

UDC: 344.14(437.3)"1918/1920"
355.318.2(470)"1917/1920"

CERIF: H240, H300, S149, T330

DOI: 10.51204/HLH_23103A

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DISHONOURABLE DISCHARGE IN THE MILITARY CRIMINAL LAW OF THE CZECHOSLOVAK LEGION IN RUSSIA

This paper presents the specifics of dishonourable discharge in the military criminal law of the Czechoslovak Legion in Russia. After a brief presentation of the historical background, it introduces the reader to the system of military courts and their development during the Legion's operation in Siberia as part of the Russian Civil War. Subsequently, it deals with the development of this punishment, the practice of imposing it and the consequences it brought with it, from the beginning of 1918 (before the establishment of the independent judiciary of the Czechoslovak Legion), throughout the early and late court system, until their abolition in 1920. The last chapter of this text focuses on shedding light on the consequences of dishonourable discharge in interwar Czechoslovakia for those sentenced.

Keywords: *Czechoslovak Legion in Russia. – Military Law. – Civil War in Russia. – Russian Imperial Army. – French Army. – Austro-Hungarian Army. – Dishonourable discharge. – Military punishments.*

1. INTRODUCTION

There is an increasing body of research that deals with the period of participation of the Czechoslovak legion in Russia during the Civil War (between the years 1918–1920). It is therefore surprising that, while their military and economic activities are already relatively widely researched,¹

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the unique legal system that the legionnaires implemented has remained, with very rare exceptions, completely unexplored.

This paper aims to examine a narrow section of this vast topic, namely the question of punishment by dishonourable discharge (in the contemporary terminology of legionary law, “exclusion from the army” [*vyloučení z vojska*]), its introduction into the legal system of the Legion, its use in practice and the immediate and long-term consequences that awaited those who were subjected to this punishment.

The primary sources on which this text is based are the archival records of the Military Historical Archive [*Vojenský historický archiv – VHA*] containing period correspondence, judgments, reports and other materials that provide a clear picture of the period and circumstances. The text is also based on the book *Judiciary in the Czechoslovak army in Russia* [*Soudnictví v čsl. vojsku na Rusi*]² written by JUDr. Viktor Svoboda, the longest-serving head of the Legal Department [*Právní odbor*] of the Czechoslovak Legion in Russia. Auxiliary sources are contemporary books dealing with legions in general, such as *Czechoslovak Legions 1914–1920* [*Československé legie 1914–1920*]³ by Milan Mojžíš, contemporary legislation and materials from the National Archives [*Národní archiv*].

The dishonourable discharge penalty was established in the independent law of the Czechoslovak Legion in Russia in early 1918, even before the independent justice system. The authority to impose it gradually passed from the regimental councils, officers and political representatives to the courts. However, its extensive use in the specific circumstances of the Legion led to several problems, so certain steps were taken to mitigate its consequences. Despite the successful reduction of its use, however, the examined punishment was used by the courts until the end of their operation, coinciding with the evacuation of the Czechoslovak army from Russia in 1920.

For those who were subjected to this punishment and did not or could not take advantage of the possibility of re-admission to the army, which appeared in the autumn of 1918, the consequences extended into the post-war period even, affecting not only their honour, but primarily the right to a specific veteran status guaranteed by law to legionnaires – the legionnaire status.

Work on the draft of the Legionary Criminal Code began at the end of the summer of 1918 as a joint work of the Legal Department, the legionary courts, and the Branch of the Czechoslovak National Council in Russia. By the end of the year, a draft code of 190 articles was drawn up, divided into a general part and a special part, which was further divided into sixteen chapters discussing different types of crimes.

1 Daniela Brádrlová, *Vojáci nebo podnikatelé?* Academia, Praha 2019.

2 Viktor Svoboda, *Soudnictví v čsl. vojsku na Rusi*, Památník Odboje, Praha 1924.

3 Milan Mojžíš (ed.), *Československé legie 1914–1920*, Nakladatelství Epocha, Praha 2017.

2. HISTORICAL CONTEXT – CZECHOSLOVAK LEGION IN THE CIVIL WAR IN RUSSIA

At the beginning of 1918, the Czechoslovak Legion in Russia⁴ was facing a precarious situation. After the battle of Bakhmach, which allowed a successful retreat from the advancing German and Austro-Hungarian Army in Ukraine, the Czechoslovak Army Corps (Czechoslovak Legion) was waiting for the planned transport to France.⁵ It was officially incorporated into the French Army⁶ and the Czechoslovak National Council negotiated its transport through Vladivostok (the ports in Archangelsk and Murmansk were frozen at this time of the year).⁷

The journey east was prolonged first due to obstructions by the Bolshevik government, later due to mutual distrust. In the end, this situation grew into an open conflict after the so-called Chelyabinsk incident,⁸ which led to two years of fighting in the complex situation of a multilateral civil war and the inhospitable environment of Siberia. The original idea to open the way to Vladivostok and continue the travel to France was soon scrapped, as the Entente powers had requested the Czechoslovak National Council to have its army assist the anti-Bolshevik forces in Russia, help establish a front on the Volga River and hopefully – after the defeat of the Red Army – together with the White Armies and allied intervention forces, reopen the Eastern Front of the World War.⁹

4 To learn more about the Czechoslovak Anti-Habsburg resistance, Czechoslovak Legions in general and Czechoslovak legion in Russia, see e. g.: Kevin J. McNamara, *Dream of a great small nation*, PublicAffairs, New York 2016; Brent Mueggenberg, *The Czecho-Slovak struggle for independence, 1914–1920*, McFarland & Company Inc., Publishers, Jefferson 2014; Milan Mojžiš (ed.), *Československé legie 1914–1920*, Nakladatelství Epocha, Praha 2017.

5 M. Mojžiš (ed.), 56 and 70.

6 V. Svoboda, 11–12.

7 K. J. McNamara, 147 and 161.

8 This incident occurred on 14 May, 1918, at the station in Chelyabinsk. An Austro-Hungarian prisoner from a passing train attacked and seriously injured a member of the legion by throwing a piece of iron at him, to which the legionnaires responded by executing the said prisoner. The delegation sent to explain the situation to the local soviet was arrested, as was the following delegation that was supposed to negotiate their release. The legionnaires responded by occupying the city on 17 May, freeing the captured delegates and retreating back to the station. Although the whole incident was without casualties, with the exception of the aforementioned executed prisoner, it served as a pretext for Leon Trotsky to arrest Czechoslovak political representatives in Moscow on 20 May, and to issue an order to forcefully disarm the legionnaires on 23 May. M. Mojžiš (ed.), 82.

9 Edmund Orián (ed.), *Československé legie v Rusku 1914–1920*, Naše Vojsko a Epocha 1900, Praha 2014, 13.

After some initial successes, notably taking control over much of the Trans-Siberian Railway and the conquering of Kazan, further advance west failed due to the growing numbers of the Red Army, half-hearted actions of the anti-Bolshevik coalition and the Entente's reluctance to provide a number of troops that could actually make a difference.¹⁰ Desperate defence and fall of Kazan back into the Bolshevik hands in the summer of 1918 marked the beginning of the decline in the fighting spirit of legionnaires, who were increasingly dissatisfied by fighting in a war which, from their point of view, had no relevance in their fight for independence.¹¹ The declaration of an independent Czechoslovakia on 28 October 1918 marks another low point in the morale of this army.¹² Although the situation got slightly better in the following months, the morale never reached the levels seen before the autumn of 1918. This was slightly helped by the fact that the Legion was transferred from the main front to the guard duty along the railway since January 1919.¹³ In this period, according to various contemporary sources, it consisted of around 60 thousand soldiers.¹⁴

After the Red Army broke through the frontline into Siberia in April 1919, Czechoslovakia began to organise a full evacuation of all its citizens from this area – not only military personnel but also civilians entitled to Czechoslovak citizenship and their close relatives. This evacuation was completed late into 1920, with the last legionnaires arriving in Czechoslovakia on 11 November 1920.¹⁵

3. SYSTEM OF MILITARY JUSTICE IN THE CZECHOSLOVAK LEGION IN RUSSIA

3.1 Early system

Up until 1918, the Czechoslovak legionnaires in Russia were formally subjected to Russian military law and courts which, however, at this point had ceased to function.¹⁶

10 M. Mojžíš (ed.), 94 and 102.

11 Bohumír Klípa, Karel Pichlík, Jitka Zabloudilová, *Českoslovenští legionáři (1914–1920)*, Mladá fronta, Praha 1996, 185.

12 *Ibid.*, 238.

13 *Ibid.*, 240.

14 M. Mojžíš (ed.), 102.

15 *Ibid.*, 102 and 112.

16 *Zpráva o činnosti právního Odbočky Československé národní rady v Rusku ze dne 1. září 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 98.

This situation led to the establishment of an independent court system whose beginning dates back to two orders from the corps command – order no. 25, issued on 9 March 1918 and no. 38, issued on 31 March 1918.¹⁷

With these orders at its base, combined with the slightly modified French Disciplinary code,¹⁸ a double-track system of justice was created. On one side there was a disciplinary authority of commanding officers, who could pass sentences for all service misconduct that could be solved with a prison punishment of up to 15 days; an appeal could be made to a superior officer against this decision.¹⁹ On the other side existed a two-level²⁰ system of courts, with regimental and train courts²¹ as two equivalent types of lower-level courts, and field courts acting as higher-level courts. There was a minimal interconnection between the two levels – no appellation existed,²² and the jurisdiction was divided: regimental and train courts dealt with all offences which were not in the jurisdiction of officers, except those expressly listed as being under the jurisdiction of field courts.²³ In those cases where the line between jurisdictions was not clear, it was up to the officers (who were also filling the role of prosecutors) to decide whether to keep the case or forward

17 Rozkazy čsl. vojsku na Rusi 1917–1918, <https://www.digitalniknihovna.cz/dsmo/view/uuid:8d5a17df-e97b-4772-a926-c42292cbad93?page=uuid:9ceaaf47-fd23-11ea-9758-001b63bd97ba>, last accessed on 27 January 2023.

18 Code de justice militaire pour l'armée de terre du 9 juin 1857.

19 V. Svoboda, 16–17.

20 The term “two-instance system” would not be fitting here, as that would imply there was an appellation system in place, which at this point was not true.

21 These courts were equivalent to each other in every way, the only difference being the situation under which each individual court was established: if there was only one regiment present, the court was established as regimental, having jurisdiction only over members of the given regiment, if there was a mix of soldiers from different units due to the chaos of war in Siberia, the established court was of the train type, having jurisdiction over all soldiers in a predefined area. – V. Svoboda, 17. “Train court” is a very loose translation of the Czech term “ešelonní soud” – word “ešelon” [eshalon] comes from the legionnaire slang and means “military train”. In the conditions of fighting on the Trans-Siberian railway these trains usually functioned at the same time as transport, a weapon platform and as mobile barracks. For more information about these, see Dalibor Vácha, *Ostrov v bouři*, Nakladatelství Epoque, Praha 2016, 15–52.

22 *Stav soudnictví v Československém vojsku na Rusi*. VHA Praha, fond Sběrka důležitých dokumentů 1. odboje; karton 1.

23 *Zpráva o činnosti právního Odbočky Československé národní rady v Rusku ze dne 1. září 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 98.

it to the courts.²⁴ If the case was on the border of the jurisdiction of the field and regimental (or train) court, the field court decided whether to keep it or hand it over to a lower level. Such a decision was then binding for the lower court.²⁵

More specifics were distinguishing the two levels of courts, such as the method of appointing and the required education for judges (the legion generally struggled with low numbers of educated lawyers), the range of persons over whom they exercised jurisdiction etc.; these, however, are not relevant for the topic of this paper.

Courts on both levels had a wide variety of punishments at their disposal, ranging from reprimand to the punishment of death by firing squad. The punishment of dishonourable discharge (or in the words of the legislator “the punishment by exclusion from the army”) was among these.²⁶ The disciplinary actions officers could take were much more limited and dishonourable discharge was not among them.²⁷

In general, it must be said that the practice and terminology of the courts in the first half of this period (until the summer of 1918) were quite inconsistent. The first Congress of the Czechoslovak Army, which took place in July and August of 1918, tried to correct this inconsistency in the decisions and terminology of the courts. Among other things, it adopted the Statute of Field Courts as a basic, albeit relatively brief, regulation for the functioning of justice in the Czechoslovak legion in Russia.²⁸ In principle, the statute codified the central points of the previous practice – the competences of the courts,²⁹ the punishments³⁰ used and the basis of the status of judges.³¹

The codification created by the Congress brought about a partial improvement in the situation, but for the most part, the inconsistency remained until the reorganisation of courts in early 1919.

24 V. Svoboda, 21–22.

25 *Ibid.*, 26.

26 *Statut polních soudů, Řády a resoluce 1. sjezdu československého vojska*, https://web2.mlp.cz/koweb/00/04/04/13/96/rady_a_resoluce_1_sjezdu_ceskoslov_vojska.pdf, last accessed on 27 February 2023.

27 *Disciplinární řád, Ibid.*

28 *Statut polních soudů, Řády a resoluce 1. sjezdu československého vojska*, https://web2.mlp.cz/koweb/00/04/04/13/96/rady_a_resoluce_1_sjezdu_ceskoslov_vojska.pdf, last accessed on 03 April 2023.

29 *Ibid.*, § 2,3, 5 and 6.

30 *Ibid.*, § 4.

31 *Ibid.*, § 8–9.

3.2 Late system

In the beginning months of 1919, the whole organisation of the Czechoslovak Legion in Russia underwent extensive changes. These were associated with the visit of the first Czechoslovak Minister of War, general Milan Rastislav Štefánik. The changes, which were meant to reflect the reality of the newly established Czechoslovak Republic, fundamentally affected the court system as well.³²

The system of courts was reorganised to resemble the system of military courts in Czechoslovakia. The new system was to be three-level and two-instance with divisional courts replacing field courts, the Corps Court serving as the supreme judicial body of all Czechoslovak courts in Russia, and train courts being abolished without replacement.³³ Appellation was finally introduced at this time, with divisional courts serving as a second instance for cases falling within the jurisdiction of regimental courts, and Corps Court serving as a second instance for those falling within the jurisdiction of divisional courts.³⁴ The disciplinary authority of officers remained in effect.³⁵

The competence of courts was divided according to the maximum punishment that could be sentenced.³⁶ This system remained in effect up to the point of evacuation of the Czechoslovak Legion from Russia.

4. SENTENCING TO DISHONOURABLE DISCHARGE

4.1 Before the introduction of courts into the legion

Dishonourable discharge was first introduced to the Legion by two resolutions of the Presidential Commission of the Branch of Czechoslovak National Council in Russia (abbr. BCNCR) from 15 and 24 January 1918.³⁷

The resolution from 15 January dealt with the issue of dishonourably discharging enlisted soldiers and non-commissioned officers. Its validity was expressly limited to the point in time when regimental courts would be established.³⁸

32 *Zpráva o činnosti Právního referátu za rok 1919*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 98.

33 *Ibid.*

34 V. Svoboda, 27.

35 *Ibid.*, 24.

36 *Ibid.*

37 *Приказ Чехословацкому корпусу No. 14*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

38 *Usnesení praesidiální komise OČSNR o vyloučení z československého vojska dobrovolců ze dne 15. ledna 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

According to this resolution, dishonourable discharge was a relatively complicated process – it required a company committee³⁹ to propose the discharge, deputy commissioner of BCNCR to second such a proposal, and unit commander to execute it.⁴⁰ Since at this point in time most legionnaires were coming from the ranks of prisoners of war, dishonourable discharge meant not only that the concerned soldier was excluded from the army and lost all related benefits, but also that he was to be transferred back to a prisoner camp (in most cases).⁴¹

The second resolution, issued on 24 January 1918, was meant to deal with the issue of punishing officers. It mainly aimed at degradation and forced transfer, while also establishing dishonourable discharge of officers as a punishment *ultima ratio*. The discharge could not be imposed separately as it always had to be attached to a degradation to the rank of private.⁴² Unlike the previous resolution, this one was not of limited validity, which led to some regiments following it up until October 1918, when this practice was expressly declared unacceptable by the Legal Department of the BCNCR.⁴³

For an officer to be dishonourably discharged, the decision had to be made by the officer corps of the regiment that the said officer belonged to. The officer corps conducted a secret ballot, with two-thirds of the members having to be present. If two-thirds of them voted for the punishment, this decision had to be communicated to all directly superior commanders and confirmation from the BCNCR had to be obtained.⁴⁴

39 Element of democratisation in the Legion – elected body of a company with limited self-governing authority. – *Řád pro zastupitelstva, jejich pomocné orgány a plnomocníky v československém vojsku, Hlava I., Rády a resoluce 1. sjezdu československého vojska*, https://web2.mlp.cz/koweb/00/04/04/13/96/rady_a_resoluce_1_sjezdu_ceskoslov_vojska.pdf, last accessed on 27 February 2023.

40 *Usnesení praesidiální komise OČSNR o vyloučení z československého vojska dobrovolců ze dne 15. ledna 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

41 *Ibid.*

42 *Usnesení praesidiální komise OČSNR o přeložení, degradaci a vyloučení z československého vojska československých důstojníků ze dne 24. ledna 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

43 *Dopis náčelníka Právního odboru inspektoru čs. armádního sboru ze dne 17. října 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 56, složka *Odeslaná pošta*.

44 *Usnesení praesidiální komise OČSNR o přeložení, degradaci a vyloučení z československého vojska československých důstojníků ze dne 24. ledna 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

The consequences for the discharged officer were very severe; not only was such an officer to lose his rank and to be discharged from the army while being sent back to a prisoner camp or civilian life, but the details of the reasons for his discharge were to be given to such a large number of people that in practice it was comparable to making them generally known.⁴⁵

4.2 In the early system

The most prominent feature of the early system was its absence of written legislature and the lack of professionals in the roles of judges and prosecutors.

Due to this and the vast distances between the individual courts, the system mostly had to rely on the consideration of the judges. That led to the uneven practice in sentencing to a dishonourable discharge,⁴⁶ which was possible at both levels of courts.⁴⁷ Unfortunately, due to the reluctance of most courts in the first half of 1918⁴⁸ to send copies of judgments to the Legal Department, today we can assess this part of the period based on only a very limited amount of archive material.

However, from the limited sources which we have access to, we can assume that the punishment by dishonourable discharge was used rather extensively. Since every court was authorised to impose this punishment, we encounter almost reckless overuse – e.g. the Field Court in Irkutsk alone reports 42 dishonourable discharges in the period between March and June of 1918.⁴⁹ However, the most eloquent statement about the overuse of dishonourable discharge is the circular of the Administrator of the

45 *Ibid.*

46 Viktor Svoboda, head of the Legal Department of the BCNCR criticises this in his report from September 1918. *Zpráva právního odboru ze dne 1. září 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 98.

47 *Statut polních soudů, Řády a resoluce 1. sjezdu československého vojska*, https://web2.mlp.cz/koweb/00/04/04/13/96/rady_a_resoluce_1_sjezdu_ceskoslov_vojska.pdf, last accessed on 01 April 2023.

48 The situation improved significantly after the issuance of Order to the Czechoslovak Army Corps No. 89-D dated 13 August, 1918. The text of the order itself could not be found, but it is referred to in later reports sent by individual courts to the Legal Department. See e.g., *Dopis Plukovního soudu 1. Československého záložního střeleckého pluku veliteli pluku ze dne 5. Října 1918*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

49 Unfortunately, the report contains data on punishments for only three types of offenses – “simple” desertion, desertion with defection to the enemy, and desertion “with subsequent active participation in Bolshevism”. – *Výkaz vojenského polního soudu v Irkutsku ze dne 17. října 1918*. VHA Praha, fond Pomocné spisy OČSNR v Rusku; karton 56.

Recruiting, Military and Administrative Department, dated 3 September 1918,⁵⁰ which tries to remedy the consequences of the expulsion of a large number of military personnel by allowing those who have committed less serious crimes to return to the army if they meet several basic conditions,⁵¹ and at the same time recommends limiting the number of dishonourable discharges and replacing them with other forms of punishment.⁵²

The success of this measure can be proven by archival records, which show that practically immediately after the aforementioned circular was issued, a relatively large number⁵³ of convicts requested to return to the army (the archive contains a whole separate file with these requests). Although the vast majority of these requests were approved by the Legal Department,⁵⁴ this was not a matter of course, as indicated by several cases of rejection – typically due to non-fulfilment of the conditions set by the circular.⁵⁵ Re-admission was decided by the court that issued the dishonourable discharge.⁵⁶

With the introduction of the Statute of Field Courts, the situation improved, among other things, regarding the delivery of copies of judgments to the Legal Department, thanks to which we can study the practice of dishonourable discharges based on a greater number of specific sources.⁵⁷

50 *Cirkulář správce Náborového, Vojenského a Právního odboru ze dne 3. září 1918 č. 15 Ú. V. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.*

51 Completion of the imposed prison sentence, committing a minor crime (“minor crime” was assessed individually due to the fact that the courts did not use uniform terminology) and behavior indicative of improved character. *Cirkulář správců Náborového, Vojenského a Právního odboru ze dne 3. září 1918 č. 15 Ú. V. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.*

52 *Ibid.*

53 The exact number is not provided, and these files usually include only recommendation by the Legal Department on whether the convict in question should or should not be allowed to return to the army, but the final verdicts are not included, thus it is not possible to find out the exact number of re-admitted soldiers. – VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97, složka *Vyloučení a zpětné přijetí do vojska 1918–1919.*

54 See previous note.

55 For example, Josef Kutík's application was rejected on the grounds that he applied for re-admission to the army at a time when he had not even served half of his prison sentence. *Dopis náčelníka právního odboru předsedovi 1. střeleckého záložního pluku.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97, složka *Vyloučení a zpětné přijetí do vojska 1918–1919.*

56 *Cirkulář správců Náborového, Vojenského a Právního odboru ze dne 3. září 1918 č. 15 Ú. V. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.*

57 VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97, složka *Polní soud v Novonikolajevsku, Vladivostoku, polní soudy.*

As for the numbers, we can read from the reports of the field courts that from September to December 1918, 43 soldiers were punished by dishonourable discharge by the field courts.⁵⁸ In the case of regimental and train courts, unfortunately, it is not possible to give an exact number (complete reports have not been preserved and only part of the judgments is archived), but from the available materials it can be estimated that in the period between the First Congress of the Czechoslovak Army and the reorganisation of the judiciary system at the beginning of 1919 up to two hundred men were dishonourably discharged.⁵⁹

As far as sentencing is concerned, soldiers were usually not sentenced only to dishonourable discharge but were almost always⁶⁰ punished with imprisonment at the same time.⁶¹ There were also cases in which soldiers were sentenced to dishonourable discharge only for a limited period.⁶²

When it comes to crimes for which dishonourable discharge was imposed, the vast majority were cases of desertion.⁶³ As mentioned earlier, there were big differences in the practice of individual courts. For example, the Train Court of the 1st Rifle Regiment did not shy away from handing out this punishment in the case of Private Hošek,⁶⁴ who only left the unit for a few days to attend his wedding and probably planned to return subsequently, and the Regimental Court of the 1st Czechoslovak Reserve Rifle Regiment resorted to dishonourable discharge in the case of theft of a “small amount of money” (2 rubles and 65 kopecks) by Pri-

58 *Výkazy: Polní soudy v Novo-Nikolajevsku, Jekatěrinburgu a Samaře (Ufě) za měsíce září, říjen, listopad, prosinec 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 102, složka *Statistiky rozsudků 1918–1919.*

59 VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

60 The only recorded exceptions are the cases of Private Frölich, convicted of desertion, and Private Macháček, convicted of theft, who would only be punished with dishonourable discharge. *Rozsudek Plukovního soudu 1. Československého střeleckého záložního pluku č.j. N96/18 ze dne 29. Listopadu 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101; *Rozsudek Plukovního soudu 1. Československého střeleckého záložního pluku č.j. N62/18 ze dne 30. Listopadu 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

61 *Ibid.*, cf. archival judgments in the referenced source.

62 *Rozsudek Polního soudu v Novonikolajevsku č.j. 72/18 ze dne 4. října 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

63 This accounts for about 80% of the cases in this period in which defendants were punished with dishonorable discharge.

64 *Raport předsedy vlakového polního soudu I. střeleckého pluku „Jana Husí“* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

vate Macháček;⁶⁵ on the other hand, the Regimental Court of the 6th Rifle Regiment gave out only a prison sentence in case of the defection of Private Apeltauer, who deserted immediately before the battle.⁶⁶

By default, dishonourable discharge was attached to punishments for serious crimes, e.g. grievous bodily harm, which therefore constitute the second largest group of crimes, after desertion, for which this punishment was handed out in the given period.⁶⁷ Other crimes related to the subject of our investigation are, for example, disclosure of military secrets,⁶⁸ cowardice in front of the enemy,⁶⁹ theft,⁷⁰ insulting the army,⁷¹ failure to comply with orders and demoralisation of fellow soldiers,⁷² or drunkenness.⁷³

65 *Rozsudek Plukovního soudu 1. Československého střeleckého záložního pluku č.j. N62/18 ze dne 30. listopadu 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

66 *Rozsudek Plukovního soudu 6. střeleckého pluku Hanáckého č. j. C204/18 ze dne 16. prosince 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

67 *Výkaz rozhodnutí soudů 1. střeleckého pluku „Jana Husi“ č. 1319, rozsudek ešelonního soudu 5. vlaku nad Antonínem Kabelíkem.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

An interesting case in this area is the case of Josef Hořák, who, while on leave from the unit, decided not to return to the unit unless “a train passes by to take him to France”. He was sentenced to two months in prison, dishonourable discharge, three months in the labour unit, and it was expressly determined in the judgment that he is not entitled to apply for re-admission to the army until he has served his sentence in the labour unit. *Rozsudek Polního soudu v Jekatěrinburgu č.j. 288/18 ze dne 12. srpna 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

68 *Rozsudek Plukovního soudu 1. Československého střeleckého záložního pluku č.j. N24/18 ze dne 4. října 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

69 *Výkaz rozhodnutí soudů 1. střeleckého pluku „Jana Husi“ č. 1319, rozsudek ešelonního soudu 2. vlaku nad Josefem Bartoškem.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

70 *Rozsudek Plukovního soudu 1. Československého střeleckého záložního pluku č.j. N62/18 ze dne 30. listopadu 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

71 *Rozsudek 33. ešelonního soudu č. j. 6/18 nad Janem Holinkou (datum neuvedeno).* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

72 *Výkaz rozhodnutí soudů 1. střeleckého pluku „Jana Husi“ č. 1319, rozsudek ešelonního soudu 2. vlaku nad Janem Červenkou.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

73 *Výkaz rozhodnutí soudů 1. střeleckého pluku „Jana Husi“ č. 1319, rozsudek ešelonního soudu 5. vlaku nad Michalem Tregerem.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

The immediate consequence of dishonourable discharge for members of the Legion punished in this way was specific in that most of them entered the army from the ranks of prisoners of war.⁷⁴ Therefore, after being expelled from the Legion, they were moved back to POW camps,⁷⁵ or (depending on the judgment of the court) to POW labour units.⁷⁶ If the discharged soldier came from the Czech or Slovak community in Russia (that is, he did not join the army from a prison camp), he was probably released back into civilian life, as being transferred to a military prison camp would not make sense for such a person.⁷⁷

During this whole period there is evidence of a persisting practice whereby soldiers were dishonourably discharged by their superiors without proper trial at court (which directly violated the disciplinary code).⁷⁸ There are no records of whether this illegal practice existed during the late court system as well, or how it was eradicated. From the cited archives, however, it can be concluded that the legal department (and therefore the army staff) intervened in similar cases by immediately rescinding these punishments.⁷⁹

4.3 In the late system

At first glance, the late system shows an attempt to limit the number of dishonourable discharges and to replace it with other punishments that would have a smaller impact on the fighting ability of the army, which during this period was faced with increasing pressure from Bolshevik partisans and felt the loss of every man.⁸⁰

74 M. Mojžíš (ed.), 70.

75 E.g., *Výkaz rozhodnutí ešelonního soudu 4. vlaku, žaloba č. 7 ze dne 18. června 1918 proti střelci Františku Slavíkovi*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

76 E.g., *Raport předsedy vlakového polního soudu I. střeleckého pluku „Jana Husi“* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 101.

77 Since such members of the Legion were only a few, there are no records available to confirm this and it is therefore only the author's inference.

78 The head of the legal department criticises this practice in his letter to the commanding officer of the 7th regiment. *Dopis předsedy právního odboru veliteli 7. pluku ze dne 15. října 1918*. VHA Praha, fond Pomocné spisy OČSNR v Rusku; karton 56, složka *Odeslaná pošta*. Another piece of evidence is the complaint of the Legal Department to the Staff of the Army Corps concerning 22 soldiers who were dishonourably discharged by the commander of the 9th regiment for pro-Bolshevik agitation. *Dopis předsedy právního odboru štábu armádního sboru ze dne 24. prosince 1918*. VHA Praha, fond Pomocné spisy OČSNR v Rusku; karton 56, složka *Odeslaná pošta*.

79 *Ibid.*

80 Dalibor Vácha, *Prokletá magistrála: Čechoslováci na Sibiři v roce 1919*, Nakladatelství EPOCH, Praha 2019, 19–31.

In addition to the continuation of the previously mentioned readmission of some dishonourably discharged soldiers back into the army,⁸¹ the main step in the effort to limit expulsion from the army was the abolition of the authority of the regimental courts to impose this punishment.⁸² As for the practice of divisional courts, we can observe in the reports (with one exception)⁸³ that the number of dishonourable discharge sentences gradually decreased throughout 1919.⁸⁴

As for the Corps Court, in the first instance it had authority over generals, divisional commanders, presidents of divisional courts, and members of the Corps Court.⁸⁵ However, during the period of its operation, there were no proceedings with any of those listed,⁸⁶ and at the same time, there are no records available in the archive of decisions of this court in cases concerning appeals against judgments containing the penalty of dishonourable discharge, therefore its practice cannot be examined.

The third influential factor in limiting the use of the researched punishment was the relatively rare practice, already emerging in December 1918,

81 Although modified – those who deserted (that is, the vast majority of cases) and those who were convicted of collaboration with the Bolsheviks were still not allowed to be readmitted under any circumstances. *Rozkaz předsedy právního odboru č. 219 předsedům všech vojenských soudů Československého vojska na Rusi ze dne 7. února 1919*. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 96.

82 It was not possible to find the regulation by which this right was taken away from the regimental courts, but the reports of the decisions of the regimental courts after the reorganisation clearly show that the number of imposed dishonourable discharges immediately dropped to zero. The fact that it was probably an unofficial regulation is also indicated by the fact that the tables with reports usually contain a field for indicating the number of dishonourable discharges, but the entered number is always zero, or '-'. See regimental court records from February 1919 onwards – VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 102, složka *Statistiky rozsudků 1918–1919*.

83 This exception was the Divisional Court of the Far Eastern Units in Vladivostok, in whose practice we can see a more or less constant number of dishonourable discharges – See divisional court records from February 1919 onwards – VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 102, složka *Statistiky rozsudků 1918–1919*.

84 VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 102, složka *Statistiky rozsudků 1918–1919*. Here it is important to note that, for example, the Divisional Court of the 2nd Division was reluctant to use the dishonourable discharge penalty at all. See VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100, složka *Rozsudky divisiního soudu 2. divise*.

85 V. Svoboda, 26–27.

86 *Ibid.*

⁸⁷ when soldiers, tired of months of constant fighting, deliberately tried to be expelled from the army to get from Russia to Czechoslovakia by earlier transport as civilians, or to get to the non-frontline units at least. The Legal Department thus urged the courts to always carefully examine the defendant's motive to commit the crime and, if necessary, choose the punishment in such a way as not to fulfil the wishes of the convicted person.⁸⁸

Another significant change compared to the previous period was that the existence of the Czechoslovak Republic and its consequences were fully taken into account.⁸⁹ In the case of dishonourable discharge, this meant that the soldiers punished in this way could no longer be transferred back to the POW camps from which they originally entered the army, as they were now citizens of the Republic, not captured soldiers of Austria-Hungary.⁹⁰ So that the punishment of dishonourable discharge does not become merely “accelerated demobilisation” from the point of view of the soldiers, and so that the expelled soldiers do not become a burden for the Legion in Russia, “penal units” were created. These were created on the model of previously existing labour units, with the difference that work in the penal units was performed under the supervision of guards.⁹¹

In the period of the late system, the documents show a double-tracked nomenclature for dishonourable discharge – instead of the original “dismissal from the army”, the competent authorities often use the term “transfer to the labour section”.⁹² However, according to Viktor Svoboda, it was the same punishment.⁹³

87 *Dopis správce právního odboru předsedovi ešelonního soudu štábu 1. Husitské střelecké divize ze dne 11. prosince 1918.* VHA Praha, fond Pomocné spisy OČSNR v Rusku; karton 56, složka *Odeslaná pošta*. The train court of the command staff of the 1st rifle division even recommends replacing this punishment with a heavy prison sentence or the death penalty. – *Dopis předsedy ešelonního soudu štábu 1. Husitské střelecké divize předsedovi právního odboru ze dne 7. prosince 1918.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 96.

88 *Dopis správce právního odboru předsedovi ešelonního soudu štábu 1. Husitské střelecké divize ze dne 11. prosince 1918.* VHA Praha, fond Pomocné spisy OČSNR v Rusku; karton 56, složka *Odeslaná pošta*.

89 *Cirkulář Právního odboru Vojenské správy M.V. čís. 16 ze 7. června 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

90 V. Svoboda, 36.

91 *Cirkulář Právního odboru Vojenské správy M.V. čís. 16 ze 7. června 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

92 Sometimes, both terms were used side by side, e.g.: *Statistika rozsudků odsuzujících vynesných divisními soudy 1,2,3 divise a soudem částí Dálného Východu ve Vladivostoku za měsíce červenec, srpen, září 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 102, složka *Statistiky rozsudků 1918–1919.*

93 V. Svoboda, 36.

Even in this period, desertion remained the criminal act for which dishonourable discharge was most frequently imposed.⁹⁴ However, it was no longer as prevalent as in the early system, as the second most frequent reason for these punishments – disobeying an order in front of the enemy – was very close behind.⁹⁵ Other crimes for which dishonourable discharge was imposed were, for example, embezzlement,⁹⁶ false declaration of nationality,⁹⁷ fraud,⁹⁸ or attacking the security of the Czechoslovak army.⁹⁹ On the other hand, for more serious crimes, dishonourable discharge was no longer a default part of the sentence; instead, the specifics of the case were taken into account when deciding on whether to impose this punishment.¹⁰⁰

In the late system period, there is no record of dishonourable discharge being imposed separately, without any other punishment.¹⁰¹

5. CONSEQUENCES OF DISHONOURABLE DISCHARGE AFTER RETURN TO CZECHOSLOVAKIA

The immediate effect of a dishonourable discharge on a soldier was supposed to be moral disqualification, deterioration of his material conditions, and the cleansing of the army from unreliable individuals.¹⁰² In

94 See statistics in VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 102, složka *Statistiky rozsudků 1918–1919*.

95 *Ibid.*

96 *Rozsudek I. senátu divisiního soudu 1. střelecké divise č. j. D1 171/19 ze dne 25. června 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100, složka *Rozsudky divisiního soudu 1. divise*.

97 *Rozsudek II. senátu divisiního soudu 1. střelecké divise č. j. D1 109/19 ze dne 15. května 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100, složka *Rozsudky divisiního soudu 1. divise*.

98 *Rozsudek I. senátu divisiního soudu 1. střelecké divise č. j. D1 68/19 ze dne 14. května 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100, složka *Rozsudky divisiního soudu 1. divise*.

99 *Rozsudek Soudu vojenských částí Dálného Východu ve Vladivostoku č. j. 532–66/19 ze dne 31. března 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100, složka *Rozsudky Soudu vojenských částí Dálného Východu ve Vladivostoku*.

100 We can see an example of this in a case of serious bodily harm, dealt with in the judgment D3 91/19. *Rozsudek II. senátu divisiního soudu 3. divise, č. j. D3 91/19 ze dne 17. 6. 1919.* VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100, složka *Rozsudky divisiního soudu 3. divise*.

101 Cf. Archived verdicts – VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 100.

102 “*Even today, the punishment of expulsion from the army should be considered one of the most severe punishments, and that’s because [...] it suddenly places the convicted in*

the long run, however, those who were punished in this way also felt other consequences, resulting from the loss of the right to legionary status according to the Act on the granting of positions to legionnaires.¹⁰³

The conditions for granting legionnaire status¹⁰⁴ were set by the above-mentioned law on the granting of positions to legionnaires and subsequent Government Regulation No. 151/1920 Coll.¹⁰⁵ There were a number of these conditions, but one of them was proper discharge from the Legion,¹⁰⁶ while dishonourable discharge clearly cannot be considered as “proper”.¹⁰⁷

Exclusion from the possibility of obtaining legionnaire status meant the loss of a wide range of benefits that the Czechoslovak Republic provided to legionnaires. These benefits were: reserved positions in the civil service,¹⁰⁸ higher pay for military service (if the former legionnaire con-

material conditions far worse than those he lived in as a member of the Czechoslovak army; besides, it is noticeable not to return home as a “legionnaire” of whom his loved ones and those around him are proud. In addition, under the current situation, the punishment of exclusion from the army of elements acting in a disintegrating way is the most effective means of healing its parts...” [Trest vyloučení z armády i dnes třeba považovati za jeden z trestů nejtěžších, a to proto [...], že rázem staví odsouzeného do poměrů materiálních daleko horších, než v jakých žil jako příslušník československého vojska; mimo toho on citelný vrátit se domů jako “legionár,” na kterého jsou hrdí jeho blízcí i jeho okolí. Mimo to za nynější situace je trest vyloučení z armády živlů působících rozkladně nejúčinnějším prostředkem k ozdravení jeho částí...] Cirkulář Právnického odboru Vojenské správy M.V. čís. 16 ze 7. června 1919. VHA Praha, fond Ministerstvo vojenství – oddělení v Rusku; voj. správa-právní odbor; karton 97.

103 Zákon č. 462/1919 Sb. o propůjčování míst legionářům [Act no. 462/1919 Coll. on the granting of positions to legionnaires].

104 For more on the origin, functioning and context of the legionnaire status in the inter-war Czechoslovakia, see Jakub Novák, *Status legionáře v období první Československé republiky* (diplomová práce), Brno 2022, <https://is.muni.cz/th/jjnlw/>, last visited on 16 April 2023.

105 Nařízení vlády č. 151/1920 Sb. ze dne 4. března 1920, jímž se provádí zákon ze dne 24. července 1919, č. 462 Sb. z. a n., o propůjčování míst legionářům [Government Regulation No. 151/1920 Coll. of March 4, 1920, implementing the Act of July 24, 1919, No. 462 Coll., on the granting of positions to legionnaires].

106 § 2 zákona č. 462/1919 Sb. o propůjčování míst legionářům [§ 2 of the act No. 462/1919 Coll. on the granting of positions to legionnaires].

107 The legislation was probably set up in this way precisely because it prevented deserters and defectors to the Red Army from acquiring legionnaire status. J. Novák, 31–32.

108 See: Zákon č. 462/1919 Sb. o propůjčování míst legionářům [Act No. 462/1919 Coll. on the granting of positions to legionnaires]; Nařízení vlády č. 151/1920 Sb. ze dne 4. března 1920, jímž se provádí zákon ze dne 24. července 1919, č. 462 Sb. z. a n., o propůjčování míst legionářům [Government Regulation No. 151/1920 Coll. of March 4, 1920, implementing the Act of July 24, 1919, No. 462 Coll., on the granting of positions to legionnaires];

tinued his military career),¹⁰⁹ higher veterans' pensions,¹¹⁰ and study concessions for those whose high school¹¹¹ or university¹¹² studies were interrupted by the war.

An interesting fact is that even if a soldier was dishonourably discharged from the Legion, it did not affect his eventual status as a veteran of the Austro-Hungarian Army. Thus, if an expelled soldier who entered the Legion from a prison camp met the conditions, he was still entitled to veteran status,¹¹³ albeit not with the extensive benefits associated with the legionnaire status.

6. CONCLUSION

The period of operation of the Czechoslovak legionnaires in Russia is also the period of the emergence of a peculiar, improvised military law, which this military corps used due to the specific situation it found itself in. Examining its various aspects allows us to gain insight into how law emerges organically, under the pressure of a non-standard situation.

The modification of the typical military punishment, dishonourable discharge, developed in the same way. It appears in separate legionary laws before the courts are even established; after their creation, it passes into their exclusive jurisdiction.

Nařízení vlády č. 202/1922 Sb. jímž se pozměňuje, po případě doplňuje nařízení vlády republiky Československé ze dne 4. března 1920, č. 151 Sb. z. a n., a nařízení vlády republiky Československé ze dne 30. prosince 1920, č. 12 Sb. z. a n. z roku 1921 [Government Regulation No. 202/1922 Coll. which amends or supplements the Decree of the Government of the Czechoslovak Republic of March 4, 1920, No. 151 Coll., and the Decree of the Government of the Czechoslovak Republic of December 30, 1920, No. 12 Coll.].

109 See Zákon č. 195/1920 Sb. o úpravě služebních požitků československého vojska [Act No. 195/1920 Coll. on the adjustment of service benefits of the Czechoslovak army].

110 See § 81–83 zákona č. 76/1922 Sb. o vojenských požitcích zaopatřovacích [§ 81 – § 83 of the act No. 76/1922 Coll. on military welfare benefits]. For specific cases of legionnaires who would also receive veterans' pensions for service in the gendarmerie, act No. 153/1923 Sb. was valid as *lex specialis* – see § 21–23 and § 69 zákona č. 153/1923 Sb., kterým se upravují některé služební poměry četnictva a některé četnické požitky, zejména odpočívání a zaopatřovací [§ 21 – § 23 and § 69 of the act No. 153/1923 Coll., regulating certain service conditions of the gendarmerie and certain gendarmerie benefits, especially rest and provision].

111 Výnos MŠNO č. 55.584 ze dne 13. 11. 1919, *Věstník ministerstva školství a národní osvěty 1918–19*, 354–355.

112 *Výnos MŠNO č. 50.828-IVc-1919 ze dne 31. 1. 1920*. Národní archiv, fond Ministerstvo školství, Praha, sign. 3 II D 1, karton 992.

113 The Czechoslovak Republic recognised its citizens who served in the Austro-Hungarian army as military veterans. – § 82 zákona č. 76/1922 Sb. o vojenských požitcích zaopatřovacích [§ 82 of the act No. 76/1922 Coll. on military welfare benefits].

However, in the period of the early system of Legionary Military Courts in Russia, this punishment was so extensively overused that its consequences had to be mitigated in various ways. This was done on the one hand by appealing to the courts to use alternative punishments, and on the other hand by creating the possibility of accepting dishonourably discharged soldiers back into the Legion if several conditions were met. These steps have proven to be quite effective, but not enough to be the only ones.

In the late system of legionary courts, the use of the dishonourable discharge penalty was further limited by removing the ability to impose it from the lowest level of courts (regimental courts) and leaving it only within the authority of the higher levels. At the same time, the pressure on the courts to use this punishment as little as possible continued. In practice, one can actually see a reduction in the number of dishonourable discharges imposed until the end of the legionary courts in the early 1920.

As for the consequences of dishonourable discharge on the soldiers in question, these developed over time. At first, it was primarily a return to a POW camp (in the case of soldiers who were recruited from POW camps, in the case of volunteers from among Czech and Slovak emigrants, it was simply a return to civilian life without veteran benefits), later this changed to a transfer to penal units, and in the period after the transfer to Czechoslovakia it was a question of losing the right to legionnaire status and the broad benefits associated with it.

In conclusion, it should be added that dishonourable discharge also meant a stain on the honour of the soldier in question, all the more so because he was not only expelled from the volunteer army, but also from the army that carried the aureole of national heroes within the ethos of interwar Czechoslovakia.

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НЕЧАСНИ ОТПУСТ У ВОЈНОМ КРИВИЧНОМ ПРАВУ ЧЕХОСЛОВАЧКЕ ЛЕГИЈЕ У РУСИЈИ

Сажетак

У овом раду су приказане специфичности нечасног отпуста у војном кривичном праву Чехословачке легије у Русији. Након крајњког приказа историјске позадине, чинилац се упознаје са системом војних судова и њиховим развојем током операција Легије у Сибиру у оквиру Руског грађанског рата. Рада се затим бави развојем насловне казне, праксом њеног изрицања и последицама које је са собом носила, од почетка 1918. године (пре успостављања независног судства Чехословачке легије), током раној и касној деловања судског система, до њеновог укидања 1920. године. Последње појављивање овог шекса фокусира се на расветљавање последица нечасног отпуста у међурајној Чехословачкој за оне који су на ову казну осуђени.

Кључне речи: *Чехословачка легија у Русији. – Војно право. – Грађански рат у Русији. – Руска царска војска. – Француска војска. – Аустро-угарска војска. – Нечасни отпуст. – Војне казне.*

Рад приспео / Paper received: 11. 2. 2023.

Прихваћен за објављивање / Accepted for publication: 5. 4. 2023.

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