

Chapter 3 - Tribunals

teachers' notes

in brief

This chapter examines what happened at the Tribunals where applications for exemption from military service were heard.

The first section looks at how some absolutist COs responded to conscription and uses their own words at Court-martial to explain why they refused to be made soldiers. A description of the way the Tribunals were organised and the different forms of exemption from military service follows, including some of the problems COs, particularly young COs, faced. The third section starts by looking at whether COs had a fair hearing at the Tribunals and moves on to highlight some proposals for peace suggested by COs during their Tribunal hearings.

The human rights focus is on free and fair trials and concerns the importance of an independent, impartial and public hearing in order to uphold human rights.

learning objectives by sub-section

Students will be able to:

3.1 call-up papers - answer or ignore?

- describe how some COs responded to their call-up papers and give some reasons why absolutist conscientious objectors refused to be conscripted.

3.2 Local Tribunals

- explain how Tribunals worked, including who sat on the Tribunals and the different forms of exemption that could be granted.

3.3 trials & tribulations

- describe how COs were often treated by the Tribunals and give some of the proposals for peace suggested by COs at their Tribunal hearings.

3.4 human rights focus - free and fair trials

- identify the key elements for a fair trial and explain how the Tribunals failed to meet this standard.

questions and answers

3.1. call-up papers - answer or ignore?

1. What are call-up papers? Who received them?

The documents instructing a person to present themselves at a barracks to start work as a soldier. Men liable for conscription: married men aged 18-41.

2. Stanley Oxley said, 'I am accused of disobeying an order. The accusation is true.' Find two reasons in Stanley's Court-martial statement for him refusing to obey a military order.

'I trust that whoever reads this will remember that I write as a civilian, not as a soldier. I am accused of disobeying an order. The accusation is true.

HERE ARE MY REASONS.

I believe every man to be responsible for his own deeds. To me that is a first principle of life. Therefore I cannot be compelled to do things simply because another orders them. I believe a man's actions should be guided entirely by his reason. That is why I cannot be compelled to act as another dictates.

Especially do I believe that a man should not fight, unless after sincere thought he is convinced that his cause is just. That is why I cannot obey the orders of fighting men.

I believe in liberty of conscience. If it is wrong to force men to join the church and pray for victory, it is equally wrong to force men to join the army and fight for victory. As a rationalist I cannot be compelled to support that in which I do not believe.

I believe as long as men fight at the dictates of others there will be wars, and the cause with the greatest violence will win; but if each man is only prepared to fight when he is convinced of the justice of his cause, the cause with the greatest justice will win.

I am a civilian. I have signed no papers. Marks through physical violence have been forced which I refuse to recognise as signatures. I have not expressed my willingness to become a soldier. My only weapon is reason, yours is violence. By the threat of violence I was driven from my home and work. Without any trial I was fined £2. By the physical violence of three men my clothes were taken from me. By violence, and the threat of violence, I am here.

I can bring nothing to oppose your violence, in it you are entirely victorious. You can bring nothing to oppose my reason, in it I am entirely victorious. I stand opposed to you. I cannot hope to defeat the British Army. You cannot hope to defeat my reason.'

26 April, 1916. Stanley Oxley - Court-martial, Chisleton.

Stanley believed men should only obey orders after sincere thought and if convinced the cause is just, not because they are ordered to. He believed he was a civilian, not a soldier, and so did not have to obey military orders. He believed that as long as men obeyed military orders to fight there would always be wars. Stanley was sentenced to nine months detention in military custody

3. In your own words, describe what happened to Stanley after he ignored his call-up papers?

He was arrested, taken from his home by the police, fined £2 and taken to the barracks. He refused to obey military orders, was Court-martialled and sentenced to 9 months in military detention.

4. Discussion/Writing: Have you ever disobeyed somebody? Who did you disobey and why? With hindsight, do you think you were right to disobey? When might it be right to disobey an order and when might it be wrong? Write a short story (real or imaginary) about an occasion when someone disobeyed an order (from a parent, teacher, police officer etc.) for a very good reason.

Students' own answers.

5. Discussion: E.J. Ford said:

- 'I prefer being a victim of injustice, to an infliction on others...'
- 'Force begets force. Hate begets hate and so the vicious circle grows.'

What does E.J. Ford mean? Do you agree with him? Can you think of any solutions to the problems he is talking about?

Students' own answers.

3.2. Local Tribunals

1. How many Local Tribunals were there? What were they for?

2,000 Local Tribunals were set up to honestly and fairly judge the sincerity of men who applied for exemption from military service. This included COs as well as men seeking exemption on other grounds.

2. What kind of people were chosen as Tribunal members? What percentage of cases heard by the Local Tribunals were about conscientious objection?

Councillors, tradesmen, clergymen, bank managers and trade union representatives - the 'butchers, bakers and candlestick-makers' of the local community. Fewer than 2% of the cases heard by the Tribunals were applications from conscientious objectors.

3. In your own words explain the following terms:

- 'absolute exemption from military service'
- 'conditional exemption from military service'
- 'exemption from combatant duties only'

If you were a conscientious objector, what kind of exemption would you apply for?

Absolute exemption = complete exemption from military service with no conditions attached.

Conditional exemption = exemption on the condition one performs an 'alternative service' as a civilian, such as agricultural or forestry work.

Exemption from combatant duties = exemption from handling weapons, fighting or being trained to fight but otherwise all the obligations of a regular soldier.

4. Writing: Imagine you have just received your call-up papers but you believe it is wrong to kill other human beings. You decide to apply to the Local Tribunal as a conscientious objector. Write a letter to the Chairman of the Local Tribunal. You should say which kind of exemption you want to apply for and why. Provide as many details and examples as you can to show the Tribunal your beliefs are genuine.

Students' own answers.

5. Discussion: Some young conscientious objectors were told at their Tribunal hearings that they were too young to have a conscience. Discuss the following questions using examples to explain your views.

- a. Do people of your age have a conscience?
- b. At what age does a young person have a conscience?
- c. At what age should young people take responsibility for their own actions?

Students' own answers.

3.3. trials & tribulations

1. Both John Harwood and John Alexander made peace proposals. John Harwood wanted to bring peace by 'refusing to uphold warfare'. When John Alexander was asked, 'who is going to fight the war?' he said, 'those people who feel disposed.' Explain what John Harwood and John Alexander meant by their comments. Do you agree with them?

They meant that so long as people are willing to fight wars, there will be wars. They meant that so long as people are willing to fight wars, there will be wars. Many more people refusing to fight and embracing pacifism would be a better way of protecting people whilst also challenging militarism.

2. Discussion: A member of the public at John Harwood's Tribunal proposed peace negotiations to end the war. Think about conflicts (disagreements, arguments, disputes, fights etc.) in your life with friends, family, teachers or classmates. Discuss the following questions using examples to explain your views.

a. How do you try to bring conflicts with other people to an end in your life?

b. How do armies and governments try to end wars?

c. Can armies and governments learn anything from your ideas about how to solve conflicts between countries peacefully?

Wars, just like personal arguments, can be brought to an end by negotiation, compromise and reconciliation and by addressing real and perceived injustices.

3. Drama/Writing: Imagine what it was like to be at a Local Tribunal in 1916. 'The Voices of Conscience' is a fictional account of a Local Tribunal in 1916, based on the words and experiences of real conscientious objectors from the First World War. Perform 'The Voices of Conscience' play using the script provided or write your own play about events at a Local Tribunal.

further **RESOURCES**
Tribunal transcript

The 'The Voices of Conscience' script can be read or acted by a group of any manageable size: the parts of Tribunal members, applicants claiming exemption from military service, and the public can be divided between them. Other speakers can be added by the group and there are opportunities for improvisation. The fictional names given can be changed if the actors wish.

3.4. human rights focus - free and fair trials

1. Explain in your own words how, according to Article 10, someone should be treated if he/she is accused of breaking the law.

People accused of a crime should be treated fairly. They should have a public hearing by independent, impartial, competent people.

2. In what ways were the Tribunals unfair? How did this affect conscientious objectors?

Tribunal members were often inexperienced, incompetent and biased. COs often had little time to make their case. The Military Representative had unfair influence over the Tribunal. Hearings were often conducted in private. The effect was that thousands of genuine conscientious objectors were denied exemption from the military and spent time in prison, army units and doing forced work.

3. What improvements were made to the system of Tribunals for conscientious objectors in the Second World War?

Tribunals in WW2 dealt only with COs, the chairman was a County Court judge and therefore had a good grasp of law, more time for hearings was available and there was no Military Representative present.

4. Discussion: What qualities should someone have to be a Tribunal member or to judge the sincerity of someone's actions or beliefs? How could this system be made fairer? What role does a jury play in court hearings? How are members of a jury chosen?

Students' own answers.

5. Design: Produce a poster about Article 10 of the Universal Declaration. It should show what is important for a trial to be fair. It could also show what happens when a trial is unfair.

Students' own answers.