

## The 'Conscience Clause'

The [Military Service Act](#) of January 1916 was the first of a number of Military Service Acts. It introduced conscription but allowed men to be exempted from military service on certain grounds. One of these grounds was unusual as it allowed men liable to be conscripted to be exempted from the Act if they had a conscientious objection to combatant service. This was known as the 'conscience clause' and it was controversial.

Exemption for a recognised CO could be absolute (meaning a man completely avoided the military), partial (meaning he became a soldier but in the Non-Combatant or Medical Corps) or conditional (he was exempted as long as he undertook some approved alternative work of national importance).

Military Service Tribunals (local tribunals, area appeal tribunals and a single Central Tribunal in London) were to judge men who claimed to be conscientious objectors. But objectors were a very very small part of their work as most men who claimed (and large numbers did) argued one or more of the other grounds (that he was engaged in work of national interest or training for that work, that he would suffer serious financial, business or domestic hardship or on grounds of ill-health or infirmity).

The exemptions section of the Act was s.2, with exemption on conscience grounds covered in s.2(1)(d) and other grounds in (a), (b) and (d).

'An application may be made ... to the Local Tribunal by or in respect of any man for the issue to him of a certificate of exemption ... on the ground of a conscientious objection to the undertaking of combatant service'

Section 2(3) explained that

'Any certificate of exemption may be absolute, conditional or temporary ... and also in the case of an application on conscientious grounds, may take the form of exemption from combatant service only, or may be conditional on the applicant being engaged in some work ... of national importance.'

The conscience provisions caused some difficulty: was it just objection to combatant service rather than fighting this particular war that was recognised; what was conscience and how could it be proved or assessed; were conscientious objections based upon politics, morality or religion all recognised; was absolute exemption available to CO applicants?

(Note that, in addition, the Act did not apply to ministers of religion – see Schedule 1.)

See also the pdfs on this website relating to the *Military Service Acts* and *The Tribunals: Judging Conscience*.