



Dissent and conscientious objectors

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Dissent and conscientious objectors

While most New Zealanders supported their country's participation in the First World War, a small but significant group opposed it on religious, political, philosophical or personal grounds. Sending New Zealand soldiers to serve in faraway war zones was accepted by most people so long as the men went voluntarily, but the introduction of conscription – which sent men against their will – threatened to shatter this broad consensus. Members of pacifist religious sects refused to take up arms, while militant socialists refused to fight for a capitalist system which, in their view, oppressed them. Irish nationalists had no desire to support the British government which occupied their homeland, and other people resisted war for reasons of their own.

New Zealand's leaders, committed to maintaining the flow of soldiers to the front, moved to shut down resistance and punish those who, as they saw it, were taking an unpatriotic and disruptive stance at a time of national crisis. The government used special wartime legislation to punish and imprison those who tried to foment organised resistance to the war effort, and to make examples of those who refused to 'do their duty'.

Conscripted men who refused military service were known as 'conscientious objectors', because their refusal to serve was based on their personal beliefs (or consciences). About 600 men declared conscientious objections, of whom around 286 were ultimately imprisoned in New Zealand as an example to other would-be objectors (others accepted non-combatant service or were exempt).¹ Fourteen were forcibly despatched overseas in July 1917, with some ultimately transported to the Western Front and subjected to military punishments and incarceration.

The broad question of dissent – and the specific experiences of 'the 14' – remain among the most controversial legacies of New Zealand's First World War.

Fighting conscription

On 1 August 1916 the Military Service Act, which enabled the government to conscript ('call up') any man of military age (20–45 years) for service in the New Zealand Expeditionary Force (NZEF), became law.

The NZEF had been manned by volunteers since the start of the war two years earlier. It was expanded dramatically in 1915 and early 1916, by when the supply of volunteers had begun to run dry. In late 1915 the government conducted National Registration, a manpower census designed to find out how many eligible men remained. This process – and a follow-up recruiting drive – showed that while the men were there, they were not coming forward willingly. In early 1916 the government followed that of the United Kingdom in deciding to introduce conscription, in the face of mounting protest from anti-militarist and labour opponents. Men were to be called up in every month from November 1916 to October 1918 – first single men, then childless married men and eventually men with children.

The New Zealand government called up a total of 138,034 men for military service under conscription.² Every man could appeal against his call-up through his local Military Service Board, which was empowered to exempt men on the grounds they worked in an essential industry, that their enlistment would cause 'undue hardship' to their family, or that they were

a member of a pacifist religious group. During the war the boards heard 32,445 appeals (historian David Littlewood puts the figure as high as 43,544) and offered provisional exemptions to 11,343 men on the grounds of essential industry or undue hardship.³ Only 60 men were granted exemptions on religious grounds; another 13 rejected exemptions they were offered.⁴ Some 32,270 conscripts had been sent to camp to serve in the NZEF by the end of the war.⁵

The press and public had been debating the prospect of conscription for at least a year by the time the question came before Parliament in May 1916. Many New Zealanders saw this as the best way to ensure 'equality of sacrifice' across the whole of society, but some characterised it as an outrageous violation of individual civil rights and a move towards the militarisation of society.

The principal critics of conscription were people from labour organisations and Christian sects with pacifist leanings. Labour groups feared that compulsory service would exploit workers and diminish their rights. Men at the socialist end of the labour spectrum expressed loyalty to the working classes of other countries, rather than to their own national leaders – who embodied the capitalist system which, in their view, oppressed them. Labour leaders demanded that any conscription of men be preceded by a 'conscription of wealth', with capitalists forced to surrender at least some of their assets to fund proper wages for soldiers and their dependants. The Christian groups protested that bearing arms was contrary to the will of God, and that forcing the young into uniform would undermine parental and biblical authority and promote violence.

A number of militant labour groups threatened large-scale organised strike action if conscription was introduced, which could compromise the country's ability to maintain its war effort. Anti-militarist groups held rallies, issued pamphlets, and tried to stir up public opposition to conscription.

The Military Service Act passed nonetheless, and the first ballot was held in mid-November 1916. Australians voted against conscription in a referendum in late October, giving more impetus to anti-conscription sentiment in New Zealand. Minister of Defence James Allen believed that open debate in Australia had defeated conscription, and made sure that New Zealanders were given no similar opportunity. Public debate was further muzzled by the passing of new War Regulations in early December 1916. These banned public criticism of conscription in such sweeping terms that even mild remarks could result in prison sentences.

A wave of strikes did follow the introduction of conscription, but they were disorganised and had no significant impact on industry. The War Regulations stifled public protest, and by April 1917 industrial action had effectively been quelled. In February the government introduced further regulations prohibiting 'seditious strikes', enabling it to clamp down on industrial action in any industry essential to the war effort. Between 1915 and 1918, 88 men were convicted under the War Regulations of making 'seditious' or 'disloyal' statements, while a further 14 were convicted of inciting or participating in seditious strikes. Sixty-seven of these convictions resulted in prison sentences, with labour leaders prominent among them.⁶

Objectors to military service

Organised resistance to conscription may have been defeated, but individual resistance continued. Some conscripted men objected to serving in the NZEF on religious, political, philosophical or other grounds.

The Defence Department ensured that the criterion for religious exemption was kept narrow, to stop the unscrupulous using this as a way to avoid service. Many men with genuine religious scruples about military service were ineligible for exemption. The department discreetly offered non-combatant service in the Medical Corps or Army Service Corps to any man who objected to bearing arms, on the grounds that they could thereby still make a positive contribution to the war effort. About 350 men took this option.⁷ Even the lucky few exempted on religious grounds were still expected to undertake some form of non-military service in New Zealand, to ensure some kind of rough equivalence of public service.

The Defence Department had little patience or sympathy for conscripts who explicitly rejected all forms of military service. Such men were known as ‘conscientious objectors’, because they placed their own consciences and beliefs before the demands of the state. Typically a conscientious objector would refuse to accept his military kit on arrival at camp, and be given a short period of imprisonment during which to reconsider his position. If he maintained his objection on release, he would be court-martialled and imprisoned for up to two years for ‘disobeying a lawful command’.

Imprisoned objectors by type⁸

Reason for objection	Number imprisoned
Religious	142
Socialist	59
Religious/socialist	11
Irish nationalist	23
Irish/socialist	6
Non-religious, not specified	20
Philosophical pacifist	2
Waikato Maori	14
Not a reservist	3
Not recorded	6
TOTAL	286

Of the 286 objectors imprisoned between early 1917 and the Armistice in November 1918, more than half were motivated by religious concerns. Many were members of small sects such as Testimony of Jesus and Church of Christ, which fell just outside the Military Service Act’s exemption criteria. Others were members of mainstream churches who used biblical texts to argue that military conflict was against God’s will. About a quarter of the imprisoned objectors professed socialist beliefs, favouring class warfare over international warfare.

Around 10% were Irish nationalists who refused to fight for the empire which oppressed and occupied their homeland, while around 5% were Waikato Māori conscripts who had a similar view of the New Zealand government. Among the remaining few was a mentally ill man and a man who openly admitted he preferred imprisonment in New Zealand to death in France.⁹

Opting for prison over military service was no easy way out, however. Almost all the objectors were sentenced to hard labour, meaning they were set to work building roads and bridges or planting trees in inhospitable areas like the Waimarino district. Their families received no income and were left to fend for themselves while their breadwinners were incarcerated.

Other men avoided military service by not showing up when they were balloted, risking three years in prison. Some hid out in remote bush camps, while others found work with sympathetic back-country farmers or fled the country. Some deserted the NZEF during their training period, more than once in some instances.

The Defence Department's branch dedicated to tracking such men down investigated more than 10,000 cases of defaulting and desertion. It arrested around 580 men, and warrants for another 1133 were still outstanding when the war ended.¹⁰

The 14

In mid-1917 the Defence Department reviewed the objectors then incarcerated and decided that those who still rejected all forms of military service would be sent overseas on the next troopship. The department labelled such men 'defiant objectors', believing they were motivated by stubbornness rather than 'genuine' religious scruples. The conscription process was intended to ensure equal sacrifice across society, so 14 imprisoned objectors were selected to be sent abroad to be treated like any other soldier. Their forced deportation would be proof of the department's commitment to buttressing the conscription system against those trying to find a way around it.

The 14 men had been amongst the earliest to make a stand against conscription. More than half of them had been called up under the 'family shirker' clause rather than selected at random by the ballot – they had been deliberately singled out by the military authorities of their district to make an example of them as unpatriotic objectors. The group was drawn mainly from labouring and industrial workers, and included three brothers – Alexander (Sandy), Archibald and John Baxter of Brighton, Otago.

The men left New Zealand aboard the troopship *Waitemata* on 14 July 1917, imprisoned in the ship's lockup. They were stripped and forced into military uniform. On the second leg of the journey some were forced to wear towels as loincloths when they again refused to don uniform. The men were imprisoned at Sling Camp in Wiltshire, where bleak conditions and illness forced three of them to submit (another was recognised as a 'genuine' religious objector under the Military Service Act and returned to New Zealand).

The remaining 10 objectors were despatched to France in late 1917 and early 1918. Four more were persuaded to don uniform by the authorities in France, leaving six to face the rigours of military field punishment. Three were sentenced to terms of imprisonment, which

they served in an exceptionally brutal military prison at Dunkirk. All subsequently agreed to act as stretcher bearers and one, William Little, was later killed in action.

The last four objectors, Henry Patton, Lawrence Kirwan, Mark Briggs, and Archibald Baxter, were all sentenced to the most serious punishment short of imprisonment: Field Punishment No. 1. In principle this involved a standing man being tied loosely to a pole by his hands, but in practice the sloping poles forced men into a hanging position which cut off circulation to the hands and caused extreme pain.

After Patton agreed to serve as a stretcher bearer, the final three were ordered into the front-line trenches. In practice this meant only walking up to the front lines, which Briggs alone refused to do. His punishment involved being dragged over rough ground and duck walks before being thrown in a shell hole. He was severely injured, and hospitalised and discharged as a result. Kirwan now agreed to be a stretcher bearer.

Archibald Baxter, the sole remaining objector, was slowly starved and sent into dangerous areas in the apparent hope he would be killed. When his health collapsed from the effects of starvation and a particularly brutal beating from an officer, he was hospitalised. Military doctors in England diagnosed him as insane, a diagnosis he later contested. A few months later he was returned to New Zealand as medically unfit.

Baxter's account of his experiences at the front makes clear that many of those in whose custody he was placed had little idea what to do with him. There was no precedent for managing non-combatants at the busy and volatile front, and no clear guidelines for doing so. He spent most of his time hanging around base between bursts of punishment and persecution – usually from officers, who were responsible for maintaining group discipline. The ordinary soldiers he came into contact with regarded him with a mixture of fascination, contempt, sympathy and indifference.

Crisis of conscience

Allen and at least some of the senior officers dealing with the 14 realised that public perceptions of the episode would need to be managed carefully. They wanted the men to be regarded as shirkers being justly forced to do their bit by a fair-minded state, rather than sensitive men of principle being brutalised and tortured by hard-hearted and punitive officials. In this regard the 14's experiences were almost as much of a disaster for Allen as they had been for the 14 themselves.

News of the 14's deportation leaked to family members and the press a few months after the *Waitemata's* departure, including stories that the men had been mistreated aboard ship. The furore grew when rumours of field punishments and brutal incarceration reached New Zealand in the autumn of 1918.

Anti-militarists attacked the callousness of Allen and his department, accusing them of indulging in the sort of draconian 'un-British' practices of which the Germans were guilty, and which the war was in part intended to abolish. Allen never conceded that the department had made a mistake in deporting the men, but, as his critics pointed out, the experiment had not been repeated. Why, they persisted, had the 14 been put through far harsher punishments than objectors serving sentences in New Zealand for identical crimes? Allen could provide no

satisfactory response to these accusations, nor to questions about why three sons of a single family should have been sent.¹¹

New allegations in May 1918 fanned the public backlash. A military detention barracks in Whanganui had been established a few months earlier. Warder J.L. Crampton and his staff had made it a personal project to harass imprisoned objectors until they agreed to serve. Stories of brutal beatings and mistreatment inflamed a public already shocked by stories of the 14, and further undermined the Defence Department's credibility. Anti-militarist groups launched organised publicity campaigns, and Labour candidate Harry Holland lambasted the government's hard-heartedness from the hustings during the Grey by-election.

Shortfalls in Māori units in France saw conscription extended to Māori in late 1917 and the first 'Maori ballot' conducted in May 1918. The government limited the ballot to the Waikato district, which to date had produced few recruits. Allen was motivated by a belief that all sections of the community should be forced to play their part, but Waikato Māori resisted enlistment because of historical grievances going back to the land confiscation of the 1860s. When only a few of the 552 conscripted Māori presented themselves for military service, a raid on Te Paina marae in Mercer saw 14 men arrested and imprisoned. The war ended before any of the Waikato conscripts could be sent overseas.

The end of the war

Most of the imprisoned objectors were still behind bars at the time of the Armistice in November 1918, some serving their second or even third consecutive sentence for refusing military service. Almost immediately, labour and anti-militarist groups began campaigning for the objectors' release (the 14 were gradually discharged in late 1918 and early 1919 without further punishment). Returned servicemen's associations were implacably opposed to any leniency being shown to objectors.¹²

Allen remained firm in his resolve to punish those who had refused to serve. He recognised that some of the men held genuine convictions, but was convinced that those who had refused even non-combatant service were, at best, misguided. He believed that the country's real debt was to its servicemen, who should be given the opportunity to return home and get established before objectors – who had contributed nothing to the war effort – were given the same privilege.¹³

Allen and other officials had a degree of sympathy for men who presented religious objections to war, and Allen's correspondence makes clear his belief that a genuine conscience could only develop through religious study. He had no sympathy for socialist or Irish objectors, whom he regarded as selfish and unprincipled trouble-makers. In early 1919 he created a Religious Advisory Board to identify 'genuine' religious cases among the objectors and remitted sentences on the board recommendation. The rest of the men – including another 113 sentenced after the Armistice for deserting and defaulting – remained in prison, serving out their sentences.¹⁴ The last of the imprisoned objectors was released from prison in August 1920, and three months later an amnesty was declared for all defaulters still at large.

Parliament decided in late 1918 that men who had failed to serve their country in wartime – imprisoned objectors (other than religious objectors), deserters, and men who failed to appear

when called upon – would lose some of their rights as citizens for a period of 10 years. The ‘defaulters list’, first published in May 1919, named 2320 defaulters, after 99 names had been deleted on appeal. No defaulter would be permitted to hold any government or local body job, to seek election to Parliament or any other authority, or to vote in any election. All the defaulters had their civil rights restored in September 1927, a year earlier than the legislation had originally allowed.

First World War objectors

Category of objector	Number of objectors (very approximate)
Objectors imprisoned for refusing all forms of military service, including Maori objectors	286 ¹⁵
Objectors exempt from service on religious and other grounds by Military Service Boards	100 ¹⁶
Men who refused to bear arms but were willingly transferred to non-combatant units	350 ¹⁷
Conscripted men who failed to appear for medical inspection, failed to attend camp, or deserted after attestation	2155 ¹⁸
Men estimated to have never enrolled for the conscription ballot at all	3500-5000 ¹⁹
TOTAL	6400-7900

Notes

¹ See the NZHistory conscientious objectors spreadsheet, <http://www.nzhistory.net.nz/war/the-military-objectors-list>

² The figure 138,034 is based in several sources. The 134,393 called up under the ballot system is based on the figures in Malcolm Fraser's report 'War Work of the Census and Statistics Office' of November 1919, which provides a detailed breakdown of the numbers of men called up in each ballot (IA1 1652 29/125, Archives New Zealand). It provides a total of 133,793 men called up, but the table omits the results of ballot 23, the final ballot conducted in October 1918, which adds 600 men and brings the total to 134,393. David Cossgrove's report 'Recruiting 1916-1918' (March 1919) lists the total number of balloted men as 134,632, which is a statistically negligible 239 men higher than Fraser's November 1919 figure (AD1 712 9/169 pt 2, Archives New Zealand). Assuming that both sources employ a sound methodology, the difference between the two is probably accounted for by different record-keeping systems in the two wings of the same process. Fraser's branch conducted the ballots and transferred the enlistment cards to Cossgrove's branch, which compiled the Gazette lists and sent out letters to the conscripted. The Fraser figures are the later ones, and therefore I've adopted those here. The Cossgrove report adds another 2876 called up under s.35 ('family shirkers') and 214 under s.34 (called up because not enrolled) (Cossgrove, 'Recruiting 1916-1918', appendices 4 and 5).

³ The figures 32,445 and 11,343 come from Cossgrove, 'Recruiting 1916-1918', appendix 6(3) (AD1 712 9/169 pt 2, Archives New Zealand); David Littlewood discusses appeals in his article "'Willing and Eager to Go in Their Turn"? Appeals for Exemption from Military Service in New Zealand and Great Britain, 1916-1918', *War in History*, n.21, 2014, pp.338-54, and his PhD thesis 'The tool and instrument of the military?', Massey University, 2015.

⁴ Paul Baker, *King and country call* (Auckland: Auckland University Press, 1988), p.174

⁵ *New Zealand Expeditionary Force: its provision and maintenance* (Wellington: Marcus F. Marks, 1919), p.47; see also <http://www.nzhistory.net.nz/war/first-world-war-by-numbers#q2>

⁶ See the NZHistory convictions for sedition spreadsheet, <http://www.nzhistory.net.nz/war/sedition-conviction-list>

⁷ Estimate by Paul Baker, 'New Zealanders, the Great War, and conscription', PhD thesis, University of Auckland, 1986, p.386

⁸ See the NZHistory conscientious objectors spreadsheet, <http://www.nzhistory.net.nz/war/the-military-objectors-list>

⁹ See the NZHistory conscientious objectors spreadsheet, <http://www.nzhistory.net.nz/war/the-military-objectors-list>

¹⁰ Return of cases dealt with under the Military Service Act to 31 March 1919, AD1 1039 64/28, Archives New Zealand Wellington; see also <http://www.nzhistory.net.nz/war/first-world-war-by-numbers#q8>

¹¹ See correspondence in the relevant Defence Department files, AD1 box 734 10/407/3 part 2, AD1 box 734 10/407/3 part 2, and AD1 box 734 10/407/16, Archives New Zealand.

¹² See correspondence on Defence Department file AD1 box 734 10/407/16, Archives New Zealand

¹³ See Allen's letters in Defence Department files AD1 box 734 10/407 pt 2; AD78 box 16 27/125; AD1 box 734 10/407 pt 3; AD1 box 734 10/407/5; AD1 box 734 10/407/3 pt 1; AD1 box 734 10/407/16; AD1 734 10/407/3 pt 2

¹⁴ Names listed in the *New Zealand Police Gazette*, 1918-20, Archives New Zealand

¹⁵ See the NZHistory conscientious objectors spreadsheet, <http://www.nzhistory.net.nz/war/the-military-objectors-list>

¹⁶ This combines the 73 offered exemption on religious grounds and the 37 objectors offered exemption on other grounds; David Littlewood, 'The tool and instrument of the military?', PhD thesis, Massey University, 2015, p.252

¹⁷ Estimate by Paul Baker, 'New Zealanders, the Great War, and conscription', PhD thesis, University of Auckland, 1986, p.386

¹⁸ The number of men on the defaulters list, minus the 215 imprisoned objectors not exempted as religious objectors.

¹⁹ See Fraser's workings out in his file on the subject, STATS 1 32 23/1/84, Archives New Zealand; see also Baker, *King and country call*, p.204