

## CONSCIENTIOUS OBJECTORS.

*HL Deb 30 April 1918 vol 29 cc892-920*

*LORD PARMOOR rose to call attention to the text of President Wilson's executive Order respecting conscientious objectors; and to move to resolve—*

1. That where non-combatant service is assigned to conscientious objectors prepared to accept such service, it should be service of a national value, and not merely of a penal character.
2. That in no case should the total term of imprisonment exceed a fixed limit.

The noble and learned Lord said: My Lords, I propose to say one or two words as regards the general problem involved before I come to the particular conditions attached to the Resolution that I am moving. I do this because I think I can show by that method why it is of importance that the Resolution which I propose to the House should be brought forward at the present time. I have been in communication with the noble Viscount, Lord Peel, who I understand is going to answer for the Government, and have told him what are the points I intend to raise, and how they are raised upon the proposals which have been adopted by President Wilson in the United States of America.

*I should like to say, in gratitude of what the Government has done, that under the better arrangements which were promised on behalf of the Government some months ago by the noble Earl the Leader of the House fifty-four men have been discharged from imprisonment who were suffering from debility of mind or body. At the present time there are fifty-nine ill in prison, fifteen have been certified as insane, and the general level of debility owing to the flux of time has become much greater than it was a few months ago. Conscientious objectors who have already undergone as long a term as two years imprisonment number 263, and, if the present conditions continue, before the end of this year, 766 men will have suffered two years, and over, in aggregate imprisonment. That statement, to one who understands criminal law in this country, speaks for itself. The maximum punishment known to the civil law in this country is that of two years imprisonment. For a number of years I have had to take part in criminal proceedings and I have never known a sentence of that harshness imposed in any particular case. The other day one of the Lord Justices, who possesses great knowledge in matters of criminal law, also stated that in his experience no such sentence had been given.*

*I may remind your Lordships that as regards Section 68 of the Army Act the limitation is given in these words—“The offender under this Act shall not be subject to detention for more than two consecutive years, whether under one or more sentences.” Therefore it is quite clear so far as the principle of our law is concerned that this is the maximum term, whereas 263 conscientious objectors have already suffered more than the maximum term, and if matters are not readjusted the number will be 766 by the end of the year. I am aware they are only subjected to this continuous term of imprisonment under a technical—I think purely technical—justification. The man is sentenced to imprisonment. Immediately his sentence is over he is rearrested, court-martialled, and sent back again; so that technically there is a break between the sentences, yet practically for all ordinary purposes they are continuous sentences. Over 605 have been court-martialled twice, 474 no less than three times, 140 four times, and 7 of them five times.*

*I will read one piece of information which has been brought to my notice from a person who has had exceptional opportunities of seeing the condition of conscientious objectors. It is for this purpose more especially that I am bringing the matter forward. He says—“They are going down hill on a very steep gradient, and the speed is accelerated. Health is broken, nerves are unstrung, and their mental vision is clouded.” I think it is a terrible indictment against the cause of justice in this country that such a statement can be made, and I believe it is perfectly accurate at the present time.*

*Let me give three illustrations only of who these people are who are suffering in this way. I will take three notorious*

cases. One is that of Mr. Malcolm Sparkes, who is really the author of the much praised Whitley Report. He is a writer and investigator of great eminence, and even while in prison has been consulted by the Government in reference to this Report. What is his position? He has already suffered sixteen months of solitary confinement in prison. We are not so rich in men of that kind that we can afford to waste them in such a manner, apart from the torture which it is to men of that intellectual eminence to be in prison under existing conditions. Take the case of Dr. McCallum, a member of the Royal College of Physicians and Surgeons, the holder of numerous prizes and medals, and one of the most distinguished students of his time. If there ever was a moment when medical and surgical service was of special value it is at the present; yet that man in solitary confinement is not only punished far in excess of what a just punishment ought to be, but his services are lost to the country at a most critical time. Take an illustration from another point of view. It is the case of a man who served for nineteen months with the Ambulance Corps, and during that time he was in the firing zone. He was a member of the Quakers' Ambulance Corps. He was arrested in January, 1917, sentenced to 112 days, which were served in Wormwood Scrubs; court-martialled a second time as soon as he came out, sent to Exeter prison and sentenced to six months; then released, sentenced again to six months in Ipswich prison; and again in March last he was sentenced to eighteen months—a period on the whole far in excess of the maximum term of two years to which I have referred. This man won the Mons Medal for distinguished service in the firing zone in connection with the Ambulance Corps. I think that the illustrations I have given are sufficient to show that this question, although I have troubled your Lordships with it before, is one which cannot be allowed to rest until some juster and saner method has been introduced of dealing with these men of honest and sincere conviction.

I had a letter sent to me from a conscientious objector in America, and it was this letter which first led me to examine what the conditions are in that country. Subsequently I saw a very accurate extract in the Manchester Guardian of the conditions, but in order that no mistake might be made I went to the American Embassy, and with great courtesy and kindness they gave me the full Order. I wish to say with reference to that full Order that the statement attributed to Mr. Balfour—I think it is in The Times this morning—is a rather incomplete one if he really had the full Order before him. This is the statement which came from the conscientious objector in America—“We have been allowed considerable freedom. The officers are instructed to treat us with great consideration. For the last few weeks we have been helping in the library. This is under the American Library Association at—” I will not give the name of the particular camp—“We are helping in the Young Women's Christian Association—” Every one knows what that work is “The officer in command—” I will not give the name—“is tolerant and reasonable. It is very good how President Wilson is dealing with the situation. All bona fide conscientious objectors are to be respected now instead of only religious ones. They are to be treated with rigour but not with tyranny.” I wish to emphasise those words, because they seem to me to give the effect of the Order to which I want to call your Lordships' attention. He then says—this is rather going outside the particular point—“Alas! President Wilson is the only philosopher among the influential Allied politicians.” That is, perhaps, going a little further than the purpose for which I quoted this letter.

Let me as shortly as I can explain to your Lordships the documents supplied to me from headquarters. I want to show what is the nature of the executive Order which President Wilson has made for the purpose of dealing with this very complex and difficult question in America. I do not quote it because it comes from America. I quote it for the reason that, having given a great deal of attention to this matter, not on grounds of general principle but in order to try to devise some fair method of dealing with what is a great difficulty, I think that a solution may largely—I do not say entirely—be found in the proposals which are contained in the executive Order of President Wilson. In the first place, so far as there are conscientious objectors, either on religious or on other grounds, the principle is total exemption from combatant service. Then is no question of the exemption from combatant service not being a real exemption. That is a very important matter. What has happened in this country in my opinion is this. Although I believe that the first Military Service Act did contemplate real exemption from combatant service, as a matter of fact that was not realised, because exemption from combatant service was placed on conditions which were known to be impossible. That, I think, has been one of the greatest difficulties. It has led to extreme hardship as regards the treatment of conscientious objectors in this country. I am not for a moment dealing with the shirker. No one deserves harsher punishment than he does. I am dealing with men who legally have been found to be in the true sense conscientious objectors, and who, after having been so found, have only been conditionally exempted from combatant

*service. Every one knows that the conditions which have been imposed are so impossible that they cannot be complied with, and therefore the exemption is not in force at all.*

*The first matter that I want to make quite clear is that the principle of exemption from combatant service is under the American scheme a real exemption which cannot be interfered with. There is no question of conditions or limitations. The non-combatant service is very carefully defined under three heads. I need not refer to them in detail. The special service is a Medical Corps service wherever it happens to be performed, whether in America or at the Front. The second is service in the Quartermaster's Corps in the United States, and certain other relevant conditions. Thirdly, any engineering service in the United States may be treated as non-combatant service. Having got a distinct definition, so as to get free from the eccentricities of Tribunals, of what noncombatant. service is, let us see how the conscientious objector is dealt with. It is stated as regards the non-combatant service that the conscientious objector will be assigned to non-combatant military service as defined in paragraph 1 (that is the definition I have given). See what the limitation is—I will ask the noble Viscount to hear this in mind— “to the extent that such persons are able to accept service as aforesaid without violation of the religious or other conscientious scruples by them in good faith entertained.” In other words, the conscientious objector is only to be put in the non-combatant service, to the extent that he is able to accept such service without violation of any religious or other conscientious objection. There you get the protection to which a man of honest conviction is entitled. You get a just protection, that you are not to force him under any circumstances to do what he believes to be religiously or morally wrong. I take a very strong view myself that no nation can afford to attempt to enforce any of its citizens to do that which is felt to be morally or religiously wrong.*

*The writer of the letter goes on to say that the conditions of non-combatant service are to be dealt with by what is called a tactful and considerate officer. I lay great stress upon that. I think it is very important that these questions of law and how it can be dealt with should be placed before these conscientious objectors by a tactful and considerate officer. It is extremely disappointing to those who have attempted to advise conscientious objectors to do their duty to find afterwards that—although they had persuaded them as far as they could to do their duty, without, of course, impinging upon their consciences—they were treated in such a rough and inconsiderate manner that they refused to do anything. I say from a large experience that this has happened in a great number of cases in this country.*

*Very important as safeguarding the position of the individual is the regulation that when a man has once been assigned under the conditions stated—that is to say, not in opposition to his conscientious scruples—to non-combatant service, he cannot be transferred to any other non-combatant service without his consent, and he is entirely free from any obligation for combatant duty. Just think how this differs from what I pointed out to your Lordships. Suppose a man here does take non-combatant service, and suppose, as has happened in many cases, he has not been able to perform that service in a satisfactory manner, he at once comes under the obligation of combatant service, and in that way, in a round of time, by first of all imprisonment and then Court-Martial, a man may practically be in prison in solitary confinement during the whole period of the war unless there is some executive intervention.*

*Let me come to the next point. Of course, it is contemplated in this Order that there are certain conscientious objectors who will not be able to take non-combatant service owing to their conscientious scruples, and the problem is how to deal with them—a difficult problem in all cases, but I commend the way in which it is proposed to be dealt with in the executive Order of President Wilson. He says, "We have to deal with men who have been unwilling to accept, by reason of conscientious scruples, assignment to non-military service as above defined." Now what is to be done in this case? In the first instance there is to be a short record sent to Headquarters, so that the Secretary for War may deal with the matter as he may think fit. But what is to happen meanwhile? That is really the important matter— “Pending such directions from the Secretary for War, all such persons not accepting assignment to non-combatant service" [that is, the man known as the absolutist] "shall be segregated as far as practicable and placed under the command of a specially qualified officer of tact and judgment, who will be instructed to impose no punitive hardship of any kind upon him.” This is what I have asked for in this country. What we are complaining of is punitive hardship inn posed upon individuals who hold sincere and honest convictions.*

*What I want to point out to the House is that the executive Order of President Wilson is right. He says that a man*

*under these conditions will be put under an officer of tact and judgment, who will be instructed to impose no punitive hardship of any kind upon him. Surely in this country we ought to have arrived at a stage when you do not submit, not only to punitive hardship but practically to torture in these long periods of solitary confinement, a man on conscientious grounds and on the grounds of opinion and conviction. And the Order also points out—I think quite rightly—that although the man is to have no punitive hardship, yet the fact that he is a conscientious objector is not to put him in a privileged position. To that, I think, everybody will agree. I should agree to it, and I think it is a right principle. Do not give a privilege, but do not inflict a punitive hardship for matters merely of opinion and thought and of religious or moral scruple.*

*There is only one other point to which I need refer, and that is that ultimately a conscientious objector may, of course, have to be court-martialled—I mean that he may not have taken advantage of these Orders made in his favour, and it may be necessary to court-martial him. I should imagine that that would be only in exceptional cases. But in that case they say that great care is to be taken to secure uniformity of penalty. Well, how about uniformity of penalties in this country? They have been notoriously unequal in their incidence under different conditions and in different districts. Then the Order says this, and I ask your Lordships' attention to this part of it— “There may be confinement under these circumstances in disciplinary barracks or elsewhere, but not in the penitentiary.” That is to say that in no circumstances, even after a Court-Martial, is a man for conscientious objection to be put under what we call the ordinary prison régime and the ordinary prison discipline. That, I think, is a right and just principle.*

*The reason why I wanted to call your Lordships' attention to this Order is that in my view it has solved great difficulties on the whole in a fair, tolerant, and moderate spirit. First of all, it gives the right of non-combatant service, for no man is to be forced into combatant service against his scruples. Then it says that, if his scruples continue, he shall be segregated and treated without punitive hardship; and it further says that if perchance he comes under a Court-Martial he is not to be put into a penitentiary prison at all. The hardship in this country is putting a man as I think against the terms of the Military Service Act, but I will not go into that—into prison for a term of solitary confinement that may go on year after year, and has already extended in the cases I have mentioned to the two years period. There is one other matter to which I should like to refer, although the Secretary of State for War, naturally enough, is not present; no doubt he is much too busy. All these sentences in America, even after all these safeguards, come up to the War Secretary for revision, and no doubt he has a special department dealing with them. This takes away the injustice of the inequality of sentences which notoriously takes place at present in this country.*

*The terms of the first part of my Resolution are that where non-combatant service is assigned to conscientious objectors prepared to accept such service, it should be service of a national value, and not merely of a penal character. It should be noncombatant service of the same class and type as is provided in the United States of America. There is nothing more humiliating, more debilitating, both to mind and body, than to do work which is known to be useless and to be of a purely penal type. That has aroused the difficulty at Dartmoor and in connection with other Home Office schemes. A man knows perfectly well that the work he is put to is not work which is of any national value of any kind, but that it is purely penal and punitive. He does the same work at Dartmoor as the convicts used to do. I was told the other day of two bodies of conscientious objectors who were in two adjoining courts. In one court they were taking up the stones and in the next court they were putting them down; and then they were changed across from one to the other. I hope that the noble Viscount will be able to give some assistance, so that at a time when all work of national value is of the first importance these men should not be penalised by being kept under what are really convict conditions.*

*The second point in my Resolution is that in no case should the total term of imprisonment exceed a fixed limit. I have not put in a limit, for a reason which I will state in a moment; but surely the present condition of hopelessness, the present condition which leads to insanity and illness, is largely due to the fact that there appears to be no escape from imprisonment so long as the war lasts. This is a scandalous miscarriage of justice. However you punish a man, you ought to fix a period beyond which the term of imprisonment should not go. I have stated it on a former occasion, therefore I do not wish to restate it now, that if you were to have a punishment proportionate to the offence six months would be sufficient in a case of this kind; but for the moment I am not suggesting one term or the other. What I am suggesting, and what I hope the noble Viscount will take account of is this, that whatever the term may be there ought*

*at least to be a fixed limit beyond which the liability to imprisonment should not be extended in the case of any conscientious objector. The noble Viscount knows that at present a man may go what I call the dreary round of imprisonment and Court-Martial as long as the war lasts, so far as any provision is made. That is really a scandalous interference with the ordinary principles of punishment in this country; so I hope the noble Viscount will be able to say that the total term of imprisonment should in no circumstances exceed some fixed limit.*

VISCOUNT PEEL Does the noble and learned Lord suggest that after this fixed period of imprisonment these men should be discharged from the Army?

LORD PARMOOR Yes; that must be so, of course. They must be discharged from combatant service, I will put it.

VISCOUNT PEEL Not from the Army?

LORD PARMOOR From combatant service. I should like to explain what I mean, because there might be a misunderstanding unless I put it clearly. I will take the case of a man who has had two years imprisonment, as that is a very common sentence. He comes out; he is subject to Army discipline; he is immediately court-martialled, and he may go back for another two years imprisonment. That may go on from time to time without any definite limit whatever. What I mean is, supposing a man has undergone what is an adequate term, in my opinion he has purged his offence. The offence charged against him is noncompliance with the terms of the Military Service Acts. If a man has undergone—I will not say two years, but has undergone a fixed period of imprisonment he ought after that time to be free so far as his offence against society is concerned. I think the noble Viscount will understand me.

VISCOUNT PEEL I do not know whether it is convenient to my noble and learned friend that I should interrupt him.

LORD PARMOOR Certainly.

VISCOUNT PEEL What I do not understand is this. What does the noble and learned Lord propose to do with the conscientious objector after his sentence is over? Does he mean that the man should be discharged from the Army, or how does he propose to deal with him?

LORD PARMOOR My opinion is that he should be a free man.

VISCOUNT PEEL Discharged?

LORD PARMOOR He would in that sense be discharged from the Army; and you would probably find—according to my knowledge of a good many of them—that they would all be doing work of an admirable character. If it were a question of their not consenting to do any work at all, they would not have my sympathy; but that is not really the case. The case is that nearly all these men desire to do work of national value. That is their standpoint. What they do not want to do is work under the Military Service Acts. I am not saying whether they are right or wrong, but that is their attitude. Then I say that so far as that offence is concerned it ought to be met by some fixed term or period of imprisonment. I know of no other alternative; perhaps the noble Viscount will suggest one. With these repeated terms of imprisonment, extending as they do over a period of time much beyond a period of two years, it is hardly necessary to emphasise what the result is in debilitating both mind and body. At one time I thought—I think it was when the statement was made by the noble Earl the Leader of the House on a previous occasion—that there was to be something in the nature of a fixed term, but whether it was so or not that is not the practice at present.

I know the prejudice which is aroused against this class of person at a time of critical warfare. One has to acknowledge this, and to recognise it. But what I am putting to your Lordships is—and the task is a hard one for those who try to support the principles of justice as applied to this class of man—however unpopular a class may be, however wrong they may be (although I do not take that view), however misguided they may be, still they are entitled to a fair measure of justice; and it is in the hope of attaining a result of that kind that I have brought this Motion before your Lordships' House this afternoon. I beg to move the Resolution which stands in my name on the Paper.

*Moved to resolve, (1) That where noncombatant service is assigned to conscientious objectors prepared to accept*

*such service, it should be service of a national value, and not merely of a penal character; (2) That in no case should the total term of imprisonment exceed a fixed limit.—*

VISCOUNT BRYCE My Lords, I do not desire to repeat what I have said on previous occasions on this subject, or to repeat the arguments which have been put forward by my noble and learned friend Lord Parmoor. I only rise to appeal to the noble Viscount before he replies to bear in mind that although this question has been allowed to sleep for some time in this House it does continue to excite a good deal of feeling. We have abstained from raising the matter here again because we did not want to go on saying the same thing and getting the same answers. But I earnestly hope that His Majesty's Government will recognise the great hardship and injustice and the inconsistency with the general principles of our criminal law which arise from this practice of fresh sentences which inflict upon these men a punishment in excess of the case. I trust, therefore, that His Majesty's Government will find some means by which this scandal may be avoided which is exciting a great deal of feeling in the country, and which is likely from time to time to find expression which we should regret, especially when a General Election approaches. I hope that the Government will find some way out of the impasse, and that this habit of subjecting conscientious objectors to fresh terms of imprisonment will be discontinued. I do not know whether it will be possible to set these men entirely free, but surely some other method could be devised which would prevent difficulties arising from its being represented that they are enjoying immunity. I would recommend this suggestion to the attention of the Government. There ought to be some way beyond the rigid, harsh, and mechanical methods which have hitherto been followed for dealing with this question.

THE LORD BISHOP OF OXFORD I should like to go into a consideration of this matter for a few minutes, if your Lordships will allow me. My reason for endeavouring to do this is that I find myself brought into connection with people, certainly not among the least able or the least useful members of society, who are being permanently embittered by the treatment which is being given to conscientious objectors. I feel sure that your Lordships will agree that it is a disaster to a country if any serious part of the best thought in the country is allowed to become enlisted on the side of destruction and bitterness, but that is what I am assured is happening. That part of the thought of the country which one would broadly describe as liberal, the part which is most enthusiastically enlisted in the cause of progress or democracy—with which you may sympathise or not, but which is an extremely important part of the thought and literary skill of the community—is being, I am persuaded, to a degree which it would be very hard to exaggerate, embittered and rendered hostile to the orderly progress of society, and enlisted on the side of revolution and destruction by the feeling inspired in their minds by the consideration of the treatment to which the conscientious objectors are exposed.

It is not that I sympathise with the conscientious objectors, because I think that many of them are among the most aggravating human beings with whom I have ever had to deal, and I acknowledge the existence among them of a class of people who are out to wreck and who are extraordinarily difficult to deal with because they mean to push principle to a point when it ceases to be anything else except a motion to wreck. I do not in the least deny the existence of almost insuperable difficulties in certain cases, but I do not admit that about the whole body of conscientious objectors, many of whom are not of this irrational and irreconcilable character, but are men who have been and would be ready to do some service for the country, and do not take up the totally impossible line that they will not do any work for the country because the country is at war. There are many of these who have been treated in a way which seems to me to be intolerable; and, more than that, the evidence points to the fact that the treatment is getting worse—not worse objectively, but worse in its effect on their minds. I think the strain, tending to madness, on these Melt deepens and strengthens as time elapses, and. I frankly admit that this record seems to me to be undeniable of men who have been quite needlessly driven mad by this treatment. I am sure there are many people who, though they have no sympathy with the principles of the conscientious objector are really being needlessly forced into an attitude towards the organisation of society which is revolutionary and destructive, and by all means in my power I desire to avoid this.

We are often told that it is the genius of the English nation to blunder and bungle through. We have been learning, I suppose, that that is a very dangerous principle to rely upon. I venture to think that nobody can look back upon the treatment of conscientious objectors during this war without feeling that it has been bungled, and that it must be some

Department which prevents our making a fresh start. We have come to very cordial relations with the Americans, and we are all disposed to look up to President Wilson. He has often expressed thoughts which are in the hearts of all of us in a way which we felt nobody else expressed them, and we owe to him a very great debt of gratitude. I am sure the country will be quite prepared that he should show us the way in the treatment of these men. Although, until I heard Lord Parmoor, I had only read this article out of the Manchester Guardian, after hearing him, it does not seem to me that it is deficient or misleading, and it does seem to me to show a way towards avoiding the great evil of brutal treatment—treatment which seems to ordinary people to be brutal and which has at all costs to be avoided.

I do not think that Lord Parmoor was unduly lenient in his conception of the ultimate punishment. It seems to me that there is a point at which punishment should cease; and after that, if the person who is let out damages the cause of this country by any kind of dealing, whether by literary methods or in any other way, he can be dealt with for another offence. I would implore the Government to give due consideration to the fact of the embitterment which is passing into the minds of a very large part of the men of progressive sympathies owing to the treatment which these conscientious objectors are receiving.

THE MARQUESS OF LINCOLNSHIRE My Lords, I wish to ask the right rev. Prelate a single question. Where on earth does he find these horrified persons who are rendered hostile by the treatment of the conscientious objectors? The diocese of the right rev. Prelate, is in the counties of Oxford, Berks, and Bucks. I happen to be Lord Lieutenant of Buckinghamshire, and I have been all over the county and know most of the people in it. I have been in all the towns, and I do not suppose I have seen a dozen people, certainly not twenty people, who can be classified as belonging to that body of persons who have been so eloquently described by the right rev. Prelate. I do not know whether they may be in Berkshire or Oxfordshire, but I can conscientiously say that as far as the county of Buckingham is concerned these infuriated and hostile persons are very few and far between and would be most difficult to find.

THE EARL OF DENBIGH My Lords, I, too, should like to say that I have been present at a great many meetings all over the country, and that I always do one thing with regard to conscientious objectors. I regard them as people for whom I have the greatest possible contempt, and I always say that if only the women of this country knew a fraction of the things which the Germans have done in Belgium and in France, and what they would do in this country, especially to womenkind, and what everybody in khaki, whether at home or abroad, was endeavouring to defend them from, no conscientious objector would dare to show his face in the street. I do not know anything which will "bring down the house," so to speak, more than that. I am convinced that by the audiences I have addressed the conscientious objector is looked upon either as a cur or a crank, and I look upon him as a new form of lunatic—a dangerous lunatic evolved from the war. If it be right for a certain number of people to refuse their country service, it is equally right for a much larger portion of the population to do so. When fighting people like the Germans, what sort of position should we be in if any large section of the country were to turn conscientious objectors? To my mind, it is the most extraordinary product of modern days. Personally I can only say that I do not consider they are meeting with any sympathy whatever amongst any large section of the population.

EARL RUSSELL My Lords, the noble Earl who has just addressed your Lordships shows, I think, in what he has just said, the same difficulty in understanding matters which require a certain amount of imagination as he displays in some of his letters to The Times. He says that all the people he speaks to—I should think it very likely—regard these men as either curs or cranks. Well, so far as I know, neither the noble Lord who introduced the subject nor anybody else disagrees particularly with that view. What the right rev. Prelate who has spoken implored the Government to do, and what I have always implored them in this matter to do, is to prevent the public regarding these men as martyrs. That is the one suggestion we make to the Government. Do not treat these people with an excess of hardship and cruelty, and really in many cases brutality, from which some have died and others have gone mad. Do not do that, so that equally unthinking members of the public learn to regard them as martyrs. That is the appeal which was really made by the right rev. Prelate, and that I think is an appeal not in the interests of the conscientious objector, but in the interests of good government in this country and of our own national honour.

THE JOINT PARLIAMENTARY SECRETARY OF THE NATIONAL SERVICE DEPARTMENT (VISCOUNT PEEL) My Lords, the subject of conscientious objectors, as your Lordships know, has been discussed more than once in this

House. If I may say so, I think the new matter that has been introduced in the course of the discussion was introduced by Lord Parmoor, who wished to found the action of this country on the basis of the treatment of the conscientious objector in the United States. The noble Lord took as the text and the subject-matter of his observations both the law and the interpretation of the law in the executive Order issued under the authority of the United States by President Wilson. I also had the advantage, by the courtesy of the American Embassy, of obtaining a copy of this particular document. As a good deal of stress has been laid upon it, and as the right rev. Prelate wishes us to follow the example of President Wilson. I think I must detain your Lordships in order to make one or two observations upon this document.

Although I agree with many observations of the noble and learned Lord upon the document and his interpretation of it, I think he has not stated one or two points in connection with it which should be stated in order to fill the picture which he desires to draw. I have this document in my hand. First of all, there is a distinction to be drawn between the law and the executive Order under the law. A very careful definition is given of conscientious objectors. They must be members of well-recognised religious sects or organisations; the creed of those organisations must prevent their members from participating in war in any form; and, moreover, the religious conviction of the particular conscientious objector himself belonging to that organisation must also be of a similar tenor. These persons need not do any combatant service, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant. In the executive Order, which, I quite admit, varies the Act in many ways and extends it, there is a definition of what non-combatant service is, and this definition is an exceedingly wide one. For instance, the noble Lord mentioned various forms of medical service with the Medical Corps, wherever performed. This includes—and I call the noble Lord's attention to it—service in the sanitary detachments attached to combatant units at the Front. Therefore, this non-combatant work includes work at the Front as well as in America.

I will not go through the whole of these services, but there is also a large number of different services in the Quartermaster's Corps in the United States and also at the Front. Among the services and duties which are mentioned there are supply depots, bakery companies, etc., whose work is done in our Army, I understand, by the Army Service Corps, which is a combatant trained unit carrying arms. Then there is engineering service. The various classes of work among the engineers includes topographical work, camouflage, map reproductions, and other matters of that kind. There is a wide definition of non-combatant service. When we come to the executive Order we find that the definition of the conscientious objector is much wider, because there it includes, as the noble Lord has said, not only the people who have received certificates from their local boards that they fulfil the conditions under the Act, but also persons who object to participation in war because of conscientious scruples but have failed to get these certificates. I need not repeat what the noble Lord said about what happened next. All these persons go to the divisional or posting camp, where an officer persuades them to accept different forms of noncombatant service and they get certificates which show that they need not engage in combatant service but they must do, and do, the particular non-combatant service which they have agreed to do. Of course, they can be transferred to other noncombatant service with their consent.

Now we come to the other persons who will not accept any of this non-combatant work. They are more comparable, I suppose, to the absolutists in this country, and their position is rather a remarkable one. These persons are first of all segregated. They are put under the command of a specially qualified officer of tact and judgment. No punitive hardships are placed upon them, and no favours are granted. That is to say, while they are in this camp—and I want to draw the particular attention of the right rev. Prelate to the fact that it is a camp, because I am going to make an observation on that—while they are in the camp I presume they do the ordinary fatigues and work of that kind, while reports are made to the Secretary of War as to the grounds on which they object to do particular classes of work, and the Secretary of War will from time to time classify the persons so reported and give further directions as to the disposition of them. Therefore I suggest to your Lordships that there is nothing very final in their treatment. We know that they are segregated in this way, and put under the influence of this officer, and that the Secretary of War will decide what is to be done with them. I took some trouble to find out from the Embassy whether any other documents had arrived showing what action had been taken by the Secretary of War, but no reports have come over. Therefore, so far as the treatment of conscientious objectors in the United States is concerned, it is very difficult to compare it with the treatment in this country because there is nothing final about it, and you cannot say how they are going to be



treated. The noble Lord was quite right in saying they are not only subject to Court-Martial, but that provision is made as to what happens after Court-Martial.

The noble Lord spoke of the uniformity of penalties and the imposition of sentences. Under Articles of War 64 and 65 any man who wilfully disobeys a lawful order and command is court-martialled. Articles 64 and 65, of which I have a copy here, deal with the case of persons who strike officers or wilfully disobey any lawful command of their superior officer. The penalties are, of course, very severe. They may suffer death or such other punishment as the Court-Martial may direct. The noble Lord laid great stress on the fact that these men, under this executive Order, are to go not to penitentiaries but to disciplinary barracks; they are kept under Army detention and do not go to civil prisons. I understood that the change from detention to civil imprisonment in this country was made at the instance of those who take up the ease of the conscientious objectors.

LORD PARMOOR That raised another point. It raised the question of detention beyond a certain period carried out in civil prisons.

VISCOUNT PEEL If it raises another point, I will not go to it. I was pointing out that this particular change was made at the instance of those who protested in favour of conscientious objectors. "But this shall not apply to the cases of men who desert either before reporting for duty to the military authorities, or subsequently thereto." That is to say, the absolutist, who will not report for duty, does not, come under the provision of this section, but he may go to the penitentiary and may get a severer sentence under that provision. The first point is this—I think I have made it clear—that it is done under executive Order and not under an Act. The executive Order may be varied and cannot be taken as absolutely final. The second point is this—I should have thought that the provisions in this country were far more lenient than those which obtained in the United States. In this country you have absolute exemption from military service. People have appeared before the Tribunals and have been totally exempted on condition of doing work of national importance. There is absolutely no provision of this kind in the United States, and I must draw the attention of the right rev. Prelate to that fact. Every man has to stay in the Army and wherever he is confined he is under military discipline and subject to martial law. There is no such exemption as there is in this country, and if the right rev. Prelate wants to follow President Wilson he must put all those men who have been exempted from the Army back into the Army. In the United States they all must do some kind of non-combatant service; if they do not they are kept under discipline and the Secretary of State decides what shall be done with them.

I have referred to this at some length, because the noble and learned Lord laid some stress on the provision, and I now must deal with the further points he raised. With regard to the first point that where non-combatant service is assigned to conscientious objectors prepared to accept such service, it should be service of a national value, and not merely of a penal character—the assumption is that the work done by these conscientious objectors under the Brace Committee is service "merely of a penal character." On behalf of the Government I have to give an unqualified contradiction to that, and the best way to make it quite clear is to point out the kind of work that is done by the men in these camps. I have figures here which may possibly interest your Lordships. The total number of men employed under the Brace Committee is 2,971. Of these, 830 are employed under various local authorities or private employers, and the remaining 2,141 are employed in the three work centres of the Committee at Prince-town, Wakefield, and Knutsford. Take the persons who are not at the work centres. The work they are engaged upon is agriculture, timber-cutting, water works, brick-making and sewage disposal. I challenge any noble Lord to say that any of these works are not of national character. Now I come to those men who are at the work centres. They are engaged in agriculture—there is a very large arable and stock farm at Princetown—reclamation of land, both for the Prison Commissioners and the Duchy of Cornwall, and large areas of land reclaimed will bear crops this year. The Duchy of Cornwall are paying over £5,000 to the Committee for labour supplied to them for this purpose. Is there any suggestion that land reclaimed and put to agriculture is not of national importance? Then they are also doing quarrying, building, weaving, tailoring, shoemaking, rope-making. Which of these occupations can the noble Lord say is "merely of a penal character"?

There is, of course, a variation in the work, and there is a great deal of work outside these centres which badly needs labour. It is the policy of the Home Office, as far as they can, to distribute these men in different parts of the country on work of even greater national importance than those I have mentioned. There is, however, great difficulty about

this. The right rev. Prelate spoke of the strong feeling growing up that many of these persons were harshly and badly treated. If he says so it must be the case, but there is a great deal of evidence of exactly the opposite kind. The Home Office, while anxious to employ these people, not at the work centres but in those other works to which I think the noble Lord takes no exception, is prevented from doing so by the hostility of the inhabitants and other people who refuse to work with conscientious objectors.

I have a number of cases, but I will give only one or two examples of what I mean. Arrangements were recently made for taking a party of twenty men to cut timber for pit props. As soon as the men arrived they were driven out of the village by the local population, who smashed the windows and doors of their huts and destroyed their kit. I take another simple case, not so violent—a farm on the borders of Buckinghamshire and Hertfordshire. A number of women workers and conscientious objectors were sent down. The women absolutely refused to work with them, although they did work with German prisoners on the same farm. These men have been offered to shipbuilding, coal-mining, and other industries of that kind, but they have not been accepted because the authorities concerned said that the other men would go out on strike immediately if these men were put on that work. I state this for two reasons. First, that there is a large body of working class opinion which, rightly or wrongly, is averse to these conscientious objectors and their ways, and second that the Home Office is doing its best to move the men from those particular centres to which I think the noble Lord took the greatest exception, and to spread them about the country to do this work of national importance. I hope that the noble Lord will appreciate the difficulties under which the Home Office is labouring; and, if I may respectfully say so, if he would go down to some of the coal-mining centres and persuade the men of his view of conscientious objectors he would be doing a great national service, for then these men might be able to work there.

The Committee have recently inaugurated a new scheme by which the men who have been employed for over twelve months and have during that period consistently shown good conduct in industry may be permitted to take individual employment in work of national importance chosen by themselves and approved by the Committee. Words have been used about rigour and torture, and there have been other phrases of that kind; and it is incumbent upon me to show what has been done, and whether those phrases correspond or do not correspond with the facts of the case. There are about 3,000 men, and this offer is open to them all if they have done their work properly for a year. I understand that 388 men have had this privilege offered to them and have accepted it, and that 227 have submitted proposals to the Committee which have been approved. Moreover, the Committee are now making arrangements whereby the consideration of these matters may be expedited, and they hope that the result will be to decrease largely the number of these men in the work centres. I think that this deals to some extent with that particular portion of the noble Lord's suggestion. Obviously it would be impossible for me on behalf of the Government to accept his proposal, because it would stultify the whole of the observations which I have made, and it would mean that the Government accepted the statement that the work now being done was of a penal character. I think I have said something, to show that that statement is not very accurate.

The next point that I come to is the more difficult one of the total term of imprisonment. The noble Lord mentioned certain particular eases. I dare say he will excuse me from going into those cases, because he did not give me notice of them. I am not complaining of that, but obviously it is impossible in the circumstances for me to go into the details of those cases. I think that the House ought to remember who those men are who are serving these terms of imprisonment, for this bears upon the question as to how far they are or are not conscientious objectors. Under the law they have not only to be conscientious objectors, but they have to establish that they are so.

LORD PARMOOR I referred only to men who have established their position as conscientious objectors.

VISCOUNT PEEL And who are undergoing imprisonment?

LORD PARMOOR Yes.

VISCOUNT PEEL I do not quite understand to whom the noble Lord is alluding. I am dealing with the people who are imprisoned, and who are undergoing, as some of them are, more than one term of imprisonment. I want to call your

Lordships' attention to who these people are. First of all, there are men who have been in the Army. They have all had the opportunity of going before a Tribunal and of proving that they are conscientious objectors.

LORD PARMOOR These are the very men who have come before Tribunals and have established their right as conscientious objectors, but conditions have been put upon them which they cannot accept. So far as conscientious objection is concerned, they have established their position.

VISCOUNT PEEL I should like to state the matter in my way if I may be allowed to. First of all, there are people who have come before the Tribunals and have not been exempted at all. The noble Lord admits that.

LORD PARNOOR I have nothing to do with them.

VISCOUNT PEEL I must state then that these men belong to three classes. First, those who come before Tribunals and have not satisfied the Tribunals that they are conscientious objectors, and who go into the Army. There is another class consisting of those who have satisfied the Tribunals that they may be permitted not to do combatant service, but who the Tribunals think, on examination, ought to do non-combatant service. There is a third class who have not pleaded before the Tribunals at all, and who have not taken the opportunity which was open to them of showing that they were conscientious objectors. Then, as the noble Lord says, they perhaps have committed some offence against military discipline and are sent to prison. Now comes the second test which they have to go through—a test very well known to the noble Marquess opposite. The Central Tribunal invites them to come out of prison and do some work of national importance. A large number of these men have come out of prison and are doing the work which I have detailed at these different centres and also scattered about the country. Some of them have not satisfied the Tribunal that they really are conscientious objectors, and have gone back to prison. Therefore those who are left in prison—I want this to be quite clear—are men who not only will not do combatant service or non-combatant service, but who will not do national work of any kind. These surely are to be put in a totally different category from those who will not fight. They are people who say, "I want to be entirely free. I can do what I like. I can take the advantages of being in the State, but I will undertake none of the obligations. I will do nothing for the State." I think that it is fair to state that this is their view before we come to deal with the hardships to which the noble Lord referred.

EARL RUSSELL May I interrupt for one moment? If the noble Viscount wishes to state their view quite fairly, he ought to state that they say, "We will do nothing by order."

VISCOUNT PEEL That is very much the same thing. It means that they will do nothing but what they choose themselves. May I refer for a moment to a statement that was made by the noble Marquess? I think that he pressed the question a good deal in a previous debate. He said that there might be in the ranks of these men a certain number who went to prison between the two military Acts and had not had the opportunity of being totally exempted, or of being exempted on agreeing to do work of national importance, because some of the Tribunals did not know that these men had the full right of exemption. In a previous debate the noble Earl who leads the House gave, I think, an undertaking that this matter should be examined into by the Local Government Board. I asked at the Local Government Board what had been the result of their inquiries, and I found that they had received answers from all but nine of the Tribunals. The inquiries were not complete. The answers from these Tribunals bore out the judgment of the noble Marquess opposite, who I think in the previous debate said that he thought the numbers would be found to be very small. The noble Marquess may be interested to know that the numbers are so small that they are non-existent, and that all the Tribunals with one or two exceptions said that they were perfectly well aware that they had the right of total exemption, and therefore no man could have slipped through their fingers as it were by a mistake. There are one or two of the Tribunals which were not fully aware of this point, but which went into the cases and said there were no cases which they would have dealt with otherwise if they had known it—that is to say, there were no persons whom they would have totally exempted. There are nine Tribunals which have not answered. It may be a satisfaction to the noble Marquess who raised the point to know that there are really not any persons of the kind he suggested who would have been exempted by the action of the Tribunals if they had more fully known the law at the time. It seems to me rather hard for the noble Lord to attack the Government for inflicting these tortures on these men—because that is the phrase which he used in the previous discussion, as in this, and he has not given the Government any credit for the

mitigation that they have introduced into the condition of these men—

LORD PARMOOR I specially said that I had given them credit, and that they had let out fifty-four men.

VISCOUNT PEEL I was alluding first of all to the mitigation under Rule 243A. I think the House is very familiar with the particular mitigations named under that Rule. The other point is that persons in poor health are reported upon, and many cases are discharged from prison altogether.

THE MARQUESS OF SALISBURY May I ask My noble friend a question in respect to Rule 243A? Has the mitigation under that Rule been applied on a considerable scale?

VISCOUNT PEEL I understand that it has been applied on a liberal scale. These two considerable mitigations, therefore, have been made. Not only has the position of the men serving these sentences in prison been made easier, but it has been made easier in the different respects to which I have alluded.

Now comes the really important point, raised by the noble Lord. He said that, having served a term of imprisonment of a certain length, which he does not specify, these men ought to be discharged from the Army. I think that was the point taken by the right rev. Prelate as well. I think noble Lords have in mind what I said about the Brace Committee, and the possibility of these men getting out of prison by doing work of national importance. The view taken by the War Office is that they ought to maintain the previous decision of the War Cabinet as regards punishments. Will the noble Lord consider what would happen if, after serving a term, say, of eighteen months or two years, these men were discharged from prison and from the Army, as he wishes? I am afraid in that case it would be very difficult to get many of these men to go under the Brace Committee, because they would feel that if they remained in prison they would, after a certain time, get complete and absolute discharge from all military obligations of any kind. As I have stated already, the United States do not contemplate any such discharge. Moreover, what would be the position of those, possibly serving in the Army abroad, who are subject to very heavy penalties for disobedience to orders—the death penalty—when they saw conscientious objectors, after a time in prison, being discharged from all obligations to the Army. I do not wish to go at length into the question of whether they are suffering for the tame offence, because that was discussed at some length on a previous occasion, and I should certainly contend that what they are punished for is not their attitude or view, but simply the act which they committed—disobedience to orders. Take the case, for instance, of a man who is a conscientious objector to rates and who goes to prison for not paying them: if he came out of prison you would not acquit him from paying rates for the rest of his life, but he would probably go to prison when he committed the offence again.

And may I say this, that not all and very far from all—the conscientious objectors are of the type suggested by the noble Lord or the right rev. Prelate men of high literary attainments, who are embittered by their treatment. On the contrary, I think anyone who reads all the numbers of *The Tribunal*, which is the paper of the No Conscription Fellowship, will say that in many cases it is not a matter of individual conscientious objection but of a regular organisation whose intention it is, as they phrase it, to defeat militarism, and smash up conscription and these Acts. In order to maintain this I want to read a passage out of this particular paper which, I suppose, expresses their views. I desire to show how much stress they lay upon this absolute exemption and this discharge from the Army, which the Government are now asked to grant—“If we can secure the undoubted precedent of absolute exemption we shall feel that we have won for them a victory worth many times what it costs us. We feel, in fact, that the granting of the right to absolute exemption will prove one of the death-blows to militarism.” It is quite clear from views of this kind, as any who care to study the different numbers of *The Tribunal* will see, that among many of them it is an organised movement—not the work of individual conscientious objectors—and it is an attempt to defeat the whole value of the Military Service Acts. As this country is now fighting for its life I do not think your Lordships will agree to assist a movement which wishes to destroy the value of these Conscription Acts.

The Government, therefore, feel that it would be impossible to adopt a course which would have the effect of allowing these men to be entirely discharged from the Army. I think that the noble Lord is aware—in fact, I have already stated—that certain mitigation in the position of these absolutists in prison has already been put into force by the Home

Office. I am authorised to say that the Home Secretary has under consideration the question whether such persons, possibly after a further period of imprisonment, should not be allowed some further mitigation.

THE MARQUESS OF SALISBURY The first mitigation takes place after twelve months imprisonment?

VISCOUNT PEEL Yes; and this, of course, would be simile further mitigation. I do not wish that anything I have said should be misinterpreted. I do not want to hold out any hope that the home Office could accept a certain limited term of imprisonment after which men should be perfectly free to go out into ordinary civilian life. But subject to that statement, the Home Office are now considering such a mitigation as I have outlined.

LORD PARMOOR My Lords, I should like to say one or two words in reply to the noble Viscount. I wish particularly to deal with the point of mitigation. The two points in the executive Order on which I laid stress were these. First of all, with regard to non-combatant service, that no man should be required to do even noncombatant service if it is inconsistent with his religious or conscientious scruples—which perfectly preserved the position of the conscientious objector; and, secondly, that taking a man who could not do such service who was also a conscientious objector, he was not to be subjected to punitive hardship. Although everybody recognises—and I recognise it as fully as the noble Viscount—the great difficulty of dealing with matters of this kind, it appears to me a lasting and continuing scandal that people should be subjected to the punishments to which they are subjected in this country for matters of opinion and because they act up to their views from honest conviction. May I say one or two words only on what the noble Viscount said with regard to possible alleviation? There are 2,140 men in these work centres. I am taking the noble Viscount's own figures, which agree very much with the figures I have.

VISCOUNT PEEL They vary from day to day.

LORD PARMOOR Yes. I will take the conditions at Dartmoor. Exactly the same conditions of work exist at Dartmoor, as far as I am informed, as existed when that place was a convict penal establishment. The work of reclamation is what the convicts did; the same work of road-making and quarrying, which is practically valueless work, is also carried out. I do not believe that there is any difference between the conditions then and now. I was gratified to hear the noble Viscount say that an increasing number of men had private employment in various directions outside the work centres. The more that number increases the better it will be. I also understood Lord Peel to say—although I think the facts are hardly borne out at the present moment, but I do not want to have any discussion upon it—that in the work centres the tendency was to do work of national value and what I called not merely penal work.

VISCOUNT PEEL I think I said that none of the work was "merely penal work."

LORD PARMOOR I am glad to hear that, because my objection to it was that it was what I called "merely penal work." One word upon the other matter. The only persons for whom I am pleading and in reference to whom I gave statistics are men who have been found to be sincere conscientious objectors, men upon whom conditions had been imposed to which they could not conscientiously conform. What is the position with regard to those men? I am glad to hear that there may be some mitigation of their lot; but taking things as they are, men in these circumstances are subjected to what is nothing less than the torture of perpetual imprisonment, with the result that several have died and others have gone mad. I trust that some further mitigations may be introduced beyond those mentioned by the noble Viscount. When I was speaking before I stated that I recognised that something had been done; in fact, I alluded to fifty-four conscientious objectors who had been allowed to go free owing to their condition of health or mental debility. The other mitigations are of a very small character, and I trust they may be altered. I say nothing about this at present, however, because it is a matter for the Home Office. Whatever the difficulties are, I must say that the present conditions are really a scandal to the ideas of justice and equity entertained in this country. Therefore any mitigation would be in the right direction. The noble Viscount referred to the Central Tribunal. I have a great respect for that Tribunal, but it has no power to do anything. It does not follow that their recommendations are adopted—in fact, I know that in many cases they have not been; and mitigations advised by them have not been complied with. I cannot put your Lordships to the trouble of a Division on my Resolution. I had hoped that the noble Viscount would have said something further with regard to mitigations, but I heartily welcome what he did say.

*Motion, by leave, withdrawn.*