

## **Scandalous Conduct**

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## Introduction

WRITING IN DECEMBER 1923, Leon Archibald, a Nova Scotia-born instructor of civil engineering at the University of Minnesota, reflected on his memories from the Western Front over eight years earlier:

After crawling from Zillebeke to the trenches on one's stomach, a distance of 600 yards, with machine guns and fixed rifles kicking mud into one's face, all the way there was the happy prospect of four days in a front line trench, two and a half feet deep in mud and water, without the sign of a dugout, and the enemy perched on the knoll or Hill 60 thirty-five yards away, whence he made life for us ten times the hell it ordinarily would have been.<sup>1</sup>

In reliving his struggles and trauma from the First World War, Archibald explained, "I simply wish to draw attention to the fact that I enjoyed an average measure of rigorous service for my country in the time of her dire need and for which, to date, I have not had as much as 'thank you.'"<sup>2</sup>

On 17 September 1914, Archibald, a twenty-four-year-old civil engineer living in Regina, had 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, he transferred to a Canadian reserve battalion with the rank of lieutenant. After several months stationed in England, Archibald became restless and discouraged while still affected by his wounds. On 21 May 1917, he was seen in the streets of Canterbury accosting a Scottish soldier. An English police inspector approached, asking: "Are you not ashamed of yourself, sir?"

"Balls to you," the intoxicated Canadian lieutenant responded. "Go and fuck yourself."<sup>3</sup> The police claimed Archibald became even more abusive and aggressive when they took him into custody. One month later, a general court martial convicted him of drunkenness and violent disorderliness. His defence counsel argued that Archibald's behaviour was "a direct result of his service in the campaign" and that the "ignominy of confinement in a civil cell" warranted leniency.<sup>4</sup> The court disagreed, sentencing him to be dismissed from His Majesty's service.

On confirmation and promulgation of the sentence on 27 July 1917, Archibald ceased to hold a commission in the CEF and returned to Canada as a civilian. Just over one year later he sought restoration of his rank in an unsuccessful appeal to the militia minister:

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, and on account of such a trifling indiscretion 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.<sup>5</sup>

Even years later, while Archibald established a new life in Minnesota, he remained troubled by this dishonour. “The treatment meted out to me has been too drastic,” he stated. “I was not a professional soldier. I simply went and did the best I could at a time when my country needed me.”<sup>6</sup>

On 27 September 1941, Harry John Gurnell, a twenty-six-year-old actuarial clerk from Toronto, enlisted as a second lieutenant with the Canadian Active Service Force. He served for nearly a year and a half in the Italian campaign, where he suffered a shrapnel injury that left him partially blind in one eye. When he returned to England to settle his accounts before demobilization in April 1945, he wrote two cheques for £5 and £3 to a pair of civilians. When the bank refused the cheques because it found no trace of Gurnell’s account, the lieutenant faced military prosecution for a violation of banking regulations. His defence counsel argued that any officer might make a mistake, remarking that “every single one of us if brought on charge for every case of carelessness or stupidity which we have indulged in, in the Army, that every one of us would find ourselves convicted a dozen times over.”<sup>7</sup> As dishonoured cheques constituted a breach of good order and discipline, a court martial sentenced Gurnell to dismissal from the army on 11 July 1945.

After returning to Canada, the ex-lieutenant appealed his conviction to the defence minister: “Besides being forced to leave the army after having served almost four years to the best of my ability with an armoured unit, and being wounded in Italy, I must live the rest of my life with it hanging over my head.”<sup>8</sup> He especially worried that he would have nothing to show that he had ever volunteered. “I cannot wear a discharge button; I cannot carry a discharge certificate,” Gurnell explained, “I cannot wear campaign ribbons or receive the medals themselves. As far as I know I have lost all the war service gratuities that I earned.” Deprived of the symbols and financial rewards that validated

honourable veteran status and wartime service, he anticipated a difficult transition into civilian life, concluding, “I will always have the fear that this one mistake that I made will be found out and my future will become insecure.”<sup>9</sup>

These two court martial cases, over two world wars, illustrate the anxiety and shame that followed an officer’s loss of commissioned rank and rejection from military service for misconduct. Two officers who had served creditably on the battlefield found themselves convicted of transgressions they regarded as relatively minor, but which military law deemed crimes that deserved expulsion. The martial justice system enforced good order and discipline according to the distinct military-legal code contained in the Army Act, which categorized offences by type and outlined scales of punishment. Maintaining the highest standard of conduct, in part through the threat of dismissal, depended on the expectation that officers privileged their status and valued the esteem of their peers and the public. A dismissal sentence passed by a military tribunal in the form of a general court martial, once confirmed by higher authority and promulgated through official channels, marked the disgraceful end of even a temporary, wartime military career. As a court martial board was composed of serving senior officers, and because confirmation moved up the chain of command, the sentence represented a definitive judgment on behalf of the entire military institution. The strong emphasis placed on denunciation and deterrence pointed to the public nature of the penalty as a collective statement intended to reaffirm espoused values of good conduct and promote desired moral norms. In short, sentences of dismissal served to safeguard the honour of a national armed force.

Why has this form of removal from military service been regarded as such a serious punishment? According to Canadian military law today, the modern sentence of dismissal with disgrace, which now applies to both commissioned and non-commissioned ranks, comes third on the scale of punishments, only below imprisonment for more than two years and imprisonment for life, and higher than imprisonment for under two years. One hundred years after Archibald and seventy-two years after Gurnell, in a July 2017 standing court martial, Chief 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.<sup>10</sup>

As Dutil emphasized, a sentence of either simple dismissal or dismissal with disgrace has no equivalent in a civilian context.<sup>11</sup> Other professions endorse codes of good conduct and enforce measures designed 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 or union regulations, employers in a civilian workplace may terminate an employee with or without cause. However, dismissal in military culture is supposed to represent a more exceptional form of condemnation marking a special dishonour that follows an ex-service member into civilian life and perhaps beyond. The penalty may result in indirect material consequences such as future employment challenges, financial losses, and negative effects on health care.<sup>12</sup> To be dismissed also symbolizes more than a personal punishment against an individual offender as a stigma may be felt by family members and even descendants.<sup>13</sup>

What does the history of dismissal as a crucial feature of military culture and discipline reveal about notions of honour and dishonour in the armed forces? Its important punitive function as a symbolic disgrace brings to light much about how the military has ordered the scales of punishment by rank, and thus indicates the extent to which it has recognized a service member's claim to honour. Before revisions to Canadian military law in 1950, dismissal as a formal penalty for misconduct applied exclusively to commissioned officers. The most disgraceful form of dismissal, known as cashiering, involved a ritualized process by which a convicted ex-officer was physically dishonoured by having rank badges and buttons torn off his uniform before assembled peers. According to military rules and regulations, as well as history and tradition, holding the king's or queen's commission meant that a man was not only an officer but also a gentleman. Sentences of dismissal and cashiering therefore deprived a convicted man of the former rank and negated the latter identity. The martial justice system did not assign the same sense of honour or prestige to men in the lower ranks, meaning that dishonourable discharge did not form the same disciplinary deterrent for privates and non-commissioned officers (NCOs).

*Scandalous Conduct* examines the complex meaning of honour and dishonour in the Canadian officer corps by focusing on general courts martial and dismissal sentences during the First and Second World Wars. I study the trials and

tribulations of over 500 army and air force officers expelled during this period for all forms of misconduct, from drunkenness and violence to desertion and cowardice, from fraud and embezzlement to indecency and sexual assault. Identifying the antithesis of the idealized, heroic officer promoted in propaganda and official regulations exposes the boundary between acceptable and unacceptable conduct. Failure to follow the formally and informally enshrined rules and values recognized as honourable in military culture deprived an officer of the right to respect from peers and the right to command subordinates. The loss of honour, as signified by the loss of commissioned rank, constituted a direct challenge to ex-officers' prestige, reputation, livelihood, and manhood. While the misconduct of hundreds of ex-officers did not necessarily reflect the general conduct of the entire Canadian officer corps, this history offers a new, critical perspective into how the military created and interpreted concepts of honour and dishonour depending on changing social circumstances, military necessity, and disciplinary need.

Canadian officers were subject to formal military-legal regulations as well as to a more subjective code of honour that set the expectations for proper behaviour and gentlemanly character. To assess how Canadian military leaders endorsed this idea of honourableness and enforced expulsion for gross misconduct, I trace how changing definitions of scandalous conduct shaped the quintessential honour crime known as conduct unbecoming an officer and a gentleman. Drunken disorderliness. Cowardice in battle. Writing bad cheques. Vulgar language. Sexual indecency. Adultery. All these offences could be charged as scandalous conduct, and conviction mandated cashiering. I argue that military authorities used expulsion and charges of scandalous conduct to construct the officer-and-gentleman identity as the epitome of military honour and to reject men deemed unworthy of the honour associated with a commissioned rank. Whether in the officers' mess, in public settings before civilians, or on the battlefield, however, misbehaviour revealed that rules and regulations fundamental to an officer's dual identity depended on a sense of honourableness that was not nearly as stable or uncontested as military leaders preferred to believe.

Honour is the central feature of the profession of arms in militaries of both past and present.<sup>14</sup> Victory and defeat on the battlefield are to be achieved with honour. Medals and citations are awarded for honourable actions in battle. Soldiers lay down their lives in defence of national honour. Names of the dead are commemorated on honour rolls. The public is expected to pay honour to these sacrifices through ceremony and memorials. Good service in war and peace is defined as carrying out duty with honour.<sup>15</sup> Military culture is so infused with the language of honour that reference to the word becomes almost a cliché,

perhaps even an anachronistic one, but the intricate meaning and implications of honour as a concept and framework are often taken for granted.<sup>16</sup> In *On the Psychology of Military Incompetence*, Norman Dixon punctured the mythos and romanticism that surrounds the word, writing: “Honour is to commissioned ranks what bullshit and punishment are to other ranks. In fact, there is a considerable overlap.”<sup>17</sup>

Honour is a code of conduct that aims to shape human behaviour and social interactions within a group through rituals and rules that are usually understood as implicit. Private and public expressions of honour form its internal and external components. The former is a person’s private self-worth, while the latter signifies a person’s public reputation. Recognition and esteem from others thereby validates an inner feeling of pride. The duty of the individual to behave honourably according to an established code of conduct entails a corresponding duty from group members or wider society to grant that individual value and prestige.<sup>18</sup> Thus having honour depends on the accepted obligation of others within a community to celebrate certain positive qualities and behaviours as worthy of symbolic significance and reverence. The word *honour* does not signify merely fixed universal values – such as courage, trustworthiness, or civility – but a framework that gives meaning to normative values and actions that the group either extols or condemns.

An examination of how honour has been described and expressed in the past provides valuable insights about sociocultural beliefs that define good and bad, decent and indecent, righteous and scandalous. 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.”<sup>19</sup> References to honour and dishonour identify what a society, community, or profession deems either admirable or offensive. Scrutinizing the nature of the rewards or punishments attached to such behaviours shows how the group governs social interactions through the inclusion and exclusion of members.

The process of gaining, maintaining, losing, and perhaps regaining honour reflects the limits of socially acceptable and unacceptable thoughts, behaviours, and expressions within military culture – and officer corps culture particularly. In *Understanding Military Culture*, Allan English identifies the study of culture as essential “to help explain the ‘motivations, aspirations, norms, and rules of conduct.’”<sup>20</sup> By its unique cultural artifacts such as rituals, regulations, and ranks, the military as a professional institution is distinct from civilian society, yet it

is still shaped and influenced by the larger national culture, including prevailing social norms and taboos. Although the concept of culture tends to imply a neatly ordered set of shared assumptions, tightly bound up in the common beliefs of group members, the function of any organization is characterized by more complicated and contradictory practices. Military culture, like other organizational cultures, endorses certain core beliefs and behaviours 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 define group members' ideals and norms, whereas values in use describe the unofficial practices actually exhibited or prohibited by group members.<sup>21</sup>

Canadian military culture is largely a product of the history of the Canadian Army, which owes much of its organization and customs to a colonial British heritage. In Canada, with a population often described as an "unmilitary people," militia participation and professional army service did not generate substantial public prestige during the nineteenth century, and in fact often elicited public derision.<sup>22</sup> Mass mobilization during the First World War, the elevation of veteran status during the interwar period, and the total war experience of the Second World War shifted Canadian attitudes toward military service, making it more likely to be seen as a patriotic duty and to be respected and honoured.<sup>23</sup> 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. For many, it reduced the ex-officer to a status below that of a citizen, with the potential loss of livelihood, civic rights, social capital, and financial benefits.

Within military hierarchy and other professional cultures, limits on social mobility, along with racial and gender assumptions, historically restricted which individuals were recognized as possessing honour and therefore who could use its corresponding symbolic capital.<sup>24</sup> Although often understood principally as a moral concept and an abstract ideal, honour is in fact closely intertwined with material and economic interests, power, and influence. If honour enhanced an individual's standing with validation and esteem, then dishonour and loss of social capital followed conduct judged offensive and scandalous by the group's standard.<sup>25</sup>

Military culture has historically defined honour principally in terms of the duties, conduct, and status of men, and especially men who held commissioned rank. In the Canadian military during the world wars, the court martial process and sentences of dismissal and cashiering interpreted the honour of officers as synonymous with their masculine worth. To lose one's honour was therefore to

risk also losing one's status as man. One Canadian commentator of the period assumed that cashiering "would unman the manliest of us."<sup>26</sup> Examining the close connection between honour and masculine codes of conduct, historian Robert Nye notes that the loss of a man's honourable character was seen traditionally to constitute "a kind of annihilation and social death."<sup>27</sup> As many others have argued, masculinity constitutes an ideological and historical process of defining male identity in society through culturally specific values that encompass attributes, behaviours, and beliefs. Its meaning can be fluid, flexible, and contradictory as circumstances and contexts change.<sup>28</sup> Understanding how divergent codes of masculinity informed ideas about officer-like conduct and gentlemanliness therefore reveals the values, assumptions, and taboos in military culture.

To act honourably was to act according to how military culture defined not just manhood but also gentlemanliness. Though ill-defined and contested, the concept of the "English gentleman" permeated British culture and shaped ideas about masculinity and leadership within the military institution as well as in the wider society.<sup>29</sup> Shifting notions of gentlemanly conduct – from emphasizing wealth, noble birth, and respectability in the eighteenth century to emphasizing willpower and character by the turn of the twentieth century – constructed a model for the imperial army officer.<sup>30</sup> By following British Army customs and the disciplinary code under the Army Act, the Canadian military during the world wars attempted to emulate the gentlemanly model as a measure of an officer's good discipline and moral conduct. As explored in what follows, the Canadian gentlemanly ideal was not an exact replica of its British equivalent. Military leaders and officers themselves tended to place more importance on a democratic idea of merit as opposed to aristocratic notions of wealth, inheritance, and class. The Canadian Army, and later the Royal Canadian Air Force (RCAF), nevertheless used the imprecise and shifting meaning of gentlemanliness to enforce their own codes of honourable officer conduct in peace and war.

Charges of conduct unbecoming an officer and a gentleman most clearly illustrate how objective military law and a more subjective honour code stigmatized some forms of misbehaviour as not only criminal but also scandalous. Indeed, ambiguity over the precise nature of ungentlemanly and scandalous conduct exposes the contradictions behind the dual identity of an officer and gentleman. The code of honour accepted in the officers' mess was not the same as that expected in the presence of civilians. These social roles likewise were quite distinct from what was required for combat leadership on what was often glorified as the field of honour. In a perceptive analysis, Elizabeth Hillman explores how conduct unbecoming represents a fundamental feature of military

culture generally and officer corps culture specifically. “Despite its apparent superficiality, the crime of conduct unbecoming strikes at the heart of the military enterprise,” she writes. “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 un-make the military.”<sup>31</sup>

In a 1942 court martial of an RCAF officer charged for an affair with the wife of an airman, the presiding judge advocate struggled to define conduct unbecoming 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.<sup>32</sup>

The judge advocate outlined a spectrum of behaviours from normal to abnormal to scandalous. As the meaning of all three words might differ according to circumstances and context, his explanation offered little practical guidance from a legal perspective. Commanding officers and senior officers assigned to court martial boards were expected to know from experience how a normal army or air force officer ought to behave in both his public conduct and his private life. An emphasis on merit in the selection of Canadian officers suggested a more democratic process based on skill and character rather than wealth and noble birth, yet the military justice system still relied on a more exclusive language of honour and gentlemanliness when prescribing the correct moral behaviour for officers.

A man who truly acted dishonourably might not have felt loss of honour as much of a punishment at all. By contrast, those who genuinely felt the shame still acted honourably because they accepted and acknowledged the consequences of their punishment. 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 and 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. The hierarchical military structure offered a redemptive path for a disgraced man to join at the lowly rank of private. Ex-officers who volunteered again exemplified ideals of redemption and willpower in military culture specifically, and in twentieth-century popular culture more generally.<sup>33</sup>

While crucial to understanding the beliefs and assumptions at the core of military culture, the subject of military law and discipline has received limited attention from Canadian historians and legal scholars. Chris Madsen's *Another Kind of Justice* remains the only comprehensive historical study of the Canadian martial justice system. Madsen traces Canadian military law from its nineteenth-century British origins through to the twentieth century.<sup>34</sup> His attention to the intricate administration and organization of the Canadian military justice system and the growth of Office of the Judge Advocate General (JAG) through the twentieth century provides valuable background for the legal and judicial aspects of the current analysis of officer courts martial.

When historians have turned their attention to military law and courts martial, most have focused on the controversial role of the death penalty for cowardice and desertion in battle.<sup>35</sup> In *Death or Deliverance*, Teresa Iacobelli examines the complex legal, administrative, and medical issues surrounding death sentences on other ranks during the First World War.<sup>36</sup> Canadian and international studies on themes of insubordination, mutiny, discipline, and morale during either world war also tend to focus primarily on privates and non-commissioned ranks.<sup>37</sup> Desmond Morton's work makes passing reference to dismissal sentences and officer discipline, but few historians have delved deeply into the topic. More focused on the fairness of the coercive punishments endured by ordinary soldiers or the experiences of persecuted other ranks, Morton frames the concept of dismissal in the First World War as a product of officer privilege and therefore not so much a punishment as an indicator of preferential treatment.<sup>38</sup> As he notes: "Officers, judged by their own equals in status and social background, fared better than men in the ranks."<sup>39</sup> Unlike soldiers who suffered field punishment or detention, convicted officers were never subject to such "vulgar penalties."<sup>40</sup> Whereas in the First World War, twenty-two soldiers in CEF were executed for desertion, one for cowardice, and two for murder, no Canadian commissioned officer ever faced a firing squad (although two were sentenced to death). Instead, dismissal left officers convicted of desertion or disobedience with, as Tim Cook notes, "a stain on their character but alive."<sup>41</sup>

This book assesses how military authorities and courts martial could use cashiering as a substitute for imprisonment, and even in place of 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 distinctions in the class, education, intellect, and honour code of officers and lower ranks. At the same time, the current text moves beyond a straightforward assumption that the loss of a commission constituted a minimal punishment when compared to the “vulgar penalties” inflicted on soldiers.<sup>42</sup> 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 professions of disgrace and contrition usually mixed elements of truth, lie, and exaggeration according to motivation and circumstances.

*Scandalous Conduct* is the first comprehensive study of general courts martial, officer discipline, and dismissal. To investigate the entire Canadian court martial record thoroughly, I searched through over 400 microfilm reels to identify nearly every available prosecution of an officer. I studied over 1,250 cases of Canadian army and air force officers tried by court martial over the course of both world wars. During the First World War, 173 cases involved sentences of dismissal or cashiering from the Canadian Expeditionary Force.<sup>43</sup> During the Second World War, courts imposed sentences of dismissal and cashiering in 231 Canadian Army cases and 115 RCAF cases.<sup>44</sup> For methodological and practical purposes, I do not examine the same concepts of dishonour and dismissal within the Royal Canadian Navy. In addition to representing a slightly different disciplinary custom for punishing and expelling its members, the navy does not have as rich a primary source base as the army and air force.<sup>45</sup> Whereas general court martial indexes and records of the latter two service branches are fairly complete, much of the naval court martial record from the early twentieth century has been destroyed or is otherwise inaccessible.

The general courts martial record for the most part featured junior officers and mid-level officers – mainly lieutenants and captains with some majors and lieutenant-colonels – rather than generals. Dismissal was viewed as insufficiently disgraceful for privates and NCOs, yet too disgraceful for high-ranked senior officers and generals, who tended to be disciplined by private reprimand or by being sidelined and removed from command. The discipline of nursing sisters who held commissions in the First World War and women officers in the Second World War is beyond the scope of this book. Although I touch on disciplinary responses to perceived misbehaviour in this group, women officers were notably not formally sentenced by court martial to dismissal. Comparing the dismissal of male officers with the sort of dishonourable discharges imposed on ordinary soldiers is important to explain how the military’s separate scales of punishment based on rank evolved as ideas about the exclusiveness of honour changed.

However, the discipline of soldiers and the complete court martial record for all ranks is not the focus of this book.

As with all criminal statistics, the total number of court cases and charges may either indicate the most common types of offences or suggest that military authorities prioritized certain crimes due to changing disciplinary needs. Any offence that warranted the loss of a commission is nevertheless an essential element of understanding how the Canadian military defined and enforced notions of honourable and dishonourable conduct. The Appendix provides data on the number of general courts martial in each world war and a breakdown of Army Act charges by offence type.

The general court martial record forms my central source base, but I am not interested only in the judicial process of expelling officers for criminal offences. Non-judicial, administrative punishments form an important aspect of examining several hundred more officers who lost their commissions due to misconduct, unsuitability, incompetence, or inefficiency. For a comprehensive study of ex-officers, I adopt a broad concept of *de-officering* as separate and distinct from the process of demobilization and honourable retirement.<sup>46</sup> De-officering encompasses the judicial sentences of cashiering and dismissal as well as administrative reclassification categories such as removal, resignation, and forced retirement. While not denying that many former military officers might have experienced a loss in perceived status and self-worth at the termination of a conflict or the end of a career, this book explores the difficulties and consequences of being forcibly deprived of a commission due to alleged misconduct in all its forms.

The capacity to dishonour and expel officers reflects a priority to reject individuals deemed unworthy of a commissioned rank. Failure to live up to one's rank and exert self-control contravened the cultural importance placed on willpower as a defining feature of manhood throughout this era. Officers who failed to develop solidarity within their unit or camaraderie with fellow officers could not draw on peer support when targeted for removal or charged with an offence. Contemporary moral and medical assumptions about corruption, degeneration, and criminality further aimed to isolate instances of bad behaviour by linking them to the supposedly abnormal predispositions of accused officers. Studying the process of de-officering therefore opens a unique window on stigma formation that identifies the direct and indirect ramifications of social ostracization, judgment, and shame for this once privileged class of male military leader.<sup>47</sup> Post-conviction statements, letters, and petitions offer valuable insights into ex-officers' responses to dishonour and document how many attempted to make sense of their experiences. All correspondence must be analyzed carefully

to avoid taking individual sentiments and claims at face value. Personal accounts and the narratives revealed in courts martial testimony must be critically assessed, as they reflect the inherently subjective perceptions of prosecutors, witnesses, and accused men.

Beyond trial case histories, I have examined a wide collection of primary sources in order to study the administrative forms of de-officering and to learn more about the private lives of ex-officers than the trial proceedings allow. This work is the first to examine officers' personnel files, which shed unique light on their careers and personal histories. By cross-referencing officer identification numbers and personnel files, I identified sixty-seven records of officers sentenced to dismissal or cashiering in the First World War and dozens more who were forced out for disciplinary reasons.<sup>48</sup> Although privacy restrictions on Second World War personnel files limit the availability of this source, I used access to information requests to gather the records of over 100 Canadian Army and RCAF officers sentenced to be dismissed and cashiered.<sup>49</sup> By integrating examples of and drawing comparisons between different cases, I connect the legal and administrative histories found in court martial files with the private information and personal lives revealed in ex-officers' personnel files.

**Chapter 1** traces the British military-legal tradition from its origins in chivalric rules of honour to a modern code of officer discipline in the early twentieth century. I explain the changing interpretations of conduct unbecoming an officer and a gentleman and describe the court martial process involved in the separate sentences of dismissal and cashiering. The chapter provides the historical background necessary to understand how this legal framework and the development of regimental honour codes served to discipline and potentially expel Canadian officers on the eve of the First World War.

**Chapter 2** examines the crimes and courts martial of Canadian officers during the First World War. To emulate the etiquette and appearance of the model officer and gentleman, the CEF prioritized prosecutions by disciplinary need and military context. In the trenches, charges focused primarily on drunkenness; in England, the predominant concern was dishonoured cheques. Misbehaviour in social settings set a bad example for other ranks and undermined the dignity of the service to civilians, but an officer's perceived failure on the battlefield implied the worst moral failing of cowardice.

**Chapter 3** connects the analysis of these cases to concepts of dishonour and redemption over the course of the war. Whether an ex-officer was convicted by court martial or sent home from an adverse report, the disgraceful end to military service entailed financial penalties and the risk of public shaming by the civilian population. Military leaders expected that an officer who valued his

personal honour as much if not more than his life would appeal for an opportunity to re-enlist for frontline service to rehabilitate a tarnished character.

**Chapter 4** explores the interwar period, as many ex-officers sought forfeited medals and lost financial gratuities in order to validate their contribution to the war effort. While service in uniform granted special status to veterans, the notion of military honour continued to be defined by commissioned rank and by the ambiguous quality of gentlemanliness. To illustrate the changing meaning of conduct unbecoming, this chapter details a 1933 general court martial that involved a public scandal, two rival officers, an allegation of sexual assault, and a possible attempted murder. The legal complications of this trial and the press attention it garnered offer a unique opportunity to study Canadian reactions to the peculiarities of martial justice, perceptions of honourable character, and complicated memories of the First World War itself.

**Chapter 5** examines the crimes and courts martial of Canadian Army and RCAF officers during the Second World War. Military leaders placed a strong emphasis on the process of mature male socialization for officers, as epitomized by the model of temperate heroism. Continuing the trend examined in the previous chapter, the identity of an officer and a gentleman in the Canadian Army and RCAF became less narrowly concerned with emulating higher social class and instilling financial honour as it became more closely bound to an officer's morality and decency. The chapter then details the complex disciplinary and medical considerations involved in sentences of dismissal and cashiering for misconduct and desertion in active theatres of war.

**Chapter 6** traces the personal, social, and economic ramifications of being deprived of a commission during the Second World War, whether through judicial punishment or administrative reclassification. In a military culture that placed a special emphasis on morality, good conduct, and normal temperament, dismissal constituted a significant threat to an ex-officer's manhood and future livelihood. Voluntary re-enlistment or forcible conscription meanwhile called on ex-officers to pursue redemptive heroism in the ordinary ranks.

**Chapter 7** considers the extent to which the social and economic ramifications of dishonour constituted lasting penalties even years later. As the loss of a commission entailed the denial of extensive government support and disqualification from veteran grants, it assumed more exclusionary and dishonourable implications. Ex-officers were not only de-officered but also potentially de-citizenized.

As courts martial touch on the fraught topics of disgrace, shame, and criminality, I consider the implications of naming names. To avoid re-victimizing individuals and to protect living descendants, some historians conceal the names of people who were subject to scandal and prosecution, even those now deceased.

This may sometimes be appropriate, but it risks reducing individuals to the impersonal Lieutenant A or Captain B. By examining hundreds of cases of drunkenness, disorder, fraud, sexual indecency, and cowardice, I aim to treat ex-officers as real people who had complex lives and complicated reactions, rather than as anonymous subjects. In addition to stripping these men of their individuality, anonymity reinforces a stigma by presuming that past disgrace remains a shameful secret that must be protected. An important aim of this book is to study dismissal and de-officering as significant features of Canadian military culture, rather than uncritically celebrating military heroism or cynically exposing crime and scandal.

Of the tens of thousands of officers commissioned into the Canadian armed forces during each world war, only several hundred were ever de-officered, through either judicial sentences or administrative reclassification. Rather than subverting public commemoration of the Canadian officer corps, this history of misconduct and failure adds essential context that permits better understanding and appreciation of the conduct of so many Canadian officers under extraordinary circumstances.

# 1

## Honour and Dishonour in the British Army Tradition

JUSTIFYING THE DISMISSAL OF Lieutenant-General Lord Sackville for disobedience at the Battle of Minden in 1759, King George II issued a warning to all British Army 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.”<sup>1</sup> Despite such dramatic declarations, government ministers, generals, and the accused officers themselves understood that actual execution always constituted the highest punishment. A sentence of cashiering, after all, was never commuted to a lesser one of death! Yet the high value placed on rank and reputation in military culture implied that disgraceful dismissal would feel as ignominious as execution for gentlemen of honour. Within the military hierarchy, ordinary soldiers by contrast presumably could not be expected to understand such sophisticated notions as dishonour and shame. Instead, they endured corporal punishments, imprisonment, or sometimes death for their misconduct. According to prevailing cultural assumptions about higher class and status, officers as gentlemen of substance and position meanwhile were understood to appreciate the ruinous effects of dismissal and cashiering.

The British regimental system fostered the development of an honour-based culture that 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 determined which socio-economic classes of men could claim a right to honour, and therefore which 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 an elite officer corps culture. Violating this imprecise honour code or committing crimes against military law marked the offender as undeserving of a commission and unworthy of the honour bestowed by membership in this exclusive regimental group. From this tradition, the Canadian militia adapted a disciplinary system also centred on notions of honour and dishonour. While Canadian militia officers viewed their military culture as more based on merit than the regular British

Army and less tied up in class hierarchy, it was still infused with the language of gentlemanliness.

### **Officers and Gentlemen**

By virtue of holding a commission an officer was assumed to belong to an elite group whose continued membership depended on following a shared code of good conduct. In British Army culture, this notion of honourableness was most clearly expressed in the construction of the dual identity as an officer and a gentleman.<sup>2</sup> The word *gentleman* was at once aristocratic and democratic. Rooted in feudal class hierarchies, it denoted noble birth and wealth, namely membership in the landed gentry of country estates. Yet by the nineteenth century the definition of gentleman increasingly signified a particular set of respectable manners and behaviours separate from family lineage and land ownership.<sup>3</sup> In the British Army these two meanings of gentlemanliness – class and character – merged to signify the honour essential to the commissioned rank bestowed by the Crown. Although ordinary soldiers could theoretically earn promotions to this higher status through long service in an army regiment, access to the officer corps still depended more on ancestry, social connections, and wealth than on merit alone.<sup>4</sup>

The requirement to purchase infantry and cavalry commissions from the seventeenth century until the second 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 in advancement up the commissioned ranks typically belonged to wealthy, upper-class families or were descended from an aristocratic line.<sup>5</sup> The Duke of Wellington justified the elitism of the commission purchase system: “It brings into the service men of fortune and education – men who have some connection with the interests and fortune of the country.”<sup>6</sup> An army officered by independent gentlemen concerned more with preserving an abstract concept of honour than with material gain, so the argument went, guarded against the creation of a mercenary force that could threaten civil liberties and overthrow civilian government.<sup>7</sup>

Drawing on Benedict Anderson’s concept of imagined communities, historian David French describes the critical development of a regimental esprit de 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.”<sup>8</sup> Explaining the crucial formation of unique regimental identities, David Bercuson notes that a regiment derives its identity, customs, and rituals from

a history that connects generations.<sup>9</sup> 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 – was therefore a preeminent concern, especially for the officer corps.

According to the rules of the regimental system, an honourable officer would internalize the values and principles of the regiment and expect to be treated with dignity as a member of that elite military culture. In battle, an officer who performed well by carrying out the duties expected of his rank did so, in part, because to shirk responsibilities and behave in a cowardly manner would be shameful to both himself and the regiment as a whole. Performing a heroic action that earned commendation from superiors enhanced the officer's prestige relative to his peers. Good officers further earned the esteem of civilians, even though this external population did not directly participate in the military honour system. Members of the entire regiment in turn received greater honour through their affiliation with a prestigious and esteemed hero. Honour (doing one's duty) combined with heroism (going beyond the call of duty) elevated this model officer to the status of an exemplar to be honoured and emulated.<sup>10</sup>

Whereas the heroic officer went beyond the call of duty, and the meritorious officer did his duty according to the regiment's honour code, another officer perhaps refused to fight or behaved in a manner construed as cowardly. The first officer would be ceremonially honoured with prestige and higher esteem, the second officer would maintain honour by meeting the threshold for good conduct, while the third officer would be condemned by his superiors and ostracized by his peers. An officer who had internalized the values of the regiment by linking his dignity (self-worth) to the opinion of the group would be expected to feel ashamed in such circumstances. The sense of failure, compounded by the judgment of superiors, peers, and civilians, required the disgraced officer to leave the regiment due to the intolerable humiliation and to avoid tarnishing the collective honour of his fellow officers. Forcible expulsion according to established legal procedures and degrading rituals served to remove the offender and reaffirm the honour of the regiment. Through re-enlistment in the lowliest ranks the regimental system then provided a dishonoured ex-officer with a path to regain acceptance and rehabilitation. The sense of shame triggered by expulsion and the desire for redemption was therefore a powerful motivation to regain honour.<sup>11</sup>

Speaking in 1872, shortly after the Cardwell Reforms modernized the army and abolished the purchase of commissions, Lord Elcho, a Liberal Member of

Parliament (MP) and commanding officer of the London Scottish Rifle Volunteers, celebrated the fundamental importance of honour in shaping the 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, knightly 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.<sup>12</sup>

When Lord Elcho referred to officers and gentlemen, he stressed: “I do not mean a gentleman by birth, but by character and conduct.”<sup>13</sup> Abolition of purchased commissions did not fundamentally change the upper-class composition of the British Army officer corps, but 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 high moral character. Preserving the mutual trust articulated by Elcho meant that a brotherhood of officers could not accommodate an unsuitable and dishonourable individual whose bad reputation threatened to subvert the entire regimental system. As Elcho’s allusion to Knights of the Round Table suggests, nineteenth-century promoters of an honour code centred on gentlemanliness and chivalry sought to locate its origins in an imagined feudal past of Arthurian legends and medieval courtliness.<sup>14</sup> The knight-errant of lore had become the officer and gentleman of the modern army.

### **Honour and the Court Martial System**

During the early modern era, the British Army justice system evolved from medieval courts of chivalry into courts of military law that enforced discipline according to the Articles of War, which established temporary rules of conduct

for officers and soldiers while on campaign abroad. Following the Glorious Revolution in 1688, in which England's Catholic King James II was overthrown by his Protestant daughter Mary and her Dutch husband, William of Orange, some troops remained loyal to the former Crown. The British parliament passed the Mutiny Act of 1689 in response. Renewed annually, the legislation declared that acts of desertion, mutiny, and sedition committed in the army and navy were offences punishable by court martial. Over the eighteenth century, the legislation came to expand the list of crimes that could be charged and punished according to the military justice system.<sup>15</sup>

Commissioned officers accused of an offence against either the Articles of War or the Mutiny Act could be tried only by general court martial. Convened by order of the Crown, or by a general officer delegated with such authority through royal warrant, a general court martial in the eighteenth and nineteenth centuries consisted of no fewer than thirteen commissioned officers above the rank of captain and of senior rank to the accused officer. A colonel or general officer served as court president. Regimental courts martial tried privates, corporals, and sergeants for lesser offences and consisted of no fewer than five commissioned officers. While general court martial proceedings resembled a criminal court trial, the process functioned more like an inquiry into the accused officer's conduct. After being read the charges, an accused officer pleaded either guilty or not guilty. A fellow officer appointed to be prosecutor examined witnesses and brought evidence against the accused. The court rendered its verdict and sentence by a majority vote. The Office of the Judge Advocate General (JAG) reviewed and confirmed sentences of dismissal, cashiering, and death to ensure that prosecutions had followed proper legal procedures and had not unfairly prejudiced the rights of the accused.<sup>16</sup>

In his 1800 essay on military law, Scottish legal scholar and former judge advocate Alexander Fraser Tytler recognized that certain dishonourable acts could not be considered unlawful from a legal standard yet still subverted "that principle of honour on which the proper discipline of the army must materially depend." Tytler declared that in such cases a court martial represented "in the highest sense a court of honour."<sup>17</sup> The court martial system by the eighteenth century served an important role of settling honour disputes between officers through a legal process rather than through the duel, which was both illegal and deadly.<sup>18</sup> Although the court could pass lesser sentences of reprimand or suspension from the army without pay, judgments ultimately hinged on whether the offending officer deserved to retain his commission. Based on recommendations from the court and a review by the JAG, the Crown either confirmed the sentence or decided to mitigate or quash the court's finding.

Due to the stigma of standing trial before a court martial, an accused officer hoped to remove any hint of malfeasance. Depending on the nature of the charge, a simple finding of not guilty might suffice, but when the accusation directly damaged an accused's honour the court could opt for an honourable acquittal. The Duke of Wellington specified the exceptional conditions for this form of complete exoneration:

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 may be 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.<sup>19</sup>

As an example, Wellington explained that 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."<sup>20</sup> Honourable acquittal therefore depended on all the circumstances surrounding the charge and the broader conduct of the accused; it went beyond the strictly legal question of guilt or innocence.

By the mid-nineteenth century, military-legal scholars sought to reconcile the two concepts of honour and law. After the Crimean War, reformers in the British Army began to place greater emphasis on professionalism and legalism over traditional attitudes and customary practices. Stressing the need for formal legal qualifications and training in a modern army, Napoleonic War veteran General Henry Murray remarked in an 1857 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.<sup>21</sup>

Although legal standards increasingly took precedence in the application of military justice, offences related to the moral conduct of officers often involved questions more of honour than of law.

In 1878, Secretary of State for War Frederick Stanley introduced the Army Discipline and Regulation bill to consolidate the Articles of War and the various iterations of the Mutiny Act, which together had shaped British military law

for nearly two centuries. The new bill and its successor, the Army Act of 1881, which parliament also renewed annually, aimed to modernize rules and regulations for enforcing army discipline by a judicial process. Officers charged under the act for misconduct appeared before a general court martial consisting of a board of at least nine members not below the rank of captain and of superior or equal commissioned rank to the accused.<sup>22</sup> To provide a measure of objectivity, court president and members were not supposed to belong to the same regiment as the accused. A judge advocate, an officer with legal training usually appointed to the JAG, presided over the trial and offered instructions to members regarding the process and what evidence to evaluate. Although complex cases might take several days, most proceedings lasted only several hours in the interest of efficiency. The verdict and sentencing depended on a secret majority vote of the court members. One officer acted as prosecutor, while the accused either defended himself, selected another officer, or hired a civilian barrister to serve as defence counsel.<sup>23</sup> General courts martial held in the field tried officers through an expedited process before a smaller board of at least five senior officers but still required the presence of a judge advocate.<sup>24</sup> The proceedings followed common law customs in regard to basic trial prosecution and defence, presumption of innocence, and burden of proof, but a guilty officer's punishment often depended more on important situational factors such as overall unit discipline, general conduct in the officer corps, and the priority to safeguard the honour of the army against public scandal.

Through thirty-eight sections and various additional subsections, the Army Act outlined the categories of crime punishable by court martial and specified the minimum and maximum sentences: military offences punishable by death, such as cowardice (s 4); military offences punishable by penal servitude, such as spreading false alarm (s 5); military offences punishable by death only when committed on active service (s 6); disobedience or defiance of authority (s 9); desertion (s 12); absence without leave (s 15); embezzlement (s 17); fraud or gross indecency (s 18); and drunkenness (s 19). Other offences related to good order and discipline fell under the catch-all category of section 40, while offences punishable by ordinary law could be prosecuted by military courts under section 41.<sup>25</sup> No offence better exemplified the divide between a subjective code of honour and formal legal standards than section 16: the quintessential honour crime known as scandalous conduct unbecoming an officer and a gentleman.

### **Conduct Unbecoming**

According to the old 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.”<sup>26</sup> 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.”<sup>27</sup> Unlike section 40 charges sometimes used to prosecute unsoldierlike conduct of ordinary ranks, conduct unbecoming applied only to the misbehaviour of commissioned officers, the class of gentlemen whose honour the military institution recognized and aimed to protect.

The imprecise meaning of *unbecoming* and *scandalous conduct* allowed military leadership great flexibility to control the moral behaviour of officers and punish violations of an unwritten honour code that had evolved from regimental custom and tradition. The Articles of War had not defined the types of offences considered conduct unbecoming. Historically, they comprised a range of charges from disrespect and fraudulence to violence and drunkenness. During the late eighteenth and early nineteenth centuries, the charge served primarily to regulate interactions of officers by enforcing a notion of gentlemanly respectability based on the mutual respect of peers and deference to superior rank. Typical examples of honour violations included insulting language, offensive letters, and provocations directed at fellow officers. Matters of disrespect and reputation that had at one time been settled by challenges to a duel on the field of honour could now be litigated on the legal field of honour by way of general court martial.<sup>28</sup>

The Army Act of 1881 – through the charge of behaving “in a scandalous manner unbecoming that of an officer and a gentleman” under section 16 – largely preserved the language of the Articles of War. When debating the legislation, some members of parliament argued that scandalous conduct ought finally to be defined, but the meaning remained of “a very general and indistinct character.”<sup>29</sup> The *Manual of Military Law*, an 800-page guide to Army Act rules and regulations, provided little clarity beyond a supplementary note for section 16:

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.<sup>30</sup>

Conduct unbecoming thus straddled an ambiguous boundary between a military crime and a social offence. As the *Manual* specified, misconduct strictly related to military matters was more properly framed under section 40, actions prejudicial to good order and discipline. Section 16 comprised offences that related to social misconduct still connected to an officer's military position. Although legal reforms increasingly took precedence in the application of military justice, the vague charge arguably remained an issue more of honour than of law.

Conviction under section 16 depended on the conduct being of such a disgraceful nature that it not only impeached the honour of the officer but also brought 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 within a civilian setting had the potential to tarnish his military character and thereby discredit his regiment and the entire army.<sup>31</sup> Widespread notoriety was not, however, an essential element for a conviction. Knowledge of an officer's misbehaviour – 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.

Prosecuting unusual or indecent offences had been relatively common practice in the eighteenth century. Gilbert lists examples such as public urination, bigamy, and spreading venereal disease. Efforts to modernize military law and administration by the early twentieth century meant that the legal concept of conduct unbecoming often diverged from a moral sense of the phrase. The reluctance to court martial, let alone convict, officers for violent, indecent, or immoral offences such as ragging or adultery pointed to the shifting meaning of scandalous behaviour and conduct unbecoming under British military law. Press reporting and popular interest in courts martial for sensational offences ironically served only to expose illicit private behaviour to greater public scrutiny. In the age of Victorian and Edwardian tabloid journalism and social gossip, trials for scandalous behaviour risked proving *too* scandalous and detrimental to the overall reputation of the army.<sup>32</sup> After passage of the Army Act in 1881 court martial proceedings that involved conduct unbecoming increasingly referred to financial misconduct rather than to private disputes between officers or other moral violations. One of the sample charges cited in the *Manual*

– a lieutenant who writes a worthless cheque in payment of his regimental mess bill – typified the kind of scandal prosecuted under section 16 during this era. In September 1913, the last British officer cashiered before the First World War was convicted under section 16 for gambling and being unable to meet his mess bill.<sup>33</sup>

Although the original charge of conduct unbecoming under the Articles of War had included a provision that any convicted officer “shall be discharged from our service,” Gilbert notes that in the eighteenth century, it was rarely exercised.<sup>34</sup> By the late nineteenth century compulsory removal, however, had become the defining feature of section 16. By committing deplorable and scandalous acts an officer proved himself morally unfit to remain associated with brother officers in the service. Only two sections of the Army Act specified crimes that carried a mandatory sentence on conviction by general court martial: section 41(2), murder, for which a court must award a death sentence; and section 16, for which cashiering was the only punishment and no power could commute.<sup>35</sup>

### Cashiering and Dismissal

Alexander 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.”<sup>36</sup> 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 early eighteenth centuries, cashiering in the British Army referred to the ritual removal of a commissioned officer following conviction by general court martial for disgraceful, dishonourable, or scandalous actions.<sup>37</sup>

Although the court passed the sentence, the actual process for depriving an officer of his commission depended on confirmation by the Crown and promulgation in the official public record. The punishment traditionally included a degrading ritual in which the ex-officer was paraded before the regiment and had his buttons and rank badges physically torn off his tunic. One historical source summarized the 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.<sup>38</sup>

The disgraced ex-captain was literally booted out of the regiment.

Until the late nineteenth century, when British officers still purchased infantry and cavalry regiment commissions, a sentence of cashiering also meant that an officer forfeited the money paid for his rank. Upon honourable retirement from the army, an officer collected the value of his commission from the regimental paymaster, who then sold it to another, usually the officer next in seniority, who assumed the vacant place in the regiment.<sup>39</sup> The loss of this investment after dismissal theoretically functioned as a form of collateral and insurance to deter gross misconduct.<sup>40</sup> 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.<sup>41</sup> Controversial abuses and inflated prices following the Crimean War led to the abolition of the practice by the Cardwell Reforms in 1871. Although ancestry, class, and social connections remained influential factors, earning a commission notionally became based on merit and qualification instead of wealth.<sup>42</sup> Cashiering retained its symbolic disgrace to an officer's reputation, but some believed it required more tangible consequences.

As early as the eighteenth century, Tytler had distinguished between simple cashiering and cashiering that barred future restoration of the ex-officer's military status and declared the offender to be forever "unworthy or unfit to serve his Majesty in any military capacity."<sup>43</sup> Conflating cashiering with disqualification from military or civil service became a source of confusion. The issue stemmed from a misinterpretation of an old Mutiny Act section that had declared an officer cashiered for false muster or harbouring a fugitive from a civil magistrate "utterly disabled to have or hold any civil or military office or employment" in His or Her Majesty's service.<sup>44</sup> Significantly, disqualification from employment by the Crown applied to the crime, not 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 a court martial needed to expressly declare an ex-officer's incapacity for employment, in addition to passing a sentence of cashiering.<sup>45</sup>

During the eighteenth and early nineteenth centuries, the words *cashiering* and *dismissal* tended to be used interchangeably. Writing in the mid-nineteenth century, British Army judge advocate Thomas Frederick Simmons remarked

that “the distinction between the punishments of cashiering and dismissal, is not invariably observed; but that a marked difference really exists.”<sup>46</sup> 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 in a unique instance the Prince Regent chose to mitigate the punishment from cashiering to dismissal. This early but isolated example indicated that the Crown recognized dismissal as a lesser form of removal from the army. In an 1877 article on cashiering and dismissal, US Army judge advocate Guido N. Lieber called this symbolic distinction “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.”<sup>47</sup>

At a parliamentary committee meeting on the 1878 Army Discipline and Regulation bill, First Parliamentary Counsel Sir Henry Thring expressed his view on the matter: “Cashiering is a public disgrace, and dismissal is a private disgrace.”<sup>48</sup> One subsection of Thring’s draft legislation formally declared a cashiered officer disqualified from serving the Crown again in either a military or a civil capacity. While debating the bill in the House of Commons, a Conservative MP who had won the Victoria Cross in the Crimean War referred to this “civil disability” as a “slur upon the officers of the Army” due to the severity of the penalty. Calling the proposed subsection “both novel and unreasonable,” he objected to the creation of separate categories of cashiering and dismissal.<sup>49</sup> Secretary of State for War Stanley insisted 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. The Army Act of 1881 confirmed cashiering and dismissal as separate sentences on the scale of punishments, but confusion remained about the precise difference between the two.

In 1894, the British deputy judge advocate general, J.C. O’Dowd, stated: “Practically the only distinction ... is that Cashiering is only dismissal in a more severe form carrying with it a greater degree of moral obloquy and this, I think, is sufficiently understood in the Service.” He also clarified that no provision of the Army Act actually specified disqualification was required by a cashiering sentence. O’Dowd explained, “this seems to rest only on tradition and I do not think there would be any illegality in the Queen giving an appointment to a Cashiered Officer.”<sup>50</sup> Nonetheless by the turn of the twentieth century, cashiering had become associated with the most disgraceful form of military discharge, and many still believed disqualification from future civil or military

service by the Crown represented an essential though unwritten feature of the sentence. Based on this assumption, dismissal by contrast permitted an ex-officer to re-enlist in the army.

The *Manual of Military Law* outlined the scale of punishments for officers under section 44 of the Army Act, in descending severity: 1) death; 2) penal servitude (plus cashiering); 3) imprisonment for less than two years (plus cashiering);<sup>51</sup> 4) cashiering; 5) dismissal; 6) forfeiture of seniority; 7) severe reprimand; and 8) reprimand.<sup>52</sup> Whereas 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. The blot might either cause the accused to resign his commission or prompt superiors to secure his administrative release from the service. An officer could not, however, be reduced to the private ranks nor even be demoted in substantive rank, such as from captain to lieutenant. The limited sentencing options available in general court martial meant that an accused officer faced the strong possibility of losing his commission one way or another.

## Honour and Punishment

The central role that honour and disgrace played in regulating commissioned officers' conduct was in stark contrast to the more coercive methods inflicted on lower ranks. Unlike continental European powers, which tended to celebrate a noble army tradition, from the British perspective "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."<sup>53</sup> Since British generals and politicians also tended to regard the ordinary ranks as drawn "from the very bottom strata of society," as historian Gerard Oram notes, leaders assumed that disciplinary measures designed to ruin a soldier's honour would be useless in comparison to corporal punishment.<sup>54</sup> 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."<sup>55</sup> During the Napoleonic Wars a disgraced officer faced expulsion, whereas a soldier convicted of a similar serious crime might receive general service for life.

Justifying the use of corporal punishment to maintain discipline among soldiers, one eighteenth-century legal scholar explained that flogging an army officer would constitute "a most irreparable injury, as depriving him of his honour, and rendering him unfit for the society of gentlemen."<sup>56</sup> In the British Army, branding illustrated the clearest contrast between the punishments

imposed against soldiers compared to officers.<sup>57</sup> Whereas cashiering or dismissal only symbolically marked an ex-officer's honour, branding – technically a form of tattooing – physically marked an insubordinate soldier with a D (desertion) or BC (bad conduct).<sup>58</sup> As reforms did away with punishments like penal transportation (such as deportation to Australia) and lashing, by the late 1860s soldiers convicted of disgraceful actions or insubordinate behaviour were increasingly discharged with ignominy; but this sentence almost always included a prison term and a BC tattoo to prevent re-enlistment. A court martial in New Brunswick in November 1867, for example, sentenced Private George Reynolds of the 16th Foot Regiment to five years' penal servitude for desertion and threatening his superior. He was further marked with the letters D and BC, and sentenced to be discharged with ignominy from the army on completion of his prison sentence.<sup>59</sup> No such branding was necessary to stigmatize and exclude cashiered ex-officers. Notoriety within the regimental fraternity presumably ensured social ostracism.

By the early 1870s, the British Army had abolished lashing and branding, but physical punishment and confinement remained central to the disciplining of other ranks. To replace the lash, Field Punishment No. 1 was instituted in 1881. A convicted soldier was fastened in a stress position to a post or a wheel for an extended time. The introduction of detention in 1906 served to replace short-term imprisonment for soldiers convicted of minor crimes. Detention permitted soldiers to be confined to barracks for periods ranging from days to many months while aiming toward reformation and reintegration.<sup>60</sup> Some continental European powers used "confinement to a fortress" to punish ill-disciplined officers without resorting to dismissal, but the British Army judged detention inappropriate for a man holding a commission as he would supposedly never again be able to command authority.<sup>61</sup>

Thring's original draft of the 1878 Army Discipline and Regulation bill in fact 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, Secretary of State for War Stanley agreed to a mandatory sentence of cashiering alone, with no possibility of a greater or lesser alternative punishment. One colonel MP thought Thring might be a fine legislator but one with total ignorance of army culture when he proposed such a radical penalty. As another colonel MP explained, it was "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."<sup>62</sup>

Officers accepted that the moral effects of cashiering included social ostracism and, even reluctantly, informal disqualification from future military service,

but they 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 man's honour, an additional prison term would have involved an excessive disgrace. Imprisonment meanwhile almost always accompanied a sentence of discharge with ignominy for soldiers. 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 accused officer could only be cashiered rather than imprisoned. In rare cases for which courts martial sentenced officers to imprisonment for crimes such as cowardice, embezzlement, or violence, they always needed to be cashiered first.<sup>63</sup>

To justify the different scales of punishments for an officer and an ordinary soldier, army traditionalists continued to assert at the turn of the century that cashiering had always signified "a punishment worse than death."<sup>64</sup> In the early twentieth century, social reformers and working-class politicians increasingly scoffed at such rhetoric as exposing the inherent class bias of military justice. Challenging a traditional emphasis on gentlemanly honour and respectability, Labour Party politicians in the House of Commons countered that cashiering was not a real punishment. During the annual review of the Army Act in 1912, some Labour MPs could not understand how a private soldier endured imprisonment while an officer simply lost his rank for the same type of offence.

Former Labour leader Keir Hardie proposed an amendment to the Army Act to make officers liable to incarceration as a maximum punishment for most offences – the same as a common soldier. Under-Secretary of State for War Colonel J.E.B. Seely, who later commanded the Canadian Cavalry Brigade in the First World War, opposed the amendment by pointing out that any officer sentenced to imprisonment immediately lost his commission anyway. Cashiering plus prison punished the officer twice and prison without cashiering was impossible. Seely claimed Labour critics fundamentally misunderstood the ruthless nature of disgraceful dismissal from the service: "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."<sup>65</sup>

Skeptical Labour members questioned why dismissal from the army would be considered any less shameful for other ranks and thus warrant the different scales of punishments and different terminology. Hardie withdrew his

amendment but considered the debate on the meaning of cashiering enlightening. "It has revealed an amount of class feeling," he remarked. "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."<sup>66</sup> Labour MPs next proposed an amendment to replace the punishment 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." Seely retorted, "I think we are only arguing about words," 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: "Every officer in the Army would laugh at the phrase, because the word 'cashier,' I can honestly say, is dreaded by every officer."<sup>67</sup> Seely did not deny that ordinary soldiers could feel some form of shame following conviction by court martial but maintained that an officer's commission as a symbol of privilege and higher responsibility made a crucial difference.

Although army leaders and conservative politicians rejected Labour criticisms about a double standard of discipline, their counterarguments nonetheless conceded that dismissal and cashiering were inextricably tied up in class distinctions and social hierarchies.<sup>68</sup> Gentlemen from the upper class were by virtue of perceived higher status and position assumed to have much more to lose from social ostracization than a soldier discharged with ignominy. As one Conservative MP remarked of the latter: "Probably in a few years it is forgotten he was ever in the Army."<sup>69</sup> By equating a commission with honour, the military justice system implied that lower-ranked soldiers had no honour to disgrace. Or more precisely, they did not possess the same sophisticated sense of honour as a gentleman.

### **Officer Discipline in Canada**

By the early twentieth century, cashiering and dismissal as penalties reserved for commissioned ranks clashed with contemporary ideas about the democratization of honour and equal treatment for all ranks and social classes. The class system in Britain had different implications for honour and dishonour when compared to a supposedly more egalitarian and less restrictive Canadian society. Advancement through merit seemed to offer equal opportunities to citizens in the dominion, but higher social standing continued to be constrained 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.<sup>70</sup> Participation in the Canadian militia served as an important opportunity for self-styled gentlemen to project influence and build a good reputation within their local communities. The financial means to buy a uniform, pay mess dues, and keep up the cost of organizing a regiment signified special status. Even while some segments of Canadian society viewed militia participation as extravagant or ridiculous, James Wood observes that “belonging to the officer class bestowed a certain prestige in an otherwise middle-class country that offered few opportunities for social advancement.”<sup>71</sup> As Desmond Morton states, “in a society acutely conscious of social status, a militia commission became a badge of respectability.”<sup>72</sup>

Canadian volunteers attached to a local militia regiment were subject to discipline under the 1868 Militia Act, the Queen’s (or King’s) Regulations and Orders and, while on active service, the Army Act. Militia officers largely rejected the coercive disciplinary methods of their professional British counterparts by maintaining discipline through consensus.<sup>73</sup> An 1868 article in the *Volunteer Review* 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.”<sup>74</sup> Good militia officers were expected to possess personal popularity and tact rather than merely the qualifications required 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 Canadian federal government authorized the creation of a small permanent active militia of cavalry and infantry known as the Permanent Force (PF) in 1883, but many in the public and the militia expressed suspicions of a professional “military aristocracy.”<sup>75</sup> Officers in the Non-Permanent Active Militia (NPAM) adopted the regimental style and uniforms of aristocratic gentleman officers but usually disavowed any association with professional soldiering. The ideology reflected a late-nineteenth-century political and military culture of Canada that extolled the citizen-soldier model as the gentlemanly ideal.<sup>76</sup> The divide between NPAM militiamen and the smaller cohort of PF officers exposed a certain tension within Canadian interpretations of the dual officer and gentleman identity. In response to a 1906 memo from the militia minister 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 NPAM officers:

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.<sup>77</sup>

Wilson argued that being a gentleman depended on an officer's behaviour and manners rather than simply being a product of his rank. Yet his assertion that officers needed to possess "gentlemanly instincts" and that certain officers could never be made into gentleman implied that the ideal qualities expected of a commissioned rank were as much inborn as acquired.<sup>78</sup>

The inexperience of the Canadian militia with military-legal technicalities, combined with the voluntary nature of the part-time NPAM, meant that striking an unsatisfactory officer or militiaman from the active list accomplished the same end as formal dismissal by court martial. Furthermore, as many militiamen realized, many Canadians did not hold militia matters in high regard in any case. Dismissal therefore did not necessarily carry the same stigma in civilian society as it did in 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 and early twentieth centuries, 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 one financially dishonest lieutenant from Lord Strathcona's Horse (LdSH) 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."<sup>79</sup>

In PF regimental messes, officers emulated the atmosphere of a gentleman's club by following strict protocol for dining, drinking, dress, and conversation. 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."<sup>80</sup> While regulations discouraged overconsumption of alcohol, 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 other militia officers and civilians. Colonel Steele submitted an adverse report on one "useless" LdSH 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," Steele wrote. "I would respectfully request that the Resignation be accepted, and this Officer be allowed to go quietly away without any further action being taken."<sup>81</sup>

Commanding officers (COs) submitted confidential annual reports on subordinates to the militia council for purposes of reappointment and promotion. The 1910 RCR Standing Orders warned senior officers: "This report is of such a precise and searching nature, that it is impossible to avoid giving the fullest details ... It is placed completely out of the power of the C.O. to save an officer from any consequence of his own inefficiency."<sup>82</sup> 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."<sup>83</sup>

The 1903 case of Captain G.W. Hamm of the 75th (Lunenburg) Regiment illustrates the administrative process for removing an ill-mannered part-time officer from the NPAM. After receiving several complaints about Hamm's indiscipline and misbehaviour, his CO asked the captain to resign his commission or "be recommended to be dismissed from the Militia on account of conduct unbecoming an officer and a gentleman."<sup>84</sup> Hamm refused to resign, demanding 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. And in 1902, he wore an unbuttoned tunic and placed a turkey feather in his cap. One officer called the sight "grotesque," and observed: "His appearance was very bad, dirty and out of keeping with the make up of an Officer." The inquiry board concluded the evidence "clearly shows that this officer is not a fit and proper

person to hold a commission.”<sup>85</sup> After transferring Hamm to the retired list, militia authorities discovered a deficiency in his company’s stores. Hamm ignored all calls for repayment, however, and the militia council ordered his complete removal from the service in 1904.

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 in the Canadian Expeditionary Force. In a petition to the militia council, the MP for Lunenburg contrasted “the present emergency” with 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.”<sup>86</sup> 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 a much more awkward predicament for Canadian militia officers and a graver dishonour than in years earlier. Mass mobilization during the First World War marked a shift in public attitudes toward military service in Canada. Not only did donning a uniform demonstrate commitment to defend the honour of the empire but battlefield service would validate the personal honour of a volunteer.<sup>87</sup> The high value placed on khaki enhanced the honour of military service, which meant that failure to serve or expulsion from the service carried an equivalent dishonour.

## Conclusion

Dating from the seventeenth century, the term *cashiering* evolved in the British Army tradition to represent the most disgraceful form of expulsion from the military. The sentence marked the limits of officer-like conduct and enforced rigorous discipline by removing men seen to have disgraced the regiment through misbehaviour or scandal. The unique nature of the punishment exposed an ambiguous divide within the military justice system between a code of law and a code of honour. 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 expected of an officer and a gentleman. Although military commentators stressed that this dual identity 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 constituted a damaging deterrent merely by symbolically marking the reputation and

character of an ex-officer. Ordinary soldiers discharged with ignominy at one time were physically branded or, by the twentieth century, imprisoned to ensure a sufficient deterrent.

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 had therefore traditionally depended on the loss of high social status and ostracization from a narrow military circle, and perhaps from upper-class society. Despite the supposedly more democratic nature of Canadian society, many commentators 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 did, by the outbreak of the First World War the disgrace of dismissal had the potential to ruin any officer's reputation as a gentleman and citizen.

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