory sentence of cashiering to mere dismissal—as happened in the Captain Brown case. As another amendment to the Army Act, the committee recommended making Section 18(5), the type of disgraceful conduct previously limited to soldiers and NCOs, applicable to officers as well. Conviction for disgraceful behaviour under this section—namely gross indecency and self-inflicted wounding—therefore made an officer liable to imprisonment for two years. The minor revision reflected the committee’s aim “to remove any suggestion of differentiation between the classes.”

This slight shift in military attitudes toward officer discipline suggested a greater readiness for courts martial to add imprisonment to a sentence of cashiering. Of the nearly 30 British Army officers dismissed or cashiered at home between 1930 and 1939, half also received a prison term or penal servitude. As conviction for offences such as fraudulence or gross indecency frequently carried prison terms in the civil courts, convicted officers were likewise not immune to similar punishments by court martial. Despite this trend, legal and administrative powers within the British Army, and by extension in the Canadian militia, generally wanted to avoid conflating cashiering with a definite penalty of imprisonment. In their rhetoric, British Army officials continued to argue that cashiering was “as severe if not more severe in its effects than imprisonment of the soldier.” The guiding principle of military justice—inflicting the least punishment necessary to maintain the highest discipline—dictated that cashiering or dismissal alone would ensure the collective good behaviour of the British Army’s officer corps.

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116 WO 32/3996. Scale of Punishments for Officers and Men.
Thus even in peacetime cashiering by court martial continued to be seen by many in the
government, the military and the press as a degrading but necessary penalty to uphold the
reputation of the profession-at-arms against individual acts of misconduct that threatened to
discredit the entire service. Three months after the Brown–Rebitt case, Canadian newspapers
reported the verdict in another high-profile general court martial of a British officer in England.
In April 1933, Lieutenant Norman Baillie-Stewart of the Seaforth Highlanders was cashiered and
sentenced to five years penal servitude for selling army secrets to German agents. In an article
entitled, “The Honor of an Officer,” the Toronto Globe briefly mentioned the prison sentence but
found the expulsion of the treacherous Baillie-Stewart the most reassuring outcome:

The prestige of the British Army has been enhanced by the traditional high character of
its officers. The honor of the regiment has been their first concern, and, with this
unsullied, the splendid standard of the general force was ensured ... In the fall of one of
these [officers] there is no reflection on the rest; and in the severe punishment of a
solitary offender by a court of his military peers there is ample proof that the honor of the
British officer is still jealously guarded.\footnote{\textit{The Honor of an Officer}, "Toronto Globe,
23 Apr 1933}}

As military affairs became an increasingly neglected subject during the interwar period in
Canada, only brief moments like the public outcry over Brown’s cashiering caused military law
to become a topic of any popular interest.\footnote{Madsen, \textit{Another Kind of Justice},
118} The legal and social ramifications of dismissal from
the Canadian forces would not re-emerge as significant issues of administrative policy,
governmental concern or public attention until another world war.

**Second World War Context**

On 9 September 1939, the Canadian House of Commons voted to authorize the Mackenzie
King government to declare war on Nazi Germany following the invasion of Poland. Unlike the
situation 25 years before, the department of national defence followed the established channels to
mobilize the Canadian Active Service Force. In contrast to Sam Hughes’ proclivity for gratuitous

\footnotesize
\begin{itemize}
  \item \footnote{The Honor of an Officer," \textit{Toronto Globe}, 23 Apr 1933}
  \item \footnote{Madsen, \textit{Another Kind of Justice},
\end{itemize}
officer appointments and numbered infantry battalions, Minister of National Defence Norman Rogers emphasized that granting commissions would be based on “merit alone” rather than personal recommendations.¹¹⁹ After Roger’s death in an aircraft accident, his successor Great War colonel James Ralston reaffirmed the government’s commitment in November 1940 that all officer candidates would pass through the ranks before earning a commission.¹²⁰ Studying the creation of junior Canadian officers during the Second World War, Geoff Hayes argues that as the war went on officer selection increasing relied on scientific and psychological evaluation rather than the “magic eye” of colonels and generals.¹²¹ However, as Hayes explains, the rhetoric of merit and the democratic expectations for equal opportunities did not always match the reality in which officers continued to be drawn from a narrow segment of the middle-class, professional population. The Canadian Army and RCAF remained heavily influenced by the dual concept of the officer and gentleman when determining the type of man worthy of selection for a commissioned rank.

Army recruits recommended for an army commission needed to pass through the Officer Cadet Training Unit (OCTU) in England or one of the Officer Training Centres (OTC) established in Canada at Brockville, ON, Gordon Head, BC or Three Rivers, PQ. Satisfying the official requirement that officers move up through the ranks, the time spent by a university student training at a Canadian Officer Training Corps contingent or at the training centres counted toward service as an NCO.¹²² To qualify for pre-OCTU acceptance, potential cadets wrote examinations and appeared before personnel selection officers who inquired into each

¹²⁰ Hayes, *Crerar’s Lieutenants*, 50.
¹²¹ Hayes, *Crerar’s Lieutenants*, 51.
man’s personal life and character. Probing questions would reveal how an officer candidate coped under pressure and scrutiny. One PPCLI private complained after learning that a comrade had been denied a commission: “Why, God only knows, as the examiners admitted he knew is stuff and his health is O.K. To my figuring, it was because he wasn’t born on the right side of the tracks for in spite of editorials, outbursts in high places, and rumblings from the poorer class there is still plenty of this old school stuff.”

Fig. 4-2 splits the total 42,524 Canadian Army officers between those appointed and those commissioned from NCO ranks, which predominated after mid-1942.

**Fig. 4-2: Canadian Army Officers Commissioned, 1939-1946**

<table>
<thead>
<tr>
<th>Year</th>
<th>Officers Appointed</th>
<th>Commissioned from the Ranks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>3860</td>
<td>90</td>
</tr>
<tr>
<td>1940</td>
<td>6148</td>
<td>611</td>
</tr>
<tr>
<td>1941</td>
<td>5256</td>
<td>1553</td>
</tr>
<tr>
<td>1942</td>
<td>4581</td>
<td>5222</td>
</tr>
<tr>
<td>1943</td>
<td>1742</td>
<td>8533</td>
</tr>
<tr>
<td>1944</td>
<td>474</td>
<td>2576</td>
</tr>
<tr>
<td>1945</td>
<td>190</td>
<td>1464</td>
</tr>
<tr>
<td>1946</td>
<td>0</td>
<td>224</td>
</tr>
</tbody>
</table>

**Totals**

| 22,251 | 20,273 |

In a July 1943 memo, Lieutenant General Harry Crerar, GOC I Canadian Corps, declared the days when commissioned officers came exclusively from upper class, “moneyed families” had passed. Articulating a meritocratic model of appointment and promotion, he argued that higher education proved essential for any man who aspired to achieve a commissioned rank. However, as many critics and ordinary soldiers understood, university education typically implied middle-class status and a degree of family wealth. Despite attempting to remove the

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124 RG 24, vol. 18574, file 133.063(D4). Commissions by Month & Year of appointment, 1939-1946
aristocratic vestments of commissioned status, Crerar and other high-ranking Canadian leaders continued to use gentlemanliness as a vital measure for determining an officer’s worth. For the army to cultivate a strong officer corps, director of recruiting, Brigadier James Mess, stressed “The next fundamental is to go all out and sell this ‘Gentleman in Battledress.’ Sell him to every man, woman, and child in Canada. Think of all the pride we have in our Army and we have a fine Army; a well-trained Army. Let us sell that spirit.” Marketing this image of a regimental officer as an upstanding gentleman placed a particular emphasis on his social conduct and morals. During an OCTU graduation in April 1941 at Camp Bordon, Hampshire, First World War veteran Major General Victor Odlum identified the central duty expected of every officer cadet after obtaining a commission: “Be loyal to Canada—in your conduct, in your words, in your bearing, in your dress—try with might and main to be a worthy Canadian gentleman.”

The precise meaning of a “Canadian gentleman” remained as ambiguous and mysterious as it had during the First World War; yet in military vocabulary the word remained a fundamental part of an officer’s identity. With the strong emphasis on social science-based selection criteria, standardized testing and probing interviews, how could the army psychologically screen potential officers for something as ill-defined as gentlemanly manners?

According to many senior commanders in both the army and air force, behaving as a gentleman entailed more than an officer’s duties and extended even beyond his public conduct. In a July 1941 army pamphlet on morale and leadership, psychiatrist and future Director General of the Army Medical Services, Colonel Brock Chisholm, argued that “Everything the platoon officer does or says is discussed. His behaviour on and off parade, in mess, out for the evening,

on leave, is reported fully and critically.\textsuperscript{127} As part of the officer selection process, and to the embarrassment or discomfort of some of the interviewees, psychiatrists frequently delved into officer candidates’ private lives and sexual knowledge.\textsuperscript{128} Chisholm’s emphasis on officers’ morals, family situation and sexual maturity reflected prevailing ideas about the correct socialization of normal men during the mid-twentieth century. The importance of an officer’s private conduct and public image in turn affected interpretations of Section 16. As charges for conduct unbecoming diverged from a primary focus on fiscal probity, ungentlemanly conduct increasingly concerned an officer’s social, moral and sexual transgressions. In the 1942 case of an RCAF Flying Officer charged under Section 16 for having an affair with the wife of a subordinate airman, the judge advocate struggled to explain the exact definition of behaving in a scandalous manner unbecoming the character of an officer and a gentleman:

To give an interpretation of the words “scandalous manner” is rather difficult for me. I should suggest that conduct would be scandalous, in a measure, proportionate to the amount of notoriety resulting which would be adverse to the Service, in the alleged conduct of a person. It would be certain conduct which ordinarily one would consider as normal, but may increase in seriousness, from abnormal to what is commonly known as scandalous ... The Members of the Court know from Service knowledge what is required of an Officer. They know what qualities are required for an Officer normally to be considered a gentleman, and I presume you can only draw upon your own thoughts and your own experience, and your own training, as to when one holds His Majesty’s commission, is considered manifesting the character of an Officer and a gentleman.\textsuperscript{129}

The judge advocate outlined a spectrum of behaviours from normal to abnormal to scandalous; however, as the meaning of all three words might differ depending on circumstances and context, his explanation offered little practical guidance from a legal judgment perspective. Commanding officers and senior officers assigned to court martial boards were simply expected to know how a normal army or air force officer ought to behave in both his public conduct and private life. An

\textsuperscript{127} Chisholm, Canadian Army Training Memorandum, No. 4 (July 1940), 45.  
\textsuperscript{128} Hayes, \textit{Crerar’s Lieutenants}, 73.  
\textsuperscript{129} GCM of F/O Rhodes, RG 24, reel T-21823, file 11-C-8447. As Rhodes was convicted under Section 40 rather than Section 16, the court sentenced him to severe reprimand and forfeit seniority.
emphasis on merit and equality in the selection of officers suggested a democratic process, yet the military justice system continued to rely on a more exclusive language of honour and gentlemanliness when prescribing the correct moral behaviour for officers.

**Conclusion**

During the First World War, references to national and personal honour served to justify the war by framing it as a moral crusade against German aggression. As Jonathan Vance argues, after the war, the language of honour served as an important interpretive framework through which much of the public and most veterans could make sense of their sacrifice in a familiar and meaningful way.\(^{130}\) A central part of this reaffirmation of the war’s purpose was the potential fellowship and equality shared by all veterans regardless of rank or prewar socioeconomic status. As membership in this new honour group depended on honourable records, ex-officers by virtue of disgraceful dismissal were denied the financial rewards and material symbols that could validate their service. The disillusionment felt by this small number of embittered ex-officers came to echo more critical sentiments in later decades as it became increasingly clear that victory had not wholly transformed the social order. As many veterans, regardless of good or bad records, struggled with socioeconomic difficulties through the financial collapse of the 1930s, criticism of the war gained increasing acceptance in popular culture and literature. From this more critical perspective, a military justice system that punished other ranks and officers according to very different scales appeared to have directly undermined the democratic ideals for which the war had been fought.

Despite a democratized interpretation of honour through the collective commemoration of all honourable veterans regardless of rank, the experience of the First World War and the application of martial justice through the interwar period revealed that the military institution

\(^{130}\) Vance, *Death or Deliverance*, 90-91.
continued to reserve gentlemanly status to commissioned officers. As a result, dismissal from the service dishonoured an officer in a way that misconduct discharges were not seen to similarly affect ordinary soldiers. Yet the rhetoric of merit and the democratic expectations for equality still held the possibility for ordinary soldiers to gain access to a commissioned rank. By virtue of holding a commission any man belonged to an exclusive honour group, but continued membership depended on following a code of good conduct that still drew heavily on an ambiguously-defined moral sense of gentlemanliness. As illustrated by the Brown–Rebitt court martial in 1933, debates over the nature of Section 16 and an impulse to judicially regulate social and moral offences increasingly blurred the divide between an officer’s public reputation and his private conduct. Expanding the interpretation and scope of Section 16 beyond the sort of financial integrity stressed during the First World War anticipated a greater emphasis on officer morality and sexuality that would come to shape the nature of conduct unbecoming into the Second World War.
Chapter 6 - A higher moral standard: Dismissal and Cashiering in the Second World War

On 7 September 1940, the German Luftwaffe launched the first air raids over Britain in the aerial terror campaign that became known as the Blitz. After a British Spitfire forced down a German bomber near Warminster, England two of the enemy crewmen were brought before Brigadier G.P.L. Drake-Brockman, a South African-born First World War veteran and Military Cross winner. “They were a particularly offensive sort of Nazis ... what you might call Hamburg street corner goons ... and they spat all over the place,” Drake-Brockman later remarked, “Then they called me offensive names ... I simply couldn’t stand it.”¹ For striking each prisoner with a cane several times in the presence of soldiers and civilian witnesses, he was charged for conduct unbecoming and common assault.² Just over a year after being sentenced to dismissal from the British Army, the former brigadier enlisted as a trooper with the Canadian Army. By February 1942 he had been appointed tank instructor at Camp Borden, ON with the rank of major.³ The incident illustrated two competing models of appropriate masculine conduct in wartime. The dismissal sentence signalled the army’s endorsement of a gentlemanly priority for self-control and decency yet his quick re-appointment suggested a certain appreciation for more aggression and strength. Despite the different weight each model placed on masculine restraint versus physical forcefulness, both in their own way served to counter the stereotype of the immoral Nazi enemy during the Second World War.

Whereas the brutal, hypermasculinity of the archetypal “tough, debased looking” German officer had been exposed, in Drake-Brockman’s words, by “arrogance and beastliness,” the manhood of his British counterpart was instead supposed to be defined by good humor,

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² TNA 71/1048. Drake-Brockman was acquitted on the Section 16 charge.
rationality and civility.\footnote{“Nazi Richly Deserved Blow Demoted Brigadier Says,” \textit{Toronto Daily Star}, 19 Feb 1942, 2; “Dismissed British Officer Rises to Major in Canada,” \textit{New York Times}, 21 Feb 1942, 7.} Sonya Rose identifies the emergence of an anti-heroic strain of temperate masculinity in tracing how British cultural sources presented its army and society in opposition to Nazi German aggressors.\footnote{Sonya Rose, \textit{Which People’s War?: National Identity and Citizenship in Wartime Britain, 1939-1945} (Oxford: Oxford University Press, 2003), 153-4.} Exploring the development of the Canadian junior officer corps throughout the Second World War, Geoff Hayes likewise locates an idealized form of masculinity within this temperate heroic mould.\footnote{Geoff Hayes, \textit{Crerar’s Lieutenants: Inventing the Canadian Junior Army Officer, 1939-45} (Vancouver: UBC Press, 2017).} Self-control remained a central component to an officer’s good character and quintessential to his image as a respectable leader. Striking a German prisoner may have earned the approval of those inclined to celebrate a more aggressive form of officership, but the perception of unrestrained violence contradicted the image of the honourable and moral gentleman which Allied leaders sought to project.

When Lieutenant General Kenneth Stuart, chief of general staff of the Canadian Army, outlined the ideal qualities exemplified by newly commissioned junior officers in June 1942, he considered, “the moral component to be by far the most important. The development and fostering of the moral qualities ... generate that great spiritual or moral force that produces the inspiration, incentive and enthusiasm that make man superior to any machine and enables him to accomplish the impossible.”\footnote{“Notes for C.G.S. Radio Talk,” 17 Jun 1942. MG 30 E520, vol. 1.} In contrast to this high-minded rhetoric, some political and military leaders worried that dogmatic devotion to gentlemanly principles and abstract notions of honour would ultimately restrain Allied efforts against the Nazi war machine which they argued held no morals or honour whatsoever. British Prime Minister Winston Churchill notably referred to his special operations strategy which employed commando tactics, sabotage and assassination as the
“Ministry of Ungentlemanly Warfare.”⁸ As Rose emphasizes, embracing a version of martial masculinity fixated more on violent and aggressive force risked slipping into the unprincipled cruelty associated with Hitler’s legions.⁹ The martial justice system in the British and dominion armies served as an important instrument to regulate the appropriate standard of behaviour expected of officers, which aimed to balance a need for aggression and boldness with a sense of restraint and civility.

Throughout the war, Canadian general courts martial passed sentences of cashiering or dismissal against over three hundred officers in all three service branches for a range of offences in Canada, in the United Kingdom and in active theatres of war. Many of the typical disciplinary problems that had confronted the Overseas Ministry and Canadian Corps during the first war emerged once again in the form of drunkenness and worthless cheques. By early 1942, the number and scope of general courts martial overseas signalled an important change over how these types of offenses were prosecuted. In the context of shifting attitudes toward alcohol and a growing acceptance of moderate consumption particularly in social settings, far fewer officers were charged or dismissed for drunkenness compared to the first war. Dishonoured cheques passed to military members and civilians remained a serious and persistent problem but it is significant that charges for this form of financial fraud were no longer framed under Section 16 as conduct unbecoming an officer and a gentleman. Continuing a shift anticipated by the Brown–Rebitt court martial a decade before, the identity of a gentleman officer in the Canadian Army had become less narrowly concerned with emulating higher social class and instilling financial honour as it became more bound to an officer’s morality and decency. If prosecutions for Section

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⁸ Formally known as the Special Operations Executive, the SOE conducted missions of espionage, sabotage and reconnaissance in Nazi-occupied Europe.
16 highlighted the ambiguous divide between military discipline and private moral conduct, wartime conditions likewise exposed an important tension between the proper conduct of a gentleman stationed in the United Kingdom, who was expected to privilege good manners, restraint and civility, and the conduct of a good officer in battle, who needed to exhibit bravery and boldness. Based on assumptions about willpower and resiliency, field commanders and medical professionals claimed to screen out wavering officers unable to withstand the strain of active combat. The realities on the battlefield proved that predicing behaviour was not as easily achieved. As removing officers from a theatre of war involved challenging medical, administrative and legal considerations, depriving officers of a commission required balancing fairness to the individual with overall unit efficiency.

This chapter examines the prosecution of Canadian officers in order to assess how the military regulated unofficer-like conduct and defined scandalous behaviour throughout the Second World War. First, the chapter connects anxiety over indiscipline in England with the importance of maintaining a high standard of conduct before a civilian population under threat of enemy invasion. Second, I examine how financial integrity remained an important part of an officer’s identity but no longer formed an explicit moral feature of his status as a gentleman. Third, the chapter traces the evolution of charges for scandalous conduct as gentlemanly conduct became more associated with notions of chivalry and sexual honour. Fourth, I connect the emphasis on private morality and the medicalization of homosexuality with the military’s priority to root out what it stigmatized as gross indecency. Fifth, the chapter concludes with a thorough examination of the legal, administrative and medical strategies employed to remove officers judged unsuited for combat due to their misconduct, inefficiency and unfitness. Through the strong emphasis on promoting officers’ moral behaviour, military leaders aimed to define
normal, healthy manhood in opposition to deviancy, perversion and cowardice. Military and medical authorities assumed that abnormal personalities, more prone to misbehaviour in the field or indiscipline in the reserves, would be wholly unsuited to the responsibilities of command. As this chapter argues, the scope of general courts martial during the Second World War framed the boundaries of normal masculinity by identifying, stigmatizing and removing officers deemed to have failed to uphold the morality and honour espoused by the Canadian officer corps.

**Gentlemanly Etiquette and Offences in England**

During the first three and a half years after the outbreak of the war soldiers and officers of the Canadian Army were largely confined to the United Kingdom for defence against a possible invasion and to engage in ongoing training.\(^\text{10}\) Canadian leaders appeared acutely aware of the effect that military members’ attitudes and social conduct had on public confidence that another global conflict, so soon after the “war to end all wars” just over twenty years before, would be a necessary war. Justifying the removal of troublesome officers during early 1941, one Canadian prosecutor connected a responsibility to regulate scandalous conduct with the sense of moral righteousness that underpinned the entire war effort:

> There are people with more or less intention of helping the enemy that among other things may have suggested misbehaviour and I know certainly sometimes suggest that all officers do not carry out the real traditions of the British Army as it has been in the past. I know none of us agree with that and that is why, if the accused is guilty, it is my duty to ask the accused be placed in such a position that he no longer be considered as a brother officer, as we all refer to one another.\(^\text{11}\)

Stories of officers misbehaving in Britain and Canada, whether involving financial fraud, petty crime, public disturbances or sexual indecency, threatened to undermine Allied claims to moral authority and lend credence to accusations of hypocrisy. From the perspective of politicians and


\(^{11}\) GCM of Lt. Mackenzie, reel T-15702, file 55-M-2709
military leaders, in order to prove the superiority of Canadian “gentlemen in battle dress” over the Nazi *ubermensch*, officers’ professional conduct and personal lives needed to be beyond reproach. Those who failed to take the war seriously by engaging in irresponsible and disreputable acts could not be relied upon to assume an active role in the struggle against Nazism.

The Visiting Forces (British Commonwealth) Acts of 1933 provided the legal structure which allowed the Canadian government to control discipline and punishment over its army while in the United Kingdom.\(^{12}\) Canadian officers would be judged by fellow countrymen on general court martial boards. As guests in a host country, Canadians stationed in England relied on the support and goodwill of local people. Particularly during the long period before entering an active fighting theatre, exhibiting decorum, behaving honourably in all respects and maintaining good relations with the civilian population were as important priorities as preparing for the eventual liberation of the continent.\(^{13}\) In order to foster good relations with the British civilian population Canadian Military Headquarters (CMHQ) further encouraged officers to participate in social activities such as dinners and dances.\(^{14}\) As Geoff Hayes explains, the process of socializing officers through training in Canada and England measured masculinity by a man’s good manners and refined etiquette.\(^{15}\) The type of etiquette and social awareness required in the officers’ mess or at dinners and dances might have appeared disconnected from duties on the battlefield, but an outgoing personality in public settings suggested the type of character traits necessary for a confident combat leader. Personnel selection officers, medical doctors and


\(^{13}\) For more on British-Canadian relations, see Jonathan Vance, *Maple Leaf Empire: Canada, Britain, and Two World Wars* (Don Mills, ON: Oxford University Press Canada, 2011).

\(^{14}\) Maker, 309; C.P. Stacey and Barbara Wilson, *The half-million: the Canadians in Britain, 1939-1946*, 98

\(^{15}\) Hayes, *Crerar’s Lieutenants*, 75.
generals wondered whether an insecure or insolent officer who struggled in social situations or who resisted the command hierarchy would have the strength of will to stand up to the life and death pressures under fire.

**Misbehaviour and Morale**

The evacuation of British troops from Dunkirk, the aborted second British Expeditionary Force, which included Canadian regiments, and the fall of France in June 1940 left German forces occupying much of Western Europe. Between September 1940 and May 1941, the Luftwaffe conducted heavy air raids over English cities as part of a strategy to cripple industrial output, destroy defences in anticipation of invasion and demoralize the civilian public into surrender. Allied propaganda and censorship regulations in England aimed to convey positive feeling among civilians that would inspire national unity and optimism for victory in the face of German bombs.\(^{16}\) Justifying the censorship on personal mail in which army personnel described damage and deaths from air raids, General Victor Odlum, GOC of the 2nd Canadian Division, stressed, “this country is now to all intents and purposes, the theatre of war.”\(^{17}\) Over three-quarters of all overseas Canadian general courts martial throughout the war occurred in the United Kingdom, but because the country was considered the last line of defence, many trials were technically occurred “in the field.” The danger of invasion and ongoing bombing raids in this early phase of the war meant that negligence and indiscipline of officers assumed grave implications.

The experience of Lieutenant Edwin Gay Allison Boulton, the first Canadian officer cashiered overseas, illustrated how the anxious and uncertain atmosphere in England under the

\(^{16}\) Robert Mackay, _Half the Battle: Civilian Morale in Britain During the Second World War_ (Manchester: Manchester University Press, 2002), 4-6; Susan R. Grayzel, _At Home and under Fire: Air Raids and Culture in Britain from the Great War to the Blitz_ (Cambridge: Cambridge University Press, 2012), 294-296.

\(^{17}\) Odlum to Senior Officer, CMHQ. 4 Oct 1940. RG 24-C-2, vol. 12318, reel T-17920.
Blitz provoked alarm over the possible contagion of pessimism and cynicism. The case also illustrated an underlying tension over the contested meaning of gentlemanliness in a wartime context. On 25 January 1941, former British Conservative MP Godfrey Locker-Lampson issued an invitation for a Canadian officer to dine at his estate in Crawley, Sussex. Boulton, a Canadian-born, naturalized American citizen serving with 1 Corps Troops Ammunition Company, RCASC, only attended the small gathering with reluctance. As he later explained, “I understood my visit was more or less compulsory on my part, that it was more or less a duty.” At dinner Locker-Lampson recalled Boulton “more or less monopolised the conversation and he was definitely anti-British and defeatist.” According to the host, his wife, and another female guest, the 42-year old lieutenant stated that Britain could never win the war and “Hitlerism” would dominate Europe for at least a decade. He disparaged British political and military leadership and believed that Britain would have to ally with the United States whose citizens remained largely indifferent to the struggle against Nazism. Considering Boulton “a dangerous person,” Locker-Lampson reported the remarks to the lieutenant’s CO. While visiting the home of the female guest one month later Boulton ridiculed reports of RAF successes and claimed that most Canadians “loathed and despised” the English people. During the same period, subordinate NCOs testified that Boulton had belittled Allied equipment and expressed admiration for German efficiency over what he deemed British and Canadian unpreparedness. 

A general court martial in April 1941 tried Boulton under Section 5(5) of the Army Act for “spreading reports calculated to create unnecessary alarm or despondency.” The service corps lieutenant claimed he merely repeated the opinions of American isolationist writers derived from

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18 GCM of Lt. E.G.A. Boulton, RG 24 reel T-15866, file 55-B-370.
19 The Manual of Military Law specified that in the case of Section 5(5), alarming reports need not be proven false, and noted, “indeed the truth may increase the offence.”
various columns and periodicals received from home.\textsuperscript{20} In his role as prosecuting officer, Major A.W. Embury asserted, “The great sacrifices of the Canadian Forces in the last war, and the ideals of the present Force, should be rather more jealously regarded than to permit irresponsible people to make such statements to our prejudice.” Pessimistic remarks made to subordinates could undermine military discipline but even a critical sentiment as interpreted by civilians in a private setting could threaten general morale because circulation of gossip and rumors might reflect negatively on the officer’s unit and the entire Canadian Army. The prosecutor and judge advocate each emphasized the dire military context and background surrounding Boulton’s remarks in order to convey the damaging effect of perceived defeatism on public confidence in the war effort. Judge Advocate Major W.F. MacDonald observed, “The bombing, the fear of invasion, the chances of invasion, everything that has to do with the war is here, this island is considered as being in the front line.”\textsuperscript{21}

In July 1940 Boulton had been summarily tried for the same type of offence which resulted in forfeiture of seniority and severe reprimand. In order to avoid arguments or saying the wrong thing, Boulton had at that time attempted to withdraw from all social engagements. The invitation from Locker-Lampson placed him in an awkward position where his outspokenness on controversial topics could again cause suspicions about defeatism or Nazi sympathy or even fifth column treason.\textsuperscript{22} Judge Advocate MacDonald could find little to say on the accused’s behalf besides suggesting he might have continued to avoid mixing with civilians due to his “unfortunate conversational ability.” Finding Boulton guilty on two charges of Section 5(5) and one charge of Section 40, the court sentenced him to be cashiered plus two years imprisonment.

\textsuperscript{20} At the time Boulton expressed his opinions in Jan 1941, eleven months before the Japanese attack on Pearl Harbour, isolationist political thought continued to influence American skepticism toward involvement in the war against Germany.

\textsuperscript{21} GCM of Lt. Boulton.

\textsuperscript{22} Personnel File of Lt. E.G.A. Boulton.,357-2-238.
on 5 April 1941. Prison sentences against officers who divulged classified information or even engaged in idle gossip highlighted how negligence and misconduct assumed graver meanings when the divide between home front and war zone merged.²³

While Boulton disparaged “the niceties of war,” Canadian military leaders endorsed the social responsibilities of gentlemen officers in addition to training for actual combat. Based on statements reported by subordinates, Boulton showed no interest in the “frivolity” of dinners and dances. He once remarked that German officers “didn’t bother with the business of being gentlemen.” In his own defence, he explained that Nazi soldiers had been created to conquer “without scruples, honor or regard.”²⁴ Though it may not have been Boutlon’s intent to praise the German war machine by critiquing the Allied strategy, listeners interpreted his sentiment as the antithesis of temperate heroism and only served to repeat Nazi propaganda. Boulton’s views, however unartfully expressed, represented a specific threat to morale because they echoed a deeper concern that a gentlemanly philosophy centred on honour and fair play would prove futile against Hitler’s blitzkrieg. Nevertheless, even as political and military leaders advocated clandestine, “ungentlemanly” tactics against the enemy, enshrined regulations and customs still called for officers to behave as gentlemen in social settings and uphold the dignity of the uniform before civilians and other ranks alike. By disparaging notions of honour and gentlemanliness, officers failed an important process of socialization by which every uniformed member replaced selfish instincts and personal ideologies with the nobler national good for which the Allies claimed to fight.

²³ Examples of British officers imprisoned for disclosure of classified information include, WO 71/1070 (loose talk with prostitutes); WO 71/1094 (disclosing secrets to communist); WO 71/1095 (disclosing information to journalist).
²⁴ GCM of Lt. Boulton.
Discipline, Drunkenness and Disorder

The long period of inactivity following the end of the Blitz and the diminished threat of invasion after the German attack on the Soviet Union in June 1941 contributed to a sense of boredom and restlessness and a degree of delinquency among many Canadian soldiers and officers stationed in England.25 “Why the hell are the Canadian Army being kept in England? The Australians, New Zealanders, British, have all had their show,” one frustrated artillery officer wrote, “... everyone is getting very much fed up with this nonsense, and dangerously impatient to have the scrap he came over for.”26 In part due to the arrival of more Canadian personnel and in part a sign of underlying restlessness, dismissal sentences for charges of AWOL and general disturbances in England steadily rose from early 1942 onward.27 Following the official formation of the First Canadian Army in April 1942, CMHQ worried that commissioning more officers to fill the early war shortage had evidently, from the perspective of instructors and commanders, promoted a number of men wholly unsuited to the responsibilities and pressures of command.28

As the army increasingly promoted from the NCO ranks, candidates recommended for a commission overseas needed to pass through the Officer Cadet Training Unit (OCTU) at Camp Bordon, Hampshire. Cadets developed the necessary skills and qualities for command; however, until troops entered an active theatre, many new officers emerged from this training unsatisfied, or feeling “browned off.”29 Following graduation Lieutenant George Wishart of the Queen’s

27 Stacey and Wilson, The half-million, 161.
28 Hayes, Crerar’s Lieutenants, 120.
Own Rifles found “the virile ideas and enthusiasm engendered during the O.C.T.U. course were gradually quashed by a monotonous period of five months spent at the Reinforcement Unit.” Pleading guilty to drunkenness and an illegal three-hour absence in September 1943, Wishart stated, “I found it difficult enough at the beginning but I was quite content to submit to regimentation which must exist in an army and at that time there was always the thought that presently we might be engaged in war. This so far has not happened ... This is purely the result of inaction and what I do find to be bloody boring at times.” 30 Lieutenant W.T. Fraser explained his week-long absence in August 1943: “I was hanging around, waiting for something to happen, and at that time I was getting pretty well discouraged ... I realize now it was a stupid act and I shouldn’t have done it and probably if I had it to do again I wouldn’t do it.” 31 They were just two examples of several officers sentenced to dismissal during this period.

The sense that some officers abused the privileges of rank provoked the annoyance and resentment of many ordinary soldiers who endured the same monotony of regimentation while training in England. At the same time that many soldiers felt subjected to “soul killing punishments” of detention which they argued contradicted the espoused values of “our so-called democratic army,” some officers claimed that they suffered more anti-democratic and unfair treatment. 32 When one prosecutor suggested that a lieutenant dismissed for harassing several women at a dance needed to embody a higher standard as a leader, defence counsel replied, “my learned friend seems to think there are two great classes of man—one, those with Sam Browne’s [belts] and those who are Warrant Officers and N.C.O.’s and that there is some peculiar standard of morals and conduct applicable to the one and not applicable to the other. After all, obviously

31 GCM of Lt. W.T. Fraser, reel T-1561, file 55-F-267.
they are all Canucks.” From the standpoint of good order and deference to authority, however, rank made a crucial difference in disciplinary matters. Though lower and higher ranks might complain about the severity of punishment, military legal authorities maintained that each were held to a proper moral standard proportionate to the separate scales of punishment. War veteran George Blackburn recalled that while lower ranks might tolerate “boozing officers” most still expected their leaders “to be a cut above the average, with an advanced sense of decency and morality.” A drunken officer’s bad behaviour in plain view of subordinates and civilians warranted formal disciplinary action more so than evidence of simple intoxication.

During the early phase of the war, the British Army treated drunkenness among officers in the United Kingdom much as it had punished drinking in the field and in the trenches during the first war. Between the outbreak in September 1939 and the end of the Blitz in summer 1941, over 200 courts martial for drunkenness in the British Army resulted in nearly half of the accused officers sentenced to dismissal or cashiering. The end of the Blitz and the reduced likelihood of invasion marked a decline in both the number of charges for drunkenness and the proportion of dismissals. Historian James Nicholls identifies the greater acceptance drinking enjoyed during this era and observes that in the face of the German war machine an occasional beer with friends in a pub seemed to best exemplify the values of fellowship and cheerful resolve that would help the Allies triumph. In the Canadian Army, just over 15 percent of officers sentenced to dismissal in England also faced charges for drunkenness. Given a fairly relaxed attitude toward a

33 GCM of Lt. B.I. Wright, reel T-15773, 55-W-303.
34 George Blackburn, Where the Hell are the Guns? A Soldier’s View of the Anxious Years, 1939-44 (Toronto: McClelland and Stewart, 1997), 298.
moderate amount of social drinking, charge sheets that included drunkenness typically listed additional offences of AWOL, rowdiness or obscenity.\textsuperscript{36}

Canadian military authorities likely showed a greater degree of latitude when deciding whether to prosecute Section 19 in part because a certain amount of drinking was expected of officers at social events such as dinners and dances, provided that the officer concerned maintained control over his indulgence. The 1939 \textit{Customs of the Service}, a guide on etiquette for newly commissioned officers, advised, “There is nothing which benefits a man more, or is more enjoyable, than the right kind of drink in the right place at the right time.” Nevertheless all officers were still required to uphold the dignity of their rank whether on or off duty, and as the guide warned, “Excessive consumption of alcohol ... has been the millstone round the neck of many promising officers and their careers abruptly ended for no other reason.”\textsuperscript{37} In a court martial for a disturbance at a dance in England, a defending officer argued that drinking was part of the accused’s duties as he “was expected to enjoy himself and to be sociable and it was purely a social occasion.” As the accused lieutenant had become drunk, used abusive language, and tried to provoke a fight with a sergeant, the prosecutor successfully secured a dismissal sentence, arguing, “We have heard something about the duty, granted it was social but it was just as much a duty. An Officer has a King’s Commission and he must respect it and he must have self-respect.”\textsuperscript{38} Social drinking was normal and encouraged; uncontrolled boozing was not.

Testifying against another lieutenant dismissed for drunkenly firing a gun at a dance, a neuropsychiatrist argued that a normal man, within reason, “can consume increasing amounts

\textsuperscript{36} Examples of dismissal and cashiering for Section 19 exacerbated by circumstances or other offences: reel T-15655, 55-K-143 (2nd time tried and AWOL); T-15624, 55-G-366 (drunk on duty during an air raid); T-15692, 55-M-1427 (disloyal remarks).
\textsuperscript{38} GCM of Lt. J.S. Bryson, reel T-15555, 55-B-472.
and not have any effects,” but a chronic alcoholic eventually “finds his tolerance and his
behaviour becoming perhaps anti-social.”

In other cases, the increasing medicalization of alcoholism by the 1940s indicated that
simple drunkenness by itself was less likely to be viewed as a moral failing and therefore less
likely to justify prosecution as a crime deserving expulsion. Under certain conditions
drunkenness could be used by the defence to excuse or mitigate a more serious crime due to lack
of responsibility or intent on the part of the accused. When violence and public obscenity
accompanied wild drunkenness, a priority for self-control and personal respectability typically
prevailed over such excuses. As officers were expected to restrain their men, leaders who
appeared to instigate disorder needed to be dealt with severely. Major Irwin James Stone, a 34-
year old staff officer at CMHQ, claimed to have been so drunk he did not remember anything
about provoking a violent confrontation with fellow officers, police constables, and civilians at
Osterley tube station on 28 August 1943. The station foreman implored the major to “consider
your rank, there are rank and file knocking about, please set an example,” which was met by a
“nasty smack” to the civilian’s face. In addition to a charge for drunkenness Stone also faced a
charge under Section 40 for “thereby tending to bring the Canadian Army Overseas and
members thereof into disrepute.” Despite defence counsel’s objection that the accused had been
rendered incapacitated by drink, the court sentenced Stone to be cashiered, though the
punishment was commuted to dismissal upon confirmation. The number of passengers who
witnessed the arrest, the delay it caused to the train and the overall embarrassing spectacle added
to the potential damage inflicted on the public image of all Canadians.

40 Carl May, “Pathology, Identity and the Social Construction of Alcohol Dependence,” Sociol., vol. 35, no. 2
(2001), 391-392; Peter Conrad and Joseph Schneider, Deviance and Medicalization: From Badness to Sickness
41 GCM of Maj. Stone, reel T-15743, file 55-S-694.
As official war historian C.P. Stacey observed, “It would not be difficult to assemble a file of clippings from English wartime newspapers which would give the reader the impression that the Canadians were a thoroughly badly behaved army and a constant source of worry to the English police.”\(^{42}\) Though Stacey correctly noted that the number of disturbances and convictions by civil courts were proportionately few relative to the nearly half-million Canadian soldiers, sailors and airmen stationed in England by 1943, CMHQ responded to the negative publicity from even a small number of notorious cases, particularly those that involved officers. After a lieutenant was cashiered for aiding a riot by Canadian troops in a small English town, a court martial member explained, “The higher-ups, not knowing anything of the facts, got their wind up, and felt that ‘an example must be made’ in order to prevent any trouble by troops with civilians.”\(^{43}\) Concerned that the civilian population that might stereotype rowdy “colonials,” CMHQ confirmed a number of dismissal sentences in part as strategy to defend the collective reputation of the entire officer corps. An officer who discussed defeatist ideas, showed inattention and slackness, or caused a drunken spectacle had no place in a Canadian Army tasked with defending Britain and eventually aiding the liberation of Nazi-occupied Europe.

**Financial Crime and Dishonoured Cheques**

While democratic-inspired rhetoric voiced by Canadian generals and politicians declared that any man could qualify for an army commission, higher social status, education and access to wealth still provided a significant advantage.\(^{44}\) One soldier attributed his failure to receive a commission to insufficient financial means, writing, “Most junior officers barely make ends meet by the time they pay their mess fees and meet other obligations, etc. So a commission is

\(^{42}\) Stacey, *Six Years at War*, 425.

\(^{43}\) GCM of Playfair-Brown, reel T-15557, file 55-B-675.

\(^{44}\) Hayes, *Crerar’s Lieutenants*, 72.
As many officers discovered, gaining a commission meant an increase in pay but holding a commission also entailed a significant expense. Even those with independent means or who benefited from family assistance could overextend themselves due to ignorance or irresponsibility, particularly during the lengthy period stationed in England. As in the last war, Canadian officers received their pay through deposits to their credit at the London branch of the Bank of Montreal, though some officers opened accounts at other banks in England. In an attempt to prevent overdrafts, cheques cashed by officers with a regimental paymaster were supposed to be limited to three cheques for no more than £5 each per month.

The desire to live up to one’s rank and satisfy various financial and social commitments, such as attending mess dinners and dances, required some officers to risk an overdrawn account rather than admit to potentially embarrassing financial difficulties. Lieutenant J. Martin Walker of the Regiment de Maisonneuve, who earned just over £34 per month, of which he assigned £12 6s to his wife, explained the financial struggles of many a newly commissioned officer: “I happen to love the army and I have a desire to make a career out of it. I started as a private—perhaps I was over-ambitious ... I did spend more money than I should have but I felt that I had to keep up any appearance which was entirely unnecessary.” Walker, a 26-year old civil servant in Ottawa, was dismissed on 12 March 1941 after cashing several worthless cheques with the regimental paymaster. Unwilling to divulge money troubles to peers, some cash-strapped officers turned to men of lower rank for assistance. The prosecutor of Major L.F.H. Clarke explained how borrowing £1 each from three lieutenants undermined the hierarchical command structure: “Junior officers are likely to get the idea that their superior officer is not living up to

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46 £34 in 1941 equaled about $151 CAD. Adjusted for inflation, it would amount to $2320 CAD in 2018. Canadian officers earned, £1 2d 4s per day. GCM of Walker, reel T-15772, 55-W-228.
his rank and his commitments if he has to come to them for money ... Therefore these junior officers must have felt that they could not look up to this officer."

Many Canadian officers felt that the emphasis placed by the army and air force on financial honour had become an anarchic nineteenth century relic, but a firm understanding of money matters and banking knowledge still formed an important part of an officer’s social identity as well as a crucial sign of his maturity. Approval to marry, for instance, required proof that the officer possessed the financial means to support a wife and family. Self-restraint and frugal spending likewise indicated that an officer possessed the desired type of moderate temperament. Curriculum at OCTU might have touched on money management and rules governing mess expenses but the responsible handling of a cheque book was taken for granted. Pleading for leniency in the case of a lieutenant severely reprimanded for dishonoured cheques, the defence counsel addressed the court:

Now I feel that the cheque book that all the officers have is rather a dangerous thing. There are many officers who have this cheque book who do not know how to handle it. Nothing is told them how to handle it. Many officers have never had a cheque book in their lives before until they have become an officer, particularly if they come from an OCTU ... They are then given this very innocent little book—but it isn’t as innocent as it looks."

Those who violated the privilege of implicit trust imperiled the credit and honour of all officers whether they engaged in transactions with military paymasters or civilian creditors. One officer might borrow money from subordinates to cover debts while another could overdraw his bank account when attempting to repay creditors. In either case, an officer risked dismissal especially as knowledge of false transactions spread when debts and cheques went unpaid. Officers only needed to look to the CEF’s past experience with the problem of worthless cheques to appreciate

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47 GCM of Maj. Clarke, reel T-15585, 55-C-769. The court sentenced Clarke to be dismissed on nine charges including disobeying orders, drunkenness, AWOL and borrowing money from subordinates.

48 GCM of Lt. Ballantyne, reel T-15866, 55-B-3080.
that the military justice system continued to single out officers’ cheque fraud and financial
mismanagement for special punishment.⁴⁹

As in the last war, the actual proportion of dishonoured cheques was uncertain. With
thousands of officers cashing multiple cheques per month in England by 1941 it is likely that the
number reported to have been refused by banks represented a small fraction. Nevertheless, as
CMHQ suspected that perhaps several hundred officers had issued at least one bad cheque the
problem once again demanded an official response. Routine Order 770 in June 1941 declared
that carelessness could not excuse officers who wrote worthless cheques and warned that
offenders faced loss of banking privileges or court martial. The order also required unit
paymasters to report all cases of dishonoured cheques to commanding officers who proceeded
with the investigation.⁵⁰ After publication of Routine Order 3321 in March 1943, which
consolidated the various dishonoured cheque policies, there was on average one dismissal per
month of a Canadian officer in England for the offence until the end of the war.

The earliest charges against Canadian officers for issuing bad cheques continued to be
framed under Section 16 as they had in the last war. None of the accused, however, were
cashiered for conduct unbecoming an officer and a gentleman like so many of their First World
War counterparts. All convictions fell to the lesser alternative charges under Section 40, conduct
to the prejudice of good order and discipline.⁵¹ By early 1942 Canadian military prosecutors
ceased to rely on Section 16 as they began to charge all dishonoured cheques under Section 40
alone. Judge advocate general Brigadier R.J. Orde advised against “a multiplicity of charges” for

⁴⁹ Matthew Barrett, “Worthless Cheques and Financial Honour: Cheque Fraud and Canadian Gentlemen Officers
⁵⁰ From Jan 1940 to Mar 1941, the London branch of the Bank of Montreal refused over 1300 cheques and the
Royal Bank of Canada refused almost 400 more. RG 24-C-2, vol. 12707, 20/CHEQUES/1.
⁵¹ Examples of Section 16 used in cases of bad cheques, reel T-15772, 55-W-228; reel T-15702, 55-M-2709; T-
15740, 55-S-349.
the same offence, which he felt did not always justify the severity required for Section 16.\textsuperscript{52} By no longer framing charges under Section 16 prosecutors did not need to prove that the accused had issued a cheque “well knowing that he had not sufficient funds on hand.” Establishing deliberate intent had always been a burden for investigators and required greater effort, bank cooperation and argumentation than simply to prove that the accused had “no reasonable grounds for supposing that [the cheque] would be honoured.”

Attempting to separate private transitions from more intrusive military scrutiny, defendants still disputed how writing bad cheques, particularly to civilians, could be considered a military offence. One defence counsel asserted, “there is no reason why an offr should be deemed a criminal for doing something that the civilian who stays at home would be considered as just an ordinary gentleman who merely owes a debt.”\textsuperscript{53} Such arguments designed to rebut a hint of conduct unbecoming proved less effective at refuting the actual charge of conduct to the prejudice of good order and discipline. Another defending officer, who referred to the catchall category as “our old friend Sec. 40 ... the coward’s refuge,” pleaded on behalf of his client, “I don’t think it is picuane [sic], I don’t think it is petty, but how can this cheque to a civilian organization affect military discipline?” The prosecutor replied, “It would be I suggest, and imagine, a very unhealthy situation if Canadian officers were to be allowed, on payment of accounts throughout England” to allow either military or civilian debts go unpaid.\textsuperscript{54} The British Army by contrast routinely cashiered its officers for cheque fraud or forgery and continued to lay charges under Section 16 for passing bad cheques. The departure of the Canadian Army and RCAF from this tradition reflected practical concerns about multiple charges and the onerous

\textsuperscript{52} GCM of Lt. Desormeaux, reel T-15597, 55-D-227; “Dishonoured Cheques—Officers,” 10 Sept 1942, RG 24-C-2, vol. 12767, 29/MIL LAW/1
\textsuperscript{53} GCM of Duford, reel T-15604, 55-D-978.
\textsuperscript{54} GCM of Doelle, reel T-15599, 55-D-402.
burden of proof as well as cultural differences about the meaning of gentlemanliness and morality. While still a serious offence against military law, and one worthy of dismissal, writing bad cheques did not carry the same degree of moral turpitude that undermined an officer’s character as a gentleman as it had in the last war. Though the problem of bad cheques remained a persistent problem for CMHQ in the United Kingdom and actually represented a higher proportion of all dismissals in the Second World War than in the first, the decision to not prosecute the offence under Section 16 signaled the important shift over how prosecutors prioritized scandalous behaviour and conduct unbecoming.

Scandalous Conduct and Officer Sexuality

During the Second World War, high-ranking Canadian Army and RCAF leaders felt that officers who did not live up to the high standard as moral exemplars in both their public military duties and private social lives did not deserve the privilege to wear a uniform. Colonel Brock Chisholm explained that from the perspective of other ranks, “Their officer is being judged as worthy of acceptance or not, all the time, 24 hours a day. If the soldiers under an officer’s command, can find any defects in his character they will do so, as an excuse for not giving up their own former points of view in favour of his.” In July 1942, Lieutenant General Harry Crerar, GOC I Canadian Corps, recommended a directive stressing, “a special responsibility rests on every officer to set an example to the men by ensuring that his own private life is above reproach.” Crerar suggested that evidence of “grave social misconduct” ought to result in trial by court martial under Section 16 in order to ensure the “high moral standard” among the army’s junior and senior ranks. As former commandant of the Royal Military College of Canada—whose students held the title “gentleman cadets”—Crerar indicated his preference for socially

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respectable officers of superior moral standing. According to his formulation, gentlemanliness would be decided by character and conduct rather than by birth or class privilege. Given his emphasis that earning a commission no longer depended on wealth, it is not surprising that privileging financial honour did not form as central a feature in the desired image of Canadian gentlemen officers. As conviction under Section 16 mandated cashiering as the only punishment available to courts martial, Crerar’s directive suggested a desire to deprive a larger number of officers of their commissions for non-financial, dishonourable behaviour not necessarily specified in the military-legal code.

From a legal perspective, deputy judge advocate general Brigadier P.J. Montague objected to Crerar’s proposal by pointing out that an officer could not be charged under Section 16 for purely social offences unless the conduct also discredited his military character and brought scandal to the service. Offering a revised directive, Montague explained his opposition to any reference to officers’ private lives: “Firstly, I think it would be futile and secondly, moral standards are so much a matter of personal points of view that anything published in general form would not, as I see it, be likely to do any good and would in some quarters, in all probability, be a matter of ridicule.” The uncertain scope of Section 16 reflected a longstanding debate over the precise definition of scandalous conduct. How the army and air force applied the charge raised uncomfortable questions about the ability of the military justice system to intrude on the personal lives of officers. Montague’s caution indicated that cases which might touch on private affairs needed to be directly related to a breach of military discipline in order to warrant the attention of military law. By interpreting the meaning of discipline and scandal quite broadly, in certain circumstances, CHMQ still attempted to use the legal process in order to control the

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moral and sexual behaviour of officers. As a result, charges tended to fall in a dubious pseudo-legal zone between an officer’s military reputation and his private conduct.

No case better illustrated how the military justice system attempted to negotiate the precarious boundary between a private affair and a public scandal than the April 1944 court martial of Lieutenant Frank Haufek of No. 12 Canadian Field Security Section, in Surrey, England. The primary charge framed under Section 16 alleged that the married Haufek wrote “letters of affection” to and consorted with the spouse of a subordinate, Corporal M.H. Belanger, “thereby causing discord between” the husband and wife. Defence counsel disputed a charge of conduct unbecoming as he felt that the prosecution had failed to demonstrate any alleged “consorting” had been of a public, and therefore of a scandalous, nature. The prosecutor countered that the conduct “was unmilitary and ungentlemanly” because Haufek had exploited his position as Belanger’s commanding officer to visit a subordinate’s wife alone. After discovering dozens of love letters written to his wife by Haufek, Corporal Belanger had confronted his superior officer and warned he would shoot him if Haufek visited his house again. In certain ways, the case paralleled the 1933 Brown–Rebitt court martial, in which the officer who shot at a superior had been lightly treated while his target had received harsher punishment for the apparent transgression on marital honour. Claiming no man could have greater provocation than Corporal Belanger, the prosecutor of Haufek rhetorically asked if the husband “had in a rage of the moment, killed the accused, would this court convict him of murder with this evidence as his defence?”

Canadian authorities appeared more concerned with discouraging the possible scandalous conduct of a meddling lieutenant than with the allegations that Belanger had physically and

sexually abused his English-born wife. Haufek testified that he felt it his responsibility as a superior to investigate the troubling domestic situation. On the one hand military authorities encouraged officers to learn about the lives of men under their command to become more effective leaders yet regulations also aimed to constrain superiors from engaging their men socially or intruding too closely into their private affairs. After intervening in a “family quarrel” in which the corporal had twisted his wife’s arm, Haufek stated, “I did not know what to do because I did not want the thing to get publicity—there is quite enough trouble with Canadian soldiers already.” Following a guilty verdict, the defence counsel argued in mitigation, “It must be taken into consideration that he became involved in this case as a matter of duty because it had been drummed into him at OCTU that he must know and help his men. We are even told there to write letters to their wives, know their children etc.” The prosecution contended it “is a case of a public officer, under colour of exercising the duties of his office, improperly uses that office to further his own ends.”61 By sentencing Haufek to be cashiered the court determined that consorting with and writing love letters to a subordinate’s wife constituted a scandal because knowledge could spread throughout the unit leading to suspicion, jealousy and lower morale.

Prosecutors and defending officers routinely debated whether conduct unbecoming, particularly when accusations involved civilians represented either a military offence or a purely social transgression. An assistant judge advocate general stated, “it occurs to me that Section 16 ... contemplates an offence which has some element of dishonorable conduct as distinguished from making a fool of oneself.”62 Of a total 101 separate charges framed under Section 16 during the Second World War, in both the army and air force, in Canada and overseas, 14.8 percent

61 Ibid.
62 Maj. Orr, AJAG to JAG, 6 Feb 1942, reel T-15681, 55-M-480. For debates over the scope of Section 16: reel T-15554, 55-B-436 (insulting and threatening ladies); reel T-15623, 55-G-250 (insulting language); reel T-15846, GCM-C-62 (kicked civilian police); reel T-15557, 55-B-675 (aiding a riot by Canadian troops).
were for financial crime, 42.6 percent for disturbances including drunkenness, foul language or violence, and 42.6 percent of a sexual nature (when broken down, amounted to: 27.8 percent for indecency involving male military members; 7.9 percent for assaults against or affairs with women; 6.9 percent for visiting brothels in restricted zones). This range of offences illustrated the continued shift, at least in the Canadian context, surrounding the meaning of scandalous behaviour as explored in the previous chapter.

In several courts martial, board members judged conduct unbecoming an officer and a gentleman through an accused’s manners toward women—both civilians and female uniformed members. The prosecutor of one RCAF Flying Officer, cashiered for indecent exposure to English ladies in a train compartment, pointed out that Section 16 was the only Army and Air Force Act offence to actually use the word “gentleman,” and he connected this crucial reference to an officer’s fundamental moral identity. Behaving like a gentleman required more than simply obeying the law: “He is supposed not to do something to insult, or provoke, or interfere, with the rights of other people ... And particularly to women, he is supposed to act in a chivalrous manner and a gallant manner.”

Reframing conduct unbecoming as a defence of women’s honour coincided with the changing demographics of the Canadian armed forces. By 1942 all three service branches employed tens of thousands of women to fill various non-combat, administrative duties. The prosecutor against an army lieutenant dismissed for entering the bedroom of a Canadian Women’s Army Corps member with the alleged purpose of kissing her, remarked, “whether we like it or whether we don’t, the [CWAC] is part of the Canadian Army; and as such, I submit, must be considered as having at least equal rights with the remainder of

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63 GCM of F/O Michels, reel T-21827, file 11-J-20170.
64 Jeff Keshen, Saints, Sinners, and Soldiers, 175-177; Carolyn Gossage, Greatcoats and Glamour Boots: Canadian Women at War, 1939-1945 (Toronto: Dundurn Press, 2001).
the army ... They must be protected.”65 Behind the professed noble sentiment to defend women from vulgar trespasses of ungentlemanly officers, the use of Section 16 in effect framed the alleged offences as violations of military honour rather than as serious sexual crimes punishable by criminal law in a civil court system.

Allegations of rape and sexual assault when tried by court martial overseas were supposed to be framed under Section 41, an offence punishable by civil law, which stipulated a maximum sentence of penal servitude.66 In Canada such criminal offences were to be tried by civil courts separate from military jurisdiction. The imprecise meaning of conduct unbecoming, however, empowered military authorities to exert control over disciplinary responses to sexual assault within the army and air force. The court martial of Pilot Officer E. Fenwick Job illustrated how framing a sexual crime under Section 16 shaped the kind of evidence assessed and limited the range of possible punishments. On the night of 10 August 1943, an airwoman accused Job of rape while travelling by train through Alberta. Job’s defence counsel, Calgary attorney A.L. Smith, K.C., strongly objected to the legality of a charge under Section 16:

If a man seeking intercourse with a woman, chloroformed her or hit her with a club and rendered her unconscious, I would certainly say that was behaving in a scandalous manner unbecoming the character of an officer and a gentleman. But you [the court] perhaps for the first time in the Service ... are in the position of determining something which is altogether new. At least, in so far as I know, is absolutely new because instances of women in the army is a comparatively new thing.67

Since, in Smith’s opinion, an offence like infidelity would constitute a greater scandal than mere fornication, he asked the court, “Have any of you ever heard that such adultery was ever regarded as scandalous conduct ... in the Air Force, the Army, the Navy, or anywhere else? No,

65 GCM of Lt. Shaw, reel T-15745, 55-S-831.
66 For examples of officers charged for sexual crimes under Section 41, see, reel T-15704, file 55-M-3072 (rape of German woman); T-21825, 11-C-17422 (indecent assault on Belgian maid); T-21822 11-J-5037 (indecent assault on Cypriot girl); T-15606, 55-D-1282 (indecent assault on Dutch children).
67 GCM of P/O Job, reel T-21827, file 11-J-27895.
sir very obviously you haven’t.” As a civilian barrister, Smith exposed his unfamiliarity with military law as sexual and marital transgressions not infrequently appeared before general courts martial.

The new status of women in the military meant that the court had little precedent to determine whether sexual relationships—consensual, coerced, or violent—between male and female members could be considered scandalous and unbecoming. The prosecutor countered that the violation of the rank divide constituted the true offence and publicity from the case would cause mothers to protest that “they didn’t raise daughters to enlist ... to be ground sheets for officers.” Smith conceded that a consensual encounter technically violated air force discipline but asserted that no rape had taken place to make it a scandalous offence. The judge advocate clarified that consent or force was irrelevant within the scope of Section 16. Notably the charge sheet against Job contained no allusion to sexual assault—only entering the berth of sleeping airwomen and having sexual intercourse with a female military member. The court sentenced Job to be cashiered on 1 November.

The introduction of women into armed forces anticipated another potential issue with the existing understanding of conduct unbecoming. While no known female Canadian officers were court martialled under Section 16 during the war, at least two American officers of the Army Women’s Corps were sentenced to dismissal according to the United States application of conduct unbecoming an officer and a gentleman. On the obvious issue of gender, United States JAG officials acknowledged that a female member, “naturally cannot be properly described as a

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68 Courts martial for bigamy with English women also exposed the private lives of accused officers and conflated domestic situations with military discipline, though these cases were framed under Section 41 rather than conduct unbecoming. Examples include, reel T-15616, file 55-F-260; reel T-15643, file 55-H-801.
69 Another rape case charged under Section 16, see, reel T-21822, file 11-J-5912; Section 16 charges that involved extramarital affairs with wives of subordinates, see, reel T-15641, 55-H-590; reel T-21823, 11-C-8447.
70 For cases of air force officers fraternizing with airwomen charged under Section 40 rather than Section 16, see, reel T-21825, file 11-C-8057; reel T-21828, file 11-J-45932.
71 GCM of P/O Job, reel T-21827, 11-J-27895.
‘gentleman.’” but justified the charge because “gentleman merely defines the conduct and not the person.”72

Whereas even the updated edition of the British Manual of Military Law still cited passing a bad cheque as a sample charge for Section 16, the prosecuting officer against Job asserted, “surely sexual intercourse with an airwoman is itself much more scandalous than not paying a mess bill.”73 Cashiering for obscene behaviour, an affair with a subordinate’s wife, or sexual misconduct against civilians and servicewomen showed the greater willingness on the part of military authorities to use judicial and disciplinary measures in order to exert a degree of control over the moral character and sexual lives of officers. Dishonouring cheques and unpaid mess bills no longer represented the quintessential honour crime under Section 16 within the Canadian forces. By claiming to protect the honour of servicewomen and female civilians from male officers’ sexual misconduct, the justice system framed Section 16 to reinforce a heterosexual culture which called on officers to act chivalrously toward women and respect matrimonial bonds. As historian Paul Jackson points out, sexual transgressions against women were not, however, defined as either gross indecency or unnatural.74 Sexual relations between an officer and a servicewoman or between an officer and serviceman violated the boundary separating different ranks “irrespective of their sex,” but homosexual behaviour within military culture assumed an even more pronounced taboo in the Canadian forces during the Second World War.

73 GCM of P/O Job.
74 Paul Jackson, One of the Boys: Homosexuality in the Military during World War II (Montreal: MQUP, 2010), 89.
Gross Indecency and Sexual Abnormality

Although well-defined and distinct sexual identities remained largely undeveloped during the early twentieth century, interwar medical and psychological research and clinical work served to construct homosexuality as a deviation from the heterosexual norm. From pension boards in the interwar period to officer selection boards during the Second World War, Canadian government and military officials drew on medical theories and cultural assumptions that framed homosexuality as a perverted disorder exhibited by effeminate and weak-willed men. The use of the court martial process to regulate social behaviour and intervene in officers’ private lives provided a means for the military to label officers convicted or even accused of engaging in gross indecency as abnormal social outcasts. Unlike the First World War, which witnessed only two of nine Canadian officers convicted of indecency, two-thirds of Canadian Army and RCAF officers charged for the offence were either dismissed or cashiered during the Second World War. Courts martial both at home and overseas charged at least 25 Canadian officers in the army, air force and navy for offences related to gross indecency with male personnel. The military justice system showed less skepticism regarding accusations of same-sex acts and supported discrimination against officers suspected to be homosexual on medical, administrative and legal grounds. Jackson documents 76 Canadians of all ranks across the three military branches tried by courts martial for gross indecency. The British Army courts martial statistics similarly recorded a three-fold increase in the number of officers and men convicted of indecency as compared to the first war.

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76 Mark Humphries, “War's Long Shadow: Masculinity, Medicine, and the Gendered Politics of Trauma, 1914–1939.” Canadian Historical Review, vol. 91, no. 3 (2010), 503-504; Jackson, One of the Boys
77 Jackson, One of the Boys, 91; Alan Allport, Browned Off and Bloody-Minded: The British Soldier Goes to War 1939-1945, 121 (New Haven: Yale University Press, 2015). In the British Army, 103 officers, 790 other ranks were charged for gross indecency.
Definitions of what constituted gross indecency drew on social taboos, military law and medical theories. In his popular sexual advice manual, *Health, Sex and Birth Control* (1942), Dr. Percy Edward Ryberg, a Mayo Clinic-trained, Toronto-based psychiatrist, devoted a chapter to the subject of homosexuality. While his views reflected the prevailing medical discourse that labelled homosexuality as an abnormal disorder, Ryberg regarded an individual’s sexual preference as nevertheless a natural and inborn predisposition rather than an acquired perversion. In his book, the doctor articulated personal opposition to the social stigmatization and legal persecution of homosexuality: “We see no purpose in adding more misery to their lives by treating them as criminals, or advocating laws for their removal, except in cases where their influence can be shown to be clearly harmful to others. For this reason we consider a court-martial or criminal proceedings for acts of homosexuality as completely out of date.”

After joining the RCAF at the rank of flight lieutenant, Ryberg transferred to England to serve as a medical officer in summer 1944. To save money he rented a flat along with two air crewmen. Within three months military police arrested the airmen on multiple charges of buggery with male visitors. Upon discovering that his renters were to be court martialled, a livid Ryberg responded: “What the bloody fucking hell have you been doing. The Court will realize my position when a man is on charge for indecency and the man is living in my flat.” In December 1944, Ryberg faced a court martial under Sections 16 and 40 for occupying a flat with suspected homosexuals “when he knew or had reason to believe” that said men engaged in acts of gross indecency. The proceedings served as an interesting forum to explore medical theorizing regarding homosexuality due to the unusual circumstances of a self-professed expert like Ryberg on the subject standing trial.

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79 GCM of F/O Ryberg. Reel T-21822, 11-C-7312.
Citing Ryberg’s medical theories and testimony, his defence counsel aimed in a limited sense to normalize homosexuality as part of a strategy to dispute that suspicion about the airmen’s tendencies constituted a public scandal worthy of cashiering. Toleration for what Ryberg termed “mental homosexuality” depended on a basic assumption “that the majority of homosexuals or people who call themselves homosexuals don’t practice any physical act.” As Jackson observes, “Psychiatrists, like other military authorities, were willing to accept homosexuality without homosexuals.” The court still convicted Ryberg on a lesser charge and sentenced him to dismissal from the RCAF. Contemporary medical opinion which defined homosexual inclination as a natural, albeit an undesirable, predisposition stood apart from the continued stigmatization and criminalization of homosexual behaviours in military culture (and wider society). Progressive theories advanced by medical professionals like Ryberg may have identified homosexuality as predominantly inborn, but underlying stigmatization of same-sex acts caused fears about the potential perversion of “normal” soldiers.

While Ryberg’s offence had been failure to detect homosexuality, other officers were targeted for actually (or allegedly) participating in sexual acts with their subordinates. Lower ranked men sometimes expressed reluctance to bring charges of inappropriate sexual behaviour against a superior due to an assumption that those of higher rank were more likely to be believed. The judge advocate in the case of one captain dismissed for indecent assault reminded court members that according to military law, “you must not be influenced by the respective ranks of the accused and the witnesses in weighing the evidence.” Given the high proportion of convictions, court members appeared less receptive to the argument that innocent officers had

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80 GCM of F/L Ryberg.
81 Jackson, *One of the Boys*, 145.
83 GCM of Capt. Stabler, reel T-15748, 55-S-1125.
been framed by disgruntled subordinates, and indicated a willingness to trust the testimony of even uncorroborated complainants (or accomplices) over an officer’s version of events. Investigations that revealed multiple complainants suggested a pattern of misbehaviour. The prosecutor against another captain charged with disgraceful conduct against two privates, refuted the defence claims that the victims were complicit: “the relationship between officer and man is without parallel in civilian life and I submit that in the army a man is not an accomplice although he may be present and assist in the commission of a criminal offence ... A soldier’s duty throughout is to obey and if he thinks fit to make a complaint afterwards.” Conditioned to respect the command hierarchy, some unwilling subordinates may have submitted to a superior’s sexual advances out of fear or obedience. The implication of coercion and abuse reinforced a perception that apparently homosexual officers could lead naïve soldiers astray.

In his book, Ryberg articulated a progressive medical theory about the fluid nature of human sexuality in youth when he stated, “in the early years, homosexual acts are not at all abnormal, and can be the natural reaction to surroundings, in which there is little or no opportunity for normal relationships with persons of the opposite sex. This may be particularly the case in wartime when men are thrown very much together.” Ryberg, like many other psychiatrists, claimed that same-sex desire was something that a normal boy would outgrow by his twenties. Homosexual inclinations that persisted through adult manhood indicated, “the normal sex development of the man has not followed through.” As homosexual behaviour among older men was less likely to be viewed as an indiscretion of youth and more likely to be seen as abnormal and potentially dangerous, middle-aged army and air force officers tended to

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85 Ryberg, Health, Sex and Birth Control, 79.
86 Ryberg, Health, Sex and Birth Control, 80.
face charges for gross indecency. As Jackson points out, some of these long-serving Permanent Force members received lighter punishments indicating a degree of social acceptance within certain regimental subcultures. At the same time, officers judged to represent a threat to unit cohesion were marked for removal or worse. In the Italian campaign, several soldiers surrounded a 38-year old lieutenant after he had allegedly placed his hand underneath the shorts of a gunner. “[T]here is a ‘queer’ in the crowd,” they shouted, “He’s a fruit, get him out of our lines or we'll kill him.” The lieutenant was sentenced to cashiering plus six months imprisonment without hard labour. That the soldiers felt empowered to confront and threaten a superior officer not only exposed the lieutenant’s lost authority, it also revealed a prevailing hostile reaction toward suspected homosexuality that sanctioned violence.

If scandalous and indecent actions were understood as grossly offensive to the sensibilities of normal, “decent-living men,” defendants sometimes argued they could not be held responsible for inappropriate sexual behaviour because they were not normal men. One above-age officer strenuously denied homosexuality but claimed to suffer from a neurological or psychiatric abnormality which caused “sexual perversion.” In March 1945, 38-year old Captain Christopher Seal of the Prince Edward Island Highlanders faced seven charges under Section 16 and three under Section 18(5) for urging a number of troopers to “kick him in the ass.” Noticing Seal had become sexually excited by the kicks one man consented rather than “antagonize” an apparent homosexual superior. Fearing that the accusations “practically denounce me as a homosexualist” Seal pleaded not guilty but acknowledged the unusual nature of “my weird case.” His defence counsel argued that the officer’s medical condition precluded conviction for scandalous conduct.

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88 Jackson, One of the Boys, 227-230.
“Normally, in cases of this kind, and particularly in those of offences which have to do with anything in the homo-sexual line, some other person is injured. There isn’t any question in cases of homo-sexuality,” the defending officer explained, “I think both parties suffer some degradation. Here I submit to the court that no one has been injured from a social aspect.” Seal, a Permanent Force member since 1928, appealed to the court “to give me a chance to be natural again ... to be able to face other people and prove myself a good Canadian.”

While the defence counsel assumed that homosexual acts carried a mutual public disgrace, he argued that his client had only embarrassed himself privately and caused no wider scandal. Alluding to the cashiering of Major I.J. Stone for the drunken disturbance at a tube station, referenced earlier in this chapter, Seal’s defending officer argued, “[that] offr took too much to drink and I think punched one of the subway conductors in the nose. Now that was obviously scandalous, and that man, while he had had some liquor, was a normal human being.” As the defence counsel argued, Seal by contrast could not have knowingly caused a scandal as long as he suffered from uncontrollable “abnormal obsessions.” Lieutenant Colonel C.G.E. Gould, a specialist in neurology, confirmed Seal’s belief that he was not a homosexual though he diagnosed a compulsion for masochism. Under-cross examination, the prosecutor only asked if the accused could still distinguish right from wrong to which the doctor replied he could. From the court’s perspective, permitting a subordinate to repeatedly strike a superior—especially for the latter’s apparent sexual gratification—tarnished the temperate image of a detached and dignified officer. Attempting to persuade one man, Seal had stated, “You’re scared of these [rank] pips are you? ... Just forget about them, this is just a private talking to another private, that is all.” From the court’s perspective such remarks lowered the dignity of an officer which

90 GCM of Capt. C. Seal, reel T-15747, file 55-S-1054.
91 Contrary to the defence counsel’s argument, Stone had not been charged with Section 16.
92 Personnel File of Capt. Seal. 832-S-738.
disgraced the honour associated with his uniform and rank. Despite Seal having already been declared medically unfit and set to be returned to Canada in any case, the court sentenced the captain to be cashiered.93

In his definitive study of homosexuality in the Canadian military during the Second World War, Jackson argues that military leaders believed that officers accused of same-sex behaviour with subordinates had “forfeited their honour, upon which rested their claim to authority.”94 As in the last war, prosecutions tended to focus on close familiarity between superiors and lower ranks as a violation of discipline and command hierarchy. Notably, no cases of same-sex encounters between officers were prosecuted by court martial. The higher proportion of charges and dismissals revealed how the military justice system prioritized the removal of often older officers accused of homosexual acts in a more determined and systematic way than in the last war. Same-sex encounters among all ranks were not necessarily any more or less common in the Second World War compared to earlier conflicts, but medical and military authorities appeared more conscious of their existence and more determined to suppress and persecute instances of homosexual conduct at least through the creation of several disciplinary examples. The medicalization of homosexuality through the development of psychological theories prompted certain military leaders to argue that supposedly sexually deviant officers, whether from acquired perversion or innate predisposition, were temperamentally unsuited to hold a commission.

Military Misconduct and Offences in Europe

For as much as officer selection and training seemed to be designed around cultivating and inculcating a refined set of gentlemanly manners, the primary objective for regimental officers was to lead men into combat. While still stationed in England, an officer with the Lincoln &

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93 GCM of Capt. C. Seal, reel T-15747, file 55-S-1054.
94 Jackson, One of the Boys, 89.
Welland Regiment complained, “I am one of the outcasts in the Unit because I want to train men to fight while this bunch of phoney peace-time soldiers run a social club ... the heat will be on these phoneys and they will be on their way out.” Like those officers who failed to exhibit proper self-control while stationed in England, leaders who misbehaved in a combat theatre were marked for dismissal. The martial justice system adapted to meet the unique needs of military efficiency and discipline under active service conditions once the army deployed to the field. Representing a lieutenant charged with striking an insolent private soldier in France during the September 1944 campaign, a defending officer asserted:

> The accused had been out on patrol for three preceding nights before this one in question and patrols are hard on men’s nerves. Being in close contact with the cold realities of life, seeing the quick transmission [sic] from life to death of a man, I submit quickly divests all the frills he has of civilization. The rules and regulations of proper decorum and conduct which a person so observes at a formal dinner or dance are quite obviously ridiculous to the man in a slit trench, the same I submit goes to the rules and regulations of the Manual of Military Law.

Striking a subordinate in the field constituted a serious offence, which in this case resulted in severe reprimand, but the defence counsel’s broader argument highlighted how the accepted conduct of officers clearly differed from a static reinforcement unit in England compared to a combat unit in a theatre of war.

With the exception of the fall of Hong Kong on 25 December 1941, the Atlantic naval campaign, and RCAF activities in the aerial campaign over Britain and Europe, Canadian land forces did not see combat until the disastrous Dieppe Raid on 19 August 1942 which resulted in nearly 3,500 casualties. The Canadian Army did not experience sustained combat until Operation Husky, the invasion of Sicily in July 1943. The exceptionally high casualty rates of junior officers throughout the European campaign proved the great danger of leading a platoon or

95 Field Censor, RG 24, C-2, reel T-17924, vol. 12321, file 4/CENSOR REPS/1/2.
96 GCM of Lt. Brennan, reel T-15567, file 55-B-1691. After being declared medically unfit, the lieutenant was returned to Canadian Apr 1945.
company from the front. A vital responsibility to protect the lives of men under each officer’s command meant that the removal of incompetent leaders needed to be handled swiftly. General Kenneth Stuart urged any superiors who might delay action against a doubtful subordinate officer, “bear in mind that it is better to do injustice to an individual than to the many for whom that individual will be responsible and who will suffer the consequences if he fails in his duty.”

The dynamic campaign in an active theatre as well as the difficulty to assemble senior officers and witnesses made convening a general court martial a cumbersome process. Thirty percent of overseas Canadian Army general courts martial occurred outside of the United Kingdom, in North Africa and the European theatres. The limited number of charges related to serious military misconduct on active service in the field suggested that the army usually sought to dispose of inefficient or otherwise unsuited officers without resorting to the military justice system. Evolving medical opinions surrounding battle exhaustion blurred the differences between unfitness and inefficiency or between slackness and actual misbehaviour. Whether through filing an adverse report or through the confirmation of a court martial sentence, field commanders understood that depriving an officer of his commission involved complex medical, administrative and legal considerations.

**Discipline and Drunkenness in Theatre**

During the early operations in the Mediterranean theatre, Canadian field commanders stressed the importance of high discipline especially among junior officers who needed to set a strong example for inexperienced troops. Confirming authorities, however, routinely intervened in convictions for drunkenness and being in towns designated out of bounds. From the beginning of the campaign in August 1943 until the eve of the invasion of Normandy in June 1944, of the

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1st Canadian Division officers who had been convicted by court martial in Sicily and Italy, five dismissed officers received commutation to severe reprimand or loss of seniority, and one cashiering sentence was reduced to dismissal.\textsuperscript{99} Believing that CMHQ dispensed commutations too freely, Major General Christopher Vokes, GOC 1st Division, complained that he already had the power to award lesser punishments through summary trials. He had recommended general courts martial precisely to create stronger disciplinary deterrents and to ensure the removal underperforming officers.

Arguing that the courts martial had already taken mitigating factors into account during sentencing, Lieutenant General E.L.M Burns, GOC I Canadian Corps, agreed that, “under present conditions in this theatre, unless severe punishments were imposed on officers guilty of drunkenness and other disgraceful conduct, there would be a lessening of the respect in which the men held their officers, and a lowering of the standard of discipline generally.” Burns further asserted that “a high standard of conduct and discipline in officers must be insisted on, if we are to expect good conduct of ORs. And if an officer fails to keep to that standard, he should not be retrained in the service—due regard being had to his previous record and character, in the case of an isolated offence. What might seem harshness to an individual is necessary for the good of the service.”\textsuperscript{100} Major General P.J. Montague, by this time chief of staff of the CMHQ, who had awarded the commutations, recognized that discipline remained a paramount consideration for field commanders but he also noted, “it was apparent that the officers were young, they were good fighting men, the offences and findings were not as serious ... and the offences were all committed in the early days of the campaign.” Given the unfamiliar conditions that confronted

\textsuperscript{99} “List of 1 CDN Div GCsM on Officers—From 1 Aug 1943 to 18 May 1944,” RG 24, vol. 12770, 29/REV POL/1.
\textsuperscript{100} E.L.M. Burns to CMHQ, 21 Apr 1944. RG 24, vol. 12770, 29/REV POL/1.
untested junior subalterns Montague used commutation to offer “another chance.” The limited number of confirmed dismissal sentences suggested a reluctance to remove undisciplined officers through the judicial process in all but the most habitual or egregious violations of military discipline.

Particularly for cases of overdinking not in the firing line, military courts only infrequently imposed severe sentences under Section 19, which had been by far the most common cause for dismissal in the first war. Over 400 British Army officers were charged for drunkenness overseas during the Second World War but less than a quarter were sentenced to dismissal. Securing a lighter punishment for a Canadian lieutenant who pleaded guilty to Section 19, one defending officer argued, “If every instance of simple drunkenness was prosecuted, I am afraid that many more of us would be sharing the same unfortunate position presently occupied by the accused ... Is it just that a man should be damned for life because of a moment of human weakness?” Commanding officers were not as concerned with the injustice of conviction for this type of offence as they were interested in retaining otherwise useful officers guilty of a single indiscretion. One month after joining Lord Strathcona’s Horse in Italy, in December 1943, Lieutenant William Henry Brearley, a West Point graduate with ten years in the US Army, pleaded guilty to drunkenness. The regiment’s commander advised against dismissal as “it would be a great loss to the service and to the Canadian Army and I am convinced this has been a lesson to him.” The defending officer concluded, “this officer did not make a fool of himself in front of the men nor was he found staggering around the streets and it was nothing more than a matter of drunkenness.” While unloading his tank from a warflat five months later, Brearley

staggered and vomited over his tunic. He claimed that the train ride had made him nauseous but he also admitted to drinking from a canteen filled with vino. His previous conviction and the public circumstances of the second incident appeared to be key factors in the court’s decision to dismiss him on 28 April 1944.

Those accused of drunkenness in an active theatre were usually removed for being reckless or dangerously unbalanced rather than for simply indulging too much rum or wine. Testifying against a lieutenant dismissed for shooting a motorcycle’s tires in a drunken spree, a fellow officer commented, “I wouldn’t care to make him responsible for the lives of men in a theatre of war.” The lower rate of conviction for drunkenness compared to the last war also pointed to changing medical responses to alcoholism and exhaustion. Doctors less readily attributed erratic behaviour to simple drunkenness as they applied more complex psychological theories about mental and physical breakdown from overstress. As a result, severe disciplinary judgments tended to occur in instances of drinking in the front line. While manning a Bren machine gun in Italy, Captain Roderick Thompson MacAlpine of the Hastings & Prince Edward Regiment, broke down and “started to cry” after a sergeant mentioned a mutual friend recently killed. The NCO observed, “He rolled on the ground and said lots of things that he would not of [sic] said had he been normal.” Regardless of whether this behaviour had been caused by the loss of a comrade, over-wrought nerves or by a strong drink of apple-jack, MacAlpine was cashiered for drunkenness in April 1944.

103 GCM of Lt. Brearley, reel T-15562, file 55-B-1206. In the first court martial Brearley had been sentenced to severe reprimand. By comparison, in the US Army, conviction for drunkenness of an officer on duty in a time of war mandated a sentence of dismissal. A warflat was a railroad bogie used to carry tracked, armoured vehicles.

104 Examples of dismissal for Section 19 in theatre exacerbated by circumstances or other offences, reel T-15762, file 55-T-533 (3rd time tried and drunk as defence counsel at FGCM); T-15721, 55-P-776 (3rd time tried and gross indecency); T-15565, 55-B-1486 (struck soldier).


could possibly upset a man’s mind as to lose all control, soldiers and officers realized that the mental and physical stress of the war itself could perhaps alter any man’s personality.

**Battle Exhaustion and Medical Unfitness**

Veterans of the First World War understood that the stressful and traumatic conditions of modern warfare could produce erratic behaviours and bizarre symptoms in even presumably normal men. In his 1945 book, *Anatomy of Courage*, Lord Moran drew on his experiences as an RAMC officer at the Somme to argue that every man possessed a finite amount of nervous energy akin to a bank account. The daily grind of trench life slowly drained the account while a sudden traumatic event such as a shell explosion caused the account to become overdrawn.\(^{107}\) By 1918, the British Army had instituted a form of forward treatment to diagnose nervous patients either with shell shock or neurasthenia. Believing shell shock largely resulted from the concussion blast of a shell explosion, army doctors provided sufferers with a short rest to replenish their nervous energy before returning them to the front. In practice, the strategy produced limited results but based on evolving theories of human behaviour, by the end of the First World War neuropsychiatrists and psychologists claimed to have solved the mystery of shell shock. Prevailing postwar medical opinion believed that the strange nervous symptoms exhibited by sufferers signified psychogenic responses to mental overstain rather than signs of a physical injury.\(^{108}\)

Fearing that the evocative connotation of the term had ingrained the idea that shell explosions inevitably produced nervous symptoms, medical and military leaders banned shell shock as an official diagnosis category in the Second World War. Worn-out and mentally

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disturbed infantrymen and officers were instead diagnosed with “battle exhaustion.” Just as generals and court martial members had been suspicious of shell shock in the first war, many field commanders resisted a psychiatric diagnosis of exhaustion due to the fear that legitimatizing mental casualties would only cause the problem to worsen and spread. The infamous incident in the Sicily campaign in August 1943 when General George Patton of the United States 7th Army struck two emotionally distressed American soldiers illustrated the reluctance of some military leaders to acknowledge exhaustion as a genuine condition. At the same time, the political backlash to Patton’s actions, which contributed to sidelining the general for nearly a year, illustrated a shift in public attitudes towards nervous breakdown that offered greater sympathy to sufferers.

Ideas about masculinity, willpower and normality continued to influence generals and medical officers who assumed that unstable, abnormal men collapsed from a temperamental predisposition to mental trouble. Through proper self-control, Brock Chisholm argued, “Among men who handle their fear effectively, there will be no ‘shell shock,’ no hysterical casualties, no cowardice.” At an October 1943 conference on officer reclassification policy in Canada, Colonel Dr. John Griffin, consultant psychiatrist to the Director General of Medical Services explained, “It is the general opinion that an unstable individual is more liable to break down if he has a commission ... The added responsibilities of an officer, the care and handling of men, etc., make the difference.” Reporting the initial observations of the divisional psychiatrist attached to the 1st Canadian Division in Italy, he further noted, “a very definite feeling that unstable officers are a hazard to their troops as well as themselves ... officers that break down should be evacuated

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from forward areas and should not be allowed to return even though they do fairly well under
treatment.” Griffin articulated a prevailing notion in army psychiatric circles that men prone to
“inherently instability” could be identified and downgraded as incapable of active warfare even
prior to deployment.

Throughout the Italian campaign nearly one-fifth of the 25,000 Canadian casualties were
for battle exhaustion or neurosis. The problem of neuropsychiatric casualties became even more
serious during the Normandy campaign as Canadian troops endured weeks of hard fighting after
D-Day. The perspective of one lieutenant severely reprimanded for a self-inflicted wound in
France revealed how assumptions about susceptibility to breakdown did not match the reality
once the fighting began. The court martial president questioned the lieutenant about his
observations during Operation Spring shortly after D-Day:

Q. You found this battle exhaustion developed most in the type of individual we more or
less describe as nervous?

A. No, Sir, definitely not. Some of my nervous types stood up better than the stolid types.
One stolid type went very fast. Some of the nervous types are doing a grand job ...

... Q. Do you think you could have told before you went in action on D plus 4 what men
in your platoon would have behaved this way?

A. No, Sir, I wouldn’t know that because some men we thought might not be so good
turned out to be fine and some fine ones didn’t turn out. I wouldn’t go so far as to say
what a man would be like.

Field psychiatrists worked to screen out soldiers and officers seemingly more susceptible to
nervous collapse, and commanders were expected to detect wavering subordinates, but the scale
of neuropsychiatric casualties revealed no predictable or consistent pattern. A priority to
maintain fighting effectiveness and good morale as well as a desire to treat individual officers

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111 “Disposal of Unsuitable Officers,” RG 24-C-1, reel C-5137, file 8151-5. FD.19.
112 Engen, Strangers in Arms, 146-147.
113 GCM of Lt. McKinney, reel t15706, 55-M-3420.
justly nevertheless created tensions over whether to treat battle exhaustion as a medical issue or as a disciplinary problem.

Terry Copp and Bill McAndrew explain in their study of Canadian responses to battle exhaustion that officer psychiatric casualties presented a significant challenge to military leaders who recognized the need to replace unfit leaders while at the same time understanding the need to enforce a rigorous deterrent. The very term battle exhaustion implied that the breakdown only came after a period of long struggle that had finally drained a man’s willpower. One “burned out” major, a Military Cross winner, received sympathetic consideration from his CO who reported, “Although he tries hard and is a brave man he has had so many hard battles that he can no longer remain steady in battle.” Those who tried but failed to persevere might receive some consideration but officers who refused to even make an attempt to carry out a duty invited an adverse confidential report or worse. A newly arrived officer’s admission of nervousness could be interpreted by less sympathetic commanders as a sign of innate weakness. After leading a failed attack in Italy, a platoon leader admitted that he did not want responsibility for the lives of the thirty men under his command. His CO filed an adverse report in which he concluded, “This offr is young and not battle weary, he either lacks intestinal fortitude or else he is definitely a conscientious objector.” Most officers subject to an adverse report returned to England where they awaited a final decision on their fate; possibly a second chance in the field or an administrative position, or, more likely, return to Canada.

Reclassification labels used in the administrative removal process often implied a moral and personal failing on the part of unwanted officers. In the army it was “lack of intestinal

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114 Terry Copp and Bill McAndrew, Battle Exhaustion,
fortitude” (or guts); in the air force it was lack of moral fibre (LMF). Being classified as LMF served in place of formal charges under the Air Force Act. Very few courts martial of RCAF or RAF officers were convened for cowardice or disobedience in an active service context. In addition to typical offences like AWOL and bad cheques the majority of air force dismissals concerned low or reckless flying during training in England or Canada. Based on eighty Canadian air force officers tried overseas by general court martial, only one was charged under Section 4(10), “When ordered ... to carry out a warlike operation in the air shamefully failing to use his utmost exertions to carry such orders into effect.”\textsuperscript{117} While attached to the Desert Flying Force in July 1944, Flight Lieutenant George William Scully claimed to have developed a severe phobia of nighttime flying. His defending officer, who advised Scully to plead guilty, argued in mitigation, “a wide difference exists between disobedience arising out of cowardice and a disobedience arising out of mental disturbance ... This is not the conduct of a man of weak moral fibre. On the contrary, it takes high moral courage to persist as he did knowing full well what the reaction of most people would be.”\textsuperscript{118} While a LMF label represented a significant stigma against any air force officer, which might even deprive him of his civilian flying licence, some air force leaders and aircrew personnel viewed such a undesirable classification as less publically humiliating than trial by court martial and potential cashiering.\textsuperscript{119}

As medical consensus considered strong leadership essential to reducing battle exhaustion casualties and mental neurosis among other ranks, wavering leaders needed to be replaced quickly. Compared to soldiers sentenced to imprisonment by field general courts martial, the officer removal process could suggest an appearance of leniency. After commanding a brigade, a

\textsuperscript{117} Similar cowardice charges appeared to be equally rare in the RAF. At least one Flying Officer was cashiered under Section 5(8) for “failing to use his utmost exertions” to carry out a bombing raid in 1944. AIR 18/23.
\textsuperscript{118} GCM of F/L Scully, reel T-21830, file 11-C-1663. Tried twice before for similar offences, Scully was sentenced to be cashiered in August 1944; reduced to severe reprimand due to unreasonably lengthy promulgation.
\textsuperscript{119} Allan English, Cream of the Crop, 102, 118.
division and I Corps in the Italian campaign, General E.L.M. Burns recorded his frustration with the problem of disposing unsuitable officers in May 1944:

> It is obviously also very important that if men are to be treated in this way, officers shall have no preferential treatment. At present, a certain number of officers are dealt with by adverse report, generally to the effect that the officer is unfit to lead men in a fighting unit. I presume that this procedure is only resorted to when it has been found impossible to make the officer do his duty after repeated and vigorous admonition and reproof. It must be made clear to all officers that to be sent back in this way is a great disgrace...

> The trouble is that it is not fair to the men under him that an inefficient officer should continue to serve as such, and at the moment I do not see any entirely satisfactory answer to this problem.\(^{120}\)

From the perspective of certain field officers, reclassification as a psychiatric casualty may have suggested personal weakness but the label did not always carry the equivalent stigma as dismissal by court martial. In only exceptional circumstances where an officer’s conduct appeared to border on true cowardice or blatant disobedience did authorities seek to impose more extreme and exemplary punishments. The medical exam that preceded court martial proceedings only rarely labelled an accused officer unfit to stand trial due to psychological issues or mental instability. A man could be judged stable enough to be held responsible for his own misbehaviour in battle but that did not mean he possessed the psychological stability to make a good combat officer.

The campaign in Northwest Europe from the breakout in Normandy in summer 1944 coincided with a spike in prosecutions against First Canadian Army soldiers for desertion and AWOL. Officers were not immune to the crackdown on perceived indiscipline.\(^{121}\) One case stood out for the important medical and legal issues raised as well as for the severity of the penalty imposed. During the advance into Falaise with the Lake Superior Regiment on 17

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\(^{121}\) Examples of specific types of military misconduct include, reel T-15589, file 55-C-1153 (desertion from battle); reel T-15752, file 55-S-1632 (disobeying order in combat); reel T-15566, file 55-B-1590 (AWOL in the field).
August 1944, Lieutenant Reginald James Woods, commander of No. 12 Platoon, vanished shortly after his company came under enemy shelling. The 25-year old had only joined the unit one day earlier as a reinforcement officer. Woods did not resurface until he next reported to the CMHQ in London 55 days later. Unable to recall how he had escaped the battle zone to end up back in England, Woods was admitted to No. 1 Neurological Hospital at Basingstoke in October 1944 as a potential amnesia and shell shock case. A neuropsychiatrist observed that the patient’s condition was not normal: “He was dazed. He had a rather fixed gaze and expression. He spoke slowly, thought slowly, acted slowly and seemed to be disturbed from his environment ... He was in a dreamy trance-like state.” Unable to recover Wood’s lost memories through hypnosis doctors evaluated the lieutenant as likely suffering from some form of hysteria. Convinced that Woods had invented the amnesia story to cover-up his desertion, Lieutenant Colonel C.E.G. Gould, senior officer of the neuropsychiatry unit at Basingstoke, assumed a more confrontational approach. Gould claimed to have compelled Woods to admit he had hitched-hiked to the English Channel where he boarded a packet ship to Brighton.122

Upon being discharged from Basingstoke as NAD (no appreciable disease), in February 1945, Woods was sent back to his regiment in Holland where he was formally charged for desertion “with intent to avoid contact with the enemy.”123 In addition to strenuously objecting to the admissibility of this alleged “confession” as recounted by Gould, defence counsel Lieutenant E.J. McCormick explained that the inexperienced and mentally disturbed junior officer had been placed in an impossible position when assigned to the field. “He would be expected to ‘crack.’ You all know the meaning of that because you all have had battle experience,” McCormick argued, “You know the strain that comes to a normal man when under shell fire. You can

123 The summary of evidence initially included a charge under 5(7) misbehaviour before the enemy.
imagine how much more difficult that must be to a man with any mental disease to stand up to a bombardment.” Despite doubts over the accused’s “mental set-up,” the court members remained unconvinced by all defence arguments. On 13 February 1945, the court sentenced Woods to the harshest penalty awarded to any Canadian officer during the entire war: cashiering plus twelve years penal servitude. Major General Montague confirmed Woods’ sentence but remitted seven years from the prison term. Although generals and medical officers might accept that every man had a breaking point, they attempted to isolate the worst instances of military misconduct to an accused officer’s apparent abnormal predisposition rather than to strenuous battle conditions, particularly for one without a long record in the field. From the perspective of some military leaders, an officer who did not demonstrate the normal disposition and character expected of a leader would not likely feel destruction of his honour as a sufficiently detrimental punishment thereby requiring perhaps a lengthy sentence of imprisonment.

**Cashiering and Imprisonment**

Historically, whereas other ranks received penal servitude for crimes of desertion or cowardice in the field, officers convicted of similar military misconduct rarely had prison terms added to cashiering sentences. Due to the abolition of the death penalty for most military offences in 1930, no Canadian or British soldier faced execution for cowardice or desertion in the field unlike in the First World War. Concerned about reports of surrender, general ill-discipline and low morale, the British Army briefly considered the re-introduction of the death penalty in 1942 and 1944. In his proposal for a stronger deterrent against would-be deserters, Field Marshal C.J.E. Auchinleck admitted that critics considered execution an “anti-democratic”

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124 As a patient confined to a mental hospital under guard Woods had been a practical prisoner at Basingstoke and therefore no oral statement made to a doctor could be introduced at trial without first assessing its admissibility as proper evidence.
punishment because enforcement usually depended on the accused’s rank and class.\textsuperscript{126} Those who advocated for the renewed threat of military execution in cases of misbehaviour and desertion showed no indication that they considered this type of penalty necessary to punish army officers lacking intestinal fortitude. Although there were several reasons both practical and political why the British Army did not re-introduce the death penalty for military misconduct, it is notable that one of the critical counterpoints focused on the different scale of punishments inflicted on other ranks compared to officers.

Ex-Captain MacAlpine, convicted of drunkenness in the firing line, protested that cashiering represented the most severe punishment “awarded [to] any officer short of the death penalty ... it is generally reserved for the most serious of crimes ... involves something of a criminal and disgraceful nature.” Despite the apparent dread evoked by the word, cashiering alone did not appear to have been considered an adequate punishment for a larger number of offences compared to the last war. By the end of the Second World War, in the British Army, over 430 officers had been sentenced to prison terms. This total represented 22 percent of all dismissal and cashiering sentences (44 percent of all cashiered officers).\textsuperscript{127} Although Canadian Army and RCAF general courts martial recorded fewer cashiered officers proportional to the number of dismissals, nearly 50 percent of those cashiered also received prison sentences. The majority of convicted ex-officers in both the British and Canadian forces were imprisoned for various financial-related crimes such as fraud, embezzlement or theft. Others were imprisoned for indecency, sexual crimes, manslaughter or disclosing secrets. Though far fewer officers were charged for cowardice and desertion relative to other ranks, imprisonment and penal servitude


\textsuperscript{127} See Chapter 3 for comparison with the last war. Across the entire British and dominion forces during the First World War, approximately 6 percent of all dismissal and cashiering sentences cases had included prison terms (23 percent of cashiered officers).
were not uncommonly imposed against officers convicted of purely military offences in the field. In cases of AWOL or insubordination courts martial considered that dismissal or cashiering alone often served the purposes of enforcing battlefield discipline, but, as in a serious case like Woods, courts were willing to impose relatively lengthy terms of penal servitude in order to express extreme condemnation for desertion, disobedience or surrender. 128

By comparison, the United States Army frequently imposed very lengthy prison terms against officers dismissed for military misconduct in Northwest Europe. In his role as confirming authority for the European Theatre of Operations (ETO), General Dwight Eisenhower not only stressed the vital importance of strict discipline but he often chastised court members for failing to sufficiently punish instances of AWOL, cowardice and drunkenness in the war zone. Of 321 American officer dismissal cases between January 1943 and August 1945 referred to the ETO Board of Review, 61 percent received sentences of confinement with hard labour. In the case of one second lieutenant sentenced to dismissal plus seven years hard labour for cowardice—quite a harsh penalty by British and Canadian standards—Eisenhower regarded the finding as a “wholly inadequate punishment for an officer guilty of such grave offenses” and remarked in his confirmation message, “imposing such meager punishment the court reflected no credit upon its conception of its own responsibility.” 129 It was not unusual for American officers convicted of misbehaviour before the enemy or for violent crimes to face sentences of as much as thirty or fifty years’ hard labour. Two officers sentenced to “death with musketry” for desertion in action in winter 1945 received commutations to life imprisonment. 130 From the perspective of

Eisenhower and United States Army leadership, dismissal alone in a combat zone failed to meet the requirements of discipline, deterrence and proportionality.\textsuperscript{131}

Although Canadian confirming authorities often remitted large portions of prison terms—for example, even a lieutenant sentenced to three years penal servitude for manslaughter in France ultimately only served six months—the greater readiness of courts to at least inflict imprisonment on officers signalled a shift in the meaning of cashiering.\textsuperscript{132} As per Army Act regulations a court martial needed to cashier an officer prior to imposing a prison term of any length whether 60 days or a decade. In this way the decision over whether a crime warranted prison or penal servitude often shaped the type of dishonourable discharge status awarded to the convicted officer. Within the British and Canadian tradition, cashiering retained its symbolic place as the most disgraceful form of dismissal, separate from the inclusion of any prison term, but when a court passed the sentence alone it had become almost indistinguishable from ordinary dismissal. In the Canadian Army, half of all cashiering sentences without imprisonment were eventually commuted to dismissal either upon confirmation or through subsequent appeal. As cashiering became conflated more with imprisonment, a sentence of dismissal was seen as a sufficiently suitable punishment to symbolically mark an ex-officer as unworthy of military service.

\textbf{Conclusion}

In his role as executive secretary of the General Advisory Committee on Demobilization and Rehabilitation, First World War veteran Robert England weighed the discipline of an officer in the British Army tradition against the officer in the Nazi German mould. Highlighting the

\textsuperscript{131} For greater context around the harsh prison sentences inflicted on American servicemen, see Steven R. Welch, “‘Harsh but Just’? German Military Justice in the Second World War: A Comparative Study of the Court-Martiailling of German and US Deserters,” \textit{German History}, vol. 17, no. 3 (1999), 386, 391

\textsuperscript{132} GCM of Lt. W.E. Cartlidge, reel T-15588, file 55-C-1108.
special emphasis placed by the British and Canadian services on morality and honourableness, England explained in his 1943 work *Discharged*, a text on prospective demobilization policies:

Conviction by a military court of ‘conduct unbecoming an officer and gentleman’ might mean ‘cashiering’ and social ostracism. Issuing a cheque knowing that there are insufficient funds to meet the order still comes within the charge of dishonourable conduct. This is a narrow mould but it should be compared point by point with the brutality and tyranny of the Prussian officer caste to see that even in its crudest manifestations it is still preferable. 133

Compared to Nazi atrocities and war crimes, a Canadian officer’s illegal absence, worthless cheque or sexual indiscretion might not have always appeared serious enough to warrant dishonour and expulsion. One defending officer remarked, “the standards of deportment for officers in the Canadian Army are not so rigid or strict or stern as those in the Prussian Guard”; yet Canadian military leaders consistently stressed the superior standard of moral conduct and temperament expected of Canadians privileged to hold a commission. 134

During the Second World War, the Canadian military came to place a stronger emphasis a process of mature male socialization for officers, epitomized by the image of “gentlemen in battle dress.” Generals and instructors recognized the need to inculcate the desired qualities of gentlemanliness in civilian officer candidates who could not be expected to know implicitly the behaviour associated with a commissioned rank. Alluding to the democratic construction of the Canadian Army, one defence counsel argued that charges for dishonoured cheques and borrowing from subordinates recalled a time “when we had the nice white helmets and red tunics and things of that sort, and officers and gentlemen and all that sort of thing.” 135 Shifting definitions of gentlemanliness reshaped the kind of charges preferred under Section 16. A dishonoured cheque remained a violation of good order and discipline but no longer was it the

134 GCM of Lt. Rundell, reel T-15846, file GCM-C-62.
135 GCM of Lt. Scott, reel T-15740, file 55-S-349.
type of financial impropriety considered conduct unbecoming an officer and a gentleman. Canadian military leadership did not abandon the language of gentlemanliness and honour in setting the expected normal behaviour of commissioned officers; but these notions had been reconfigured to more reflect a man’s private affairs, social conduct, sexual morality and general sense of moral decency.

Although military leaders anticipated that an officer’s social conduct would predict his behaviour as a leader in battle, the realities once in an actual theatre of war often called for qualities quite different from the etiquette expected at dinners and dances. Notwithstanding medical appreciation for the unpredictable effects of battlefield stress, army and air force leadership still demanded that every officer persevere under trying conditions and at least appear to make a genuine effort to overcome nervousness through sheer willpower. A platoon commander who disclosed fears that his own nerves or inaction might endanger his men evidently lacked the necessary self-confidence to withstand the strain and responsibilities of leadership under fire. Field commanders, however, usually turned to the military justice system in only the most egregious offences. As the next chapter will explore, various re-classification categories and administrative policies provided important non-judicial methods to deprive so-called unworthy officers of their commissions—which according to regimental culture remained the vital symbol of their honour and worth.
Chapter 7- Lost hopes and broken men: Dishonourable Records in the Second World War and Postwar Period

Confined to Wandsworth Prison in June 1941 ex-Lieutenant E.G.A. Boulton contemplated the tragic predicament of a man who had once held a commission in the Canadian Army. Three months earlier he had been convicted by general court martial and sentenced to two years hard labour for uttering defeatist sentiments and spreading “unnecessary alarm” to civilians and subordinates. In a desperate petition to Lieutenant General A.G.L. McNaughton, GOC I Canadian Corps, Boulton explained, “I have just finished the hardest task I have ever done—that of writing home to tell those dear to me, not to write, send papers, or parcels, because I have been cashiered and am a convict.” Although Boulton reaffirmed his innocence and loyalty, as he accepted that his army service was finished, his thoughts turned to a very precarious future:

As the long hours pass in my cell, and the nights come and I try to sleep, the wreckage of my life is constantly in my mind. The death of my hopes, and the punishment I have received will follow me always. For after I leave here, at 43 I will be that outcast, a cashiered officer, and a convict, will be with me all the days of my life. Whispers about me will bar me from employment and my friends, and I cannot ask a girl to share my life, for I will have to start a fresh in another city or country ...

... All my life Sir, I have tried to lead a clean, upright & honest life, to honour my God, my King and Canada, and to obey the laws of my land, and to realize what I am now, brings agony to my heart.¹

After serving seven months in prison, Boulton returned to Canada as a third-class passenger under a remitted sentence in November 1941. Within several months he found work as staff photographer at Defence Industries Ltd. in Ajax, ON. The plant magazine, The Commando, announced the new hire by merely noting, “He is a veteran of the present war, and took part in the evacuation of Dunkirk.”² The best many ex-officers could hope for was to quietly slip back

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¹ Boulton to McNaughton, 6 Jun 1941. GCM of Lt. E.G.A. Boulton. reel T-15554, file 55-B-270.
into civilian society and perhaps refashion themselves as returned veterans rather than disgraced men.

This chapter examines the social and economic consequences of dismissal from the Canadian military in the context of the Second World War and the postwar aftermath. I first examine how the social construction of what constituted “officer material” shaped the ways in which the military justice system targeted what were perceived as asocial and antisocial men in particular for exclusion. Second, the chapter traces the promulgation of sentences and the disposal of ex-officers in relation to debates over disciplinary alternatives to dismissal. Third, I compare the legal process for dismissing officers with the expansion of non-judicial, administrative polices designed to remove and retire officers deemed unsuited for active service in the field. Fourth, the chapter follows the problematic transition into civilian life experienced by many ex-officers through the economic distress that was often compounded by domestic difficulties. Fifth, I examine the records of discharge review boards in order to assess how the department of national defence and department of Veterans’ Affairs sought to either mitigate or reinforce the social stigma of holding dishonourable records. Finally, I trace postwar reforms to military law through the transition of cashiering under the Army Act into dismissal with disgrace under the National Defence Act in 1950.

Canadian military and legal officials argued that the general court martial process served primarily to assess whether an officer deserved to continue his service at a commissioned rank. Many of those judged unsuited due to misconduct often protested that dismissal constituted a much more severe penalty than warranted by their alleged offences. The requirements of discipline and deterrence, whether at home or overseas, meant that some courts lightly censured certain officers with reprimands and loss of seniority while dismissing others through a much
more public promulgation process. Although the type of man sentenced to dismissal defied a neatly predictable pattern, a large proportion comprised officers deemed to have exhibited asocial or anti-social character traits—the type of men who did not seem to fit in. In addition to its function for deterrence, the court martial system tended to use dismissal as a way to remove leaders who failed the process of mature male socialization and proved unwilling to integrate within a regimental culture. Military authorities and medical professionals believed that while unstable and abnormal officers were more prone to delinquency, through their social failings, eccentricities or impudence, their behaviour did not always rise to the level of offences punishable by courts martial. The Canadian Army and RCAF therefore adopted administrative strategies to reassign or remove unsuitable officers through the creation of survey and classification boards in Canada and England. The boards considered all manner of cases from over-age and incapacity, to adverse reports and undesirability. Depending on the judgment of board members certain deserving officers received another chance to make good in the infantry while other misfit personnel were encouraged to resign their commissions or compelled to retire.

Whether through judicial punishment or administrative reclassification, depriving an officer of a commission had significant personal, social and economic ramifications. In a military culture that placed a special emphasis on morality, good conduct and normal temperament, dismissal and denigration implied a significant threat to an ex-officer’s manhood. The loss of military status combined with financial distress only added to the potential disruption on an ex-officer’s domestic situation. In the context of the Second World War, service in uniform confirmed an officer’s duty to fulfill the rights of citizenship. This duty in turn entailed a significant responsibility on the part of the Canadian government to invest in social support and

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3 In some cases, authorities advised against publishing lighter sentences because it created a perception of leniency which would be detrimental to discipline and deterrence. For example see, reel T-21826, file 11-J-22820

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veteran rehabilitation. Demobilizing Canadian veterans could look forward to much greater financial benefits and support than their First World War counterparts. More expansive government rehabilitation programs, however, meant that former soldiers and officers with dishonourable records had that much more to lose and, therefore faced an even greater sense of exclusion though the forfeiture of benefits.

Policy makers justified the denial of financial support by claiming that a dishonourably released service member “seldom makes a good citizen.” Rehabilitation benefits were supposed to aid veterans to support themselves and contribute to creating a more prosperous and industrious Canada in the postwar period. Veterans who had rendered good service and secured victory on the battlefield would become valued citizens and future civic leaders. In this sense, the link between good veterans and good citizens was separate from a distinct notion of national citizenship which would not be officially enacted in Canada until 1947. By evoking the language of citizenship, politicians and generals instead referred to promoting the desired qualities of decency and industry in this esteemed generation of male Canadians. Misconduct and crimes which warranted dismissal whether at home, in England or in the field, meant that ex-officers were not necessarily seen as the type of veteran who either deserved or would benefit from civil re-establishment. After claiming to fight a war to uphold the liberal principles of equality and justice, politicians nevertheless found total denial of benefits a particularly difficult policy to implement. As this chapter argues, loss of a commission—through retirement, removal,

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dismissal or cashiering—assumed more exclusionary and disgraceful implications as ex-officers were not only “de-officered” but also potentially “de-citizened.”

**Defining Officer Material**

By summer 1942, the Canadian Army and RCAF increasingly followed the British precedent of relying on the methods and models of social science and sociology to decide whether a man constituted “officer material.” Drawing on a range of metrics including psychological theories developed in the 1930s, testing designed to reveal personality type, and assumptions about intelligence and education, the Canadian personnel selection system identified those would-be officers with the potential for leadership and “man management.”

The introduction of the Canadian Army’s PULHEMS system in 1943 encapsulated the emphasis on a scientific classification method that ranked the fitness of officers and men by a seven-digit number representing different aspects of physical well-being and psychological stability. While these tests seemingly set a universal standard upon which to evaluate all candidates regardless of socioeconomic background, the system of commissioning officers tended to privilege education and therefore favoured men with a university or college degree. Formal education indicated that an officer possessed the skills and aptitude for learning, essential for developing the leadership qualities and technical proficiency required within a complex, modern military organization.

As Brock Chisholm had outlined early in the war, an ideal officer embodied normal, healthy masculinity in all areas of life from his private conduct to his sexual knowledge to his

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domestic affairs. According to prevailing psychological theories of normality, antisocial and to some extent asocial personalities signified a failure of correct socialization which made a man more prone to irresponsible behaviour and delinquency, and, therefore wholly unsuited for a leadership role. A sentence of cashiering or dismissal did not imply that every officer expelled by court martial had been denounced as abnormal or psychotic, but military and medical authorities attempted to attribute misconduct to some type of defective personality trait. A lieutenant dismissed for an illegal two-day absence, for example, did not show, “the normal or expected behaviour of an officer,” and a medical board declared him, “an inadequate psychopath and unfitted for the responsibilities of an officer.” In the case of another lieutenant dismissed for bad cheques, the court recommended leniency due to the accused’s “hysterical amnesia,” but added a desire “to place itself on the record in thinking that no one who is liable to a recurring neurological condition should hold His Majesty’s commission without being medically re-boarded.”

When identifying suitable candidates, personnel selection officers looked for men who exhibited a temperate disposition. They were reserved but not shy; assertive but not arrogant; aggressive but not reckless. Falling on the wrong side of this spectrum between normal and abnormal marked an officer as a target for social exclusion and potential removal. Discovery of negative character traits during the selection process disqualified some candidates from consideration while in other cases an officer’s apparent “defective personality” only revealed itself after serious misconduct. When deciding the sort of man unworthy of a commission,

12 GCM of Lt. Savoy, reel T-15744, file 55-S-744.
13 GCM of Lt. Manson, reel T-15681, file 55-M-505.
14 Hayes, Crerar’s Lieutenants, 9
selection officers, military administrators, medical doctors and court martial members focused on rejecting abnormal, insecure and selfish types. Tracing the unfortunate experiences of two officers from commissioning to dismissal pointed to the imperfections in any selection system that claimed to separate true, upstanding leaders from unbalanced, abnormal personalities.

Harold Joseph Hall, a 36-year old American-born General Motors office manager with technical expertise and an interest in sports seemed to be an ideal candidate particularly for administrative work. Canadian Army examiners called him “rather outstanding,” “very exacting” and a “very superior man.” Despite being slightly above age, Hall received a recommendation to attend OCTU, where he graduated near the top of his class and earned a commission in November 1942. The school commandant remarked, “This cadet is a man of wide experience, who has had previous military training and who is capable of making his own decisions, and showing [full] leadership. He is inclined to be shy but definitely has ability to talk on a variety of subjects which should prove a useful asset in view of his future employment. He has definitely displayed good common sense and intelligence.” Despite high praise and good grades, Hall felt the strain from studying for pre-OCTU exams and undergoing the selection process. As he later stated, the intense six-week course combined with subsequent administrative duties “about shattered my nerves.” Shortly after being commissioned, his life quickly spiralled. Threatened with blackmail from American soldiers who knew his shady past, Hall went AWOL from December 1943 until his arrest three months later. In the interim, he stole regimental funds, contemplated suicide, spent freely, seduced women and passed worthless cheques all over England and Wales. In February 1943, a civil court in Cardiff sentenced him to three years penal
servitude. After early release in April 1944, Hall was then court martialled and sentenced to be cashiered plus another year imprisonment.\textsuperscript{15}

The neuropsychiatrist who examined Hall prior to his court martial found, “His whole life and conduct in the army is that of a very unstable person with a defective personality. He falls into the group of psychopathic cases. He, in my opinion, was not officer material and I do not think he is capable of settling down to a steady existence.”\textsuperscript{16} An officer who had showed so much promise at OCTU a year and a half earlier actually turned out to be a fugitive impostor wanted by the FBI for grand larceny, fraud, assault and other felonies in the United States. While Hall perhaps represented the most egregious example of misjudgment in the officer selection process, psychological screening and training schemes did identify real potential in many individuals and produced numerous good junior officers.\textsuperscript{17} At the same time, the misadventure with Hall pointed to how pseudo-scientific beliefs about personality testing and the biased assumptions on the part of examiners and instructors influenced opinions about what constituted good officer material. In one context a potential candidate might appear a vigorous and qualified leader but when viewed in another light he might be judged as wholly objectionable.

In April 1943, personnel selection officers praised Corporal Warren Dean Haley, a 21-year old student, as a model of Canadian manhood. “[S]till boyish in appearance and manner,” Haley played all the “rough sports” and had been quarterback for his high school football team. An army examiner enthused, “He is the picture of health, and wears his battle dress with pride and jauntness of a smart soldier in a smart unit ... Here would seem to be a lad with plenty of spirit, not to mention temper—the ‘spark plug’ on any team or in any squad ... He looks like good

\textsuperscript{15} GCM of Lt. H.J. Hall, reel T-15641, file 55-H-571. Hall was deported from Canada to the United States in Jan 1945, after which he once again became a fugitive. Personnel File of Lt. Hall, 602-8-904.
\textsuperscript{16} GCM of Lt. H.J. Hall, reel T-15641, file 55-H-571.
\textsuperscript{17} French, \textit{Raising Churchill’s Army}, 74-75; Hayes, \textit{Crerar’s Lieutenants}, 106, 227. Over 1600 Canadian Army officers died overseas; the vast majority from combat related death.
Following commissioning in September 1943, Haley’s army service failed his expectations as he was confined to training duties. Temperate heroism called on this type of young officer to channel baser emotional instincts and desires in order to achieve mature adulthood. Those who resisted this course of socialization could not be expected to perform well as leaders of men. Soon to be court martialed for disobedience, AWOL and stealing, in April 1945, Lieutenant Haley appeared before a psychiatric exam at Basingstoke. The doctor found “[n]o gross neurosis, no psychosis, no mental defect, no psychotic personality,” but thought his patient emotionally and temperamentally unstable. As the psychiatric study encapsulated the idealized social qualities expected of every good officer and revealed underlying assumptions about the acceptable behaviour of other ranks, the conclusions about Haley are quoted in detail:

The temperament, character & personality of this officer is however unusual. Not enough to constitute a disability preventing him from fighting in full combat, but a very strong factor in impelling him under emotional stress, to reckless & impulsive judgments & conduct ... is emotionally immature in a way that is quite suitable for service in the ranks but is a great handicap in serving as an officer. He is naturally aggressive & has never developed emotional control to curb his impulses when frustrated. He has also reached no stage of mature adult realization & acceptance of social responsibilities. He remains at the mercy of his feelings, brooks frustration with anger, tension & reckless conduct in the way a child does & has not enough understanding & temperamental control to maintain a self-discipline necessary for an officer.19

In certain circumstances, boyish aggression and a degree of unruliness were expected of a normal soldier, particularly one eager for combat. Authorities however judged that similar impulsiveness and unbridled enthusiasm only handicapped an officer. As the psychiatric report found Haley able to distinguish right from wrong despite his “minor abnormalities,” he proceeded to the court martial, which sentenced him to be dismissed from the service.20

18 Personnel File of Lt. W.D. Haley, 602-8-1006.
Superiors and fellow officers also claimed to detect abnormality in more subtle ways beyond psychopathic diagnoses or gross misconduct. Eccentricities, nervousness or social awkwardness were of course not offences against the Army or Air Force Acts but an inability to fit within a unit could contribute to errors in judgement that might culminate in actual or perceived delinquency. More occupied with hobbies of photography and model trains, Lieutenant Boulton explained his difficulties getting along with fellow officers in his service corps company: “I don’t drink or smoke, but I read a good deal and I imagine my brother officers imagine I am a bit of a prig ... They had friends and places to go and they didn’t ask me ... therefore I didn’t ask or invite myself.” Due to his quiet disposition and technical inclination Boulton had only attended the fateful dinner at the Locker-Lampson estate with reluctance and had confided his impolitic ideas to the few lower ranks he associated with in his workshop. At the ensuing court martial his defence counsel found few officers who even knew Boulton well enough to act as character witnesses.\footnote{GCM of Lt. E.G.A. Boulton. reel T-15554, file 55-B-270.} Solitary officers who did not enjoy meals with others in the mess, did not mix well with comrades and lacked conversational ability not only failed to engender a friendly rapport with fellow officers; an aloof demeanor and peculiar nature further marked a man as ill-suited to meet the social responsibilities and leadership capacity integral to a commissioned rank.\footnote{Examples of abnormalities include, reel T-15583, 55-C-547 (over aggression); reel T-15649, file 55-J-105 (shy); reel T- 15652, file 55-J-387 (alcoholic); reel T-15690, file 55-M-1251 (depressed); reel T-15747, file 55-S-1054 (sexual fixation); reel-15631, file 55-G-1136 (psychopathic); reel T-21799, file 11-C-86571 (predisposed psychotic).}

Cultural differences created more problems with integrating into a unit. By the Second World War, the Canadian Army accommodated the language and religious needs of French Canadian officers to a greater degree than in the first war yet systemic prejudice persisted. The defence department responded to grievances that francophone senior officers were
underrepresented in staff positions to ensure equal treatment and promotions.\textsuperscript{23} Many individual francophone officers, however, still encountered difficulties adjusting to mostly English-speaking units. Lieutenant J.A.R. Dionne of the Royal Canadian Artillery received a commission at the very young age of nineteen but his quick advancement left him ignorant of proper manners and social conduct. Two months after a commuted dismissal sentence for a drunken disturbance in November 1943, an Anglophone battery commander called him a “disgrace to the uniform” and added he “should be shot.” Dionne took the criticism to heart; he shot himself with his own revolver, but survived. Dionne was found not guilty of attempted suicide but dismissed for self-inflicted wounding among other offences.\textsuperscript{24} The Second World War court martial record suggests that French Canadians represented a disproportionate number of the army officers sentenced to dismissal or cashing. At least 15 percent convicted in an overseas theatre had francophone names but nearly half of the officers dismissed in Canada were French Canadian.\textsuperscript{25}

Whether due to psychotic personality, asocial behaviour or cultural difference, army examiners and psychologists often attributed failure to exhibit strong leadership qualities to an overall inferiority complex. According to the standard analysis, wavering officers undermined their own authority through an unwillingness or inability to overcome basic insecurity which usually indicated social immaturity. A self-centred officer more concerned with his own perceived shortcomings, yet who was also reluctant to correct inadequacies, could not be expected to prioritize the welfare of his men. Such an officer refused to take responsibility by attributing an internal sense of inferiority to the alleged external persecution or discrimination.


\textsuperscript{24} GCM of Lt. Dionne, reel T-15601, file 55-D-628.

\textsuperscript{25} Contemporary political commentators in Quebec protested perceived persecution. In December 1942, five officers with the RCAMC in Quebec were charged with accepting bribes to exempt soldiers from military service. One of the accused, Captain Pierre Gauthier, Liberal MP for Portneuf, denounced the public court martial as a slander against all French Canadian officers. House of Commons. \textit{Debates}, 19th Parli., 4th Sess., vol. 1 (18 Feb 1943), 543-545. Following his acquittal, Gauthier joined the anti-conscriptionist party Bloc populaire.
from superiors. As the act of misconducting oneself represented one of the worst forms of selfishness, commanding officers in the United Kingdom were prepared to confirm dismissal sentences against those not expected to succeed once deployed in an active combat situation. When a court martial passed a dismissal sentence, the severe judgement left an unmistakeable impression that the convicted officer was unsuited, underserving, and unwanted.

**Promulgation and Disposal**

As in the last war, Canadian Military Headquarters (CMHQ) in London confronted an awkward problem over what to do with its ex-officers once they had been deprived of their commissions and removed from the service overseas. Following confirmation and promulgation of either cashiering or dismissal sentences the man ceased to be subject to military authority as a civilian. In the First World War, the Overseas Ministry had attempted to induce ex-officers to depart England with an offer of free first-class transportation home. Some who had refused became destitute burdens on the state. Believing that the British government would object to any policy that might permit Canadian ex-officers to remain in England as unsupervised civilians, CMHQ attempted to implement a more expedient method of disposal in early 1941. Following confirmation of the court’s sentence, an ex-officer was ordered to No. 1 Non-Effective Transit Depot [NETD] without being informed of the verdict. Still unaware of result of the trial, ex-officers had the option to either return to Canada as a civilian or to re-enlist if found medically fit. Official promulgation of the sentence would not occur until after an ex-officer disembarked in Canada. Deputy judge advocate general, Brigadier P.J. Montague pointed out several obvious problems with the “awkward, roundabout method” including the reluctance of anyone to re-enlist

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26 On rationale for removal of officers, see Brig. Kennedy to Adjutant-General, 24 Dec 1942. RG 24-C-1, reel C-5137, file 8151-5; Stuart, “Efficiency of Command,” 19 Feb 1944. MG 30, E520.
until he knew definitively that he had actually been dismissed.\textsuperscript{28} Postponing notification until the officer returned to Canada also undermined the effectiveness of formal promulgation in the United Kingdom from the perspective of enforcing discipline and deterrence overseas.

On 18 August 1943, Order-in-Council P.C. 60/6567 authorized military power to be exercised over men cashiered and dismissed overseas notwithstanding their civilian status. To centralize the procedure as well as to control the movements of men deprived of their commissions, promulgation of the sentence was carried out at NETD, where ex-officers received the equivalent quarters and rations of an ordinary soldier. If entirely without funds, the ex-officer received $35 to purchase civilian clothes. Though assigned pay continued to dependants at the same rate, the ex-officer drew only a $1 daily allowance. If he refused re-enlistment, the ex-officer returned to Canada at the public expense while still subject to military law.\textsuperscript{29} After several dismissed ex-officers were arrested by English police around NETD on suspicion of being deserters, Montague remarked, “Unfortunately it is not always possible to return the officer to Canada immediately ... If during that waiting period such ex-officer conducts himself in such fashion as to require action by the Civil police, then he has only himself to blame for any resulting inconvenience to him.”\textsuperscript{30} The provost marshal prioritized tracing fugitive ex-officers before they could further embarrass the service.

NETD served as a holding unit for an assorted collection of Canadian servicemen ranging from soldiers labelled medically or psychologically unfit, to misfits and incorrigibles awaiting discharge, to court martialed ex-officers. This unique community of unwanted persons created a tense and depressing atmosphere around the unit’s location at Tweedsmuir Camp in Thursley, Surrey. According to Canadian veteran Donald Pearce, “[NETD] strictly speaking, does not exist

\textsuperscript{28} P.J. Montague to Secretary, DND, 19 Oct 1942. RG 24, vol. 10000, 9/Dis/1.
\textsuperscript{29} “Confidential Instructions: Officers Cashiered or Dismissed,” 9 Sept 1943. RG 24, vol. 10000, 9/Dis/1.
in the establishment of the Canadian Army. It is, so to speak, a fantasy camp, whose status is more rumour than fact.”31 Another veteran, Strome Galloway, called it “the purgatory of the Canadian Army overseas.” Galloway recalled the holding area in colourful terms: “People were usually posted to NETD for return to Canada with blots on their escutcheons. Drunks, black marketeers, chronic offenders against military discipline, misfits and crooks made up the main population ... NETD was a cesspool of lost hopes and broken men, a stopping place on the way to perhaps dishonorable discharge, cashiering or, at very least, ‘adjutant-general’s disposal’—an ominous and uncertain fate.”32 It was an unceremonious end to even a temporary wartime military career.

Under the direction of Air Minister Chubby Power, the RCAF opted to both confirm and promulgate all sentences of dismissal and cashiering in Canada. Under Order-in-Council P.C. 6324, RCAF officers stationed overseas including those attached to the RAF were tried and convicted either in England or in theatre but final confirmation in cases of penal servitude, dismissal, cashiering and death depended on the approval of the governor-in-council. If the air minister and governor-general confirmed the sentence, the ex-officer preceded back to Canada under close arrest for formal promulgation at Rockcliffe Station, ON or other RCAF depot.33 The more cumbersome method frequently resulted in lengthy delays of several months to complete the entire process. Even some ex-officers sentenced in Canada felt abandoned and claimed financial difficulty while stranded from their home districts. Upon being cashiered from the RCAF in Calgary, Fenwick Job struggled to find a way back across country to his home in Toronto. Although conviction for Section 16 had precluded imprisonment for his alleged rape of an airwoman, ex-Pilot Officer Job expressed a central grievance to the air marshal: “Even

confirmed criminals, upon release from the penitentiary are provided with clothing, funds and train ticket. Is a serviceman, no matter how ignominious his discharge less deserving than that. So it would seem, but I feel sure you will agree that he is entitled to the same consideration at the very least.”

As the final authority on sentences passed against officers convicted in Canada, the governor-in-council reviewed the proceedings in order to either confirm or commute. Canadian Army and RCAF general courts martial convened at home followed the traditional promulgation method of parading the convicted man before assembled fellow officers in order to make the formal announcement. Lieutenant Maurice Duclos, cashiered and imprisoned for gross indecency in Quebec in July 1944, described the humiliating ceremony which followed official confirmation: “Then came the promulgation where they removed my buttons, my pips that I earned without any pretention but by reason of work, my honour and that of my family was soiled for always and furthermore I have to live the balance of my life in an unenviable position which has been and it will be the object of many nightmares.” The scene could inspire as much terror and distress in observers as it did in the convicted ex-officer. One RCAF pilot recalled witnessing the similar ritual degradation of an unnamed flying officer while stationed at Dartmouth, NS: “They tore off his wings, his medals, the F/O ribbon on his jacket and he was kicked out of the RCAF. I was terrified. All the other guys were mad that they had to do that. Why not just let him go?” The threat of public humiliation served as a clear warning to any officer who might contemplate irresponsible or criminal actions.

For officers who had studied for qualifying exams, endured intensive interviews and been subject to physical and psychological screening, the thought of being deprived of a commission

34 Personnel File of P/O E.F. Job, J-27895.
36 Quoted in Jackson, One of the Boys, 86.
implied a terrible sense of rejection. In a letter to his wife, Captain David Hazzard of the Queen's Own Rifles described in stark terms and meticulous detail the unfortunate fate that awaited men dismissed by general court martial in England:

We’ve found a way to get out of the army, although not a pleasant one. There were three officers, ex-I should say, offering equipment for sale yesterday and today. They have been dismissed for overdrawing their bank accounts ... And the army takes a very poor view of anyone who issues an N.S.F. cheque. In fact they are so vexed that the culprit is court-martialed and cashiered. He is then shipped to Canada and given $35.00 to buy clothing. In the meantime, he cannot wear uniform or draw any pay, so these three are selling their equipment for a bit of spare cash.

Someone wisecracked that it was an easy way of getting out, and the chap who was selling the stuff said it wasn’t worth it. I guess not as he didn’t look very happy about it, and I felt sorry for him. He’ll be practically ostracized by his friends as these things are general knowledge. In fact, they are published in the Canada Gazette. I imagine that anyone fired in this way might find a job hard to get when he gets home. So I don’t think any of our gang will go that way. Not after going to so much trouble to become an officer.37

Dismissal or Demotion

Compared to lesser alternative punishments, the disgraceful implications of dismissal struck many involved in court proceedings as disproportionate and even counterproductive. A defence counsel hoped to mitigate the sentence against Lieutenant W.D. Haley by pointing out the “terrific jump” in the scale of punishments from severe reprimand and forfeiture of seniority up to dismissal. Arguing that the Canadian government ought to have amended the sentencing options granted to court martial members, the defence counsel asserted, “This [Army] Act was made many years ago when Gentlemen of this higher class only were officer[s] ... and no one else had a chance to be an officer, now we have ordinary people in the Army like myself and Mr. Haley.”38 In contrast to the interwar criticism voiced by traditionalists that dismissal had become too lenient a sentence against “temporary gentlemen,” during the Second World War many came

37 David Hazzard to Audrey Hazzard, 10 Feb 1942 in “Dear Sweetheart: Letters from a Soldier,” Globe and Mail (31 Oct 2008). Hazzard was killed in action in France on 5 July 1944.
to argue that dismissal was in fact too harsh a penalty for ordinary men who had volunteered and worked hard to earn a temporary commission. In 1943 the Canadian adjutant-general and the judge advocate general had reviewed proposals to add a punishment “less severe than dismissal” but more severe “than mere loss of seniority.” Deputy judge advocate general Brigadier Montague observed that from the British perspective, “The latter is a real punishment to the Regular Officer, but it may mean very little to the Territorial Army or temporary officer.” Whereas reprimands and forfeiture could be most detrimental to an officer who planned to make a real career in the army, dismissal by its deeper social stigma (and economic consequences to be discussed later) threatened the livelihood and reputation of any man.\textsuperscript{39}

The United States Army also did not permit reduction of commissioned rank by court martial though General Dwight Eisenhower, GOC of the European Theatre of Operations was empowered to “reduce any officer at any time when it is in the interests of the Service.”\textsuperscript{40} Canadian army and air force leadership considered empowering their courts martial to demote a convicted officer in substantive rank, for instance from major to captain rather than dismiss him entirely. Order-in-Council P.C. 7524 in September 1944 introduced a new punishment to the Air Force Act which permitted reduction to a lower commissioned rank. Citing the desire to maintain a uniform scale of punishment with their British counterparts as well as the unfairness of such a modification late in the war to those already sentenced to be dismissal, the Canadian Army chose not to implement a penalty of demotion. Due to the special nature of holding a commission, a penalty providing for an officer’s reduction to the ranks was summarily rejected barring, “A

\textsuperscript{39} P.J. Montague, “Scale of Punishments—Officers,” 28 May 1943. RG 24-C-1, reel C-5138, file 8151-7; WO 32/11097. Despite dissatisfaction with the gap in the scale of punishments, the British Army Council also rejected reduction in rank as a punishment.

\textsuperscript{40} “Demotions of Officers Policy,” RG 24-C-1, reel C-5138, file 8151-7. American reclassification and efficiency boards could recommend the demotion of underperforming officers through administrative procedures rather than a judicial sentence.
revolutionary legal change in the status of officers generally in relation to other ranks.”
According to the conclusions of CMHQ officials, “The Court-Martial therefore can only consider whether or not the officer is fitted to remain an officer.”

Reclassification: Returned, Retired or Removed

The judicial process provided the clearest method for removing undisciplined and unwanted officers, but the complicated legal process required for trial and successful prosecution led military authorities to adopt essential administrative approaches as well. Brigadier Howard Kennedy, deputy adjutant-general, complained in December 1942, “it is almost impossible to get rid of a useless officer who will not commit a crime serious enough to result in dismissal by court martial.” From Kennedy’s perspective far too many resources were wasted on the problem of unfit officers who stubbornly refused to resign their commissions: “The situation existing might be compared to that of a farmer with a large acreage of varied crops who, to the detriment of these crops, spends a considerable portion of his time and effort endeavouring to improve and salvage the weeds amongst them. I believe his duty should lie in eliminating the weeds and allowing the useful crops to flourish.” The process for actually depriving an officer of a commission whether through legal or administrative procedures still represented a delicate business for all concerned.

Weeding out “misfit” subordinates fell to each commanding officer. After assessing the personal qualities of subordinates, a superior initiated a confidential report on unsuitable or incompetent individuals to be reviewed up the chain of command. When specifically not recommended for further employment or where a position could not be found, the officer returned to Canada for disposal by the adjutant-general. According to war veteran George

41 Senior Officer, CMHQ, 26 May 1943, file 8151-7. RG 24-C-1, reel C-5138, file 8151-7.
42 Brig. Kennedy to Adjutant-General, 24 Dec 1942. RG 24-C-1, reel C-5137, file 8151-5.
Blackburn, “the possibility of an adverse report that could send you packing ... labelled ‘unsuitable officer material,’ is a nerve-racking experience you never expected could happen to you ... Surely you will come to be seen as a regimental joke, someone not worthy of commanding troops.” In December 1941, superiors in the Royal Canadian Artillery reported that Major R.D. Bright “has shown himself unfit to command his battery. He has set a bad example to his junior officers and n.c.o’s, has an ungovernable temper and resents criticism and advice. These traits are increased by his intemperate habits.” One month earlier Bright had been severely reprimanded by court martial for drunkenness and vulgar insults to English ladies. After being struck off strength to Canada, Bright presented his case to Brigadier Kennedy. Despite his desire to cull the weeds, Kennedy was impressed that the former major, “is no way cowed or intimidated and is prepared to battle to the finish.” Bright was reappointed at the rank of captain but was killed in action in Italy on 13 September 1944.

Seeking to clarify the various definitions for reversion, resignation, retirement and removal, Judge Advocate General R.J. Orde supported, a “more precise, explicit and comprehensive” formula for the disposal of officers from the Canadian Army. Revisions to the King’s Regulations and Orders for the Canadian Militia, finalized in 1943, outlined a three-tier administrative procedure for removing unsuitable or unfit officers under Paragraph 267:

267(a) removal for misconduct or manifest inefficiency
267(c)(i) returned to reserve status but retain commissioned rank
267(c)(ii) retired from the army, and unless otherwise specified, did not retain commissioned rank.

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43 George Blackburn, Where the Hell are the Guns? A Soldier’s View of the Anxious Years, 1939-44 (Toronto: McClelland and Stewart, 1997), 332.
44 GCM of Maj. R.D. Bright, reel T-15554, file 55-B-436.
45 R.J. Orde to Director of Personnel Services, 25 Oct 1942. RG 24-C-1, reel C-5137, file 8151-5.
46 267(b) specified that “The effect of such removal under sub-paragraph (a) shall be that the officer shall cease to hold His Majesty’s Commission.”
Whereas 267(a) signified the removal of an officer for disciplinary reasons, usually following an adverse report, militia regulations specified that 267(c)(i) and (ii) “shall not imply any dishonourable or improper conduct on his part.”\(^{47}\) When deciding whether to try an officer by court martial or dispose of his services through 267(a), one district commanding officer noted that “removal on the ground of misconduct would appear to have almost the effect as dismissal.”\(^{48}\) From the perspective of discipline and deterrence, actual court martial proceedings served to punish serious crimes against the Army Act. Removal by 267(a) occurred where specific charges could not be corroborated, where the deterrence effect of an actual trial was not required, where publicity was not wanted or where the potential of a lesser sentence was not desirable. Between 1943 and 1944, there were as many army officers administratively removed overseas under 267(a) as there were officers dismissed by court martial. The various reasons for return listed in Fig. 6-1 approximate the degree of dishonour in descending severity from the most disgraceful of cashiering by court martial to the least of medical unfitness.\(^{49}\)

**Fig. 6-1: Retirement or Removal of Army Officers overseas, 1943 to 1944**\(^{50}\)

<table>
<thead>
<tr>
<th>Cause</th>
<th>1943</th>
<th>1944</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cashiered</td>
<td>2</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Dismissed</td>
<td>35</td>
<td>29</td>
<td>64</td>
</tr>
<tr>
<td>Removed by 267(a)</td>
<td>33</td>
<td>35</td>
<td>68</td>
</tr>
<tr>
<td>Retired by 267(c)(ii)</td>
<td>172</td>
<td>263</td>
<td>435</td>
</tr>
<tr>
<td>Returned to Reserve Status, 267(c)(i)</td>
<td>109</td>
<td>371</td>
<td>480</td>
</tr>
<tr>
<td>Voluntary Resignation</td>
<td>161</td>
<td>330</td>
<td>491</td>
</tr>
<tr>
<td>Voluntary Return to Reserve Status</td>
<td>195</td>
<td>780</td>
<td>975</td>
</tr>
<tr>
<td>Overage Retirement</td>
<td>140</td>
<td>111</td>
<td>251</td>
</tr>
<tr>
<td>Retirement Leave</td>
<td>46</td>
<td>46</td>
<td>92</td>
</tr>
<tr>
<td>Retired Medically Unfit</td>
<td>253</td>
<td>1,290</td>
<td>1,543</td>
</tr>
<tr>
<td>Totals</td>
<td>1,100</td>
<td>3,270</td>
<td>4,370</td>
</tr>
</tbody>
</table>

\(^{47}\) RG 24-C-1, reel C-5137, file 8151-5. Disposal of unsuitable officers.  
\(^{50}\) “Functions of the Officers’ Survey and Classification Boards,” RG 24, vol. 10000, 9/Dis/1.
Canada’s role in the Allied strategy shifted following the invasion of Italy in summer 1943 from a static defensive presence in England to an active offensive campaign. With hundreds of officers continuing to be commissioned and thousands still stationed in Canada, National Defence Headquarters (NDHQ) aimed to reduce the number of men deemed surplus, over-age or otherwise unsuitable. To ensure most officers would be fit reinforcements to send overseas for active service in the field, NDHQ established five Officer Survey and Classification Boards (OSCBs) in Canada in October 1943 (and a sixth in January 1944). At a conference discussing the formation of the boards, the chairman Brigadier R.E.G. Roome addressed fellow senior officers in order “to disabuse your minds of any idea that this is a ‘head-chopping’ business. The members of the teams or Boards as they will be called, may be termed ‘surveyors’ or ‘classifiers,’ but not executioners, for the primary duty is that of making the Canadian Army into a more efficient Army.”51 To avoid the appearance of an individual being paraded before judgemental senior officers, Roome emphasized that the interviews would be conducted in an informal, constructive atmosphere. Frankness and tact combined with good salesmanship on the part of board members served to convince many surplus officers of the logic and necessity to voluntarily resign their commissions. As listed in Fig. 6-2, between October 1943 and November 1944, the boards interviewed 6,775 officers of which one-sixth were recommended for removal or resignation.

Fig. 6-2: Officer Survey and Classification Boards in Canada, Oct 1943 to Nov 1944

<table>
<thead>
<tr>
<th>Cause</th>
<th># of officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retain present employment</td>
<td>4,258</td>
</tr>
<tr>
<td>Suitable for further employment</td>
<td>582</td>
</tr>
<tr>
<td>Reclassified for other employment</td>
<td>712</td>
</tr>
<tr>
<td>Recommend for transfer to another Branch</td>
<td>99</td>
</tr>
</tbody>
</table>

The United States Army had earlier established a similar administrative procedure overseas though the European Theater of Operations Reclassification Boards, which reassigned, demoted or discharged over 2,300 American officers between 1943 and 1945.\(^\text{52}\) As the campaigns in Italy and Northwest Europe intensified through summer and fall 1944 the First Canadian Army also witnessed mounting numbers of officers rendered unfit or unemployable in a combat theatre. Seeking to retain only reinforcements fit for active service and to reduce the number of “inadequates” reluctant to return to Canada, assistant adjutant-general, Lieutenant Colonel F.J. Fleury, stated in August 1944, “At this stage of the war therefore it seems to me uneconomical to continue to extend ourselves in trying to salvage this type of officer.”\(^\text{53}\) Monitoring the apparent success of the survey boards to cut inefficiency and wastage at home and in the US Army, CMHQ decided to establish two OSCBs in England in fall 1944. By the end of the war, the boards had interviewed over 1,100 Canadian officers from the rank of lieutenant to lieutenant colonel, of which nearly one-third were recommended for removal or retirement. In cases of men who showed manifest failure the boards advised that unwilling or unmotivated officers be stripped of their commissions.\(^\text{54}\)

<table>
<thead>
<tr>
<th>Permitted to resign commission</th>
<th>59</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted to return to reserve status on own request</td>
<td>202</td>
</tr>
<tr>
<td>Permitted to return to reserve status/civilian employment</td>
<td>11</td>
</tr>
<tr>
<td>267(a) Removed for disciplinary reasons</td>
<td>20</td>
</tr>
<tr>
<td>267 (c)(ii) Retired without Rank</td>
<td>490</td>
</tr>
<tr>
<td>267 (c)(i) Return to reserve status</td>
<td>342</td>
</tr>
<tr>
<td><strong>Total Interviewed</strong></td>
<td><strong>6,775</strong></td>
</tr>
<tr>
<td><strong>Total Recommended for Removal</strong></td>
<td><strong>1,124</strong></td>
</tr>
</tbody>
</table>

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\(^\text{54}\) Final decisions on the disposal of the officers still depended on CMHQ though officials tended to follow the recommendations of the boards.
According to official guidelines, unlike removal under 267(a), retiring without rank under 267(c)(ii) implied no dishonour or misbehaviour on the part of the officer concerned. In practice forced retirement could still resemble a form of administrative cashiering. Between January and March 1945 the two boards in England recommended the retirement of 69 Canadian officers under 267(c)(ii) but specifically advised precautionary measures be taken to ensure nearly one-fifth could never again hold a commission should they re-enlist or be conscripted. When Captain S.R. Lambert, a 23-year old clerk with prewar service in the militia, appeared before the board on 25 January 1945, he “gave the impression of a beaten man.” The board concluded, “He shows little force of character and although his early military history gave promise that he might develop as useful Jr. Offr, he failed to stand up in battle and admits that he has completely lost confidence in his own ability to comd and has not the intestinal fortitude to again face fire. Not prepared to resign his commission and enlist in the ranks ... and doubtful if such a course of action would be advisable.” Finding he would never be of any value to the army as “a fighting

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55 RG 24, vol. 17497, OSCB I and II.
man,“ the board recommended Lambert be retired under 267(c)(ii), and further urged, “Never should he, under any circumstances, ever again be considered for commissioned rank.” That the board felt it necessary to mention such a restriction in several cases revealed the potential stigma and contempt implicit in forced retirement.57

Very few disciplinary cases in the form of 267(a) passed before boards either overseas or in Canada. Most officers suspected of misconduct or incompetence could expect to be dealt with by a CO’s confidential adverse report if not by the more public means of court martial.58 The OSCBs reserved a recommendation for outright removal in the most contemptible examples of “selfish and egotistical” officers who appeared intent on evading combat duty. Due in part to systemic prejudice and the language barrier, French Canadian officers were disproportionately targeted with this form of administrative removal. An interview with a 24-year old captain who had apparently used “every known subterfuge to keep himself as far away from action as possible” indicated the board’s hostility toward unwilling officers: “The attitude of this young and healthy Offr is completely incomprehensible to the board, but it is clear that he lacks courage.”59 After interviewing Lieutenant A.M. Cloutier, a 22-year old medical student who had welcomed an adverse report to get him out of the army and back to his studies, the examiners reported, “Never in the experience of this Board has an officer, so thoroughly lacking in any of the essentials required for commissioned rank, or even the fundamental qualities of a good citizen, appeared before it.”60 The notion that an officer would not only openly disclose refusal to fight but aggressively seek an escape from the service ran so counter to the expectations of

57 Examples include, OSCB, vol. 8, Case No. 513 (lost nerve). No. 476 ( unmotivated); No. 476 (lacks self-confidence).
59 OSCB, Case No. 251, Capt. J.R. Morency.
60 OSCB, Case No. 500, Lt. A.M. Cloutier, 24 Jan 1945.
martial honour and shame that the board felt unable to impose an appropriate punishment beyond discharge for misconduct.

**Conscription and Re-Enlistment**

Feeling that too many officers got off easy with adverse reports and a transfer away from the battle zone, General E.L.M. Burns speculated in May 1944, “It might be more just if any officer so found unfit were stripped of his commission and obliged to serve in the ranks in this theatre. If standards are strict for men, they must be more than strict for officers. But present regs do not permit this.” A hierarchical system that did not allow an army officer to be demoted in substantive rank as a punishment also precluded any possibility for automatic reduction to the ordinary ranks. The German Wehrmacht and the Soviet Red Army meanwhile drafted hundreds of their disgraced officers into penal battalions (*Strafbataillon* and *Shtrafbat* respectively) often tasked with carrying out dangerous operations on the Eastern Front.61 Within the Canadian forces, superiors and soldiers alike resented the ability of underperforming officers to abuse the rights granted by holding a commission in order to avoid fulfilling the vital responsibilities as a combat leader. Once deprived of a commission by either legal or administrative means, an ex-officer’s war service was not necessarily finished. As in the last war, the British government’s policy of conscription covered army and RAF personnel sentenced by court martial. To avoid “the appearance of reduction to the ranks,” the British did not typically subject ex-officers to immediate recall following promulgation of the sentences. By 1943, only those ex-officers dismissed and cashiered during the early phase of the war were beginning to be called up for

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conscription.\textsuperscript{62} As Canadian ex-officers became civilians upon promulgation, especially late in the war, they too could be liable to some form compulsory war service under the National Resources Mobilization Act (NRMA). In January 1943, the vice adjutant-general suggested that recall, “would be a very good lesson to young Officers ... if they lose their commissions.”\textsuperscript{63}

Enacted by Canadian Parliament on 21 June 1940, the NRMA provided the federal government with extensive authority to allocate manpower resources in an attempt to organize the most efficient war effort possible. As a compromise on the contentious issue of conscription, which had divided the nation in the last war, the Act stipulated that those called up for military training would be employed for home defence only. With limited success generals and commanding officers encouraged NRMA men to “go active” and volunteer for overseas service. Among overseas troops, conscripts who declined this choice and stayed in the reserve army were often stigmatized as “zombies.” The 1942 national plebiscite on conscription released Prime Minister King from his pledge to not send conscripts overseas but political action on the issue did not become urgent until late 1944. With II Canadian Corps suffering manpower shortages from heavy casualties sustained in Northwest Europe, field commanders pressed for more NRMA men to be utilized as reinforcements. In November 1944, the government ordered a one-time levy of 16,000 conscripts for overseas service.\textsuperscript{64} Just as many fighting men denounced “zombie” conscripts as cowards for not fighting, officers who remained overseas but refused to share the danger of battle were seen as little better, or perhaps even worse.

At the same time that military leaders sought to enlist every available man for overseas service, the OSCBs in England routinely recommended sending unmotivated officers back to

\textsuperscript{62} LCO 53/30, Conscription of Dismissed & Cashiered Officers.
\textsuperscript{63} Reel T-15555, file 55-B-462. Call-up of former officers by military district. “Disposition of Officers,” 10 Mar 1944. RG 24-C-1, reel C-5137, file 8151. FD.15.
\textsuperscript{64} Daniel Byers, \textit{Zombie Army: The Canadian Army and Conscription in the Second World War} (Vancouver: UBC Press, 2016), 204.
Canada. Through September and October 1944, the boards routinely advised that unsuited officers be returned to reserve status and retain their rank according to 267(c)(i) in part to ensure that they would “not be eligible for call under the NRMA.” With compulsory service becoming an unavoidable political issue by November, NDHQ determined that otherwise eligible and physically fit officers ought to not even retain a commission in the reserves. While Colonel Fleury assured OSCB members that most retired officers who had served overseas honourably would “not normally be subject to recall,” men whose services had been terminated by misconduct or inefficiency could be liable to compulsion under the NRMA. Of 132 officers removed or retired by either 267(a) or 267(c)(ii) between November 1944 and March 1945, the boards recommended that 37 percent be conscripted under the NRMA; in only 2 percent of cases did the board explicitly advise against recall.

Possible recall by NRMA served as a punishment against officers deemed to have shirked their duties as well as a warning to any who might seek to quit. After interviewing a 25-old platoon commander, the OSCB recorded, “Despite his excellent physical stature, he is more interested in looking after men than killing them which is rather borne out by [sic] the fact that he originally joined the RCAMC.” Concluding that this lieutenant lacked “moral stamina” and was “definitely not a leader of men” the board recommended conscription with no possibility of ever being recommissioned “as a matter of principle.” When the board documented whether an officer would consider resigning his commission in order to voluntarily re-enlist in the ranks, over 90 percent refused. Some cited financial and family concerns as preventing them from accepting a private’s pay. Feeling disillusioned or persecuted, others rejected any obligation to revert to the ranks. Among the officers who appeared before the OSCB, very few agreed to

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65 OSCB, Case No. 18, Lt. J.E.R. Beauline, 18 Sept 1944.
66 Officers under the age of 38 who were either single or married after July 1941 were liable to NRMA.
resign their commissions in order to re-enlist but the small fraction who did accepted a perilous form of redemption. The OSCB had found 26-year old Lieutenant K.D. Grainger too much of “a rugged individualist” to be a suitable leader but he promised on “his solemn word of honour” to serve in the ranks. Private Grainger was killed in action in Holland two months later on 1 January 1945.68

Whereas many officers summoned before overseas boards were questioned about re-enlistment prior to forced retirement, ex-officers sentenced to dismissal and cashiering by court martial were given the option to re-enlist after being legally deprived of their commissions. Incomplete records and privacy restrictions on personnel files allow for only a partial picture regarding the extent of re-enlistment in the Second World War. Based on the available sources, several dozen army and air force ex-officers re-enlisted while others were recalled under NRMA. Most usually joined the ranks of the same service branch but others opted for a transfer. Ex-Captain MacAlpine, cashiered for drunkenness in the firing line, remained bitter toward the army but enlisted with the Royal Canadian Navy, “hoping to restore my good name in a new field and on my own merits.”69 Another lieutenant cashiered and sentenced to penal servitude for manslaughter in France volunteered as a private for the Pacific Theatre upon early release from Dartmoor Prison in May 1945.70 According to historical custom, cashiering had precluded future military or civil service but CMHQ officials discovered “there is nothing at all in the Army Act or K.R. [King’s Regulations] to prevent an officer cashiered from re-enlisting.”71 In the context of political pressure for conscription at home and the enactment of a national service policy by the British government, Canadian officials recognized that since a cashiered ex-officer could

68 OSCB, Case No. 126, Lt. K.D. Grainger [Oct 1944].
theoretically be subject to compulsory military service under NRMA there was no reason to forbid voluntary re-enlistment.

The decision to re-enlist in the ranks was not entered into lightly. For the first half of the war as long as Canadian forces remained stationed in England with no imminent prospect for action, re-enlistment seemed to offer few advantages for a court martialed ex-officer. Those who cited boredom and “browned-off” feelings for first inciting their misconduct likely realized that life as an ordinary private in England would offer no more excitement aside from the loss of all the privileges which they had previously enjoyed. Some of those dismissed early in the war nevertheless did endeavour to make any small contribution to the war effort. Newspaper stories pointed to ex-Brigadier G.P.L. Drake-Brockman of the British Army as the perfect example of an unpretentious senior officer who accepted the lowly status as a trooper who willingly assumed whatever menial barracks jobs necessary. To news correspondents, Drake-Brockman’s chance for re-enlistment and swift promotion to the rank of major proved that the Canadian Army rewarded second chances. Adjutant-general H.F.G. Letson endorsed re-enlisting in the ranks as a means for any motivated ex-officer to “re-instate and rehabilitate himself and to afford himself an opportunity of making good.”

During the latter half of the war, with Canadian and Allied forces engaged in heavy fighting in Europe, re-enlistment offered more dramatic opportunities for redemption in battle but also entailed a far greater threat to life and limb. Dismissed for ill-treating a soldier in April 1941, Lieutenant J.W. Fagan re-enlisted upon returning to Canada. Following a year in the ranks and a promotion to corporal, army examiners and the military district commander recommended re-instatement. NDHQ offered to send him overseas in April 1943 “to enable him to regain his

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72 “On Sentry, ‘Drakeman’ One Day Dumbfounded Finds He’s Major Again,” *Toronto Daily Star*, 10 Feb 1942, 3
73 H.F.G. Letson to Military Secretary, 28 Aug 1943, reel T-15584, file 55-C-625.
commission in the same environment that he lost it.” Corporal Fagan was killed by machine gun fire in Italy six months later on 21 October 1943. Despite partial documentation in the available records, a small but notable increase in re-enlistment among ex-officer dismissed overseas occurred during the last six months of 1943, which coincided with the beginning of the active campaign in Sicily and Italy. The prospect of battlefield service may have motivated some ex-officers to join again, but the need for reinforcements in the field also provided military authorities in the United Kingdom with an incentive to either actively encourage or more readily accept re-enlistment. Army authorities also recognized that a man unfit as an officer might still possess the qualities of a valuable soldier. The psychiatric report on Lieutenant Haley for example recommended, “If he were sent in the ranks at once to combat with his old regiment it would do much to straighten out an unfortunate series of catastrophes in this man’s life. He has not the maturity to be an officer and has repeatedly failed at the job. He wants to fight and prove his manhood and his own eyes.” Following his dismissal, Haley re-enlisted in May 1945, though the end of the war in Europe prevented rehabilitation through battle.

Stories of tragic disgrace and heroic redemption in action proved a popular propaganda theme to inspire wartime audiences. The Canadian government embraced this type of redemptive message through its cooperation with the production of Captains of the Clouds, a 1942 Warner Brothers picture designed to showcase the contribution of the British Commonwealth Air Training Plan (BCATP) to American theatre goers, whose nation had just entered the war. James Cagney played a cocky Canadian bush pilot who enlists in the RCAF with ambitions of flying combat missions against the Germans. Denied the opportunity for overseas service due to over-age, he is instead called upon to train younger pilots. His individualistic instincts and

74 Discharge Review Board, Case No. 2953, 22 June 1946. RG 24, vol. 2393, HQ C-139-1-11.
75 Personnel File of Lt. W.D. Haley, 602-8-1006.
76 The RCAF even provided a sample charge sheet and abstract of evidence. RG 24, vol. 3338, file 300-5-1.
egotistic nature prove ill-suited to the responsibilities of a flying instructor. After his reckless low flying seriously injures a trainee pilot, Cagney is court martialed and sentenced to be dismissed—a not infrequent occurrence among actual RCAF and BCATP officers training in Canada. Cagney’s character loses his civilian flying licence and cynically takes to heavy drinking. In the climax of the film Cagney’s character redeems himself when he re-volunteers and saves a convoy of bombers being ferried overseas by fatally crashing into an attacking German fighter plane. Despite some press critics who found that the melodrama imparted “the wrong kinds of heroism,” Captains of the Clouds fit a genre of propaganda entertainment in which a flawed anti-hero overcomes personal failings and selfishness in order to realize the vital importance of self-sacrifice.

The experience of Lieutenant James Franklin Archibald Calder illustrated the real-life human challenges and personal struggles that could ruin a man’s life and career. A 27-year-old newspaper reporter from Saskatoon, Calder had enlisted in the army in March 1940. As he feared that a chronic case of psoriasis would cause embarrassment when disrobing in the barracks in the presence of other soldiers he strove to earn a commission. Having long felt self-conscious about his skin condition, Calder claimed he had “not lead a normal boy’s life” and had never been able to participate in sports. He drank heavily since his teenage years and resumed the habit while stationed in England. Self-exclusion from manly activities and sports added to his insecurity once he assumed a command role as a leader of men. Convinced he was “not wanted anyplace,” a discouraged Calder left his reserve unit in September 1943 and “considered committing suicide as the only honourable step.” Convicted by court martial for an illegal ten-day absence and a £3 dishonoured cheque, Calder addressed the court with professed humility and contrition:

77 RCAF Discharge Returns, 1939 to 1946. R112, box 52, file 181.005 (D1481).
78 The Christian Science Monitor, 16 Apr 1942, 16.
Firstly, if at all possible I should like to resign my commission in the forces and re-enlist in the Canadian Infantry as a private soldier particularly in a unit from the east or west coast of Canada, (where I would not be known to the personnel) remaining overseas to do so ... I have for some time felt that I am unsuited to assume the responsibilities and obligations of commissioned rank, but at first I decided to carry on, anyway, in the hope that I could overcome certain handicaps in my mentality and character. I now feel that these are too much for me at my age, which is 30, although ten years ago I might have overcome my boyhood handicap sufficiently to make a good officer.  

Appealing for mitigation during sentencing Calder further asserted, “I do think that an officer’s responsibilities are too much for my irresponsible personality, but I cannot face the idea of not fighting.” Regarding the chronic psoriasis which had kept him from enlisting in the ranks in the first place, Calder added, “it would be no handicap, and for the first time in life it does not embarrass me.” Being subject to severe military justice with the potential of being stripped of his commission evidently represented an even worse form of humiliation. The court sentenced him to dismissal on 15 October 1943. By his subsequent re-enlistment Calder proved that allusions to personal honour and redemption articulated at the trial were no empty expressions. He served as a private with the PPCLI until being wounded by grenade in Italy. He demobilized at the rank of sergeant.  

The model of temperate heroism was not limited to good service on the battlefield; diligent administrative work provided an admirable through less dramatic path to redemption. Dismissed for a violent, drunken confrontation at a tube station in August 1943, ex-Major Irwin James Stone endeavoured to re-enlist upon his return to Canada in January 1944. Quickly promoted to corporal then sergeant, Stone served on staff with the Directorate of Personnel Selection in Canada where he “worked faithfully and with appropriate zeal, never at any time showing awkwardness or unnaturalness in relation to associates of seniors.” As a result of “quiet
efficiency” as an NCO, superiors recommended a new commission in October 1944. The personnel selection report on Stone stressed the temperate qualities and desired behaviour of any man deprived of his commission: “He is undoubtedly well bred and cultured, pleasant, through somewhat serious in demeanour; expresses himself well; is conscientious, industrious and capable of continuing to assume increasing responsibilities. He has taken his ‘medicine’ extremely well and in such a manner that the incident appears to have been salutary without leaving any unfortunate scars.”

Stone was promoted to captain by the end of the war and continued to belong to the Canadian Army reserve through the late 1950s.

According to official army selection criteria and popular ideas about military leadership, the perfect officer needed to be an aggressive, self-assured man who withstood the pressures of leadership with stoic coolness. In reality, most officers were neither perfect idols of heroic masculinity nor did all resemble comic book super-patriots. Disgraced ex-officers like Calder, Stone, and many others, who were willing to sacrifice selfish instincts, admit limitations with realistic candour and then endeavour to rectify past mistakes exemplified a model of temperate heroism that every Canadian man could be expected to embody. For as much as military tradition celebrated strength and boldness, less self-assured men and men beset with private struggles and inner doubts could also emerge as worthy exemplars to be emulated. Even those sentenced late in the war might still prove their commitment by volunteering for a Pacific campaign that ultimately never came. Those who refused re-enlistment missed the opportunity to prove their worth under active war conditions. When one ex-lieutenant applied for a position in the reserve army four years after the end of the war, the adjutant-general pointed out that as the man had declined the opportunity during the war, “I would find it extremely difficult to view with sympathy any application from him to re-enlist in the Cdn Army at this time when the privileges

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and prestige attached to membership far outweigh the responsibilities.”

The defence department had no desire to create a precedent in which officers removed for misbehaviour under active war conditions could simply resume a career by ignoring the disgraceful termination of prior military service.

**Broken Reputations, Broken Homes**

Whereas voluntary re-enlistment offered some motivated ex-officers a chance to correct past misconduct before anyone at home learned about the unfortunate circumstances, others found themselves destined for NETD where they awaited transportation back to Canada. Despite censorship on mail and restrictions on official publications, knowledge of transgressions committed overseas proved difficult to keep quiet. Ex-Lieutenant H.J. Gurnell, dismissed for two worthless £8 cheques, admitted, “I will always have the fear that this one mistake that I made will be found out and my future will become insecure.” Following his return home, Gurnell asked NDHQ, “Kindly address any correspondence to my business address as I would rather not have my family know of this matter.”

Inquiries from families about the welfare of loved ones serving in uniform, however, could not be simply ignored. Learning that some misfortune had befallen his son, the father of ex-Lieutenant L.G.R. Smith hoped to obtain as much information as possible. Judge Advocate General Orde advised army officials to disclose that Smith had been cashiered and imprisoned for disobeying an order in battle, but added, “it is desirable to omit the particulars of the charge when information of this kind is requested.”

In addition to the stigma and potential loss of livelihood inflicted on the ex-officer, sentences of dismissal and cashiering could also entail a significant burden on their families. Unlike the first war, overseas authorities attempted to ease the difficult transition for ex-officer’s

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83 GCM of Lt. Woodbury, reel T-15774, file 55-W-443.
84 GCM of Lt. H.J. Gurnell, reel T-15631, file 55-G-1136.
relatives by not enforcing an immediate stop to all pay assigned to dependants. P.C. 60/6567 permitted dependants’ allowance and assigned pay to remain in effect until the ex-officer disembarked in Canada. As long as dependents continued to collect pay and allowances they did not necessarily have reason to suspect any misfortune had befallen their officer unless news arrived from other channels. Overseas authorities had instituted a forced return or re-enlistment policy in part to prevent wayward ex-officers from abandoning dependents. Continued pay for another month only represented a temporary reprieve after which ex-officers might struggle to find gainful employment. Without an honourable record and discharge certificate, they and their families faced at least short-term uncertainty. Several ex-officers appeared to re-establish themselves in business careers and civic leadership in later years indicating that a bad war record for officers did not always prove to be a long-term obstacle.

At the same time, especially in the context of the public veneration of honourable veterans, the loss of a commission and an unceremonious return home threatened an ex-officer’s claim to a stable patriarchal position. The wife of ex-Lieutenant Norman Bishop MacNab, dismissed in England for eleven dishonoured cheques in June 1944, explained her domestic difficulties in a letter to his former commanding officer:

I have been under a terrible strain from worry as to his circumstances and also for financial reasons as my position was only temporary during war duration and I shall be laid off … I am desperately anxious to hear what has happened … I have two children and a home to support and I shall greatly appreciate your giving me any information so I can either hope for improved conditions or else break up my home and make whatever arrangements I can for their future (my two boys).87

86 GCM of Beatty, 55-B-435; Notably, a 1977 Supreme Court of Canada case about jurisdiction issues concerned the divorce of a dismissed Canadian lieutenant and his abandoned wife, who had remarried. Following dismissal in 1943, ex-Lieutenant J.C. Cockburn had married an American woman. Three days later he went out to buy a newspaper and never came back. Powell v. Cockburn, [1977] 2 S.C.R. 218.
87 GCM of Lt. N.B. MacNab, reel T-15690, file 55-M-1249.
Concerned that she had heard nothing from MacNab and accepting that he had been struck off strength in some fashion, his wife could only ask, “As you will understand I hope my husband will be given a chance to prove his worth ... I do not condemn him for what has happened. I know he has worked hard for his promotions and I only pray for the children’s future he will be given another chance if that be possible.”

Other spouses were not as understanding. The English-born wife of one AWOL ex-lieutenant complained, “he is just a rotter ... I don’t know what I shall do, because I think he has gone off again probably with this gang and the girl. He even over drew 45 dollars from his bank. It’s no good something will have to be done about him.”

When outlining the ideal qualities of a leader, army psychiatrists like Chisholm placed special stress on marriage and patriarchal authority as necessary aspects of normal manhood. Family difficulties, which resulted from, or in some cases perhaps contributed to a court martial conviction pointed to the social cost of dismissal as a disruption to a man’s domestic role as a good father, husband and provider. From his prison cell, ex-Lieutenant Reg Woods disclosed his precarious domestic situation in a petition for early release: “I am a married man and have one child who needs taking proper care of and my allowance being cut off my wife will not be able to support herself and look after the child too. I am afraid [this] whole thing is going to break up things between myself and my wife if I can not give her the proper support. She has clearly threatened to leave me.” From multiple perspectives—civil, military, social and domestic—cashiering stripped away an officer’s sense of masculine worth.

For ex-officers accused of “sexual perversion” or gross indecency, expulsion from the service represented a potential dual stigma. After being convicted for being found in an indecent condition with a private, an ex-lieutenant listed the ramifications of his cashiering: “Shame on

88 Ibid.
the accused whose civil life and happiness would be ruined forever, who would be considered to be homosexual, who if asked for, would have to accept separation from his wife, after nine months of married life most of the time having been spent away from her, in the Service of his King and Country.” To go through life with an accusation against his manhood, this ex-lieutenant added, “is not only a matter of punishment for the accused, but also and mainly one of honour.”90 Ex-Captain Christopher Seal meanwhile explained that cashiering for disgraceful conduct was not only “a great handicap” when applying for work; it also prevented him from “meet[ing] my friends without feeling like a criminal and to have something to show for my service as a soldier.”91 In an era and society that privileged heterosexuality as the defining feature of normal masculinity, even the hint of sexual nonconformity could result in stigmatization, persecution or even outright violence.92

The lack of any physical symbol to validate service was a frequent cause for concern. Referring to his own dismissal, ex-Lieutenant Gurnell believed, “I must live the rest of my life with it hanging over my head. I cannot wear a discharge button, I cannot carry a discharge certificate, I cannot wear campaign ribbon or receive the medals themselves.”93 Another ex-lieutenant cashiered in October 1946, over two years after deserting before D-Day, identified the sentimental importance of a service button: “let me have something whereby my children will at least know & have something to show that their father at least volunteered and served overseas for 3½ years [excluding two years as a deserter].”94 Honourably discharged military members who had served overseas received a General Service Badge, established on 29 March 1940, volunteers earned the Canadian Volunteer Service Medal, established on 22 October 1943, and

91 GCM of Capt. C. Seal, reel T-15747, file 55-S-1054.
92 Jackson, One of the Boys, 145. See also, reel T-15721, file 55-P-776.
94 Personnel File of Lt. R.G. Davidson, 357-4-152.
all veterans with at least 28 days’ service received the War Medal 1939-45. Depending on the theater of operations, veterans were also eligible for the 1939-45 Star, the Italy Star or the France and Germany Star. A sentence of dismissal or cashiering resulted in automatic forfeiture of these campaign decorations. Interwar revisions by the British War Office had made gallantry awards irrevocable except in grave cases of treason, sedition, mutiny, cowardice and desertion in battle.\textsuperscript{95}

Ex-officers legitimately aggrieved by the court’s finding had the right of appeal under Paragraph 574 of the King’s Regulations and Orders for the Canadian militia. A petition needed to be submitted for consideration to the governor-in-council within six months of promulgation. After a review of the case by the adjutant-general, and in matters of law, by the judge advocate general, the minister of defence issued a recommendation to the governor-general. As most formal petitions presented no new legal information and merely protested the severity of the sentence, very few ex-officers succeeded in relieving themselves of the consequences of their convictions. Most cashiered ex-officers could only hope to secure a reduction to dismissal, which army administrators usually judged, “the proper punishment ... and is neither unjustly or unduly severe nor excessive.”\textsuperscript{96} Despite institutional reluctance to re-open duly confirmed cases, Judge Advocate General R.J. Orde was willing to overturn isolated convictions where a miscarriage of justice occurred.

It took several petitions before the JAG more closely scrutinized the cashiering and imprisonment of ex-Lieutenant Reg Woods. Due to the failure of the trial’s judge advocate to

\textsuperscript{95} RG 25, vol. 1444, file 19-T. Due to the conviction of a British officer and winner of the Military Cross and Bar, by 1943, the Army Council relaxed the rule revoking awards in cases of indecent conduct.

\textsuperscript{96} GCM of Capt. Seal. In November 1945, the defence minister created the Court Martial Board of Review, which under the chairmanship of Ontario Superior Court Justice Keiller Mackay reviewed 1,895 sentences of penal servitude and imprisonment imposed on Canadian service members by court martial. The board recommended some form of remission in 91 percent of cases. By that time very few officers remained imprisoned in any case.
properly assess the admissibility of Wood’s alleged confession when a patient at Basingstoke, Orde quashed the court’s finding and relieved the ex-lieutenant of all consequences from his conviction. By the time of Woods’ release in March 1946, he nonetheless had spent over a year confined to Dartmoor Prison and Winchester Prison. The ruling technically reinstated Woods though he resigned his commission in August 1946. Over the issue of back pay, the adjutant-general’s branch still suspected that because Woods had been responsible for his disappearance, if not legally culpable, he deserved no consideration. The defence minster nevertheless decided Woods would only forfeit 55 days’ pay from his absence in the field until his reappearance in London on 10 October 1945. In 1950, during the Korean War, Woods applied to join the Special Service Force, but was refused.

Grants, Gratuities and Re-establishment

War Service Grant Act

The consequences of dismissal and cashiering went beyond a sense of personal shame and family disgrace; the punishment entailed definite economic and financial costs. Lieutenant E.J. McCormick, defence counsel for an officer dismissed for desertion in March 1945, asserted that the penalty carried “a double barrelled effect ... The first barrel is of course the actual sentence. The second one is the effect that it would have on the gratuities the government has seen fit to give us soldiers. This young man is single, he is only 22 years of age. He is just the type of man that should take advantage of these grants and on discharge go to university. You can prevent him from taking part in these wonderful grants.”

He raised the same argument when unsuccessfultly pleading on behalf of Lieutenant Reg Woods. Even when he acted as prosecutor in another case, McCormick stressed the hidden financial cost of dismissal: “the court has a duty

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to calculate how much in actual dollars this young man will lose with his grant, how much in actual months and years in university, how much in actual land and imbursements, or anything else which our Government in its wisdom has seen fit to award its men.”

In August 1944 the Canadian Government had introduced a bill for a war service gratuity and other financial benefits as supplements to a rehabilitation program first promised at the start of the war. Recalling the limited compensation offered to the last generation of veterans and responding to pressure from the Canadian Legion, government ministers and bureaucrats endeavoured to provide Second World War veterans with a more comprehensive social support program. The War Service Grant Act, enacted in October 1944, created a tax-free monetary gift calculated by the individual’s rank, marital status and location and duration of service. Recipients received a basic gratuity (including supplement pay and allowance for overseas service) divided into monthly instalments and re-establishment credits allocated for certain specified expenses. In lieu of credits, veterans could instead choose education, vocational or technical training benefits, which proved very popular. A married lieutenant like Reg Woods with six years’ service including three and a half years overseas earned a total gratuity of $1,322.11 plus a rehabilitation grant of $262.20 and a re-establishment credit for $887.50.

Entitlement for financial assistance reassured many soldiers and veterans anxious about postwar prospects. One officer intent on taking advantage of the re-establishment programs to study medicine conveyed the sentiments of many when he enthused, “to sum up the situation, it looks as though we shall receive a chance to make a permanent notch for ourselves in civilian life. You have no idea how this has raised the morale of the boys overseas ... Canada has

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102 The overturned court martial conviction on legal grounds made Woods eligible to the benefits. Adjusted for inflation, the combined WSG and rehabilitation grant of $1,573.31 in 1946 would amount to $23,257.63 in 2019; a re-establishment credit of $887.50 would equal $13,119.57.
Invested millions on us while we are in the fight and I don’t see why a similar investment in peace wouldn’t pay as great dividends.”

Anticipation of gratuities and credits turned to disappointment and distress when a veteran learned the consequences of holding a dishonourable record. Section 11 of the WSG Act disqualified from the grants all officers who had been dismissed or cashiered as well as any man deprived of a commission by reason of misconduct. Ex-Lieutenant P.R.K. Hodgins, dismissed in March 1945 for two bad cheques worth £6, expressed the distressing uncertainty of the additional economic penalties:

I have lost nearly 6 of the best years of my life given to this country gladly and willingly—I have lost nearly $5,000 worth of Rehabilitation grants and bonuses—I get no benefits from my service—I cannot avail myself of the various government employment services offered to returning veterans because I have no honourable discharge to offer. I have no money left with which to look for work or get even something to do as my present financial status is exactly 11¢. I have sold what I had on me such as my wrist watch and personal jewelry for what it would fetch ... No one will trust anyone who has been dismissed from the service however trumped up the charges may have been—in other words I am at my wits end to know what to do—I’m at the end of my rope.

Whereas Hodgins had earlier asked for financial support “in the name of Christian charity,” when he appealed to the governor-general in March 1946, he emphasized, “I do not want charity all I want is to become a good citizen as I always was.” Veterans framed gratuities not as government welfare but as an entitlement earned through overseas service. According to the typical arguments articulated in appeals and petitions, whether that service had ended in honourable demobilization or in misconduct the type of discharge did not nullify months or years spent in uniform.

The extent to which these types of letters represented genuine expressions of humiliation, contrition and distress is difficult to assess, and most likely contained elements of truth, lie and

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105 Ibid.
exaggeration. The actions of several ex-officers before and after dismissal raised doubts about the self-professed honourable motives behind such appeals, which often attempted to obscure an ulterior agenda, elicit sympathy or recast bitterness as remorse. Following his dismissal, the Irish-born Hodgins, for instance, begged to be allowed to remain in the United Kingdom, writing, “I do not think that Canadian government would care to have a citizen in Canada who had been dismissed from the Cdn Army as to me it is a disgrace ... I’d rather be anywhere than in Canada after such a punishment ... there always will be a stigma upon my name.” Hodgins claimed to have internalized his sense of shame so that refusal to return to Canada represented a true sacrifice to preserve the collective honour of the dominion. Meanwhile he had bigamously married an English woman, escaped arrest from NETD, caused trouble for civil authorities and “got himself mixed up with a group of Fascists in Leeds.” After ten months living in England as a fugitive civilian, Hodgins was re-arrested and returned to Canada under close military custody. His checkered history adds an important dimension for interpreting his later protests about lost gratuities as well as his claim of destitution. Despite exaggerations and manipulations of the truth in many written appeals, the letters of Hodgins and others still demonstrated how many ex-officers attempted to use the language of service and sacrifice in order to gain leniency and fashion themselves as the type of repentant dishonoured men worthy of consideration.

During the war and in the immediate aftermath, military leaders conceived the WSG as a reward for good service as well as a means to punish bad behaviour. Section 12 of the WSG Act deprived thousands more soldiers, seamen or airmen whose services had been terminated due to misconduct by either judicial or administrative means. In addition to hard labour and penal servitude, field general courts martial made greater use of discharge with ignominy as an

“exemplary punishment” against other ranks compared to the last war. Soldiers convicted of self-inflicted wounding were usually ignominiously discharged in order to prevent them from earning a gratuity or a disability pension. Some soldiers judged to have misconducted themselves in order to escape service were likewise to be ignominiously discharged following imprisonment. Incorrigibles could be removed for misconduct even if a court martial sentence did not specify discharge with ignominy. Ex-service members burdened with dishonourable records echoed the complaints and anxieties expressed by ex-officers. One private imprisoned and discharged with ignominy for robbing Belgian civilians resented the social and economic implications of dishonourable status: “when I returned home I was not only a disgrace, and still am to my own family and myself, I also have nothing with which to start my life over again. I know that if I had half a chance I could make myself a good citizen of Canada and start a business of my own.” Ex-soldiers and ex-officers alike appealed to their rights as citizens, yet by virtue of court martial conviction or dishonourable records they had forfeited certain privileges of citizenship in the estimation of government officials.

Arguing that “a bad soldier seldom makes a good citizen,” Robert England, executive secretary of the Committee on Demobilization and Rehabilitation, justified disqualifying unworthy veterans from the financial benefits enjoyed by their comrades: “Dishonourable discharge or even the kind of discharge which is related to inefficiency or for asocial habit or conduct, makes the task of civil re-establishment next to impossible for the majority of such cases.” England outlined in his 1943 text on demobilization and re-habilitation issues, “indeed the people of Canada owe little to the man who has failed to wear the King’s uniform with

During the parliamentary debate over the WSG bill in August 1944, Defence Minister J.L. Ralston assured the House that “the gratuity is paid in the most generous and ample terms possible for the benefit of the men who are giving service.” Good soldiers deserved the reward for good and valuable service; dishonourably discharged service members “are of no use to us.” His warning about the “additional financial provision” of providing for both honourably and dishonourably discharged veterans implied that the entire rehabilitation program could prove too costly and unsustainable without discriminating criteria based on merit.

Some representatives in the Canadian House of Commons did not share England’s unforgiving attitude or Ralston’s criteria for good service alone. The parliamentary veterans’ affairs committee had even debated eliminating the exclusionary sections of the WSG Act from the belief that any man who served overseas deserved recognition and a financial reward regardless of disreputable actions or court martial convictions. Continuing to enforce the disqualification struck many politicians and veterans’ advocates as unduly harsh and a violation of the grants as right-based entitlements. Framing a monetary guarantee as the symbol for the nation’s unconditional gratitude, Clarence Gillis, CCF MP and First World War veteran, advocated on behalf of dishonourably discharged service members. Referring to cases of young soldiers convicted of petty crimes and officers deprived of their commissions for nerves, Gillis argued, “you will find a number of men who have grievances under this section, and I want to provide some machinery whereby they may have an opportunity of airing those grievances.”

Review Boards and Discharge Status

The WSG Act provided the administrative machinery to evaluate the denial of financial benefits in the form of a Board of Review. The act had established the board in order to examine

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110 England. Discharged, 42.
applications from ex-service members denied a gratuity for disciplinary reasons and not automatically disqualified under either Section 11 or 12. In late January 1945, the board began a review of borderline misconduct cases not only to decide eligibility for the grants but also to evaluate the discharge policies enforced by each service branch. After examining hundreds of cases, Chairman Brigadier C.B. Topp discovered that the three branches had followed no consistent pattern in how they had dealt with misconduct discharges. Whereas other ranks had been more likely to be stigmatized with a label of misconduct, unsuited officers had often been permitted to retire with no explicit penalty against future WSG eligibility [267(c)(ii) rather than 267(a)], which the board recognized as a “potential source of controversy.” Although Topp aimed to offer the benefit of the doubt in borderline cases and “apply a common sense approach,” due to the restrictions imposed on the board, 56 percent of the reviewed ex-service members remained disqualified from the grants by the end of 1945.

Even after the capitulation of Nazi Germany and Imperial Japan, NDHQ insisted that officers sentenced to cashiering or dismissal and soldiers discharged for misconduct ought not to enjoy re-establishment benefits. While military authorities wanted the punishment to follow ex-service members into civilian life, many MPs assumed a more lenient approach. Major General G.R. Pearkes, MP for Nanaimo and First World War Victoria Cross winner, called for abolishing the Board of Review and deleting the disqualifying sections of the WSG Act in order to provide grants to all veterans regardless of discharge status. In a compromise, the parliamentary veterans’ affairs committee voted to broaden the powers of the Board of Review to re-evaluate the eligibility of every dishonourably discharged serviceperson. The board, which included

113 Minutes of Conference, 31 Jan 1945. RG 24-C-1, reel C-5194, file 8350-31-1. “The normal rule should be that the benefit of the doubt is given in borderline cases, since every man must be rehabilitated.”
representatives of each military branch and the Department of Veterans’ Affairs, started a new systematic review of all misconduct cases beginning in February 1946. The board’s primary mandate was to establish eligibility for war service gratuities and rehabilitation credits rather than change a bad record to a good one.

By February 1948 as the federal government prepared to close down the board, 7,879 cases had been reviewed of two-thirds received “favourable decisions.” The board’s refusal in the remaining 2,844 cases amounted to a final disqualification.\(^{116}\) Minister of Veterans Affairs Milton Gregg credited board members for undertaking their work with “understanding and humanity” when he reported that only 0.3 percent of all Second World War Canadian veterans remained barred from re-establishment benefits.\(^{117}\) The board rejected certain notorious individuals like ex-Lieutenant Boulton and ex-Lieutenant Hall. In the interest of leniency and reflecting the victorious mood of the country, in most other cases the Board of Review usually ruled that continuing to deprive ex-members of any benefits under either Section 11 or 12, “would be inconsistent with the true spirit and intent of the [WSG] Act.” Adjutant-general Major General W.H.S. Macklin meanwhile remarked in 1950, “I always felt that in granting gratuities to people with dishonourable discharges it was lenient to the point of absurdity.”\(^{118}\)

Significantly, renewed eligibility for a gratuity did not guarantee a change to honourable discharge status. Beyond the immediate financial consequences of dishonourable records, Brigadier Topp noted that, “a misconduct discharge certificate is a very marked handicap in seeking civil employment and is regarded by former members of the forces as of much greater importance than payment of gratuity.”\(^{119}\) One cashiered ex-lieutenant appealed to the defence

\(^{116}\) Not including a final 458 outstanding cases yet to be reviewed.


department about his dismal prospects: “after a year & a half of trying to get myself a permanent position, I am unable to get one and am reduced to causal labor because I can produce no record of my Army Service.”

Under pressure from politicians and veterans’ advocates, in April 1946, the Department of National Defence established separate Discharge Review Boards for each military branch to address the problem of dishonourable discharge certificates. Each three-member board was tasked with re-evaluating the status of ex-servicepersons released under dishonourable or other-than-honourable circumstances whether by legal or administrative means. Although the boards could not commute sentences, they could recommend the less shameful discharge category of released “in the interest of the service.”

The boards considered the nature and context of the offences as well as each ex-member’s reported moral character and subsequent conduct. The army board had little trouble rejecting a case like ex-Lieutenant H.J. Hall. The reviewing officer judged him “a clever unscrupulous individual who in addition to all his other offences, is alleged to have committed bigamy in England. He is deserving of no favourable consideration in any respect.” By comparison the board regarded the various misdemeanors of ex-Major L.F.H. Clarke as “certainly not criminal,” and credited him for being “one of the few officers dismissed from HM Service who had the moral courage to re-enlist in the ranks.” With a recommendation that Clarke had “fully reinstated himself,” his original dismissal sentence remained unchanged from a legal point of view but administratively he was now considered to have been discharged in the interest of the service.

The boards aimed to keep misconduct discharges in place as a warning to the public that ex-members were unworthy of the esteem and respect normally granted to honourably

120 Personnel File of Lt. R.G. Davidson, 357-4-152.
121 Army Discharge Review Board- 34.
122 Discharge Review Board, Case No. 3923, 20 Jul 1946
123 Discharge Review Board, Case No. 1387.
discharged veterans. By June 1946, only 11 percent of over 2,000 reviewed army cases had received favourable rulings.\footnote{124 Richard Sanburn, “Army Prisoners’ Terms Cut Get Dishonorable Discharge,” \textit{Edmonton Journal}, 1 Jun 1946, 1.} The implication that a form of dishonourable discharge would forever mark an ex-member, and in fact hinder re-establishment in civilian life, struck many politicians and even some military officials as unduly severe. As long as dismissal remained stamped on official discharge documents, the sentence implied shameful misbehaviour, criminality or an abnormal temperament. With the war over, army and air force leaders recognized that a permanent blotch on personnel records stigmatized otherwise normal ex-officers who had not committed gross misconduct in combat or in a criminal sense.\footnote{125 Col. W.H. Cathcart to Brig. W.H.S. Macklin, 22 Mar 1948. RG 24, vol. 2393, HQ C-139-1-11.} For instance, the psychiatric report on one officer dismissed for a three day absence and who had re-enlisted as a paratrooper, read, “This man is obviously a very stable individual. Looks normally aggressive. Emotionally does not show any signs of abnormality.” By August 1946, this ex-officer received an honourable discharge, at least on paper, “but the sentence remained unchanged.”\footnote{126 Personnel File of Lt. Brunet, 349-B-236.}

Although the Army discharge review board sometimes recommended a retroactive commutation to a lesser sentence, then-vice adjutant-general Brigadier W.H.S. Macklin decided against legally expunging sentences of dismissal or cashiering imposed on army officers. Except in rare instances of legitimate injustices, as in the case of Reg Woods, overturning a duly confirmed and promulgated general court martial decision undermined confidence that the existing military justice system had produced fair rulings under exceptional wartime conditions.\footnote{127 Brig. W.H.S. Macklin, memo,, 31 Jan 1948. RG 24, vol. 2393, HQ C-139-1-11.} The RCAF discharge review board, meanwhile, recommended commuting the dismissal sentences of 40 ex-officers’ to severe reprimands; 29 had been convicted of low flying
or other aerial violations while eleven had committed various crimes such as disturbances and AWOL. The RCAF policy caused Macklin to reconsider his earlier refusal to interfere with army court martial rulings. The Army review board compiled a list of seventeen “borderline” cases where dismissal may have been too harsh a penalty beyond the requirements of discipline and deterrence. The director of army administration, Colonel H.M. Cathcart, recognized the desire for mercy but cautioned that commutation “would be forever a memorial to our shortcomings. The action contemplated will not accomplish what we piously hope to be complete forgiveness to those we now set up as martyrs. The record of their offence, conviction and sentence stand and cannot be denied by them despite a P.C. order.”

To interfere with lawful sentences legitimately adjudicated by a competent military tribunal created a perception that the martial justice system had not withstood the pressures of a wartime environment, he argued.

In August 1948, the governor-in-council officially commuted the dismissals of the 40 RCAF ex-officers. Each received the full gratuity, service badge and discharge certificate which verified an honourable release. An ex-squadron leader originally dismissed for a drunken disturbance at a dance in 1944 conveyed his thanks to the board, writing, “The stigma has been rather a hard cross to bear with for myself.”

Concerned about the dangerous precedent such an action might create and the possible detrimental effect on future service discipline, the Canadian Army by contrast ultimately decided against commuting the sentences in even their seventeen borderline cases. As outlined above, certain deserving ex-officers received a symbolic certificate that read “services terminated in the interests of the service,” but as Macklin explained, “Our procedure merely amounts to helping the officer to conceal his sentence in places where it never

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129 GCM of S/L Burton, reel T-21830, rile 11-C-2423.
was known. It does not enable him to say he never was dismissed the service.” Even ex-Lieutenant Fagan who had been killed in action in Italy received no retroactive commutation. From Macklin’s perspective re-enlistment only proved “that the sentence had the desired effect of causing the individual to mend his ways.” Despite the potential restoration of their gratuities, the majority of army ex-officers learned that dismissal sentences remained in place for years to come. Denied even the right to a gratuity and rehabilitation grant, ex-Lieutenant Boulton failed to have his dishonourable record cleared. After rejecting previous petitions and appeals made through individual MPs, Defence Minister Brooke Claxton informed Boulton in July 1948:

> After most careful study of the correspondence which you submitted to the Prime Minister’s office, I do not feel that you have produced any facts not already fully considered, and I therefore very much regret that I can find no grounds which would justify interfering with the decision already made.

**National Defence Act and Dismissal with Disgrace**

In the years after the Second World War, the Department of National Defence worked to implement a uniform code of military justice and discipline across all three Canadian armed forces branches. Introduced by Claxton in March 1950, the National Defence Act (NDA) promoted organizational efficiency and instituted legal reforms. The legislation replaced the Army Act, consolidated various British and Canadian statutes, created a single Code of Service Discipline and established a formal right to appeal the sentence of court martial. Convicted officers and soldiers could submit their cases for review to the Court Martial Appeal Board. Although most members had military experience, the board functioned in theory as an independent civilian tribunal on questions of the legality and severity in court martial decisions.

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132 GCM of Lt. Boulton. RG 24, vol. 2393, HQ C-139-1-11.
Over the course of the debate about the NDA, Canadian MPs and senators focused on protections for individual civil rights and to ensure civilian oversight over the military justice system.

A postwar focus on harmonizing military law with modern legal standards suggested that the quintessential honour crime of conduct unbecoming and scandalous behaviour in particular warranted reassessment. Although the primary financial or moral focus of Section 16 had shifted over time, the charge had historically served to punish the type of nebulous honour crime not found within the written criminal code. During the second reading of the NDA in May 1950, A.L. Smith, MP for Calgary West, went further than most of his colleagues when he criticized “the principle of courts martial as we know them.” To highlight the gulf between the criminal code and military law, Smith recalled his experience defending Pilot Officer Fenwick Job for raping an airwoman onboard a train in 1943. Through the court martial proceedings, in his role as a civilian defence counsel, Smith had attempted to narrowly define scandalous conduct in order to argue that the incident had been a consensual, private affair beyond the reach of military jurisdiction. Over six years later he acknowledged the fundamental injustice of framing such a serious criminal offence under Section 16 of the Army Act: “At the end of the road he was found guilty, and he was dishonourably discharged or ‘cashiered’ as they put it. Remember, he was my client; but I say that had he been in a civil court he would have been sent to jail for five or ten years, and that is where he deserved to be. In that way, justice was cheated.”\textsuperscript{134} Smith’s vivid example identified the longstanding—and usually unspoken—double purpose of conduct unbecoming an officer and a gentleman. Conviction for Section 16 may have destroyed an officer’s honour, deprived him of a commission and expelled him from the service through a degrading ritual but at the same time the charge shielded the convicted officer from imprisonment for felony conviction.

Under the Code of Service Discipline, Section 82 of the NDA preserved the charge of conduct unbecoming with a subtle but important change to the language: “Every officer who behaves in a scandalous manner unbecoming an officer is guilty of an offence and on conviction shall suffer dismissal with disgrace from His Majesty’s service or dismissal from His Majesty’s service.” The absence of any reference to the dual identity of an officer and a gentleman signified a notable omission. In the postwar era, conflating gentlemanly status with an officer’s commission conveyed an undesired and anti-democratic message.\textsuperscript{135} During the war, Canadian rhetoric that celebrated “gentlemen in battle dress” had come to as much refer to ordinary soldiers and NCOs as it had described officers. When Canada enacted its own independent code of military law and discipline it removed a last vestige in the Army Act which historically evoked aristocratic notions and class prejudices more associated with a British hierarchical society. Prosecution for conduct unbecoming, later reframed under Section 92, became increasingly rare through recent history of Canadian military law.

Although the change in language passed without comment in the Canadian House of Commons, when the British Parliament debated similar reforms to the Army Act in 1955 retaining of the term became a point of contention. A Labour MP voiced the perspective of those who felt the word represented an anachronistic relic especially in a more democratic age. Noting that during the war within the British Army Section 16 had largely concerned “dishonoured cheques and entertaining ladies in the mess,” the Labour member asserted:

Of course, the words, unbecoming the character of an officer and a gentleman have for some reason become part of the mystique of the Regular Army. I have never understood why it should be necessary to add the words, “and gentleman.” If an officer behaves in a scandalous manner unbecoming the character of an officer, I should have thought was quite enough ... it adds nothing whatsoever to the Clause, except perhaps a faint touch of

\textsuperscript{135} Dummitt, \textit{The Manly Modern}, 4, 52.
snobbery ... and in contrast with what is provided for other ranks, most of whom, in these
days, may also be entitled to be called gentlemen.  

Section 64 of the 1955 Army Act nevertheless retained the original phrase as part of the charge
for conduct unbecoming. Within the British Army, the word “gentleman” would not be dropped
from a charge of conduct unbecoming until the 1971 Armed Forces Act. The change signalled a
broader postwar decline of the refined gentleman as the quintessential image of British
masculinity. Yet the mythology of a “People’s War,” and rhetoric celebrating liberal values over
fascism also implied the democratization of gentlemanliness to a point where actual use of the
word to describe a specific class of men had become redundant. Approving the change in
language, another British MP added in 1971, “I assume that henceforth all members of the Army
will be gentlemen at least by implication.”

In addition to eliminating the reference to “an officer and a gentleman” before British
revisions to military law, the Canadian legislation in 1950 also anticipated a crucial alteration to
the scale of punishments. Despite unease from the service branches, all service members could
be subject to reduction in rank, though officers could not be demoted below the lowest
commissioned rank of second lieutenant or equivalent. The NDA did away with cashiering for
officers and discharge with ignominy for soldiers by creating uniform sentences; all military
members became subject to punishments of either dismissal or dismissal with disgrace.  

Significantly, the distinction between the two sentences depended on the severity of the crime
rather than on the higher or lower rank of the accused. In January 1950, Captain A.E.D. Hull of
RCASC became perhaps the last Canadian Army officer to be cashiered when he pleaded guilty

Klabbers and Touko Piiparinen, Normative Pluralism and International Law: Exploring Global Governance
138 Dismissal with disgrace had been used in the British naval tradition since the 1860s.
to embezzlement and was sentenced to one year hard labour. Promulgation of the sentence occurred on 6 March, less than four months before royal assent of the NDA. By October, Hull had been released from prison and received a commuted sentence of dismissal.\textsuperscript{139} According to the NDA scale of punishments, imprisonment for more than two years against an officer “shall be deemed to include a punishment of dismissal with disgrace from Her Majesty’s service, whether or not ... specified in the sentence passed by the service tribunal.” Imprisonment for less than two years likewise required that the convicted officers be dismissed from the Canadian forces.\textsuperscript{140}

For the first time the NDA clearly stipulated a provision to disqualify a specific class of ex-military member from future employment by the Crown. The definition of dismissal with disgrace mandated that any officer or other rank sentenced, “shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to service His Majesty again in in any military or civil capacity.” Cashiering had long been associated with disqualification from military, civil and governmental service but it had never been explicitly codified into written military law. The custom had been unevenly applied for well over a century and CMHQ had even set aside disqualification as a practice during the Second World War by allowing cashiered ex-officers to voluntarily re-enlist. In Canadian Parliament, opposition to fixed disqualification from civil employment illustrated how dismissal from the military had come to assume broader social implications and, in the view of some critics, carried legal consequences well beyond the historical purpose of expulsion as a tool for martial discipline. On the third reading of the NDA in June 1950, Senator Arthur Roebuck, a venerable defender of

\textsuperscript{139} GCM of Capt. A.E.D. Hull, reel T-15648, file 55-H-1421.
\textsuperscript{140} In the case of other ranks, the imposition of dismissal was optional with sentences of imprisonment.
civil liberties and individual rights, strenuously objected to the disqualification provision attached to the sentence of dismissal with disgrace:

What this means is that an individual, who because of some event which took place in connection with and during his military service is so unfortunate as to incur this penalty, is de-citizenized from that time henceforth. He can hold no position in the civil service. I do not suppose he could be a member of parliament or of the Senate—it is not likely that he would be either—nor could he hold any office in the service of His Majesty. I submit that that provision is unjust. I am horrified at the potentialities of such a penalty. I think that when a man is kicked out with disgrace, that should end it.141

Roebuck did not object to the effectiveness of dismissal for the purposes of enforcing discipline but he explained, “in my view the events of military life should be kept separate from those of civil life.” A serious error in judgement which might occur on active service ruined any prospect for a second chance in civilian society. The strong disapproval articulated by Roebuck signalled the culmination in the evolution of disgraceful dismissal from a punishment narrowly focused on exclusion from military life to a more expansive social penalty which denied ex-service members important rights of citizenship.

Conclusion

While honourably demobilized Second World War veterans could claim membership in the generation that defeated Nazism and liberated Europe, those with dishonourable records feared that they had nothing to show they made any contribution despite serving in uniform either at home or overseas. Appealing for mitigation on behalf of one ex-lieutenant, a defence counsel claimed that the harshness and unfairness of dismissal contradicted the very principles behind the Allied cause: “we are fighting a war in the interests of humanity and we would be totally lost if we fought a war in the inhuman way that the axis are conducting it.”142 Military authorities maintained that prosecutions and sentencing followed due process, though they acknowledged

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that the application of martial justice was not premised on fairness as much as on efficiency. During the war legal and administrative polices served to deprive the commissions of hundreds of officers deemed immoral, undisciplined, unsuited or otherwise unwanted. Influenced by social science theories about personality types and psychological screening, military authorities aimed to reject asocial or abnormal officers who they deemed unwilling to sacrifice selfish instincts in favour of the greater national good. As explored in the previous chapter, the realities on the battlefield ultimately made predicating any officer’s actual conduct in combat virtually impossible, and as discussed in this chapter, the experience of re-enlistment could prove that an ex-officer previously labeled insecure or unsuited might become a valuable fighter.

Good military service and especially combat experience formed vital features in the public celebration of Second World War veterans. Through this service and sacrifice veterans felt that they had earned and deserved comprehensive government support. The federal government initially attempted to frame financial support around good service alone but as rehabilitation benefits began to be conceived as right-based entitlement programs, veterans with honourable and dishonourable records claimed eligibility. The government offered a broader welfare program in part to help veterans transition into model citizens well-able to support a family and contribute to postwar Canadian civic life. Although most ex-soldiers and ex-officers received the grants and credits offered to all veterans, many who had been deprived of their commissions failed to ever have their records completely cleared.

Exploring the social, economic, domestic and personal consequences of “de-officering” pointed to a fundamental question to what extent depriving an officer of a commission constituted a real punishment. As one British MP commented in 1955 about cashiering for
conduct unbecoming, “This penalty is either too much or too little.”\textsuperscript{143} Disgraceful dismissal either unfairly ruined man’s reputation forever with a horrible social stigma or merely provided an easy escape route for an ex-officer to evade a much worse punishment. From first-hand experience witnessing the misapplication of Section 16, a Canadian politician like Smith did not view the penalty for conduct unbecoming to be especially harsh. He believed that conviction and cashiering shielded officers from the lengthy prison terms warranted for gross criminal misconduct. From his special emphasis on individual rights, another Canadian politician like Roebuck meanwhile felt that dismissal with disgrace represented an anti-democratic sentence which, in effect, de-citizenized an ex-military member with the denial of certain civic rights.

Canadian military legal precedent proved both perspectives had a great deal of merit, though after the Second World War neither of the potential points of controversy would be subject to extensive legal testing. Conviction for conduct unbecoming under the NDA mandated either dismissal or dismissal with disgrace but the charge fell into disuse as military prosecutors preferred to cite more specific offences under the Code of Service Discipline. Just as cashiering had become increasingly conflated with imprisonment during the war, the few instances of dismissal with disgrace in the Canadian Forces usually included relatively lengthy prison terms. Dismissal with disgrace under the NDA nevertheless became a very rare punishment that few Canadian service members would ever endure.

Conclusion

This dissertation has studied dismissal and denigration as vital features of Canadian military culture from their evolution in a nineteenth century British Army tradition through two world wars until the creation of the National Defence Act in 1950. The rights and privileges granted by virtue of holding a commission provided officers with a special status in the military hierarchy. Whether an officer gained a commission through ancestry, wealth, political connections, education or hard-earned merit, he was expected to further assume the manners and conduct of a gentleman. The ubiquity of the phrase “an officer and a gentleman” throughout this era implied a static and permanent meaning; however, as I have argued the concept of a gentleman in a military sense and a civilian sense underwent constant reassessment and reconceptualization. As the meaning of gentlemanliness depended on ill-defined boundaries between socially acceptable and unacceptable behaviours, army and air force officers in this hierarchical system needed to negotiate a subjective honour code in order to live up to their rank. Violations of unstable, and occasionally contradictory, codes of honour or transgressions against specific military law significantly imperilled an officer’s commission and social standing. The process for depriving an offender of his commission involved a complex set of legal, administrative, medical and economic issues. The general court martial system adjudicated military crimes and was empowered to legally dismiss or cashier the offender provided that higher authority duly confirmed the sentence. Administrative and disciplinary policies offered non-judicial alternatives for reclassifying and removing unsuitable officers not subject to military law—although the result could carry a similar sense of disgrace and stigma as conviction by court martial.
While primarily focused on the judicial and administrative polices at the root of the de-officering process, more fundamentally this thesis has been concerned with the construction of honour and dishonour within the officer corps of a national military system. How the military institution attempted to regulate that which it judged dishonourable acts and how it has aimed to dishonour offenders through ritual denigration and economic sanctions provides a crucial insight into this process of social control. Punishment in the form of punitive separation from the service represented a deterrent against others’ future misbehaviour, a declaration to defend the reputation of the entire institution and a stigma to be carried by the disgraced. As good officership exemplified a preferred image of honourable manliness, being deprived of a commission served to symbolically “unman” the former officer. This process of emasculation included social and economic penalties that further threatened the ex-officer’s very place in Canadian society and civic life.

De-Officered and De-Citizened

In his 1800 treatise on British military law, Scottish legal scholar and former judge advocate Alexander Fraser Tytler had defined cashiering as “depriving an officer of his commission, breaking him, by taking from him the honourable character of a soldier, and reducing him to the station of a private citizen.”

Through the nineteenth century a gentlemen officer cashiered from the British Army by court martial endured social ostracization from a fairly narrow circle of military professionals and perhaps exclusion from membership of the exclusive social clubs membered by fellow officers and other respectable persons. Though the sentence came to include a provision designed to disqualify an ex-officer from future employment by the crown, legislatively enforcing this tradition during the debate over the 1881

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Army Act had faced much resistance from regular army officers who felt that cashiering ought not to curtail any ex-member’s civic rights outside of the military sphere. By the twentieth century, the mass mobilization of citizen armies during the world wars contributed to shifting the social consequences of dismissal from His Majesty’s Service. As donning a uniform became an essential feature of male citizenship in Canada a sentence of cashiering and the denial of a right to participate in generational-defining conflicts reduced a volunteer officer to a status below that of a private citizen. De-officering previously denied an officer the status of a gentleman; but in a society where any man could conceivably—but not always practically—claim a right to honour through military service, de-officering in effect denied the offender certain rights of citizenship. The forfeiture of the medals and loss financial rewards enjoyed by so many other veterans further symbolized the enforced exclusion of ex-officers from the public commemoration of victory and sacrifice in the world wars. In this context, cashiering had to a certain degree been reconceptualised as taking from an officer the honourable character of a man and citizen by reducing him to the station of a nonperson.

In late nineteenth century Canada, militia culture extolled the citizen-soldier model of national defence but in the pre-Great War, peacetime era, wearing a uniform generated little public esteem from civilian society. The outbreak of the First World War transformed the visibility and significance of military service in Canada. Rather than a target for derision or mocked as pretentiousness, donning a CEF uniform symbolized the duty and privilege of male citizens to fight for the honour of the empire. Although political rhetoric might celebrate all soldiers as heroes in a noble crusade, holding a commission signified greater responsibility and therefore greater prestige. While most Canadian officers came from middle-class, professional backgrounds most had a much more limited experience with or knowledge of military manners.
In their role as “temporary gentlemen,” many volunteer officers and men promoted from the ranks attempted to emulate the expected behaviour and comportment of regular army professionals which retained aristocratic customs and vestments. Regardless of temporary status, Canadian officers who failed to live up to this standard were subject to dismissal and cashiering, or alternatively to administrative punishments such as forced resignation. In a wartime atmosphere, the social stigma against shirkers and the general suspicion cast on men not in uniform risked marking a similar stigma on ex-officers removed from the CEF. The loss of medals and gratuities signalled a lasting reminder of termination from patriotic war service.

The aftermath of the First World War pointed to a wider question over whether societal continuity and change had fundamentally reinforced, transformed or destabilized the meaning of honour within military culture and within public perceptions more generally. If the battlefield was conceived as the only place to gain (or regain) honour then heroic and courageous performance counted far more than being appointed to a commission as a result of civilian accomplishments and social prominence. Furthermore, if some ex-officers had recovered their disgraced honour through re-enlistment and sacrifice on the front then any ordinary soldier who had fought in the trenches could arguably earn honour as citizen-soldiers as well. The public esteem derived from veteran status did not, however, overturn a hierarchal military justice system which reserved cashiering and dismissal for the type of man privileged to hold a commission. In the context of societal change, regular army traditionalists worried that the sentences of denigration had lost their power as shameful deterrents while more egalitarian-minded commentators felt that their exclusiveness as penalties reserved for officers merely reinforced elitist assumption about class division. Debates about the practicality of cashiering and broader revisions to the Army Act emerged through the interwar period in Britain, but
questions of military law rarely occupied the attention of Canadian military and political leaders after the first war. Negative public and press reaction to the notorious cashiering of Captain Charles Graham Brown in winter 1933 nevertheless revealed a general sense that expulsion from the peacetime army, the loss of medals and threat of financial insecurity represented an excessive penalty because it violated his rights both as a war-wounded veteran and as an upstanding citizen.

The sense in which dismissal and cashiering to some degree “de-citizened” an ex-officer became even more pronounced in the Canadian military during the Second World War and in its aftermath. Ex-officers of the first war had been denied the war service gratuity awarded in 1919, but by 1944 the federal government’s social support policies included much more substantive rehabilitation programs for honourably demobilized veterans. By explicitly linking a good war record to good citizenship, some policymakers and military leaders asserted that veterans with dishonourable records did not deserve financial rewards or re-establishment benefits because they could not be anticipated to constructively contribute to Canadian civic life in the postwar era. From economic and social perspectives, cashiering and dismissal had not lost their potency as effective punishments by the mid-twentieth century—as often lamented by professional army traditionalists during the interwar period—instead many ex-officers themselves, politicians and even some military officials believed that the sentences had perhaps become too severe because they denied an ex-officer the status of a citizen-veteran along with all the benefits earned by fellow service members. Denial of these rehabilitation grants created the perception of such an additional burden—compounding the initial disgrace of the removal from the service itself—that the veterans’ affairs department felt compelled to set up a board of review to award the withheld gratuities to most dishonourably discharged ex-soldiers and ex-officers.
The drain on manpower resources and the burden of proof meant that judicial sentences were not always the most efficient or desirable method to cancel an officer’s commission especially in wartime. As this form of removal often resembled a version of dismissal or cashiering, losing a commission by the judgement of higher authorities through an adverse report or classification board carried a similar sense of shame and failure. The numerous petitions and appeals submitted by ex-officers of both world wars even decades after their convictions pointed to the priority placed by veterans on securing honourable discharge certificates and their attempts to erase a past mistake. The desire to claim a good war record suggested important symbolic, sentimental and financial motives. As I have argued in this thesis, dishonour and dismissal also carried important implications for asserting one’s manhood. Although interpretations differed depending on time and context, the identity of an officer and a gentleman signified masculine worth and esteem. From the perspective of many fellow officers, and sometimes in the opinion of the general public, the loss of a commission emasculated an ex-officer. As one commentator remarked about the cashiering of Captain Brown in 1933, “his punishment would unman the manliest of us.” While the process of removal from the military was supposed to degrade or destroy a former officer’s honour, from the perspective of higher authorities and superiors it was the proof of a man’s misconduct or abnormal behaviour that “unmanned” a unsuitable officer. Thus an ex-officer was supposed to carry a dual stigma as both a man stripped of his commission as well as one guilty of either a military crime or unofficer-like conduct.

**Military Law and Punishment**

An overview of the type of offences seen to warrant sentences of dismissal and cashiering documents the changing notions of officer discipline and ungentlemanly behaviour in the Canadian Army over the course of two world wars. Although criminal statistics and the number
charges do not necessarily reflect the full extent of certain forms of indiscipline, the degree of misconduct that caused offenders to lose their commissions is vital to quantifying how the Canadian military defined and prioritized honourable and dishonourable behaviours. Military authorities assessed an officer’s conduct on a spectrum of conduct from heroic to normal to abnormal to scandalous, all of which were measured against context-specific interpretations of martial masculinity. As established by British military-legal precedent, the classic honour crime of scandalous conduct unbecoming an officer and a gentleman set the boundaries for acceptable and unacceptable behaviour within Canadian officer corps culture. From the perspective of British and Canadian military authorities, serious infractions against the Army Act, or failures that warranted administrative released, suggested a critical lack of self-discipline, weak character or suspect morals—qualities which indicated a failed process of socialization as responsible men and evidence of immaturity. In order to preserve the collective honour of the entire officer corps, punishment and expulsion served to isolate instances of misconduct and set the boundaries of normal, acceptable actions by attributing misbehaviour to an individual officer’s personal failures, unsuited temperament, unsociability or abnormal constitution.

**Drunkenness and Disorderliness**

Alcohol had long been a central part of military life within the British Army. From the eighteenth century onward, regimental commanders provided troops with a rum ration. Access to liquor contributed to the close association between soldiering and heavy drinking. In addition to concerns about causing immorality and crime due to intoxication, widespread alcohol use and abuse contributed to disciplinary problems and inefficiency. Officers enforced the strict boundary separating commissioned ranks from ordinary soldiers by not drinking or associating socially with the men and by exhibiting self-control while on duty. According to revisions to the
Army Act during the late nineteenth century, officers accused of drunkenness no longer faced a charge for conduct unbecoming an officer and a gentleman. Public intoxication invited notoriety and scandal particularly from disorderly and obscene behaviour but the Manual of Military Law specified that charges for drunkenness of officers ought to be framed under Section 19 rather than Section 16.² Military members as well as civilian onlookers nevertheless understood that an accusation of drunkenness reflected on an officer’s reputation as a gentleman. The persistence of middle-class Victorian sensibilities and temperance movement activism negatively associated public drunkenness with the unrestrained riotousness of the poor and less-respectable classes.

While drunkenness had been a leading cause for dismissal in the British Army, the First World War raised even greater concern and scrutiny over officers’ drinking habits as well as questions over the place of alcohol in the wider society. Significantly, drunkenness whether in camp, in public or in the field represented nearly half of all CEF officers dismissed over the course of the first war. From the perspective of military leaders, overdrinking among officers in the trenches indicated a dangerous lack of self-discipline. Abnormal and bizarre behaviour also tended to be attributed to drunkenness rather than to physical or psychological breakdown. Veterans on leave from the front or for convalescence sometimes discovered that stress and trauma had either diminished an ability to handle liquor or resulted in a dependence on drink. By the Second World War, popular reaction against temperance created greater social acceptance and even an expectation for drinking at social events and within the officers’ mess. Dismissal for drunkenness occurred at a markedly lower rate in comparison to the first war and typically included additional charges of unofficer-like behaviour such as disorderliness, swearing or fighting in public. Medical perspectives on overdrinking also signalled a shift from simple denunciation of addiction as a moral failure to the identification of alcoholism as a physical and

psychological disorder. Officer drunkenness therefore had become more of a medical and administrative issue rather than a legal problem dealt with by court martial.

**Financial Crimes and Dishonoured Cheques**

During both world wars, financial fraud, stealing and embezzlement represented a significant type of offence committed by Canadian officers overseas. The practice of dishonouring cheques in particular was not only criminalized as obtaining money under false pretences in a civilian context; it was also considered a subversion of military discipline and proper officer etiquette. By the early twentieth century in Britain and Canada cheques had become a popular and fashionable form of payment instead of cash. The ability to write a cheque confirmed respectability and gentlemanly status. Inheriting upper-class values and taboos, British Army tradition long regarded unpaid debts as a serious violation of military custom and law because it undermined the gentlemanly code based on implicit trust. By signing a worthless cheque an officer ostensibly supported by private means disgraced himself in the eyes of brother officers and discredited his regiment by betraying that trust.

During the First World War, an officer who knowingly or carelessly overdrew his account by issuing worthless cheques had committed a clear violation of military discipline because he had exploited the prestige of his uniform and commission in order to secure the false trust of the receiver. As a result the vast majority of charges under Section 16 concerned officers attempting to pass worthless cheques. A generation later, the prosecutor against a lieutenant who cashed several worthless cheques in England in 1940, similarly declared, “It is well known that an officer’s word is the word of a gentleman in other words it cannot be and is not questioned ... he is an officer and his character and his credit are never in doubt for a moment.” However, while the explicit association between financial honesty and gentlemanly conduct persisted throughout
the first half of the twentieth century, prosecutions for dishonoured cheques indicated a crucial shift from the first to the second war. Whereas during the First World War, officers who wrote worthless cheques faced cashiering for conduct unbecoming an officer and a gentleman, Second World War prosecutions soon abandoned the more onerous charge of Section 16 by framing cheque frauds under prejudice to good order and discipline. Marking another crucial shift in the priorities of military justice from the first war, during the Second World War Canadian authorities increasingly used a charge of conduct unbecoming in order to regulate non-financial, social transgressions committed by officers.

Scandalous Conduct

During the eighteenth century, charges of conduct unbecoming had encompassed a wide range of offences including private disputes and insults between officers, misappropriation of regimental funds, gross indecency and obscene behaviour in public. Through the late nineteenth century and into the First World War, a charge of conduct unbecoming predominantly referred to officer’s financial crimes, primarily through dishonoured cheques. The two sample charges cited in the original Manual of Military Law identified the type of offence most closely associated with conduct unbecoming—a lieutenant who dishonours a cheque in payment of a mess bill; and a captain who writes an insulting letter to a commanding officer. With few exceptions during this period, private indiscretions or social misconduct rarely fell within the scope of the military justice system. In legal and judicial responses to allegations of misconduct, Canadian military authorities tended to respect the personal privacy of officers in regard to illicit relations with women unless the crime concerned financial fraud.

The interwar period marked a crucial shift in how Canadian military authorities applied a charge of conduct unbecoming to social offences. By the Second World War, military leaders
expressed a greater willingness to use a charge of conduct unbecoming to prosecute officers’ obscene misbehaviour or sexual misconduct rather than fraudulent financial transactions. In cases of immoral behaviour, the responsibility to define scandalous conduct fell to the judgment of court martial members who may have taken their cues from a military leadership that prioritized officers’ moral behaviour. Prosecutions of gross indecency under a charge of conduct unbecoming best illustrated the shifting meaning of ungentlemanly behaviour and the evolving definition of military scandal from the first war to second.

Gross Indecency

Military prosecutions of officers for gross indecency built on a nineteenth century focus on criminalizing same sex acts but it also reflected a desire to reinforce the hierarchical boundary between officers and other ranks. When assessing attitudes toward gross indecency, as some scholars have cautioned, historians should not assume that people in the past accepted or understood modern notions of heterosexuality or homosexuality. As far as Canadian general courts martial were concerned in the first war, homosexuality (and by extension heterosexuality) as discreet sexual identities or medicalized categories, did not exist. The few charges under Section 16 concerning indecent behaviour by officers were framed more as violations of the boundary between higher and lower ranks than persecutions for sexual deviancy.

During the interwar period, the topic of human sexuality, particularly the nature of homosexuality became a subject of significant interest among medical and psychological professionals. Reflecting the wider dissemination of medical and psychological theories about homosexuality through the military institution and wider society, the martial justice system made rooting out sexual deviancy among officers and soldiers a higher priority. In contrast to First World War cases where indecent acts were described in detail but not subject to deeper medical
or psychological analysis, courts martial for indecency during the second war concentrated on exposing and defining homosexual personality types. The trial proceedings contained medical debates between prosecution and defence over the nature of sexual behaviour and orientation. Military authorities remained focused on deterring close familiarity between officers and other ranks but they were also more willing to use the martial justice process to expel leaders accused of what the medical service defined as sexual abnormality.³

Military Misconduct

The military crimes outlined to this point have largely concerned officers’ social and financial misconduct, but the primary responsibility and training of a regimental officer was to command troops in combat. Wartime pressures exposed a fundamental tension between the proper conduct of a traditional gentleman, which privileged sober conduct, financial honesty, and to varying degrees, sexual morality, and the conduct of a good officer on the battlefield, which relied upon courageousness and boldness. Drunkenness in the field constituted a serious offence but severe punishment resulted from the potential damage caused by an intoxicated leader’s poor judgement on the battlefield or poor example for other ranks rather than the public embarrassment that a drunken officer’s obscene behaviour might cause in a civilian setting. Aside from embezzlement and larceny committed after the cessation of hostilities, field commanders routinely awarded only light punishments for financial crimes whereas similar offences earned dismissal in England. That a financially dishonest officer might still be a valuable combat leader illustrated how socially acceptable and unacceptable behaviours very much depended on context and circumstances. On active service in the field, military authorities tended to accept that regulating social decorum by court martial would be an inefficient use of judicial resources. Severe penalties against serious military misconduct such as cowardice,

³ Paul Jackson, One of the Boys: Homosexuality in the Military during World War II (Montreal: MQUP, 2010), 89.
negligence, self-inflicted wounding and illegal absences by contrasted served to enforce a high standard expected of a man holding a commissioned rank.

Whether leading an advance through No Man’s Land or commanding a platoon from a slit trench, an officer in both world wars needed to inspire confidence and morale by his stoic temperament and daring conduct. The high attrition rate among junior officers in the British and dominion armies throughout both conflicts confirmed the great personal risk such conspicuous leadership entitled. From the standpoint of military discipline and combat motivation, those who appeared to defy this courageous ideal needed to be punished severely in order to make equally conspicuous examples as deterrents. Failure under fire seemed to reveal the limits of willpower and self-discipline to carry on in stressful or traumatic conditions. Attributing an officer’s unsuitability to either weak character or legitimate illness involved a range of legal, medical and moral assumptions.

In order for a court martial board to accept nervous instability as a legitimate defence, an accused man needed to prove that the condition had removed a basic ability to understand right from wrong. This onerous legal standard represented a paradox in which a sufferer with the sense to recognize his own mental trouble could not therefore be considered truly insane. While medical responses to physical and psychological breakdown were complex, some generals and doctors still drew on nineteenth century understandings of mental disease, hereditary weakness, and degeneration in diagnosing nervous symptoms. Contemporary theories of mental disease portrayed certain afflicted men with alleged personal failings and weak character as unsuited for the stress of combat and command. Rather than cause physiological or psychological problems, traumatic experiences in battle were often assumed to only trigger a latent susceptibility for

nervous breakdown. During the First World War, the problem of shell shock seemed to point to the physical concussion of explosions for causing nervous symptoms. Over the course of the war, medical professionals came to suspect a psychological origin for the disorder that resulted more from emotional trauma and exhaustion of nervous energy.

By the Second World War, medical opinion shifted further toward a psychogenetic basis for the condition previously known as shell shock. Medical experts argued that rather than physical concussion from a blast, nervous symptoms appeared to be a psychosomatic response to fear and stress. Believing that the evocative connotation of the term had ingrained the idea that shell explosions inevitably produced nervous symptoms, medical and military leaders banned shell shock as a diagnosis.\(^5\) The debate over whether nervous breakdown resulted from a predisposition to mental disorder or could be attributed to combat stress continued to shape medical and disciplinary responses to the problem. Based on sociological and psychological theories about human behaviour and normality, some doctors and generals claimed that men predisposed to neurosis could be identified through clinical and scientific screening. Under battlefield conditions during the European campaigns of 1943 to 1945, medical officers, field psychiatrists and fighting men themselves recognized that even normal men could suffer mental and physical symptoms from the cumulative strain of active service and traumatic experiences. Despite greater sympathy and recognition of battle exhaustion, persistent ideas about willpower and moral character continued to imply that officers who broke down were temperamentally unsuited with an unstable personality type.

**Dishonourable Discharges**

Over the course of both world wars, to what extent did Canadian military authorities, government officials and civilians view ex-officers as distinct from dishonourably discharged ex-

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soldiers? Although this thesis has primarily been concerned with dismissal of officers and the loss of commissions due to misconduct, a comparison with the various types of dishonourable discharges imposed on other ranks highlights important social and economic assumptions about the nature of expulsion from the military. Historically, from the perspective of government officials, as well as in the opinion of many civilians and employers, ordinary ex-soldiers discharged with ignominy or released for reasons of misconduct did not possess redeeming qualities because such men were presumed to have always been degenerate, immoral or criminal. Notably, discharge with ignominy carried a restrictive provision designed to prevent an ex-soldier from re-enlisting without first disclosing prior bad service. In contrast to the path of redemption provided for ex-officers through re-enlistments, recruiters had an incentive to refuse ignominiously discharged ex-soldiers who did not deserve even the honour of joining again at the lowest rank.

In the mid-nineteenth century, soldiers discharged with ignominy had further been physically marked with tattooed letters designating desertion or bad conduct. Although this form of “branding” disappeared from practice by the early twentieth century, penal servitude or imprisonment still typically accompanied discharges with ignominy. The sense that a dishonourable record and termination from the service alone did not inflict a sufficient deterrent on other ranks persisted by the outbreak of the First World War. In an atmosphere that placed great value and public esteem on voluntary enlistment, discharge for misconduct or as undesirable provoked a sense of resentment and humiliation among many ex-soldiers and failed recruits; however, military authorities did not recognize discharge with ignominy as a powerful disciplinary instrument which would sufficiently deter privates and NCOs from future crimes.
By the Second World War, Canadian forces field general courts martial more readily used misconduct discharges against other ranks as deterrents and punishments although in most cases the sentences still accompanied periods of imprisonment or detention. After the war, Canadian review boards often modified the reasons for an ex-service member’s dishonourable release so as not to prejudice the individuals in postwar life but officials were usually unwilling to wholly overturn a conviction and punishment. Changing ideas about the exclusiveness honour and the expansion of the number of veterans whose claim to honour as now recognized by governmental and military authorities meant that dishonourable discharge for soldiers came to assume an equivalent type of disgraceful and stigmatizing previously restricted to dismissal for officers. The revision to the scale of punishments under the National Defence Act signified no explicit distinction for a sentence of dismissal or dismissal with disgrace based on higher or lower rank. From the perspective of some military and civilian leaders, the restrictive penalties enforced by dismissal with disgrace de-citizened a service member regardless of former rank. For some this consequence served as an appropriate signal that failure in military life implied failure as a citizen while others worried that it imposed too harsh a penalty because it conflated an offence committed in the military with the denial of civil rights guaranteed to every Canadian citizen.

**Consequences of Dishonour**

While the availability of extensive court martial proceedings and official documentation permits a thorough examination of the legal and administrative policies that deprived a man of his commission once an ex-officer completed the expulsion process from the military primary sources become much more fragmentary or otherwise inaccessible. Just as tracing the transition to civilian society as experienced by an entire generation of veterans defies simple generalizations, the postwar lives of several hundred Canadian ex-officers from both world wars
cannot be reduced to a straightforward pattern of predictable responses. Court martial conviction or administrative release for misconduct undoubtedly affected the trajectory of many lives but even this traumatic and humiliating experience did not necessarily represent an inevitable life-alternating event. Most veterans whether dishonourably released or honourably demobilized went about with their lives in postwar years. Some men experienced domestic problems and some marriages broke up upon ex-officers’ return while others wed, had children and found varying degrees of employment success. A few disappeared into obscurity and left behind abandoned dependants and broken commitments. A few remained overseas with or without authorization while others emigrated from Canada not long after their return by seeking opportunities in the United States.

Some made a better transition to civil life than others but attributing postwar success or failure to a dismissal sentence alone overlooks the range of socioeconomic factors which might contribute to the shape and direction of any veteran’s life. When ex-Pilot Officer Fenwick Job died in a car accident in 1956 by that time he was a respected radio station manager and an elected town councillor in Brampton, ON. Meanwhile when ex-Captain J.P.C. Desormeaux, dismissed in 1941 for dishonoured cheques, died in an airplane crash in 1963 he was being transported as a convict under the custody of the RCMP. Had Job’s cashiering for the alleged rape of an airwoman in 1943 not proved detrimental to his postwar small business pursuits and civic leadership role, or had the wartime sentence evidently never threatened to shadow his later career? Had Desormeaux’s offenses during the war set him down a path of crime despite his subsequent re-enlistment, or were his dishonoured cheques indicative of a pre-existing pattern of delinquency?

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When attempting to stress the shameful nature of dismissal or dishonorable discharge, the rhetoric of many generals, politicians and policymakers implied, or in some cases explicitly stated, that a bad war record would produce a bad citizen. The postwar reality did not always neatly fit an easy assumption that being “de-citizened” naturally followed being “de-officered.” The war record and postwar life of Lieutenant John Joseph McTeer illustrates how the experience of a cashiered convict did not inevitably lead to total social exclusion and abject failure in later life. In the years before the Second World War, the six-foot, 220 pound McTeer seemed to exemplify a model of Canadian masculinity and male citizenship. A noted athlete in rowing, football and hockey, the Ottawa-born young man played for the Washington Eagles in the Eastern Hockey League where he was known as a tough defenceman and a heavy body checker. After multiple suspensions for fighting and rough play, “Bad Boy” McTeer was cut from the team in February 1941. He enlisted with the Canadian Army later that year in October. He received a commission in March 1942 although the senior instructor at OTC Brockville remarked, “He is the play-boy type and needs to settle down a lot before he will make a good officer.” He went overseas to Britain in summer 1942 and deployed to Northwest Europe in November 1944.

While attached to the RCASC in Germany in May 1945, McTeer was charged and convicted under Section 41 of the Army Act for raping a German woman on VE Day. In the context Canadian and Allied authorities’ attempt to crackdown on fraternization during the occupation period and punish sexual crimes committed against German civilians, the general court martial sentenced the lieutenant to be cashiered plus five years penal servitude. His defence counsel pleaded in mitigation, “It seems a pity that he should go home with a smear on his

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9 Personnel File of Lt. McTeer, 357-3-73.
name.” Higher authorities confirmed the sentence which was officially promulgated on 27 July 1945. During his months confined to prison in England, McTeer mounted a detailed petition for remitting the sentence if not for outright quashing his conviction. He challenged each aspect of the prosecution’s case and assembled letters from senior officers and civil dignitaries testifying to his good character. The mayor of Ottawa stated, “his reputation is excellent and I know him as a fine citizen.” His parish priest remembered him as, “a young man of good moral character and temperate habits.” An Ottawa coach declared him “very highly regarded in this City as a citizen and athlete,” while a football manager added he “always conducted himself both on and off the athletic field in a Gentlemanly manner.” To those in Canada, McTeer projected the ideal image of temperate manliness. As a result his alleged offence could not be simply attributed to abnormality; though to military authorities it still signalled a failure of mature socialization.

Upon submission of the petition to the Court Martial Board of Review in December 1945, the reviewing officer “consider[ed] this to be the most thorough and well-drawn petition that he has ever seen ... irrespective of the technical legality of the proceedings, a serious injustice may have been done.” In its final decision, the board made no ruling about the legality of conviction but recommended remitting McTeer’s prison sentence and returning him to Canada. As there was no legal basis to dispute the court’s finding, Judge Advocate General R.J. Orde refused to quash the guilty verdict. Adjutant-General E.G. Weeks likewise saw no cause to interfere in the conviction. After spending over six months in prison McTeer returned to Canada, where the unserved portion of imprisonment was remitted, but the cashiering sentence remained in effect.

On 22 February 1946, McTeer was released from No. 89 Military Detention Barracks at Fort Henry, Kingston, “by simply being given his railway ticket to his home and told that he was

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10 GCM of Lt. McTeer, reel T-15704, file 55-M-3072.
free to go, as a civilian.”\textsuperscript{11} Once back in Ottawa, in mid-March 1946, an army psychiatrist described the ex-lieutenant’s poor mental condition: “is tense, restless and feels himself very nervous and shaky after being amongst people. This officer, from his description of it, developed battle exhaustion with depression and over drinking as result was cashiered. This is being reviewed with news in his favour and prospect of cancelling all charges ... His improvement is dependent on situational factors”\textsuperscript{12} If recovery relied solely on commutation McTeer would be disappointed. After reassessment of the case in August 1946, the reviewing officer for the army discharge board felt that a severe reprimand would have sufficed as a punishment and “strongly recommended” remitting the cashiering sentence. Nevertheless, in its final decision the discharge review board, as in nearly all cases concerning ex-officers, refused to expunge his dishonourable discharge status. In the eyes of army administration, McTeer remained a cashiered ex-officer.

Shortly after his arrival back in Ottawa, McTeer’s name began appearing once again in the Ottawa sports pages which noted his athletic achievements. By May 1947, the WSG Board of Review confirmed his war service gratuity of $854.95 calculated from enlistment until promulgation of his sentence, excluding the time spent in prison overseas. He also received a rehabilitation grant of $201 and re-establishment credits worth $581.75.\textsuperscript{13} He married two years later in 1949 and started a family in Cumberland, Ontario just east of Ottawa. Despite financial insecurities through middle-age attributed to lack of higher education, McTeer established himself as a grassroots organizer and backroom strategist in Progressive Conservative politics at the local, provincial and federal levels. One of his daughters recalled that he stressed the importance of making civic contributions as essential to sustaining democracy. After a failed

\textsuperscript{11} Col. Cathcart to DGMS, 1 Mar 1946. RG 24, reel C-5139, file 8151-18.
\textsuperscript{12} Personnel File of Lt. McTeer, 357-3-73.
\textsuperscript{13} Adjusted for inflation, the combined WSG and rehabilitation grant of $1055.95 in 1947 would amount to $14,505.98 in 2019. The re-establishment credits would equal $7,991.72.
attempted run at local municipal politics in the 1960s, he served as campaign manager for an Ontario cabinet minister and acted as an advisor for his daughter’s husband, a young Alberta MP in pursuit of the leadership of the federal Progressive Conservative Party. Just over one year after McTeer’s death on 23 April 1978, his son-in-law became the 16th Prime Minister of Canada.

McTeer’s postwar experience complicates the apparent necessity of holding an honourable war record as a vital component for good citizenship in the postwar period. Most who knew of his court martial and conviction appeared doubtful as to his guilt or felt such a severe sentence did not fit the offence allegedly committed in the throes of victory. The civic leaders who wrote letters on his behalf seemed largely unaware of the serious nature of the charges. Available sources such as newspaper notices and memoirs indicate that knowledge about his cashiering was not widespread or at least never emerged as point of public controversy. The circumstances behind his return to Canada under custody and the delayed receipt of a gratuity may have impaired his transition into civilian society and may have impeded the potential pursuit of higher education. Just as it would be an exaggeration to claim that loss of a commission forever destroyed the life of every convicted ex-officer it would also be a mistake to assume that a dishonourable record could simply be wholly ignored and forgotten. As late as 1959, at the same time that McTeer’s family grew and he attempted to re-establish himself in civilian and business life, the ex-lieutenant futilely appealed to the governor-general and the department of national defence for a change in his discharge status to finally obtain an honourable certificate. Evidently he had not forgotten the circumstances behind the termination of his war service. The refusal of higher authorities to interfere continued a longstanding precedent in the army to resist erasing a dismissal sentence imposed by an overseas wartime court martial.
After both the First and Second World Wars, some commentators expressed a sense that dismissal from the military no longer represented a meaningful disgrace in comparison to an imagined earlier era when honour had evidently carried greater moral weight. The seeming successful reintegration of certain ex-officers into civilian society raised the prospect that actions judged dishonourable within a wartime military context might in fact prove advantageous in other settings. When debating the 1955 Army Act in the British House of Commons, one Labour MP remarked, “I am not at all sure that if such a man—who, by definition, is not a man of high moral standards—instead ... were to seek some more lucrative occupation in commerce or industry, he would find that having been cashiered would stand so much in his way. There has, in recent times, been a strong tendency to assume that if a man has been in any way penalised by the State that is the mere bureaucracy of the State—‘This is the sort of independent-minded fellow we want in commerce and industry.” An incredulous colleague doubted whether “our responsible leaders” in business and financial sectors would accept men cashiered from the army or air force on boards or in positions of authority, but in Britain and in Canada holding a dishonourable record for ex-officers did not always prove to be the insurmountable obstacle that many in the government and the military so often predicted (or feared, or hoped). By the 1950s and 60s, several Second World War cashiered Canadians could be found on executive boards or in the vice presidencies of businesses such as mining companies and advertising firms.

The loss of a commission could create a peculiar sense of prestige for some men—though most did not openly embrace dishonourable status. One ex-lieutenant colonel resumed a career as an advertising executive following dismissal for larceny in 1946. Even thirteen years later he remarked, “all the water is over the dam. I collected my gratuities, for which I was duly grateful

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and tried my best to put it all behind me ... I just cannot do it!” Similar appeals found in personnel files allowed many ex-officers after either the First or Second World War to protest their sentences while at the same time stressing pride in military service and recounting otherwise valuable war records. As this ex-colonel expressed, “I was very proud of my wartime service, my rank ... and all those other things which set us as Canadian soldiers overseas, apart from the poor civilians at home.”\textsuperscript{16} Despite futile petitions for pardons decades after either world war, ex-officers had still served in uniform with a commission for a time, and despite the dishonourable termination of that service, many narrated their experiences to at least show that they had made more of a contribution than the civilians who never made that sacrifice.

The unique stigma of being dismissed, cashiered or reclassified implied that the ex-officer had at least once been a man of honour and therefore even a ruling that deprived him of his commission and expelled him from the army carried the implication that one so disgraced had the potential to rehabilitate himself. Even those who did not seek to mitigate a bad war record through re-enlistment sometimes found that decent prospects in civilian life were not beyond the reach of even a supposedly disgraced ex-officer. Those ex-officers who made the choice to climb the ladder again from the lowliest rank represented an admirable type that military leaders sought to promote as models of reformed manhood. During both world wars, re-enlistment in the ordinary ranks offered an ex-officer the chance to both make a contribution to the war effort and restore his reputation in the eyes of superiors, peers, friends and family. Although soldiers who received suspended sentences from terms of imprisonment might similarly seek redemption through combat duty, ex-soldiers discharged with ignominy were rarely afforded the opportunity. Despite the cultural importance of coming back and making good, in only the rarest of cases, could an ex-officer regain their original commission with the full restoration of rank and

seniority. Most cases of re-commissioning only represented a partial form of restoration because the promotion came in the form of a new commission. Redemption could only be meaningful if the original error or crime remained in place as a lesson to others.

The possible narratives of either ruin or redemption which served to frame the experiences of the Canadian ex-officers studied in this thesis highlighted the thin margin in military life, and particularly under stressful wartime conditions, between success and failure. Dismissal represented a double-edged sword which served to expel an offender and safeguard the reputation of the service but it also risked exposing instances of misbehaviour whether committed in social settings or on the battlefield. Examining the direct and indirect consequences of being deprived of a commission illustrates the important value it signified, or was supposed to signify, for at least most army and air force officers. While losing a commission may have not been perceived as much of a punishment for some individuals who welcomed any means of escape from war service, the system of dismissal and denigration was integral to constructing honour as something to be achieved and protected through good conduct in uniform. Rather than a fixed set of universal principles that had always upheld a supposed enduring manly tradition and martial culture, the concepts of honour and dishonour analyzed in this work proved to be far more conditional and uncertain depending on the specific context and circumstance. The diverse experiences of hundreds of ex-officers through the military administration and justice system reveal the range of social, economic, medical and cultural factors that complicated a man’s performance as an officer and a gentleman.
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Bryson, J.S. Lt. 602-2-1018
Burton, W.D. Lt. 357-23-103
Calder, J.F.A. Lt. 332-26-139
Cartlidge, W.E. Lt.332-20-284
Clarke, L.F.C. Maj. 349-56-10
Craddock, R.J. Lt. 332-160-101
Davidson, R.G. Lt. 357-4-152
Desormeaux, J.P.C. Lt. 332-133-102
Dobbelsteyn, H.M.M. Hon. Capt. 203-133-102
Duclos, M.T. Capt. 332-9-138
Fagan, J.W. Lt. 332-71-134
Gillis, W.H. Capt. 349-51-16
Gurnell, H.J. Lt. 332-138-134
Haley, W.D. Lt. 602-8-1006
Hall, H.J. Lt. 602-8-904
Handford, D.W. Capt. 332-28-220
Haufek, F. Lt. 602-8-1096
Hodgins, P.R.K. Lt. 332-78-67
Jacobs, M.E. Lt. 832-J-227
Job, E.F. P/O J-27895
Kastello, M.R. Capt. 357-3-54
Landell, S.B. Capt. 357-28-54
Lumbers, G.M. Lt. 357-22-152
MacAgy, D.D. Capt. 6-M-702
Mackenzie, M.D.J. Lt. 332-106-588

McAlpine, R.T. Capt. 74-101-127
McLoughlin, T.J. Maj. 832-M-534
McMartin, A.A. Lt. 332-59-123
McTeer, J.J. Lt. 357-3-73
Michels, H.A. F/O J-20170
Morine, L.A. Lt. 349-M-186
Perusse, Y. Lt. 332-9-172
Phillips, F.M. Lt. 518-13-548
Plante, A.P. Lt.-Col. 372-4-273
Playfair-Brown, G.M. Lt. 360-B-32
Scratch, D.P. F/O J-26269
Seal, C. Capt. 832-S-738
Seguin, J.F. Capt.360-S-36
Simpson, D.M. Lt. 332-34-135
Smith, L.G.R. Lt. 332-53-159
Spearing, N.H. Capt. 602-19-280
Stabler, C.H. Capt. 558-19-153
Stone, I.J. Maj. 338-2-96
Szeibert, M. P/O J-45429
Taylor, T.H. Capt. 357-5-92
Tedman, P.H. Lt.-Col. 74-102-32
Tousignant, B. Lt. 332-65-233
Wishart, G. Lt. 332-2-373
Woods, R.J. Lt. 332-103-220
Wright, B.I. Lt. 349-W-33

Directorate of History and Heritage (DHH)

Office of the Judge Advocate General fonds
2002/23, 111.6 (D3)

The National Archives (TNA)

Air Ministry and Royal Air Force Records
AIR 21, Royal Air Force Court-Martial Register

War Office Records
WO 32, Registered Files (General Series)
WO 71, General Courts Martial case files
WO 90, General Court-Martial Register, abroad
WO 92, General Court-Martial Register, home
WO 339, Officers’ Services, First World War, Long Number Papers
WO 374, Officers’ Services, First World War, personal files
**Published Primary Sources**

**Newspapers**
- New York Times
- The Spectator
- Saturday Review
- Toronto Daily Star
- Toronto Globe/Globe & Mail
- Washington Post

**Winnipeg Tribune**

**Legislative Records**
- British House of Commons Debates
- Canadian House of Commons, Debates
- Canadian Senate, Debates

**Books, Memoirs and Articles**


**Secondary Source Literature**

**Articles and Chapters**


Books and Monographs


Unpublished Secondary Sources
Appendices

Appendix A: Dismissed and Cashiered, British General Courts Martial Confirmed at Home, 1805 to 1915

<table>
<thead>
<tr>
<th>Dates</th>
<th>Sentences</th>
<th>Financial Misconduct</th>
<th>Drunk</th>
<th>Violence</th>
<th>Disrespect</th>
<th>Duelling</th>
<th>Indecency</th>
<th>Cowardice</th>
<th>Disobey /Neglect</th>
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1 Compiled by author based on British general court martial register. TNA, WO 90; WO 92.
Appendix B: First World War CEF General Courts Martial, 1915–1919

Chart 1: GCM in England (officers only)

Chart 2: GCM in France and Flanders/ Germany (officers only)

2 Compiled by author based on general court martial records. RG 150-8, R611-430-3-E, reels T-8651 to T-8696.
Appendix C: First World War- Canadian Army Officer Courts Martial, 1914–1919

Chart 1: Canadian GCM, overseas

<table>
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<th>Place of Trial</th>
<th>1914</th>
<th>1915</th>
<th>1916</th>
<th>1917</th>
<th>1918</th>
<th>1919</th>
<th>Total</th>
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<td>67</td>
<td>94</td>
<td>83</td>
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<td>170</td>
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<td>74</td>
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Canadian GCM at home

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<th>1916</th>
<th>1917</th>
<th>1918</th>
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Charts 2: British Expeditionary Force sentences (commuted and not confirmed included; dominions inclusive)\(^3\)

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<td>Oct 1915 to Sept 1916</td>
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<td>Oct 1916 to Sept 1917</td>
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<td>87</td>
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<td>Oct 1917 to Sept 1918</td>
<td>76</td>
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<td>Oct 1918 to Sept 1919</td>
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<td>Oct 1919 to Mar 1920</td>
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Chart 3: Canadian Expeditionary Force only (commuted and not confirmed included)

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\(^3\) *Statistics of the military effort of the British Empire during the Great War*, (London: His Majesty's Stationary Office, 1922), 650.
Appendix D: Second World War- Canadian Army Officer Courts Martial, 1940–1946

Chart 1: Overseas Quarterly Returns (Jan to Mar; Apr to Jun; Jul to Sep; Oct to Dec)

![Chart 1: Overseas Quarterly Returns](image)

Chart 2: Second World War, Canadian GCM overseas (including officers and ORs)

<table>
<thead>
<tr>
<th>Place of Trial</th>
<th>1939</th>
<th>1940</th>
<th>1941</th>
<th>1942</th>
<th>1943</th>
<th>1944</th>
<th>1945</th>
<th>1946</th>
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Chart 3: Second World War, Canadian GCM at home (including officers and ORs)

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<th>1940</th>
<th>1941</th>
<th>1942</th>
<th>1943</th>
<th>1944</th>
<th>1945</th>
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4 Summarized Trials by Court Martial- 1939/46. RG 24-G-3-1-a, vol. 18571, file 133.055(D1).
### Appendix E: Canadian Army Officers, Total Charges by overseas GCM

<table>
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<th>Army Act Offence</th>
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<tr>
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<tr>
<td>Embezzlement</td>
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<td>Drunkenness</td>
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<td>Losing by Neglect</td>
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<td>Attempted Suicide</td>
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<td>Good Order and Discipline</td>
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<td>626</td>
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<tr>
<td>Misc. Civil Offences</td>
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<td><strong>Total Charges</strong></td>
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5 Compiled by author based on general court martial records and charge books.