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**Citizenship, Cowardice and Freedom of Conscience: British Pacifists in the  
Second World War**

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## **Citizenship, Cowardice and Freedom of Conscience: British Pacifists in the Second World War<sup>1</sup>**

### **Abstract**

*Freedom of conscience is widely claimed as a central principle of liberal democracy. But, what is conscience and how do we know what it looks like? Rather than treat conscience as a transcendent category, the paper examines claims of conscience as always rooted in distinct cultural and political histories. In particular, it does so through examining debates about conscientious objection in Second World War Britain. The paper argues that in Second World War Britain, persuasive claims of conscience were widely associated with a form of ‘detached conviction’. Yet, evidence of such ‘detached convictions’ was always on the verge of being interpreted as deliberate manipulation and calculation. More broadly, the paper argues that the protection of freedom conscience is necessarily incomplete and unstable. The creation of persuasive claims about conscience requires the meeting of evidential conventions. But, a conventional conscience can seem like no conscience at all. As such, the difficulties in recognizing individual conscience point to the internal anxieties of liberal democracy. It is not simply the*

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*stranger that is suspect and mistrusted, but those who claim to stand most strongly by the principles of liberal citizenship.*

## **Introduction**

In the summer of 1940 Roy Ridgway appeared before a Tribunal in West London and argued that he should be exempt from any form of military service.<sup>2</sup> German troops were occupying most of Europe, allied soldiers had just been evacuated from Dunkirk, and the Battle of Britain had begun just a few days previously. Ridgway, a clerk in a North London cake factory, argued that ‘love and not force is the ultimate power in the universe...’<sup>3</sup> By the mid-1940s over four million people were serving in the British armed forces. However, those people who held a ‘conscientious objection’ to military service could apply for exemption. Ridgway was applying for such an exemption, supported only by letters from friends and his own convictions. In doing so he joined over 60,000 other British citizens who claimed they had a profound objection to bearing arms.

War creates acute ethical dilemmas about life and death, freedom and duty.

Compulsory military service in a time of war poses questions about the obligations that people feel they owe their country in times of war, leading to tensions with, what, as a form of short hand, I shall call ‘liberal democratic’ models of citizenship. For proponents of liberalism, forcing someone to fight for a cause they may not believe in can go against the principle of individual autonomy. Yet, at the same time, the obligation to fight for the state and nation in times of emergency can be said to be a responsibility that arise from mutual dependence (Walzer 1970). How can a loyal

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<sup>2</sup> Papers of Roy Ridgway, Imperial War Museum Archive (IWMA).

<sup>3</sup> Ridgway, Diary 1 March 1940.

citizen refuse an apparent obligation to serve others, without removing themselves from the claims of citizenship? How can those that act in the name of the state demand that citizens kill or be killed against their will? It is here that the notion of conscience comes in. By exempting certain categories of people from compulsory conscription on the grounds of ‘sincerely’ held beliefs, the protection of freedom of conscience provides a compromise between the obligations to defend your country and the right to exercise freedom of choice.

For much of the twentieth, century freedom of conscience was seen as a central principle for liberal political cultures, and can be found in numerous national constitutions and human rights conventions.<sup>4</sup> The 1948 Universal Declaration of Human Rights, for example, declares in its very first article that all human humans are ‘endowed with reason and conscience’. In this vision, to be human is to have a conscience, and to have a conscience is to be able to act as a moral agent. For the political philosopher Martha Nussbaum, to ‘violate conscience is an assault on human dignity’ (2012, 65). Charles Taylor and Jocelyn Maclure similarly argue that forcing someone to act against deep conscientious convictions constitutes a deep ‘moral harm’ (2011). Scholars more critical of liberalism too have seen conscience as central to liberal subjectivity (Foucault 1983, 212; Rose 1989, 22). Liberalism may not be the only historical tradition that has prioritized conscience (see for example Chadwick 1968). However, for advocate and critic alike, freedom of conscience is widely regarded as being closely tied to liberal democracies.

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<sup>4</sup> Freedom of Conscience is recognized in Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, Article 9 of the European Convention on Human Rights, Article 12 of the American Convention on Human Rights, and Article 8 of the African Charter on Human Rights.

However, if freedom of conscience is so important, what is it and how do we know when we see it? Conscience has been understood variously as a gift from God, a type of rational reflection, an intuition, or a form of judgment (Andrew 2001; Baylor 1977). Conscience can be seen as a capacity of all humans, or a chosen few (Locke 1689). It has also been conceptualized as being located internally, socially, or in the divine. Over the last two hundred years, conscience has been understood by philosophers as an ‘impartial spectator’ (Smith 2010, 12), an ‘internal court’ (Kant 1996, 189), and a ‘painful feeling’ (Mill 2002, 41), amongst other things. In general though post-Reformation and post-Enlightenment political-philosophy has emphasized conscience as a form of individual moral guidance and autonomy (Taylor 1992a, 29; Rawls 1993). At this point, two crucial general developments take place. First, conscience becomes thought of as potentially separate from religious belief or thought. Second, conscience becomes deeply associated with the internal moral life of the individual.

Those who act out of conscience must constantly try and make that conscience publically legible to others in order to have social and political purchase. As Hannah Arendt argued, a central problem of a politics that seeks to prioritize conscience is that the origins of claims to conscience in interior moral sentiments can make them politically unpersuasive (1972). Individual conscience needs to be proved and demonstrated to be socially and politically persuasive. The recognition of conscience can be seen as part of a broader ‘politics of recognition’ (Honneth and Frazer 2003; Taylor 1992b). For its critics, the liberal politics of recognition is too narrow in terms of the forms of life and cultural values it is able or willing to acknowledge (Povinelli 2002). Do claims of conscience, for example, far from being a universal attribute of

all humans, simply reproduce ideas of moral personhood with very particular roots in the history of Christianity? At the same time, there are also questions about how and whether liberal regimes are able to recognize *particular* instances of the very values they claim to uphold. Alongside the general question of how we define conscience, there is the question about how to recognize specific claims as ‘genuine’ incidents of conscience. The recognition of conscience is as much a problem of culturally persuasive proof as it is of ethical definition.

Academic discussions of conscience have largely been philosophical, legal and theological (Andrew 2001; Arendt 1972; Maclure and Taylor 2011; de Jong 2000; Evans 2001, Walzer 1970; Nussbaum 2008). However, there is nothing self-evident about the particular importance placed on or the forms that conscience is thought to take. Claims of conscience have distinct cultural and political histories. Making such points is not to deny the potential ethical importance of conscience, to deconstruct it into thin air, or to point out internal inconsistencies. But neither is it to take conscience for granted as a self-evident and universal ethical category. Rather, it is to take a middle ground and to ask how is it possible to talk about conscience at all, and what it is possible to say when doing so? In doing so, we can begin to understand the role that claims about conscience in the experience of ‘actually existing liberalism’.

What did persuasive claims of conscience look like in mid-twentieth century Britain? During the first half of the twentieth century, the association of conscience with non-conformist Christian pacifism was widespread across Europe and North America. However, pacifism was far from being a settled Protestant tradition, and pacifism is itself a very specific application of the principle of conscience. It is perfectly possible,

for example, to imagine someone arguing that they were taking up arms as a matter of conscience, for Christian or non-Christian reasons. British law was unique in the mid-twentieth century in not requiring a formal religious affiliation for the recognition of conscience. In practice, persuasive claims of conscience were widely associated with a form of ‘detached conviction’ that was understood as moderate and tempered. Claims that seemed too passionate, political or based on apparently esoteric forms of religious faith risked being taken as self-interested or incoherent. Yet, evidence of ‘detached convictions’ was always itself on the verge of being interpreted as deliberate manipulation. Claims of conscience therefore walked a tight rope between seeming neither too fervent nor too calculated. Freedom of conscience was most readily recognized when it was thought not to be freely chosen. It was evidence of long-term affiliation with a mainstream Protestant Church that was most persuasive. Conscience in wartime Britain therefore moved uneasily between the formally religious and the secular.

Attempts at the protection of conscience face a central conundrum. If conscience is not defined *a priori*, attempts at recognition remain necessarily arbitrary. The object that is being protected remains vague and shifting. Yet, at the same time, if attempts are made to define conscience, restrictions are being placed on the very forms of freedom that are being protected. A pre-determined conscience seems like a very peculiar type of conscience. Conscience is made unfree in some way. The central argument of this article is that the protection of conscience is necessarily unstable and diminished. The production of persuasive evidence requires the meeting of social and cultural assumptions about the appearance of conscience. However, the very meeting of evidential conventions in itself undermines the apparent sincerity of the claim to



conscience. A conventional conscience can appear like no conscience at all. The move from conscience as an abstract category, to conscience as a specific and particular claim is therefore fraught with suspicion. Although Conscience is protected as an abstract principle, the people who make claims of conscience are mistrusted.

The difficulties in recognizing individual conscience point an internal anxiety within liberal democracies: Critical scholarship has often looked to the margins in order to find the sites where the contingent and arbitrary nature of liberalism are revealed (Das and Poole 2004). As Erica Weiss has argued though, conscience reveals the inner limits of liberalism (2012). Hesitations about claims of conscience are not only produced by an encounter with difference, but also by with sameness. Difficulties in having claims of conscience recognized are often as much to do with similarity as alterity (compare Kelly and Thiranagama 2011). Liberal democracies can be deeply suspicious about those who claim to stand most strongly by its principles.

The following discussion is based on archival research within the letters and memoirs of, as well as oral history interviews with, Conscientious Objectors (COs) and their families.<sup>5</sup> These are held at the archives of Imperial War Museum, the Peace Pledge Union, the Central Board for Conscientious Objectors, Mass Observation Archives, and the National Archives. The very existence of such documents can be seen as the product of an 'ethical practice that demanded persistent self-contemplation' (Feldman 2007, 692). COs constantly reflected on their positions and tried to persuade others of their convictions, leaving behind a rich documentary trace. The paper begins by setting out a very brief history of the place of conscience within the rights and

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<sup>5</sup> The full exploration of the experiences of the officials who dealt with claims of conscience is an important and interesting topic, but for reasons of space, will not be the focus here.

obligations of British citizenship. It then examines the history of British pacifism between the two world wars, in order to set out the moral repertoires available to British pacifists in the early 1940s. The next two sections examine how COs sought to make persuasive claims about their conscience before Tribunals. It concludes by putting British debates about conscientious objection in comparative perspective.

### **A Very Brief History of British Conscience**

Historically, freedom conscience has been included in English law as part of a pragmatic compromise, balancing claims of productive citizenship with a stress on the importance of inner conviction. In Seventeenth Century England, for example, conscience was not simply a category of religious faith, but was also part of a wider debate about civic participation. The Toleration Act of 1689 established the right of Protestant dissenters to conscientiously object to taking a religious oath. The Act was based on the assumption that Puritans wanted to be active citizens, particularly through lending money to the king, and it was therefore financially counter-productive for the crown to exclude them (Wyckes 1994). Crucially, the Act gave no rights to non-Protestant confessions. Two centuries after, in the late 1800s, a conscience clause was used to mediate tensions over mandatory vaccination (Durbach 2001). The anti-vaccination movement based its campaign for exemption on the claim that their members were rational and responsible citizens. Exemption was eventually allowed for practical reasons, as it was proving difficult to force parents to allow their children to be vaccinated, and fines did not seem to be curbing opposition. Crucially, the nature and content of conscience were not defined in law.

The conscience clause in the law of military conscription was similarly a product of

compromise. Britain has historically avoided compulsory military service. The British government introduced conscription for the first time in 1916- much later than most European states. For its advocates in Britain, a voluntary army was preferable to one based on conscription, due to the perceived greater moral virtue of its soldiers. A year into the First World War, the Member of Parliament G. N. Barnes, argued, for example, that 'I refuse to believe that volunteerism is going to fail us, because to believe that would be almost tantamount to believing in the moral bankruptcy of the nation'.<sup>6</sup> By 1916 though, voluntary recruitment was proving an inefficient system for recruiting the necessary manpower needed for the armed forces. However, when conscription was first proposed, trade unions and members of the Liberal party objected to the potential for forced labor. Exemptions for COs was created in order to prevent a parliamentary revolt over the bill (Rae 1970, 26). To gain support from socialists and atheist parliamentarians, the Military Service Act 1916 also did not set out the grounds for conscientious objection, which formally could include both political and religious claims. The Act simply stated exemption could be granted 'on the ground of a conscientious objection to the undertaking of combatant service'.<sup>7</sup> Importantly, Ireland and the colonies, as well as all women, were exempted from military service. Conscription, and therefore conscientious objection, was limited to those who were assumed to be the most committed citizens. At its heart conscription was not simply a method of labor recruitment, but was treated as a fundamentally moral issue to do with the obligations and loyalties of citizens.

Tribunals were set up in order to make decisions over the precise nature of the exemption, which could be absolute, conditional or refused. In practice, absolute

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<sup>6</sup> Hansard HC Deb 2 November 1915.

<sup>7</sup> Military Service Act 1916, Article 2(1)(a).

exemption on grounds of conscience was relatively rare. The Tribunals, which also heard cases for medical exemption, contained army officers and local dignitaries, who saw their principle job as recruiting for the military. During the First World War 16,000 people appeared before the Tribunals seeking exemption on the grounds of conscience (Rae 1970). Of these, over six thousand were arrested after their applications were denied and they refused military service.

Following the reintroduction of conscription in 1939, the conscience clause was retained. Many leading COs from the First World War were now senior politicians, with at least three serving in the war-time government, including Home Secretary Herbert Morrison.<sup>8</sup> Taking lessons from the First World War, the British government and military were reluctant to force people who did not want to fight to join up. As Prime Minister Neville Chamberlain put it, ‘in the Great War... I think we found that it was both useless and an exasperating waste of time and effort to attempt to force such people to act in a manner which is contrary to their principles’.<sup>9</sup> Importantly, the conscience clause was seen by its creators as proof of British commitment to freedom. Lord Beveridge declared in a radio broadcast that ‘admission of the right of conscientious objection to serve in war is the extreme case of British freedom. Nor have I any doubt that it makes Britain stronger in war rather than weaker’ (Hayes 1949, 6). The Archbishop of Canterbury, Cosmo Lang, similarly argued that ‘At time when we are claiming... that freedom of conscience must everywhere be honoured, it obviously is our duty to show that we fully support it’. The protection of conscience was claimed as a key mark of British difference from the totalitarian states of

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<sup>8</sup> The two others were, Labour MPs Philip Noel-Baker who was Parliamentary Secretary to the Minister of War Transport, and Arthur Creech Jones, Parliamentary Secretary to the Minister of Labour.

<sup>9</sup> Hansard HC Deb 4 May 1939.

mainland Europe.

As in the First World War, the Tribunals could grant full exemption, conditional exemption, or dismiss the application. Conditional exemption was usually granted on the grounds that the applicant was willing to do some specific work of 'national importance'. In 1941, for the first time, women too were made liable for conscription to specific auxiliary units. Women could also opt to take up civil defense or industrial work, and were never obliged to carry arms. Married women or women with children under the age of fourteen were exempt altogether.

### **The Who, What and Why of Conscientious Objection**

Those who applied for exemption did not represent all those who objected to war. There were others ways of avoiding military service, such as working in a reserved profession, or simply going AWOL. Many people emigrated, sought medical exemption or went on the run. Angus Calder has argued that in 1943 alone over 300,000 people were discharged on medical grounds (1993, 336). Estimates put the numbers who went AWOL over the course of the war at more than 100,000 (Glass 2013). It is likely that at least some of these people were motivated, in part, by an objection to combatant duties. As such, it is also probable that only a small minority of those with a political or moral objection to war sought registration as COs. Registration as a conscientious objector therefore represented a very particular attempt to give a public presence to claims of conscience.

The numbers of people applying for military exemption on grounds of conscience ranged from 2.2% of those conscripted in October 1939, to 0.57% by mid-1940

(Barker 1982). Stereotypically, COs came from the intellectual middle classes, but in practice they ranged from skilled laborers to white-collar workers.<sup>10</sup> Among those who sought registration, Quakers and Methodists were particularly prominent, but there were also members of the Church of England and Catholics, as well as Jehovah Witnesses, Christelphians, and others, including socialists and secular humanitarians. The vast majority of applicants claimed a religious or a mixture of religious and moral motivations for the objection.<sup>11</sup>

To say that someone had a pacifist conscience, on its own, says very little. To take a negative stand against war is not necessarily, to take a stand *for* anything in particular. During the First World War, the socialist left had been the leading voice among conscientious objectors. Resentment at the Generals and politicians who sent men to their slaughter, combined with economic misery and recession, to make class based opposition to war particularly compelling. However, the seemingly natural alliance between pacifism and socialism would not last. By the late 1930s, civil war in Spain, and the increasing threat of fascism, forced many socialists to feel they had no choice but to support war against Germany. As Fenner Brockway, an Independent Labour Party MP who had been imprisoned in the First World War for his opposition to conscription put it: 'I was in all my nature opposed to war... But I saw that Hitler and Nazism had been mainly responsible for bringing the war and I could not contemplate their victory.... I could no longer justify pacifism when there was a fascist threat' (1977, 135). By the start of the Second World War, socialist opposition to military service was highly equivocal.

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<sup>10</sup> Jobs of COs. April 3 1940. MOA TC6 Box 1 File A

<sup>11</sup> Report on COs, July 1940. MOA TC6 Box 1 File A.

Many pacifists sought to justify their position through a mixture of Christian doctrine and humanistic morality. For Christian pacifists, Christianity was essentially a religion of non-violence. Jesse Hillman, for example, an Anglican railway clerk from south London who later became a vicar, later argued that before the war 'it seemed to me it was quite illogical to try and follow the example of Christ and use the methods of modern warfare'.<sup>12</sup> Similarly, William Elliot, the son of a train driver from Surrey, who like Hillman, later became a vicar, believed that 'the whole life and example of Christ's teaching indicates quite clearly to us that to take another life would be incompatible with being a follower of our Lord.'<sup>13</sup> Elliot felt that just as Jesus had refused to lead a war of rebellion against the Romans, twentieth century Christians should refuse to take up arms. Christian pacifists were often adamant that pacifism was the only way of being a Christian.

However, support for pacifism was far from being a self-evident Christian position. The Church of England and the Anglo-Catholic hierarchy had long supported the British military. William Temple, who would go on to be Archbishop of Canterbury, described pacifism as a 'heresy'.<sup>14</sup> Elsewhere, Baptists spent four years deliberating before coming down on the non-pacifist side. Methodists decided not to take a formal position. There were of course anti-war groups within British Christianity. However, these were usually small and inward looking sects such as Jehovah Witnesses, Christelphians, and Plymouth Brethren. Furthermore, Jehovah Witnesses are not pacifist in the narrow sense of the word. It is not to fighting in all wars that they object too, merely ungodly wars. The Quakers are probably the group most associated in the popular imagination with Christian pacifism. However, in the First World War,

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<sup>12</sup> Interview with Jesse Hillman, 21 March 1980, IWMSA.

<sup>13</sup> Interview with William Elliot, 1983, IWMSA.

<sup>14</sup> *Times Newspaper*, 29 October 1935.

over a third of Quaker men of eligible age served in the military in some way (Ceadel 2002, 23). Indeed, the historian of British pacifism, Martin Ceadel has argued that, it was only after the First World War that Quaker pacifism became a relatively settled and absolute position (2001, 23).

It is important to note here that many COs saw themselves as loyal British citizens. Although pacifists could have a commitment to brotherly love or class solidarity that stretched across national boundaries, they were also often keen to stress their patriotism. Roy Ridgway, a London CO, wrote in his diary, 'The love of one's country is inherent in everyone'.<sup>15</sup> Indeed, many COs saw the scope for pacifist society as most suited to what they understood as a particularly British tolerant sensibility. John Hunt would later recall that he thought 'there must be something right with a country who would allow people to take up this stand, because I know nowhere else in the world where it would have happened in this way'.<sup>16</sup> Similarly, C.H. Smith wrote to a friend shortly before he appeared before a Tribunal, 'you know this is a remarkable country- so much so, that it is not easy to refuse the services they demand.'<sup>17</sup> Conscience was seen by many COs as part of their patriotic duty.

When the fighting started in 1939, public hostility towards COs was not nearly as intense as it had been in the First World War. In 1916-18, those who refused to fight were often detained, beaten, harassed, and in a few cases shot. The conscientious objector was seen as the anti-thesis of the heroic British soldier: selfish, cowardly, indolent and degenerate (Bibbings 2009). Tribunal judges, many of whom were military officers, would insult those who came before them, and routinely refuse any

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<sup>15</sup> Ridgway, 1 October 1939, IWMA.

<sup>16</sup> Interview with John Hunt, 6 April 1998, IWMSA.

<sup>17</sup> Letter to George, dated 16 April 1943. Private Papers of C.H. Smith 88/10/1 IWMA.



dispensation. Objectors were consistently sent to jail, released, and then detained once more if they refused to fight. Even after the war ended, many conscientious objectors were not released from prison. Some went on hunger strike, and over 190 were eventually force fed. Those who were put under military detention were disenfranchised for five years.

In relative contrast, during the Second World War, many COs commented on the general 'tolerance' shown to them by the wider population. COs recall that people would tell them they disagreed with their stance, but respected their position from principle. John Hall-Williams, a CO from a middle-class Welsh speaking family from South Wales, would later remembered being 'treated with courtesy and respect'.<sup>18</sup> Similarly, Ray Bellchambers, a CO from Buckingham who worked as a farm laborer during the war, recalled that amongst his colleagues 'generally speaking there was a lot of tolerance. There were a few who were very bitter and sarcastic about it, but generally that did not make too much difference'.<sup>19</sup> Bernard Hicken, a South Yorkshire Methodist, who volunteered to undertake medical trials, would recall that 'I did not have unpleasantness from people, let me say that people were very tolerant'.<sup>20</sup> A poll taken in February 1940 claimed that 40% of respondents did not know what they thought of COs, and more than 25% said they were 'tolerantly disposed' towards COs.<sup>21</sup> In April 1940 only 14% thought it was a bad thing for pacifists to be allowed to publicly express their opinions.<sup>22</sup>

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<sup>18</sup> Interview with John Hall-Williams, 30 March 1995, IWMSA.

<sup>19</sup> Interview with Ray Bellchambers, 1983, IMSA.

<sup>20</sup> Interview with Bernard Hicken, May 1995, IWMSA.

<sup>21</sup> Report on Conscientious Objectors, July 1940. Mass Observation Archive (MOA) TC6 Box 1 File A.

<sup>22</sup> Supplementary Report on COs. 16 September 1940. MOA TC6 Box 1 File A.

The change in attitude towards COs has to be understood, in part, against the background of the different 'moral economy of sacrifice' in the Second World War when compared to the First (Allport 2010). Whereas during the First World War, the home front remained relatively unscathed, during the Second World War, those who stayed at home faced relative hardships. Air raids and rationing produced real privations. The result was that the sacrifices of those serving in the armed forces were not as heavily privileged over those of the civilian population. Whereas the violence on the home front could have added pressure on COs to take up arms to protect their country, it also created spaces for them to take up alternative forms of service for the country. This moral economy of sacrifice must also be placed in the context of new forms of masculinity. As the historian Sonya Rose has argued, by the late 1930s, male heroism was not simply associated with individual acts of spectacular bravery, but rather was also culturally understood to lie in the ordinary acts of unexceptional people (2003). For Rose, inter-war British culture saw an emphasis on a form of 'tempered masculinity' (2003, 154). British COs could therefore potentially participate in 'tempered masculine virtues', without taking up arms.

Despite their claims to patriotism and the general sense of tolerance, COs could still face a great deal of criticism, at work, in public, or even from family and friends. George Orwell was amongst the most prominent critics, famously claiming that: 'Pacifism is objectively pro-Fascist... If you hamper the war effort of one side you automatically help out that of the other...' (1942). For Orwell, pacifists were naïve at best, dangerous at worst. Attacks on COs though were not limited to harsh words. Occasional direct pressure was applied. Over one thousand COs were sent to prison after their applications for exemption were rejected, and there were relatively isolated

incidents of violence. More often however, criticism and pressure simply took the form of name calling, or a sense that people were talking behind your back.

Against background of competing loyalties and limited but consistent public criticism, the decision on whether to apply for exemption on the grounds of conscience could be difficult. Pacifists were caught in a web of moral obligations to family, friends, colleagues, and country. The claims of conscience were rarely, if ever straight forward. Roy Ridgway only applied for exemption after a period of intense personal reflection and preparation. One month into the Second World War, Ridgway began to have doubts over his convictions. He would write in his diary that ‘some of the remarks that slip from me in conversation are not the words of a pacifist... I find myself saying things I ought not to say’.<sup>23</sup> He was also being teased by his father, and was worried about his mother’s reaction. At work Ridgway was reprimanded by his boss, and was concerned that everyone thought he was a coward. Ridgway later recalled that ‘my heart said no and my head said yes, I was confused about it’.<sup>24</sup> Similarly, prior to his decision to register for exemption, Alexander Bryan, from a Yorkshire Methodist family, and studying to be a teacher in Sheffield at the start of the war, remembers being filled with ‘despair’, as his ‘mind was in turmoil’, and he began to ‘doubt the path’ he had chosen was the right one. As his friends criticized him, or avoided him completely, Bryan was ‘assailed periodically with doubts about the course’ he was taking. Ken Shaw, from the south London suburbs, who had a brother in the air force, and a father who thought that everyone should ‘do their bit’, also doubted whether, if given the choice between serving in the army and being shot

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<sup>23</sup> Ridgway, Diary 1 October 1939.

<sup>24</sup> Interview with Roy Ridgway, 14 July 1987, IWMSA.

he would have the courage to refuse, describing himself as a ‘not very brave person’.<sup>25</sup>

Conscience has often been seen historically as the ground of an authentic moral personhood. Martin Luther is famously reported to have said that ‘Here I stand. I can do no other’. This is an image of conscience that is resolute and individual. Later scholars have understood conscience as being at the center of a modern sense of self. For Foucault, for example, the subject is ‘tied to his own identity by a conscience’ (1983, 212). Charles Taylor has argued that conscience is understood as the most intimate and essential aspect of a person (Taylor 1992). In this context, conscientious objection has been understood as an ‘unambiguous expression of morality. A clear-cut example of moral convictions’ (Levi 1997; 199). For British COs however, claims of conscience did not simply create a profound and clear sense of themselves, standing against the rest of the world. Instead, for those asking for military exemption, claims of conscience could produce an experience of estrangement and confusion about their own convictions and beliefs. It is in this context of hesitations about their own conscience that COs had to try and persuade others that they were genuine.

### **Preparing for the Tribunal**

The application for exemption from military service was a short document often no more than a page long. The forms were mostly written in a conventional manner, stating that the applicant was a ‘conscientious objector’, and then setting out very briefly the grounds for this exemption. Charles Alexander of Peterborough, for example, wrote ‘being a true lover of the Lord Jesus Christ... I could not with a clear

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<sup>25</sup> Interview with Ken Shaw, May 1992, IWMSA.

conscience take life'.<sup>26</sup> Edwin Green wrote 'I cannot reconcile the taking of life with the principles which one desires to live up to. A Christian should be marked by meekness, kindness and love'. F. Morel, from East London, argued that as 'a member of the working class it has been my firm conviction for the past ten years that war does not solve any of the difficulties of the countries of the world, but only increases the poverty, degradation and misery of the working class'.<sup>27</sup>

In the written application, conscience was often presented as stemming from a profound individual moral sense, despite the doubts than some COs might have had about their own convictions. For Jesse Hillman, 'conscience was something that was so precious' and he had no choice but to follow his conscience where it 'led' him.<sup>28</sup> Gwendolene Knight, a Quaker pacifist who worked as a volunteer in an ambulance unit, argued that 'it does not matter whether pacifism is a success or not, that's not our business... But if it is right then that's what you've got to do'.<sup>29</sup> Conscience was often portrayed as something that the applicants could not control. Alexander Bryan, for example, said he felt compelled to register for exemption by the 'promptings of conscience', and that as a CO he had 'the right to obey the dictates of my conscience'.<sup>30</sup> For F. Corsellis, an Anglican CO, his conscience was a product of the 'commands of the Sermon on the Mount'. Written statement, after written statement, presented conscience not as a choice, but as a duty.

Making a written claim to conscience was one thing, but preparing to look genuine in person before the Tribunal was another. There was an awareness amongst COs that

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<sup>26</sup> National Archives, London (NA), Lab 45 53.

<sup>27</sup> Papers of F. Morel. IWMA 80/7/1.

<sup>28</sup> Hillman.

<sup>29</sup> Interview with Gwendolene Knight, 17 September 1989, IWMSA.

<sup>30</sup> Interview with Alexander Bryan, 20 January 1999, IWMSA.

the questions asked by the Tribunal members were relatively predictable and could therefore be prepared for. The Central Board for Conscientious Objectors (CBCO), a coalition of pacifist organizations, was the most significant source of information.<sup>31</sup> A volunteer for the CBCO had advised Ridgway on the best way to present his case, suggesting that he did not seek unconditional exemption as he would be less likely to win.<sup>32</sup> The CBCO also often arranged mock Tribunals. Ridgway had been worried about how he might perform at the Tribunal, and therefore jumped at the chance to rehearse his case.<sup>33</sup> The mock judges asked Ridgway about why he was willing to eat food imported by sailors who were risking their lives, why he paid taxes when those taxes were spent on weapons, and what he would do if Nazi troops occupied Britain. Ridgway became tongue tied and could not get the words out. After the hearing the judges all agreed that they found no one very convincing.

The CBCO tried to avoid telling people what to say before the Tribunal, and instead concentrated in helping them think through their own case. One pamphlet advised that it was not designed to 'help you to outwit the Tribunals, and get a better exemption than you deserve'.<sup>34</sup> Alan Staley, a Methodist who ran a mock Tribunal would later recall that they were very helpful 'particularly when the person who was always most confident of himself had his statement torn to pieces'.<sup>35</sup> Staley insisted though that the Tribunals 'never told you what to say. They just picked holes in what you were going to say so that you could see your own weakness.'<sup>36</sup>

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<sup>31</sup> The CBCO had originally been established in the First World War, and was re-established in 1939. The board was a coalition of pacifists groups, as was in practice recognized by the government as the central point of contact on CO issues.

<sup>32</sup> Ridgway, Diary, 29 November 1940.

<sup>33</sup> Ridgway, Diary, 10 April 1940.

<sup>34</sup> CBCO Pamphlet, Questions to COs. June 1944. CBCO 2/32.

<sup>35</sup> Interview with Alan Staley, 11 March 1980, IWMSA.

<sup>36</sup> Staley.

There was a pervasive feeling amongst COs that preparing too much for a Tribunal could be counterproductive. The CBCO advised applicants to look spontaneous. One hand book suggested applicants ‘talk of your conscience without self-consciousness.’<sup>37</sup> Not preparing too much was an ethical as well as a practical issue. Some applicants were concerned that if they presented too polished a case, and were then exempted they would not be gaining exemption on the basis of their own beliefs, but its surface presentation. Bryan Alexander, a Quaker from Leeds, worried that if he had been granted complete exemption it would have been due to the skills of his advisors rather than his own ‘merits.’<sup>38</sup> Similarly, Tony Parker, a socialist pacifist from Manchester, thought preparing too much would be ‘cheating in a way.’<sup>39</sup> COs tried to become experts in presenting a form of conscience that did not appear too prompted or trained.

### **Presenting Evidence of Conscience**

Roy Ridgway appeared before the Tribunal in West London on 17 July 1940. He would write in his diary that he thought the judges were already convinced that everyone who came before them was a ‘shirker’.<sup>40</sup> In the event, Ridgway’s case did not last more than ten minutes. He was very nervous and later that day worried that he ‘did not express myself clearly’. Ridgway had declared that all the early Christians were pacifists, but when pressed for their names could not remember any. He was also asked to explain what he meant by non-violent resistance, and he told the judge that in the event of a German invasion he would refuse to cooperate. One of the judges asked

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<sup>37</sup> Notebook of Instructions for Conscientious Objectors in Answering Tribunal Questions. C. 1940. Misc. 3 Hem 22 IWMA.

<sup>38</sup> Alexander.

<sup>39</sup> Interview with Tony Parker, 17 February 1986, IWMSA.

<sup>40</sup> Ridgway, Diary, 17 July 1940.

whether he meant that, for example, everyone should refuse to mend broken drains, even if people were dying of typhoid? Before Ridgway could answer, another judge asked a further question about his vegetarianism and whether he wore leather boots. Ridgway replied that it was impossible to be completely consistent in anything. Judge Hargreaves, the senior member of the Tribunal declared that ‘non-violence is a joke’. Following a brief conferral amongst the judges, Ridgway was ordered to undertake non-combatant duties. Forty years later, Ridgway would look back on his experience and conclude that he had not been able to convince the Tribunal because his attitude had been a ‘little superior’.<sup>41</sup> He recalled trying to persuade the judges in their ‘own terms’ rather than ‘expressing his own ‘feelings’.

The Tribunal usually consisted of a judge, a trade union official, and more often than not an academic.<sup>42</sup> Tribunal hearings would routinely begin with the Tribunal members reading the typed statement of the applicant. The applicant would then be asked if he wanted to add anything to his statement or submit other forms of evidence, either in the shape of witnesses or letters, before being questioned on the basis of their objection.

The Tribunals seemed constantly suspicious that people were seeking exemption from military service out of cowardice or laziness. As one judge put it, the Tribunal had to ask questions ‘to plumb the depth of an applicant's convictions, and to see that conscience is not made a cloak’ (Hayes 1949, 42). Another judge is reported to have said that ‘many of the Conscientious Objectors really mean that they are afraid of

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<sup>41</sup> Ridgway IWMSA.

<sup>42</sup> ‘The Workings of the Tribunal. 1941’, (SxMOA1/2/6/1/B), MOA.



being killed themselves when they say they do not want to kill other people'.<sup>43</sup> For G.C. Field, a philosopher at Bristol University who sat on the Southwest Tribunal, judging the sincerity of a conscientious objector involved an evaluation of the 'temperamental and emotional factors which make up his character' (1945, 106). He 'felt a suspicion of various motives at work...(such as) dislike of being disturbed in their accustomed way of life, dislike of being under discipline' (1945, 107). Judges openly said they thought many applicants were not being entirely honest.

The questions asked by the Tribunal would commonly try and tease out the consistency of the objection to violence. The experience of Alexander Bryan, a student from Sheffield, was typical.<sup>44</sup> In the spring of 1940, Bryan appeared before a Tribunal in Leeds, and was asked how long he had been attending Quaker meetings. He replied that he had only been going a matter of months, and had been brought up in a Methodist family. Another member of the Tribunal asked him whether the University was maintained by public funds, and what he thought about the fact that much of this money was produced through the manufacture of munitions. After a brief conferral the chair of the Tribunal declared that Bryan was to be removed without qualification from the register. A few days later, Bryan received a letter informing him that 'we have come to the conclusion that this is not a genuine case... He started to attend the Friends' meetings immediately after the outbreak of the war. He appears to us to illustrate the type of objector who says 'I will not serve'.

Common questions at the Tribunal included: 'what sacrifices have you made for your principles?', 'What would you do if Hitler landed in England today?', 'Aren't you

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<sup>43</sup> *Daily Mail*, October 26 1939.

<sup>44</sup> Alexander.

forgetting you neighbor in 'loving your enemies'?', 'Would you use an air-raid shelter?', 'If you object to taking life are you a vegetarian?', 'Don't you want to shorten the war by bringing it to a speedy conclusion?'.<sup>45</sup> Many questions sought to examine the extent to which a CO would help another British citizen in the face of Nazi aggression. Perhaps the most common theme in questioning concerned what an applicant would do if their wife, sister or daughter was being attacked.<sup>46</sup>

Those applicants who were more articulate were often perceived by other applicants to be more successful before the Tribunal. Mervyn Taggart, a privately educated London Quaker, would recall that 'people who had not debated and discussed and thought a lot about this, people with a certain educational background, were at a very great disadvantage in Tribunals.'<sup>47</sup> Ronald Mallone, a Christian pacifist and socialist, who was training to be a teacher, thought that his application had been successful because he had 'taken care. I was a very vocal person and used to speaking in public'.<sup>48</sup> Another observer would write that 'an applicant who knows all the answers and can express themselves clearly stands more chance than one who may be just as sincere but cannot express himself so well.'<sup>49</sup>

It was possible to be too articulate though. Judges widely objected to the use of 'jargon and cliché'.<sup>50</sup> One judge complained to the Birmingham Post of 'organized' preparation, and said that it made their job harder to 'break through the veneer and

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<sup>45</sup> 'The Workings of the Tribunal', MOA.

<sup>46</sup> Ridgway, IWMSA.

<sup>47</sup> Interview with Mervyn Taggart, 5 May 1980, IWMSA.

<sup>48</sup> Interview with Ronald Mallone, 31 January 1980, IWMSA.

<sup>49</sup> Bloomsbury Tribunal January 16 1940. MOA TOC6 Mx1 File A.

<sup>50</sup> The Workings of the Tribunal. MOA.

varnish of artifice.’<sup>51</sup> Judge G.C. Field, complained that the ‘regularity with which the arguments, and even the phraseology, of the different groups are repeated by one applicant after another suggests ... a ready-made set of ideas taken from other people than an individual and independent examination of the problem’ (1945, 6).

There was therefore a very fine line between the need to be articulate and the need to avoid sounding rhetorical and deliberate.

Tone could be as important as content in presenting a persuasive claim. COs were widely advised to be polite and courteous, above all not appearing quarrelsome. Roy Ridgway’s brother, Derrick, had registered as a conscientious objector in 1940.<sup>52</sup> When he appeared before the Tribunal, the judge told him to take his hands out of his pockets.<sup>53</sup> Derrick responded angrily that the Tribunal was a ‘farce’. The judge told him that he was a ‘very bad mannered man’. Derrick was refused exemption and told that he was ‘utterly insincere’ and had ‘no conscience in the matter at all’.<sup>54</sup> Similarly, C. Worrall, a socialist pacifist from Manchester, was accused of ‘intellectual vanity’ by a judge after arguing back.<sup>55</sup> COs were advised by supporters that ‘histrionics will do you no good.’<sup>56</sup> One group of Christian pacifists told COs that ‘it is important to the most courteous... do not attempt to make debating points.’<sup>57</sup>

Political objectors, predominantly socialists, had great difficulty before the Tribunal. They were often accused by judges of picking and choosing the wars they wanted to fight. One frequent observer of the Tribunal commented that socialist objectors ‘were

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<sup>51</sup> The Workings of the Tribunal. MOA.

<sup>52</sup> Ridgway, Diary, 1 November 1939

<sup>53</sup> Ridgway, Diary, 20 February 1940.

<sup>54</sup> Ridgway, Diary, 26 February 1940.

<sup>55</sup> Unpublished Memoir. Papers of C. Worrall IWMA.

<sup>56</sup> ‘Conscientious Objector Tribunals’, 24 February 1940. MOA TC6 Box 2 File A.

<sup>57</sup> ‘Some General Considerations’. Fellowship of Reconciliation. No date. MOA OC6 MX1 File A.

not well liked'.<sup>58</sup> Judge G.C. Field argued that 'the only genuine and logical conscientious objection on political grounds would be that of a convinced Fascist (1945, 15). The Ministry of Labour even went so far as to appeal any case where a political objector was granted unconditional exemption.<sup>59</sup> A CBCO observer at one Tribunal wrote that 'the tribunal will not accept political objectors... and the only objectors who will be recognized are those who base their objections on religious grounds'.<sup>60</sup> Given that many political objectors could also articulate their claims in more explicitly religious terms, they often did so.

It was past, formal and long term affiliation with a pacifist group that was often the most persuasive evidence before the Tribunals. One judge in North West England argued that 'we have found that the most important factor to consider was the religious or ethical background behind the objection'.<sup>61</sup> Judge Burgis, who had taken sick leave after being attacked by an applicant, gave a speech on his return to work where he claimed that 'we can only ascertain whether there is a genuine conscience and a deep conviction by getting to understand the background of the lives of each of those who come before us...' (Barker 1982, 17). C. Worrall, a hospital administrator from Manchester, remembered that it 'became obvious to me, that the tribunal members tended to find it more understandable that an applicant might have a conscientious objection to military service if he came from, what they perceived as a good 'church background'.<sup>62</sup> COs were believed most readily when they could show that they have attended a particular pacifist church or group over a long period of time, and best of all if their family were members as well.

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<sup>58</sup> Bloomsbury Tribunal January 16 1940. MOA TOC6 mx1 File A.

<sup>59</sup> 'The Judges'. April 1940. MOA TC6 Box 2 File A.

<sup>60</sup> Memorandum. Political Objectors. No Date. Tribunal Box 6. CBCO Archives.

<sup>61</sup> Memorandum by Judge Wethered, 1942, CBCO Archives.

<sup>62</sup> Worrall.

Not all religious belief was persuasive before the Tribunal. Jehovah Witness, in particular, seemed to represent a form of religiosity that the Tribunal found hard to comprehend. Judge Field would go so far as to describe adherents as a ‘strange and even fantastic’ (1945, 17). Dennis Hayes from the CBCO concluded that Jehovah Witnesses found it most difficult of all applicants to persuade the Tribunal judges of their case. Hayes thought this was because Jehovah Witnesses were ‘more militant’ than other applicants, and seemed ‘impervious to argument on the part of the tribunal’.<sup>63</sup> The professed neutrality of Jehovah Witnesses in ‘ungodly wars’ seemed hard for the judges to take.<sup>64</sup>

Affiliation with Quakerism was thought to be most convincing. When Alexander Bryan appeared before the Tribunal, he asked an acquaintance from the Quakers to give evidence.<sup>65</sup> Roy Ridgway would later recall that his association with Quakers through medical voluntary work had probably made his life easier when he was released from military prison.<sup>66</sup> For some, an association with the Quakers was such persuasive evidence that they tried to downplay their own Quaker connections, lest it give them what they felt to be an unfair advantage. Mervyn Taggart later felt ‘unworthy’ for raising his Quaker family history as he felt it made ‘it somewhat easier. People understood the Quaker position and by saying you were a Quaker ... you did not have to explain in very great detail anymore.’<sup>67</sup>

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<sup>63</sup> Hayes.

<sup>64</sup> Beavor.

<sup>65</sup> Bryan.

<sup>66</sup> Ridgway IWMSA

<sup>67</sup> Taggart.

Faced with questioning of their own testimony, applicants would try and bring together as much other evidence as possible, as a way of trying to attest to their convictions. Roy Ridgway had set about collecting letters from friends and acquaintances who could confirm the sincerity of his beliefs. One friend wrote a letter saying that Ridgway was a ‘vegetarian because he believes it is wrong to kill animals’ and that ‘for many years he has been an ardent pacifist’.<sup>68</sup> The chairman of his local pacifist group would write a letter stating that Ridgway was a ‘sincere pacifist’ and that his ‘attitude to war is not an isolated thing, but is part of his whole attitude to life’.<sup>69</sup> F. Morel, a trade unionist on the East London docks, produced a letter from a municipal councilor stating that ‘I can verify ... that he has been engaged for a number of years for the emancipation of workers and that he will not support any war’.<sup>70</sup> Letters from church officials confirming that they thought an applicant’s convictions, although ‘perhaps misguided’ were ‘strongly held’, were particularly common.<sup>71</sup> Second hand documentary evidence from ‘respected members of the community’ was seen as providing potentially more secure evidence of conscience than direct oral testimony from the person claiming exemption.

In sum, claims of conscience seemed most persuasive when they were not thought to be freely chosen. The irony was that people who could show that their objection was part of a long family history, rather than personal critical reflection found it easier to get exemption. Evidence of deliberate reflection was in danger of looking like evidence of mendacity.

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<sup>68</sup> Ridgway, Diary 20 June 1940.

<sup>69</sup> Ridgway, Diary 12 December 1940.

<sup>70</sup> Letter from J.R. Sutherland, no date. Papers of F. Morel.

<sup>71</sup> The Workings of the Tribunal. 1941, MOA.

## **A Public Conscience**

The legal responsibility of the Tribunal was to make decisions on the genuineness of a particular claim to conscience. However, much to the annoyance of some judges, the law gave no direct guidance on the grounds upon which conscientious objection should be held.<sup>72</sup> The British Tribunals were therefore formally open to accept any form of conviction as evidence of conscience, religious or secular, emotional or reasoned.

Debates over the forms of emotional and rational justification through which legitimate claims can be made on public goods have been central to modern liberal politics (Habermas 2006; Mahmood 2006; Rawls 1993). At stake here is not simply the distinction between the religious and the secular, but rather broader questions about the forms of commitment and convictions that are deemed to have legitimate place in public life. In this context, the liberal public sphere is often analyzed in terms of an ideological split between the rational and emotional. For John Rawls, for example, personal convictions, religious or otherwise, need to be translated in seemingly neutral and publicly accessible comprehensive terms. (1993). The Rawlsian position has been criticized for its vision of neutrality, and for the way it limits the forms of conviction that have a place in public debate (Connelly 1999, 20). However, as Elizabeth Povinelli has argued, in practice, both the deliberative and the sensual are present in modern liberal ethical debate, forming a 'zone of undecidability' (2011, 88). The seemingly rational and emotional can combine to mediate the relationship between the state and its citizens.

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<sup>72</sup> Memorandum by Judge Wethered, 1942, CBCO Archives.

When British Tribunals attempted to make judgments about whether to grant exemptions from military service, a form of conscience was promoted that seemed to walk the line between the coldly analytical and the passionately spontaneous.

A claim to conscience that looked too rational was in danger of looking like self-interest. A claim to conscience that seemed too emotional was in danger of looking close to cowardice or extremism. Those who were came across as politicized, adhering to forms of religiosity other than non-conformist Christianity, or impassioned and fervent, were least likely to be taken as having a ‘genuine’ conscientious objection. The COs that had most success in persuading the Tribunal appeared moderate and restrained.

In prioritizing conscience the Tribunal and the people who appeared before it faced the problem of how to make interior convictions publicly present. The anthropology of religion has highlighted the ways in which otherwise invisible processes are mediated through material practices (Engelke 2010; Keane 2007). However, it is not only the transcendental claims of religion that need to be made concrete in order to have social and political purchase. Political convictions too need to be substantiated or they can remain intangible, illegible, and ineffective. As such, CO Tribunals should be understood in the context of a wider history of attempt to legally adjudicate on the inner life of individuals, ranging from criminal law concerns with intention, to the inquisition’s focus on the soul (compare Halfin 2001; Kravel-Tovi 2012; Langbein 2006). The key issue such processes face is how to make the internal motivations, qualities, desires and character of the person before them visible so that they can pass judgment on it.



In Second World War Britain there were widespread claims that the CO Tribunals were being asked to do an impossible job. In the parliamentary debates over the National Service Act in 1939, there was suspicion that it was impossible to judge conscience at all. As Conservative MP Sir Arnold Wilson argued, the ‘mind of man is not triable’.<sup>73</sup> T. Edmund Harvey, an independent MP, similarly told parliament that ‘there is no machinery which the House or any other House can set up for judging the conscience of men that would be satisfactory’.<sup>74</sup> For many COs too, the rigorous public assessment of individual conscience was a futile task. John Wood, a London Quaker CO, would describe judges as ‘being in an impossible position’ as you ‘cannot really judge in human terms a person’s conscience. You can listen to what a man says about his conscience... but you can’t really decide that the man’s conscience tells him to do this or that... the judge has to judge by externals.’<sup>75</sup> James Bramwell, a student from a wealthy Scottish family who served in a non-combatant unit, would conclude that he ‘very much doubt whether it is possible (to judge conscience)... They had to accept rather on the impression the person made’.<sup>76</sup> Tony Parker would similarly later recall that he did not think it was feasible to know another person’s conscience.<sup>77</sup>

The question of sincerity was central to attempt to assess claims of conscientious objection, and was constantly evoked and questioned at the Tribunal.<sup>78</sup> Judge Wethered, for example, argued that his task was merely to discover whether a view was ‘honestly held’.<sup>79</sup> Similarly, Judge Burgis told the Tribunal in Manchester that he

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<sup>73</sup> Hansard HC 8 May 1939.

<sup>74</sup> Hansard HC 8 May 1939.

<sup>75</sup> Wood.

<sup>76</sup> Interview with James Bramwell, 7 December 1986, IWMSA.

<sup>77</sup> Parker.

<sup>78</sup> See for example: Hillman; Ridgway, Diary 26 February 1940, 12 December 1940; Bloomsbury Tribunal, January 16 1940, MOA TOC6 Mx1 File A.

<sup>79</sup> Memorandum by Judge Wethered, 1942, CBCO Archives.

was principally concerned to discover whether views were ‘sincere and deeply felt’.<sup>80</sup> From this perspective, it was the depth of the objection that mattered, rather than its nature. For one judge: ‘All we have to consider is whether the views are sincerely and deeply felt’.<sup>81</sup> COs therefore had to perform their sincerity before the Tribunal. This was a performance, in the sense that they had to put their conscience on show, so that it could be judged. As Lionel Trilling has argued, the norm of sincerity calls on people to be really the way that they present themselves to others (1972). However, Webb Keane points out that such a focus assumes that the words and signs through which sincerity is performed can have a direct relationship with the sincere self (1997). For Keane though, not only are the meaning of words anything but self-evident, but equally importantly, there can be a limited sense in which people are felt to be the authors of the words they use. Keane argues therefore that the effect of performances about sincere intention depends on conventions (1997, see also Austin 1975; Derrida 1973). The successful performance of conscience depends on cultural assumptions in order to bridge the gap between intention and its public display.

It is the very performance of conscience though that risks making it unpersuasive. At one level, the space between internal conscience and its outward presentation creates space for doubt. The words, bodies and actions of through which conscience is made manifest constantly point to a lack (compare Butler 1990, 184). Interior conscience is not reducible to the ways it is presented, precisely because it is understood to reside internally within individuals. However, the issue is more than simply the problem of knowing other minds. Rather, the problem is also a product of the very notion of conventionally persuasive conscience. A conventional conscience can also seem

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<sup>80</sup> Memorandum to CBCO meeting, 5 June 1940. CBCO Archives.

<sup>81</sup> Memorandum to CBCO meeting, 5 June 1940. CBCO Archives.

deliberate, cautious, premeditated and predetermined, everything that internal individual conscience is understood not to be. The act of making conscience public therefore opened it up to suspicion. As such, any attempt to perform conscience before the Tribunal raised questions about the intentions of the applicant, and the extent to which their conscience was being made transparent. For one, it was obvious that people could lie before the Tribunal. Anyone could say they had a conscientious objection. Claims of conscience were easy to make, hence the suspicions from judges about jargon and cliché. Other forms of evidence also raised questions about the intentions behind their production. A letter from a supporter attesting to the sincerity of an applicant's convictions was a reasonably easy document to produce. As elsewhere, the truth of any document was not self-evident, producing its own suspicions.

However, the point is not simply that claims conscience were always in doubt. Ways were found to put these doubts to one side, or at least come down on one side or the other, to decide whether claim were persuasive or not. Not all claims of conscience were denied after all. The question then is why and how were most claims formally accepted? Ultimately, trusting neither words nor documents as signs of conscience, and being unsure about what was being signified in the first place, the Tribunal would often try and avoid making firm determinations. As such, a great deal of time at the Tribunal was spent questioning an applicant on whether they would do any form of alternative service, and if so what type.<sup>82</sup> One of the three options available to the Tribunal was to grant conditional exemption. In practice, what was at stake in most determinations was not whether a pacifist would be forced to bear arms, but whether

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<sup>82</sup> 'Bloomsbury Tribunal'. MOA.

he would be given non-combatant duty or fully exempted from national service.<sup>83</sup> In this context, fewer than 5% of applicants were given unconditional exemption by the local Tribunals. Less than 30% were removed from the register completely. The remaining 65% were given some kind of alternative service (Barker 1982, 145). COs took up agricultural or forestry work, or various forms of broadly humanitarian work, as well as fire-watching, civil defense, social work.

Many COs were keen to cooperate with the demand that their convictions be demonstrated through action. Indeed, many stressed that they were willing to help their fellow citizens and worried about being seen to ‘reap the rewards of the sacrifices of other people’.<sup>84</sup> Bernard Nicholls, a Christian CO who carried out social work in the East End during and after the blitz, would recall that he did not see his pacifist stance as ‘involving a break with society... I saw it as a role to be played within society’.<sup>85</sup> Those COs who did take up alternative service could often be highly critical of absolutists, seeing in them a self-centered martyr complex, or a naive and self-defeating attempt to cut themselves off from the world.<sup>86</sup> For the Tribunal, and COs, labor became a way to objectify inner convictions, seemingly compensating for the otherwise relative lack of substantial, tangible and persuasive evidence to back up claims of conscience.

### **Conscience in Comparison**

Conflicts over exemptions from military service go to the heart of the tensions between rights and obligation within liberal citizenship (see Cohen 1985). It might be

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<sup>83</sup> ‘The Judges’. April 1940. MOA TC6 Box 2 File A.

<sup>84</sup> Interview with Harry Miller, 1988, 10449, IWMSA.

<sup>85</sup> Interview with Bernard Nicholls, 9 May 1980, 4631, IWMSA.

<sup>86</sup> Ridgway, IWMA.

argued that conscription is no longer a central problem for liberal democracies. Britain, for example, has not had conscription since 1960, the US since 1973. The number of liberal democracies with compulsory military service has been in decline for several decades. Yet, precisely because it is such an extreme case, debates about conscription and its exemptions, can point to central fissures that run through liberal democracies.

Twentieth century Britain represents a particular form of liberal democracy, with a self-conscious stress on individual freedom running alongside collectivist sentiments (Thompson 1962, 42; Freedman 1986). The way in which conscience was understood is arguably a key part of this particularity. The very fact that pacifist conscience was formally and legally protected is in itself part of the specificity of British liberalism, with its particular understanding of freedom and its limits. In 1916, Britain was among the very first states to introduce the legal possibility of exemption from conscription during war on the grounds of conscience. Other, largely Protestant states in northern Europe, would follow soon after. British exemptions were also formally wider than in other states, making no formal stipulation on religious content and setting out the possibility of absolute exemption. In the US, for example, during the First World War only Christian conscientious objectors from the historical 'Peace churches' were permitted to join non-combatant units, but not granted complete exemption.<sup>87</sup> In contrast, conscription was introduced in Republican France in 1793, but exemption on the grounds of conscience was not allowed until 1963. Conscientious objection was not recognized at all in the Soviet Union.

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<sup>87</sup> Church of the Brethren, Religious Society of Friends (Quakers) and Mennonites.

The second issue that is particular to British conscience is the types of evidence that were treated as persuasive. In perhaps the most extended ethnography of COs to date, Erica Weiss has argued, that Israeli COs, for example, are required to show the embodied grounds to their objection to military service and violence, often demonstrated through vegetarianism (2012). Principled arguments would not get an Israeli CO very far before a Tribunal (2012, 83). For Israeli COs, claims of conscience were most convincing to others when they were emotional and embodied. In partial contrast, in mid-twentieth century Britain, instead of visceral emotion, the presentation of claims of conscience was most persuasive when it was restrained. Conscience that seemed to have its roots in political conviction or esoteric forms of Christianity was much less convincing than mainstream Protestantism. Many COs were keen to present themselves as tempered, moderate, and loyal citizens.

Many aspects of the history of conscience in mid-twentieth century Britain are more general. For one, the implicit or explicit collapse of freedom of conscience into freedom of religion are not particular to the British experience. In the 1960s, in response to objections to the draft in Vietnam era US, the Supreme Court ruled that conscience could apply to non-religious convictions. However, the foundational role of particular post-Protestant understanding of religion was maintained, when the court ruled the conviction must have a 'parallel position' in the lives of the holder to a belief in a 'supreme being', and 'essentially political, sociological, or philosophical views were excluded'.<sup>88</sup> The reduction of conscience to religious belief should, in part, come as no surprise. Although freedom of conscience is often seen as wider and more universal form of freedom than freedom of religion (Maclure and Taylor 2012),

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<sup>88</sup> *United States v. Seeger*, 380 U.S. 163 (1965).

it is also important to remember the origins of liberal notions of freedom of conscience in the Protestant reformation. It is of course a mistake to confuse origins for current usages, but it is worth recalling, for example, that for John Locke, freedom of conscience was about protecting a narrow form of Christian dissent. Catholics, Muslim, Jews, let alone non-believers, were not thought capable of conscience. As Cecile Laborde has argued, freedom of conscience ‘ultimately “piggy-backs” on ideas, conceptions, and values that originally made sense in a world comprehensively structured by a broadly Christian ethics’ (2012). Ideas about what constitutes ‘good conscience’ are therefore have a strong tendency to fall back into ideas about Protestant forms of Christianity.

The requirement that COs prove their convictions through labor is also widespread. In the US, during the Second World War, Civilian Public Service provided conscientious objectors with an alternative to the serving in military. In Germany by the 1990s, nearly half of those liable for conscription ended up doing social work (Kuhlman and Lippert 1993). The channeling of conscience into public service was the route taken by most European democracies that practiced conscription in the late twentieth century. This is a very particular ‘work ethic’ that sees attempts to produce evidence of conscience taking shape in labor for the ‘public good’.

The demand to prove conscience through labor, points to a wider anxiety over whether it is possible to consistently and fairly judge conscience. Eleven of the European states that recognize the right to conscientious objection have done away with a personal hearing altogether, and decisions are made solely on the basis of a formal application. In Germany, in the years before conscription was abolished in

2011, up to 99% of applications for exemption were accepted (Kuhlman and Lippert 1993). An implicit refusal to confront issues of conscience head on can also be found in the European Court of Human Rights- the jurisdiction with perhaps the most extensive and broadest jurisprudence on the right to conscientious objection- which seems to find it difficult to rule on particular cases. No absolute right to conscientious objection exists, but a qualified right to alternative service.<sup>89</sup> More often than not though the court has decided to deal with cases of apparent conscientious objection as issues of equality, or the right to association.<sup>90</sup> Liberal democracies therefore may promote freedom of conscience as an abstract principle, but they seem reluctant to judge individual conscience.

## **Conclusion**

Why should a citizen of a liberal democracy die and kill for the state that is said to act in their name? A classic problem of political philosophy (Walzer 1970) is also a practical issue, whose implications are fought over on the ground. The partial answers that people find have important implications for the ways in which dissent is deemed acceptable or denied, particularly in times of war. We know a great deal about the conditions under which people kill or are killed for liberal democracies, as abstract ideas such as state and nation are filtered through obligations to friends and family (Bourke 2000). However, we are less able to offer explanations for how why some people can refuse to kill, often against extraordinary odds. In mid- twentieth century Britain, a claim to conscience was central to the effectiveness of any claim not to fight. Conscience marked the limit of the obligation to kill in the name of the state and

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<sup>89</sup> The UN Human Rights Committee has argued that the right to conscientious objection applies only to the use of lethal force, and not other forms of service. See, for example: UNHRC Communication No. 682/1996.

<sup>90</sup> *Bayatyan v. Armenia* [2011] ECHR 1095, 54 EHRR 15, (2012) 54 EHRR 15.



fellow citizens. As a socially sanctioned form of dissent, the formal protection of freedom of conscience filled the gap between obligation and autonomy, between the responsibility to kill or die and the right to refuse.

In mid-twentieth century Britain, freedom of conscience mediated the apparent tension between liberal freedom and duty, by collapsing the two together. Freedom of conscience was a very particular type of freedom, as people often did not feel entirely free to choose their own conscience. To make a claim of conscience was to make a claim to be unfree in some way. Many COs saw their conscientious objection as part of their obligations as citizens. More broadly, conscience has been widely understood as the grounds for individual dissent against the claims of the state (Thoreau 1983, 387). Conscience is often viewed as a form of disobedience, dissension and discord. Erica Weiss argues, for example, that Israeli pacifists are seen, by themselves and others, as representing a fundamental challenge to the sovereignty of the state (2012). Yet, the vast majority of British COs were not challenging what they saw as the normative model of citizenship, and its claims of loyalty. Instead such claims to conscience were seen as proof of its existence. Conscientious objectors did not want to radically transform the forms of British citizenship, but saw themselves as committed to its central principles.

Claims about freedom of conscience stood at the heart of British citizenship, and were not simply a peripheral concern for those at the margins of public life. Conscription and conscientious objection was reserved for those who enjoyed the full rights and responsibilities of citizenship, and as such reproduced exclusions based on nationality, race and gender. There was no conscription in Northern Ireland, for example, due to

concerns over the loyalty of the Irish Nationalist part of the population. Furthermore, in the small number of cases where colonial subjects were conscripted, conscientious objection was not an available option (Killingray 2010).<sup>91</sup> British women were not liable for conscription until 1941 and then usually in civilian work. However, even after this date women often had great difficulty in persuading Employment Bureaus to register their applications for conscientious objection and were usually simply assigned civilian work (Hayes 1949, 267). The recognition of claims to conscientious objection was a privilege largely reserved for white British men.

Whilst freedom of conscience has been valorized in the abstract, individual claims of conscience can be a source of anxiety. The legal protection of freedom of conscience highlights a form of citizenship that is ‘compromised, anxious, guilty’ at its core (Walzer 1970, 217). The grounds of any claim to freedom of conscience are rarely taken for granted. Nihilism, self-interest, and apathy can appear indistinguishable from conviction. Even those who have historically prioritized conscience have worried about it being misleading (see, for example, Locke 1689, 60; 1695: 254). Moral autonomy can also imply the autonomy to be amoral, immoral and even mistaken. Such questions about conscience are a product of a broader liberal hesitation about the role of conviction in political life. Liberal democracies value convictions, in as much as they stem from the moral will of autonomous individuals, but convictions are mistrusted if they appear too fanatical, too fervent, or directed at the wrong type of goals. Cynicism about conviction has been seen as a hallmark of a particular form of ‘modern’ ethical life (Sloterdijk 1988; Žižek 1989). However,

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<sup>91</sup> Similarly, at least in the initial years of the Second World War, American citizens of Japanese descent were not conscripted.

difficulties in protecting freedom of conscience point to a political culture that values conviction in general, but hesitates about the grounds to any particular claim.

The legal protection of conscience speaks a language of universal tolerance and freedom. Yet at the same time, such legal protections also limits the types of conscience that are deemed legitimate, and the ways in which it can be articulated (Brown 2008; Mahmood 2012). Winnifred Sullivan has argued that the legal protection of religious freedom is an impossibility, as the law seeks to define what counts as religion, therefore limiting freedom (2007). The same can be said of conscience. On the one hand freedom of conscience is promoted as a supposedly neutral and open principle, precisely because it is claimed that conscience can and should not be coerced or judged (see, for example, Maclure and Taylor 2012). However, in practice, what counts as persuasive individual manifestations of conscience are suspected, regulated, and limited.

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