

# The Local Military Service Tribunals of the Holme and Colne Valleys of West Yorkshire, 1916-1918

Thomas Ashworth

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The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others.

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## Abstract

Even from a distance of over one hundred years, the ‘problem’ of the Local Military Tribunals of the Great War, remains a vexed one. Their reputation and their remembered legacy had been established in the years immediately following the war by the writings of many of the men who had opposed them from the start. These men, either conscientious objectors themselves or members of the various anti-war, anti-conscription movements, had no reason to look favourably upon a system that they felt had discriminated against them and their principles by subjecting them to conscription. Military authorities of the time equally criticized tribunals but from the opposite side of the argument – the tribunal system failed, they said, because it *didn't* subject enough men to conscription. There has been a more sympathetic approach by some historians more recently who have argued that the difficulties encountered and presented by the tribunals were more the fault of the system than of the personnel involved. Adrian Gregory, David Littlewood, James McDermott, John Rae and Cyril Pearce have all added to the debate. Nonetheless, there remains a residue of a sense of coercion of working-class men by state-sponsored representatives of the middle-class. On the evidence provided by the nine tribunals investigated here this study rejects that view. It argues instead that the Local Military Service Tribunals of the West Riding were part of a system of local government that was traditionally distanced from a centralized, controlling state. Members of the local Tribunals were respected by the communities they served and that far from being simply a part of the ‘military machine’ in the process of conscription they were viewed as representatives of that community, able and willing to represent the interests of its citizens.

This study looks in detail at the men and women who made up the Tribunals in the Holme and Colne Valleys as well as the men who made the appeals. It provides an analysis of those

appeals and in doing so places Local Military Service Tribunals firmly at the heart of the community they served.

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## Introduction

The First World War appears to occupy a particularly persistent and prominent position in British history given the number of books, literature and films produced since the war's end in 1919. While much has been written about the military side of the conflict and the events that drove those forces, less attention has been paid to the formalised civilian authorities that worked alongside the military and were instrumental in areas such as voluntary enlistment between 1914 and 1915 and conscription after 1916.

Conscription came about with the inclusion of an appeal system that was staffed by civilian volunteers. This system, which affected the lives of millions of men, operated on a purely local level. This was not some kind of radical innovation. National policy stemming from Westminster was, unlike most of its European neighbours, ordinarily applied by local communities rather than government itself:

The corporate life of society was seen as expressed through the voluntary association and the local community, rather than the persona of the state... More extensive government was widely viewed as not merely undesirable but unnecessary, in the sense that most of the functions performed by government in other societies were in Britain performed by coterie of citizens governing themselves.<sup>1</sup>

At the heart of the system of appeal were the Local Military Service Tribunals (LMSTs).

They were tasked with carefully considering the circumstances of men who had appealed against their conscription and with deciding whether or not that man should be put into uniform. They were independent, judicial bodies made up of local people working at a local level as representatives of their communities. This in itself set them apart from an increasingly centralised state as the war progressed.

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<sup>1</sup> Jose Harris, 'Society and the State in twentieth-century Britain', in F.M.L. Thompson (ed.) *The Cambridge Social History of Britain*, vol.3 (Cambridge, Cambridge University Press, 1990) pp.67-8

The inclusion of civilian volunteers to this extent in a vital military system was the result of the changing nature of the concept of nationhood which had developed during the previous century. Conflict with another sovereign nation was no longer confined to the actions of the military arm. Revolutionary France had reshaped the world. The nature of war itself changed with the development of the nation state. Michael Roberts framed the argument differently – ‘The modern art of war made possible – and necessary – the creation of the modern state’.<sup>2</sup> Heinrich von Treitschke stated bluntly - ‘Without war there would be no state’.<sup>3</sup> An evolved and distinct sense and definition of nationhood which emphasized nationalism and chauvinism grew alongside a more politically involved citizenship. The concept of the state, said Carlyle and Macaulay, grew through the triumphs of individuals, aided by the support of the populace and often involving military victories.<sup>4</sup> War, previously waged by rulers and nobles, usually with limited war aims, had given way in the late eighteenth and nineteenth century to the innovation of mass mobilization and social support across the whole of the class structure. This move to a ‘nation in arms’ began with the French revolutionary wars and the *levée en masse*. The concept was adopted by the Prussians and spread throughout Europe. Clausewitz’s dictum that ‘War therefore is an act of violence intended to compel our opponent to fulfill our will’ became, in the twentieth century, an issue of fighting wars to the bitter end, without compromise.<sup>5</sup> As entire nations were now involved in the pursuance of war, conflicts continued until one side collapsed to abject defeat while its opponent claimed complete and total victory. Military strategy was no longer confined to defeating the army of one’s enemy or using military means to achieve a political or territorial objective but was

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<sup>2</sup> Michael Roberts, *The Military Revolution, 1550-1660* (London: Routledge, 1995)

<sup>3</sup> Heinrich von Treitschke, *Politik*, vol.1 (Leipzig: Verlag von S. Hirzel, 1897). p.72

<sup>4</sup> Thomas Babbington Macaulay, *The History of England from the Accession of James II, Volume 1*: Paul E. Kerry and Marylu Hill, ed., *Thomas Carlyle Resartus: Reappraising Carlyle’s Contribution to the Philosophy of History, Political Theory, and Cultural Criticism* (Rosemont Publishing, 2010).

<sup>5</sup> General Carl von Clausewitz, *On War* (London: N. Trubner & Co., 1873), p.1

expanded to include the destruction of those citizens and homeland of the opposing state.<sup>6</sup> An industrialised economy enabled mass armies to be equipped with modern weapons. Mass armies, recruited through either encouragement and persuasion or legislation, entailed a blurring of the dividing line between citizen and soldier. Increasingly, warfare became equally dependent on non-military actors and by the twentieth century, as the purely military action of the Great War morphed into stalemate, the focus of strategic decision moved from the battlefield to the home front. Civilians became as important as soldiers to the war effort. The makers of arms were valued as much as the users of arms. But, unlike members of the armed forces, they were not subject to military discipline (despite the numerous strictures of DORA), and therefore needed to be handled differently. The state, while holding the tools of coercion, increasingly relied upon the popular consent of those governed in order to remain effective.<sup>7</sup> By 1916, central government found itself in the position of having to facilitate and implement social change in order to maintain the means of production necessary to wage war. The dilution of labour, the breakdown of social mores, the increase in disposable wealth of those individuals and families involved in the high wage war industries, all served to change the face of society. By 1917, a sense of war-weariness and more importantly, industrial unrest, was presenting a threat to political and military support for the war. At one level, this was countered by the arrest of prominent anti-war activists and the suppression of pacifist media, while at the other end of the scale, low-level dissatisfaction with the war was allowed to be voiced in Local Military Appeal Tribunals. Appellants who were either politically against war or who had a conscientious objection to their being forced to participate in it, were allowed an opportunity, albeit limited, to argue their case. Gregory argues that

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<sup>6</sup> Roger Chickering and Stig Forster, ed., *Great War, Total War: combat and mobilization on the Western Front, 1914-1918* (Cambridge: Cambridge University Press, 2000), p.3

<sup>7</sup> John Horne, 'Introduction: mobilizing for 'total war', 1914-1918 in John Horne (ed.), *State, Society and Mobilization in Europe during the First World War* (Cambridge: Cambridge University Press, 1997), p.2

Tribunals were a safety-valve, ‘a safeguard against the tyranny of public opinion’.<sup>8</sup> Tribunals were the visible and public arbitrators between the demands of a voracious military and the more mundane interests of local communities.

This involvement of all sectors of society in the pursuit of victory in armed conflict, begun in the late eighteenth century and brought to its apogee in the twentieth, provided new areas of study for the historian, particularly in those areas defined by Marwick as ‘history from below’.<sup>9</sup> Previous research, with its emphasis on the military, political, or economic history of conflict, left many fundamental historical questions unaddressed. These questions have begun to be answered in more recent work that has looked at the social implications of war – the role of women, the importance of memory and remembrance, issues of gender and culture - and, in the context of this thesis - the role of Local Military Service Tribunals. Michael Finn describes the Great War as one based upon notions of community – community at an imagined national level, but, more importantly, at a local level also.<sup>10</sup> Benedict Anderson, in an attempt to counter the Marxist notion of the nation and nationalist ideology, placed nations on the same level as communities, communities bound by kinship, religion or politics.<sup>11</sup> These communities developed a national consciousness with the help of the popular Press. The enormous circulation figures of newspapers by the beginning of the twentieth-century meant that millions of people were experiencing the same message at the same time. And what was true at a national level was equally valid at a local level involving provincial newspapers. LMST’s, as the embodiment of localism, were the focus of this relationship between the national and the local, between the fighting and the home fronts.

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<sup>8</sup> Adrian Gregory, ‘Military Service Tribunals: Civil Society in Action’, in Jose Harris (ed.) *Civil Society in British History: Ideas, identities, Institutions* (Oxford: Oxford University Press, 2003).

<sup>9</sup> A. Marwick, *The Deluge: British Society and the First World War* (2<sup>nd</sup> edition, Basingstoke, 1991)

<sup>10</sup> Michael Finn, ‘Local Heroes: war news and the construction of ‘community’ in Britain, 1914-18’, *Historical Research*, vol.83, no.221(August 2010)

<sup>11</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, Revised edition 1983)

The post-war years of the 1920s and 1930s brought a flood of publications including official histories of the war, but mostly of individuals writing of their own experiences during the conflict. Some of these were by men who had resisted conscription and had suffered for their conscientious beliefs under the tribunal system. Their histories were explored further by Denis Hayes in his book published after the Second World war when conscription had been organized very differently.<sup>12</sup> His sympathies for conscientious objectors were repeated and amplified a few years later by John Rae who wrote particularly of the absolutists (the ‘hard-core’ of the conscientious movement) whose actions created problems at the highest level of government.<sup>13</sup> He also discussed the difficulties faced by tribunals in dealing with ambiguous wording in government legislation, and was ready to acknowledge that many of the issues around conscientious objectors were more to do with the structure of tribunals rather than failings on the part of the men and women who served on them. Cyril Pearce makes the same point in his seminal work on the conscientious objectors of the West Riding.<sup>14</sup> More recent publications include books by James McDermott and David Littlewood and work by Adrian Gregory.<sup>15</sup> All of whom have gone to some lengths to refute the poor legacy bestowed on the Tribunal system by the emphasis placed on conscientious objectors and their criticisms.

This thesis seeks to expand knowledge of LMSTs by looking in detail at nine local appeal Tribunals of one part of the West Riding of Yorkshire between 1916 and 1918. It will answer the questions of *who* made those appeals, *why* they were made and *what* was the result.

Though some work has already been published since 1919 about Local Military Service

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<sup>12</sup> Dennis Hayes, *Conscription Conflict* (London: Sheppard Press, 1949).

<sup>13</sup> John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service 1916-1919* (Oxford: Oxford University Press, 1970).

<sup>14</sup> Cyril Pearce, *Comrades in Conscience: the story of an English community's opposition to the Great War*, (London: Francis Boutle Publishers, 2001)

<sup>15</sup> James McDermott, *British Military Tribunals 1916-1918* (Manchester: Manchester University Press, 2011); David Littlewood, *Military Service Tribunals and Boards in the Great War* (London: Routledge, 2018); Adrian Gregory, ‘Military Service Tribunals: Civil Society in Action’, in Jose Harris (ed,) *Civil Society in British History: Ideas, identities, Institutions* (Oxford: Oxford University Press, 2003).

Tribunals the emphasis, until quite recently, has been placed upon those men who appealed on grounds of conscience or those who took an anti-war or anti-conscription stance. This study looks instead at the much more common reasons for objection to enlistment and seeks to challenge a number of long-held assumptions of historians and authors – assumptions relating to the composition of the members of the tribunal panels, including the role of the Military Representative, as well as the men making the appeals.

In order to establish the answers to these questions, the thesis will look at the historical background to tribunals and will explore the core question of how LMSTs, as a key component of local government, epitomised the struggle between localism and an increasingly centralised and controlling state. For a few short years, LMSTs as statutory, independent bodies, represented the long-established primacy of community control opposed to remote government jurisdiction. The study tackles this core question by looking at the relatively recent history of local government and the tensions, at times hostility, between localism and Westminster. It details the increasing participation of the working man in local politics and how those men became the tribunalists of the appeal system.

The core question of localism versus centralisation raises a number of sub-questions.

The tribunal system was an integral part of the move towards compulsion but was conscription itself inevitable? Did the Military Service Act come about because the failed Derby Scheme of 1915 had relied upon the statistical flaws and gaps in the information provided by the National Registration Act? Given the unprecedented success of the voluntary scheme and a largely Liberal and Labour anti-conscriptionist coalition government with public opinion on its side, why did conscription happen at all? Having taken the decision to introduce a system of compulsion to enlistment, what were the reasons behind binding that compulsion to an exemption process that (some would argue) hindered rather than helped conscription? Did the tribunal system do what it

was designed to do and was it successful in its primary objective of deciding on who should - and should *not* - be conscripted?

Why were local bodies entrusted with a vital and important part of the conscription process? Was a statutory independent tribunal system unique or were there other models of government intervention to call upon? What were the consequences for local tribunals of a wartime coalition government that found itself moving inexorably towards a centralised, controlling state?

And finally, how did tribunals actually work? Why did men appeal, and on what grounds? Who were the volunteer men and women who formed the panels and why did they make the decisions they made?

This study argues that the tribunal system was successful; that it did what it was designed to do. The fact that by 1918 the system of appeal was deeply unpopular to both the military and to many politicians was the fault of the structure rather than the men and women who operated it and made it work within its limits. Nowhere was this more obvious than when Tribunalists struggled to interpret the ambiguous and badly worded legislation when seeking to decide the fate of those who appealed on grounds of conscience. The poor post-war reputation of Tribunals was largely based on the accounts of those men who appealed as conscientious objectors rather than the millions who appealed on other grounds. This study argues that much of the historiography of the subject, with its emphasis on the part played by conscientious objectors, has allowed the history of millions of men to be dominated by what was, in essence, a very small minority. Little has been written in depth on the men and women who served on the panels, particularly on key members such as the military representatives or the tribunal clerks. Similarly, there are few statistics available on the reasons for claiming exemption beyond grounds of conscience.

It is important to revisit this topic in order to re-evaluate a fundamental part of the conscription process of 1916 Britain and to explore the manner in which independent panels were very much part of the debate about the relationship between local and central authorities during the early part

of the twentieth century. It does this by building a microhistory of nine Local Military Service Tribunals based around the West Riding district of Huddersfield.<sup>16</sup>

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<sup>16</sup> Until the reorganisation of 1974 when it was renamed as West Yorkshire, this part of the county of Yorkshire was known as the West Riding.



## Local Military Service Tribunals 1916-18

The Military Service Act of January 1916 introduced conscription for the first time in recent British military history.<sup>17</sup> An Act of compulsion, it nonetheless contained within its legislation the means to allow potential conscripts to appeal against their enlistment. To hear and decide upon those appeals the legislation called for the formation of a nationwide body of local panels composed of local people. The LMSTs would, in effect, be the only constraint between War Office expectations and the actual number of recruits. It was an uneasy arrangement from the beginning.

None of the Act's architects foresaw the large numbers of potential conscripts who would lie outside of the reach of the military. By 30 April 1917, 2,741,988 men were either in protected trades and occupations or had been awarded absolute, conditional or temporary exemption by tribunals.<sup>18</sup> In creating a structure of independent committees to oversee the appeals system the government had relinquished control of the recruitment problem and given power to local men and women with little experience of such a novel semi-judicial process. The manpower demands of a major war had forced the state to introduce a system of compulsion that was dependent on an army of volunteers for its success or otherwise. The legislation of the Military Service Act further compounded and complicated the problem of recruitment by creating degrees of exemption that were of 'so broad a character' that the actual number of men sent to the forces would depend largely on how independent local tribunals decided to interpret them.<sup>19</sup> While tribunals had no responsibility for the numbers of 'starred' or 'badged' men in reserved occupations or for those many thousands of potential recruits already rejected on grounds of ill-health, their supposed indulgence during the appeals process of men capable of military service led to much criticism from supporters of

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<sup>17</sup> Lord Derby called the Act: '[...] probably the greatest revolution that has taken place in this country'. HL Deb 02 March 1916 vol 21 cc267-92267.

<sup>18</sup> *Statistics of the Military Effort of the British Empire During the Great War*, HMSO 1922, p.369.

<sup>19</sup> Viscount Middleton, HL Deb 02 March 1916 vol 21 cc267-92267.

conscription. For the men who made the appeals however, these local tribunals were the last link between civilian life and the armed forces.

It has been generally assumed that the men and women who made up the tribunal panels were local 'worthies', the kind of middle-class people that, as James McDermott says, would be asked to counter-sign a passport photograph.<sup>20</sup> This is not true of the Local Military Service Tribunals of the Holme and Colne Valleys where a majority of the tribunal members were either skilled working-class men or small shopkeepers. In this particular part of the West Riding tribunals were not a middle-class body deciding the fate of working-class men but were composed of men and women in the same occupations as those men making appeals, going to the same churches and living in the same neighbourhoods. One of the questions raised in this study concerns whether or not this closeness and similarity between those on the tribunal and those appearing before it influenced the decision-making process.

The origin of an exemption system lay in attempts by Prime Minister Asquith to convince the anti-conscriptionists in his Cabinet and Parliament to support the Military Service Bill and the introduction of compulsory military service. At a critical point in the negotiations his plans were threatened with rejection by representatives of the Labour vote. He was able to persuade these Labour opponents by offering a Tribunal system to hear appeals against conscription – a system, he promised, which would protect workers' rights and act as a bulwark against any abuse. If the Asquith government of 1915 had failed to include some means of appealing against the element of compulsion the Military Service Bill would not have passed into law in the form that it eventually did. Accordingly, the legislation in the final Act dealing with compulsion contained within it a means of appealing against that

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<sup>20</sup> James McDermott, *British Military Service Tribunals 1916-1918* (Manchester: Manchester University Press, 2011). See also Adrian Gregory, *The Last Great War*; John Rae, *Conscience and Politics*; Cyril Pearce, *Comrades in Conscience*.

compulsion. Crucially, appeals would be heard by representatives of the community, not by Whitehall appointees. In a separate move, and one that would create its own difficulties in the months to come, tribunals were also requested to take account of ‘the national interest’ and the needs and demands of local industry when hearing appeals.

There were three levels of appeal for men who had received their enlistment orders and had been medically examined by military, or military appointed, doctors. The first appeal was to a local Tribunal, usually based in the man’s own locality.<sup>21</sup> If the appellant, or the Military Representative on the panel, disagreed with the Tribunal’s decision a further appeal could be made to the County Appeal Tribunal. That body could reach a decision to be passed back to the local Tribunal but could also, if they felt the appeal raised a particular important point which was of a national nature, could forward the appeal to the Central Appeal Tribunal for a final ruling. There were four grounds for appeal – health, occupation, personal circumstances or conscience.

LMSTs were, throughout their tenure, a ‘work in progress’, expected to respond to government advice and the changing military situation while understanding and taking into account the manpower needs of local industry. Despite this centralised pressure they maintained their statutory independence and were not above criticising government policy. Members of the Tribunal panels were untrained and unprepared at the outset for a role unique in British military history but were, nonetheless, expected to follow what was often ambiguous advice and interpret badly written legislation in the certain knowledge that the decisions they were taking were, in many cases, life or death ones for the individuals involved.<sup>22</sup>

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<sup>21</sup> Men were supposed to register their appeal in their local Tribunal but there were no legal sanctions against applying to a neighbouring one, and many did exactly that.

<sup>22</sup> 704,803 (13.5%) of the 5,399,563 men who served in uniform in France and Flanders between 1914-18 were recorded as either killed in action, missing presumed dead, died of wounds or sickness. *Statistics of the Military Effort of the British Empire During the Great War*.

## Sources and Methodology

Research into LMSTs, and there were over 2,000 of them in 1918, is hampered by the fact that in 1921 the government ordered that all files, folders and records connected to Local Military Service Tribunals and Appeal Tribunals should be destroyed. This may well have been because it was felt unwise to retain the personal details of individuals involved in what for some may have been sensitive issues. But McDermott, for instance, has no doubt that the government's instructions to all county, metropolitan, district and borough councils to extirpate all records including minute books and files was a calculated measure to destroy the memory of a 'politically troubled process and a symbolic repudiation of the process itself'.<sup>23</sup> A Tribunal system was imposed upon a reluctant government as the price for supporting the introduction of conscription (see Chapter 1). It was resented and criticised by some politicians and militarists from the outset, and that criticism grew as Tribunals exercised their judgement and granted exemption what were viewed at the time as inordinate numbers of men. At the end of the war, a centralised state, firmly in control of all aspects of government was happy to wipe away the memory of an independent, local system.

Fortunately for the historian, a quantity of material has survived, either through a failure of the relevant local authorities to complete the task, or perhaps out of a sense of 'bloody-mindedness'. Annoyingly though, the paperwork that does exist is often partial and fragmentary. Many individual cases in Minute Books are simply recorded as numbers with none of the detail of names, addresses or occupations needed for a full interpretation of events. Most county libraries have an assortment of papers relating to LMSTs. Those for West Yorkshire include lists of cases, correspondence letters, registers of decisions and various Minute Books.

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<sup>23</sup> James McDermott, *British Military Service Tribunals*.

Sigmund Freud claimed that only a good-for-nothing has no interest in his history<sup>24</sup> – but a lack of primary sources relating to military Tribunals poses a problem. Details of the history of the military mind and machine, as well as the decisions made or ignored by leading players or groups, with their intended and sometimes unintended consequences are usually matters of verifiable fact. That on *this* date, *this* division, did *this* with *this* result, and so on. But evidence of how the great mass of civilians thought and acted, those who did not leave memoirs or letters, is more ephemeral, and poses different questions, but is no less important. Documenting what Arnold Bennett called the ‘extraordinary lives of ordinary people’ is complicated.<sup>25</sup>

Accordingly, there have been a number of shifts in the way that researchers and writers have approached the subject of the First World War over the past few years. Broadly speaking, there has been a move away from discussing the minutiae of military operations and the movement of armies to an approach that puts human beings at the very centre of the argument. The Great War was the first war of ‘Fronts’ and seeking to explain the thoughts and actions of the civilian population who formed the Home Front during this period is problematic. We have the benefit of hindsight of course, but, as Adrian Gregory reminds us, hindsight has been the curse of writing about the First World War and hindsight carries risks when seeking to understand what actually happened.<sup>26</sup> David Lowenthal argues that, without consciously realizing it, we manipulate the past to make it more palatable to the present – that we sanitise our history of events to make it more acceptable to twenty-first-

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<sup>24</sup> Suzanne Cassirer Bernfeld, *Freud and Archaeology*, The Yearbook of Psychoanalysis (International Universities Press, 1952).

<sup>25</sup> The phrase is used by many writers when describing Bennet’s style. The first reference to his ability to ‘celebrate the extraordinary in the ordinary’ is in a 1924 article by Brian W. Downs in *The North American Review*, Vol. 219, No.818, p.81.

<sup>26</sup> Adrian Gregory, *The Last Great War: British Society and the First World War* (Cambridge: Cambridge University Press, 2008), p.1.

century norms.<sup>27</sup> We make our version of history more comfortable but ‘nostalgia is bad history’.<sup>28</sup> Nietzsche goes further when he says that all things – particularly the past – are subject to interpretation and that that interpretation is claimed by whoever holds power and is not necessarily one of truth. History, of course, is written by the victors.<sup>29</sup>

In the absence of Tribunal records there are, however, extensive newspaper archives. During the nineteenth and early twentieth centuries newspapers were at the centre of British social and political life:

From competing with other media, such as platform, periodical and sermon, the newspaper became the dominant medium by the end of the century.<sup>30</sup>

Newspapers remain ‘the most important published primary source for the historian’.<sup>31</sup> Adrian Bingham in his work on the popular press writes that ‘Newspapers provide one of the most effective ways of exploring the representations and narratives that circulated throughout British society’ and that ‘newspapers are a potentially rich source of information’.<sup>32</sup> If this was a war of ‘communities’ (see pp.11-12), the rise and popularity of local newspapers had played no small part in their development:

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<sup>27</sup> David Lowenthal, *The Past is a Foreign Country* (Cambridge: Cambridge University Press, 1985)

<sup>28</sup> Samuel Hynes, *A War Imagined* (London: Pimlico, 1990), p.5

<sup>29</sup> The quote is often misattributed to Winston Churchill. During the Nuremberg trials Hermann Goring is reputed to have said: Der Sieger wird immer der Richter und der Besiegte stets der Angeklagte sein. But it also appears many times in European history including this French version: [L]’histoire est juste peut-être, mais qu’on ne l’oublie pas, elle a été écrite par les vainqueurs. Alexis Guignard, *Histoire de la royauté: considérée dans ses origines, jusqu’à la formation des principales monarchies de l’Europe*, Volume 2 (Paris, 1842), p.42

<sup>30</sup> Mark Hampton, ‘Understanding media: theories of the press in Britain, 1850-1914’, *Media, Culture and Society*, Vol.23, pp. 213-231 (p.214)

<sup>31</sup> John Tosh, Sean Lang, *The Pursuit of History* (London: Longman 2006), p.42

<sup>32</sup> Adrian Bingham, ‘Reading Newspapers: Cultural Histories of the Popular Press in Modern Britain’, *History Compass* 10/2 2012, pp.140-150 (p.140).

It was the local press that most effectively created the sense of social community Liberalism relied on. It should not, however, be thought that the local equated with the parochial: both the local and regional press combined local British and world news in a way wholly unlike today [...] The sense of both the readership and the town as a community of interests was built up by the reporting, in minute detail, of town council affairs, of the law courts, of local market information, of local events of all sorts [...] often for the first time in these communities there existed a single, ever-changing mirror of events, reflecting the composite life of the town and its people.<sup>33</sup>

In the increasing democratisation of British society and politics during the nineteenth century national newspapers were seen by some as part of an educational process between people and government. There were two parts to the argument. Liberal thinkers encouraged the idea of the press acting as a forum where ideas were freely discussed to form a popular consensus of the ‘truth’. Others believed that the role of newspapers was to influence the public and guide readers towards the ‘proper’ opinions. By the 1880s this idealistic function of the press was beginning to be supplanted by a ‘new journalism’ where commercialisation overturned altruism. Rather than educate people, newspapers would ‘represent’ them and their views. Opinions and editorials became secondary to the reporting of ‘news’ to the dismay of people such as the Chartist campaigner W.E. Adams:

When few people could read, the matter provided was mostly of an elevating character – rarely of a debasing character: for the few in all ages have invariably been more refined than the many. But since our children have been taught to read without being taught to think, and since everybody can read whether able to think or not, the general quality of popular reading has distinctly deteriorated. Newspapers find it necessary to play to the groundlings and the gallery, pandering to the lowest tastes because the lowest tastes pervade the biggest multitudes. And so vulgar sensationalism has taken the place of sober earnestness. Instead of being the instructors of the people, many of our newspapers have become mere ministers to the passions of the people.<sup>34</sup>

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<sup>33</sup> P. Joyce, *Visions of the People: Industrial England and the Question of Class, 1848-1914* (Cambridge, Cambridge University Press, 1991) pp.41-2

<sup>34</sup> W.E. Adams, *Memoirs of a Social Atom*, Vol.2 (London: Hutchinson 1903), p.584

The latter half of the nineteenth century was a period of newspaper expansion which saw the beginning of daily or weekly papers in almost all urban centres of the country.<sup>35</sup> Nationally, the *People* was first printed in 1881, the *Daily Express* in 1900 and the *Mirror* in 1903.

Victoria Berridge argues that these publications came about as business ventures which relied on sensationalism rather than political comment in order to boost circulation and profits.<sup>36</sup> Their hallmark became a populist, unsophisticated approach to any issue that was at odds with the often-right-wing opinions of owners or editors. Popular newspapers since then are perceived as being ‘predictable, trivial, unsophisticated, usually politically and socially conservative and prone to episodes of irrational sensationalism’.<sup>37</sup> It has been claimed that the popular national press oversaw a move away from serious political reporting and debate, common to most publications prior to the 1880s, to an approach based on entertainment, trivia and the lauding of celebrity. Strident imperialism during the Boer War was evident in most of the popular press as was jingoism throughout the First World War.

Provincial newspapers, on the other hand, took on a different role and they flourished. An article in the *Printer's Register* in 1870 claimed that:

Nothing, in the history of the Newspaper Press of the nineteenth century, is more remarkable than the rapid development of provincial journalism since the abolition of the Paper, the Stamp and the Advertisement Duties. Every city, town, village, and we may almost say hamlet, has now its local organ.<sup>38</sup>

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<sup>35</sup> By 1870 the Paper, Stamp and Advertisement duties had been abolished and provincial newspapers flourished.

<sup>36</sup> Virginia Berridge, *Popular Sunday Newspapers and Mid-Victorian Society* ed. Boyce, Curren (Oxford: Allan Wingate).

<sup>37</sup> Adrian Bingham, ‘Ignoring the First Draft of History? Searching for the popular press in studies of twentieth-century Britain’, *Media History*, Vol 18, Nos 3-4, pp.311-326.

<sup>38</sup> Anon., ‘Provincial Journalistic Enterprise’, *Printers' Register*, 7 March 1870, p.49.



The sale of provincial newspapers quickly far surpassed those of the London press. In 1856 there were 370 provincial papers compared to 152 London publications.<sup>39</sup> Edward Baines MP, speaking on the Second Reading of the Franchise Bill in 1864, pointed out the dramatic rise in literacy among the working classes showing England ‘to have become one of the best educated countries of the world’.<sup>40</sup> As evidence of that fact he referred to the sale of newspapers.<sup>41</sup> London newspapers sold 205,000,000 copies compared to 340,000,000 provincial newspapers. London newspapers were an important part of the developing age of mass communication, but provincial newspapers exerted a greater influence on nineteenth century culture than books or magazines. Buyers and readers of newspapers preferred local to national ones well into the twentieth century.<sup>42</sup> But the study of newspapers by historians had, up until the 1970 s, been largely focussed on the London based ‘quality’ press whose records were easily available and who are assumed to have been more concerned with serious issues of the day. Provincial newspapers were more likely to have been ignored or disregarded, viewed as an inferior version of the Metropolitan press, less significant, more concerned with local topics rather than serious debate. More recently though, historians such as Frank Mort, Adrian Bingham and others<sup>43</sup> have begun to stress the importance and the effects of the alternative popular newspaper media:

Historians, myself included, have long bemoaned the lack of serious studies of twentieth-century popular and middle-market newspapers; commercially driven products that exert enormous impact not only on entertainment and leisure patterns, but also on mass politics as a component of everyday life.

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<sup>39</sup> Andrew Hobbs, *A Fleet Street in Every Town: The Provincial Press in England 1855-1890.*, (Cambridge: Open Book Publishers, 2018).

<sup>40</sup> Edward Baines, *Second Reading of the Borough Franchise Bill*, HC Deb 11 May 1864 vol. 175 cc285-351.

<sup>41</sup> In comparison, during the same period Berlin had more than fifty daily newspapers and ‘small and impoverished Serbia had 24 dailies.

<sup>42</sup> Andrew Hobbs, *A Fleet Street in Every Town*.

<sup>43</sup> Lucy Brown *Victorian News and Newspapers* (Oxford: Oxford University Press, 1985); Aled Jones, *Powers of the Press* (London: Routledge 2016) and Alan J. Lee, *The Origins of the Popular Press in England* (London: Rowman and Littlefield, 1976).

[...] because an understanding of the dynamic role played by varied generic treatments of this kind can provide historians with more precise tools for reading the meanings that journalists and editors disseminated into the field of popular culture and beyond.<sup>44</sup>

Neil Ferguson described the First World War as the ‘first media war’.<sup>45</sup> Newspapers, in general, are a useful source of First World War research but local newspapers have proved essential for this thesis. Not only have they provided the statistical evidence (see Chapter 4) for many of the challenges to previously held assumptions on Tribunals but they have substantially added to the overall picture of the process of appeal after 1916.

John Tosh states unequivocally that ‘the most important published primary source for the historian is the press’.<sup>46</sup> Tosh argues that newspapers are invaluable for the study of history in a number of ways. Firstly, they are a written record of what was viewed by the buyers and readers of that newspaper as the important political and social values of the time. This may vary according to the political viewpoint of the newspaper and, more importantly, its targeted market. Provincial newspapers were popular because they ‘built upon, and built, local and regional identities’.<sup>47</sup> This emphasis on local and regional identities helped to develop a sense of ‘place’ among their readers:

We base ourselves somewhere in the world, for family, work or social reasons. We develop affinities with some places where we come to consider ourselves ‘local’, part of a ‘community’ or felt a sense of ‘place’; place is not just a thing in the world but a way of understanding the world.<sup>48</sup>

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<sup>44</sup> Frank Mort, ‘Intellectual Pluralism and the Future of British History’, *History Workshop Journal* No. 72 pp. 212-221, p.215.

<sup>45</sup> Neil Ferguson, *The Pity of War* (London, Penguin Books, 1998) p.212

<sup>46</sup> John Tosh, *The Pursuit of History* (Routledge 2015), p.98.

<sup>47</sup> Andrew Hobbs, *A Fleet Street in Every Town*, p.9.

<sup>48</sup> Kirsty Hess and Lisa Waller, *Local Journalism in a Digital World: Theory and Practice in the Digital Age* (London, Palgrave, 2017), p.vi.

People before the Great War defined themselves by ‘neighbourhood, workplace, town, region, religion and nation’.<sup>49</sup> Local newspapers were, and are, a day to day journal, a contemporary record of the life of a community. This emphasis on community reporting is a marked feature of local press - their *raison d’être* - reading the local paper was a social and ritual activity.<sup>50</sup> During the war this sense of community was heightened and the ‘desire to know’ – not least to know of family and friends caught up in the conflict - became paramount. Remembering of course that the British regular army was based on a locally based regimental system with local recruitment, while, following the Haldane reforms of 1911, each regiment was supported by locally manned Territorial battalions (four battalions in the case of the West Riding’s local regiment, the Duke of Wellington’s). If we add to that mix of seven thousand local men the other three thousand who responded to Kitchener’s call in 1914 and 1915 (they formed the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Service battalions of the Duke’s), and the subsequent tens of thousands of men who either enlisted or were conscripted between 1914-1918, almost all families in the region had a personal and very direct involvement in the war and a need for information. Local newspapers were an essential part of that information flow. In previous conflicts – the Crimean and South African wars – the national press had been able to influence government and military conduct through their detached criticism. By 1914 that role had been supplanted by one which made them an important tool for the nation in imparting an officially vetted version of news concerning the war – Ferguson describes newspapers as ‘a weapon of war’ in their capacity as a channel for state propaganda.<sup>51</sup> All sides in the conflict recognised the power of the press:

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<sup>49</sup> Patrick Joyce, *Visions of the People: Industrial England and the Question of Class 1848-1914* (Cambridge University Press, 1994).

<sup>50</sup> Clyde Howard Bentley, *Make my day: Ritual, dependency and the habit of newspaper reading* (University of Oregon. ProQuest Dissertations Publishing, 2000. 9978247).

<sup>51</sup> *Pity of War*, p.212

Today, words have become battles. The right words, battles won; the wrong words, battles lost.<sup>52</sup>

But local newspapers reflected and published the concerns and cares of the community. They asked for, and put into print, letters from the front, many of them describing the horrors of war in graphic detail. Letters pages would carry correspondence on the rights and wrongs of conscription; full articles would carry details of local men who had been wounded, or who had been awarded gallantry medals, or who had been promoted. Put together, they transmitted, to a civilian audience, a detailed and accurate picture of life in uniform and the war. That same level of local detail was applied to the manifestations of war in the community. The reports on local war hospitals, the shortages, or otherwise, of food products, the local perspective on government initiatives and the weekly reporting of the Local Military Service Tribunals.

Those involved in producing, writing and editing local newspapers were themselves part of the locality and were far more likely to be known and recognised by their readers thereby instilling a more accountable and more trustworthy approach. Members of the press would have been known personally by many on the Tribunal panels whose paths they would have crossed in the normal course of town life, as would the editors and the owners of the newspapers. This mattered when it came to the reporting of Tribunal sessions. The men appearing before the panel were not 'strangers', they were neighbours and part of the community, just as much as the figures who decided their fate and the people who wrote

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<sup>52</sup> Ludendorff, quoted in George C. Bruntz, *Allied Propaganda and the Collapse of the German Empire in 1918* (Stanford / Oxford 1938), p.3

and recorded their words and actions. For these reasons, this thesis has made full use of local sources and relied heavily on local newspaper accounts of Tribunal sessions.<sup>53</sup>

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<sup>53</sup> Cyril Pearce in his book *Comrades in Conscience* relies heavily on accounts of tribunal sittings in *The Worker*, which described itself as the ‘organ of the Huddersfield Socialist Party’. He also makes use of *The Yorkshire Factory Times* and the journal of the No Conscription Fellowship, *The Tribunal*.

## Tribunals and the local press

Newspaper reports, articles and comments form the bulk of the sources referred to in this study though reference will be made to the few surviving files, folders and Minute Books in local archives, Newspaper journalism may well be the first draft of history but drawing historical conclusions from newspapers can be difficult. Newspapers, of course, are sources written by other commentators and storytellers for a whole variety of reasons, few of which are concerned with posterity, or even at times, it has to be said, truth or accuracy. But this is a statement far more likely to be directed at the national popular press rather than local provincial newspapers. Every local newspaper and other publications printed daily updates, articles and commentary on the war. The local press in the West Riding reported on twelve Tribunals in the immediate area of Huddersfield and district: Honley, New Mill and Holmfirth in the Holme Valley; Marsden, Slaithwaite, Linthwaite, Golcar and Meltham in the Colne Valley; Shepley to the east of Holmfirth and Huddersfield itself. There was one Tribunal meeting held at Holme Village on 25 March 1916, just one session in Meltham on 25 February 1916 and a single hearing at South Crossland on 24 February 1916. These three single Tribunal sessions have been ignored in the following chapters. Most but not all of the hearings of the Tribunal sittings were reported upon, often by several newspapers. The *Holmfirth Express* would print full coverage of Tribunal meetings in Holmfirth and New Mill but would only occasionally report on others in the immediate area. The *Huddersfield Daily Examiner* reported on its own town meetings but would also comprehensively cover the small townships surrounding Huddersfield which had their own Tribunal hearings – Honley, Golcar, Slaithwaite, Linthwaite, Marsden and Shepley. When people in Huddersfield and Holmfirth read the regular reports of the Tribunal hearings they were often reading about people they knew personally - neighbours, fellow churchgoers, or members of the same voluntary groups. This was particularly so in the even smaller townships to the south of

Huddersfield. The same was also true of the members of the panels themselves. Many of them were councillors, with a majority of them being skilled working-class men, who, on a regular basis, would have had to solicit votes, attend public meetings, and speak to the people they represented. Others were local retailers with a customer base, or employers and equally well known in the district. Some of these employers had started their working lives on the shop floor and were known for their paternalistic approach to their own workers. No one was faceless. They were part of the community. All belonged to a place, though not everyone agreed that this was a virtue. Esher (Reginald Brett, 2<sup>nd</sup> Viscount Esher, *éminence grise* of the Liberal Party) wrote to Asquith to complain of the leniency of rural Tribunals:

[...] all proceed on the assumption that a man's first duty is to his business, whether it is that of a farmer or an employee in any trade that he mainly runs [...] This view is quite natural when it is realised that the Tribunals are composed of the applicants' neighbours, and the military representative is also a neighbour and possibly a friend [...] it is the line of least resistance for any committee.<sup>54</sup>

Esher, from the viewpoint of a national politician, illustrates the opposite interpretation of local Tribunals. This is where localism and the centralised state clash. His was an idealistic, imagined picture of what the nation should be, whereas Tribunals were concerned with the complex reality of the individual. For Esher, as for many others in high political and military circles, Tribunals had one duty only and that was to provide men for the army. This centralised view was at odds with how LMSTs and the community of the West Riding understood and carried out their role.

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<sup>54</sup> *Esher Papers*: ESHR 2/15, letter to H.H. Asquith, 17 March 1916, quoted by Simon Heffer, *Staring at God* (Random House Books, 2019).

Some newspapers such as the *Colne Valley Guardian* refused to publish any details at all of local LMST hearings and heavily criticised other newspapers for publishing accounts of appeal hearings. The paper made the highly relevant point that private and sensitive business information was likely to be revealed under questioning during an appeal hearing. Not just revealed but revealed to members of the Tribunal who might follow the same trade or profession and could, in theory, take advantage of the information. A local butcher, for instance, might lose his appeal and be forced to sell his profitable business at a discount price. Advance knowledge of that sale would be useful to anyone in the same trade. More importantly, it pointed out that anonymity might be achievable in large towns or cities but in small places and country districts everyone knew who the appellants were:

They have done nothing wrong that they should be pilloried in the press and made the butt of idle and mischievous gossip [they] are exposed to the underserved indignity of taproom Tribunals and door-step discussions.<sup>55</sup>

But appeal hearings did not take place in a vacuum. Friends, family and workmates would all know about and discuss a man's appeal, and despite the *Colne Valley Guardian's* reservations, all other local newspapers fully reported LMST meetings. By doing so they extended the community's social networks. Acting as a focus for public debate, a sounding board for grievances or demands for action helped to create a public space to discuss the detailed workings and decisions of the military appeal system within the community. And that community in the West Riding was largely working-class. Where the national press would tend to portray the working-class as the 'other', local newspapers recognized that the

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<sup>55</sup> *Colne Valley Guardian*, 3 March 1916. Not that there was ignominy involved in the act of appealing or opprobrium from one's neighbours. In fact, given the numbers of men who made an appeal it would appear that the most common response to notice of conscription was not acceptance of the fact but to make an application for a hearing at the local tribunal.



working-class was structured, at its most basic, between ‘respectable’ and ‘rough’ citizens. Newspapers would often confer status on local readers by using dialect. Editors of local papers made good use of verbatim reporting of dialect speech, particularly as working-class literacy increased, as a means of uniting a community and emphasising a sense of belonging – ‘this man is making summat out of nowt, and a man who can do that is valuable to the country’.<sup>56</sup>

Newspapers either published reported speech or used the writers’ own words or printed especially written literature. The *Holmfirth Express* was an enthusiastic user of dialect:

Sitha! Trains comin’ daan into th’ station,  
 Tha’ll afta get ready to start;  
 Let’s hev hod o’ thi hand whol thar wi mi,  
 And gi us a kuss afoor wi’ part.  
 O’m husky wi talkin’ so mitch, Jim –  
 (Now, lad, O’m nooan beaan to cry:  
 Bit o’ muck gettin into mi eye, Jim) –  
 Nah, God bless yo, my son! - Good-bye.<sup>57</sup>

This kind of inter-action and construction of shared regional identities between newspapers and their readers was confirmed through the letters page. Having a letter published gave readers a certain status within the community. Editors, of course, would make conscious choices to choose letters which supported an editorial line, or letters that contributed to an on-going debate, as can be seen by the opposing views expressed in the following examples from the *Huddersfield Daily Examiner*:

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<sup>56</sup> *Huddersfield Daily Examiner* 13 August 1917, Alderman Blamires, Chairman of the Huddersfield Tribunal commenting on the appeal for exemption by a dealer in scrap metal.

<sup>57</sup> *Holmfirth Express* January 5, 1918.

Sir, I am a member of the 'No-Conscription Fellowship' as I am conscientiously opposed to take part in the wholesale murder of my fellow-men [...].<sup>58</sup>

Sir, [...] The man who shoots a mad dog is a peacemaker. The pacifist is he who runs into the nearest shop and shuts the door [...].<sup>59</sup>

Sir, [...] Can we, as a nation, go on with sport whilst our comrades are amongst us, returned from the battlefield, sightless and limbless, while some never returned at all.<sup>60</sup>

That is not to deny that local, provincial newspapers also had extensive coverage of national or international topics, but they were far more likely to be concerned with reporting and commenting on local issues. Press coverage of what were seen to be important local issues was paramount even though these issues could vary considerably from community to community, even ones just a few miles apart. Editions of the *Huddersfield Daily Examiner* were just as likely to contain whole columns on parliamentary proceedings as on local council or church events, reflecting the interests of its large urban readership. Its neighbour the *Holmfirth Express*, meanwhile, was happy to provide full copy on the workings and meetings of the various anti-war groups, the Independent Labour Party and the No Conscription Fellowship, in order to satisfy the interests of its own readers. Not all local newspapers thought the same. Cyril Pearce quotes George Thomas, editor of socialist newspaper *The Worker*, who railed against:

The amazing submissiveness of the workers and the tremendous unrequited sacrifices they are making in the belief that they are helping their comrades who are manning the trenches in Flanders.<sup>61</sup>

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<sup>58</sup> Ernest Victor Quarmby, *Huddersfield Daily Examiner*, 20 January 1916.

<sup>59</sup> Sergt. L.G.H. Lee, *Huddersfield Daily Examiner*, 2 February 1916.

<sup>60</sup> 'A local non-commissioned officer', *Holmfirth Express*, 8 May 1915.

<sup>61</sup> *The Worker*, 15 May 1915. Cyril Pearce, *Comrades in Conscience*, p.91.

They were not ‘comrades’ - they were husbands, brothers, sons and friends.

But, of course, there are serious limitations to the amount of information able to be gleaned from newspapers on such a sensitive subject as Tribunals. In the first instance, all publications were guided by the strict censorship laws of the Defence of the Realm Act – ‘No person shall by word of mouth or in writing spread reports likely to cause disaffection or alarm among any of His Majesty's forces or among the civilian population’. Regulation 27 of the Act specifically prohibited newspapers, periodicals or any other printed form from publishing anything ‘intended or likely’ to undermine confidence in recruitment.<sup>62</sup> While reporting on Tribunals would be unlikely to fall foul of such laws, reporters needed to be aware of them, particularly if cases referred to were involved in munitions production, or army units. Not every case appearing before a Tribunal panel would be reported on. Editors would make a choice. Different newspapers reported Tribunal hearings differently but all, understandably, would emphasise the more ‘interesting’ cases:

There was little business of public interest at the Marsden Tribunal on Monday. There were ten applications, of which five, made by an employer for single men, were withdrawn. Four temporary exemptions upon domestic grounds were granted, and the remaining application was refused.<sup>63</sup>

Each newspaper adopted its own particular method of reporting. Some, such as the *Colne Valley Guardian* mentioned above, refused to cover the hearings at all, believing that reporting on the workings of the Tribunals was an infringement of an individual’s privacy. Others printed full details of each case, including names, addresses and employment. Most

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<sup>62</sup> Both France and Germany had similar censorship laws. France set up a Press Bureau on 3 August 1914 partly to prevent any publications that might be detrimental to good order or anything relating to military operations that had not been officially authorized. Germany renewed a law of 1851 that suspended ‘the right to express opinion freely by word, print or picture’.

<sup>63</sup> *Huddersfield Daily Examiner*, 5 April 1916.

newspapers though simply published bare details, omitting his name but specifying the man's occupation and whether his appeal was based on domestic, occupational, health or conscientious grounds as well as the decision reached as to his fate. Men making appeals on the basis of conscience would almost always feature in the newspaper report whereas 'twenty weavers' might only be mentioned in passing. Men who appealed on domestic grounds, particularly those who had aged, or handicapped or ill parents, would be written about more frequently than those appealing on occupation grounds, despite appeals on the grounds of jobs or business being much more prevalent. Hearings where voices were raised, arguments or disagreements pursued or where humour of some description had occurred were usually covered in full. Instances where members of the panel or appellants had spoken in dialect were usually included:

Sir William Raynor: Nine children! Get off home lad. I think we ought to give him as much protection as we can.<sup>64</sup>

Most problematic for a researcher in this field lies in the basic issue of numbers – how many men did actually appeal against their conscription? Unfortunately, there is no exact count for the men who made applications at Local Military Service Tribunals. The remaining documentary evidence is sparse and fragmentary. Those few Minute Books that still survive can offer no more than a glimpse of the huge number of appeals made. Many men appeared more than once; some multiple times.<sup>65</sup> Applications were often made in batches of men of the same occupation or the same place of employment; this was common in the first few months of 1916 and became recommended practice in 1918. In the absence of primary sources, newspapers provide some kind of an answer, albeit a limited one. Most newspaper

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<sup>64</sup> *Huddersfield Daily Examiner*, 29 July 1918.

<sup>65</sup> This was certainly true of men who were granted temporary exemption of (usually) three months. It was expected that they would re-apply at the end of that period. Occasionally, Tribunals, when granting an exemption would make it clear to the claimant that this would be the last extension.

reports would suggest that ‘many’ applicants were heard, or ‘only a few this evening’. The *Holmfirth Express* was an exception. All newspaper reports of the Holmfirth meetings would give the exact number of cases to be heard but only publish details of a few of them.

The Holmfirth Military Tribunal met at the Holmfirth District Council Offices last Wednesday evening, and were engaged three hours inquiring into claims for exemption from military service [...] Twenty-five cases were dealt with, and a number of interesting points were discussed as to the indispensability or otherwise of applicants associated with various trades.<sup>66</sup>

In order to gain some idea of the numbers involved at each session the following simple formula has been applied to all Tribunals mentioned in this thesis. We have some idea of the figures for the Huddersfield Tribunal but none for any of the others mentioned in this study. Taking the numbers quoted in the *Holmfirth Express* and dividing by the number of meetings gives an average of thirty-two appellants at each hearing. We know from the Minute Books of the Birstall Tribunal (see p. 256) that a usual time of ten minutes was allowed for each appeal; a four or five-hour session of the panel would, in theory, deal with 24-30 men. But employers would often make appeals for groups of men which may well have been dealt with in shorter time. Other individual, more complicated cases where more questions were asked would have taken longer. In the end, an average of thirty-two is probably a reasonable number. This number has been applied to all Tribunal sessions mentioned in the study and in the statistic tables.

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<sup>66</sup> *Holmfirth Express*, 22 February 1916.

## From ‘incompetents’ to ‘gentlemen’ - The changing perception of the Tribunal system

Until quite recently the prevailing historical view of LMSTs was epitomised by that of A.J.P.

Taylor who saw no merit in any part of the Tribunal system:

The Tribunals were composed of the elderly and retired, unsympathetic to all young men and especially unsympathetic to conscientious objectors. Many of the claims, muddled no doubt and incoherently expressed were rejected.<sup>67</sup>

Or, as one popular journal of the time put it:

Tribunal – Formerly a court of justice. Now a collection of local celebrities who send other men’s sons into the army.<sup>68</sup>

Taylor’s view was based largely on the arguments which had been put forward by the anti-war, anti-conscription movement during 1916-18 and the various post-war writings of the men involved. The No Conscription Fellowship, the largest and most voluble political pressure group against the Military Service Act, had adopted a secular and adversarial approach to conscription but managed to find common ground with a large, religious, anti-war movement – the Quakers. The NCF became allied to the Friends Service Committee.<sup>69</sup>

From then onward [summer of 1915] the affection between the NCF and the Society of Friends broadened and deepened until the two widely differing organisations became inseparable in the fight against conscription, while the war lasted.<sup>70</sup>

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<sup>67</sup> A.J.P. Taylor, *English History 1914-1945* (Oxford: Oxford University Press 1965), p.54.

<sup>68</sup> *The Passing Show*, journal 1916.

<sup>69</sup> Thomas Kennedy has written about the divisions and arguments between the NCF and the Quaker groups. ‘Fighting About Peace: The No-Conscription Fellowship and the British Friends’ Service Committee, 1915-1919’, *Quaker History*, Volume 69, Number 1, Spring 1980, pp. 3-22.

<sup>70</sup> J.W. Graham, *Conscription and Conscience: A History 1916-1919* (London: George Allen & Unwin Ltd. 1922), p.183.

Members of the NCF and other labour and socialist groups who were opposed to conscription and the Tribunal system would monitor Tribunal hearings, publicise what they considered to be wrong decisions, and, through their political connections, ensure that hostile questions were asked in Parliament.<sup>71</sup> Philip Snowden, Labour MP for Blackburn, was part of a prominent Labour and Quaker parliamentary group which opposed conscription and regularly raised issues of decision-making by LMSTs. This parliamentary group would respond to the information passed on by anti-conscriptionist supporters and would ask detailed questions:

[...] what action he proposes to take upon the action of the Gravesend Local Authority and the Eccles Local Authority, both having, since the Military Service Act became law, dismissed from their employment men who have refused to enlist on the ground of conscientious objection?<sup>72</sup>

Studies of resistance to conscription on a local scale has shown how left-wing and labour groups would co-operate in setting up networks to help fugitives from conscription to evade arrest and to widely publicise the trials of individual conscientious objectors who were then portrayed as heroes.<sup>73</sup> Cyril Pearce describes how various factions of the anti-war movement bonded together in their opposition to the state's 'front line troops: the Tribunals, the police, the army and prison-warders'.<sup>74</sup> As these dissenting organisations became more vocal and more effective throughout 1916 and 1917 their published literature helped to develop the concept of the LMST as part of the

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<sup>71</sup> There were also of course supporters of tribunals: 'I think that any criticism of the Local Tribunals is unjust. The Advisory Committees in the first place are doing extraordinarily good work. They are all gentlemen who are ready without reward of any sort or kind to give an enormous amount of their time to the consideration of these cases.' The Earl of Derby, HL Deb 02 March 1916 vol 21 cc267-92267.

<sup>72</sup> Mr. Snowden, HC Deb 17 February 1916 vol 80 cc226-7227.

See also: Mr. Outhwaite, HC Deb 24 February 1916 vol 80 cc789-92; Mr. Anderson, HC Deb 02 March 1916 vol 80 cc1177-8059.

<sup>73</sup> Cyril Pearce, *Comrades in Conscience*, (p.136).

<sup>74</sup> *Ibid*, p.136.

uncaring and devouring military machine, another cog in the wheels of the all-powerful state that cared little for the ordinary man.<sup>75</sup> Tribunals came to be viewed in much Great War historiography - particularly those written from an anti-war political or pacifist perspective - as a state-supporting component of the compulsory recruitment policy rather than what they were (and how they were largely viewed at the time) as independent, local bodies, representative of their communities. Anti-war and anti-conscriptionist groups argued that Tribunals were ‘enemies of individual liberty, the essence of the tyrannical state’.<sup>76</sup> Clifford Allen, Chairman of the No Conscription Fellowship, called Tribunals an ‘evil system’ and declared that striving to overthrow conscription was an act of citizenship.<sup>77</sup> The view that Tribunalists were both ignorant and un-Christian grew from the publication of a number of books written in the 1920s by men who were anti-war and who had themselves resisted conscription. John W. Graham in his 1922 book *Conscription and Conscience*, for instance, recorded:

But the Tribunals, as we have seen, were generally selected from such local notabilities as had shown great interest in recruiting under the Derby scheme, and such members of the Labour Party as supported the war. Then the impossible became the tragic. Suspicious to begin with, appalled by the number of conscientious objectors, blankly ignorant often of the psychology of the Christian or non-Christian idealist, and groping about with a lack of positive evidence, the Tribunals fell back on their prejudices. When the result was in doubt, it would seem that the verdict of the Tribunals generally went against the applicant. It should, I submit, have gone the other way.<sup>78</sup>

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<sup>75</sup> Lord Derby argued against publicity for COs: ‘I deprecate very much the publication in the Press of some of the cases of conscientious objectors. I think it very often provides an excuse for somebody to become a conscientious objector who has not hitherto thought of it’.

<sup>76</sup> Adrian Gregory, *Military Service Tribunals*.

<sup>77</sup> John W. Graham. Preface to *Conscription and Conscience: A History 1916-1919*, (London: Allen and Unwin, 1922) p.16.

<sup>78</sup> Ibid p.68. See also: David Boulton, *Objection Overruled*; Bert den Boggende, Reluctant Absolutist: Malcolm Sparkes’ Conscientious Objections to World War 1, *Quaker Studies*, Volume 10, Issue 1, Article 5, 2006.



The men and women who served on Tribunal panels were ‘bodies of amateurs’, or ‘scratch bodies enjoying a brief tenure of power over their fellows’. Tribunals were ‘a branch of local government, especially autocratic in its unfettered powers, and dealing with a region of thought and conviction, to which its members were usually strangers.’<sup>79</sup> In fact most of Graham’s criticisms of the Tribunal system can be explained, at least for the first few months of their operation, by the very amateurishness he subscribes to them. These were well-meaning, well-intentioned, patriotic local volunteers, rapidly learning and applying an unknown and untried system of conscription. He complains of their lack of-uniformity, ignoring the fact that each panel was responding to local priorities. He calls them ‘painful places’ and attacks individual panel members for their rudeness – ‘Do you ever wash yourself? You don’t look it’. Rudeness might be inexcusable, but it was probably understandable at times. Panel members faced with the intractable difficulties of deciding on issues of conscience were often confronted by young men who had been carefully and comprehensively schooled in how to respond to questioning. Every night in Manchester at the Friends Institute, for instance, thirty to forty young men were coached in details of Tribunal procedure, how to fill in the forms detailing their objection to enlistment, and how to make the correct responses. When faced with the inevitable question of ‘what would you do if a Hun attacked your mother?’ for example, they were advised to make a careful statement about the difference between a policeman and a soldier, and to talk about their opposition to force in wartime and against all use of force in general.<sup>80</sup> Anti-conscription and pacifist groups had carefully studied the workings of individual Tribunals and had prepared various strategies for their members when appearing there:

You can only work a Tribunal system if the Tribunals have to deal with applicants who can be examined and sorted, rejected and exempted,

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<sup>79</sup>Ibid p. 69.

<sup>80</sup> Ibid p.75.

according to their opinions on Pacifism and warfare. They are unworkable, if they are faced by a mere bald assertion that the applicant entirely denies the right of the State even to introduce conscription, and by a refusal to acquiesce in any of its provisions.<sup>81</sup>

Either the Tribunal granted exemption on the grounds that the man simply objected to conscription thereby widening the reasons to grant total exemption to the point where the process became unworkable, or the man was ‘persecuted’ vigorously, in which case the whole Tribunal system was brought into disrepute. In Graham’s book the working-class are treated with some disdain. A working-class man making an appeal is ‘a farm labourer, perhaps’, met with the ‘icy manners’ of the panel. He is ‘inarticulate with nervousness’, making out ‘a poor case’, with the result that he ‘might suffer three years hard labour, if he survived to the end’. Conscientious objectors, on the other hand are men with ‘an individual sense of rightness and wrongness’, part of one of ‘the great rebel movements in history’.

Unsurprisingly, during the post-war period those men who had been involved in the Peace movement went on to write about their experiences and, perhaps understandably, were generally dismissive of the Tribunal system and the men and women who served as Tribunalists. Many were members of the NCF, the Independent Labour Party or were Quakers and most of those who wrote of their background had been conscientious objectors.

Thomas Kennedy, who had spent considerable time in prison for his conscientious objections and was influential in the NCF, dismissed Tribunal members as ‘middle-class, middle-aged, without judicial experience, and notable for their zealous support of the war’.<sup>48</sup> This dismissive interpretation of Tribunals and panel members was still being voiced some twenty years later. In the debate on the Military Training Bill, on 4 May 1939, Edmund

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<sup>81</sup> Ibid pp.17-18.

Harvey, MP for Leeds West and a well-known Quaker and social reformer, brought up the ‘injustices’ of the 1916 Act, referring to cases against conscientious objectors:

That shows how completely the machinery of the old Act failed largely because of the prejudice, ignorance and inexperience of many of the members of the Tribunals.

But then, rather contradicting his earlier remarks, he went on to say:

But there again, no machinery can avoid injustice altogether. There is no machine which this House or any other House can set up for judging the consciences of men that can be satisfactory. There must be hardship and sometimes grave injustice even under the best conditions.

The debate of the ‘problem’ of conscientious objection did more to shape the view of LMSTs than any other issue despite their numbers comprising less than one percent of the total number of appeals. Adrian Gregory states that the poor reputation of the Tribunal system ‘owes more to the martyrology of conscientious objectors than to social reality’.<sup>82</sup>

The accusation of maladministration was conveniently directed at Tribunals by government and military to hide their own part in what John Rae calls ‘the muddle’.<sup>83</sup> Cyril Pearce in his comprehensive micro-history of conscientious objection in one small locality continues this theme. While Tribunals, by their very nature, were ‘muddled, inconsistent, prejudiced and unjust’ the debate lies in whether this was the fault of the Tribunal members themselves or of the system that created them.<sup>84</sup> Pearce argues that the introduction of tribunals and conscription actually provided a boost for those opposed to the war and helped the various groups to focus and to

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<sup>82</sup> Gregory, *Military Service Tribunals*.

<sup>83</sup> John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service 1916-1919* (Oxford: Oxford University Press, 1970).

<sup>84</sup> Pearce, *Comrades in Conscience*, p.136.

eventually coalesce into a much more effective movement.<sup>85</sup> By confronting a common ‘enemy’, the various anti-war groups were themselves strengthened. They were, in fact, attacking and seeking to abolish the very system that sustained them. Clifford Allen, leader of the Independent Labour Party in 1916, wrote on the eve of his arrest ‘I am glad we Socialists have been involved in this business: it has given the Socialist Movement its great chance’.<sup>86</sup> Neither were the military themselves particularly enamoured of the tribunal system. Representatives of the armed forces and prominent pro-conscriptionists complained that the tribunal system had failed in what the War Office saw as its primary duty - to provide conscripts for the army. Of the 1.2 million single men of military age in 1916 who were deemed by the Military Service Act to have enlisted, approximately 750,000 applied for exemption; by April 1917 some 779,936 men were possessors of exemption certificates.<sup>87</sup> The military blamed LMST panel members. Field Marshall Sir Henry Wilson, who acted as an informal military advisor to the Prime Minister in 1917, dismissed Tribunal panel members as:

[...] local men who owed their position to local popularity and local influences and who have had neither training in judicial or imperial matters nor that experience in official administration which develops the judicial facility and the instinct of placing the affairs of the Nation first.<sup>57</sup>

It took nearly fifty years, another world war and a completely different system of conscription before a more nuanced interpretation of the tribunals of the Great War was available. John Rae in *Conscience and Politics* published in 1970 is much more sympathetic to the view that mistakes made by Tribunals when dealing with the difficult issue of

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<sup>85</sup> The anti-war movement had been divided and ineffective in 1914. The Liberal anti-war newspapers had denounced the possibility of war but changed their editorial policy once war had been declared; Ramsey MacDonald failed to carry the Labour Party with him and resigned; the ILP opposed the war, as did the leftist intellectuals who formed the Union for Democratic Control but had little popular support or following.

<sup>86</sup> City of London ILP/V/109.

<sup>87</sup> *Statistics of the Military Effort of the British Empire*, p.369.

conscientious objectors were usually the result of well-intentioned men and women struggling to interpret ambiguous legislation. Whilst there may well have been prejudice by some members on some panels, most questionable decisions were far more likely to be the result of administrative or judgemental errors committed by newly formed panels of laymen and women, few of whom would have judicial experience.<sup>88</sup> Accepting that the tribunals' reputation for ineptitude was based solely on their dealings with conscientious objectors, it is important to point out that panel members were chosen for their general qualifications, not their specialised legal knowledge, and that they were having to deal with four grounds for exemption, not just one. The largest number of appeals by far in the Holme and Colne Valleys were those based on occupation, and the given reasons for these claims will be further explored in Chapter Four dealing with case studies.<sup>89</sup> This study, moreover, will add to the argument that many of those appeals were by men who were reluctant, but not opposed, to donning uniform and were seeking short periods of exemption in order to put their affairs in order.

Over the last few decades, some historians have abandoned this emphasis on the compulsion/anti-war element of the tribunal system and have attempted a much broader explanation of their role. Adrian Gregory has referred to the previous emphasis on the cases of COs and argues that the workings of the tribunal system should not be obscured by the contentious issue of conscientious objection.<sup>90</sup> This study will make little reference

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<sup>88</sup> 'There is no doubt that the Tribunal members made errors of judgement and administration, and that these errors were sometimes inspired by prejudice, but when the work of the Tribunal is seen in the context of conscription as a whole, the limitations of the Tribunal members seem relatively unimportant'. John Rae, *Conscience & Politics: The British Government and the Conscientious Objector to Military Service 1916-1919* (Oxford University Press, 1970), p.94.

<sup>89</sup> Gregory in *Military Service Tribunals* quotes the figures for the Banbury Tribunal in 1916 where 40% of appeals were on domestic grounds, 40% on occupational grounds and 10% on conscientious grounds.

<sup>90</sup> Gregory, *Military Service Tribunals*.

to appeals based on conscience and will instead explore the independent position and workings of tribunals in an increasingly state-controlled nation.

John Bourne, writing the Preface for David Littlewood's book, notes the undeserved poor reputation of tribunals which have been variously described as 'engines of military oppression, treating objectors with contempt and prioritizing the need for soldiers above all else.'<sup>91</sup> David Littlewood compared the tribunals of West Yorkshire with those of New Zealand and noted the 'leniency' of many of the Yorkshire panels as they balanced the often competing demands of the military, the economy and the needs of their own localities. He mentions a number of similarities between different West Yorkshire Tribunals who, he felt, had a shared experience.<sup>92</sup> James McDermott, meanwhile, writing primarily about the men of Northamptonshire, believes that the disparity between separate tribunals, even those geographically close, was so great as to make a comparison useless.<sup>93</sup> This was certainly true of the LMSTs of the West Riding. McDermott argues that the available fragmentary statistics tell us little of the policies of each Tribunal, let alone of the whole system and that few worthwhile deductions can be drawn. 'A Tribunal', he argues, 'was a collective and therefore of unequal parts, moving haphazardly, rather than instinctively, towards consensus'.<sup>94</sup> Tribunals were 'unloved during their lifetime and unmourned following their demise'.

However, evidence presented in this study will show that the many of these previous assertions did not apply to the nine tribunals examined of the Holme and Colne Valleys. This thesis will show that independent local bodies had the power to confront, disagree with

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<sup>91</sup> Preface to David Littlewood, *Military Service Tribunals and Boards in the Great War*, (London: Routledge 2018).

<sup>92</sup> David Littlewood, *Military Service Tribunals and Boards in the Great War*, (London: Routledge 2018).

<sup>93</sup> McDermott, *British Military Service Tribunals*.

<sup>94</sup> *Ibid* p220.

and influence government policy on behalf of those who appeared before them. When men who had previously been rejected from enlistment on grounds of ill-health were ordered to be medically re-examined and passed fit for service, it was to the tribunals that they turned to for help in overturning the injustice. Historian Ilana Bet-El, has looked at the men who were conscripted and describes them as passive actors in the drama, swept along by the forces and demands of the state.<sup>95</sup> This was rarely true of the Tribunal meetings detailed in Chapter Three. Men who appeared before the panels in West Yorkshire appeared to have had no problems in stating their views or opinions. Appellants before the panel were given every opportunity to present their case themselves, or by a friend or family member, employer or solicitor. Those making an appeal were certainly capable of making their objections to conscription known, as the following example demonstrates:

I don't care, I am going to speak my mind! I have a right to speak. Are you going to send the single men to the colours? I hear you have a man with four children, and you are letting single men off. If you are going to carry the Tribunal on this way you might as well break the job up and have conscription. If I go tomorrow I shall not be a bit of good to the military authorities. I will tell you that!

The Chairman: You have leave to appeal.

Applicant: I have leave to appeal, have I? If I had been a man of money you would have given me three months, perhaps six months. I am not scared of talking to you.<sup>96</sup>

This study will argue that tribunals presented a highly effective form of local voluntarism. They were the humane side of the bureaucratic process of enlistment and were the only opportunity for face-to-face communication for men faced with conscription. As independent, statutory bodies, part of a long tradition of local government and independent

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<sup>95</sup> Ilana R. Bet-El, *Conscripts: Forgotten Men of the Great War* (London: The History Press, 1999).

<sup>96</sup> *Holmfirth Express*, 21 October 1916.

citizenry, they were a vital part of the process of conscription. At the same time, they were prepared to challenge the state in cases they thought unjust and were powerful enough to bring about legislative change. Until they began to be more circumscribed in late 1917 and 1918 they were the strongholds of localism versus the might and power of the centralised state. Tribunals formed the largest number of instances where the demands of military centralization with its insistence on order and clarity rubbed up against the messy realities of local decision making.

It will also argue that the widely accepted view that all Tribunals were both hostile and aggressive towards all men who appealed on grounds of conscience is not borne out by the evidence available.<sup>97</sup> Tribunal panellists were members of the community and reflected all shades of opinion, including the prejudices and convictions of that community. It is also likely that, at least in the beginning, there was considerable confusion and uncertainty as to their roles. They were tasked with making critical decisions, often in just a few minutes, on men who may well have been their neighbours, fellow churchgoers, employers or employees. Very few of these panel members would have come from a background where decisions of this kind and importance had been made and none of them received any training for their role. Apart from being expected to take account of written instructions issued by the Local Government Board under the direction of Walter Long they were entirely independent and sovereign bodies, though their actions were increasingly circumscribed as the war moved into 1918. Nor were they averse from exercising that independence. That they survived and continued to function in the face of increasing animosity from some politicians, a few

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<sup>97</sup> Undoubtedly, there were members of panels who were prejudiced against conscientious objectors, just as some other Tribunalists were anti-conscriptionists - one member of the New Mill Military Tribunal represented the Independent Labour Party, while the chair of the Huddersfield Tribunal, Alderman Blamires, had campaigned against conscription before 1916. The arguments for and against the difficult issue of conscientious objection and the role of LMSTs have been extensively covered in a number of publications and this study will instead be concerned with other issues.



members of the public and most of the military by 1918 says something of the fortitude and sense of duty of the individuals involved. Walter Long, President of the Local Government Board, had no doubt of their worth:

The task set before the tribunals was obviously one of the highest importance and of extreme difficulty, and the admirable manner in which the work has on the whole been done is no small tribute to the high standard of local government attained in this country, and to the public spirit of the members of the tribunals, who have so ungrudgingly given time and effort to the decision of the large number of cases which have come before them.

## Chapter 1 – Conscription

### 1.1 The Path to Compulsion

This opening chapter examines the reasons behind the introduction of conscription.

Throughout 1915 there were numerous voices and arguments in favour of continuing the voluntary system of enlistment, including many in parliament and government. This part of the study seeks to answer the question of why a Liberal prime-minister, a self-avowed anti-conscriptionist, eventually agreed to a system of compulsion that threatened to ‘split the Cabinet, split the House of Commons, split both political parties and split the nation.’<sup>98</sup>

A fundamental issue facing all sovereign nations lies in how best to defend the state, protect its people and combat one’s adversaries. Most nations at different times have adopted a variety of military solutions, most of which have involved some form of conscription of young men of military age. Few countries have fully embraced a voluntary system of enlistment into their armed forces. Great Britain, in the latter half of the nineteenth century and up to a mid-point of the First World War, was one of the few.<sup>99</sup> By the time of the First World War it had been so long since Britain had needed to use compulsion to raise its armed forces that military voluntarism had become embedded in the national psyche. It came to be viewed as a traditional liberty and a national characteristic. In fact, the concept of a fully volunteer army had only fully existed during the Restoration and the regiments that accompanied Charles II. Apart from the occasional and temporary use of the Impressment Act to deal with the ‘problem’ of debtors, vagrants and others on the margins of eighteenth-century society, full conscription was not adopted in Great Britain until 1916. But a form of

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<sup>98</sup> H.H. Asquith, *Genesis of the War*, (New York: Doran & Co. 1923) p.139.

<sup>99</sup> The 1911 census for the United Kingdom shows 10,351,868 men aged between 15 and 45 out of a total population of 45,648,000. Even though there were 469,640 emigrants to the Commonwealth and United States in 1913, many of them young men, that still left a sizeable pool of potential voluntary recruits in 1914.

compulsion to military service in times of threat to the nation had always existed. At such times able-bodied men of military age were compulsorily balloted for military service in the Militia. This was particularly so during the eighteenth and nineteenth centuries when Britain relied upon an impressed Militia to increase the size of the armed forces. West Riding and Lancashire weavers, chosen by regional ballot, formed a large part of Wellington's army at Waterloo. Those advocates of national military service before the First World War never failed to remind their opponents that the battles of Trafalgar and Waterloo were won by conscript armies.<sup>100</sup> Despite that, there was little appetite for compulsory military service in England throughout the nineteenth century. In the periods between times of danger the primary function of the British army was to secure and maintain the growing empire and it was this role that differentiated it from its continental neighbours. Following the Napoleonic wars Britain had little need of a large standing armed force. The army numbered 138,000 in 1844, the majority of whom were stationed abroad. Edward Stanhope, Secretary of State for War in 1888, defined the purpose of the Regular Army as having four functions: the maintenance of public order; the defence of India; garrisoning fortresses and coaling stations; defence of the homeland. In terms of national importance, the Army was secondary to the Royal Navy which received the bulk of government spending. Around one-fifth of all government expenditure was spent on the Royal Navy before 1914 – more than was spent on poor relief and more than all local and government expenditure on education.<sup>101</sup> If soldiers were given the role of Imperial policemen, it was the Navy's much more important responsibility to protect the nation in times of peril.<sup>102</sup> Throughout the nineteenth century the

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<sup>100</sup> R.J.Q. Adams and Philip P. Poirier *The Conscription Controversy in Great Britain, 1900-18* (London: Macmillan Press, 1987), p. ix.

<sup>101</sup> David Edgerton, *The Rise and Fall of the British Nation*, (London: Allen Lane), p.46. Gross expenditure on Naval Services rose from £42,441,420 in 1910-1911 to £53,573,261 in 1914-1915, *Navy estimates for the year 1914-1915*, House of Commons Papers 134.

<sup>102</sup> In 1914, the government followed lines laid down during the Napoleonic Wars which emphasised maritime supremacy. "Without naval supremacy there would have been no BEF or Western Front". Lawrence James, *Warrior Race: A History of the British at War* (London: Little, Brown and Company, 2001) pp.406-7.

Army was a minor partner to the Senior Service. Neither did the Army have any particular standing in the eyes of the public. Sir William Robertson, later to become a Field Marshall, enlisted as a Private in the 16<sup>th</sup> Lancers in 1877 to the absolute horror of his mother. She wrote to him soon after his enlistment and her letter epitomizes the low esteem which many families held towards the Army:

You know you are the great hope of the family. If you do not like service you can do something else, there are plenty of things a steady young man can do when they can read and write as you can. I shall name it to no one for I am ashamed to think of it. I would rather bury you than see you in a red coat.<sup>103</sup>

Britain's nineteenth-century all-volunteer army and its individual regiments were largely composed of those who came from the lowest sections of society. A military survey of 1846 found that nearly 70% of the army's recruits enlisted because they were destitute, 20% because they had been told they would earn wages for 'loafing', and 9% because they were bored or wished to spite their parents.<sup>104</sup> Between half and two-thirds of them had been unskilled labourers before joining. These volunteers became the regular soldiers who spent most of their service careers fighting Queen Victoria's 'little wars', stationed or rotated abroad and were not often in direct contact with the British public.<sup>105</sup> Instead, the men in uniform more usually seen on the street were part-timers of three types; they were either Militia men who had enlisted for six years in the reserve and attended one month's training every year; Volunteers who provided their own arms, paid all their own expenses and trained up to 24 days each year; or Yeomanry – every man with his own horse - officered by local

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<sup>103</sup> Sir William Robertson, autobiography, *From Private to Field Marshall* (London: Leonaur 2012).

<sup>104</sup> The Marquis of Anglesey, *A History of the British Cavalry, 1, 1816-1850*, (Nottingham: Shoe String Press) p.29.

<sup>105</sup> First and Second Afghan Wars; First and Second Sikh Wars; Crimean War; Abyssinian War; Zulu War; war in Egypt, Sudan and the North-West Frontier of India; First Boer War and the Great Boer War.

landowners or farmers with men recruited from the farms or estates.<sup>106</sup> This particular armed and mounted body was a national paramilitary force used by magistrates to quell local disturbances and they were well known across the West Riding and Manchester. During the Luddite unrest of the early nineteenth century there were thousands of Yeomen stationed across the West Riding with, at one time, over 1,000 based in or around Huddersfield.<sup>107</sup>

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<sup>106</sup> Ian F.W. Beckett, Keith Simpson, *A Nation in Arms*, 1990 (Manchester: Manchester University Press), p.6.

<sup>107</sup> *The Luddite Link*, [www.ludditelink.org.uk](http://www.ludditelink.org.uk).

## 1.2 The Citizen Soldier

The millions of men of all nationalities who volunteered in 1914 and 1915 to serve in their countries' armed forces were exactly the same type of men who had traditionally stepped forward at times of national danger. The First World War, more than any other, clearly emphasised the link between citizenship and military service for the nation-state. Britain in particular, with its distrust of a large standing army which might lead to a military despotism, had relied on temporary and amateur soldiers for its defence since the mid-seventeenth century.<sup>108</sup> This concept of the righteous and patriotic civilian serving in uniform before reverting back to life as a citizen was a subject of much debate in the eighteenth century. European Enlightenment thinkers drew on the example of Ancient Greece and Republican Rome in their description of the 'citizen-soldier'. Duty to the state was paramount, even when it demanded a limit on personal freedoms. But government, said Jean-Jacques Rousseau, can only govern with 'the consent of the governed'.<sup>109</sup> This, of course, was the dilemma faced by Prime Minister Asquith in his attempts to introduce compulsion in 1916 – conscription would only happen with the consent of those to be conscripted.

War, declared the European Enlightenment thinkers of the eighteenth century, was an unnatural state of affairs; it was against the rules of nature and sensibility; it offended rationality, humanity and the rule of law. Peace was the normal order of things, standing armies should be abolished in favour of a civic militia. Rousseau stated that regular armies of mercenaries were the 'plague and depopulation of Europe'.<sup>110</sup> Standing armies of the time were severely criticised by Enlightenment thinkers for their moral corruption; they were

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<sup>108</sup> Ian F.W. Beckett, *Britain's Part-Time Soldiers: The Amateur Military Tradition 1558-1945* (Manchester: Manchester University Press, 1991), p.3.

<sup>109</sup> Jean-Jacques Rousseau, *On The Social Contract; or, Principles of Political Right*, (Amsterdam, 1762).

<sup>110</sup> Rousseau, *The Plan for Perpetual Peace, On the Government of Poland and other Writings on History and Politics: The Collected Writings of Rousseau*, vol. 11, edited by Roger D. Masters and Christopher Kelly, Hanover and London (University Press of New England).

considered crooks, bound and controlled only by draconian military discipline. The militia, on the other hand, would be formed by free and responsible citizens whose bravery, patriotism and sense of honour would more than compensate for their lack of military expertise when confronting regular troops. That sense of obligation to the state in its hour of need was echoed in the response of the volunteers of 1914-1915. Each had his own reason for volunteering but most shared the national consensus that this was a righteous war and a correct, moral choice. As Peter Simpkins writes of Kitchener's Army:

All these men had left good, comfortable homes, with good wages, and had come voluntarily out of a sheer sense of duty.<sup>111</sup>

They were, in Martin Creadel's terms, 'Defencists', men who accepted that war was evil, but that participating in war as a means of protecting oneself and fellow countrymen was a lesser evil. Participation was not only necessary but was justification for the use of force.<sup>112</sup> The Enlightenment viewpoint was endorsed by progressive army officers of the time, such as the French General Guibert, who described his own army as consisting of foreign mercenaries and vagabonds. He proposed a drawing-together of state and nation where soldiers were citizens and citizens were soldiers. Public morality, he argued, would be strengthened through civic practices such as military service.

The standing armies, while a burden in the people, are inadequate for the achievement of great and decisive results in war, and meanwhile the mass of the people, untrained in arms, degenerates [...] The hegemony over Europe will fall to that nation which [...] becomes possessed of manly virtues and creates a national army.<sup>113</sup>

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<sup>111</sup> Peter Simpkins, *Kitchener's Army* (Manchester: Manchester University Press, 1988) p.72.

<sup>112</sup> Martin Creadel, *Thinking About Peace and War* (Oxford: Oxford University Press 1987) p.17; see also *Semi-Detached Idealists: The British Peace Movement and International Relations, 1854-1945* (Oxford: Oxford University Press 2000).

<sup>113</sup> Guibert, *Essai General de Tactique*, (London 1804).

This was an argument later accepted and endorsed by French and German states and enthusiastically echoed by those calling for compulsory military service in late nineteenth-century Britain. The Marquis de Condorcet wrote about the Republican militia that ‘elevates the soul of the people’ and ‘inspires in them attachment to the fatherland and public spirit’.<sup>114</sup> But the concept of the citizen-soldier raises questions of personal liberty, where the citizen, and not just the soldier, must sacrifice some element of personal freedom to ensure that the nation as a whole remains free. In his writings *An Answer to the Question: What is Enlightenment?* Immanuel Kant stated that only the person who is ‘enlightened...and at the same time has at hand a large, well-disciplined army as a guarantee of public peace...can say what a republic cannot dare: argue as much as you want and about whatever you want, only obey!’ In other words, public duty to the state overrides personal liberty. H.G. Wells said the same thing in 1916 when he described British conscription as ‘the re-discovery of the State as the necessary form into which the individual must fit’.<sup>115</sup>

The rights and responsibilities of the citizen against the power of the parliamentary executive formed the heart of the debate in the creation of the reformed militia in Great Britain. Between 1756 and 1763 the country was involved in the Seven Years’ War and the reform of the militia was supported by a parliamentary opposition which argued against state militarism and the government’s handling of the conflict. State militarism, or the regular army, was criticised by the Radical Whig parliamentary opposition on three grounds – its association with the English Civil War and Cromwell’s excesses, German military influences at home with the Duke of Cumberland (one of the leading generals of the British army and

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<sup>114</sup> Condorcet, ‘Essay on the Constitution and the Functions of Provincial Assemblies’, in *Euvres completes de Condorcet*, vol. 7, pp. 167-573 (Jena: Friedrich Frommann, 1968).

<sup>115</sup> H.G. Wells, *Joan and Peter*, Ch. 15, (London: Cassell, 1918).



son of George II), and the government's policy of importing 'mercenaries' from Hanover and Hesse to defend Britain's coastline. A militia, it was felt, was safer than a standing army as it provided an alternative to a government executive who had the means to oppress the people through professional armed forces. In addition, the militiaman came to epitomise those classical virtues that Radical Whiggs admired – martial masculinity, patriotism and an independent spirit. Compared to a disciplined regular soldier, the very amateurishness of the militiaman celebrated the triumph of the individual over the state.<sup>116</sup> This unmilitary aspect of the amateur, part-time citizen-soldier was reflected in contemporary prints and posters with Gilray's 'Supplementary Militia turning out for Twenty-Days Amusement' of 1796 probably the most well-known. In this print the individualism of each man is emphasised in contrast to the uniformity of professional soldiers. The men depicted are of various heights and girth, in badly fitted uniforms with short legs and narrow shoulders, making it impossible to march in step. Each one carries the tools of his trade - plasterer, butcher, painter, tailor and hairdresser - as well as his weapon. These are hapless amateurs who happen to be armed. But the fact that they are so obviously unsuited to a military life makes them appear closer to the Enlightenment ideal of individualism and freedom. They are the antithesis of the regimented, robotic, obedient and unthinking regular soldier. Compared to a standing army they may look slightly ridiculous, but they will face the enemy with courage and determination without the excesses of military discipline that were seen as something foreign to British identity. They may be in uniform and armed, but they are *of* the people. This image of an amateur citizen-soldier as being the converse of the homogenous professional has lasted: the BBC television series *Dad's Army*, 1968-1977, features many scenes of soldiers on parade that are visually linked to Gilray's work.

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<sup>116</sup> Ian F.W. Beckett, *Britain's Part-Time Soldiers*.

### 1.3 The Nation in Arms

The concept of a citizen army was fully developed by France in the eighteenth-century. The *levée en masse* had been discussed since the early 1700s and had been enthusiastically supported both by military theorists and philosophers alike before becoming a reality after the Revolution of 1789.<sup>117</sup> The introduction of mass citizen-armies onto the field of battle under Napoleon changed the nature of warfare on land.<sup>118</sup> With the formation of a citizens' army the French associated conscription with constitutional liberty and recognised no conflict between the two concepts, unlike the British. The Army became a revolutionary example of democratic practice where officers and NCOs were elected by their own soldiers, revolutionary newspapers were regularly distributed, and soldiers sang revolutionary songs that emphasised the qualities of the citizen-soldier. Parents of serving soldiers received financial subsidies while soldiers wounded in action were granted relatively generous benefits. The concept of citizenship in post-Revolutionary France was grounded in male military service to the nation. Count La Tour du Pin, the French Minister of War in 1789, declared to parliament that the duty for 'all citizens [was] to defend the state', while one of his political colleagues, Dubois-Crancé argued that 'in France, each citizen has to be a soldier and each soldier has to be citizen, otherwise we will never have a constitution'.<sup>119</sup> This continental system of military obligation being rewarded by the franchise was turned on its head by the British National Union of the Working Classes formed in 1830. The NUWC urged its members to claim exemption from the militia ballot on the grounds that military service should *not* be expected from those deprived of a political vote. This theme was adopted by the chartists and the anti-corn law league who used the

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<sup>117</sup> 'By the new Conscription of the humane and moderate BONAPARTE, the whole adult population of France is placed at his disposal!' *The Times*, 17 March 1800.

<sup>118</sup> Ian F. Beckett, Keith Simpson, *A Nation in Arms* (Manchester: Manchester University Press, 1985) p.2.

<sup>119</sup> Thomas Hippler, *Citizens, Soldiers and National Armies*, (London: Routledge 2008) p. 54.

slogan ‘No Vote! No Musket!!’. In words that could well have been uttered by many conscientious objectors after 1916, an ‘address to the working classes’ at Holburn in 1846 ended:

This conduct may possibly involve our personal safety or individual liberty, but you should remember that no great object has yet been accomplished without sacrifices and be assured that our individual sacrifices will be diminished in proportion as we are united in the support and countenance of one another, and as our conduct is firm, peaceful and determined.<sup>120</sup>

The concept of the ‘nation in arms’ as epitomised by the Napoleonic model largely came to an end after 1815 when Continental European monarchs began to prefer the political stability of long-standing, professional forces either as a means of defence or a means of attack. But the belief in the idea of public service being beneficial to society persisted. Prussia in particular embraced the concept of short-term military compulsion as a tool to change and improve the fibre of the nation. Disturbed by its decisive defeat by Napoleon in 1806 at the Battle of Jena-Auerstedt, resulting in a humiliating French occupation of the country for the following six years, Prussia resolved to modernise its military might. It began by imposing short service conscription and, unusually, designed the system to include educated and middle-class men. The Gesetz uber die Verpflichtung zum Kriegsdienste (Law on the Introduction of Universal Military Service in Prussia) of 3 September 1814 stated that:

For the arming of the nation under law is the most secure guarantee of a lasting peace. The older existing laws on conscription into the army are therefore now repealed and instead it is decreed that:  
Every native-born man, upon completion of his twentieth year, is obliged to defend the fatherland.

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<sup>120</sup> *The Northern Star*, 21 February 1846, 2<sup>nd</sup> Edition, p.6.

The later overwhelming success of this well-trained and well-equipped conscript army in the wars of 1864, 1866 and 1870 resulted in a movement throughout Europe where ‘one country after another did away with its antiquated military system and introduced universal conscription of the male population’.<sup>121</sup> As other European countries reorganised their systems and structures of raising armies the newly unified state of Germany in the late 1800s found itself left behind. Germany had an army of 468,000 in 1889 increasing to 557,430 by 1896. It stayed at roughly that level until 1912 when the country began to recognise the threat posed by the recent alliance of two historical enemies, France and Russia.<sup>122</sup> Under public pressure from General Ludendorff and with the support of the Kaiser, the country increased the call-up rate from 52 percent of all eligible men to 82 percent, raising the size of the army by another 300,000 recruits. In a comment that would later have delighted those British politicians and militarists who were exasperated by the exemption rate of LMSTs, Chancellor Theobald von Bethman-Hollweg declared: ‘we cannot afford to leave out any recruit who can wear a helmet’.<sup>123</sup> Nineteenth-century Prussian military reformers, such as General Gerhard von Scharnhorst, believed that universal military service was much more than a necessary militaristic innovation if the State was to survive and develop; conscription was also a vitally important catalyst for social and political change, a way of uniting the army and the nation into a more comprehensive union. The army was to serve as the school of the state, and service in that school was a route to the franchise for its alumni.<sup>124</sup> Other European governments, seeing the proven success of the Prussian model, promptly adopted short service conscription as a means of influencing social and

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<sup>121</sup> Martin van Creveld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press 1999).

<sup>122</sup> Figures are taken from Niall Ferguson, *The Pity of War* (London: Penguin Books, 1998), p. 91.

<sup>123</sup> Konrad Hugo Jaurausch, *Enigmatic Chancellor: Bethmann-Hollweg and the Hubris of Imperial Germany* (Yale: Yale University Press, 1973) p. 96.

<sup>124</sup> *A Nation in Arms*, p.3.

political thought in their own populations via a process of moulding the individual through a system of martial drill and obedience to orders. Continental armed forces came to be viewed as builders of nations, guardians of the country's virtues, and enjoyed a period of popularity among the lower classes, which had been absent for most of the century. This was particularly true of France which, after the defeat of 1871 by the Prussians saw its army as the focus for a national revival, a means to achieve political and social unity. As Brian Bond summarises '...the military institution had become, in French consciousness, the very representation of the homeland, conquered but still alive'.<sup>125</sup> The same was true of Italy where there were efforts to portray and project the army, which had played a leading role in the nineteenth-century unification of the country, as the embodiment of national virtues in addition to being the defender of internal law and order and protector of the state.<sup>126</sup> Here the military hierarchy and the politicians were careful to give priority to the social and political implications of a conscript army over and above the purely military ones. Rather than group their army corps by regions (as the Prussians did), Italy chose to mix each intake of conscripts from the country as a whole. This made mobilisation much more difficult to organise but was seen as a move towards centralisation and an antidote to the extreme regionalisation of the country. There were moves during the 1860s, after the defeat in Crimea, to modernise the armed forces of Russia and to use them to help develop a sense of nationalism. The system of Russian conscription prior to 1864 saw soldiers drawn by ballot mainly from the peasantry serving for life under aristocratic officers. Initial reforms by War Minister Milyutin included reducing the term of enlistment to fifteen years with leave on offer after eight years depending on good service and education. The military system was reorganised, and the army high command made efforts to encourage soldiers to view serving

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<sup>125</sup> Brian Bond, *War and Society in Europe*, (Stroud: Sutton Publishing Ltd.), pp.32-35.

<sup>126</sup> John Whittam, *Politics of the Italian Army* (Nottingham: Shoe String Press).

in the ranks as a patriotic duty as opposed to a lifelong period of penal servitude. Belgium adopted a system of conscription in 1909 based on compulsion for one son in each family. It was only on the eve of war in 1913 that the exemption clause for younger sons was lifted and the annual intake of recruits doubled to 33,000.

When war was declared in 1914 the major players were immediately able to call upon enormous numbers of trained recruits to deliver their military aims. The increased efficiency brought about by advances in communication technology meant that under the mobilisation process Germany could increase her standing army from 700,000 to 3.8 million conscripts within a week of mobilisation; France from 777,000 to 2.8 million; Austro-Hungary from 450,000 to 3.35 million. Russia conscripted 10 million men from 1914 – 1917, Italy almost 6 million.

## 1.4 ‘A great and splendid vocation’ – the British approach to military service in the nineteenth and early twentieth centuries

Nineteenth century Britain had no need for a large, expensive standing army. Its problems and priorities were different from her continental neighbours.<sup>127</sup> Moreover, the United Kingdom had the Channel and a powerful but very expensive navy. There were a number of conflicts involving British forces but none of them were of a size that would lead politicians, the public or the military high command to begin to even consider conscription. What wars did take place were fought by small (by continental standards), professional, all volunteer British forces of soldiers and sailors.<sup>128</sup> During this period volunteer conscripts maintained army establishment numbers at an acceptable level and the annual Militia Ballot Act was superfluous and simply suspended at each parliamentary reading.<sup>129</sup> Nigel Jones states that Britain’s ‘small army acted as a gendarmerie policing the far-flung empire’.<sup>130</sup> R.J.Q. Adams writes that ‘The Army was seen as a kind of scarlet-coated police force for home and Empire’.<sup>131</sup> Even the shock of the Boer Wars, where Britain’s professionals had come close to losing against an army of armed farmers, failed to shake belief in a voluntary system.<sup>132</sup> Prime Minister Lord Salisbury was delighted that the Second Boer War (1899-1902) had been won by soldiers who had joined the British army ‘not by coercion but by the emoluments and the honours of a great and splendid

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<sup>127</sup> Continental armies faced problems different to those of a sea-protected Britain. France, Austria and the Netherlands, sharing long borders, had always felt vulnerable to attack from their neighbours. Prussia, during the nineteenth century, often had borders wherever its army could make a defensive position and Russia preferred to fight in the marches of Eastern Europe.

<sup>128</sup> Wars against the Afghans, the Sikhs and the Zulus were fought with British armies numbering less than 20,000; Crimean War battles usually involved 30,000 British soldiers and cavalry or less.

<sup>129</sup> The Militia Acts of 1757-62 were passed in response to the threat of a French invasion. They were introduced annually to Parliament until 1831.

<sup>130</sup> Nigel Jones, *Peace and War: Britain in 1914* (Chicago: Head of Zeus Ltd), p.24.

<sup>131</sup> *Conscription Controversy in Great Britain*, p.25.

<sup>132</sup> The Boer War was the longest, most expensive and bloodiest conflict involving the British army between 1815 and 1914.

vocation'.<sup>133</sup> A manpower crisis during the early part of the Second Boer War had been solved by appealing for volunteers from the dominions and from young British men. Unfortunately, it was discovered that large numbers of British youth were blighted by urban poverty – 40 to 60 percent of those who volunteered were rejected on health grounds as being unfit to serve. The Director-General of the Army Medical Service stated the obvious: 'if these men are unfit for military service, what are they good for?'<sup>134</sup> The subsequent debate on the health of the nation stimulated the already existing demands by a substantial minority of the population for increased military spending and for some form of compulsory military training for men of military age. The Navy League, formed in 1892 to argue the case for increased spending on the Navy, boasted a membership of 100,000 by 1914.<sup>135</sup> Britain also had the Imperial Maritime League and the National Defence Association founded by Lt-Col Charles Reppington. Alongside these growing calls for adult military compulsion was a move towards organized youth groups. The Boys Brigade, formed by William Smith, a member of the Volunteer Rifles, in Glasgow in 1883, was the first of the quasi-military, uniformed bodies of boys, followed by the Lads Drill Association, the Church Lads Brigade (formed by Walter Gee, another member of the Volunteers), the British Girls Patriotic League, the National Social Purity Crusade and, in 1907, the Boy Scouts formed by Lt. Gen. Sir Robert Baden-Powell, the popular defender of Mafeking during the Boer War (The Girl Guides were formed in 1910).

The Church Lads Brigade (founded 1891) was an openly militaristic front organisation for the National Service League (NSL) and was strongly linked with the Territorial Armies. Its officers were instructed to provide for lower-class boys the 'discipline, the manly games, the opportunities of a

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<sup>133</sup> See *Conscience and Politics*, p.6.

<sup>134</sup> *The Conscription Controversy*, p.6.

<sup>135</sup> Its continental counterpart, the German Navy League, had a membership of 300,000 and twice as many supporters in corporate bodies.



wholesome society which a public-school gives'. The Lads' Drill Association (founded 1889) aimed to provide 'systematic physical and military training to all British lads' from the age of six and merged with the NSL in 1906. The Anglican clergy was heavily complicit in these schemes, 'making a conscious effort to recapture through militarism a function of social control... which they could not muster from their own authority and resources'.<sup>136</sup>

Baden-Powell's aim was to counteract, through a mixture of woodcraft and military drill, what he believed to be the physical and moral deterioration of the nation's youth. For him, the problems were clear:

Free feeding and old age pensions, strike pay, cheap beer and indiscriminate charity do not make for the hardening of the nation or the building up of a self-reliant, energetic manhood.<sup>137</sup>

The young readers of *Scouting for Boys* were urged not to follow the example of the Romans who lost their empire because they became 'wishy-washy slackers'.<sup>138</sup> Beckett and Simpson in *The Nation in Arms* suggest that a possible figure of 41 per cent of all British male adolescents may have belonged to one or other of the youth groups. These groups were, in many ways, simply mirroring the existing emphasis on athleticism and muscular Christianity that already prevailed in public schools, many of which ran school cadet corps and Officers' Training Corps.<sup>139</sup> The concept of Christians as soldiers of Christ had been reinforced with

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<sup>136</sup> Lee Jones, "The Others": Gender, Conscriptio and Conscientious Objection in the First World War, *International Journal for Masculine Studies*, Scandinavian University Press, Vol.3, Issue 2, pp. 99-113 (p.101).

<sup>137</sup> J. Springhall, *Youth, Empire and Society: A Social History of British Youth Movements 1883-1940*, (Nottingham: Shoe String Press 1977), p.57.

<sup>138</sup> "Don't be disgraced like the young Romans who lost the Empire by being wishy-washy slackers without any go or patriotism in them". Robert Baden-Powell, *Scouting for Boys: A Handbook for Instruction on Good Citizenship* (London 1908).

<sup>139</sup> By 1910 over 150 British public schools and universities had initiated OTCs to teach drill, discipline and rifle-shooting.

the popularity of the hymn *Onward Christian Soldiers*, in 1871.<sup>140</sup> Young men in Edwardian public schools had been educated in the gentlemanly traditions of patriotism, loyalty, honour and leadership. The strong emphasis on team games was designed not simply to make boys fit and healthy but to develop self-discipline, courage and team spirit, all attributes useful in a military context. Physical training in most local education authority Board schools was based on military drill routines while strict discipline and a rigid syllabus helped to develop military virtues of obedience and of being responsive to orders.

In 1902, the Board of Education issued *A Model Course of Physical Training* in conjunction with the War Office. It was largely cribbed from the Army Red Book, and ‘the crucial commands were military ones’. Schools were pressured to employ Army-trained instructors, because, as Captain J.C. Roberts reminded them, it was ‘impossible to separate physical training from military needs’. Boys’ physical training at school ‘closely mirrored what was happening in the military training camps... the military ethos and the War Office’s hold over schools tightened’.<sup>141</sup>

Social reformers such as Matthew Arnold, Samuel Smiles and Thomas Hughes were strong supporters of a system of social harmony in which discipline, drill and exercise promoted lifelong habits of cleanliness, punctuality, order and obedience. Even the socialist Fabian Society recognized the merits of some form of mandatory military drill training in their proposed state-funded secondary schools as a means of developing discipline and improving the physical condition of the young. J. St. Loe Strachey, editor of *The Spectator* in 1907, argued that conscription was a vehicle of social engineering capable of developing the physique of the working class and better integrating them into society. It was, he said ‘one of

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<sup>140</sup> “Thou therefore endure hardness as a good soldier of Jesus Christ”. II Timothy 2:3 (KJV).

<sup>141</sup> Lee Jones, “The Others” (p.101).

the most powerful moral agencies at our command'.<sup>142</sup> The left-wing American journalist, Arthur Gleason, writing in 1917 was convinced of the benefits of conscription:

England is taking strides towards cooperative socialism. For the first time in their history, the English are thinking in terms of a state – a modern state, in all its complexity, with scientific laws and regulations.<sup>143</sup>

While some British socialists saw the benefits of martial training, continental Marxist thought on conscription was more negative and viewed compulsory military service or training as a tool of industrial capitalism. Compulsory military service, while unarguably improving the health of city and town workers, did so purely to extend their working life. Karl Marx believed that mass military training for all peasants and working-class men of service age would re-educate them in support of a conservative establishment, and, at the same time, accustom workers to regimentation, obedience to orders from their 'betters', and low pay. Engels and Jaurès hoped that workers would be made more radical after experiencing the more repressive side of military service, but Tolstoy argued that the reverse was often true, and that compulsion had a 'taming' effect on young Prussian or Russian men of peasant stock and limited outlooks.<sup>144</sup> But Marxism in Britain lacked the importance and the relevance it held in some continental countries. As the British Labour Party expanded with the help and support of the Trades Union movement, and the Liberal Party moved more to the left with a developing social agenda, the growth of political socialism waned and became linked to the improvement of workers' rights rather than developing a radical and reforming ideology of its own.

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<sup>142</sup> J.St. Loe Strachey, *The Spectator*, quoted by Adams and Poirier, p20.

<sup>143</sup> Arthur Gleason, *Inside the British Isles* (New York: The Century Co. 1917), p.15.

<sup>144</sup> *War and Society in Europe 1970-1970*, p.66.

Meanwhile, organized groups arguing for more support for the armed forces flourished. Foremost amongst them was the National Service League, founded in 1902, the year that saw the end of the Second Boer War. The League became the dominant voice during the pre-war years in the arguments for some form of compulsory military service. It was created to alert the public to the perceived weaknesses of the British army if faced with a major war. For the first few years of its existence it argued for compulsory drill in schools for boys and compulsory military service for all young men aged between 18 and 30. But this changed when Lord Roberts of Kandahar became its leader.<sup>145</sup> With dues of one shilling a year, and a membership that included Rudyard Kipling, the Bishop of Chichester, Lord Derby, Admiral Lord Charles Beresford, Field Marshall Lord Wolseley and the Dukes of Argyll and Westminster, the League was able to play an influential part in the debate over whether or not the country should adopt full conscription or compulsory, part-time military training. Though the League had influence it did not have political power – it comprised a minority in the House of Lords and had little support in the Commons. Lord Roberts sided with those who advocated compulsory training over outright conscription – two months under canvas, followed by annual drill periods of two weeks for the next three years for all young men aged between 18 and 22. He had made his feelings clear on the subject of full conscription in an article calling for a redefinition of the British concept of national service:

Compulsory service is, I believe, as distasteful to the nation as it is incompatible with the conditions of an Army like ours, which, even in peace time, has always such a large proportion of its units on foreign service. I hold, moreover, that the man who voluntarily serves his country is more to be relied upon as a good fighting soldier than he who is compelled to bear arms.<sup>146</sup>

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<sup>145</sup> There were also many Establishment voices against compulsory service. Some members of the Education Department were ‘anxious to resist the teaching of military drill for fear of its promoting what they were pleased to call the military spirit’. Letter to *The Times*, January 9 1900.

<sup>146</sup> *The Nineteenth Century and After*, LVII (January 1905) pp.1-26 (p.24).

The best way to avoid full conscription, he argued, was to ensure that the Regular Army had a pool of healthy men with keen minds from which to recruit. This would be achieved by mandatory training of military aged men. More importantly, the safety and security of the nation depended upon a reserve force of martial citizens, prepared and ready, when the Regulars had been called away, to defend the country from invasion. He and the others believed that such a force could only come about with some form of compulsion.<sup>147</sup> One consequence of this suggestion was that large numbers of trained auxiliaries were, in fact, an additional argument *against* conscription; the very existence of a trained military reserve prevented the introduction of compulsion until the different realities of mass modern warfare made conscription unavoidable.

Meanwhile, the National Service League ensured that the topic of compulsory military training for men was debated in the media as well as political circles. The British military, as one might expect, supported some sort of conscription. Their views were endorsed by the Wantage Commission in 1892, the Norfolk Commission of 1904 and by the Army Council in 1913. Five Parliamentary Bills arguing for conscription were introduced between 1908 and 1914 but all failed to progress, though there was some small evidence of public support for compulsory military training in the 1910 elections. While the rest of Britain argued over the merits or otherwise of a 'nation in arms', Ireland, or more particularly Ulster, had already embraced the concept.<sup>148</sup>

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<sup>147</sup> This wasn't quite true. Britain already had a large body of at least partially trained men in the Militia, Volunteers and Yeomanry. Between 1882 and 1904 some 953,000 men passed through the Volunteers alone. There was an establishment of 250,000 registered Volunteers during the period 1878 and 1901 with a peak of 288,476 officers and men with an average turnover of 25 per cent. Ian F.W. Beckett, *Britain's Part-Time Soldiers*.

<sup>148</sup> Since 1912 Irish Protestants had been marching and drilling in preparation for civil war and in 1913 had formed the Ulster Volunteer Force, a blatantly paramilitary organization. By the end of the year they had purchased from Germany 10,000 brand new Mannlicher rifles, each with a bayonet, 12,000 Mauser 88 rifles also with bayonets and three million rounds of ammunition. Their 'opponents' in the South were equally organized though not so well armed.

Beckett states that there was little question that by the end of the nineteenth century Britain was more militaristic than forty years previously but that did not necessarily make the nation a militarized state.<sup>149</sup> However, the cumulative effect of volunteers who were involved in the ancillary forces of Militia, Yeomanry and Volunteer Rifles did mean that by 1898 nearly one quarter of the entire male population of the United Kingdom and Ireland between the ages of 17 and 40 were either serving part-time in uniform or had previous military or quasi-military experience.<sup>150</sup> The demands on the regular forces of the war in South Africa meant that, despite initial misgivings, some 45,566 officers and men of the Militia were involved, as well as 27,000 men of the Yeomanry. A further 74,217 militiamen enlisted in the regular Army during the war. It took Britain 400,000 troops, £200 million, 22,000 British dead and over two years to defeat the 90,000 South African Boers.<sup>151</sup> However, this brief but bitter military experience led to a radical change in the leadership of the British Regular Army. A new generation of ‘thinking generals’, or ‘New Professionals’ began to replace the men who had previously accepted the force’s subservience to the Navy.<sup>152</sup> The fact that the nation had struggled to raise the 300,000 men deemed necessary for the South African campaign confirmed the desire for compulsion in many military and political minds. Many of these new Army leaders who had experience of South Africa – Haig, Wilson, Robertson, French and Hamilton, all of whom later experienced high command during the Great War – had served under Commander-in-Chief of the British Army, Lord Roberts, and shared his desire for army reform, particularly favouring some form of compulsory training for military

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<sup>149</sup> *Britain’s Part-Time Soldiers*, p.198.

<sup>150</sup> *Ibid* p.200.

<sup>151</sup> Second Boer War, 11 October 1899 – 31 May 1902.

<sup>152</sup> *The Conscription Controversy*, p.25.

age men.<sup>153</sup> General Sir Ian Hamilton wrote to Lady Roberts in 1910 informing her that the whole General Staff supported conscription on ‘the Continental basis’.<sup>154</sup>

The Second Boer War left Britain politically isolated amongst the other European Great Powers and militarily exhausted. On the war’s conclusion, Prime Minister Balfour set up several Royal Commissions of Inquiry to find reasons for the debacle and to suggest solutions. The first of these, chaired by Lord Elgin, was tasked to question the preparations for the war, the logistical arrangements and the military operations of the army up to the occupation of Pretoria. In its findings, the commission tended to make criticisms rather than offer solutions, but it did make one specific point – it found that by the middle of the conflict, with almost the whole of the army over 8,000 miles away, there were just 17,000 Regular soldiers left to defend Great Britain. The report concluded that ‘no military system will be satisfactory which does not contain powers of expansion outside the limit of the regular Forces, whatever that limit might be’.<sup>155</sup> Balfour’s second Commission in April 1903, chaired by the Duke of Norfolk, was asked to examine the state of Britain’s second line of defence - the Militia and the Volunteers - and to make recommendations as to how they could be improved. The commission’s solution was both direct and unpopular:

The principles which have been adopted, after the disastrous failure of older methods, by every great power of the European continent are, first, that as far as possible the whole able-bodied male population shall be trained to arms; secondly, that the training shall be given in a period of continuous service with the colours, not necessarily in barracks, and thirdly, that the instruction shall be given by a body of specially educated and highly trained officers...

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<sup>153</sup> These ‘New Professionals’ foresaw that Britain’s next war would be against Germany and welcomed the developing military links with France. In 1906 the Army Council began to formulate a policy that recommended raising a large army, an army that could only be created by mandatory service.

<sup>154</sup> Hamilton to Lady Roberts, *Hamilton Papers*, mentioned in *Conscription Controversy*.

<sup>155</sup> *Royal Commission on the War in South Africa*, Cd 1789-1792 (1903).

We are convinced that only by the adoption of these principles can an army for home defence, adequate in strength and military efficiency to defeat an invader, be raised and maintained in the United Kingdom.<sup>156</sup>

These calls for a major reform of the land based armed forces were finally realized under Lord Haldane in 1908 who advocated a voluntary, part-time, trained force called the Territorial Army. The pressure for some form of compulsory military training for young men at the beginning of the twentieth century influenced the thinking behind the long-overdue reforms of the British Regular army and, more importantly the ancillary forces – the Militia, Yeomanry and the Volunteers. All political parties and politicians recognized the public opposition to the ‘Prussian’ practice of compulsion, and it was left to Richard Haldane, as the newly appointed Minister of War in 1905, to attempt to create a force for the defence of the nation that could be expanded quickly in the event of invasion. He was not a supporter of conscription and he believed that his new force – the Territorials - would be one that young men would join willingly.

These developments came towards the end of an emergent European concept of the nation-state. Historians and writers – Carlyle, Macaulay, the anglophile Guizot, Thierry, and Trietschke, who wrote *The History of Germany in the Nineteenth Century* – all contributed to a general understanding of nationhood. Nationhood, they wrote, evolved through the actions of exceptional individuals, often involving struggles with other countries, with the participation of mass communal movements and, most pertinently, through military victories. The message was reinforced by eminent painters and sculptors who exhibited their works in the newly built municipal art galleries and museums of major cities. The British celebrated Lady Butler’s battle paintings which were famous and much reported on in the press. When her paintings went on tour they attracted huge queues. More than 100,000 Liverpudlians paid to see her depiction

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<sup>156</sup> *Royal Commission on the South African War*, Cd 2061-2063 (1904).



of the battle for Balaclava, for example. Magazines and journals paid thousands of pounds for reproduction rights.

This understanding of how the nation state had evolved eventually became the received history of each country, emphasized and amplified, as it was passed on through the newly centralized systems of education. ‘Progress’ was central to this understanding. Progress could be observed in the unification of the German states or the steady growth of the British Empire. It was mirrored at the time in the world of fiction by authors such as Walter Scott, Victor Hugo, and Alessandro Manzoni whose novel *I promessi sposi* (The Betrothed) was hugely popular with nationalistic Italians. Contemporary political and military scenarios were the staple diet of writers of fiction, particularly in the new popular genre of science-fiction, whose writers used contemporaneous events in order to develop their storylines.<sup>157</sup> The shifting political alliances in Europe during the early 1900s, and in particular the new *entente* agreements between France, Russia and Great Britain, proved to be a particularly fruitful area for authors. Germany replaced France as the traditional enemy of Britain and some writers began to include an agenda, or a position, in their work. Some would include an opening statement which explained that their book was an argument for a stronger Royal Navy, or a case for conscription. It was the prolific novelist William Le Queux in his work of fiction *The Invasion of 1910* (1906) that most encouraged the supporters of the National Defence League, including Lord Roberts.<sup>158</sup> The book suggested that ‘powers of expansion outside the limit of the regular Forces’ could only be achieved through compulsion. It sold one million copies and was written under the instructions of Lord Northcliffe of the *Daily*

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<sup>157</sup> Much of French science-fiction writing after the Franco-Prussian War of 1871 for instance centred on the recovery of the lost provinces of Alsace-Lorraine – *La Bataille de Berlin en 1875* by Édouard Danguin; Général Mèche’s book *La Guerre franco-allemande de 1878* and most of Commandant Émile Driant’s work.

<sup>158</sup> Lord Roberts wrote a short forward for the book to be included in all the Daily Mail’s advertising which included an appeal to all readers to consider the terrible consequences for all unprepared people ‘for the sake of all they hold dear’.

*Mail*. The newspaper's circulation department ensured that the plot of the book, serialized in the newspaper, revolved around those towns and cities that were deemed to need a circulation boost. Accordingly, the German invaders attacked London by following a meandering route that included Chelmsford, Royston and Sheffield. Nonetheless, the novel's influence reached as high as the Cabinet, putting pressure on the Liberal government to increase military spending.<sup>159</sup> This literary success was replicated in the theatre with the staging in 1909 of the melodrama *An Englishman's Home*, written by Major Guy du Maurier, which played to full houses. Yet again, a thinly disguised Germany was the enemy and by now the arguments were familiar: the problem was not simply unbridled German aggression but British decadence. Ill-prepared Englishmen, grown indolent and lacking martial spirit or skill were no match for strong, trained adversaries; by risking the country's birthright through their own weaknesses the young men of Britain were, in fact, guilty of treachery. The theme was continued in popular boys' weekly comics such as *The Halfpenny Marvel* (first published in 1893), *The Gem* (1908) and *The Magnet* (1907). The *Boys' Own Paper* sold over a million copies. Variations on the themes of adventure, war and empire were a staple diet of such publications. Fiction fantasies of the war to come were not confined to Britain; German and French publishers produced just as many books as their counterparts in London. The first was Karl Eisenhart's *Die Abrechnung mit England* in 1900. In it Eisenhart describes a Britain decimated and humiliated by a disastrous conflict against the Boers. France, England's oldest enemy, seizes its chance against a weakened Britain and declares war. The Royal Navy immediately mounts a blockade of France and when British cruisers attempt to search a Hamburg merchant ship a German warship intervenes and is sunk by the superior British force. Germany declares war on Britain. The story is one of good (Germany) triumphing over evil (Britain). There is a clear distinction between the heroism and honour of the sons of the Fatherland and the

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<sup>159</sup> *Conscription Controversy*, pp. 34-38.

despicable actions of the enemy, the British. In a nod, perhaps, to Chesney's book, Germany wins the war with a secret weapon – warships equipped with an electric motor of great power – and imposes a magnanimous peace. August Niemann wrote *Der Weltkrieg-Deutsche Träume* in 1904. It was quickly translated into English and given the title *The Coming Conquest of England*. The story is a fantasy of world conquest and told how the Germans looked forward to a 'new division of the possessions of the earth' after the Reich had beaten Great Britain. Routledge, the publishers of the English edition, said in their Preface:

The translator offers no comment on the day-dream which he reproduces in the English language for English readers. The meaning and the moral should be obvious and valuable.<sup>160</sup>

The sheer volume of hundreds of popular books and articles featuring an invasion theme in the years leading up to the Great War helped to create a suspicion of German intentions and reinforced an already existent anti-German feeling among significant parts of the population in Britain. The fear that an ambitious Continental rival might seek an opportunity to invade Britain had taken root in the national psyche by the early 1900s:

This fear played upon traditional suspicions and tropes about Continental militarists, despots, and papists, and could easily be aroused during times of international tension or economic hardship.<sup>161</sup>

Germany, under the Kaiser with his own very public desire for empire expansion, fitted the role.

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<sup>160</sup> Ignatius Frederick Clarke, *The Great war with Germany, 1890-1914: Fictions and Fantasies of the War-to-Come* (Liverpool: Liverpool University Press, 1997).

<sup>161</sup> David G. Morgan-Owen, *The Fear of Invasion: Strategy, Politics, and British war Planning 1880-1914* (Oxford: Oxford University Press, 2017).

In a similar manner, books with an invasion theme published in Germany bolstered an anti-British view and gave credence to those who argued that Germany had been badly treated and disrespected by European Great Powers. Together, they legitimized, in an unspoken and undeclared way, the idea that war between at least some of the European Great Powers was not inevitable. The more the concept of war was written about and read by large sections of European populations, the more the idea of war was normalized. In this make-believe world (just thirty years after the 1871 Franco-Prussian War) if armed conflict between the Great Powers of France, Russia, Germany and Great Britain was not inevitable, it was, at the very least, less unthinkable. In the same manner, some recent research has confirmed that fans of disaster and horror films are psychologically better prepared and more able to cope in a crisis than others. By watching and experiencing the films they are ‘unintentionally rehearsing the scenarios [and] learning vicariously’.<sup>162</sup>

While British readers of popular fiction and film-goers may have been conditioned in this fictional fantasy to believe that war with the Reich could happen (always counting on inevitable victory, of course), some eminent politicians and many military men were already convinced that Germany was a danger and were preparing for a real war. These included Sir Edward Grey, Foreign Secretary in 1905, who believed that Britain should oppose Germany. As early as 1903 he was writing:

I have come to think that Germany is our worst enemy and our greatest danger [...] I believe the policy of Germany to be that of using us without helping us; keeping us isolated, that she may have us to fall back on.<sup>163</sup>

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<sup>162</sup> Mathias Clasen and Colton Scrivner, *Social Psychological and Personality Science*, July 2020.

<sup>163</sup> George L. Bernstein, *Liberalism and Liberal Politics in Edwardian England* (New York: Allen and Unwin, 1986) p.182.

In his own account of his role as Foreign Secretary he discusses relations with Germany after the London Conference of 1912-13:

First, there was no good-will towards England in Germany. We felt this all along, but the ill-will was even stronger than we realized. Consider the revelation of it in Bülow's Memorandum, written when he was on a visit to England in 1899. A translation was published in *The Times* of June 28, 1924. Here is the concluding passage of it:

“On the whole, it is certain that opinion in England is far less anti-German than opinion in Germany is anti-English; therefore, those Englishmen like Chirol and Saunders (the Berlin Correspondent of *The Times*) are the most dangerous for us, since they know from their own observations the depth and bitterness of German antipathy against England”.<sup>164</sup>

Almost as soon as Grey became Foreign Secretary he began to develop relationships with France and made it plain, if discreetly, that Britain would be willing to fight alongside France in the event of war with Germany though he was careful never to state it outright:

If Britain decided to participate in such a war (i.e. with France against Germany) the part to be taken by the British Expeditionary Force, if it did take part, was settled by what had passed between the British and French General Staffs.<sup>165</sup>

As early as February 1906 the Director of Military Operations, John Spencer Ewart and his assistant, William Robertson (later C.I.G.S. Robertson), regarded ‘armed collision’ with Germany as inevitable.<sup>166</sup> By 1911, General Wilson speaking for the British General Staff, declared that in the event of war with Germany: “First [...] we must join the French. Second

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<sup>164</sup> Viscount Grey of Fallodon, *Twenty-Five Years, 1892-1916* (New York: Frederick A. Stokes, 1925), p.49.

<sup>165</sup> Conversations with the French Foreign Office, April 1914. Viscount Grey of Fallodon, *Twenty-Five Years, 1892-1916*, pp. 273-274.

<sup>166</sup> George W. Monger, *The End of Isolation: British Foreign Policy, 1900-1907* (London: Nelson, 1963), p.282.

[...] we must mobilise the same day as the French. Third [...] we must send the whole six divisions".<sup>167</sup>

A broad sector of the population then had read, or at least heard about, popular science fiction novels fantasising about a future war with Germany. At the same time, senior military and political figures were already convinced that war was coming in reality and were making preparations for a future conflict. What linked the works of fiction of all countries was the promotion of the idea that war, if it was going to happen at all, could be glorious, romantic, necessary and short. This popular belief was not necessarily shared by the German General Staff. Major General Friedrich Köpke in 1895 was one of many who believed that a future conflict against France would be 'only a sum of partial and small successes [...] we cannot expect rapid and decisive victories'.<sup>168</sup> His reasoning was vindicated by the Boer and Russo-Japanese wars which had demonstrated the problems of attacking against heavily fortified infantry lines and the difficulties in attempting outflanking moves against extended fronts. The war in Manchuria in 1904-5, in particular, had seen the extensive use of trenches and barbed wire and the ability of the machine-gun to dominate the attacking field.

Some believed that modern technology would eliminate war altogether. The Nobel prize winner Charles Richet anticipated the doctrine of Mutually Assured Destruction of the 1970s when he wrote:

But things are changing for the better. New means of warfare, probably more destructive than ever, are on the drawing-board. By continually improving our armaments, we will end by making war impossible.<sup>169</sup>

Ivan Bloch studied every detail of every war since 1870 and decided that:

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<sup>167</sup> PRO CAB 2/2, CID, 23 August 1911, Cf. Niall Ferguson, *The Pity of War*, p.66.

<sup>168</sup> Mark Hewitson, *Germany and the Causes of the First World War* (London: Bloomsbury 2014), p.122.

<sup>169</sup> Charles Richet, *Dans cent ans* (Paris: Paul Ollendorff, 1892), pp.62-3.

The very development that has taken place in the mechanism of war has rendered war an impracticable operation. [...] Thus, the great war cannot be made, and any attempt to make it would result in suicide.<sup>170</sup>

Few of the authors of fiction had experienced active service themselves but had little hesitation in declaring that war ‘was a splendid thing...a glorious spectacle fought with means which far out-paced the crude imaginings of their forefathers’.<sup>171</sup> Forty years earlier in 1865 John Ruskin had set the tone in a series of lectures delivered at the Royal Military Academy:

So far from that, all the pure and noble arts of peace are founded on war; no great art ever yet rose on earth, but among a nation of soldiers. There is no art among a shepherd people, if it remains at peace. There is no art among an agricultural people, if it remains at peace. Commerce is barely consistent with fine art; but cannot produce it. Manufacture not only is unable to produce it, but invariably destroys whatever seeds of it exist. There is no great art possible to a nation but that which is based on battle.<sup>172</sup>

Novelists, writers and social commentators during the immediate pre-war years were reiterating what many military minds already believed. Popular memories of war were based, not on the slaughter of the Civil War in America, but on the lightning victories of the Prussians in 1871. This misconception may have helped to create the unprecedented surge of volunteerism in 1914 and the urge to be part of it before it ended. The Prussian campaigns had created a widely-held belief that modern war between nations could be decided quickly,

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<sup>170</sup> Jan Gotlib (Ivan) Bloch, *Has War Become Impossible?* (London, Grant Richards, 1899) p. xi. Bloch’s other predictions that a war between great powers would be a war of entrenchment involving millions of men and that it would end in stalemate but provoke a break-up of the social order and revolution were quietly ignored and forgotten.

<sup>171</sup> Zara S. Steiner, *Britain and the Origins of the First World War* (London: Macmillan 1977) p.156.

<sup>172</sup> John Ruskin, *The Crown of Wild Olive, Four Lectures on Industry and War* (London 1906) p.116.

that they were relatively cheap in human lives and they were financially affordable. As General Helmuth von Moltke, Chief of the German General Staff, wrote in 1906:

Perpetual peace is a dream, and not even a beautiful dream. War is an element of the divine order of the world. In it are developed the noblest virtues of man: courage and self-denial, fidelity to duty and the spirit of sacrifice; soldiers give their lives. Without war, the world would stagnate and lose itself in materialism.<sup>173</sup>

His successor, General Erich von Falkenhayn, declared on 4 August 1914, the day that Britain declared war on Germany, 'Even if we are ruined by it, it was still beautiful'.<sup>174</sup> In Britain meanwhile, the National Service League continued to press for a compulsory element in military planning, but their arguments were side-lined with the onset of war in 1914 and the surge of volunteers.<sup>175</sup> When those numbers began to fall in the second half of 1915 the pressure for conscription was renewed, the difference being that at this point those arguing for compulsion had political power and were part of the coalition government.

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<sup>173</sup> G. Best, *Humanity in Warfare* (London: Weidenfeld and Nicholson, 1980), p.145

<sup>174</sup> F. Stern, *Bethmann Hollweg and the War: The Bounds of Responsibility* (Cambridge: Cambridge University Press).

<sup>175</sup> Between August 1914 and December 1915 2,467,719 men volunteered for armed service. Pre-war annual enlistments rarely exceeded 30,000 recruits.



## 1.5 Asquith, the Cabinet and Conscription

Whether or not to introduce conscription was the most important political debate of Asquith's coalition government. The caucus of May 1915 brought Tory advocates of conscription into positions of political power at the same time as the voluntary system was showing signs of failure. For the first two years of the Great War men had self-mobilised; coercion played little part and only a modicum of persuasion was deemed necessary. This enormous force who had joined of their own volition changed the army and shaped society.<sup>176</sup> Volunteers came from all regions and all social classes and their motives varied from unemployment to patriotism to a desire to participate in what, undoubtedly, would be great events. Most shared an innocent view of warfare.<sup>177</sup> During the previous decade high military opinion had agonised over whether or not the working-class man of the early twentieth century would, or could, withstand the stresses and strains of modern warfare. It was feared that modern man had had his warrior spirit diluted by materialism, socialism and a sense of individuality.<sup>178</sup> These fears, whether real or imagined, stimulated a greater emphasis on public health and welfare programmes and created mass movements devoted to combating moral decay. The results of such a movement were shown a decade later in the volunteering phenomenon of 1914. The situation was similar in the Dominions.<sup>179</sup> But as early as mid-1915 Britain's voluntary system was consistently failing to meet the army's needs and the shortage created a political crisis over how to proceed. Before the year was out,

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<sup>176</sup> J.M. Winter, *The Great War and the British People* (London: Macmillan 1985), p. 27.

<sup>177</sup> P.E. Dewey, 'Military Recruiting and the British Labour Force during the First World War', *Historical Journal*, Vol. 27, No. 1. (Cambridge: Cambridge University Press, 1984), pp.199-223.

<sup>178</sup> Lawrence James, *Warrior Race: A History of the British at War* (Boston: Little, Brown & Co. 2001), p. 447.

<sup>179</sup> Australia, Canada, India, New Zealand, Newfoundland, South Africa, British East Africa, British West Africa and the Caribbean all recruited volunteer forces.

the military and therefore the political situation had changed dramatically, and the supply of volunteers had dwindled. Compulsion became the order of the day.<sup>180</sup>

The Yorkshireman, Herbert Henry Asquith, was fifty-five years old when he became Prime Minister and Leader of the Liberal Party in 1908. Not only was he the first lawyer to hold that position but he was seen at the time as a new kind of politician. He was middle-class with no hereditary status or great personal wealth and had risen in his chosen career not through patronage but through ambition and intelligence. His inherited Cabinet was a mixture of Whigs and Radicals and was to remain much the same, with little change of personnel, until 1915. Apart, that is, from the two appointments he made at the very beginning of his premiership – two young radical Liberal MPs, David Lloyd George as Chancellor of the Exchequer and Winston Churchill as President of the Board of Trade. As Prime Minister, Asquith saw himself as facilitator rather than innovator. He was not a believer in reform for reform's sake and was content to manage the nation's affairs with as light a touch as possible. He prided himself on his rationality and calmness and refused to be rushed into making decisions. Decisions, he thought, should wait upon events. The journalist A.G. Gardiner described him at the time as having 'patience rather than momentum'. While all these qualities may be admirable in a Prime Minister of a mature parliamentary democracy in peacetime, they fall short in a wartime leader. William Maxwell Aitken, Lord Beaverbrook, wrote:

Mr. Asquith is hard to describe, because within his own limited sphere, the management of Parliament in quiet times, he was perfection, and he was a failure because outside those limitations, and yet within his own range of time, lay a world of

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<sup>180</sup> Compulsory enlistments under the Military Service Act of 1916 (Regular Army and Territorial Army) numbered 1,190,075 for 1916; 820,646 in 1917 and 493,462 up to November 1918. *Statistics of the Military Effort of the British Empire* p.364.

battle, murder, and sudden death – and that time called for men of a different range of genius.<sup>181</sup>

Eventually, faced with mounting pressure from the press, parliamentary opposition and rising disagreement within his own Cabinet over his leadership of the country and conduct of the war, Asquith agreed to the formation of a Coalition Government in May 1915. Though Conservative politicians would be the immediate beneficiaries of the move, Asquith insisted on the inclusion of Arthur Henderson, the leader of the Labour Party, and also tried hard to enlist John Redmond of the Irish Parliamentary Party. In return for their cooperation in a coalition the Conservatives demanded the demotion of Churchill from the Admiralty to the Duchy of Lancaster and the dismissal of Richard Haldane who had been responsible for the reform of the volunteer armed forces in 1908. Liberals remained the majority party with twelve positions, the Conservatives eight and one to Lord Kitchener, Secretary of State for War. From its outset, the one dominating issue for the new Cabinet to consider was conscription. The strongest Liberal opponents of conscription in the Cabinet were Edward Grey, Lewis Harcourt, Reginald McKenna and Walter Runciman. Two other Liberals were enthusiastic supporters – Lloyd George and Churchill. Kitchener remained neutral. Most of the Conservative members were pro-conscriptionists.

The new Cabinet met for the first time on 27 May 1915 and discussed the difficult problem of compulsory military service just one month later. The only agreement at that stage was to a Registration Bill which some members – Churchill, Lloyd George, Austen Chamberlain and Lord Curzon – saw as a first move to conscription itself. As a constitutional Liberal Asquith was, until late 1915, personally opposed to a system of compulsory military service but he

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<sup>181</sup> Lord Beaverbrook, *Politicians and the War, 1914-1916* (London: Oldbourne 1960), p.214.

presided over a bitterly divided Cabinet. So much so that, fearful of the consequences, he prevented any great or lengthy debate over the issue – ‘by the time the Autumn was reached it was admitted that a frank discussion and vote in the Cabinet would have broken the administration to pieces’.<sup>182</sup> Labour members, who saw military conscription as the first step towards industrial conscription and the abolition of union bargaining power, were vehemently opposed:

The armed forces of the nation have been multiplied at least five-fold since the war began, and recruits are still being enrolled, well over 2,000,000 of its breadwinners to the new armies, and Lord Kitchener and Mr. Asquith have both repeatedly assured the public that the response to the appeal for recruits have been highly gratifying and has exceeded all expectations. What the conscriptionists want, however, is not recruits, but a system of conscription that will bring the whole male working-class population under the military control of the ruling classes.<sup>183</sup>

The President of the Board of Trade, Walter Runciman, informed Asquith that trades union leaders were ‘hotly against compulsion in any form and will use the whole force of their organisation to fight it inch by inch’.<sup>184</sup> Instead, some trade unions were encouraging their members to enlist in order to save the voluntary system. The Secretary of the Railway Clerks’ Association, Mr. Walkden, wrote to all his branches:

I would once more urge all those who have not yet attested to do so, in order to assist both in helping the country in its hour of need and in saving the British system of voluntary organisation.<sup>185</sup>

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<sup>182</sup> Beaverbrook, p.246.

<sup>183</sup> Independent Labour Party leaflet, 1916 – *Appeal to Organised Workers*.

<sup>184</sup> Roy Jenkins, *Asquith*, (London: Collins 1978), p.371.

<sup>185</sup> *Huddersfield Daily Examiner*, 11 January 1916.

Asquith, true to his own anti-conscriptionist views, set up another Cabinet committee (the War Policy Committee) to answer the question: ‘How large should be the Army which we endeavour to keep in the field during the year 1916? If the main facts can be established upon an agreed basis...the Cabinet as a whole will be able to discuss the questions of policy which will then arise’.<sup>186</sup> Four out of the six members of the committee (appointed by Asquith) were pro-conscriptionists<sup>187</sup> but the group report they produced gave little direction or recommendations to the Prime Minister and the Cabinet. Instead, it restated the problem and presented the only alternatives facing the government – either the size of the army had to be limited, the numbers of volunteers increased, or compulsion introduced. Some members of the committee produced their own minority reports. Neville Chamberlain, Winston Churchill and Lord Curzon argued forcefully against voluntarism and for compulsion, but it was Arthur Henderson who made the most telling contribution. Henderson represented the working classes and was a direct link to the Trades Union movement; as such, he was carefully listened to in Cabinet when it came to the topic of conscription. He recognized, as did Asquith, that in Britain compulsion would only work with the consent of those to be compelled.<sup>188</sup> This was the key moment of the whole debate on whether or not to introduce conscription and was, in a sense, a vindication of Asquith’s position. Henderson pointed out that the TUC and the General Federation of Trade Unions had recently voted against conscription ‘on the backs of the workers’.<sup>189</sup> But he believed that if the military situation

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<sup>186</sup> Martin Gilbert, *Winston S. Churchill: The Challenge of War, 1914-1916*. Volume III (Boston: Houghton Mifflin Harcourt, 1971) pp.1155-6.

<sup>187</sup> Churchill, Chamberlain, Lord Selborne and Curzon; the remaining two were the chairman, Lord Crewe and the Labourite President of the Board of Education, Arthur Henderson.

<sup>188</sup> This was the essence of Rousseau’s *Social Contract* – political rule has to be based on a mutual ‘understanding’ between government and citizenry. It was particularly true of the wartime situation from 1916 onwards and the increasing centralization of the state. The more the state increased its controlling interest in society, the more it had to be part of a mutually beneficial contract between government and a consenting people.

<sup>189</sup> ‘We believe that all men necessary can, and will, be obtained through a voluntary system properly organised...’ *Annual Report of the Trades Union Congress, 1915*, p.317.

was carefully explained to the public then those entrenched attitudes would change. ‘Our aim must be to handle the situation so that compulsion, if it comes, comes by the action of the people themselves’.<sup>190</sup> That ‘action of the people’ however was still some way off and political and public opinion remained divided. Lloyd George issued his own declaration in support of compulsion prompting his Parliamentary Private Secretary to resign, stating:

The question of conscription has suddenly become the paramount issue in Parliament. I believe its adoption would mean the ruin of this country and I wish to do all in my power, as a member of Parliament, to resist it.<sup>191</sup>

Arthur Balfour, a Conservative but also a prominent anti-conscriptionist and First Lord of the Admiralty in the coalition government, gave Asquith advice in a paper entitled ‘Efficiency in War and Compulsion’. In it, he reinforced Britain’s traditional manner of waging war – the judicious use of the Royal Navy, financial subsidies to Allies and only then, armies. But, he added, in a World War ‘there is a moral contribution which is of incalculable military value, because it adds so enormously to the efficiency of the other three – and this is National Unity’.<sup>192</sup> He went on to make clear that in his opinion, National Unity and conscription were incompatible.

Faced with these opposite and conflicting views in Cabinet, Parliament and the country Asquith attempted one last gambit as a way out of his difficulty and appointed Lord Derby as Director of Recruiting.<sup>193</sup> His role was to determine the numbers of men of military age available and to persuade them to enlist. Despite Derby’s well-known and recognized support

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<sup>190</sup> CAB 37/134/5.

<sup>191</sup> *Lloyd George Papers*, D/1/12/20.

<sup>192</sup> September 19, 1915, CAB 37/134/25.

<sup>193</sup> Some Cabinet ministers were furious believing that within a week they would have convinced Asquith to introduce compulsory service. Randolph Churchill, *Lord Derby, King of Lancashire* (London: Heinemann 1959) pp.192-3.

for the recruitment cause during the first two years of the war, it was a slightly odd choice. He was a supporter of compulsory service, a prominent member of the National Service League, and close to the Army establishment. In agreeing to Asquith's proposal, he sought an assurance that if his scheme failed, the Prime Minister would introduce conscription. The scheme he put forward, the 'Derby Scheme',<sup>194</sup> was based on the information gleaned from the National Register, and it was this information which determined that the Scheme would be flawed from the outset.<sup>195</sup>

The purpose of the National Register ('Registration Day' took place on 15 August 1915) was to record details of every man and woman in the country aged between 15 and 65 who were not already members of His Majesty's naval or regular army or territorial armed forces or residents of particular institutions – Poor Law hospitals, prisons or lunatic asylums. Every eligible person was, by law, required to complete a form showing name, residence, age, marital status, number of dependents, their own profession or occupation, the name of their employer and the employer's business, their nationality (if not British), whether or not their work was connected to any Government Department and whether they were skilled in and willing to perform any work other than that in which they were engaged. Under a regulation made under the Defence of the Realm Acts every male who had been, or ought

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<sup>194</sup> In a small-scale trial for the scheme Lord Derby, who had been so successful in helping to raise Kitchener's New Armies, initiated a census of supporters and players of Everton and Liverpool football clubs on certain match days to see who would be willing to enlist. The results were very disappointing for those supporting voluntary enlistment. About half the players of each club agreed to serve but of the 16,450 cards issued to supporters only 206 were returned as willing to 'join up'. The rest gave as reasons for not doing so: unfit 335; prevented by employers 144; too old 129; too young 35; married 32; support of mothers 21; insufficient separation allowance 13; domestic obligations 12; prevented by business 20. There were 24 abusive responses. *Holmfirth Express*, 13 December 1915.

<sup>195</sup> The National Register was no ordinary census; it was a yardstick for the way in which technology and bureaucracy in the early twentieth century were helping to develop the power of the central state by providing the tools for the growth of the state. See Edward Higgs *The Rise of the Information State: The Development of Central State Surveillance of the Citizen in England, 1500-2000*, *Journal of Historical Sociology*, Vol.14, Issue 2 (2001), pp.175-197. (p.9).

to have been, registered was required to produce on demand to an 'authorised person' his certificate of registration when duly requested to do so at his residence. The reasoning behind a National Register was based on the work of the Jackson and Landsdowne Committees. These two parliamentary groups had recommended the compilation of a database that would facilitate recruitment for the military but would at the same time take regard of the needs and demands of agriculture and industry.<sup>196</sup>

Some 29 million forms were issued. Liberal politicians in particular worried about how a mass population could be forced to comply with more bureaucratic impositions whose purpose would in effect increase the burdens already inflicted upon them. MPs were reassured by Walter Long of the Local Government Board that the register would be no more than a stock-taking exercise and would avoid the thorny question of conscription.<sup>197</sup> Despite his reassurances, the General Records Office at the time was keen to continue national registration throughout the war and after. The proposal to do so was supported by Beatrice and Sidney Webb and the left-wing Fabian Group. They argued that it was important to be able to identify every individual in a community in order to ensure that every person was aware of their own legal responsibilities, their rights as a citizen, and their ability to receive all the benefits of the state. For the system to be successful though there would need to be legal sanctions for those citizens who failed to provide the necessary information. Sanctions would demand large scale mass surveillance and would risk criminalising large sections of the population.<sup>198</sup>

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<sup>196</sup> Edward Higgs, *The Rise of the Information State*, p.135.

<sup>197</sup> *Hansard*, 5 July 1915, vol.73, col. 59.

<sup>198</sup> In an example of how far the centralised state had grown by 1918, the Ministry of National Service recommended that every serving man in uniform should be fingerprinted in order to prevent large scale fraud in pension remunerations. The proposal was quickly dropped in the face of widespread opposition.



Impressive though they might have seemed at the time, the structure and statistics of the final Register contained flaws which, in turn, distorted the conclusions of Derby's report. Up until this point in 1915, military recruitment in Britain had been organized on a local rather than a national basis but the momentum was towards a more centralized and controlling state. Under the legislation of the 1915 National Registration Act, the General Records Office became the national central military registration authority with metropolitan and municipal boroughs and rural and town councils relegated to the role of local agents. Responsibility for operating and compiling the register was handed to the Registrar-General which, in turn, was overseen by the Local Government Board. The Registrar-General was responsible for the national census held every ten years and proceeded to carry out the gathering of information for the Register using familiar structures. But a Register was not a census and there were important differences. The Register, for it to be effective, needed continuous information, not information based on one moment in time. Information obtained by census methods was out of date within twenty-four hours. A census, by its very nature, was designed to provide statistics whereas the Register was concerned with individuals. Heads of households completed a census, and could be held to account, but with a Register, individuals were responsible for themselves. The 1911 Insurance Scheme enacted a few years before had unearthed problems that had substantial bearing on the final results of the National Register, but which were ignored in 1915. Chief amongst these was the previously largely unrecognized mobility of the working man, particularly those young men without marital or family ties – precisely the military age group sought by the Derby Scheme. Unlike the largely domestically settled middle-class, unskilled working men (the largest group of the working class) were forced to follow employment opportunities. They went wherever work took them and found lodgings as close to the work as they could. 'The necessity of living near the works meant renting cheap houses

in unattractive rows of little brown streets'.<sup>199</sup> A casual labourer would work for periods of a few weeks or months before moving on.<sup>200</sup> It was on this issue of an up-to-date contactable address that the 1911 Insurance Scheme had struggled. The Scheme was reliant on local health insurance committees that both collected premiums and paid out benefits. To do that efficiently they depended on policy-holders or their relatives to inform them of changes of address, emigration or death. Information that, for any number of reasons – inertia, confusion, forgetfulness – was not always forthcoming. Sylvanus Vivian, the Assistant Secretary to the National Health Insurance Committee, referred to the nation as characterized by 'the freedom of its private life from the incursions of bureaucracy, its unfamiliarity with and distaste for formalities of procedure and red tape'.<sup>201</sup> This was a class of people unused to filling in complicated forms and unaccustomed to safeguarding important documents. Neither could this mass non-compliance be subject to legal sanctions because 'it is impossible to prosecute a whole nation'.<sup>202</sup> Because of a dearth of accurate records, lost membership cards were simply replaced on request. The end result was a National Insurance record system that was so riddled with inconsistencies, inaccuracies and false information that it became impossible to operate. Not only was it unable to prevent fraud, it proved difficult to even estimate the numbers insured and the liabilities of the fund.

Despite Vivian's memorandum, these same flaws were prevalent in the Register of 1915 which relied only on the statutory duty of each individual to inform the relevant authority of a change of address. This was largely a forlorn hope as the rate of location

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<sup>199</sup> Asa Briggs, *Victorian Cities* (London: Penguin, 1990), p.267.

<sup>200</sup> One of the successes of the extension of the franchise in 1919 was the recognition of this mobility. Previously, for a man to vote there was a twelve-month residential qualification. This was changed to six months to take account of the custom and practice of regularly changing address.

<sup>201</sup> S.P. Vivian, *Confidential Memorandum on the National Registration Scheme*, PRO RG 28/1, p.6.

<sup>202</sup> *Ibid*, p.3.

mobility was far higher than anyone in the Local Government Board had predicted. Many of those men, and women, working in industries connected with the war effort would have changed addresses, many on a regular basis. This would have been particularly true of those previously employed in domestic service.<sup>203</sup> Many of these women and girls, who had worked in middle-class houses, became workers in the war industries, or worked on the land, or in various forms of transport. Women in the Land Army moved from farm to farm depending on need. Single women and girls in the munitions industries often moved from their homes to live in private rented accommodation or in government provided communal houses. By 1918, two million women were employed in what had previously been viewed as men's occupations. Additionally, it was accepted that the man in the street was likely to ignore the imposition of a legal duty to inform authorities of a change of address. Vivian declared the scheme 'totally worthless'. According to an analysis of the data contained in the Register by the General Records Office based on the census of 1911, there were one and a half million men of military age available for enlistment. This number was open to dispute and has been contested as over-optimistic.<sup>204</sup> Nevertheless the figure was used by military recruiting officers operating under the Derby Scheme to influence as many men as they could. There were complaints that the military were ignoring the rules drawn up to control the use and recording of the 'pink forms'. These were the forms filled out by registration clerks for men of military age. Recruiting officers were failing to return the forms to registration clerks so that the names of men who had already enlisted remained

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<sup>203</sup> Out of a total female occupational population of 4.2 million pre-1914, 1.7 million women and girls were employed in the domestic service industry. As did 124,000 men and boys. More workers were employed in domestic service than worked in agriculture, mining or textiles. See Quentin Outram, *The Demand for Residential Domestic Service in the London of 1901*, *Economic History Review*, 70 (3). pp. 893-918.

<sup>204</sup> There were different interpretations of the statistical evidence of the National Register between the War Office and the Board of Trade which were never resolved. See Keith Grieves, *The politics of manpower, 1914-18* (Manchester: Manchester University Press 1988) p.23.

on the register, falsely exaggerating the supposed numbers of men still available for recruitment. Two months after the introduction of conscription no forms at all had been returned to the Sheffield and Liverpool registration offices.<sup>205</sup> But the major registration problem for the General Registrar was that he had no way of knowing how many men of military age had failed to register at all. Estimates were made ranging from 20,000 to 300,000.<sup>206</sup>

In October 1915, the Derby Scheme, based on the already suspect and out-of-date statistics collected in August, went ahead. Lists of men willing to attest were to be compared against the figures obtained by the National Registration. Every man between the ages of 19 and 41 not already working as a skilled operative in the war industry was contacted and asked directly, to his face, whether he was prepared to enlist there and then or whether or not he would be prepared to ‘attest’ his willingness to serve when called upon; it was, in effect, a form of ‘compulsory volunteerism’. Canvassers were instructed to call at each house – repeatedly if necessary – until they had spoken to the man. They were to explain in person and in detail the desperate need of the country for more soldiers. Any man who refused to attest was asked the reason why and arguments put forward to change his mind. Those who pledged did so on the understanding that they would be placed in one or other of two classes – single men and married men. Both these classes were further divided into twenty-three age groups. Men would be called-up by class and age group in an orderly fashion, beginning with the unmarried. No married man, it was promised, would be enlisted until after the single men. Married men were further assured that if single men did not attest and volunteer in suitable numbers, those married men would not be held to their pledges. Asquith noted that:

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<sup>205</sup> Christine Bellamy, ‘The paradox of National Registration in a Liberal State: The Case of Wartime National Registers in Great Britain, 1915-52’, *The English Historical Review*, Vol.134, Issue 570, October 2019, pp.1196-1227.

<sup>206</sup> Ibid.

I am told by Lord Derby and others that there is some doubt among married men, who are now being asked to enlist, whether, having enlisted, or promised to enlist, they may not be called upon to serve while younger and unmarried men are holding back, and not doing their duty. Let them at once disabuse themselves of that notion. So far as I am concerned, I should certainly say the obligation of the married man to serve ought not to be enforced or held to be binding upon them unless and until – I hope by voluntary effort, if it be needed in the last resort, as I have explained, by other means – the unmarried men are dealt with.<sup>207</sup>

In addition, each eligible man received a letter from Lord Derby explaining that if he did not enlist then the government would institute conscription.<sup>208</sup> The exercise took months to complete and the disappointing results were finally published in December. It is hard to see any other purpose behind Asquith's decision to appoint Lord Derby than as an excuse to gain more time in line with Arthur Henderson's views at the War Policy Committee. Henderson had advised that, faced with military defeat, the working classes would accept compulsion subject to certain conditions:

They must have time. And if the time is spent in a final (volunteerist) endeavour [...] I believe one of two results will follow. Either conscription will be accepted without serious injury to the nation, or it will be proved to be unnecessary.<sup>209</sup>

Asquith did not have a particularly high regard for Lord Derby's qualities and what R.J.Q. Adams calls 'the curious episode of the Derby Scheme'.<sup>210</sup> He confided to C. P. Scott

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<sup>207</sup> Asquith, HC 2 November 1915.

<sup>208</sup> In an example of the flawed information that lay behind the operation of the scheme, even Lord Kitchener got a letter.

<sup>209</sup> CAB 37/134/5.

<sup>210</sup> *The Conscription Controversy in Great Britain, 1900-18*.

that in his view Derby ‘unfortunately was short of brains’.<sup>211</sup> Lord Beaverbrook felt that in any argument Derby was easily swayed and changed his mind according to whoever he was in conversation with. Sir Douglas Haig was more direct and described him thus: ‘like the feather pillow he bears the mark of the last person who sat on him’.<sup>212</sup> Derby himself had his own doubts about the success of his scheme. In addressing the people of Rossendale he revealed that he felt ‘somewhat in the position of a receiver who was put in to wind up a bankrupt concern’.<sup>213</sup> With less than perfect timing, Lord Kitchener now muddied the waters somewhat with his own scheme for a form of compulsory service. In October 1915 he presented a paper entitled ‘Recruiting for the Army’ which involved a combination of the National Register, the existing Derby Scheme and the long-abandoned county militia ballot:

Voluntary recruiting would continue, as at present, without limitations, but when, in any particular area, it failed to furnish the necessary number of recruits allotted, the local civil authorities would produce the men by calling them up from those eligible in the area. . . The War Office would decide the class to be called (based upon the National Register) for each area, and the men of the class would then ballot for their rotation in being called.<sup>214</sup>

Most of his political colleagues privately dismissed his plan but praised it in public as proof that Kitchener had accepted the principle of compulsion.<sup>215</sup> By this point, eight members of the Cabinet had declared their support for conscription and the Cabinet meetings of 12 and 13 October were dominated by discussion of the issue.<sup>216</sup> In Parliament itself the debate centred around the position of married men under the Derby Scheme. Numbers

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<sup>211</sup> *Scott Papers*, Diary entry, 5 September 1915.

<sup>212</sup> A.J.P. Taylor, *English History, 1914-1945* (Oxford: Oxford University Press 1965) p.53.

<sup>213</sup> *The Star*, 6 October 1915.

<sup>214</sup> CAB 37/135/15.

<sup>215</sup> Lloyd George was contemptuous of Kitchener’s paper. See A.J.P. Taylor, *Lloyd George: A Diary*, p.68.

<sup>216</sup> Lloyd George, Kitchener, Bonar-law, Churchill, Lansdowne, Carson, Long and Curzon.

already available showed that the class of men most desired by the military – young, fit and unmarried – were increasingly unwilling to attest, while married men were reluctant to enlist until all the single men had gone. Derby was sufficiently worried to write to Asquith on 28 October:

Unless you make it perfectly clear that the young men have to come forward, preferably voluntarily but if necessary brought by compulsory means before the older men who are asked to actually join the Colours, the scheme will be a failure.<sup>217</sup>

The situation was further complicated by continuing support for a voluntary scheme which was still strong in many parts of the country. In Wales particularly there was a belief that the numbers showed that the Scheme had, in fact, succeeded. Days before Lord Derby released his figures it was reported that recruiting offices throughout the country were under siege from would be volunteers: ‘One recruiting official said that he would be surprised if the total were far short of 2,000,000 men, and no estimate was below 1,500,000’.<sup>218</sup> The Joint Labour Recruiting Committee and the Parliamentary Committee were delighted:

Altogether I think we have reason to be proud, and I hope when the results are published they will show the Voluntary system has been amply justified.<sup>219</sup>

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<sup>217</sup> *Asquith Papers* 15/62-63.

<sup>218</sup> *Huddersfield Daily Examiner*, 14 December 1915.

<sup>219</sup> *Huddersfield Daily Examiner*, 14 December 1915.

In Swansea, the *Western Mail* declared, virtually every eligible man had attested. It was, said the *Merthyr Express* ‘an amazing triumph for the voluntary principle’ while

The round million men which the Government asked for and which Parliament has sanctioned have been provided for under Lord Derby’s scheme, and the question arises why there should be any measure of compulsion at all.<sup>220</sup>

The President of the South Wales Miners’ Federation, James Winstone, said that the attestation figures showed conclusively that most people wanted the voluntary system to continue. This was wishful thinking.<sup>221</sup> On 15 December 1915 Asquith wrote to the King with the message that the Derby figures of enlistments and attestations were not encouraging, and he suggested that a small Cabinet committee be set up to consider the question of compulsion.<sup>222</sup> The final report of the Derby Scheme showed that 275,000 men had chosen to enlist and 343,000 unmarried and 487,000 married men had attested. Some 651,000 eligible single men were unaccounted for, had not enlisted or attested.<sup>223</sup> Many of these young men would have been those members of the mobile working-class that the National Registration Act had failed to take account of. The errors in the interpretation of information contained within the exercise had created a dilemma for Derby. His Scheme was flawed before it had begun. Lloyd George in his memoirs noted:

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<sup>220</sup> *Western Mail*, 11 December 1915; *Merthyr Express*, 18 December 1915.

<sup>221</sup> At least one historian agrees - ‘The Army had more men than it could equip, and voluntary recruitment would more than fill the gap, at any rate until the end of 1916’ – A.J.P. Taylor, *English History 1914-1945* (Penguin, 1965) p.53.

<sup>222</sup> He failed to mention to the King that he had already instructed Lord Curzon a month before to begin the process of preparing a Bill ‘on the lines suggested by him’ – ie a contingency conscription plan, the ‘Bachelors’ Bill’.

<sup>223</sup> PRO, CAB 37/139/41.



Out of 2,179,231 single men of military age not enlisted before 23<sup>rd</sup> October 1915, the number presenting themselves under the Derby Scheme, and enlisted, attested or medically rejected, was 1,150,000, leaving 1,029,231, or nearly half the total, outside the scheme. Of those who put down their names, so many were either the medically unfit or “starred” men - men employed in jobs from which it was held that in the national interest they could not be spared for the Army – that Lord Derby estimated the net number of single men he would actually get for the Army through his scheme would be only 343,386 out of the total of 2,179,231 in the country.<sup>224</sup>

Those men who had attested presented a question mark – would they really enlist when the time came, or would they refuse? In the end the only certainty was the figure of 275,000 who had already enlisted. Given that the Army was keen to replace the 60,000 casualties of the recent battle of Loos and that Kitchener was calling for 30,000 recruits a week, a figure of 275,000 would be sufficient for about seven weeks of conflict.<sup>225</sup> It was never going to be enough. Over one million single men had failed to attest. In the face of such numbers it was feared that it would be impossible to hold to their promise those married men who had already signed their attestation forms. The failure of the Derby Scheme, though expected by many, left Asquith in a quandary. If he adhered to his pledge not to conscript married men until the single men had enlisted, then he would need to introduce compulsion for those unmarried men who had refused to attest and enlist. Once all eligible single men had donned uniform they would, in turn, be followed by the married men who had attested and promised to enlist under the Derby Scheme, leaving behind only those married men who had resisted the

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<sup>224</sup> Lloyd George, *War Memoirs* (London: Odhams), p.346.

<sup>225</sup> Assuming of course that there were no further casualties. British fighting casualties (not counting sickness) between August 1914 and November 1915 were in the region of 302,399 – Marne 15,000; Gallipoli 73,485; First Ypres 58,155; Neuve Chappelle 7,000; 2<sup>nd</sup> Artois 27,809; 3<sup>rd</sup> Artois 61,703; Loos 59,247.

arguments put forward and refused to attest. This partial conscription would be seen as blatantly unfair to those men who had attested and enlisted and would have to lead to full compulsion if only to provide equity for all married men. Conscription, therefore, came about because of the failure of the Derby Scheme to find, identify and persuade large numbers of men of military age to enlist. The Scheme had relied for its success on statistics that were either incomplete or faulty. If the National Register had been a proper register – that is, an organ capable of supplying a continuous stream of up-to-date information – the Derby Scheme might well have succeeded in its task and conscription might well have not happened at all; or, if it was still deemed necessary, might have been a very different piece of legislation. It is difficult to accept that it was expected to succeed. Not even Derby believed in it. The numerical flaws and omissions in the Registration process had a knock-on effect and were compounded by Derby's figures. The result was that thirty percent of eligible single men of military age were simply unaccounted for under the Derby Scheme. And it was on the back of these flawed numerical processes that a decision to introduce conscription was taken.

In the end of course, Derby's figures were largely irrelevant to the bigger picture. The manpower problem lay not just in the fact that fewer men had volunteered but that the wrong men had volunteered in the first place. Munition workers and coal miners could not be prevented from succumbing to patriotic emotion when enlistment was voluntary. Unrestricted volunteering meant that by mid-1915 nearly 24 percent of men in the chemical and explosives industries, 23.7 percent of men in electrical engineering, 22 percent of miners, 20 percent of engineers, 20 percent from the iron and steel industries and 16.8 percent of those involved in producing small arms had enlisted. After the introduction of conscription, the majority of enlisted men came from

the commerce, finance and commercial sectors of the economy. Though the scheme had been a failure in its own terms, to convinced conscriptionists it had been a success. It increased public pressure for the compulsory enlistment of unmarried men; a protest led and supported largely by married men who argued that while a million single men remained out of uniform their own enlistment would be a breach of the assurances they had been granted. The military argument for conscription was equally compelling. A meeting of representatives of the Allied Armies in December 1915 had decided on simultaneous assaults on all three fronts – Italian, Franco-British and Russian – during 1916. This rare display of Allied military unanimity was something that mere civilian ‘amateurs’ felt unable to argue against and Britain’s War Committee – the ‘inner cabinet’ set up by Prime Minister Asquith to provide direction on the conflict – accepted all recommendations. By doing so, the politicians committed the country’s army to a major offensive – and the consequent major casualties - in either France or Flanders for the following year.<sup>226</sup> This decision to support the military effort (including Kitchener’s promise to the Allies to field seventy divisions) along with the recent appointments to the committee of Generals Robertson and Haig, both committed conscriptionists, made the introduction of conscription almost inevitable. Both Generals had accepted that war on the Western Front was now an attritional war. Killing the enemy was of equal importance to regaining territory. Given that nearly all of the peripheral campaigns of the previous year had been expensive failures, particularly that in the Dardanelles, military strategic thinking now favoured those who advocated an emphasis on what were seen as the decisive fronts – Northern France and Belgium. Nor did the High Command flinch from the huge British casualties such a strategy would produce. As Roy Jenkins notes in his biography of Asquith:

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<sup>226</sup> Mass armies almost inevitably produced mass casualties.

In these circumstances, the job of the politicians ceased to be that of looking for strategic alternatives and became concentrated upon supplying men and munitions for the slaughter.<sup>227</sup>

Conscription in 1916 has been seen as a victory for the Tory right wing (with the help of the Liberal Lloyd George) over Liberal principles. But the debate was never a simple difference between Conservatives, who generally favoured compulsory national service, and Liberals who, largely, were against. Many Liberals argued that enforced military service was the most controversial attack on individual liberty seen during the war. The war, they declared, was supposed to be about:

[...] a fight for Liberty against Bureaucracy, for British ideals and for Liberalism in its widest sense against Prussian Militarism and Tyranny.<sup>228</sup>

In order to defeat the ‘Prussian’ enemy, they argued, Britain was being forced into adopting ‘Prussian’ methods of raising an army. But there was also in Westminster a significant minority of Liberal MPs who had been enthusiastic advocates of conscription since the beginning of the war.<sup>229</sup> Other groups of parliamentarians demanded compulsory military service as a symbol of a more determined ‘will to win’, while, on the other side of the debate, allies of the Liberals - the Labour Party and the Irish Nationalists – were determinedly opposed to compulsion. Trade unionists protested that it was a further step towards the conscription of labour and the abolition of union bargaining power. The Irish Nationalists ‘would fight against the change with all their resources’.<sup>230</sup> These political

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<sup>227</sup> Roy Jenkins, *Asquith*, p.387.

<sup>228</sup> Richard C. Lambert, *The Parliamentary History of Conscription in Great Britain* (London 1917) pp. iii-v.

<sup>229</sup> Matthew Johnson, ‘The Liberal War Committee and the Liberal Advocacy of Conscription in Britain 1914-1916’, *The Historical Journal*, 51, 2 (2008).

<sup>230</sup> Asquith in a letter to Bonar Law 18 September 1915. Roy Jenkins, *Asquith*, p.374.

divisions threatened to split the Liberal party and the Cabinet and placed the future of Asquith as Prime Minister in jeopardy. Faced with bitterly opposing siren voices on all sides, Asquith quietly continued his path towards compulsory service. In the end, the leader of the Conservative Party, Andrew Bonar Law, hesitated in provoking a crisis that would have led to a general election in the middle of a war and worked with Asquith in creating the political conditions for the introduction of conscription. Asquith had already agreed to the drafting of a compulsory service Bill and he appointed a Cabinet Committee under the chairmanship of Walter Long to ‘consider in consultation with the draftsman what form any amendment in the law in the direction of compulsion should take’.<sup>231</sup> The Cabinet Committee under Long met for the first time on 15 December and the Bill was introduced in the Commons on 5 January three weeks later. This speed of its introduction was particularly surprising given the composition of the Cabinet Committee which included a consistent supporter of conscription – Lord Curzon – and the one member of the Cabinet who was totally opposed to any form of compulsory military service, Sir John Simon. Nevertheless, the swiftness of its passage to parliament was insisted upon by Asquith who was keen to avoid any delay between the abandonment of the Derby Scheme of voluntary enlistment and the introduction of compulsion.<sup>232</sup> Unsurprisingly, given the lack of parliamentary scrutiny, the Military Service Bill of January 1916 was an unprepared construct hastily introduced before Parliament as an alternative to the system of voluntary recruitment which, it was belatedly realized, was no longer tenable.<sup>233</sup>

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<sup>231</sup> CAB 37/139/27.

<sup>232</sup> Under the British parliamentary system there was a well-established procedure for the drafting of any new Bill. Usually the Cabinet decided on general proposals which were handed to a Cabinet Committee who made more detailed suggestions to the person with overall responsibility for writing the Bill. His suggestions were scrutinized at various meetings of the Parliamentary Council with major questions on policy being referred back either to the Cabinet Committee or, in some cases, the full Cabinet. The draft would wind its way to full completion by being passed backwards and forwards between politicians and civil servants before returning to the Cabinet for final approval. A procedure often taking months.

<sup>233</sup> Some of the rushed articles of this legislation were to cause difficulties in interpretation for the LMSTs, particularly those relating to conscientious objection to enlistment.

In the end, a recruitment policy for a major European war based on an individual's right to choose whether or not to serve or stay could not continue in the changed circumstances of 1915. It was a year of major readjustment and rethink for the country as a whole. Politicians were forced to come to terms with the fact that this would be a long and drawn-out war, one for which they, and the economy, were unprepared. For the military, 1915 was even more difficult and challenging. Despite outward appearances, Britain and the Empire were fielding improvised armies, led by amateurs<sup>234</sup>, against the world's most formidable and professional military machine. Moreover, a military machine that, with complete justification, was brimming with self-confidence and not a little arrogance. Allied generals were faced with a type of warfare that none of them had trained for or had experience of. The small professional army that Britain sent to war had suffered badly and by the end of the year would largely have ceased to exist leaving large numbers of recruits and partly trained Territorial units with a crippling lack of leadership at Non-Commissioned and junior officer level. Strategically, the Gallipoli campaign had been a disaster while the fighting at Loos which ended in October had left Britain with a devastating casualty toll. This conflict, it was realised, would be fought and decided on the Western Front in Northern France and Belgium. From this point on it became a war of *matériel* and logistics as well as of numbers. Under these changed circumstances, a system of voluntary enlistment when military success depended on a complete mobilisation of *all* the nation's resources, simply could not work.

By October 1915 Asquith's government was beginning to falter. Sir Edward Carson, the Irish Unionist serving as Attorney-General, resigned over Asquith's conduct of the war and the likely move to conscription. The leader of the parliamentary opposition, Andrew Bonar Law, was threatening resignation over the Dardanelles fiasco. The ramifications of a

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<sup>234</sup> 'Amateurs' in the sense of having to learn the art of commanding vast armies of millions of men – a task none of the British High Command had previous experience of.

disastrous year for the military effort were becoming clearer. The whole fighting front had moved no more than three miles since the end of 1914 and what gains had been made went largely to the Germans. Moreover, German losses in manpower were less than two-fifths of those of the Allies.<sup>235</sup> Relationships between members of the Cabinet were disintegrating. Lloyd George was demanding the removal of Kitchener from the War Office. Walter Long wrote to Asquith pointing out that ‘quiet, loyal men [...] do not know how things stand or what we are doing’.<sup>236</sup> There was Cabinet pressure to reform the newly named War Council and to reduce its numbers to a minimum. Asquith eventually agreed and formed yet another group. Its members were Asquith, Bonar Law, Lloyd George, Balfour and McKenna. Churchill, feeling snubbed at his absence from the Council, resigned his role in government and went off to join his regiment in France. Kitchener, who as Minister of State for War, but by now largely irrelevant, would have expected to have been part of the group, was not invited. With the backing of his new War Council Asquith dismissed Field Marshall French, Commander-in-Chief in France, and appointed General Sir Douglas Haig. In a further piece of military re-organisation, he placed Sir William Robertson in the post of Chief of the Imperial General Staff. On 28 December 1915, the Council accepted the inevitable and finally considered the pressing problem of conscription. The Derby Scheme had failed, and the only alternative was conscription. The following day five leading Liberal members of the Cabinet submitted their resignations – Sir John Simon, Home Secretary; Reginald McKenna, Chancellor of the Exchequer; President of the Board of Trade, Walter Runciman; Edward Grey, Secretary of State for Foreign Affairs and Chief Secretary for Ireland, Augustine Birrell. In the event, only Simon carried out his threat and the others, after some persuasion by Asquith, withdrew their letters. To

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<sup>235</sup> Jenkins, *Asquith*, p.372.

<sup>236</sup> *Asquith Papers*, box xv, ff. 44-5.

Simon's disappointment, few members of the Parliamentary Liberal Party followed him. He resigned as a matter of principle. For him, and many other Liberals, conscription was part of a fundamental change in the structure of society. He pointed out that as Home Secretary he had, under the terms of the Defence of the Realm Act, been involved in the prosecution of anyone 'who speaks or combines or acts against the principle of voluntary recruiting'. If conscription was introduced then the same criminal offence, punishable with imprisonment and fines would be applicable to anyone who spoke against conscription.<sup>237</sup> In the same speech he commented 'Does anyone really suppose that once the principle of compulsion has been conceded you are going to stop here?' And he was one of the first to raise the issue of conscientious objection under the terms of the Bill: 'The conscientious objector may not be a popular person, but he is a perfectly genuine person, and I think he is a much commoner case than perhaps is always recognized'. Labour MPs split into pro and anti-conscriptionists and only the Irish Nationalists remained solidly opposed. At that critical point, when Asquith held the majority vote and felt the crisis easing there was one last hurdle for him to overcome. As the Parliamentary debate continued into a second day to a decision, an emergency Labour Conference was held on 6 January to respond to the political call for conscription. At that Conference, the President of the National Union of Railwaymen, Albert Bellamy, proposed a motion utterly condemning Asquith's 'Bachelors' Bill' on the grounds that no evidence had been given on the need for compulsion and that voluntarism was a far better method of raising armies. The National Executive Committee of the Labour Party declared against the Bill and the parliamentary party followed the Executive's lead. Under-Secretaries William Brace and George Roberts as well as Arthur Henderson resigned. Henderson wrote to Asquith on January 10:

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<sup>237</sup> HC Deb 05 January 1916 vol 77 cc949-1074.



In consequence of the decision of Organised Labour to oppose the Military Service Bill I have no alternative but to tender you my resignation...I supported the ... Bill in the Cabinet; I shall continue to do so in the House as the representative on my constituents on the ground of military necessity.<sup>238</sup>

The loss of Henderson in particular would have been a major blow to the introduction of the Military Service Bill and Asquith hurriedly suggested a meeting with a deputation of Labour Party representatives and trade unionists. At this stage the government was intending to continue with the second reading of the Compulsion Bill allowing two days for a full debate. The rejection of the bill was to be moved by William Anderson, Labour member for Attercliffe, Sheffield.<sup>239</sup> Crucially for Asquith, the Parliamentary Labour Party and the National Labour Party Executive quickly reconsidered its rash decision earlier and readily agreed to meet:

A letter has now been received by Mr. Chas. Duncan MP, intimating that the Cabinet had decided that the Prime Minister should invite members of the party to meet him to discuss certain aspects of the bill. The officers of the party have considered the invitation and agreed upon its acceptance. Arrangements are accordingly being made for a meeting, which is to be held at the House of Commons on Wednesday, when the Labour Members and members of the National Executive are to be present.<sup>240</sup>

During that meeting Asquith was able to persuade them to support the Bill by offering a comprehensive appeal system against conscription – a system which would protect workers' rights and act as a bulwark against any abuse. This was the Military Service

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<sup>238</sup> *Asquith Papers*, box xxviii, ff. 291-2.

<sup>239</sup> A few days later Mr Anderson attempted to address a no-conscription meeting in Sheffield but was howled down by a crowd singing patriotic songs. The police declined to intervene and to cries of "You are a traitor" Mr Anderson left. There were similar scenes at meetings in Huddersfield and Hebden Bridge. *Huddersfield Daily Examiner*, 17 January 1916.

<sup>240</sup> *Huddersfield Daily Examiner*, 11 January 1916.

Tribunal system operating on three levels – local, county or regional, and central. Without that offer it was unlikely that the Military Service Bill would have proceeded. Within two weeks the Labour Party Annual Conference had confirmed the compromise and Asquith brought the Bill to Parliament on 5 January 1916. In a lengthy and dispiriting speech, he argued on behalf of legislation that he personally found difficult to support:

I am of the opinion that, in view of the results of Lord Derby's campaign, no case has been made out for general Compulsion. I, at any rate, would be no party to a measure which had that for its object. The Bill that I am about to ask leave to introduce is one, I think, which can be sincerely supported by those who, either on principle or, as in my own case, on grounds of expediency, are opposed to what is commonly described as Conscription.<sup>241</sup>

Far from supporting Conscription he was, he says, merely giving young, single men the opportunity to do their duty:

[...] if, after due opportunity of inquiry, it is found that there are single men of military age who have no ground whatever for exemption or excuse, they shall be deemed to have done what everyone agrees it is their duty to the State in times like these to do, and be treated as though they had attested or enlisted. That is the course we propose to adopt in this Bill.<sup>242</sup>

It was a bitterly contested session and there were many hours of debate and argument before the Bill was passed, 403 votes to 105. Asquith himself, despite his undoubted eloquence and persuasive rhetorical skills, gave a particularly uninspired speech in as moderate and inoffensive a tone as he could. He emphasized that his Bill was no more than the logical

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<sup>241</sup> *Hansard*, 5 January 1916, 951.

<sup>242</sup> *Hansard*, 5 January 1916, 953.

outcome of the Derby Scheme. John Redmond, leader of the Irish Parliamentary Party, saw it as a matter of necessity. John Hodge, speaking for Labour, disagreed that the voluntary system had failed and insisted that volunteering must prevail over Prussian militarism. ‘Conscription [was desired] because they wanted cheap soldiers’ he said. Of the 630 members present in the House of Commons that day, 165 were serving in the armed forces and most of them had chosen to wear full uniform. Not since the time of Cromwell had so many uniformed soldiers attended parliament.<sup>243</sup> But it took Bonar-Law to recognize that modern – total – war demanded that the State should control all aspects of waging conflict, from munition workers to ship builders to soldiers in the front line. A voluntary system that favoured just one part of the overall picture – the man in uniform – was a profligate system:

I thought it a bad system for another reason, the very reason on which many of those who are opposed to this Bill oppose it now – that it was a wasteful system, and that if we were to make any attempt to have a proper correlation between the men employed in the necessary Civil Services and those who go to fight our battles, that could not be arrived at by a system of haphazard enlistment and recruiting which depended on the voluntary will of individual people.<sup>244</sup>

Given the later trials and tribulations experienced by LMSTs when dealing with the various issues of appeals based on conscientious objection, and the manner in which conscientious objection has tended to dominate the argument concerning tribunals, it is worth considering the problems presented by the rushed and ill-scrutinised legislation.

The Act specified that every British male subject who:

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<sup>243</sup> ‘There is one thing at least that may be said with confidence of this historic day in the House of Commons – not since the various Cromwellian purges have so many uniformed soldiers been seen upon the floor of the Chamber’. *The Times*, Thursday 6 January 1916, p.9.

<sup>244</sup> *Hansard*, 5 January 1916, 1010.

- a. on the fifteenth day of August nineteen hundred and fifteen, was ordinarily resident in Great Britain and who had attained the age of eighteen years and had not attained the forty-one years; and
- b. on the second day of November nineteen hundred and fifteen was unmarried or was a widower without any child dependent on him;

shall, unless he either is within the exceptions set out in the First Schedule to this Act, or has attained the age of forty-one years before the appointed date, be deemed as from the appointed date to have been duly enlisted in His Majesty's regular forces for general service with the colours or in the reserve for the period of the war, and to have been forthwith transferred to the reserve.

Asquith took pains to explain the categories of exceptions and exemptions of men liable for conscription, so much so that he insisted on repeating them to cries of 'No' from the House. The group of *exceptions* was straightforward and expected:

First, men who are not ordinarily resident in Great Britain, or who are resident for the purposes of education or some other special purpose; secondly, men who are members of His Majesty's Regular or Reserve Forces, or who are members of His Majesty's Territorial Force, and liable to foreign service; thirdly, men who are serving in the Navy or Royal Marines, or who, though not serving in the Navy or Royal Marines, are recommended for exception by the Admiralty; fourthly, men who, at the date of the passing of the Act, are in Holy Orders or regular ministers of any religious denomination; fifthly—what is quite obvious—men who hold a certificate of exemption under the Act for the time being in force, or who have offered themselves for enlistment and have been rejected since 14th August, 1915.<sup>245</sup>

The Act allowed grounds for *exemption* for the following four circumstances:

- a. On the ground that it was expedient in the national interests that the man should, instead of being employed in the military service, be engaged in other work in which he was habitually engaged or in which he wishes to be engaged or, if he is being educated or trained for any work, that he should continue to be so educated or trained; or

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<sup>245</sup> HC Deb 05 January 1916 vol 77 cc949-1074.

- b. On the ground that serious hardship would ensue, if the man were called up for Army Service, owing to his exceptional financial or business obligations or domestic position; or
- c. On the ground of ill- health or infirmity; or
- d. On the ground of a conscientious objection to the undertaking of combatant service.<sup>246</sup>

The inclusion of words such as ‘should’, ‘serious’, ‘exceptional’, were all words open to interpretation. What was the exact meaning of ‘in which he wishes to be engaged’, or the precise definition of ‘a conscientious objection’? If a man refuses ‘combatant service’ and is granted exemption from that form of service by the Tribunal, can he then be forced into ‘non-combatant’ service?<sup>247</sup> Asquith’s inclusion of a conscience clause in the Bill provoked some protest from MPs who were opposed to any form of release on grounds of conscience.

The *Times* mentioned that ‘the House had not taken the words “conscientious objector” very respectfully’, while the *Daily Mail* stated, ‘the biggest outburst of incredulous and contemptuous cries came at the news that COs were to be released from combatant service’.<sup>248</sup> The seeds of future disputes between men who were appealing on grounds of conscience and members of Tribunals were sown here:

The fourth ground of exemption is a conscientious objection to the undertaking of combatant service [...] I do not know whether the words I read were fully apprehended by all who heard me. Let me read them again: “Conscientious objection to undertaking combatant service” [...] It is

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<sup>246</sup> Military Service Act, 1916, NA, MH 47/142/1.

<sup>247</sup> Walter Long attempted to explain this section of the Act in a number of explanatory circulars to Tribunals: ‘4. It has been represented to Mr. Long that in some cases at least Local Tribunals in dealing with applications on grounds of conscientious objection to the undertaking of combatant service have seemed to be under the impression that the only form of exemption which could be given in such cases, is an exemption from combatant duties only. If this is so the Tribunals have overlooked Section 2 (3) of the Act which provides that any certificate of exemption, including one on conscientious grounds, may be absolute, conditional, or temporary, and in regard to exemption on conscientious grounds, indicates that such exemptions may also wither take the form of an exemption from combatant service only, or may be a total exemption from military service conditional on the applicant being engaged in some work which in the opinion of the Tribunal dealing with the case is of national importance’. R70 Circular, 25 March 1916.

<sup>248</sup> Both newspapers 6 January 1916.

suggested in the case of such men that the exemption which they should get – and which I am certain is all they would claim – should take the form of an exemption from military combatant duties only.<sup>249</sup>

Despite Mr. Long's attempt to clarify the legislation, the phrases '*should get*' and '*should take*' rather than '*must get*' or '*must take*' resulted in acrimony in many Tribunals.

Those civil servants and politicians drawing up the draft version of the British Military Service Act of January 1916 had been influenced by the Australia Defence Act of 1910 which had detailed the classes of men exempt from compulsory peacetime training. Section 61 (i) in the Australian Act specified 'Persons who satisfy the prescribed authority that their conscientious beliefs do not allow them to bear arms'. Section 61A explained:

Where any question arises as to whether a person is exempt from service in the Citizen Forces, the burden of proving the exemption shall rest on the person claiming the exemption, and applications for exemption shall be decided by the Courts authorized in that behalf by the Regulations.<sup>250</sup>

When the draft bill was presented to Asquith he crossed out 'bearing arms' and substituted 'undertaking combatant duties'.<sup>251</sup> That replacement phrase should then have been followed by legislation which stated that any man applying for exemption on grounds of conscience could *only* be exempted from combatant service and that he would be expected to perform some other form of military service. Instead, when the relevant sub-section dealing with exemptions was presented it read:

A certificate of exemption may be absolute, conditional, or temporary, as the Military Service Tribunal think best suited to the case, and also in the

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<sup>249</sup> HC Deb 05 January 1916 vol 77 cc949-1074.

<sup>250</sup> An Act to amend the *Defence Act* 1903-1909 (Assented to 1<sup>st</sup> December 1910).

<sup>251</sup> NA WO 32/5614, Draft Bill, p.297-8.

case of an application on conscientious grounds, may take the form of an exemption from combatant service only, or may be conditional on the applicant being engaged in some work which, in the opinion of the Tribunal, is of national importance.<sup>252</sup>

That one word ‘may’ was to prove a source of much confusion and misunderstanding in the appeal process during the first few months of conscription. It could be understood that men applying on grounds of conscience could *only* be exempted from *combatant* duties; or, as many argued, exemption from combatant service was only one of several alternative options available to the Tribunal. A second change in wording from the Australian Act was the change from ‘conscientious beliefs’ to ‘conscientious objection’. Under the Australian version, those men who claimed exemption on grounds of conscience could only do so if their refusal to bear arms was based on their personal beliefs as members of a recognised religious body. In the British version, the word ‘objection’ allowed the claim to exemption to be based not just on religious beliefs but on other deeply held convictions. This widening of the term ‘conscientious objection’ was anathema to the military who refused to accept any definition of the term apart from its religious affiliations. Military Representatives on Tribunal panels, who were there to represent the War Office’s point of view, were often at odds with their fellow members on this issue. Asquith had personally insisted on the change. He had previously inserted the concession to conscientious objection in the Draft Bill to placate the anti-conscriptionists in his own Liberal Party. By extending conscientious objection to include reasons other than religious ones he sought to conciliate those pacifists and intellectuals in the party who might otherwise have resigned.

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<sup>252</sup> *Regulations for Tribunals under the Military Service Act, 1916*, Section III – Applications for Certificates of Exemption Made By Or In Respect Of Men Under Section 2(1) Of The Act, 2. HC, Paper Number 5.

Having given Tribunals the power to interpret and apply the law regarding conscientious objectors, it was no surprise that Tribunals were blamed when the difficulties arising from claims of exemption on grounds of conscience grew. It was both politically and socially convenient for Asquith's government and conscientious objectors themselves to place responsibility for subsequent problems and difficulties on the panel members of the Tribunals. There is little dispute that some very few panellists were prejudiced but it is much more the case that the vast majority of Tribunalists worked diligently and sensitively to deal with problematic cases, particularly those of conscientious objectors.

The list of exemptions was contentious from the beginning and was later to provoke debate and disagreement when it became clear that members of some Tribunals were happy to exercise their independence and interpret the articles of the Act in ways that politicians and the military found objectionable. What was particularly incomprehensible to the military mind was the fact that because some of the language used to identify causes for exemption was subjective and imprecise, different tribunals would interpret them in different ways:

Apart from that, the exemptions which were put in the Bill were of so broad a character that it appeared absolutely certain that the number of recruits would be largely governed by the spirit in which the exemption clauses were interpreted by the Tribunals.<sup>253</sup>

The Bill received Royal Assent on 27 January 1916 and became law two weeks later. In the manner of all big compromises, no one group or party got everything they wished for in the divisive conscription debates between 1914 and 1916. Except, perhaps, Asquith. Despite his own personal antipathy to conscription he had reached the conclusion in late 1915 that some form of compulsory military service was inevitable. He supported the Derby Scheme while

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<sup>253</sup> *Hansard*, Viscount Middleton, HOL, 2 March 1916.



anticipating its failure. His 'waiting and seeing' approach to the vagaries of political life had resulted in his being able to 'sell' the concept of conscription to the electorate. And he steered the most difficult and divisive issue of his government to a conclusion without splitting the party or the country. Moreover, he remained leader, for the moment, of his fragile, but still functioning and viable, coalition government at a time of national crisis.

## 1.6 Aftermath

Showing one's support for the war after the introduction of conscription was no longer simply a matter of cheering military bands. Almost all families in the country were now personally and directly involved in the conflict. Every family in the country had sons, husbands, fathers, cousins, nephews and uncles who were of military age and who were now liable for compulsory enlistment.

The passing of the Military Service Act changed more than just the way Britain raised its armies. It changed the composition and alignments of the various groups that made up the Coalition Government; it changed the expectations and ambitions of some of the statesmen involved and it created in the minds of the men most affected by the Act – the conscripted or 'fetched' men - a sense of an unwritten contract between themselves and the State.<sup>254</sup> The conscripted man expected something in return for fulfilling his part of that contract and politicians were only too willing to promise him a 'land fit for heroes'. The introduction of compulsory service changed the relationship between the citizen/soldier and the state. Field Marshall Haig, though a supporter of conscription, was unhappy about this new attitude amongst many of his conscripted men:

[...] under the Military Service Act, a leaven of men whose desire to serve their country is negligible has permeated the ranks. The influence of the men and their antecedents generally are not such as to foster any spirit but that of unrest and discontent. They come forward under compulsion and they will depart from the Army with relief. Men of this stamp are not satisfied with remaining quiet, they come from a class which like to air real or fancied grievances.<sup>255</sup>

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<sup>254</sup> Illana R. Bet-El discusses the issue of motivation amongst conscripted men in *Conscripts*, pp. 16-19.

<sup>255</sup> Tom Ashworth, *Endings and Aftermath: The Final Year of the Great War and the Conflicting Demands of Peace* (Shalliley Books 2018) p. 322.

After almost two years of war of an unprecedented ferocity, Britain had finally adopted a system of raising armies similar to every other Continental Power involved in the conflict. But whereas conscription and military service in some other European countries were seen as social tools, a way of promoting social reform and development, in Britain it tended to have the opposite effect and created social and political division.

Conscription was a *national* policy of compulsion which depended largely on a body of independent *local* volunteers for its success, or otherwise. Not everyone agreed that conscription was the answer to Britain's military manpower problem. There was certainly dissent in both Houses of Parliament during the reading of the Military Service Bill and doubts were expressed that conscription would satisfy the manpower needs of the armed forces. There was concern about the affordability of such a scheme. Could Britain continue to subsidise its allies, maintain a frighteningly expensive navy and massively increase its armies? Questions were also raised as to the suitability of the tribunal appeal system to provide the necessary numbers.<sup>256</sup>

Nevertheless, by early 1916 the issue that had dominated political and civil discourse for so many years appeared to have been settled. In fact, the passing of the Bachelors' Bill proved not to be the end of the conscription argument but merely one part of a continuing debate.

Those members of the Cabinet who had never supported the Bill, including Chancellor of the Exchequer Reginald McKenna and the economist and President of the Board of Trade, Walter Runciman, voiced doubts over the country's ability to afford conscription in addition to Kitchener's promise of a seventy-division army which, in itself, demanded an enrollment rate of 30,000 men each week. Both of them forecast bankruptcy and the destruction of Britain's capacity to act as the arsenal of the Alliance. Meanwhile, the pro-conscriptionists

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<sup>256</sup> See Viscount Middleton, HL Deb 02 March 1916 vol 21 cc267-92267.

criticized the legislation as only partly successful – it did not apply to Ireland, for example and left the Dominions to decide for themselves.<sup>257</sup> Others feared that the failure to include married men in the provisions of the Act meant that the whole parliamentary imbroglio would need to be repeated before too long.<sup>258</sup> Which of course it was just a few months later. Chief of the Imperial General Staff, Robertson, warned the Government that his requirement was not limited to seventy divisions but ‘every man we can get’:

[...] the Chief of the Imperial General Staff [...] made it perfectly clear that no limit could be placed at present on the numbers of men which the British Empire might require to carry the war to a successful conclusion. He stated that the only advice he could give was that we should aim at placing in the field every man we can possibly pay for and get.<sup>259</sup>

The imposition of conscription caused widespread disruption and confusion to all parts of the civil and military authorities. There was no Civil Service preparation, no military pre-planning, no attempt to anticipate the problems inherent in the introduction of radical change. Both the administration and the public were forced to adapt to, what was for twentieth century Great Britain, a new and novel way of waging war.<sup>260</sup> This adjustment involved changes not just to the working operations of the military but to long expressed beliefs in the extent of individual freedoms and the extension of state controls.

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<sup>257</sup> New Zealand and Canada had introduced conscription, but Australia and India did not.

<sup>258</sup> Asquith introduced the second Military Service Act (1916) to Parliament on 3 May; it allowed for the conscription of all men of military age, regardless of marital status.

<sup>259</sup> CAB 37/141/38 Cabinet Committee on the Co-Ordination of Military and Financial Effort, January 1916.

<sup>260</sup> Though compulsory military service for some British men was not a particularly recent innovation. The Fyrd, Harold’s soldiers at Hastings were compelled by duty (and the threat of fines if they refused) to fight for the King; the Normans had a legal system which stipulated that military service was owed to his Lord by every freeman; Henry II created the Assize of Arms which defined the military obligations of all men in time of need; Charles I revived the medieval Commission of Array to press men into his forces and the Press Acts of the eighteenth century decreed that ‘the feckless, unemployed or indebted’ could be compulsory enlisted.

Conscription was always seen as very un-British; a measure that contradicted the essence of both and underlying national liberal ethos and the Liberal politics of the ruling government; one associated with the excesses of the Napoleonic wars and the brutishness of Prussian militarism.<sup>261</sup>

A second Military Service Act which extended compulsion to married men of military age was passed in May 1916. This Act also contained provision for the War Office to order a repeat medical examination for those men previously declared physically unfit for military service. A third Act allowed medical re-examination on those men who had previously served in the armed forces but who had been discharged because of ill-health or wounds in order to determine their fitness to re-join the services. Many of these men, resentful at what they saw as unfair treatment and in the absence of any other avenue of protest, turned to the LMSTs for help. By asserting their independence and making skilful use of the press and their political contacts, tribunals succeeded in initiating a government enquiry and eventually overturning legislation.<sup>262</sup> At the same time the government took the opportunity to revise and reduce the extensive list of reserved occupations. The fourth and final Act was passed in January 1918. There had been extensive discussion since 1916 on whether or not to apply the Act to Ireland and the decision had been taken that such a move would create more problems than it would solve. But in 1918 when the demand for men had become even more acute the question arose again. It was proposed that there should be a call-up of all Irish men under the age of twenty-three and, perhaps anticipating widespread opposition, that seventy-three military tribunals be established to hear appeals. The news quickly spread in Ireland that conscription could happen. The Lord Lieutenant of Ireland, Field-Marshal

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<sup>261</sup> Ilana Bet-El, *Conscripts*, p.2.

<sup>262</sup> See 'The Medical Scandal', p.174.

Lord French, had told the Prime Minister that though it would not be easy he was of the opinion that conscription could be introduced and enforced. A meeting in Dublin between Colonel MacLean of the War Office, General Byrne, the General Officer Commanding-in-Chief, and the Chief Commissioner of the Dublin Police came to the opposite conclusion. The police in particular stated that it could not successfully be put into operation. The Under-Secretary for Ireland stated that troops would need to take control of the country for the Act to be enforced. The Chief Commissioner for Dublin and the Head of the Royal Irish Constabulary expressed grave fears that Roman Catholic Bishops would forbid Catholic policemen from giving assistance in enforcing the Act. A manifesto issued on 22 April and signed by seventeen King's Counsel, most of them Public Prosecutors, and two Sergeants of Law, expressed approval of the Catholic Church's opposition to conscription. The Department of Agriculture in Ireland told the government that its Inspectors had already received notice from farmers that they would stop tillage and plough up crops already sown. A twenty-four-hour General Strike had already taken place. All movement by rail had been halted. Civilian coast-watchers on the southern and western coasts had withdrawn from their duties as a protest. George Barnes, previous leader of the Labour Party and a member of the Cabinet, warned against publishing any of the proposed details because it would halt any continuing voluntary recruiting and probably inflame the people. The plan to introduce conscription in Ireland drawn up by the Adjutant-General and the Minister of National Service, Sir Auckland Geddes, was quietly dropped over the following few weeks. The only Irish body to welcome conscription was Sinn Fein, seeing it as a boost to their own recruitment policy:

Police have received information from their most reliable informant that (Sinn Fein) County Executive has received a letter from de Valera that it would be better for their policy if conscription came and they would be prepared to resist it. Further, that arrangements are made with Transport Union for general stoppage of work, suspension of business and stoppage

of food for troops, that railways will be destroyed, and riflemen located to shoot soldiers and police.<sup>263</sup>

Britain's major and closest ally, France, was delighted with Britain's decision to introduce compulsory military service:

England (*sic*) has thrown herself in the struggle with all her ships and all her money, and her sons have shown that the country is prepared to make a whole effort. There can, therefore, no longer be a question of principles leaving the individual free to serve or not in the war in which the fate of humanity itself is at stake.<sup>264</sup>

But the prevailing mood in Britain was sadness and not triumphalism. Lord Grey spoke for many people:

And yet what an injury it was that in great nations young men in the prime of their youth should be taken from their homes, from useful, productive or congenial occupations for which they were fit, and for three years trained to something for which they were not, either by talent or temperament, disposed. Surely relations between civilized nations that made such a system necessary were contrary to all good sense and reason.<sup>265</sup>

The paradox of the introduction of conscription lies in the fact that far from increasing the number of men in the armed forces it provided the means for more men to challenge and subsequently avoid their enlistment. The first few months of compulsion produced a little over 40,000 men each month, considerably less than voluntarism at its height. Sir William Robertson informed the Cabinet on 21 March 1916 that of the 193,891 men summoned under

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<sup>263</sup> War Cabinet, *Sinn Fein Attitude Towards Conscription*. Copy of telegram from the Under Secretary to the Chief Secretary for Ireland. Received 10<sup>th</sup> April 1918. CAB 24/47/91.

<sup>264</sup> *Le Temps*, 6 January 1916.

<sup>265</sup> Viscount Grey, *Twenty-Five Years*, p.271.

the Military Service Act to be processed into service, 57,416 had simply failed to appear. These missing men, of course, may have been the result of the flawed information provided by the National Register of a few months previously. At its simplest, the answer could be that they had moved accommodation and never actually received the letter of summons. Instead of conscription bringing in 650,000 new enlistments as expected, Tribunals awarded 748,587 new claims for exemption to add to the 1,500,000 men already holding exemption certificates of one kind or another. But a continuation of the volunteering system was also not the answer. Voluntarism had served its purpose but too many of the wrong men had already volunteered. Under a system of compulsion men who were more valuable to the war effort by staying at home – such as farmers, miners and munitions workers – were kept. The man who made the machine-gun was recognized as being as important to victory as the man who fired it. Clerks and office workers were put into uniform instead.

Conscription also changed the relationship of central government to local authority. The role played by LMSTs during the war was part of that change. In 1919 the government abolished the Local Government Board which had been so influential in the formation and operation of LMSTs. This act alone signaled a change from Westminster's previous political-diplomatic approach to local government which had been based on flexibility and the use of influence, and a move to a technical-bureaucratic system, operating by explicit rules, that demanded consistency and clarity.<sup>266</sup>

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<sup>266</sup> Christine Bellamy, *Administering central-local relations, 1871-1919: The Local Government Board in its fiscal and cultural context* (Manchester: Manchester University Press 1988), p.117.



## Chapter Two – Localism and the Central State

LMSTs were part and parcel of a system of localism that was largely divorced, in its day-to-day activities, from central government. They were just one of many groups from a long-established tradition of local people responding to a local need. They were *of* the community that they served, and they held the interests of that community to heart.

The first two sections of this chapter explore the slow and hesitant development of the British political system which changed from a position that valued and praised ‘a good system of local government’<sup>267</sup> to one that was described in 2002 as ‘one of the most centralised systems of government in the western world’.<sup>268</sup> Britain’s prevailing political/social order evolved from a relationship between local and central government that was based on a dual system of separate spheres of interest and, for most of the last two hundred years, a sense of hostility and suspicion between the two. What changed in effect was the emphasis placed on the role of central government. This occurred in a piecemeal fashion until the early twentieth century and was part of a process involving the growth of capitalism, the movement of labour and the challenges they presented to the landed classes.<sup>269</sup>

Local government in Britain in the 1830s was composed of a multitude of community groups overseen, with some measure of control, by a regional authority representing the state.

Autonomous local groupings, separate from Westminster, were viewed as important safeguards against the power of a centralised government. And whereas this form of political

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<sup>267</sup> Colonel Torrens, *Hansard*, Second Reading Poor Law Debate, vol.23, col.1340, 17 April 1834 – “a good system of local government he looked upon to be the perfection of all government”.

<sup>268</sup> John Prescott, Deputy Prime Minister, *Your Region, Your Choice: Revitalising the English Regions*, White Paper (HMSO May 2002). There are still occasional calls for a return to the primacy of localism “A revival of local government, once a national treasure, would be a priceless achievement”. Max Hastings, *The Times*, 27 July 2021. “Localism is the key to levelling up Britain”, William Hague, *The Times*, 5 October 2021.

<sup>269</sup> J.A. Chandler, *Explaining Local Government: Local government in Britain since 1800* (Manchester: Manchester University Press 2007), p. 31.

system has continued in other liberal democracies in more or less its original form (given changes in technology and social norms), in Britain there has been a radical restructuring of local government resulting in far fewer authorities with anything like executive power. Power, since the changes brought about by the stresses of the Great War, now lies with the state.

The fourth part of this chapter explains the importance of the Local Government Board to LMSTs and, in particular, the role played by Walter Long. During the nineteenth century with the writings of Jeremy Bentham, John Austin, James Mill and others, there developed in Britain a vision of the state as a force for improvement and social change.<sup>270</sup> Both Bentham and Mill argued against a political system which defended traditional interests and the dispersal of power (i.e. localism) and argued instead for an autonomous, efficient, and unified state. The results of their public writings began to be seen from 1834 onwards beginning with Edwin Chadwick's Report on the old Poor Law. As central government responded to calls to become more involved with national issues of health it became obvious that some form of administrative control was needed and this led in 1871 to the creation of the Local Government Board – a unifying department overseeing Public Health, Medical Boards and the Poor Law.<sup>271</sup> Why the LGB is important in this study is two-fold; firstly, because of its importance to the origins, organisation and overview of LMSTs from 1916 onwards, but also because of the ethos and the nature of control exercised by the Board itself which was translated to the structure and workings of LMSTs. Initially there had been pressure on ministers to ensure that the LGB was a fully centralised tool of the state, able and willing to enforce statutory demands on local authorities. Instead, the bureaucratic and administrative aspects of the Board were based on a pragmatic approach to personal relationships with

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<sup>270</sup> Jeremy Bentham, founder of utilitarianism, wrote: "it is the greatest happiness of the greatest number that is the measure of right and wrong"; James Mill, economist and political theorist; John Austin, legal theorist.

<sup>271</sup> Bellamy, *Administering central-local relations, 1871-1919*, pp.6-11.

localism, accompanied by a level of social deference and authority. This practical manner of operation led to the creation of LMSTs that represented the community and were not a centrally imposed construct.

The final part of this chapter looks at one nineteenth-century major initiative by central government which, in the problems it encountered and the solutions it found, bears some relationship to the imposition of conscription in 1916. This was the Compulsory Vaccination Act of 1853. Here, as in 1916, a voluntary system had been exchanged for one of compulsion, resulting in widespread public unrest and protest. Given that organised dissension to the Act and its Amendments lasted until 1907, most of the people involved in the implementation of the Act – politicians, civil-servants, members of local authorities – were likely to be alive and still in post when the problems of conscription came about. This is particularly true of Walter Long who, as minister responsible for the workings of the Act in 1907, proposed a solution to the problem of dissenters in relation to compulsory vaccination, who were described as ‘conscientious objectors’. Nine years later, as President of the Local Government Board, he employed a similar approach to the issues surrounding military compulsion.

## 2.1 The Development of Local Government

The British parliamentary system of the eighteenth and early nineteenth was carefully constructed to ensure that those in control of political systems at a local level were guided in their decisions by the interests of the land-owning elite.<sup>272</sup> Any authority wishing to build a turnpike, canal or railway or make any substantial change to the property of landowners required Parliamentary assent. Whilst Parliament proved reluctant to enact nationwide statutory Acts that imposed uniform regulations on a country with a plethora of diverse legal and traditional customs it was happy to be involved in, and to control, individual issues through the mechanism of Private Acts. During the first half of the nineteenth century there were almost twice as many private as public acts passed by Parliament.<sup>273</sup> The relative stability of this system, despite its cumbersome and expensive workings, was underlaid by a traditional hostility to central government. Government was still regarded as an agent of the Monarch, more likely to subjugate the population than benefit it.<sup>274</sup> The people's rights (such as they were) were believed to be protected by Members of Parliament, not His Majesty's Government. In the early 1800s Parliament was composed largely of a Tory voting landowning class who believed that the state had no justifiable right to tax or regulate their land without their consent. It came to be accepted that a landowner had sole power over his property; he (and the occasional 'she') alone would decide on how it was to be used. Wealth favoured a political system that limited central government. What this meant in practice was that landowners had the power to control events in their own locality but were equally able to resolve differences amongst themselves in the debating chambers and smoke-filled rooms of

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<sup>272</sup> The relationship between local and central government in this period is easily thought of as a simple dual system. Westminster was concerned with 'high' politics – the encouragement of trade, protection of the colonies and defence of the realm, whereas local county, borough and parish councils were responsible for 'low' politics such as the pressing need for relief of the poor.

<sup>273</sup> J.A. Chandler, *Explaining Local Government*, p.4.

<sup>274</sup> *Ibid.* p.5.

the House of Commons. This same standpoint was adopted by the growing numbers of mill and factory owners and those with urban commercial interests who sought and obtained parliamentary power and began to argue that they had the right to govern the towns that their finance and acumen had created. Thus, by the late 1800s, the shared political power of Whigs and Tories in Parliament was based on a fundamental distrust of centralised government and a core belief that local economic interests should be the determining voice. That and the rights of the individual, or rather the rights of the individual with wealth and a vote. Alongside the pride in an expanding empire, this belief gradually gave birth to the mythical freeborn Englishman, whose home was his castle.

The mid-nineteenth century was the time of the libertarian individual.<sup>275</sup> Sir Robert Peel initiated a committee of enquiry into policing of the capital in 1822 which reported back:

It is difficult to reconcile an effective system of police with that perfect freedom of action and exemptions from interference, which are the great privileges and blessings of society in this country and your Committee think that the forfeiture or curtailment of such advantages would be too great a sacrifice for improvements in police, facilities in detection of crime, however desirable in themselves if abstractedly considered.<sup>276</sup>

Industrialisation brought further changes to the structure of local government. A parish system dependent on government appointed magistrates to ensure its operation was made unworkable by the revolutions in industry, transport and population movement. In many large urban centres, the system of governance was breaking down.<sup>277</sup> Parishes were small managerial units unable to handle the demands of large industrialised societies and needed to

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<sup>275</sup> N. Gash, *Mr. Secretary Peel* (London: Longmans, 1961), p.312.

<sup>276</sup> *Ibid* p.313.

<sup>277</sup> J.A. Chandler, *Explaining Local Government*, p.49.

be replaced by larger units of local governance. These social forces created under industrialisation led to the 1832 Electoral Reform Act which restructured the political and local governance system. This Act did much to shift the balance of political power from a landed elite to industrialists and urban agents.<sup>278</sup> The 1833 House of Commons had fifty-seven newly elected members local to the urban constituencies they represented. Twenty-three of them were local manufacturers or were involved in commerce. The Municipal Corporations Act two years later further reformed the political landscape by granting new borough status to 178 communities. The Act also re-emphasised the principle that central government should not interfere in local issues; these municipalities were viewed as independent bodies, free from central supervision or control.

All sectors of political interests, both at national and local levels, were having to deal with the problems thrown up by the rapid emergence of large cities and a mobile workforce. But both Whig and Tory parties were opposed to increased centralisation largely because greater control over local government through the disbursement of grants had a financial consequence and an effect on national taxation. None of the successive Liberal and Tory governments during this period were willing to court electoral unpopularity by raising taxes. Meanwhile a series of ad-hoc legislative national initiatives dealing with public health, roads and highways, policing and finance gave responsibility for these measures to local authorities. An increased understanding of the causes of disease and the importance of sanitation led to a series of reports detailing the links between disease and overcrowded, unsanitary urban slums. It was recognised that the answer lay in public works to provide efficient sewage disposal, clean water and better housing. The Nuisance Removal Act of 1846 allowed local government to remedy faults and provide water and drainage

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<sup>278</sup> See J.A. Chandler, *Explaining Local Government*; Christine Bellamy, *Administering Central-Local Relations, 1871-1919*; Francesca Carneval, Julie-Marie Strange eds., *20<sup>th</sup> Century Britain: Economic, Cultural and Social Change*.

improvements. Public health, the pursuance of public works, planning and housing became the responsibility of municipal boroughs without direct interference from central government. The 1848 Health of Towns Act created Local Health Boards who were tasked with the supply of drainage, sewage disposal facilities, water, street paving and the building of reservoirs. Local authorities were granted increased powers to compel citizens to clean up their towns under the Sanitary Act of 1866.

A more mobile population following the emergence of a national railway system in the 1850s bankrupted most Turnpike Trusts. The adopted solution was to encourage small parishes to combine to form highway districts managed by Highway Boards formed of locally elected members and a government representation of JPs. The Health Acts of 1848 and 1858 allowed local health authorities to take responsibility for the maintenance of roads and many parishes petitioned to become Health Boards in order to regain sole control of their local roads without the interference of a centralised judicial system. The success of the Metropolitan Police in 1829 led to calls for a national police force under the control of the Home Office and county magistrates. The idea was dismissed by Westminster as being far too centralised and it took until 1856 before Lord Palmerston was able to pass an Act that required counties and boroughs to establish independent, county police forces. The prison service was one of the few institutions to reverse the trend and pass from local to central control. By 1865 local authorities were responsible for prisons in their localities but had no control over them. The 1877 Act transferred responsibility for the prison service in its entirety to central government. Sydney and Beatrice Webb saw it as an anomaly in the local versus central political debate:

In no other branch of public administration has such a change been made in England [...] English preference for local over central administration has hitherto always proved too strong to overcome.<sup>279</sup>

The overall thrust throughout this period was that local government was to shoulder much of the implementation of the new legislation. And that required finance. There had been some examples of central funding for local initiatives – the establishment of the Metropolitan Police in 1829 and the distribution of funds to finance local charities in school building in 1834. But in the face of national unrest against the rise in local rates the government initiated a series of financial concessions which in turn stoked the fears of political radicals opposed to government control. Chief among these was Joshua Toulmin Smith, leading light of the Anti-Centralisation Union which campaigned against the Health Acts. Smith's support for local governance was based on his historical understanding and interpretation of Anglo-Saxon modes of self-governance. He argued that history proved that 'local Self-Government did exist in England and was a force to keep in check the most ambitious monarchs'.<sup>280</sup> His writings and speeches, influenced by other theorists such as Robert Owen, were particularly popular among the middle-class reformers of the 1850s. He believed that all men were free-born and that 'the role of local government was not so much to act for people as to help create the conditions in which individuals could do things for themselves'.<sup>281</sup> An interventionist system of local government would emphasise civic responsibilities and strengthen community awareness, creating a 'self-directed citizenry'. In an echo of Enlightenment thinking he promoted the idea of citizen militias and decried standing armies.

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<sup>279</sup> Sydney Webb and Beatrice Webb, *English Prisons under Local Government* (London: Routledge, 1922) p.201.

<sup>280</sup> Ben Weinstein, "'Local Self-Government Is True Socialism": Joshua Toulmin Smith, the State and Character Formation', *The English Historical Review*, Vol. 123, No. 504 (Oct. 2008), pp. 1193-1228.

<sup>281</sup> *Ibid*, p.3.



Militias were not only constitutional but should be obligatory – ‘the fundamental Laws of England have always affirmed the obligation of every Englishman to have a knowledge of the use of arms’.<sup>282</sup>

Under the ‘partnership’ model, meanwhile, local government had evolved to have a clear and defined purpose to deliver public services, particularly in health and education. So much so that when Britain went to war in 1914 it was local councils and local authorities that first responded and provided the structure to enable a voluntary enlistment of two million men between 1914-1916. The government itself had no clear plan for a sudden expansion of the army and it was left to civilians at a local level to raise, house and equip hundreds of thousands of volunteer soldiers.<sup>283</sup> To enable this feat, they developed and provided from scratch a bureaucratic system to regulate and control the flow and an army of clerks and doctors to provide and process the information. Central government responded by creating the Parliamentary Recruiting Committee in late August 1914, but its role was more to co-ordinate, monitor and facilitate local efforts to encourage recruitment rather than develop strategies of its own. When conscription was introduced in 1916 the existing local government bureaucratic and administrative infrastructure for recruitment was replaced by a hesitant War Office with, for the first few months at least, a resultant mix of disorder, disorganisation and confusion. Only LMSTs, coming from a local government background, were able to organise and carry out their duties with a minimum of disruption.

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<sup>282</sup> Ibid, p.32.

<sup>283</sup> Peter Simpkins, *Kitchener's Army: The Raising of the New Armies, 1914-16* (Manchester: Manchester University Press 1988), p. xv.

## 2.2 Government and the rise of the centralised state

Throughout the nineteenth century manufacturing was locally based (largely in the Midlands, Wales and the North) and self-financed by those regions, whereas commerce and banking was centred on the metropolis and had an international outlook. Politics was largely divorced from major social and economic questions. There was some involvement in food provision when faced with the possibility of shortages during the wars with the French in the early part of the nineteenth century. At that point, the government initiated bulk purchases, provided warehousing and organised distribution of essential foodstuffs. But it later repealed the Corn Laws in order to evade any responsibility to provision the country and brought in a new Poor Law which removed its obligation to sustain its poorest citizens. Equally, there was little pressure from below for radical change. Once Chartism as a mass movement had faded in the 1850s, the working class seldom organised itself into broad national organisations and consequently made few demands upon the state. Having little or no voice in the political arena limited what the lower orders might expect or demand from central government.<sup>284</sup> Instead, workers and the populace in general concentrated on local issues. Trade-unions sought control of the shop-floor and their own working conditions. Large numbers of working and lower middle-class men and women were members of organisations that were ‘infused with the ideology of independence and respectability and structured to engage in sectional, highly localized activities’.<sup>285</sup> LMST panel members were made up of just these people.<sup>286</sup>

When central government attempted to intervene and impose national policies they were

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<sup>284</sup> This was evident in the response by LMSTs after 1916 who were content to work independently but take account of government advice when it was felt to be appropriate.

<sup>285</sup> These were the Friendly Societies. James E. Cronin, *The Politics of State Expansion: War, State and Society in Twentieth-Century Britain* (London: Routledge 1991), p.22.

<sup>286</sup> See the breakdown of panel members by class and occupation in Chapter Four.

often faced with large scale scepticism and social disruption. There was widespread hostility to the Compulsory Education Acts from a society where child labour was commonplace. The London School Board prosecuted over ten thousand cases of persistent absence under the attendance bylaws every year, but these were a small fraction of the actual number of parents confronted and challenged by School Attendance Officers:

The records of the London School Board, education periodicals, local newspapers, records of the magistrates' courts, and the memoirs of education administrators, all described a considerable degree of opposition to the enforcement of the compulsory attendance laws in working-class neighborhoods.<sup>287</sup>

Consequent restrictions on the working hours of children proved equally unpopular with the working-class. The ability to earn, at no matter what age, determined whether or not a household survived. All members of that household that could contribute must do so. The socialist Frederick James Gould, member of the Leicester School Board, wrote of a conversation he held with a mother in 1902 who had kept her daughter at home to help with the house:

The painful complexity of interest involved – the mother's need of help; the child's need of education; society's claim that the child, as its ward, shall be trained in intelligent citizenship. The mother must yield; and the mother must suffer; but, alas, no commonwealth can truly gain by the suffering of mothers.<sup>288</sup>

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<sup>287</sup> Sascha Aurbach, “‘The Law Has No Feeling for Poor Folks Like Us!’ Everyday Responses to Legal Compulsion in England's Working-Class Communities, 1871-1904”, *Journal of Social History*, Vol. 45, No. 3 (2012), pp. 686-708 (p.691).

<sup>288</sup> Quoted in D. Rubenstein, *School Attendance in London 1870-1904* (Hull: A.M. Kelley; Facsimile edition 1978).

Commonly held views by parents that children as young as five or six could play their part in maintaining the family were not easily changed by parliamentary decree. Parents who could persuade the local Education Department that any child of theirs over the age of eleven was gainfully employed could apply for an exemption from schooling certificate. The concept of having the right to apply for exemption from nationally imposed regulations was therefore not alien to the working class.

In an age when the majority of the population relied on rented accommodation, government inspired housing schemes were seen as a means of removing houses rather than replacing them. Reforms to the health system and the appointment of health visitors had the ulterior motives, it was believed by some, of tackling working class ‘malingering’ and other behaviours thought unacceptable to a concerned middle-class. The term ‘malingerer’ was quite easily transformed into ‘shirker’ at the outset of war. The passion for reform that grew out of the realisation of the poor health of the nation following the Boer War was also seen as an attack on working-class women and their role in families.<sup>289</sup> From a working-class viewpoint, ‘social reform’ could involve a punitive element; it was something aimed at workers and imposed on them rather than suggested or designed by them. As late as 1912 there was opposition to the introduction of labour exchanges which were viewed not as vehicles to help the unemployed find gainful employment but as an initial move towards the compulsory registration of all labour. Plans for unemployment insurance were portrayed as a means of registering and controlling all workers through a recording system that could be employed against them.<sup>290</sup> Despite its attempts to ‘do good’ the state and its initiatives were viewed with suspicion. Local government, on the other hand, operating in its own sphere of influence, spoke for the majority of the population – the working and lower middle-classes.

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<sup>289</sup> Ibid pp.35-36.

<sup>290</sup> Pat Thane, ‘The Working Class and State ‘Welfare’ in Britain, 1880-1914’, *The Historical Journal*, Vol. 27, No. 4 (1984), pp. 877-900 (p.898).

At the same time, both local and central governance were attempting to come to terms with rapid social change caused by industrialisation and the clamour for reform of the franchise from a newly literate class.<sup>291</sup> The involvement of Westminster in national policy reform was part of this developing and changing ideological conflict between industrial capital and landed interests, and between rural and urban values. Towards the end of the nineteenth century central government was caught between two schools of thought. On the one hand it was both suspicious of and increasingly hostile to local government. In terms that would later be used to criticize LMSTs:

Local government is equated with particularism and ignorance; national organization with the application of general principle and knowledge; local control with corruption and favouritism; national control with consistency and justice.<sup>292</sup>

On the other hand, the necessary political and administrative processes needed in order to closely control and manage local authorities were considered excessive and financially onerous:

To attempt by pre-emptory orders, meticulous in their detail, having the force of law, to concert the thousands of representatives of the ratepayers, in all this work of administration, into mere mechanical agents of a Central Government Department is, in our opinion, at once to court failure and to destroy local government.<sup>293</sup>

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<sup>291</sup> It was an age of the mass press and of mass publishing. An expanding population of literate readers throughout Britain provided a ready market for newspapers, journals, magazines and books of all genres.

<sup>292</sup> Christine Bellamy, *Administering central-local relations, 1871-1919*, p.7 on conclusions drawn from the *Report from Her Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, 1834*.

<sup>293</sup> *Report of the Royal Commission on the Poor Laws and the Relief of Distress 1909* (Cd. 4499) xxxvii 1 Minority Report, p.357 – from *Administering Central-Local Relations*, p.4.

With an increased franchise, local government became much more democratic. The role of gentry in local politics had declined, while the reforms of the parish system and the pre-eminence of the local vicar in local governance had largely disappeared. This is not to deny though that by the 1880s central government still had considerable powers to intervene in the event of a major disagreement with local authorities. As always, this power revolved around finance. This was as true of the implementation of the 1891 Tithe Act as it was in the enforcement on reluctant local authorities to administer the controversial 1902 Education Act. As Lord Salisbury remarked when complaining of central government interference – ‘[...] but the Secretary of State holds the purse strings in his hands [...]’.<sup>294</sup>

State interventions were often met with public resistance.<sup>295</sup> Local government had already been reorganised to carry out a national welfare policy and by 1900 the role of local government in the delivery of a wide range of public services was much more clearly defined.<sup>296</sup> The Local Government Acts of 1888 and 1894 followed by the London Government Act of 1899 reflected a new concern at national level to improve the health and education of the populace. But at the same time, having put in place a local governmental political and financial structure capable of delivering these proposed reforms, central government became alarmed at the rise of socialism as a political and social force at local level.<sup>297</sup> The growth of a potentially socialist party in the nation during this period meant that both political parties at Westminster, Conservatives and Liberals, began to view localism differently. Local government at the beginning of the twentieth century was not now to be

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<sup>294</sup> See J.P.D. Dunbabin, ‘British Local Government Reform: The Nineteenth Century and After’, *The English Historical Review*, Vol. 92, No. 365 (1977), pp. 777-805 (p.798).

<sup>295</sup> See Compulsory Vaccination Act below.

<sup>296</sup> J.A. Chandler, *Explaining Local Government*, p.120.

<sup>297</sup> The Huddersfield LMST recorded more conscientious objectors giving Socialism as their reason for refusing to serve than gave religion. Cyril Pearce, *Comrades in Conscience*, Table 12, p.271. Pearce gives the numbers as: Socialists 45, religious 44.

trusted with delivering the new reform policies. Recently granted powers were held in abeyance while the status and prestige of local authorities were downgraded. Having been granted responsibility, local authorities found that they were being denied the opportunity to exercise it. They were viewed as an impediment to governance and were denied any part in the provision of equality of opportunity.<sup>298</sup> The traditional hostility between local and central authority, which had begun to dissipate in the second half of the nineteenth century, was replaced by a relationship of mistrust of local authorities and a belief that they were not capable of carrying out the responsibilities handed to them. Government at local level was now viewed as more of a hindrance than a help in the quest for social reform.<sup>299</sup> This move against localism was led by Lloyd George and Asquith who rejected any form of local participation in the distribution of the newly instituted welfare benefits.<sup>300</sup> Funds for the new Old Age Pension were to be paid via a national system of post-offices rather than the local Poor Law committees. Finance for this new welfare system was provided by the Treasury and various insurance schemes rather than local rates. Responsibility for the distribution of capital was given to the Customs and Excise Board. This was a radical departure for an Exchequer more used to restricting funds. The Treasury was largely responsible for preventing any form of state expansion in the early 1800s displaying a consistently negative view of the state's role in a wider society. 'Until 1914, "Treasury control" was thus restricted mainly to the habit of saying no'.<sup>301</sup> Its position was dictated by Britain's traditional separation between manufacturing industry and general commerce and finance.

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<sup>298</sup> Cronin, *The Politics of State Expansion*, p.119.

<sup>299</sup> Chandler, *Explaining Local Government*, p.120.

<sup>300</sup> Free school meals were introduced in 1906; the Children and Young Persons Act in 1908; Labour Exchanges and a minimum wage scheme were introduced in 1909 and the National Insurance Act was passed in 1911

<sup>301</sup> Cronin, *The Politics of State Expansion*, p.10.

### 2.3 The Stimulus of War

All this changed of course with the declaration of war. A gradual move towards a more interventionist state that had been gathering momentum before 1914 was accelerated dramatically. The country's economy, its industrial base, the employment and nature of labour, right down to the day-to-day reality of living was by 1916, rigidly controlled by the state. The British economy, the industrial base and the daily life of citizens were more rigidly controlled in Britain than in any of the other major protagonists.<sup>302</sup> For a still largely Liberal dominated government that believed in a reductionist State these had been difficult decisions to make. After just twelve months of war, and despite having a largely Liberal government committed to maintaining some form of normality whilst the military got on with the war – ‘business as usual’ - the State now controlled the railway system, energy production, shipping, transport and food supply in addition to building and operating its own factories and creating huge war industries and government departments. It commandeered one hundred and twenty-five large private factories. It became the sole importer of raw materials deemed important to the Home Front – wool, meat, sugar, wheat – and introduced price fixing in order to limit profiteering. It requisitioned whole industries and controlled the output and distribution of others including textiles, brewing, building, iron and steel, paper. By the end of the war the Ministry of Food was responsible for 85% of the nation's food supply. Controls on farming and domestic food production were tightened and rationing was introduced in 1918. Problems with the issue of ‘dilution’ were solved with a Treasury Agreement in 1915 that saw major employers agree to limit their profits for the war's duration and trade unions agree to allow women into the workforce. Women in employment rose from 23.7 percent to 37.7 percent during the war. But it was the type of employment

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<sup>302</sup> Ferguson, *The Pity of War*, p. 221.



they were engaged in that changed the most. A large proportion of employed women before the war were in domestic service and over one million of these women entered industry in a variety of roles. Women employed in the metals industry rose from 9.4 percent to 24.6 percent; in chemicals, 20.1 percent to 39 percent and in munitions and other government establishments from 2.6 percent to 46.7 percent. By 1917 the state directly employed 3.1 million people and government spending accounted for 38.7 percent of gross domestic product. The state was the largest employer and producer of goods in the country. In the armaments industry alone, the increased production rate between 1914 and 1918 was impressive. In 1914 British industry manufactured 300 machine guns, 100,000 rifles and 5,000 tons of explosive; by 1918 these figures had grown to 120,900, 1,100,000 and 118,000 respectively.<sup>303</sup> The State controlled transport, raw materials, industrial production, farming, food and diet.<sup>304</sup>

While calling for ‘business as usual’ in trade and economics the government had slowly discovered that in order to continue ‘as usual’, the sheer scale of the war effort demanded wide ranging state intervention.<sup>305</sup> This intervention led the government to embody the contradictory roles of being both the instigator of social control and the agent of social empowerment.<sup>306</sup> In its attempts to encourage women to join the war industries, the government established factory creches, canteens for workers, and boarding-houses for unmarried women living and working away from home. These interventions were placed in the hands of large government departments – the War Office, the Board of Trade, the Foreign

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<sup>303</sup> Ferguson, *The Pity of War*, Table 26 p.260.

<sup>304</sup> All figures taken from Christopher Phillips, *Organisation of War Economies (Great Britain and Ireland)*, International Encyclopedia of the First World War.

<sup>305</sup> Stephen Broadberry, Peter Howlett, Chapter 7, *The United Kingdom During World War 1: Business as Usual?* in Stephen Broadberry and Mark Harrison, eds., *The Economics of World War 1* (Cambridge: Cambridge University Press 2005).

<sup>306</sup> Edward Higgs, *The Rise of the Information State*.

Office and the Ministry of Munitions. The introduction of telephones, typewriters and punched-card tabulating machines, along with the availability of pre-printed standard forms and much improved filing systems, enabled government departments to process acquired information quickly and with far greater efficiency. More information allowed for more control.

It took two years for the government to exercise the same kind of control over manpower as it did over the economy. Its failure to act in 1914 created critical problems in the response to increased demands for munitions and the machinery of war. With the introduction of conscription, skilled men who were necessary for the war industries remained at home while the majority of enlisted men came from the commerce, finance and commercial sectors of the economy. State expansion was fuelled by war. As spending increased so did the size of the state – increased expenditure equalled greater state power. Government spending in 1913 constituted 12 per cent of national income; by 1918 this had risen to 52 per cent.<sup>307</sup>

Conscription involved a more fundamental extensions of state power in pursuit of victory. The state now controlled, far more than it had ever done, this most basic aspect of people's lives – the ability to choose.

Until August 1914 a sensible, law-abiding Englishman could pass through life and hardly notice the existence of the state, beyond the post office and the policeman. He could live where he liked and as he liked. He had no official number or identity card [...] For that matter, a foreigner could spend his life in this country without permit, and without informing the police. Unlike the countries of the European continent, the state did not require its citizens to perform military service [...] Broadly speaking, [the state] left the adult citizen alone. All this was changed by the impact of the Great War [...] The state established a hold over its citizens which, though relaxed in peacetime was never to be removed.<sup>308</sup>

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<sup>307</sup> Cronin, *The Politics of State Expansion*.

<sup>308</sup> A.J.P. Taylor, *English History 1914-1945*.

LMSTs, caught between their dual role of helping to put men in uniform whilst striving to protect their own communities from the extremes of military and state intervention, were part and parcel of this transformation. They were the creation of a controlling, centralised state yet, at the same time, they were the products of a tradition of local governance, responsible to both parties but beholden to neither. They recognised and accepted their role in the conscription process, but equally they remained the sole check and safeguard on the power of the state to force men into the armed forces. Amidst a plethora of state ownership and intervention and the centralising of the process of decision making in all spheres of life, local Tribunals continued to function as independent entities hearing the appeals of hundreds of thousands of conscripted men. That they were allowed to do that, in fact they were encouraged to do so, was the result of being part of the one government department concerned with promoting localism, at its head a man who believed in the good sense of community citizens – the Local Government Board.

## 2.4 Walter Long and the Local Government Board

LMSTs came into being under the aegis of the Local Government Board and the direction of its president, Walter Long. The LGB was a major government department responsible for and supportive of the workings of local government, including, after 1916, LMSTs. Long himself was a primary influence on the form and composition of these local tribunals. It was his decision that they should be made up of local people, reflecting local concerns. This initiative stemmed from his experience in 1907 of dealing with opponents of the 1853 Compulsory Vaccination Act and its various Amendments. An understanding of Long's attitudes and approach to those conscientious objectors to vaccination is crucial in order to grasp how and why LMSTs took the form they did. This section will discuss the origins of the LGB and its demise before referring to the anti-vaccination campaign in more detail.

The history of parliamentary and local government throughout the nineteenth and early twentieth centuries is one of a central administration with a developing interest in issues of a national nature – social welfare, education and the physical environment of the urban population – coming to terms with determining how exactly it can deliver such policies in the face of traditional suspicion and hostility from largely independent local systems.

When Government represented only the authority of the Crown or the views of a particular class, I can understand that it was the first duty of men who valued their freedom to restrict its authority and to limit its expenditure. But all that is changed. Now Government is the organized expression of the wishes and the wants of the people, and under these circumstances let us cease to regard it with suspicion [...] Now it is our business to extend its functions, and to see in what way its operations can be usefully enlarged.<sup>309</sup>

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<sup>309</sup> Joseph Chamberlain, "State Socialism and the Moderate Liberals", 28 April 1885, in C.W. Boyd, ed. *Mr. Chamberlain's Speeches, Vol. I* (London: Constable, 1914), p.164. See *The Politics of State Expansion*.

The expanding state - expanding in its interest in social welfare and the health of the nation – put in place an extensive set of legislation that allowed local authorities to administer central government policies. Having developed the structure, it then created a political department to oversee it – the Local Government Board.

The LGB, established in 1871, was the first central government department designed to take responsibility for a local government system, including issues of health and the functions of the Poor Law Board, and was established at a time when the central executive was becoming more assertive in respect of a wide-ranging list of locally administered issues. The Board was under the direction of a president appointed by the King and was usually a Cabinet Minister. In a sign of its importance within the political system there were a number of *ex-officio* members including the Lord President of the Council, the Principal Secretaries of State, the Lord Privy Seal and the Chancellor of the Exchequer. Unusually, the Board itself rarely met, all policy being decided by the president. There was considerable discussion and disagreement for some time before the final structure, the role and responsibilities of the Board were fixed. There were two schools of thought. The first was espoused by John Simon, the Medical Officer to the Privy Council, who was keen to expand his own political influence over what he hoped would be an enlarged Health Department. He represented what Bellamy describes as a ‘technical-bureaucratic’ approach’, a ‘top-down’ system of centralised control using carefully drafted regulations based on technical requirements.<sup>310</sup> This system was to be supervised by government appointed inspectors. The opposing view, and the one that prevailed, was based on a more diplomatic approach, emphasising flexibility and discretion in dealings between local and centralised bodies. Simon advocated coercive powers against defaulting local authorities and a formal and regulated relationship between the two. In doing

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<sup>310</sup> Bellamy, *Administering central-local relations, 1871-1919*, p.117.

so he ignored the existing locally elected members of the Poor Law Boards and the Local Government Act Office. The heads of both bodies argued that relations between Westminster and local authorities should instead be based on existing patterns of personal influence, authority, and social deference. Policy outcomes should be ‘acceptable’ rather than technically accurate. Within general guidelines, their aim was to ‘minimise error and avoid the breakdown of relations, rather than to maximise performance’.<sup>311</sup> A Poor Law Inspector of some experience argued that a regional inspector responsible for other experts appointed by local authorities did not need to be an expert himself. It was acceptable that an Inspector of engineering works did not necessarily need to have engineering qualifications, but he must be a ‘gentleman’.<sup>312</sup> The argument was made that persuasion and personal influence backed up by examples and statistics rather than centralised compulsion would be more likely to ensure co-operation with local interests. Robert Rawlinson, a Lancashire Engineering Inspector, made the point in his words to the Sanitary Commission where he talked about using ‘conciliatory conversation and persuasion’ to prevail on local authorities. In a forerunner to future arguments concerning conscription and LMSTs, he made a prescient remark:

My whole life’s experience goes to this, that you cannot compel unwilling men [...] you cannot put intelligence. into an unwilling community.<sup>313</sup>

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<sup>311</sup> Ibid p.117.

<sup>312</sup> A ‘gentleman’ was a clearly defined part of the class system. A man who had private means of upkeep and was not dependent on a wage or salary to maintain his lifestyle.

<sup>313</sup> *First Report of the Sanitary Commission, 1869*, II, Appendix 6. See Bellamy, *Administering central-local relations, 1871-1919*, p.117.

This new body of central supervision, the LGB, comprised a single ministry divided into six specialist sectors with an inspectorate based on the existing Poor Law inspection system. Experts – medical men, engineers, lawyers - could be called upon when needed rather than employed full-time. Its most appealing aspect to the Exchequer, and perhaps why it was chosen over the Simon model, was its cheapness. Despite the breadth of its responsibilities it required few extra staff.<sup>314</sup> From 1871 to the end of the First World War, largely due to the efforts of the LGB, the relationship between local and central government became normalised, that is, it shifted from an essentially unsettled and diverse state to one that was routinised, definable and having a certain sense of predictability. R.A.W. Rhodes argues that this was an age of the ‘partnership’ model of government where local authorities and central government were co-equals under Parliament, and local governance had wide discretion in developing and implementing its own policies.<sup>315</sup> This sense of independence was encouraged by the LGB and epitomised by the manner in which LMSTs were established and organised. In its operations, its structure and the policies it pursued, the Board emphasized the importance of local institutions. The problems with this modus operandi lay in the fact that by 1916 that culture of independence and central governmental support was not compatible with the increasing powers of the instrumental state.<sup>316</sup> Tensions between government, supported by the military, and independent bodies such as LMSTs were inevitable.

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<sup>314</sup> The Board had four areas of responsibility. Its first duty was to ensure that delegated legislation was implemented throughout local authorities. Secondly, it carried out a policing function designed to protect ratepayers and local officials from undue pressure. This also involved a detailed oversight of Poor Law provision. Its third duty was as arbitrator between local authorities and private interests. And fourthly, it ensured the public accountability of local government.

<sup>315</sup> R.A.W. Rhodes, ‘Some myths in central-local relationships’, *Town Planning Review* (1980), p.270.

<sup>316</sup> Bellamy, *Administering central-local relations, 1871-1919*, p.273.

The bulk of the work of steering the Military Service Bill of 1915 through the Commons fell to Long whose job it was to deal with the amendments relating to determining grounds for exemption from service and Military Tribunals.<sup>317</sup> It was his direction and his decisions at this early stage that determined the composition, the eventual character and manner of the Tribunals dealing with exemption. In determining the structure of the appeal-system he had a number of historical models to choose from. Previous governments, for instance, faced with similar situations, had opted to use Justices of the Peace to form appeal panels. Many Justices of the Peace were also MPs who would have been involved in drawing up the legislation in the first place, thus ensuring a continuity in implementing policy. Or, given that Local Military Service Tribunals were statutory bodies, enacting legislation passed by parliament and responsible under law, directions could have been given that panellists should exclusively be members of the legal profession. In a different model the Government could have contented itself with simply appointing the chairman of each panel - carefully chosen appointees who could be relied upon to follow central government policy. Instead, Long, in common with the ethos of the LGB, created a national system of appeals based on the good judgement and common sense of ordinary members of a local community. He believed in the ability of public bodies made up of 'responsible persons' to complete the task. These members of Tribunals, he declared, would carry out their duties 'with single-mindedness, honesty and integrity'.<sup>318</sup> Drawing on his experience with objectors to vaccination some years previously, he decided that the composition of the panels should be based on the active participation of local people. Local politicians, local councillors, businessmen and women, members of the legal profession and representatives of labour were to take responsibility for forming and operating LMSTs. He asked (as he had no power to command) that panels

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<sup>317</sup> Walter Long, a Conservative MP, was part of the coalition government of May 1915.

<sup>318</sup> HC 19 January 1916.



should be composed of people of ‘judicial and unprejudiced mind’ who could ‘command the confidence of the community’. Realising that local councils would of necessity provide the bulk of the members of panels, he suggested that representatives of all political parties should serve. He was firm in his belief that members of the labour movement should be part of the tribunal and also encouraged tribunals to invite women into their ranks:

The response of the local authorities to the appeal which I made to them on the 26<sup>th</sup> October last for the establishment of Local Tribunals to hear cases arising under the new recruiting scheme which was then being undertaken assures me that the work which the local authorities are now being asked to perform, and which is an extension of that which they have already taken in hand, will be efficiently performed and that in this matter as in others the country may rely on them to do their utmost to further the national course at this crisis in the history of our nation.<sup>319</sup>

Where he felt that some Tribunals were straying from that principle, he would offer advice and guidance through a succession of circulars distributed by the Local Government Board:

Some Tribunals are alleged to have subjected applicants to a somewhat harsh cross-examination with respect to the grounds of their objection. It is of course necessary that the Tribunal should satisfy themselves of the bona fides of an applicant and of the precise grounds and nature of his objection, but it is desirable that enquiries should be made with tolerance and impartiality.<sup>320</sup>

When challenged that no-one with anti-conscriptionist views should be a member of a Tribunal panel he replied that, in order to be fair, he would also have to bar anyone who was

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<sup>319</sup> LGB Circular R36, January 1916.

<sup>320</sup> LGB Circular R70, 25 March 1916.

in favour of compulsion.<sup>321</sup> His quite radical forward thinking in terms of the participation of women and representatives of the working classes considerably influenced how appeals were conducted and how tribunalists understood and carried out their duties. He recognised that different geographical districts had different needs and priorities and he encouraged each tribunal to be representative of its particular area in the makeup of the panel. His carefully worded prescription for the configuration and composition of Tribunals was laid out in one of the early Local Government Board Circulars:

The functions of the Local Tribunal will be of a judicial nature. Persons should therefore be appointed who will consider the cases impartially and will be guided in their conclusions by a full regard for the national interests of the country at the present time.

It is left to the discretion of the local authority to appoint persons from within or without their own body, and I venture to urge strongly that they should not hesitate to select persons who are not members of the authority wherever this is desirable. I consider that a proportion of every Tribunal should be selected from outside the local authority.

Having regard to the duties of the tribunals, it is not intended that persons should be appointed as representing particular organisations. But it is of the utmost importance that the Tribunals should be so constituted as to command public confidence, and that therefore the various interests of the district should be fairly represented.

In this connection I desire in particular to refer to the representation of labour, the work of Tribunals will closely concern the working classes, and it is imperative that they should be adequately represented on the Tribunals. The Government have stated in the House of Commons their intention that the Tribunals shall contain a fair and just representation of labour.

It is not practicable or desirable to state definitely what should be the amount and kind of labour representation in general. Regard must be paid to the nature and requirements of each particular district.

Where there are bodies in the district which are largely representative of local labour it will be well that the local authority should consult them before making their appointments. But it must be understood that the appointments rest with the local authority.

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<sup>321</sup> HC 20 January 1916.

The Tribunals should contain representatives of labour in those districts where labour is not organised as well as in those districts in which it is organised. In districts in which there are many different classes of workmen it will of course not be practicable that there should be a representative of each class on the Tribunal. What is desired is that the Tribunals should contain a member or members of the working classes in whom the latter will have confidence.

The Order does not expressly require the local authorities to appoint women on the Tribunals. But the women of the country are as intimately concerned in the outcome of the war as are men, and many of the cases which will come before the Tribunals will be of a kind in which the advice of women will be of great service. Local authorities should therefore not hesitate to appoint suitable women on the Tribunals, if they think it is able to do so.

For obvious reasons it is considered undesirable that a man of military age should be a member of a Tribunal unless he has been attested or is unfit for military service. Local authorities should also be careful not to appoint on the Tribunals persons who have publicly expressed sentiments which would appear to make them unfair judges in cases which will come before Tribunals.<sup>322</sup>

He expected that members of LMSTs would be drawn largely from the middle-classes. Most councillors in most local authorities were likely to have been local employers, businessmen or gentlemen. But this was not the case in the West Riding, and certainly not in the Holme and Colne Valleys. In this area (see Chapter Four), councillors were working-class, skilled artisans and would have had no problem in finding representatives of organised labour to sit on the panels, which was not always the case elsewhere. Long's request for the inclusion of labour men on Tribunals could be interpreted in two ways. Realising that most men appearing before the panels would be working-class, it was an attempt to ensure fairness in the system, where a working man would have some understanding of his position from at least one member of the Tribunal. Or, more cynically, it could have been a way of 'spreading the blame', ensuring that the working man was not sent to war solely by his 'betters'. However, Long's stipulation of the inclusion of women (of which there were two in the Holme Valley

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<sup>322</sup> LGB Circular R36, No.5 *Qualifications of Members*, pp.2-3.

Tribunals) would suggest, in his terms, that he wished to include a more humane and compassionate face to the proceedings, the former is more likely. Long recognised from the outset that a centralised system of appeals was unworkable and that he would need to rely upon local authorities and local people to make the system work. As President of the Local Government Board he was accustomed to working with local bodies who had already demonstrated their initiative, efficiency and expertise in dealing with voluntary enlistment for the previous two years. They were, to him, the obvious candidates to run a large and vital part of the conscription process.

By war's end in 1918, the future of the LGB was limited. The role of localism in the conduct of national affairs was almost over given the state's dominance in all aspects of economic and social life. The job of tribunals came to an end, obviously, on the cessation of the conflict. But sometime before that their role had been circumscribed and their ability to make decisions on individuals was curtailed. By 1918 they were not allowed to hear any appeals based on the man's business or occupation. Personal appeals were allowed solely for the only surviving son of a widowed mother or on grounds of conscientious objection. Long's model of using local 'good sense' and fairness had been replaced by one prescribed by Westminster. In 1919 the LGB was abolished. Its conciliatory approach to relations between local and central government was no longer relevant to a state accustomed to power. The culture inherent in a government body existing as a public function for the public good was not compatible with an emergent centralised state. The Board would not have existed without a political system that had gradually become more involved in the nation and its populace. But as the body of general public law increased the LGB found itself trapped between the greater duties and responsibilities imposed on local governance and its desire to promote local interests, including those of the LMSTs.

## 2.5 'A gross usurpation': The Compulsory Vaccination Act of 1853

The introduction of conscription for military service in 1916 had been mirrored some years previously with the passing of the Compulsory Vaccination Act. Here, as in 1916, a previously voluntary system had been replaced with one of compulsion resulting in widespread discontent. Not only did Asquith's government learn lessons from the manner in which that public protest was handled but so did the opponents of conscription.

Between the years 1853 and 1907 the British government was involved in a national campaign of compulsion. From the start it faced public opposition from organised groups which, on occasion, flared into violence, and a well-orchestrated public and propaganda effort involving both ordinary and eminent citizens. This was a campaign waged by the middle and the respectable working-class. There was no mob rule but a protest by educated, principled and articulate men and women. Over forty-four years the government was obliged to change its tactics in recognition of its mistakes, to amend the legislation and introduce structures to deal with these dissenters. During the same period, a generation of citizenry grew up learning the art of organised protest. The issue of compulsion in public life was repeated with the introduction of conscription in 1916. As before, a voluntary system was replaced by a mandatory one which provoked a measure of opposition and public unrest. Both sides, government and protesters, had learned lessons from the previous dispute and both put them into operation. Based on this previous experience, the most important government initiative for conscription was the implementation of the appeal system, the LMSTs.

The mid-nineteenth century saw the state introduce a number of social and health measures aimed at improving the lives of its citizens. These were not necessarily altruistic schemes. Compulsory education for children created a better trained, more able workforce, one used to carrying out instructions. The containment of mass disease meant a healthier population

capable of working longer hours and making fewer demands on the public purse. Better roads and transport facilities enabled the speedier distribution of goods and material leading to greater business profit. But government intervention, particularly when it presaged change, was rarely popular. There was widespread criticism of an ‘overprotective state undermining individual responsibility’.<sup>323</sup> For example, William Hume-Rothery stated in 1872 in relation to vaccination that:

It is only by the voluntary and judicious exercise of their own powers that the people can progress.<sup>324</sup>

The first major government intervention of the mid-nineteenth century was the Public Health Act of 1848. Edwin Chadwick, a social reformer, played a large part in its implementation. Chadwick had been one of the architects of the 1834 Poor Law which had created particularly harsh conditions for those seeking relief. The Public Health Act rested on an economic issue – if the poor were healthier they would make fewer demands on public funds. It was followed by the Compulsory Vaccination Act of 1853, the Contagious Diseases Act of 1864 and various Sanitation Acts. All were pieces of contentious legislation. For the first time the powers of the state were substantially extended over traditional civil liberties in the cause of public health. Legislation introduced under the Contagious Diseases Act forced the compulsory screening, isolation and treatment of prostitutes found to be suffering from venereal disease. The issue at stake here was not the health of the women but the need to

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<sup>323</sup> Dorothy Porter and Roy Porter, ‘The Politics of Prevention: Anti-Vaccinationism and Public Health in Nineteenth Century England’, *Medical History*, Vol. 32, pp.231-252 (1988), (p.241.).

<sup>324</sup> Rev. William Hume-Rothery, *Vaccination and the vaccination laws: a physical curse and a class-tyranny*, (Manchester: Tulley, 1872), p.15.

maintain a fighting force of soldiers free from the disease. The legislation allowed for the use of forced medical examinations of women, a process described by Josephine Butler as ‘surgical rape’.<sup>325</sup>

The Compulsory Vaccination Act was a national scheme aimed at everyone, but particularly at new parents with babies. It was an Act that removed the earlier element of choice. From this point onwards, the natural liberty of the individual was curtailed for the sake of the public good. Both of these Acts were viewed as attacks on personal freedom by large sections of the population and there were campaigns to have them repealed.<sup>326</sup> In that respect and others, the imposition of the Vaccination Act in particular was essentially a forerunner of the problems faced by the state in 1916. In both cases, we have the state attempting to act in the name of public benefit (in the latter case to win the war) for a population that, at best, viewed government intervention as a necessary evil and, at worst, a hostile act. The first Vaccination Act was passed in 1840, aiming to provide universal vaccination on a purely voluntary basis. The administration of the process was handed to Poor Law Guardians who were to employ professional medical men to vaccinate any person that applied. Poor Law Commissioners represented the state, particularly its punitive elements regarding relief for the poor, and were unpopular with both the respectable working class and the medical profession. Guardians and Commissioners together were responsible for the administration of the New Poor law Act of 1834 which advocated the widespread use of workhouses. The Act specified that public financial relief should be available for ‘able-bodied’ men solely in strictly controlled and regulated workhouses and Poor Law Commissioners and Guardians were firmly linked in the public mind with the reality and the fear of those places. Before the centrally imposed Act,

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<sup>325</sup> Paul McHugh, *Prostitution and Victorian Social Reform* (London: Routledge, 1980).

<sup>326</sup> Nadja Durbach, “‘They Might As Well Brand Us’: Working-Class Resistance to Compulsory Vaccination in Victorian England”, *The Society for the Social History of Medicine*, Vol.13, Issue 1, (April 2000).

poor relief had been a matter for local parishes who usually employed an ‘outdoor’ system of subsidies which kept families and households together.

By the end of the 1840s it had become clear that a system of voluntary vaccination was failing and the blame fell on the supposed indifference and apathy of parents rather than their reluctance to involve themselves with the stigma attached to the New Poor Law.<sup>327</sup> Political pressure increased for some form of compulsion in line with what already existed in many European countries – Denmark, Sweden, most of the German States and Russia. The medical case for compulsory vaccination of all new-born babies appeared so self-evident by 1850 that the necessary legislation was enacted and passed in 1853.<sup>328</sup> It proved to be highly controversial. It was an Act that opponents viewed as a threat to the rights of the individual for the good of the wider community and was seen as one of the first signs of a creeping extension of the powers of the State:

No modern government, even when facing a deadly disease like diphtheria and possessing a certain prophylactic, has dared to force such a preventive method upon its civilian population, much less to resort to such an inhumane extreme of compulsion as Clause 31<sup>329</sup>

Alderman Beal, speaking for the Sheffield Non-Compulsory Vaccination Society, gave his reasons why Parliament should repeal the Act. He was against the fact that the School Board and the Guardians of the Poor had been carrying out compulsory vaccinations on children,

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<sup>327</sup> The Poor Law Amendment Act of 1834 was an attempt to impose central control of Poor Law provision. It abolished the previous system based on parishes and imposed an Inspectorate to oversee the establishment and running of local workhouses.

<sup>328</sup> There were 16,434 recorded deaths due to smallpox in 1840. With the introduction of a voluntary system after that date deaths fell in 1841 to 6,368. They fell again in 1853 to 3,151 and 2,808 in 1854. In London between 1751-1761 there were 100 deaths per 1,000 people; that number fell to 11 per 1,000 people between 1851-1861.

<sup>329</sup> R.J. Lambert, ‘A Victorian National Health Service: State Vaccination 1855-71’, *The Historical Journal* Vol. 5, No. 1 (1962) pp. 1-18 (p.15).



arguing that ‘the health of every child legitimately belongs to its parents’. Compulsory vaccination ‘was a violation of the private judgement and experience of many parents’. And, above all, he objected to the law ‘because of the cruelty and injustice of treating as common felons those who objected to have their children vaccinated’. Doctors were more interested in the ‘golden harvest’ of fees for vaccination than acknowledging ‘the sham it really was’.

Figures produced by medical fraternity were ‘fabrications’.<sup>330</sup>

The 1853 Act legislated for the compulsory vaccination of all babies born in Wales or England against smallpox. Vaccination Districts, under the control of the Poor Law authorities, were established throughout England and Wales. Once a birth had been registered, the parents were obliged to ensure the child was vaccinated within three months (four months in the case of legal guardians). Vaccination in the nineteenth century was neither a trivial nor a painless procedure. Public vaccinators – not necessarily doctors or trained medical practitioners – used a surgical instrument to cut scored lines in four places (usually arms) on the body of the child. Pus, or matter, sometimes called lymph, was then scraped from the blisters of another infant who had been previously treated and smeared into the fresh wounds of the first child. Having been vaccinated, the child had then to return to the Public Vaccinator after no less than eight days to ensure the vaccination had been successful and to provide, in turn, lymph for another infant’s treatment. Babies were both recipients and incubators of the disease. Parents could be prosecuted for refusing to allow lymph to be taken from their child. If all had gone well a certificate was issued as proof of vaccination. Mistakes and poor practice were not unknown. In January 1883 the Local Government Board reported on the death of a three-month-old child from the effects of a vaccination carried out by William Legge, the vaccination officer of the district:

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<sup>330</sup> *Sheffield Independent*, Saturday 6 April 1872.

That Mr Legge's method of transferring lymph by the needless intervention of tubes and glasses, his use of dirty instruments, his practice of using the same capillary tube again and again and his habit of storing lymph in unsealed tubes, afford numerous opportunities for the introduction of septic matter into vaccinifers and into children presented for vaccination.<sup>331</sup>

Mr. Legge was invited to resign. While some groups objected to vaccination on grounds of public safety, other individuals and groups protested against the very notion of vaccination for political, ideological or religious reasons. John Pitcairn, President of the Anti-Vaccination League of America, noted:

Vaccination is the putting of an impure thing into the blood – a virus of poison – often resulting in serious evil effects. In vogue for more than hundred years, it has been received by most persons without question. Yet the time is passing when people will accept a medical dogma on blind faith; they now demand to know something about the practices to which they are called to submit. And most insistent of all should be the demand to know something of a practice which, like vaccination, involves the risk of disease and of possible death. Turning to England and Wales we find that from 1881 to 1907, inclusive, the Registrar-General reported 1,108 deaths from vaccination, the deaths averaging one every week during the first sixteen years.<sup>332</sup>

The 1853 Act left the issue of who exactly was responsible for the enforcement of vaccination unclear and it was not until the passing of a Consolidation Act in 1867 that Vaccination Officers were given the power to initiate proceedings against parents who had defaulted. All children under the age of fourteen were to be vaccinated. Doctors were given financial inducements to report those parents who failed to comply. Refusal, or non-compliance with the law was punished by a fine of 20 shillings plus court costs which could be anything from one penny to one pound - two weeks wages for a working man. Section 31

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<sup>331</sup> *Sheffield Independent*, 10 January 1883.

<sup>332</sup> John Pitcairn, *The Fallacy of Vaccination*, *Ladies Home Journal* 1910 (p. 523).

of the Act stipulated that parents with unvaccinated children under the age of fourteen could be fined repeatedly until they complied. While wealthier parents who could afford multiple fines could maintain their moral and principled stance, that position was not available to the majority of working-class anti-vaccinators. In Leicester, Amos Booth, secretary of the National Anti-Compulsory Vaccination League, was summoned for non-compliance with the Vaccination Acts. In his defence he read out a letter from Lord Clifton which said that the vaccination laws, coupled with their harsh and ignorant administration, were a sink of iniquity. He argued that children were dying because of vaccination and that he refused to take his own child. He was found guilty and fined 10s and £2. 10s costs. Afterwards he stood outside the court and invited the crowd to the sale of his goods which had been seized by the court to see who would buy stolen property.<sup>333</sup>

Between 1868 and 1870 there were a total of 1,516 convictions in England and Wales for refusing to vaccinate a child; two in Scotland and 2,672 in Ireland.<sup>334</sup> In Huddersfield between 1870 and 1874 seven men were prosecuted either under Section 29 of the Vaccination Act 1867 – ‘Those who have neglected to procure the Vaccination of a Child’, or Section 31 - ‘Those who have disobeyed the Order of a Justice for the Vaccination of a Child’. In contrast, the neighbouring town of Dewsbury, eight miles from Huddersfield, recorded the prosecutions of 67 men in 1870 and 96 in 1871. Nearly all of the court cases resulted in relatively small fines of one to five shillings suggesting perhaps that there was some sympathy from the court.<sup>335</sup> The issue that incensed many protesters was the fact that those being prosecuted were not ‘rough’ working-class men and women but ‘respectable’

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<sup>333</sup> *Sheffield Independent*, Tuesday 26 April 188.

<sup>334</sup> *Return of Number of Summary Convictions under Vaccination Act, 1867*, HC 1871, Paper Number. 69.

<sup>335</sup> *Return of the Number of Prosecutions in respect of England and Wales under Vaccination Act (1867), 1870-74*, HC, Paper Number. 400.

members of the community. Citizens for whom involvement with the law was seen as shameful, as expressed in an 1871 letter to the *Sheffield Independent*:

It is not the idle, drunken, thoughtless, and unkind fathers who go to prison rather than have their children vaccinated but the sober, kind and intelligent men, who are capable of thinking and do think.<sup>336</sup>

Parents who were unable to pay had their possessions seized and auctioned off. If that procedure failed to raise the sum owed one of the parents, usually the father but not necessarily so, was imprisoned for two weeks until the money was paid. Under the terms of Section 31 of the 1867 Act this process could be repeated indefinitely.<sup>337</sup> For the first few years after 1853 the law was rarely enforced but following a series of epidemics in 1864-1868 the legislation was tightened in 1867 and 1871. Local Boards of Guardians were ordered to prosecute defaulting parents. Yet throughout this period medical opinion on the whole issue of vaccination was divided. Vincent Priessnitz, the founder of hydrotherapy, believed that the spread of smallpox should be encouraged because ‘it relieves the system of humours that ought to be carried out of it, and is a healthy process’.<sup>338</sup> The Glaswegian Dr Watt argued that removing smallpox from the populace simply redistributed mortality amongst other infections. John Gibbs, a follower of Priessnitz, who disapproved of man’s attempts to interfere with the will of God, suggested that vaccination was responsible for the spread of measles, whooping cough, consumption and scarlet fever. During this period there were reports of evidence of severe and sometimes fatal side-effects resulting

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<sup>336</sup> *Sheffield Independent*, letter 9 September 1871.

<sup>337</sup> Nadja Durbach, *Bodily Matters: The Anti-Vaccination Movement in England, 1853-1907* (North Carolina: Duke University Press, 2004).

<sup>338</sup> Dorothy Porter and Roy Porter, ‘The Politics of Prevention’.

from vaccination. One medical inspector gave evidence to a House of Commons Select Committee that two sets of cases of vaccination had resulted in syphilis being transmitted to the unfortunate children. This resulted in widespread fears of additional diseases being transmitted during the process. Cases such as these led to increased opposition to the Compulsion Act. This opposition grew into a mass protest movement of the middle-classes and the ‘respectable’ working class who organized and formed Anti-Vaccination Leagues. John Gibbs who practiced as a hydropathic practitioner and was a leading anti-vaccinationist, was outraged by the expansion of the state into what had previously been the private world of medicine and the care of the body. Nadja Durbach quotes J. Gibbs to illustrate the passionate debate related to the intrusion of the state:

Are we to be leeches, bled, blistered, burned, douched, frozen, pilled, potioned, lotioned, salivated by Act of Parliament?<sup>339</sup>

Public opposition to the Acts was initially a political protest organized by middle and lower middle-class Liberals who were concerned with the threat to individualism and freedom created by the growing propensity of an interfering state. Their stance, their speeches and their arguments against a prescriptive government were echoed by members of the ILP and the No Conscription Fellowship in 1916. Herbert Spencer, the sociologist author of *The Man Versus the State*, was an anti-vaccinationist who argued that it was folly to expand the role of the state: ‘Increasing power of a growing administrative organization is accompanied by

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<sup>339</sup> J. Gibbs, *Compulsory Vaccination Briefly Considered in its Scientific, Religious, and Political Aspects* (London 1856) p.50. See Nadja Durbach, *They Might As Well Brand Us*.

decreasing power of the rest of the society to resist its further growth and control'.<sup>340</sup> George Bernard Shaw, though professing himself 'neither vaccinism or antivaccinism' described the use of vaccination to prevent smallpox as 'purely as a piece of witchcraft as the use of the divine'.<sup>341</sup> The President of the London Society for the Abolition of Compulsory Vaccination was Sir Isaac Pitman who founded and ran the *Anti-Vaccinator* journal. But it was F.W. Newman, Emeritus Professor of Latin at University College London who provided the intellectual grounds for the anti-vaccination movement:

Against the body of a healthy man Parliament has no right of assault whatever, under pretense of the Public Health; nor any the more against the body of a healthy infant. To forbid perfect health is a tyrannical wickedness, just as much as to forbid chastity or sobriety. No lawgiver can have the right. The law is an unendurable usurpation and creates the right of resistance.<sup>342</sup>

This was the essence of the argument against compulsory vaccination and, just a few years later, against compulsory enlistment – the right to jurisdiction over one's own body and one's affairs. This rested on a tradition of liberalism which promoted the freedom of individuals to manage their own lives without state intervention. There was some erosion of this ideology in the early part of the century, mostly from Fabians who favoured a much greater state involvement in social policies, but an increasingly bureaucratic and intrusive state was viewed by most as contradicting the natural and spiritual order of life. One father who

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<sup>340</sup> Herbert Spencer, *The Man Versus the State: With Six Essays on Government, Society and Freedom* (London 1884).

<sup>341</sup> *The Times*, 26 October 1901.

<sup>342</sup> *Vaccination Inquirer*, April-June 1894.

objected to compulsory schooling for his children commented to the local attendance committee:

I would ask if the affairs of my family in matters of this kind are no longer to be regulated by me, but by you? If the edicts of the School Boards etc. are to supersede parental authority, then what did God make me into a father and guardian of five fine and healthy children for?<sup>343</sup>

When it came to the more intimate aspects of men's bodies there was even more opposition. Having 'burned their fingers' on compulsory legislation, most Victorian and Edwardian governments believed that, even in a time of medical advances in public health, there was nothing politically to be gained, but much to lose, by too close an interference with the bodies of citizens. The attempt by British Association's Anthropometric Committee to carry out a national survey to establish the state of the nation's physique in 1904 by measuring heads was abandoned when most people refused to participate. Dr C.R. Browne noted two major difficulties when carrying out his own studies: 'One was a dread of conscription [...] and another was certain amount of superstitious feeling on the subject'.<sup>344</sup> Joanna Burke argues that a man's body was viewed by society at different times in three different ways: in a classical Greek or Roman model; in a Romantic, medieval context of a saintly knight laying down his life to save others; or a view of a man's body stemming from a religious belief in martyrdom.<sup>345</sup> Great War propaganda stressed all three aspects, emphasizing manhood, heroism and duty. Society in general (but not necessarily in detail – see verbatim accounts of Tribunals below) amplified the message by denigrating those who failed to follow what was then the norm. These were the 'shirkers', the 'malingerers' or the conscientious objectors

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<sup>343</sup> *The Chronicle*, 7 September 1872.

<sup>344</sup> Elise Juzda Smith, 'Class, Health and the Proposed British Anthropometric Survey of 1904', *Social History of Medicine*, Vol.28, No.2 (2015), pp.308-329.

<sup>345</sup> Joanna Burke, *Dismembering the male: men's bodies, Britain and the Great War* (London: Reaktion Books, 1996).

who 'tended to be portrayed as feminized men or even as 'unmen'.<sup>346</sup> War had created a fourth view of a man's body - the 'ideal' man. This was a man in uniform; a man in uniform with a gun. Moreover, a man in uniform with a gun who killed other men. The more efficient he was at killing the enemy, the more men he killed, the more he was celebrated. Because war is an aberration (according to Rousseau) there developed a somewhat surreal situation. Men who were good at killing other men in uniform received public acclaim, while men who refused to kill shared prisons with mundane murderers.

But, in the end, it was up to the individual to decide just how his body was used. Fenner Brockway stated that the whole anti-conscription movement was based on 'the sanctity of life'.<sup>347</sup> In a No Conscription Fellowship meeting in New Mill in 1916 the prime speaker, Mr. Buckley, said 'Our position is perfectly clear, we deny to anyone the right to say what we should do with our lives'.<sup>348</sup> Buckley was simply reiterating a fact that everyone in the audience would have agreed with and accepted. Except that the world had changed and central government, forced by the exigencies of war and the imposition of conscription, had largely abolished that power of choice.

Anti-vaccination literature multiplied after the tightening of legislation in the 1867 Act. Henry Pitman published the *Anti-Vaccinator* in 1869 and later incorporated the journal into the *Co-operator*. The founders of The National Anti-Compulsory Vaccination League – the Rev. William Hume-Rotherby and his wife Mary – opened the *Occasional Circular* which soon became the *National Anti-Vaccination Reporter*. William Tebb, founder of the London Society for the Abolition of Compulsory Vaccination, published the most popular journal of

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<sup>346</sup> Lois Bibbings, 'Images of Manliness: The Portrayal of Soldiers and Conscientious Objectors in the Great War', *Social and Legal Studies*, Vol.12(3) (2003) pp.335-338.

<sup>347</sup> Fenner Brockway, *The No Conscription Fellowship* (London 1938).

<sup>348</sup> *Holmfirth Express*, 19 February 1916.



the movement, the *Inquirer*. Numerous books were published based on statistical evidence against vaccination and providing practical advice for those wanting to resist compulsion.<sup>349</sup>

Parliamentary opposition to vaccination was led by, among a number of MPs, P.A. Taylor, Jacob Bright and Charles Hopwood. Taylor argued that the Act of Compulsion was ‘out-Heroding Herod’ when parents were being convicted:

That in the opinion of this House, it is inexpedient and unjust to enforce vaccination under penalties upon those who regard it as inadvisably and dangerous. [...] the most absolute invasion of the sacred right of the parent, of the right of individual liberty, at the bidding of medical supervision.<sup>350</sup>

In fact, parliament, not the medical profession, was seen by many in the movement as the main enemy. William Cobbett, one of the early anti-vaccinators whose philosophy was at the core of many people’s beliefs, wrote:

I like not this never-ending recurrence to Acts of Parliament. Something must be left, and something ought to be left, to the sense and reason and morality and religion of the people. There are a set of well-meaning men in this country, who would pass laws for the regulating and restraining of every feeling of the human breast and every motion of the human frame; they would bind us down [...]<sup>351</sup>

While the middle-class may have provided the intellectual justification for an anti-vaccination campaign, the working class protest against compulsory vaccination was much

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<sup>349</sup> Authors such as W.J. Collins, Thomas Baker, Alexander Wheeler, Charles T. Pearce, J.J. Garth Wilkinson, A. Milne, George Shaw Lefevre and William White were all closely connected to the movement and published their work in the *Inquirer*.

<sup>350</sup> HC Deb 19 June 1883 vol. 280 cc986-1046.

<sup>351</sup> Cobbett was quoted by William White in his book *The Story of a Great Delusion* (London: Allen, 1885).

more concerned with the effects on their own and their children's persons, complaining that the Act was 'the only law we have interfering with our bodies'.<sup>352</sup> They viewed vaccination as part and parcel of other contentious medical legislation – the Contagious Diseases and the Notification of Infectious Diseases Acts – as a means of control by the state on the bodies of working men. Much of the opposition to the Act came from the working-class urban conurbations of Lancashire and Yorkshire, areas that already had extensive self-help movements and organisations. It was formed by men and women who were politically active and often members of the co-operative movement, trade-unionism or friendly societies. They were small shopkeepers or business people, skilled workers or artisans. It was this type of independently-minded, active citizens that formed the majority of the panels of the LMSTs after 1916.<sup>353</sup> One of the first organized groups – the Anti-Compulsory Vaccination and Mutual Protection Society – declared itself to be a 'Working Men's Club'.<sup>354</sup>

Anti- vaccination was quickly absorbed into English working-class culture. Indeed, it helped to reorganize working-class identities around the site of the vulnerable body thereby absorbing many people into a working class who interpreted the violation of their bodies as a form of political tyranny.<sup>355</sup>

Small-pox vaccination of children carried with it the fear of contamination to adults and a consequent risk to employment. Some large employers insisted on vaccination of their workers on threat of dismissal. In Sheffield and Gloucester thousands of workers were vaccinated in factory workshops in the face of dismissal for non-compliance.<sup>356</sup> Trade unions

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<sup>352</sup> *Vaccination Inquirer*, 1 October 1888, p.128.

<sup>353</sup> See Chapter Four.

<sup>354</sup> *The Anti-Vaccinator and Public Health Journal*, 1 February 1873.

<sup>355</sup> Nadja Durbach, 'They Might As Well Brand Us' (p. 45)

<sup>356</sup> *Ibid*, p.48.

became involved in direct action in protecting workers from compulsion. A threatened strike prevented a mass vaccination of railway workers employed by the Midland Railway Company. In many districts Vaccination Officers were paid a fee for each successful vaccination in place of a salary, encouraging them to track down non-compliers – they were known as ‘Baby Hunters’. Implementation of the Act was the responsibility of the Poor Law Guardians. In Keighley, Yorkshire in 1876 seven Guardians who had been elected on an anti-vaccination platform were arrested for refusing to enforce the law governing the vaccination of all infants against smallpox within the child’s first three months. As they were taken to the station by policemen to begin their journey to York and prison:

[...] the streets were soon thronged by a dense mob, with so menacing an appearance that it was soon evident that a rescue of the prisoners was intended. The prisoners were removed in a waggonette from the Devonshire Hotel to the Midland Railway Station, in order to their conveyance from thence to the Castle at York. But at the station the vehicle was surrounded by a dense mob, who released the horses and dragged the carriage, with the prisoners and the officers, back to the town. Several of the officers were maltreated and had their clothes torn from their backs.<sup>357</sup>

The public vaccinator in Brighton was threatened by a crowd with being torn to pieces and the vaccination station destroyed. In Somerset anti-vaccination ‘Guys’ were burnt on bonfires.<sup>358</sup> The effigy of a vaccination officer was thrown to a crowd of 10,000 in Dewsbury and ripped apart. Poor Law and vaccination officers were often pelted with rotten fruit and eggs. Anti-vaccination demonstrations were held throughout England and Wales during the 1880s and beyond. A branch of the Anti-Vaccination League was founded in Leicester in

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<sup>357</sup> *The Times*, Monday 14 August 1876.

<sup>358</sup> *National Anti-Compulsory Vaccination Reporter*, 1 November 1880, p.32.

1869 which advocated members to resist the law. By 1895 the number of defaulters awaiting prosecution numbered over 3,000 parents. After the local elections of 1886 the new Leicester Board of Guardians was composed entirely of anti-vaccinators. An estimated crowd of between 80,000 and 100,000 protesters made up of Anti-Vaccination League members from all over the country were reported at one demonstration in the city.<sup>359</sup> Figures for 1883 show that there were 2,281 births with just 707 vaccinations; 280 babies died unvaccinated before reaching the age of four months; twenty vaccinations were postponed when parents produced a medical certificate and twenty vaccinations were unsuccessful.<sup>360</sup> Despite good intentions many demonstrations ended in violence, most often at distraint sales.<sup>361</sup> When an anti-vaccinationist's goods were to be distrained the anti-vaccination league placed posters in the town giving details of the event and mobilized its members and supporters to meet at the sale. Their intention was either to prevent the auction taking place by press of numbers or to use the meeting to raise funds to purchase the goods themselves. The events were heavily policed to prevent physical assaults on the auctioneer. Nadja Durbach quotes from the *Gravesend Standard*:

The Hall itself was packed like a sardine tin in a minute or two, and the auctioneer and his assistant at once became the objects of abuse and derision [...] During the interval the auctioneer had been standing within a cordon of police close beside the furniture and effects.<sup>362</sup>

Some of those parents who refused to vaccinate their children declared themselves to be acting according to their conscience and took the title 'conscientious

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<sup>359</sup> *They Might As Well Brand Us*, p.57.

<sup>360</sup> S. Williamson, 'Anti-Vaccination Leagues', *Archives of Disease in Childhood*, Vol. 59 (12) (1984), pp. 1195-1196.

<sup>361</sup> 'Distraint sales' were public auctions where the goods and property of convicted men or women who were unable to pay an imposed fine were seized and sold.

<sup>362</sup> *Gravesend Standard*, 18 February 1893.

objectors'. Eventually a conscience clause was introduced into the legislation in 1898. This removed the penalties for not following vaccination law for those parents who believed that vaccination was neither safe nor beneficial. If they had a genuine disbelief in the prophylactic power of vaccination or they firmly objected to the placing of infectious material into the bodies and blood of their children, they could appeal. In order to take advantage of the ruling, parents were obliged to present their case before two Justices of the Peace and convince them that they sincerely believed that vaccination would be harmful to their child.

#### Certificates of Conscientious Objection

Section 2 (1) of the Vaccination Act, 1898, provides that no parent or other person having the custody of a child shall be liable to a penalty under the Vaccination Act, 1867, if, within four months of the birth of the child, he satisfies two Justices, or a Stipendiary or Metropolitan Police Magistrate, that he conscientiously believes that vaccination would be prejudicial to the health of the child.<sup>363</sup>

Despite a constant level of opposition to compulsory vaccination the numbers of children receiving vaccination steadily rose. In 1898 500,314 babies and infants were vaccinated, 54.2 percent of births in England and Wales. That figure had risen by 1901 which recorded 710,785 successful primary vaccinations, 76.5 percent. London was at the forefront of the pro-vaccination trend. In the three years 1899 to 1901 no more than 1.1 percent of the total number of births were awarded a Certificate of Conscientious Objection. In many other areas of England and Wales the opposite was true. Lancaster recorded 5,370 recorded births and 5,282 certificates of Conscientious Objection.<sup>364</sup> John Rae quotes national figures of 174,906

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<sup>363</sup> *Return showing in respect of each Poor Law union in England and Wales*, HC 1902, Paper Number. 384.

<sup>364</sup> *Return showing in respect of each Poor Law union in England and Wales*, HC 1902, Paper Number. 384.

Certificates of Conscientious Objection being awarded between 1905 and 1907 and then, with the further loosening of restrictive legislation in 1907 under the direction of Walter Long, a doubling of the numbers to 588,639 for the following two years.<sup>365</sup> Figures for the West Riding were very different. Despite some towns being centres of the anti-vaccination movement, just four percent of all parents applied and were awarded a Certificate of Conscientious Objection in 1900 (3,465 certificates and 79,892 vaccinations); the figures were approximately the same for the following year (3,522 and 80,304). In Huddersfield in 1900, the number of certificates was even lower – 133 (3.7%) compared with 3,521 successful primary vaccinations. By 1901 it had risen slightly to 168 (5%) and 3,190. Again, there was a major difference in towns just a few miles apart. In Keighley the numbers granted conscientious exemption were double the numbers of babies vaccinated. The figures for 1900 were 909 certificates of conscientious objection granted compared to 481 successful primary vaccinations; 1901, there were 941 certificates and 556 vaccinations.<sup>284</sup> It is important to remember that not all applications for certificates of exemption were successful. In one session in Keighley the magistrates heard applications for 1,800 children but awarded only 700 certificates.<sup>366</sup>

When parliamentary Liberals complained that Justices were interpreting the law in an arbitrary fashion it fell to Walter Long - in a prequel to what he would later say about Local Military Tribunals – to declare:

The magistrates are perfectly capable of interpreting an Act of Parliament, and to satisfy themselves whether those who apply for exemption have or have not a conscientious objection to vaccination.<sup>367</sup>

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<sup>365</sup> John Rae, *Conscience and Politics*.

<sup>366</sup> *Manchester Guardian*, 5 October 1898.

<sup>367</sup> HC 27 May 1902.

It was Long's belief in the ability of 'ordinary' men and women and his confidence in local structures of government to implement contentious government legislation that determined the shape and composition of LMSTs in 1916. In an echo of the kinds of conversations that must have taken place in many of the Military Tribunals in 1916 magistrates sought to interpret the phrase 'conscientious objection':

Mr. Plowden, sitting at Marylebone Police Court, London, heard for the first time an application for a certificate under section 2 of the new Vaccination Act. The applicant (a man) said he did not want his child vaccinated because he did not believe in it. – Why? – Well, because he believed it would be injurious to the child's health, as it was to his own when he underwent the operation when he was young. Besides that, the child itself was not in very good health. – Mr. Plowden: But mere opinion is not enough. You see I have to be satisfied. – The applicant: I can only say I don't want it done, and I don't believe in it. – Mr. Plowden: But your belief must be – well, I won't say conscientious, because I do not know whether you have a conscience or not. Of course, I say that respectfully. You have to satisfy me you have an honest and deep-seated conviction that vaccination would be prejudicial to health. – The applicant: I can swear to it. I believe that vaccination does more harm than good, and that is my reason. Mr. Plowden: Well, you must come here again when the certificates are prepared and meanwhile I will consider your objection.<sup>368</sup>

The same debate was to occur frequently in LMSTs:

[...] gave as his reasons that as a honest, sincere, honourable Christian he could not take up arms to slay and kill his fellow-man, and as we were all brothers in the sight of God he could not break the commandment "Thou shalt not kill". [...] A local Nonconformist minister wrote in reference to the young man that the young man had no wish to shirk his duty – it was simply a case of loyalty to conscience.

Applicant, questioned personally, said he felt that he could not take up arms.

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<sup>368</sup> *The Manchester Guardian*, 14 September 1898.

Mr. Dennison: you would help to save life?

Applicant: I would most certainly help to save life.

Colonel Mellor: Then you would help in ambulance work?

Applicant: Yes, if necessary, or anything like that.

The young man was accepted for non-combatant service.<sup>369</sup>

The various Vaccination Acts were viewed by a politically aware and articulate working-class as a further expansion of the state into the previously private area of bodily care and medical practice. The process had begun with the 1834 New Poor Law and was expanded with other contentious medical legislation - the Contagious Diseases and the Notification of Infectious Diseases Acts – as attacks by the state on the bodies of working men and their families. What was initially a voluntary system was superseded by a compulsory one. By introducing an element of compulsion into the Vaccination Act the government initiated a process of extending political power over individual citizens in a process that was repeated in 1916. In the same manner as the anti-war, anti-conscription protest groupings of 1914-1918, the 1853 Vaccination Act created a nationwide, mass, popular protest movement composed of those sectors of the population who would not normally have demonstrated. Again, as in 1916, their protest was based on a matter of principle rather than venality, and many of them embraced the status of ‘conscientious objectors’. The idea of ‘respectable’ people appearing in a judicial setting, arguing their case and discussing their beliefs, became accepted as normal practice, as it was after the introduction of conscription and Local Military Service Tribunals. It was in 1907, dealing with the problems of anti-vaccination conscientious objectors that Walter Long, who was to be so important in the development and operation of LMSTs in 1916, first demonstrated his confidence in men of the community to deliver government policy. On the protesting side, the ILP and the No Conscription Fellowship of

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<sup>369</sup> *Holmfirth Express* reporting on the New Mill Tribunal, 18 March 1916.



1916 drew heavily on the previous experience of the anti-vaccinators. Propaganda in the form of dedicated newspapers and mass leafleting, training in the forms and methods of resistance and political pressure were all tools used by both movements in the fight against compulsion. Cobbett described the Vaccination Act as ‘a measure to be adopted in no country where the people are not vassals or slaves’.<sup>370</sup> Thirty years later J. Bruce Glasier wrote ‘Compulsion, especially with regard to personal service, to one’s choice of occupation and way of life, is of the essence of slavery and oppression’.<sup>371</sup> The state had no right to compulsion. Each individual had the right to ‘choose and do’:

We appeal to our fellow-workers in factory, workshop and mine to maintain the right of every man to decide for himself the issue of life and death.<sup>372</sup>

Men and women of the LMSTs, most of whom were middle-aged and members of the working class, had lived through this period of compulsory vaccination. Their parents had witnessed the introduction of the 1853 Compulsion Act and the consequent social disturbances while their grandparents had been threatened by the New Poor Law Acts and Amendments of the 1830s. In an attempt to ‘do good’, this series of central government legislation had furthered the hostility felt by local government towards Westminster. It was in this environment after 1916 that tribunals attempted to carry out government policy whilst remaining loyal to their communities.

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<sup>370</sup> Cobbett, William White, *The story of a great delusion*.

<sup>371</sup> J. Bruce Glasier, *The Peril of Conscriptio*n, The Independent Labour Party, 1915.

<sup>372</sup> No-Conscription Fellowship leaflet, *Shall Britons Be Conscripted?* NA cat.no. HO 45 10801/307402/57.

## Chapter Three – Local Military Service Tribunals

### 3.1 The Place of Tribunals in Local Government

The first recruitment tribunals in the First World War, known as Derby Tribunals, had been formed by local authorities following instructions from the Local Government Board and the Scottish Office in October 1915. Their task was to mediate between employers and the military over disputed cases of postponement of the calling up process of voluntarily attested men under the Derby Scheme. As such, they formed part of the nationwide co-ordination of military and civilian administrative provisions during wartime. Lord Derby described the men who served on these early Tribunals or Advisory Committees:

They are all gentlemen who are ready without reward of any sort or kind to give an enormous amount of their time to the consideration of these cases.<sup>373</sup>

Although social classes were not as fixed as they had been in the previous century there was still, in 1916, social division. A gentleman was in a distinct class. Not working-class or labouring class, nor yeoman who would be more likely to be engaged in some aspect of agriculture, but someone with enough wealth or income not to have to depend on an occupation. However, whilst Derby's assertion may well have been true of other parts of the country it did not apply to those tribunals of the Holme and Colne valleys (see Chapter Four). Tribunals in the West Riding were mostly composed of local councillors, men who had been asked or nominated or volunteered to take on the task in addition to their normal council responsibilities. With the passing of the Military Service Act of 1916, the men who served in the Derby Tribunals, whatever their social background, were asked to continue their

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<sup>373</sup> HL, 2 March 1916.

responsibilities and to serve as tribunalists on the newly designated Local Military Service Tribunals. Most did.

Each tribunal contained a Military Representative. The War Office had appointed Military Representatives supported by an Advisory Committee to oversee the military interest in the Derby Tribunals and their role continued after 1916 with the implementation of the Military Service Act. Tribunals were encouraged by Walter Long of the Local Government Board to widen the knowledge and experience of the panel members by including representatives of labour and even women on the panels:

While the Order does not expressly require the appointment of women on tribunals many of the cases which will come before them will be of a kind in which the advice of women will be of great service. Local authorities, therefore, should not hesitate to appoint suitable women if they think it desirable.<sup>374</sup>

There were women on two of the Holme Valley Tribunals, Holmfirth and New Mill.

Adrian Gregory makes reference to a women tribunalist on the County Appeal Tribunal - Barbara Prothero at Bedfordshire. Slocombe mentions two women in Wiltshire, both appointed only after vigorous opposition from other male members of the panels.<sup>375</sup>

At the same time as these new statutory, independent, local bodies were being introduced the state was developing a more highly interventionist approach to all aspects of British life. In the midst of this increasingly centralised state LMSTs were allowed to function independently, to remain critical of central governance and to attempt to influence government policy. This chapter explores the difficulties that arose between central and local bodies caused by the tensions inherent between a war-time state committed to greater control

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<sup>374</sup> *Huddersfield Daily Examiner*, 4 February 1916.

<sup>375</sup> Ivor Slocombe, *Recruitment into the Armed Forces during the First World War. The Work of the Military Tribunals in Wiltshire, 1915-1918* (London, 2000), p.108.

and supervision over its citizens (yet at the same time dependent on their co-operation and good will) and local authorities concerned with their own independence and local issues. Using LMSTs as the prime example of a nationwide, independent system rooted firmly in its own localities, it asks to what extent Local Military Service Tribunals epitomised the struggle between localisation and centralisation between 1916 and 1918. It should be reiterated at this point that the system of LMSTs was not some side issue of the conscription project. Men appealed to Tribunals in their hundreds of thousands.<sup>376</sup> The sheer numbers involved in the process, even if the majority of appeals resulted in temporary exemptions of just a few months, profoundly influenced the size, the operational ability, and therefore the effectiveness, of the British Army after 1916. Numbers were critical. From the outset the total number of recruits obtained by compulsion was to prove a disappointment to both the military and Westminster. Of the estimated 1,029,000 single men available for enlistment between January and March 1916 only 190,000 actually entered the army while 839,000 were granted some form of exemption by Local Military Service Tribunals or simply failed to appear for their pre-enlistment medical examination.<sup>377</sup> The military manpower crises of late 1916 coupled with the growing realisation by Army High Command that British and Empire troops would need to shoulder the bulk of offensive action in 1917, led the Army Council in November 1916 to demand 940,000 new enlistments for the following year. They pointed out that recruitment was already falling short of expectations by 20,000 men each month. This was not simply the fault of the Tribunals. Government statistics up until 30 April 1917 show that Military Tribunals had totally exempted just 40,146 men with a further 739,790 given conditional or temporary exemptions. High though these numbers appear, they are dwarfed

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<sup>376</sup> There is no exact number of men who appealed against enlistment. Many men appealed more than once, and the post-war destruction of relevant papers and files makes the number impossible to verify. Various figures would suggest over one million.

<sup>377</sup> 2<sup>nd</sup> *Cabinet Committee Report on the Coordination of Military and Financial Effort*, CAB 27/4, pp.15-16.

by the number of men under the shelter of the Protected Trades and Occupations legislation.<sup>378</sup> Men directly employed in government establishments (914,298), colliery workers (516,838), railwaymen, government employees, men who held exemption certificates granted by the War Office or the Army Council totalled 1,796,728. Added to this number were the list of men who were waiting for their appeal to be heard by a Military Tribunal (111,019); men who had had their appeals dismissed by a Tribunal but who couldn't leave their jobs until substitutes had been appointed (15,719) and others (38,586) for a variety of reasons, giving a grand total of 1,962,052.<sup>379</sup> This represented nearly two million eligible men 'lost' (in the view of the military) to the war effort.

This chapter develops McDermott's assertion that the legislation used to create local Tribunals was not so much 'the privatisation as the surrender of public policy-making'.<sup>380</sup> By handing an integral part of the vital conscription process to local committees, the state abandoned its power to influence either the composition or the decision-making process of these local groups. There was no centralised government control of the Tribunal system. As autonomous sovereign bodies based firmly in their own localities, their decisions could only be reversed by appealing to a higher, but similarly independent, body. Their ability to make free-standing decisions placed them in a contentious and potentially conflictual relationship with a military machine determined to conscript every available man and a rapidly expanding centralised state.<sup>381</sup>

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<sup>378</sup> These were the badged men. They included *War Service Badges* issued by the Ministry of Munitions which included a certificate of exemption signed "D.Lloyd George"; *Admiralty Badges* (most were replaced by War Service Badges during 1916) with a certificate signed "W.Graham Greene"; *War Office Badges* issued by the War Office accompanied by a certificate signed by either "Kitchener", or "Von Donop"; *War Munition Volunteers Badges* with a certificate signed "D.Lloyd George."

<sup>379</sup> Men in Reserved and Other Occupations as at 30<sup>th</sup> April 1917, *Statistics of Military Effort of British Empire During the Great War 1914-1920*, Section 3, p.369.

<sup>380</sup> James McDermott, *British Military Service Tribunals*, p.222.

<sup>381</sup> The Military Representatives' handbook – *Registration and Recruiting, 21<sup>st</sup> August 1916*, HMSO – contains reminders to take heed of the local economy when contesting decisions taken by tribunals. Nonetheless, the primary duty of Military Representatives was to procure men for the armed forces.

This study rejects the description of LMSTs as ‘ignorant’ (Graham), ‘unsympathetic’ (Taylor), ‘the state’s front-line troops’ (Pearce), or ‘enemies of individual liberty’ (Gregory).<sup>382</sup> Instead, it argues that LMSTs had a two-fold role. Firstly, as Tribunalists were members of a local community involved in a judicial process they were a key war-time part of the system of independent localised government that had begun to emerge in the nineteenth century. From 1912 onwards that system of local government was under threat by centralised power which saw local governance as a block to increased state control.<sup>383</sup> But in 1916 LMSTs, whilst paying heed to the national military situation, had also been specifically tasked to consider local industrial and social needs when making their decisions: ‘In deciding cases which come before them Tribunals should recognise the injury that may be done to the industries and commerce of this country [...]’.<sup>384</sup> The expanding state, meanwhile, seeking ever greater control over all aspects of the war effort, had realised by 1916 that waging total war in an industrial age demanded an unprecedented level of commitment and co-operation between state and citizens.<sup>385</sup> Part of that co-operation lay in a localised system of volunteers that formed a vital part of the process of military recruitment for the state – the Local Military Service Tribunals. A localised system that was not only partly instrumental in determining the size and quality of the army, much to the fury of the military, but was also fulfilling a national role in reassuring the public of the equality of sacrifice in the war effort. The men who appealed were part of the community and they appealed publicly to other men, and

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<sup>382</sup> John W. Graham, *Conscription and Conscience: A History 1916-1919* / A.J.P. Taylor, *English History 1914-1945* / Cyril Pearce, *Comrades in Conscience: the story of an English community’s opposition to the Great War* / Adrian Gregory, *Military Service Tribunals: Civil Society in Action, 1916-1918*.

<sup>383</sup> J.A. Chandler, p. 120.

<sup>384</sup> Local Government Board R70, 25 March 1916.

<sup>385</sup> John Bourne, ed. *State, society and mobilization in Europe during the First World War*, Introduction: Mobilising for Total War, 1914-1918 (Cambridge: Cambridge University Press 1997).

women, of that same community. Nearly all LMSTs were open to the press and members of the public.

Adrian Gregory called LMSTs ‘safety valves’ for a society that was unused to and highly suspicious of a system of compulsory recruitment. As such they were highly visible symbols of the war effort. They were an important national instrument charged with carrying out state military policy but they were firmly rooted in their own local environments.<sup>386</sup> As Gregory points out, the original tribunes of the Roman state (as every educated politician and civil servant in 1916 would have known) were able to challenge authority on behalf of the ordinary citizen - the plebeians - with the power to force the release of wrongly or illegally detained citizens in order to bring them before the Tribunals for judgement. Accordingly, in 1916, the government, faced with the trauma of conscription, introduced a component into the system of compulsion that went against every other aspect of the move towards total war. This poses the question of why government should partly relinquish control of an integral component of its means to wage and win a war. The obvious answer is that Asquith found himself in a position where he was forced to offer a system of appeal as a means of obtaining support from parliamentary Liberals and representatives of labour for his legislation. Having made the offer, he reinforced it by emphasising its local – i.e. non-governmental and therefore independent – nature. Whether anyone, political or military, foresaw the possibility of such large numbers of appellants is open to question. One can only assume that everyone connected with LMSTs expected that the actual number of men appealing their conscription would be relatively small and easily accommodated within a local structure. But that begs the further question, if that was the case, why create thousands of Tribunals? <sup>387</sup> This was

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<sup>386</sup> Prime Minister Asquith had emphasised the local nature of these Tribunals when introducing the Bill: ‘It sets up in every locality, as close as may be to a man's doors, a local tribunal, and it gives him in all cases one right, and in some cases two rights, of appeal’.

<sup>387</sup> 1,805 local tribunals were established in England and Wales with a further 281 in Scotland.

‘gesture’ politics with Asquith amply fulfilling his promise of a Tribunal on every doorstep. And also, why did Tribunals take the form they did and not some other model of bureaucratic administration?

Tribunals straddled the line between localism and centralisation. They were expected to follow the instructions and guidance issued by central government through the bureaucratic machinery of the Local Government Board in their decision-making process. Their role, as viewed by the state, was to send every available man into the armed forces. But they were also directed to have regard for local industry, local issues and local needs in deciding which men should *not* serve. At the same time, there was no compulsion for them to follow government directives nor any penalty for failing to do so. This put them in the rather unique position of representing the traditional independence of local government without fear or favour. They found themselves as one of the last bastions of a system of local independence that was fast disappearing under a much more controlling and interventionist body of state machinery. And this is how they were viewed by their communities. They were the human face of government bureaucracy and they were seen as fair and even-handed in their application of their role. How these Tribunals functioned in carrying out their duties towards both the state and local interests and the resulting tensions inherent in their role forms the basis of the following section.

The Military Service Bill of January 1916 had been drafted in a hurry at Asquith’s insistence. He was keen to present the Bill to Parliament not as a radical departure from British tradition but as a logical extension of the failed Derby Scheme. For that reason, he wanted the announcement of the results of the Scheme and the introduction of conscription to be as close together as possible. The inclusion of a Tribunal system of appeal into the legislation was not merely a side-issue of Military Service Act but was a vital component of the political manoeuvrings deemed necessary at the time to secure both Liberal and Labour



support. Before long difficulties arose in its administration. Recruiting officers were lacking suitable instructions to carry out their work; the medical services were ill-prepared for the sudden increase in their medical inspections and were making obvious blunders; there were problems in allocating relief for civil liabilities and questions were being asked about anomalies in the Tribunal system. This was hardly surprising given the sheer numbers involved in both the conscription and appeal process. Men eligible for enlistment were bureaucratically divided into 46 groups and designated as Section B of the Army Reserve. The first 23 groups were made up of single men and the other half of married men. Age was a determining factor and single men in their twenties would be the first to go followed by single men in their thirties and so on. A notice informing a particular group that they were to report to their depot was usually displayed in the local post-office and publicised in the newspaper while instructions, times and travelling arrangements were usually communicated by post to individual men.<sup>388</sup> But before then all enlisted men had to attend a medical examination. If they were declared fit for service they were now able to make, if they wished, an appeal to the Local Military Tribunal. The number of appeals and the scale of the workings of the system were huge. Adrian Gregory states that just four large Local Tribunals dealt with nearly 200,000 cases alone. The panel at Croydon sat 258 times and heard 10,425 cases; Bristol heard 41,000 cases and refused exemption for 17,000 men; Leeds sat 435 times, hearing 55,101 cases involving 27,000 men and sent 13,897 into the Army, while the Birmingham Tribunals sat 1,765 times, heard 90,721 cases and allowed the conscription of 34,760 men.<sup>389</sup> On 14 November 1918 the London Tribunal met for the final time. In the previous two years they had convened for 70,325 hearings, dealing with 53,692 cases; 950

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<sup>388</sup> But names and addresses were based on the flawed National Register of 1915 and ignored the reality of the mobility of working men (see p.88 above).

<sup>389</sup> Adrian Gregory, *Military Service Tribunals*.

were applications by conscientious objectors while 7,722 men had applied for medical re-examination, 3,500 successfully.<sup>390</sup> In just one year, 1916, the Huddersfield Military Tribunal heard 18,704 appeals.<sup>391</sup> Nationally, between 1916-1918, Local Tribunals ‘at the most conservative estimate [...] must have heard at least one and a quarter million individual cases’.<sup>392</sup>

A large part the organisational problems during the introduction of conscription lay in the fact that there was no national government department, such as a Labour Ministry, that had the power and the experience to administer and control the mechanics of the process of enlistment and appeal.<sup>393</sup> Between 1914 and 1916 recruitment was the responsibility of local authorities. The War Office, with an established base of local military representatives and offices had some limited experience of peace-time recruiting and, reluctantly, took on responsibility for conscription. The Appeal system had been created and was overseen by the civilian Local Government Board. Both offices of state – military and civilian - were involved in, and made demands on, LMSTs. In theory the Board was responsible for Local Military Service Tribunals alone; in practice, they took responsibility for all three tiers of appeal. Under the terms of the Act, the LGB was there to ensure that the operation and the constitutions of the Tribunals conformed to law. In daily practice however, the Board had little say or control over them. The Board had no influence on the selection of Tribunal panel members, nor could it effect, overturn or change any decisions made by them. Nor was there any way to ensure uniformity of over two thousand Tribunals without taking away their discretionary powers to hear and decide cases according to their merits. Walter Long, President of the LGB, may have assuaged the doubts of many MPs by assuring them that the

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<sup>390</sup> *Huddersfield Daily Examiner*, 14 November 1918, p.4.

<sup>391</sup> Cyril Pearce, *Comrades in Conscience* (Francis Boutle, 2001), Table 8, p.267.

<sup>392</sup> Gregory, p.179.

<sup>393</sup> It was not until December 1916 that the government established a Ministry of Labour, followed in 1917 by a Ministry of National Service.

panels of Tribunals would be composed of men and women of experience and training who would give full consideration to even extreme cases – in other words, middle-class, prominent citizens who would give short-shrift to working-class ‘shirkers’ or conscientious objectors – but this was wishful thinking and he had no power to intervene in the choice of personnel. He could only make recommendations, some of which were accepted, and some were ignored. The only statutory requirements concerned the size of Tribunals – between five and twenty-five members – and the necessity to ‘provide for the adequate representation of labour in the district’.<sup>394</sup> Even then, not all Tribunals followed his instructions. Salisbury Tribunal ran into difficulties in appointing a labour representative, a Mr. Tryhorn, chairman of the Bricklayers Association, when he was opposed by the National Union of Railwaymen who felt that they should take precedence.<sup>395</sup>

Tribunals were based in the community, one of many units of local government. The composition of the panels reflected the composition of the local community. Those Tribunals representing the Holme and Colne Valleys for instance were composed of local councillors who in their main employment were either skilled workmen, artisans or local shopkeepers. Their numbers on the Tribunals were bolstered by the addition of women, businessmen, representatives of the Co-Operative movement or political parties and trade-unionists. Many had direct experience of being involved in either local politics, religious or social groups, or local administration. They were voluntary, patriotic, public-minded citizens. Some held anti-conscription views. Some were anti conscientious objectors. Some were Quakers.<sup>396</sup> They were representative of the attitudes and interests of their community and their local government. As Westminster became more prescriptive and more controlling, the issue of

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<sup>394</sup> SR&O, 1916, No.53, 3 February 1916.

<sup>395</sup> Slocombe, *Recruitment into the Armed Forces*, p.108.

<sup>396</sup> *Leeds Mercury*, 9 March 1916.

two thousand independent bodies playing an important part in the conscription process – a part that many people in the military and the government saw as increasingly obstructive – became problematic in the pursuit of victory. They were tasked with having regard to the national interest, but national interests were not defined as simply military ones:

The Act recently passed makes a new demand on the administrative ability of the country. The nation is endeavouring to secure a much finer adjustment between the rival claims of military requirements on the one hand and industrial financial needs of personal hardship and conscientious conviction on the other hand, than has ever been attempted before at any time or in any country. All this adjustment has to be effected under conditions of extreme urgency.<sup>397</sup>

In these circumstances the problem of whether or not the last undertaker, or the one remaining blacksmith, or the only baker in the village should go was of prime importance to local communities. The success of the Tribunal system lies in the fact that decisions were rarely challenged by the community. Tribunalists were viewed as conscientious men and women doing a particularly difficult job and acting fairly. When that sense of ‘fairness’ was threatened, Tribunals were quite willing to exercise their independence and to use their political and media experience to counter government policy. This was particularly true when the regulations concerning men who had already been rejected from service in health grounds were reviewed.

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<sup>397</sup> LGB Circular R84. Conclusion.

### 3.2 The Medical Scandal – ‘A perfect farce’

Many Tribunals, as time went on, felt confident enough to use the discretion the legislation had given them to resist government pressure in cases where they believed there was an unreasonable process at work. One such issue were the cases of medical re-examination of men already rejected by the military, brought about by the introduction of The Military Service (Review of Exemptions) Act 1917. Tribunals responded to what they viewed as an unjust procedure and supported men of their own communities. For those appellants who felt themselves to be the victims of an unfair system, the Tribunals were their only safeguard against the might of the military and bureaucratic machine. Neither did this remain simply a local matter. Members of Tribunals were able to raise the problems to a wider audience by a judicious use of publicity, employing the power of the local press and by informing local Members of Parliament to put pressure on the state for legislative reforms.

In 1917 the government responded to military pressure for more recruits by issuing a series of instructions to Military Tribunals. These instructions more closely defined what were classed as certified occupations and encouraged Tribunals to release younger men just as soon as they could be substituted by older workers. More importantly, the government introduced the Military Service (Review of Exceptions) Act in April 1917. Rather than extend the boundaries of conscription to bring more men into the net of compulsion this Act allowed the Army to challenge those men who had previously been exempted from active service for reasons of ill-health and subject them to further medical examination. Lord Derby wrote to the newspapers to explain this new development. Many men, he said, had ‘slipped through during the recent rush’ without an adequate examination; some men with a disability that prevented them from serving had presented themselves to several medical boards and received rejection papers which they then sold on; but since then standards of physical fitness had been considerably lowered for certain branches of the Army and many men who had

been previously rejected could now fulfill a role. He used the example of a man with a cork leg who could still work as an army clerk and release a fitter man for active service. He added that no-one who was totally blind, or crippled or paralytic would be taken. Pre-1914, only men aged between 18 and 30 who were of good physique and character and free from disease or physical defects were accepted into the army. That situation changed with the surge of volunteers on the declaration of war. Regimental medical officers, who had been used to more leisurely examinations, found themselves having to inspect over 200 men per day. As examiners were paid one shilling for every man they passed and nothing for the men they rejected it is perhaps not too surprising that many men were accepted for army service when they were patently unfit. The army medical boards of 1914 were guided by two assumptions - the first was that if a man was fit enough to be in full-time employment, he was fit enough for the army; the second was that recruits would often be passed not on their level of fitness at the time of the examination but on what their fitness would be after three or four months of wholesome army life. Army life, the military believed, was particularly good for tubercular or syphilitic cases.<sup>398</sup> Those men who had been rejected on health grounds during the period of voluntary enlistment were now, with the advent of conscription, to be re-examined. This caused considerable alarm amongst those men affected and they were supported by public opinion, by members of the panels of LMSTs and by local newspapers. All of them rejected the military point of view and argued that:

There are some things that cannot be done by militarism and one is, it cannot make all men into soldiers. It can break them down and drive them into hospital with the consequent cost to the country, without any advantage to the army.<sup>399</sup>

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<sup>398</sup> *Special Report from the Select Committee on Military Service (Review of Exceptions) Act, 1917*, PP 1917-18

<sup>399</sup> *Colne Valley Guardian*, 31 March 1916.

The largest number of conscripts came, as they always had, from the unskilled labouring classes.<sup>400</sup> The introduction of conscription and the attendant medical examination of all would-be recruits illustrated above all the appalling levels of ill-health in the working class. This labouring class in industrial Britain pre-1914, had levels of poverty and health we would now associate with the poorest parts of the developing world.<sup>401</sup> Seebohm Rowntree, author of *Poverty: A Study in Town Life*, pointed out to a Parliamentary Committee in 1904 that 10 per cent of the British population, between 3 and 4 million, could not afford to buy sufficient food to support a minimum level of physical fitness. Maud Pember Reeves and members of the Fabian Women's Group spent four years from 1909 recording the lives of working-class families in Lambeth, South London.<sup>402</sup> The families they worked with were regarded as poor but not at the lowest end of society. For the most part they were sober, in full work and respectable yet, even here, they found the incidence of pulmonary and respiratory disease to be so common that it was regarded as a normal condition of health. The survey showed a death rate of one in four children - more than double the death rate of serving soldiers on the Western Front between 1914 and 1918. Of the thirty-one families who took part in the survey, twenty-two families had lost at least one child to disease or illness. Their housing was generally damp, under-heated, poorly ventilated and frequently infested with vermin. Accommodation usually consisted of three rooms for a typical family of eight. Families would have no more than two beds so parents, children and sometimes, grandparents, would sleep four to a bed. The two meals each day would consist of bread with a scraping of margarine, jam or dripping. Meat was reserved for Sunday, and then only for the man of the house. Most families would rarely see eggs or milk. Professional medical care had to be paid

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<sup>400</sup> J.M. Winter, *The Great War and the British People*, (London: MacMillan, 1986), p. 34, Table 2.3. Distribution by Sector of Employment of Men Who Served in the British Army. August 1914 – February 1916. Winter gives figures of 501,000 volunteers from the Finance and Commerce sectors and 1,743,000 from Industry.

<sup>401</sup> *Ibid.* p. 10.

<sup>402</sup> Maud Pember Reeves, *Round About A Pound A Week*, (London: Virago 1979), p. 9.

for and, for most, was non-existent. These, it must be stressed, were average working-class families. There were countless others much worse off. Jack London, writing in 1902 about the even more desperate poor of London in his book *The People of the Abyss* said:

How do they live? The answer is that they don't live. They do not know what life is. They drag out a sub-bestial existence until released by death.<sup>403</sup>

It was from this *Lumpenproletariat* that the British army traditionally took its recruits. The German ambassador had watched the funeral of Victoria in London in 1901 and later reported that:

The military ranks stretched for miles. A muster of troops morally degraded, idiots, undersized and pitiable beings. The dregs of the population. With astonishment and affright we beheld yesterday that the English have reached the end of their military capacity.<sup>404</sup>

In the 1904 *Report of the Inter-Departmental Committee on Physical Deterioration* the highest numbers of would-be soldiers rejected lay in those areas of health associated with poor diet and poor living conditions.<sup>405</sup> In the decade before 1914, low standards of health in many urban working-class districts meant that many men when called for conscription simply didn't even reach the minimum physical standard for military service, let alone being fit and

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<sup>403</sup> Jack London, *The People of the Abyss*, 1903, *Novels and Social Writings*. (New York: Library of America, 1982).

<sup>404</sup> James Louis Garvin, Julian Amery, *The Life of Joseph Chamberlain, Vol. 4* (London: Macmillan 1932).

<sup>405</sup> Appendix to *1904 Report of the Inter-Departmental Committee on Physical Deterioration*, PP 1904, xxii, Cd 2175. Men with diseases of the eyes, lack of teeth, under-weight and under average chest measurement were particularly prevalent in those trades associated with cloth-working and weaving.



capable enough for combat duty.<sup>406</sup> Nearly one third of recruits in 1917 were classed as Grade IV, the lowest category - men who were in such poor health that they were totally unable to fulfill military duty of any description whatsoever. Office and shop workers, clerks and other non-manual trades, on the other hand, were usually better fed, healthier and fitter, and far more able to withstand the rigours of trench warfare. The exceptions to this rule were agricultural workers and miners who were accustomed to the physical demands required of front-line soldiers.

By the beginning of 1916 the medical department of the War Office had evolved an A – B – C system of examination for military service fitness. ‘A’ signified that a recruit was physically fit enough to cope with the demands of service on the front line. ‘B’ meant that a recruit was fit enough to serve with the army overseas but only in some kind of support role and not subject to the physical demands of front-line service. A ‘C’ designation confined a recruit to home duties only. ‘B’ and ‘C’ designations were further divided into three grades with C3 usually meaning the recruit was unsuitable for any army service at all.<sup>407</sup> Most doctors conducting the examinations were civilian doctors working under the guidance of the military chairman of the medical board who had the power to overrule the civilian doctors

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<sup>406</sup> Lloyd George gave a speech in Manchester in September 1918 in which he said: “I asked the Minister of National Service how many more men we could have put into the fighting ranks if the health of the country had been properly looked after. I staggered at the reply. It was a considered reply, and it was ‘at least one million’”. Quoted by J. M. Winter, *Military Fitness and Civilian Health in Britain during the First World War*, *Journal of Contemporary History*, Vol. 15, No. 2 (Apr.1980), p.212.

<sup>407</sup> ‘Category A men should be able to march, to see to shoot, and hear well and to stand active service conditions. Category B, free from serious organic disease, able to stand service conditions on the lines of communication in France or in garrisons in the tropics and in addition, if classified under B1. able to march at least five miles, to see to shoot with glasses, and to hear well. If B2, able to walk to and from work, a distance not exceeding five miles, and see and hear sufficiently well for ordinary purposes. B3, only suitable for sedentary work. Category C, free from serious organic disease, able to stand service conditions in garrisons at home, and, in addition, if classified under C1, able to march at least five miles, to shoot with glasses, and to hear well. Category C2, able to walk to and from work a distance not exceeding five miles and hear sufficiently well for ordinary purposes. C3 only suitable for sedentary work’. *Registration and Recruiting*, War Office, August 1916, p.59.

and impose his own decision. Sir Auckland Geddes, in his role as head of the Ministry of National Service in 1917, was particularly critical of civilian doctors during this period:

In the past the medical boards had not been free from faults; certain medical practitioners had given certificates of unfitness on the scantiest evidence and without due regard to the national need; there was no doubt that personation on a large scale had taken place. Again, medical men in good standing had in some cases given certificates which necessarily weighed with the Tribunals and from their general tone conveyed the impression that the man had been improperly examined by the medical board before which he had appeared. In addition, there had been difficulties due to the fact that in a few instances members of medical boards had permitted themselves to be influenced by unworthy motives to grade a man in a low category.<sup>408</sup>

He detailed the widespread abuse of the appeal system where conscripted men had employed disabled, diseased or generally ill men to impersonate them at Tribunal hearings. In fourteen months, there had been 14,000 prosecutions. Military medical examinations were completed at the rate of twelve per hour, giving each doctor five minutes with each recruit. Doctors worked to a quota of sixty men per day. There were approximately 2,600 doctors involved in the process during these eleven months giving a rough total for each doctor of 1,000 examinations.<sup>409</sup> In addition, doctors were also tasked with making a second decision. Having decided on the general fitness of the recruit – a medical decision - they were also asked to decide on a suitable role in the army for him – a military administrative decision. Until a reorganization to National Service Medical Boards in 1917, doctors had to determine whether or not a man was physically fit enough to enter the army and, if the answer was ‘yes’, to classify him into a category from which they could be dispatched to a suitable military

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<sup>408</sup> Article ‘National Service Ministry’, *British Medical Journal*, 2(2963) (13 October 1917), pp. 487-488.

<sup>409</sup> J. M. Winter, ‘Military Fitness and Civilian Health in Britain during the First World War’, *Journal of Contemporary History*, Vol. 15, No. 2 (Apr. 1980), pp. 211-244.

branch. The categories normally referred to – A, B and C – were not so much medical categories as a form of bureaucratic shorthand based upon medical information.

This essential distinction may be exemplified thus—the sign A1 meant that the man was fit for service in the field, trained, equipped and ready to proceed to a theatre of War ; A2 meant the same as A1 except that the training of the man was not yet completed, and that should he be sent to a theatre of war, it would be necessary to send him in a special draft which would undergo further training at the Base before being perfectly fit to join a fighting unit ; A3 marked a man who had already served overseas, but who required further training or hardening before being sent abroad again, and so on with the other categories and their sub-divisions.<sup>410</sup>

Doctors were therefore being asked to make decisions for which they had no experience or knowledge. A Medical Board could make observations on the physical aspects of a potential recruit, could detect signs of illness, could perhaps estimate to some degree the seriousness of a complaint and whether or not the man will survive or not, and could discern signs of contagious or infectious disease. But to be responsible for assigning a man to a particular military niche was beyond their powers. Unsurprisingly, the recruit, if deemed fit enough, was simply sent off to his designated unit for the army to decide where to place him within the military structure. The problem for the military medical authorities was that doctors, despite a prescriptive system, had no real answer to the question of who was fit to fight and who would prove to be a burden under combat conditions. Military medical authorities struggled to find a suitable definition of military fitness as opposed to general health. Definitions of ‘fitness to serve’ were so imprecise and ambiguous as to almost guarantee that mistakes would be made. Diagnostic medicine was in its infancy and, even so, could never

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<sup>410</sup> *Report upon the Physical Examination of Men of Military Age by National Service Medical Boards from November 1<sup>st</sup>, 1917 – October 31<sup>st</sup>, 1918*, HMSO 1920, p.1.

have been practiced during a five-minute examination in a crowded, noisy school or church hall or town hall annex. Doctors were asked to predict which patently unfit recruits at the examination might be fit in two months' time. The problem was compounded by the fact that Army life was traditionally viewed as being beneficial to men who were ill. Good food and healthy outdoor living were seen as a 'cure-all' for the diseases of poverty and urban squalor.

A single man, 21, passed as 'A', asked for exemption on the ground that he suffered from consumption, and was unfit to go into the Army. Questioned, he said that he was not under treatment for consumption, but both his parents had died from consumption. He wanted a better examination.

The Chairman: The Army will do you all the good in the world.<sup>411</sup>

The sheer numbers involved swamped the medical services. Between August 1916 and June 1917 over 2.6 million examinations were carried out.<sup>412</sup> Men who felt that they had been treated unfairly by the re-examination process began to voice their complaints when appealing at their Local Military Service Tribunals. At a sitting of the Huddersfield Tribunal in March 1916 the panel heard the complaints of a man who had recently undergone a medical re-examination to determine his suitability for the army. He had, he said, been part of a line of thirty shirtless would-be recruits, forbidden to speak, who had been paraded in front of five men, only one of whom was a doctor, in less than two minutes. Afterwards and despite holding letters from four civilian doctors explaining his various illnesses, he had been told that he had been passed as fit.<sup>413</sup> The 'examination' was farcical, he claimed, and the Tribunal agreed with him. In October, an appellant stated that he had recently survived five

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<sup>411</sup> *Huddersfield Daily Examiner*, 13 August 1917.

<sup>412</sup> Winter, p.51.

<sup>413</sup> *Huddersfield Daily Examiner*, March 27, 1916.

abdominal operations, had not worked for the previous two years, was in constant pain, could only walk a few yards at a time but had been passed as suitable for military service by the medical panel. Mr. Boyce, speaking on behalf of the Tribunal, pointed out that in recent cases they had dealt with 'a lunatic, men suffering from St. Vitus's dance who could scarcely walk into the room, and men who fell down in fits in the street five or six times a week, all of who had been passed for general service'.<sup>414</sup> Elsewhere in Yorkshire the Goole Board of Guardians criticized military procedure when twelve patients of the Workhouse and Infirmary were ordered to attend medical re-examination. The Workhouse Master explained that five of the men could not walk, one was bedfast, and the others required personal attention from medical staff.<sup>415</sup> In Northamptonshire, the local Army Medical Board under the direction of Colonel Thompson 'processed their latest charges on the basis that any man in possession of a civilian medical certificate was, by definition, a shirker'.<sup>416</sup> In Huddersfield a full day's meeting of the Military Tribunal in May 1917 dealt with eighty-five appeals for exemption, most of them on medical grounds. One man complained that he had originally been classified as A, then re-classified as B2 and finally, after producing his own doctor's letters, as C2. Another applicant pointed out to the panel that he had originally been rejected for service on medical grounds and had recently been re-examined. He was again rejected by the doctors who examined him but their decision had been overturned by the military chairman of the Medical Board who had not examined him and he was now officially passed as grade A and fit for service.<sup>417</sup> A third applicant demonstrated his pronounced limp to the panel, showing one leg shorter than the other due to hip disease and produced medical evidence of his rupture. He had been passed as A grade by the Medical

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<sup>414</sup> *Huddersfield Daily Examiner*, October 18, 1916.

<sup>415</sup> *Huddersfield Daily Examiner*, June 1, 1917.

<sup>416</sup> McDermott, *British Military Service Tribunals*, p.186.

<sup>417</sup> *Huddersfield Daily Examiner*, May 1, 1917.

Board. Some members of the Huddersfield Tribunal argued that they should automatically exempt all these cases as a means of protest against the workings of the military medical authorities. During the afternoon session the chairman of the panel, Alderman Blamires, called in Colonel Parsons, commanding the 33<sup>rd</sup> Recruiting Area, to hear the Tribunal's complaints concerning the disquieting medical examinations of local men. Colonel Parsons defended the decisions of the Medical Board but was informed that the panel had 'the greatest possible confidence in Dr. Irving', the local civilian doctor who had examined most of the men and provided certificates of disability or ill-health for many of them. This may have been an example of localism versus the centralized state at its most basic level, but it was issues such as this that determined the status and the reputation of the Tribunal in the eyes of local citizens. They returned to the case of the man who had had the decision of unfit for service overruled by the chairman of the Medical Board. Colonel Parsons replied: 'Really, we have got little evidence from the other side except this certificate, which states that he suffers from bronchitis and has fainting fits'. Mr. Armitage: 'But the doctors who examined him said he was *not* fit, and the colonel who did not examine him said he *was* fit'. Parsons pointed out that the chairman of the Medical Board took a great deal of care in these cases. Mr Sykes, a member of the panel, repeated his claim that they should award all the appellants an absolute exemption as a protest against these re-examinations and it was left to Sir William Raynor, a member of the Huddersfield panel, to calm the situation and explain that while 'they had every desire to be courteous to the Medical Board', they felt very uneasy with so many cases of this kind. Similar cases were heard throughout Yorkshire. At the York Local Tribunal there was uproar when John William Renison complained that he had been passed as fit for garrison duty abroad by the Medical Board despite severe abdominal hemorrhaging:

The Sheriff (Councillor Shipley) said he had known the applicant ever since he was a boy and he had never been able to do much work. It appeared to him to be a scandal that a man in such a condition of health as the applicant should be passed for garrison duty abroad when he could scarcely walk about at home. The time had come when they should make a representation to the authorities in order to stop this kind of thing.<sup>418</sup>

In Holmfirth, the Tribunal exempted a 19-year-old weaver with a deformed leg and foot who had been passed as fit for service. Another had originally been rejected on medical grounds but on re-examination was passed as grade A.<sup>419</sup> One man, a scourer in a local mill, had been eager to join the army and had volunteered twice but had been rejected and sent back by the army on both occasions on medical grounds. The Medical Board had re-examined him and classed him as B1.<sup>420</sup> There was a description of the medical examination of one man, passed as A, who explained to the Tribunal: ‘they passed three in three minutes. They examined three men by one look’.<sup>421</sup> The panel members in Holmfirth were shown a medical certificate issued to one man that had placed the man in Class E. This prompted the question, ‘Whatever is Class E?’. The clerk then asked: ‘Did they say anything when they gave you the certificate?’ to which the applicant replied: ‘They said I was fit for nothing’. He was granted exemption by the panel.<sup>422</sup>

These complaints by the Local Tribunals were part of a nation-wide discontent against the workings of the military medical authorities:

Some of the experience which members of Tribunals have to go through are extremely trying, knowing, as they do, what happens. A man is fit for the Army on the face of it, I agree, but you know that in large numbers of cases you are almost signing his death warrant. It has happened many hundreds, if not thousands, of times. One touch of imagination added to our ordinary everyday experience gives us an idea of what has happened. You

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<sup>418</sup> *Huddersfield Daily Examiner*, 18 October 1916.

<sup>419</sup> *Holmfirth Express*, 3 February 1917.

<sup>420</sup> *Holmfirth Express*, 7 March 1917.

<sup>421</sup> *Holmfirth Express*, 28 April 1917.

<sup>422</sup> *Holmfirth Express*, 19 May 1917.

have taken that man away and put him into the Army at a cost for the first year of not less than £250 to £300. You have derailed him from his civilian life. He is, seven times out of ten, over thirty-five years of age, and I am not very far out of it when I say that the sickness casualties in the Army between thirty-five and forty years of age are nearly 250 per cent. more than the sickness casualties between twenty-eight and thirty-five years of age. You have taken him out from his civilian occupation and put him in the Army. He breaks down and is pensioned. The Minister of Pensions has been good enough to give me some information which I will pass on to the House, and it is that up to the present time, of the pensions already granted not fewer than 15 per cent. are in respect of men who are pensioned because of sickness and disease. A large portion of them, no doubt, are men who are physically fit, but who have contracted sickness on the field, and a very large and preventable proportion is caused by men who ought never to have gone into the Army at all.<sup>423</sup>

The consequences of the Exemptions Act soured the already fraught relationships between Tribunals and the military and encouraged Tribunals to use their independent voice to combat what they saw as an injustice. Here was a system under strain and in some respects, flawed. The military had been tasked with an enormous and obvious burden – to win the war – and approached that task, understandably, with single-minded devotion. Early twentieth-century warfare demanded mass armies and exacted mass casualties. Mass armies, as far as the High Command were concerned, could only be procured if the resources of the whole country were at their disposal. Every man should go. Conscripting patently unfit men to do the duties of fit men so that the fittest could serve at the front was nothing new in the British army. Chelsea Pensioners were called up for garrison duty in 1755 to replace fitter men who could then serve in the field.<sup>424</sup> For the military it was a logical issue:

Speaking broadly therefore every man who is fit to earn his living in civilian life is also fit to be employed in some capacity suited to his condition within the Army .Employment in a modern Army embraces all

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<sup>423</sup> HC Deb 17 January 1918 Vol. 101 cc526-98.

<sup>424</sup> Saul David, *All The King's Men: The British Soldier from the Restoration to Waterloo* (London: Viking, 2012), p.138.



conditions of existence ranging from that of the clerk who lives in his own home, works regular hours and has suitable food at fixed times, to that of the man who leads a life of strenuous physical activity, has to make forced marches in all conditions of climate, weather, fatigue and lack of food and to take part in savage hand to hand fighting.<sup>425</sup>

But in attempting to bring as many men as possible into the armed forces the medical services of the military were ignoring obvious disabilities and unfitness for any kind of duty of many of those potential recruits. For the army it was a self-inflicted wound in that patently unfit soldiers often needed fit soldiers to look after them. In vain it was argued that the task of medically assessing so many men in such short a time, given the diagnostic inadequacies of the day, was, from the outset, an impossible task. In a House of Commons debate on 27 June 1918 the physician Sir William Collins reminded the House of a speech he had made one year ago:

On that occasion I remember reminding the House that the honourable medical profession was probably seen at its best when it was doing its legitimate work in tending the sick and wounded on the field of battle, or in the casualty clearing stations, or in the base hospitals, or in the hospitals at home, and that it was probably seen at its worst when it was endeavouring—more or less unsuccessfully—to carry out the military directions that proceeded from an administrative authority. I also indicated at that time that, after all, medicine and surgery, though progressive sciences, were not exact sciences, and that they did not lend themselves very readily to this strict routine method of classification which a system of categorisation had imposed upon them. ....that the medical profession, in dealing with this matter of categorisation, had been set a task which is medically and physically impossible to carry out accurately and well.<sup>426</sup>

Though there were no formal lines of communication ‘upwards’ between LMSTs and central government it is likely that politicians and the various military bodies were well aware of the

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<sup>425</sup> *Report upon the Physical Examination of Men of Military Age by National Service Medical Boards from November 1<sup>st</sup>, 1917 – October 31<sup>st</sup>, 1918*, HMSO 1920, p.1.

<sup>426</sup> HC Deb 27 June 1918 vol 107 cc1252-311.

increasing disquiet of local panels. These independent sovereign bodies were perfectly capable of working in unison, sharing good practice and formulating a common response to shared problems. Local newspapers, who reported on Tribunal meetings as a matter of course, began to publish articles and editorials on the dissatisfaction expressed by the panels when confronted with evidence of poor medical services.<sup>427</sup> Many members of Tribunal panels were prominent men in their own spheres, whether industrial or political, and would have personally known their local members of parliament. It seems reasonable to assume that MPs would have been made aware of the situation and would have been encouraged to raise their concerns in the House of Commons. As early as 29 February 1916 Sir John Simon raised the subject of re-examination:

I was driven to write to the papers because I was getting so many letters on the subject, and I was afraid that unless something was done in the matter I should be swamped... The whole thing from beginning to end is not really directed towards strengthening the British Army in the least. The principle on which people are going (*to the medical re-examination*) is that nobody is to be rejected.<sup>428</sup>

William Anderson MP asked the Under-Secretary of State for War whether his attention has been called to a recent meeting of the Mitcham Tribunal:

[...] at which a man passed for service asked permission to go before a special medical board; whether he is aware that this man is blind in one eye, half-blind in the other, and stone deaf, and had to be led into the room by a clerk; whether he proposes making any investigation into this case; (2) whether his attention has been called to a Mitcham chemist, the owner of a one-man business, who applied before the local Tribunal for permission to go before a special medical board; whether he is aware that this man, formerly rejected for military service, has now been passed for general service, and that although he only weighs 91 lbs. he will be expected to carry a kit weighing 90 lbs. exclusive of his rifle; whether he has seen that Dr. Love, a member of the

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<sup>427</sup> McDermott mentions one instance when Councillor Parker, a member of the Northampton Tribunal, called on reporters who were present at a sitting to ensure that their newspapers reported on the dispute between the Tribunal and the Medical Board. *British Military Tribunals* p.189.

<sup>428</sup> HC Deb 29 February 1916 vol 80 cc 923-94.

Tribunal, described the classification as absurd; whether he proposes taking any action in the matter; (3) whether he will make investigation into the case of Charles Walker Smillie, of 7, Chippingham Place, Attercliffe, Sheffield, who was recently medically examined and passed for general service in the Army; whether he is aware that this man is 4 ft. 10 ins. in height and weighs about six stone, and that he will be expected to carry a kit heavier than himself; and whether, in the circumstances, he will cause a further medical examination to be made, either with a view to the discharge of this man from the Army or to the placing of him in a lower category?<sup>429</sup>

Ramsey McDonald on 8 June 1917 asked the Under Secretary of State for War:

[...] whether his attention has been called to the passing for active and other forms of military service involving hard physical labour of men in Leicester suffering from valvular disease of the heart, chronic rheumatism, blindness in one eye, congenital physical weakness which has incapacitated from work for years, curvature of the spine, lameness, chronic bronchitis, and similar complaints; and whether he proposes to issue instructions to the Army doctors examining in Leicester which will prevent them passing such men into the Army?<sup>430</sup>

Growing public criticism of the Army Medical Boards and the system of re-examination forced the government to act and on 26 June 1917 they set up a parliamentary select committee comprising Sir Godfrey Baring, Anderson Montague Barlow, Thomas Cochrane (Lieutenant -Colonel, 2/7 Black Watch), Colonel Cecil Faber (Lieutenant-Colonel Royal Munster Fusiliers), Colonel Gretton, Hugh Law, Mr Niold, William Pringle, Griffith Caradoc Rees, and Mr Sutton under the chairmanship of Edward Shortt KC, MP. Their task was to inquire into the 'method, conduct and general administration of medical examinations [...] and to make recommendations'.<sup>431</sup> It took the Committee just over five weeks to produce its Special Report. A few weeks before the Committee was formed, MacPherson, the

<sup>429</sup> HC Deb 27 June 1917 vol 95 cc 359-61359.

<sup>430</sup> HC Deb 08 June 1917 vol 94 cc507-9.

<sup>431</sup> Mr Shortt had been an ally of David Lloyd George in the Liberal Party split with Prime Minister Asquith and when Lloyd George came to power he brought Shortt into the government.

Under Secretary of State for War had replied to a question from Sir M. Levy asking that all copies of instructions, printed and oral, of medical advice given to the Medical Boards should be given to MPs. MacPherson declared that all relevant documentation was already freely available and further confirmed that ‘No secret or oral instructions have been issued by the Army Council’.<sup>432</sup> This was true, but only up to a point. The latest and most relevant instructions issued at this time by the Army Council on 7 September 1916 dealing with medical re-examinations had stated that (if only for financial considerations) Medical Boards should be more careful in how they carried out examinations.<sup>433</sup> But at the same time secret instructions from senior army medical officers at the top of the chain of command had already been sent to the Boards, and continued to be sent, which demanded the opposite. Some of these instructions confirmed details of those medical examinations that had so infuriated the members of Local Service Tribunals, particularly in cases where the opinions and judgments of civilian doctors had been overruled by military chairmen of Medical Boards.<sup>434</sup> Shortt’s report highlighted a number of confidential letters sent to Presidents of the Recruiting Medical Boards and Deputy Directors of Medical Services. The earliest was dated 13 July 1915 and sent by the Director-General of the Army Medical Services, General Sir Alfred Keogh, who, at that time, was in command of UK military medical services. Keogh

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<sup>432</sup> *HC Deb 14 June 1917 vol 94 cc1144-6W1144W*. The Army Council, equivalent to the Board of Admiralty, had been created in 1908 and formed part of the War Office. One section of the War Office was the Department of the Adjutant-General and serving in this department were the Director-General of Army Medical Services, General Sir Alfred Keogh, and the Director-General of Recruiting and Organisation, Brigadier-General Geddes – see letters below.

<sup>433</sup> *Recruits relegated to the Army Reserve or discharged medically unfit shortly after enlistment*. Quoted in Special Report, p. iv-v. The Army Council was concerned with the cost of equipping recruits with army uniforms that had then to be replaced by civilian clothes when those recruits were discharged as physically unfit.

<sup>434</sup> “The applicant in a similar case adjourned from the morning’s sitting said that he had previously been rejected but had been put into class A by the Halifax Board. He said that the doctors who examined him told him that he was not fit for general service, but that the chairman of the Board passed him”. *Huddersfield Daily Examiner*, 1 May 1917.

had met with all Deputy Directors and given them oral instructions which were confirmed afterwards in writing:

My dear (            ),

I want you to hear a few words from me with regard to the examinations which are now taking place of men who are placed in several categories 'fit for home duty only,' etc., but I want you to regard what I say as confidential. It is imperative that we get as many men as possible who are not fit for war service put in the category of 'fit for garrison service abroad'. We have so many civil medical men working with us that you will have to be very strong in your action as regards the acceptance of their opinion when they reject men as: unfit for garrison duty abroad' [...] Take it upon yourself, therefore, to overrule decisions which place men in the category of 'unfit for garrison service abroad' for disabilities only which do not incapacitate very completely.<sup>435</sup>

General Keogh wrote secretly again the following year on 16 September 1916, just a few days after the Army Council had issued its own instructions on conducting medical re-examinations and after the introduction of conscription and the growing disquiet of medical matters being voiced by some Tribunals:

The rejections continue to pour in every day in large numbers notwithstanding our meeting the other day. Will you please issue orders to your Medical Boards at once that they are not to totally reject any man who can perform any kind of work without danger to himself or to others? Sedentary work does not mean clerical work only; it means all sorts of work which a man can do, not involving a class of duties proper to other categories. Every man who can earn a livelihood in civil life can do something in the Army, and it is perfectly ridiculous the continuance of these enormous numbers of rejections in each Command. Will you please stop it at once, and give very definite orders to your Boards?<sup>436</sup>

Shortt, in his report, pointed out that the statistics showed that there was an immediate and dramatic fall in the number of men exempted from service for reasons of ill-health after this

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<sup>435</sup> Shortt, *Special Report*, p. iv.

<sup>436</sup> *Ibid*, p. iv.

letter was issued. Deputy Directors of Military Services made it clear in their subsequent evidence to the Committee that they regarded themselves as soldiers who were subject to orders from their immediate superiors. Brigadier-General Campbell Geddes, Director-General of Recruiting had already issued guidance to army Medical Boards via the Army Council stating, ‘there is no man who is able to make his living in ordinary civil life who cannot be employed in the Army somewhere’.<sup>437</sup> The Shortt Committee found that this advice had been followed (as would be expected in a military regime) with blind obedience. Some Recruiting Medical Board Presidents were under particular pressure to reject appeals. On the 15 September 1916 (the day before General Keogh’s letter) Surgeon-General Sir WG Bedford, Deputy Director of Medical Services of the Northern Command gave detailed instructions to his staff:

[...] I wish to call serious attention to the very large proportion of men found permanently unfit by some of the Boards; those to which I specifically refer can be seen at a glance on consulting the return; and the great variance between the results obtained by the different Boards cannot fail to strike even the least observant.

[...] In future, Boards must understand that every man who has any potential use whatever for any kind of work in the Army, either that of fighting, marching, digging, hauling, cooking, baking, writing, store-keeping, engine-driving, motor-drivers, repairing accoutrements, farriers, draughtsmen, electricians, tailors, telephonists, telegraphists, and many other trades, industries and occupations necessary for the maintenance of an army, must be taken and placed in one category or another, and must not be lost to the Army by finding him permanently unfit.

[...] all Boards must approximate their percentage of rejections to the lowest figures of that category appearing in the return now under review, This matter is one of cardinal national importance; and I appeal to the patriotism and good sense of all Recruiting Medical Boards doing duty in this Command to see that immediate and material effect is given to the spirit of this memorandum. Men hitherto rejected as permanently unfit should in future be placed in Category C 3, when of any potential use whatever.<sup>438</sup>

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<sup>437</sup> Ibid, p.iii.

<sup>438</sup> Ibid, p. iv.

Some months later, just a few days before the formation of the Select Committee, Bedford wrote again to the Presidents of the Medical Boards under his command and, in a blatant piece of what could be regarded as blame-shifting, castigated them for carrying out his instructions since the previous year:

With reference to the Confidential Memorandum bearing the above Number and dated 15th September last, it would appear from the quality of many of the recruits now being passed into the Army that the spirit of that Memorandum has been unjustifiably departed from by some of the recruiting Medical Boards, and men are now being passed who are absolutely of no potential use whatever. I have been inspecting many recruits who have recently joined Labour Units in the Command, and am shocked to see the specimens of humanity which have been accepted as of potential value to the Army; men almost totally blind; deformed dwarfs of the poorest intellect: men with extreme oedema of both legs almost unable to stand; cases of very severe and marked rheumatism, cases of marked paresis, which rendered locomotion almost grotesque; several cases of insanity, which told their own tale at a glance. This must be stopped at once: I shall hold Officers personally responsible for passing any recruit who is manifestly and undoubtedly unfit for any useful work in the Army, and whose presence in any unit is an encumbrance. [...]

This question, like so many others, should be governed by common sense, and unless it be considered that a recruit is of some potential value to the Army, and that the work which he is capable of performing will be of some definite value to the State, instead of, as in many cases, resulting in actual loss, he must be rejected.<sup>439</sup>

As a member of the War office Bedford would undoubtedly have been aware of the mounting tide of protests stemming initially from Local Military Service Tribunals concerning medical re-examinations; of how those protests led to media reportage and eventually questions in parliament resulting in the creation of a Select Committee to investigate the issue. It may well have been the case that the threat of an imminent enquiry, which would have investigated his own role in the matter, prompted this second letter to the Presidents of the Medical Boards under his command.

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<sup>439</sup> Ibid, p. iv.

The Select Committee under Shortt recognized the ‘herculean’ efforts of the War Office in attempting to deal with the ‘enormously increased numbers’ involved with the introduction of conscription – ‘a task of which they had no experience, for which they were unprepared, and for which our military system was not designed’.<sup>440</sup> Nonetheless, the Committee was well aware of the anxiety, the distrust and the suspicion felt by the public in the matter of the Recruiting Medical Boards. That distrust and suspicion had been converted into absolute certainty after the questioning of key witnesses and the fact that the problem was so widespread nationally and that ‘practically everyone knew of and was affected by some such individual cases’ increased the urgency to find a prompt solution. This they did, and on 19 July 1917 passed the following resolution:

That the Chairman be authorized to inform the Prime Minister that the Committee are of opinion, in view of the evidence already taken, that a change of system should be made at once and recommend that the whole organization of Recruiting Medical Boards and of the medical examinations and re-examinations should be transferred from the War office to the Local Government Board.<sup>441</sup>

The decision was an example of LMSTs independence and their ability, through the medium of public opinion, to influence national government and military policy. This was an example of local people, speaking on behalf of men of their own communities, being able to articulate what were widely seen as injustices. The government hastily adopted the recommendations of the committee and, at the instigation of Lord Derby, went even further and took responsibility for all recruiting away from the military. A new Ministry of National Service was created under the leadership of Auckland Geddes.<sup>442</sup>

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<sup>440</sup> Ibid p.iii.

<sup>441</sup> Ibid p.v.

<sup>442</sup> The Department of National Service was created in December 1916 to replace the Manpower Board. It was upgraded to a Ministry in March 1917 with Neville Chamberlain as Director-General. In August 1917 he resigned and was replaced by Sir Auckland Geddes.



### 3.3 The Wisdom of a Solomon: LMSTs and Their Social and Local Political Context

[...] It is no light or irresponsible task they have undertaken, and however the appellants on the one hand or the military representatives on the other may regard their judgments we are satisfied they are doing their best for the country. There are many hard cases – as in the nature of the case there are bound to be – and the responsibility of deciding between the military clamour for men and the strong claims of a home or business, requires the wisdom of a Solomon.<sup>443</sup>

Two members of Asquith's Cabinet were given responsibility for the implementation of the Military Service Act of January 1916. Lord Kitchener was tasked to organize the mechanics and logistics of conscription, while Walter Long and the Local Government Board were to determine and put in place a system to deal with the expected appeals for exemption. All three bodies – Kitchener's military, Long's civil servants and Westminster - assumed these arrangements would be adequate, but all assumptions were wildly wrong. The government's position appeared to be that conscription was merely an extension of the voluntary system of recruitment already in existence, but the introduction of mass compulsion overwhelmed the available local and military bureaucratic and logistical structures that had grown accustomed to a very different voluntary system. Similar problems were encountered by the LGB who put in place an appeals procedure bound by Asquith's promise of a local, widespread and easily accessed system. In doing so they drew upon the experience gained in implementing the Compulsory Vaccination Act and their response to conscientious objectors some twenty years previously. Walter Long had assured the House of Commons that Tribunals would consist of men who 'by their training and experience' could confidently deal with all cases brought before them. Unsurprisingly, MPs made the assumption that, as with the judicial panels of the

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<sup>443</sup> *Colne Valley Guardian*, 3 March 1916.

1890s dealing with vaccination issues, the Military Service Tribunals of 1916 would be composed of prominent citizens, mostly Justices of the Peace, fully capable of dispensing the law to an unwilling working-class. In fact, Long had no power whatsoever to determine the composition of Tribunals. He could make general recommendations:

Persons should therefore be appointed who will consider the cases impartially, and will be guided in their conclusions by a full regard for the national interests of the country at the present time [...]<sup>444</sup>

But from the outset, the LGB had no alternative under the terms of the Military Service Act but to base the organization of the Tribunal system on existing local government structure. In effect, to adapt the Derby Scheme Tribunal system already in place and to grant statutory authority to those more than two thousand, already existing panels. This move had two important consequences for Tribunals – it left them with an absence of central control and ensured that there was little national uniformity in the kinds of decisions that were made. Most Derby Scheme Tribunals had been formed by local registration authorities – Metropolitan, Municipal, Urban and Rural District Councils – and composed of their own members. Most councillors remained on the panels during the change to LMSTs and expanded their numbers to include representatives of labour and, in a few cases women, in line with Long's recommendations. Far from being Justices of the Peace, the majority of councillors in the Holme and Colne Valleys were either skilled tradesmen, skilled textile workers or small shopkeepers. Some of them owned their own houses and paid Income-tax.<sup>445</sup> Skilled men earned considerably more than the average wage and would be liable to

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<sup>444</sup> R.36 LGB Circular, 1916.

<sup>445</sup> Income-tax was paid on incomes over £160 per annum. In 1914 there were 1,200,000 households where the head of the household paid the tax. As wages and prices rose during the war, the number of people earning more than the threshold increased.

pay National Insurance. Miss W.A. Mackenzie calculates that the upper quartile of skilled manual workers would be earning 45s 3d per week in 1914, roughly £120 per annum.<sup>446</sup> Others would define themselves as lower middle-class at a time when definitions of social status were quite formalized.<sup>447</sup>

The vast majority of the men who came before Tribunals were members of the working classes. David Edgerton calls the Britain at the turn of the century as the ‘most proletarian country in the world’.<sup>448</sup> Eighty percent of the population would fall into the social category of working class. By and large they were labelled ‘decent’ or ‘respectable’ working class. Some were not so and were ‘rough’. In 1913 there were 15,200,000 men classed as unskilled manual workers. Per capita, national income had risen from £36 in 1890 to £51 in 1914.<sup>449</sup> Few unskilled manual workers earned enough to pay Income-tax. Most had few possessions. They were paid weekly and nearly all paid rent for their homes. The average size of each family was five. Fifty percent of the families’ income was spent on food, ten percent on rent, just four percent on alcohol and tobacco.<sup>450</sup> Working-class men and women did manual work. Manual work was usually physically demanding, often dangerous and likely to promote deafness and ill-health. Manual workers could be classed as skilled, semi-skilled or unskilled. Skilled men would be specialized workers – machine operators, boilermakers, joiners, engineers, sheet-metal workers, blacksmiths. Semi-skilled men would be

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<sup>446</sup> Miss W. A. Mackenzie, ‘Changes in the Standard of Living in the United Kingdom, 1860-1914’, *Economica* No. 3 (Oct. 1921), pp. 211-2.

<sup>447</sup> The middle-class could be divided into four parts. In the period just before the war in Great Britain there were some two hundred thousand families of the upper middle class earning between £1,000 and £3,000 a year, usually employing a domestic staff of roughly five or more. Below this level were lawyers, doctors, business men earning £500 to £700 per annum employing two to three domestic servants and underneath them were clerks, shopkeepers, lower paid professionals bringing home £200 per year, enough to employ a maid. At the very bottom of the middle-class scale were men of various occupations who earned £100-£150 which was enough to buy or rent a six roomed house and pay for occasional domestic help. Helen C. Long, *The Edwardian House: The Middle-class Home in Britain, 1880-1914* (Manchester: Manchester University Press, 1993).

<sup>448</sup> David Edgerton, *The Rise and Fall of the British Nation: A Twentieth Century History* (London: Allen Lane 2018), p. 195.

<sup>449</sup> Miss W. A. Mackenzie, ‘Changes in the Standard of Living in the United Kingdom, 1860-1914’, pp. 211-2.

<sup>450</sup> Ian Gazeley, ‘The Cost of Living for Urban Workers in Late Victorian and Edwardian Britain’, Table 6, *The Economic History Review* Vol. 42, No 2 (May 1989).

drivers, road-builders, fabricators; while unskilled men would largely be labourers. State education for the working-classes was minimal. Schooling after the 1902 Education Act consisted of elementary schools run by local authorities, but it took until 1918 for the school leaving age to be raised to 14. The majority of working-class children left school at thirteen; some at twelve; some even earlier. Parents could apply to the Education Department on Form 146 (a) for permission to take an eleven-year old child out of schooling in order for him/her to be 'beneficially and necessarily employed'. Unlike middle-class children their schools were mixed-gender. Their sport tended to be football. Most adult men had started work at twelve and continued until they were physically unfit to continue. In the textile industry of the Holme and Colne Valleys the normal working week for men and women was 56.5 hours; in engineering it was common to work ten hours each day for five days followed by four hours on Saturday. Domestic service in 1901 in England and Wales was the biggest employer in the country.<sup>451</sup> Pre-war, young women, men, boys and girls worked outside the house; married women with children generally did not – this was a major issue when husbands with young families were conscripted. Married men were recognized as supporting the family and were paid a 'family wage'. Working-class women that worked were usually paid less than men. In Yorkshire, skilled women weavers would be paid the wages of an unskilled man. In an industry of 1.3 million workers in 1913, all work supervisors in the textile industry were men.

It was an era of unprecedented change. Everyone in 1914 – blue collar and white collar - had grown up and lived through a period of intense technological, political and social

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<sup>451</sup> 1.7 million women and girls were employed as domestic servants out of a total female occupied population of 4.2 million. A further 124,000 men and boys were also employed in the domestic service industry. More workers than were employed in agriculture, mining or textiles. See Quentin Outram, 'The Demand for Residential Domestic Service in the London of 1901'.

developments which, as most people believed, would lead to an improvement in health, wealth and living standards. But that sense of progress towards a better life came to a halt as the effects of the war tightened their grip. After two years of conflict, most of the civilian population were constantly tired, some were exhausted, by the demands of employment, queuing for food and necessities and the anxiety caused by the absence of loved ones. Yet when Holmfirth in 1918 was confronted with the task of raising £22,500 within one week to buy nine military planes they actually raised £47,420 8s 0d - the equivalent of £2,704,416 today.<sup>452</sup> The sum equated to over £90, nearly six months average wages, for every man, woman and child in the district. This seems to me to be an extraordinary sum of money, given that some historians have described the later war years as being characterised by ‘war weariness’. Despite the increasing pressures on each individual’s time, finances and morale, they continued to volunteer for the most onerous tasks, including serving on one of the most demanding committees – demanding in terms of time and of commitment – that of the Local Military Service Tribunals.<sup>453</sup> As early as March 1916 the local press had pointed out that ‘The duties imposed on local Tribunals are thankless in the extreme, but later on these duties may well be intolerable’.<sup>454</sup> Vivien Hirst, in a privately published autobiography printed after her death, wrote about her father and his involvement with the Huddersfield Military Tribunal and her testimony gives an indication of the potential psychological consequences of the work of the Tribunalists.<sup>455</sup> Her father was too old to volunteer for active service and when conscription was introduced in 1916 he gave up his business and devoted himself to war work. Being a member of the Tribunal was, she remembered, a ‘responsible and harassing position’. He was of a sensitive nature and was deeply affected by having the

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<sup>452</sup> Office for National Statistics composite price index.

<sup>453</sup> Brock Millman, *Managing Domestic Dissent in First World War Britain* (London: Routledge, 2000).

<sup>454</sup> *Colne Valley Guardian*, 10 March 1916.

<sup>455</sup> Vivien Hirst, *Family of Four*, (Huddersfield: Raymond P. Prior, 1993), pp.145-148.

power to make decisions that would entail real hardship on the men involved. She describes how seriously the panel would question, sift and probe before sending a man into the forces. She also mentions an incident which, if true, was never mentioned in the press or any other publication. During one appeal hearing the man being questioned became more and more agitated until finally he produced a revolver from his coat pocket and, shouting that he was not going to be sent to the war, pointed the gun at Vivien's father and threatened to shoot everyone in the room. Before he could carry out his threat a policeman was fetched who disarmed and arrested him.

### 3.4 Asquith, Yorkshire Liberalism and Local Tribunals

That the men and women who served on the Tribunals deserved and received public support and sympathy was not in doubt. The *Holmfirth Express* talked about their ‘devotion and courage’ deserving of ‘commendation and not a little commiseration from sympathisers who have discovered for themselves that public life is not altogether a bed of roses’.<sup>456</sup> Though there had been some opposition in 1914 to British entry into the conflict, Yorkshire Liberals had no problems in justifying their role in the war and they were supported by a vigorous Liberal press. Both the local press and the populace were highly supportive of Asquith.

[...] the vast majority of people have a greater faith in Mr. Asquith than in any other statesman.<sup>457</sup>

Overall, there was little sympathy for those individuals and groups who continued to oppose British involvement in the conflict.<sup>458</sup> Only the *Huddersfield Daily Examiner* amongst most of the county’s newspapers, refused to condemn the various pacifist movements of the Union of Democratic Control and the Independent Labour Party. The paper was firmly against the disruption of anti-war meetings and, through its editorials, continued to proclaim liberal principles of free speech and toleration of dissenting voices. Conscription was a dividing issue for Yorkshire Liberal supporters, as it was for most of the country, and Liberal newspapers devoted many of their columns to bolster the cause of voluntarism:

[...] the voluntary system has created a finer army in six months – more intelligent, more self-reliant, more dogged, endowed with a finer spirit and

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<sup>456</sup> *Holmfirth Express*, 25 March 1916.

<sup>457</sup> *Halifax Evening Courier*, 12 September 1916, p.2.

<sup>458</sup> George L. Bernstein, ‘Yorkshire Liberalism During the First World War’, *Historical Journal*, Vol.32, 1 (1989) pp. 107-129.

greater power of initiative – than has been created in other countries after years of training by the conscript system.<sup>459</sup>

Twenty-eight Liberal MPs voted against the second reading of the Military Service Bill in January 1916, six of them represented Yorkshire constituencies. Nonetheless, the ordinary Liberal supporter in the West Riding acquiesced in the decision because ‘Mr. Asquith had told them that a bill of that description should be passed in order to win the war’.<sup>460</sup> That support changed considerably with the change in government in late 1916 and the appointment of Lloyd George as Prime Minister. Lloyd George was particularly associated with the call for conscription and was blamed for the fall of Asquith. The loss of Asquith at the heart of government was ‘a catastrophe of gigantic proportions’ for Liberal supporters in the West Riding.<sup>461</sup> For the people of Huddersfield, Asquith represented the ‘balancing and reconciling influences’, while the new Prime Minister was at the forefront of those ‘who would dragoon the nation in true Prussian fashion’.<sup>462</sup>

[...] Yorkshire Liberals overwhelmingly supported Asquith. Asquith-worship became part of the rhetoric of Yorkshire Liberal journalism. Editors praised his character, his statesmanship, his sense of public spirit and principle. They lauded him for placing the interest of the nation before his own, and for not losing sight of the moral bases for Britain’s participation in the war.<sup>463</sup>

Lloyd George, by contrast, was depicted as less of a statesman and more as an opportunist, a man lacking in ideals and principles. The *Yorkshire Observer*, referring to the national press

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<sup>459</sup> *Huddersfield Daily Examiner*, 18 May 1915, p.2.

<sup>460</sup> *Halifax Evening Courier*, 21 February 1916, p.3.

<sup>461</sup> Bernstein, p.117.

<sup>462</sup> *Huddersfield Daily Examiner*, 5 December 1916, p.2.

<sup>463</sup> Bernstein, (p.119).



campaign waged by Lord Northcliffe to oust Asquith and replace him with Lloyd George, spoke for most Yorkshire Liberals: ‘The whole movement is rotten to the core with all that has tended to make politics stink in the nostrils of honest men’.<sup>464</sup> Lloyd George remained unpopular and distrusted by Yorkshire Liberals for the remainder of the war. With him now in charge of the war effort, local Liberal newspapers felt free to criticize government policies, especially those concerning manpower. Since the ending of the campaign against conscription, the Yorkshire Liberal press had continually stressed the importance of non-military labour:

By 1917, Liberals did not believe the nation could afford further economic disruption. They were especially sceptical of the army’s insatiable demand for more men.<sup>465</sup>

West Yorkshire LMSTs, most of them composed of members of the skilled working class, were part of this community that generally disagreed with the whole issue of conscription and one that also disliked and distrusted the new Prime Minister and his government:

Under no pretense whatever will we consent to wear the shackles that are being forged for us [...] Lloyd George and those who are bolstering him up will tumble from their rubble pedestals before the British Public will submit to be fed by an illiterate gang [...]<sup>466</sup>

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<sup>464</sup> *Yorkshire Observer*, 25 November 1916, p.4.

<sup>465</sup> Bernstein (p.120).

<sup>466</sup> *Sheffield Independent*, 26 November 1917, p.2.

This is not to say that Tribunal members were likely to deliberately change, alter or amend their decisions simply because Lloyd George was now Prime Minister. But it is true to say that they were part of a community that was now more inclined to believe that the direction of the war was fundamentally wrong and that London politicians were mistaken in their support for the military against the competing demands of industry. This could well have resulted in more decisions being made that were more sympathetic to occupational appeals.

### 3.5 The 'Problem' of Conscience

The scale of the Tribunals' task was illustrated by a police exercise in London where 8,000 men of military age had been stopped in the street and challenged as to why they were not in uniform. Of the 8,000 men 400 were found to be deserters, 40 percent claimed they had exemptions, of which 20 percent claimed exemption on the grounds of hardship or 'one-man businesses', 10 percent argued they were Russians and therefore exempt, 8 percent had forged documents of exemption, 5 percent had stolen documents of exemption, and only 12 percent possessed legitimate certificates.

But of all the issues bedeviling the normal workings of the Tribunals the claim of conscientious objection caused most problems, despite the small numbers of claimants involved. The Military Service Act of 1916 had failed to define the term 'conscientious objection' in any satisfactory form and had left it to the Tribunals to make their own interpretations. Tribunals should be aware, said Long, of the man who shirks his duty and hides behind the façade of conscientious objection, but they must also 'give every consideration to the man whose objection genuinely rests on religious and moral convictions'.<sup>467</sup> It was left to Tribunals to decide on how to tell the difference. That definition of 'genuine' was to give rise to many heated debates in appeal sessions. Whatever their personal opinions, said Long, members of the panel should interpret the Military Service Act in an impartial and tolerant spirit. Men who apply for exemption on conscientious grounds should be able to feel that they are being judged by a Tribunal that will deal fairly with their appeal. He concluded with an appeal to Tribunals to administer the Act 'in the spirit in which it was introduced'. It was inevitable that with over two thousand Tribunals there would be

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<sup>467</sup> *Huddersfield Daily Examiner*, 4 February 1916.

some considerable variety of interpretation of that phrase ‘the spirit’. Being able to make a reliable distinction between shirking and holding firm convictions would suggest several days in a court of law, particularly when the verdict might well result in death or injury. It needed panel members versed in law, men trained to seek out the truth, men used to asking probing questions in a courtroom setting. Few panel members in the Tribunals of the Holme and Colne Valleys had any legal background (see Chapter Four), and the numbers of appeals involved in each Tribunal sitting precluded any lengthy discussion. In ten to fifteen minutes Tribunal panels had to deal with complicated issues. In one New Mill hearing the applicant initially claimed exemption on the grounds that he was engaged in work of national importance for the war effort but, in addition, he was also a conscientious objector:

A wool winder, in addition to claiming to be exempt on account of being engaged in the manufacture of goods required by the Army declared that he had also a conscientious objection to taking up arms. Having been a member of a religious body all his life, he wrote, he was strongly opposed to militarism in any shape of form. “I am willing to strive to save life, but not to kill,” he stipulated.

Applicant appeared and said he was a member of the Primitive Methodist Body.

Colonel Mellor: Still, this is not one of their great points, is it? Applicant: No.

They are not all conscientious objectors? – I have been all my life. I could not take human life.

How long have you taken that view? – All my life.

What are you doing now? – Working at Ford Mill.

Any Army work? – Yes.

You are a conscientious objector and yet you are working for the war.

The claim was disallowed.<sup>468</sup>

During the same session, and to illustrate the often complex arguments put forward, a man claimed exemption not on religious grounds but on his belief in the ‘brotherhood of man’. He argued that the only way war could be prevented was by increasing the number of

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<sup>468</sup> *Holmfirth Express*, 18 March 1916.

citizens who refused to engage in it. He was not a member of any religious body and he easily countered the standard questions put to him by Colonel Mellor:

Are we to take it that if the enemy were going to kill your mother or your brother you would not defend them?  
 I consider that question totally irrelevant. It has nothing to do with it, because if a man in the heat of the moment takes life it does not necessarily follow that he does not object to taking life.  
 [...] You are being protected by your fellow countrymen.  
 I fail to see how I am being defended by soldiers in Mesopotamia. When this war broke out it was to defend the rights of Belgium and not to go as far as Mesopotamia and Egypt. If our grandfathers could come back and just see what was going on, I wonder.

It often fell to the Military Representative on the panel to ask a number of prescribed questions of those who appealed on grounds of conscience. One common question revolved around the issue of defending one's sister, wife or mother in the event of a German attack. One applicant in Linthwaite was accompanied by his mother:

You would see your mother attacked and not raise a hand?  
 No, sir.  
 The Mother: I can stand up for myself.<sup>469</sup>

The panel then went into a long discussion with the mother and the applicant and it was decided by them all that the application for exemption on the grounds of conscience should be dropped and substituted by a claim on medical grounds which had more chance of success. The case was adjourned for two weeks while the man underwent a medical examination. In a subsequent hearing Colonel Mellor, the Military Representative of the

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<sup>469</sup> *The Huddersfield Daily Examiner*, 16 March 1916.

Holmfirth Tribunal, found himself in the strange position of attempting to persuade one man *not* to volunteer. The Holmfirth Tribunal was hearing the appeal of an unmarried quarryman who was the sole support of his eighty-year old mother when the man's married brother declared that he would enlist in his brother's place:

The Married Brother: I would rather you took me than my brother.

The Chairman: But we don't want you.

The Brother: But I am prepared to go.

But you have a big family? – There are plenty worse than me; I am an old service man.

Colonel Mellor: You have done your bit.

The Brother: I am prepared to do a bit more for the sake of my old mother.<sup>470</sup>

The Brighouse Tribunal received a letter signed by 16 ministers of Congregational churches in the Halifax district claiming that conscientious objectors had received discourteous treatment at the hands of Tribunals who had also ignored exemptions provided by the law. The clerk to the Tribunal wrote back to the Rev. L. Beaumont asking for details of the accusations and added:

As far as I am aware this Tribunal has shown every courtesy to conscientious objectors, and I, as clerk, have been as careful as possible in interpreting the law.<sup>471</sup>

Rev. Beaumont apologized for the 'pardonable misunderstanding'.

The assumption that Tribunals were automatically anti-conscientious objection is not necessarily true here in the two valleys. What we do see is groups of men and women

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<sup>470</sup> *Holmfirth Express*, 2 March 1916.

<sup>471</sup> *Huddersfield Daily Examiner*, 8 January 1916.

struggling at times to determine that a claimant was genuine in his claim of conscience. Appeals based on grounds of religious belief were perhaps more readily understood by panelists who shared, or had knowledge of that religion – Christadelphians, for instance, if their initial claim was refused, were generally encouraged to appeal to another Tribunal or were recommended to explore other ways to find exemption.<sup>472</sup> At the same time, panelists who were well versed in matters of faith, and very often foremost members of their own churches, were reluctant to be lectured by younger men on aspects of that belief.

The remark being made that Jesus Christ would not take part in the war as it was being fought today, the Chairman said he did not know what Jesus Christ would do were he here, but he remembered that He once drove the people out of the Temple.

One of the brothers said he would like to ask a question.

The Chairman said he did not want the Tribunal to resolve itself into a debating class. They had not the time at their disposal. Still, if the applicants had anything to say which they considered would influence the Tribunal they wanted them to say it, they did not want them to go away and say that justice had not been done to them.<sup>473</sup>

Where Tribunals were on weaker grounds was on grounds of political conscientious objection. When faced with men appealing on grounds of socialist belief, or ‘the brotherhood of man’, or members of anti-war or anti-conscription groups, Tribunal panels, who were mainly Liberal in their own political leanings, were sometimes at a loss in knowing how to respond.

A Socialist conscientious objector, a married man aged 34 had been granted a month in order to obtain work of national importance. He now stated that he had on principle made no such attempt. He had had his goods sold four

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<sup>472</sup> *Holmfirth Express*, 7 March 1916, 24 March 1916.

<sup>473</sup> *Holmfirth Express*, 1 April 1916.

times as a passive resister and had suffered for conscience sake before. As a labourer on public work he claimed to be doing work of national importance and read a long statement of his views. Absolute exemption was granted.<sup>474</sup>

I cannot fight, as my conscience tells me that the war is a ghastly shame and a sin, and that the whole thing is wrong. My ambition in life has always been to improve and beautify the wonderful human body and mind [...] it has not been my ambition to kill or maim them. The claim for exemption was disallowed.<sup>475</sup>

Tribunals were not simply agents of the 'military machine'. Nor were they proponents of localism over all else. They were men and women who were determined to do their duty to the state but were equally determined to carefully consider the appeals of local men before making their decisions. It was a thankless task, one that was often complicated by the contributions of the man appointed by the state, through the War Office, the Military Representative.

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<sup>474</sup> *Holmfirth Express*, 5 October 1916.

<sup>475</sup> *Holmfirth Express*, 18 November 1916.



### 3.6 'The Pivot of the Machine' - The Role of the Military Representative

There were three leading requirements today, and they came in this order: -

First, men for the army; second, men for food production; third, men for supplying the requirements of the army.<sup>476</sup>

The Military Representative stood at the point where the power of the centralized state rubbed up against the independence of localism. He was the link between the military and the civilian aspects of Tribunals. Tribunals, of course, formed the largest number of instances where the demands of military centralization, with its insistence on order and clarity, was at odds with the messy realities of local decision making. The Military Representative was pivotal to that interaction and, as such, his role deserves to be explored more widely than has been the case in previous works. Appointed by the War Office, it was his responsibility to ensure that Tribunals refused as many claims for exemption as was possible or necessary – ‘All possible steps are to be taken to get younger men who are fit for General Service’. But at the same time, Representatives were at one with their Tribunals in having regard for their locality – ‘In the case of men who are only fit for service at home, consideration has to be given as to whether their services are not more useful to their country in their existing occupations than they would be in the army’.<sup>477</sup> It was a difficult position to hold and the tensions between him and the other members of the Tribunal were evident.

The appointment of the Military Representative was a key moment in any Tribunal. Many appointees in the Holme and Colne Valleys, but not all, were either serving officers or, more likely, recently retired from the services. They were selected by the District C.O.

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<sup>476</sup> *Holmfirth Express*, 28 April 1917. Statement made by the Military Representative of the Holmfirth Tribunal.

<sup>477</sup> War office Letter No.27/Gen.No.5452 A.G. 2B of 24<sup>th</sup> May 1916, *Registration and Recruiting* (HMSO, 21<sup>st</sup> August 1916), p.30.

from ‘officers and retired officers of the regular army and territorial forces and gentlemen of business capacity and influence’.<sup>478</sup> They were often the only trained military professional on the panel and, unlike other members, they had a fully prepared brief:

A. Military Representatives appearing before Local Tribunals, special duties of.

1. They will appear before Local Tribunals in all cases of application for a certificate of exemption.
2. They will protect the Nation by obtaining as many men as possible for the Army.
3. They must watch the list of certified occupations and carry out the spirit of the instructions laid down by the various Departments concerned.
4. While maintaining a firm attitude throughout, it is essential that they should avoid raising friction and resentment in the committees with whom they will have to co-operate. They will be greatly assisted if, in all cases, they consult the Advisory Committees.<sup>479</sup>

They were an equal member of the Tribunal, able to ask questions and vote on decisions.<sup>480</sup>

In addition, each Military Representative had an advisory committee to help him prepare for Tribunal hearings.<sup>481</sup> His advisory committee was usually made up of local people with knowledge of industry and labour in the area who would be acquainted with local employers, councillors and landowners. They were an important part of the process as the Military Representative was often someone from outside the region and his role depended on having a detailed knowledge of it. Even then the deliberations of the members of the Tribunal took

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<sup>478</sup> *The Recruiting Code*, Ministry of National Service, January 1918.

<sup>479</sup> Instructions on the duties of a Military Representative when attending a Local Military Service Tribunal hearing contained in *Registration and Recruiting*, 21st August 1916, p.62 (HMSO). This was a handbook of instructions issued to all sections of the military involved in the Recruiting process.

<sup>480</sup> A Military Representative shall have the right to appear as a party to every application heard by the Local Tribunal’. *Regulations for Tribunals under the Military Service Act, 1916*, Section I – Constitution of Local Tribunals, 9. HC, Paper Number 5.

<sup>481</sup> ‘The Recruiting Officer’s Advisory Committee is a small committee of gentlemen with considerable local knowledge who advise the Recruiting Officer and military Representatives on questions of concerning local industry. [...] It is the duty of the Advisory Committee to deal with cases sufficiently rapidly to maintain a steady and uninterrupted flow to the Tribunals’. *Registration and Recruiting* (HMSO 1916) p.17.

precedence. At a meeting in Slaithwaite the Military Representative acknowledged the better judgement of the panel:

Captain Mallalieu (military representative) said that the Tribunal had not necessarily to accept the recommendation of the Advisory Committee, as they were on the ground and might be in a better position to judge than the Advisory Committee.<sup>482</sup>

He also had a large administrative organization – the War Office – for support. His administrative ‘chain’ ran from his town or city to Sub-Area, to Area, to Regional Command. His place on the Tribunal representing the military voice was critical and the pressure on him to deliver the numbers required by the Army was considerable:

The administration of the Military Service Acts is now in the hands of the recruiting staff. Where this administration is thorough, men in satisfactory numbers are being obtained; elsewhere the men are not forthcoming.<sup>483</sup>

He was a full-time appointed member of the panel, not a voluntary part-timer like the others. As such, at least in the first few months, he was the ‘expert’ on the Tribunal panel. Where other panel members received advice from the Local Government Board by leaflet, the Military Representative had up-to-date knowledge and precise instructions from the War Office. This was sometimes a point of irritation to the other panel members:

Mr. A.J. Slocombe thought there should be more uniformity in sending out the instructions. The Military Representative appeared to get instructions of which the Tribunal knew nothing.<sup>484</sup>

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<sup>482</sup> *Holmfirth Express*, 2 June 1916.

<sup>483</sup> *Registration and Recruiting*, Introduction p. A3.

<sup>484</sup> *Huddersfield Daily Examiner*, 20 December 1916, Golcar Local Military Service Tribunal.

Tribunals were members of a community made up of individuals, each with their own opinions, prejudices and beliefs, whereas the Military Representative was following a laid down agenda and represented only the tip of a large administrative body. His role was to represent the War Office in their desire to obtain ‘as many men as possible’, a role that often put him at odds with the rest of the panel. Yet at the same time he was instructed to avoid friction with other members. In theory, military representatives would all present the same centralized arguments in similar cases, whereas neighbouring Tribunals could, and often did, make very different decisions.

The Military Representative was the well-informed professional with clearly stated goals amongst civilians who, in the first few months, were still struggling to define their standing, their position and their roles. The situation for many Tribunals mirrored that of the Asquith government on the outbreak of war where the representatives of the military High Command had clear and unambiguous goals and intentions from the outset in comparison with the politicians. Asquith was sometimes criticized for what was seen as his complacency and amateurish approach to running the war. Balfour later admitted to being depressed by the ‘certain wooliness of thought and indecision of purpose’.<sup>485</sup> Henry Wilson, later to become Field Marshall, declared the discussions between politicians as ‘an historic meeting of men, mostly entirely ignorant of their subject’.<sup>486</sup>

In the LMST appeal system all applications for exemption came first to the office of the Military Representative and his Advisory Committee. Cases where the argument for exemption were clear were dealt with there and then; others that were either refused or needed some discussion were passed onto the Tribunal. Within weeks of the formation of local panels Military Representatives were being reminded of their ‘duty for which he was appointed’ and reprimanded for their

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<sup>485</sup> Simon Heffer, *Staring at God; Britain in the Great War* (London, Random House Books, 2019), p.128.

<sup>486</sup> Major General Sir C.E. Callwell, *Field Marshall Sir Henry Wilson Bart: His Life and Diaries*, (London: Cassell, 1927).

perceived laxity in securing numbers. Colonel Mellor made a point of reading out to the Holmfirth Tribunal his recently received instructions:

Experience has shown that in certain cases, the military representative has allowed his sympathy for individual hard cases, or the special business needs of the locality to outweigh his responsibility in obtaining men for the army. As under the new regulations, private and business interests are given ample protection, a military representative shall recognize that, so far as the military interests are concerned, he is the pivot of the machine and if he allows his discretion to be influenced by any other considerations than that of the national interests, he is not fulfilling the duty for which he was appointed. Both the military representatives and advisory committees, in considering cases, should do their best to secure as many as possible for the armed forces of the Crown.<sup>487</sup>

Appearing at appeal meetings was only one part of the Military Representative's mission. His primary purpose was to work alongside civil authorities to compile a written record of all men of military age in his designated area. All the information collected on each man was recorded on four lines of Army Form W. 3152 – name, address, occupation, employer's name and address, age, year of birth, marital state and number of dependents. This applied to every eligible man who was or had been ordinarily resident in the area since the registration date of 14<sup>th</sup> August 1915:

[...] irrespective of whether he be a British subject or an alien, a mentally defective person or a soldier serving at the front [...] whether he be fit or unfit; whether he be serving or for some reason excepted or exempted.<sup>488</sup>

For each man's entry on the form there was a section under 'Remarks' where extensive details were written either in ink or, if the information was likely to change, in pencil. Was the man a serving soldier? If not, why not? Was he deceased, and if so, where is the proof? Is the man a 'cripple, hunchback, blind, imbecile, suffering from pulmonary tuberculosis or otherwise totally

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<sup>487</sup> *Holmfirth Express*, March 1916.

<sup>488</sup> *Registration and Recruiting*, Introduction p.7.

unfit'? Has he been rejected by a Primary Military Examination? Is he exempt? Is he 'badged'? Does he have a Railway Card or a Quarry Card? Where is the supporting evidence? Has he been exempted by a Local Military Service Tribunal, and if so, what kind of exemption – absolute, conditional or temporary? Army Form W. 3152 was sacrosanct:

The key to the whole system of recruiting is now situated in the Area Registration Offices. In these are kept the military registers, Army Form W. 3152.<sup>489</sup>

But it was only the beginning of the Military Representative's knowledge system. A simple index of all men of military age was compiled on White Cards. A second index on Blue Cards was formed containing information on men still in civil life and living in the area.<sup>490</sup> These contained basic details of job and employer and were then filed alphabetically by occupation – all Bakers together, all Joiners together and so on. This was the 'vanishing index'. As each man joined the colours, or died, or moved out of the area his card was withdrawn. There was a crucial but often neglected admission by the Army contained within the instructions for compiling this Blue Card Occupational Index:

The importance of the completeness of the Index lies in the fact that it is necessary for the Nation to maintain not only an Army but also internal and export trade. Later it will be necessary to arrange to leave certain numbers of men of each of the different trades in civil life, even if they are otherwise eligible for service.<sup>491</sup>

This was a point rarely acknowledged by Military Representatives in appeal sessions, but it is important to note that military authorities had fully recognized from the beginning the role

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<sup>489</sup> *Registration and Recruiting*, Introduction p. A4.

<sup>490</sup> There were also Pink Forms for young men reaching military age and Red Cards for men who had joined the Army.

<sup>491</sup> *Registration and Recruiting*, Introduction p.9.

played by Tribunals in protecting local industry. That they should instruct Military Representatives that they had a duty, not only to pursue every man, but to help maintain community life and some sense of civilian normality is telling. At the same time, it has to be admitted that the Military Representatives were more likely to use their extensive card system to point out the number of existing builders, or decorators, or brush-makers in any given area and argue that some could reasonably be taken by the military. Nonetheless this was an early recognition by the Army in its own official documents that the economic strength of the nation was as important as the size of its armed forces.

All of the information available to the Military Representative was passed up the administrative chain to the Sub-Area Offices who maintained a Register of civilian men living in the area organized by Groups and Classes as set out in the other ‘bible’ of recruiting – Army Book 414. Sub-Area offices fed their information to Area Offices which oversaw and re-distributed information over a much wider region. Area Offices were linked directly to the War Office and, for recruiting purposes, had adopted the military division of the country into Commands.<sup>492</sup> Huddersfield and district came under Northern Command, No. 5 B District with its headquarters at Leeds and a Sub-Area Office in Market Street, Huddersfield. Geographically, No. 5 B District covered an area stretching from Skipton to Thirsk, down to the Colne and Holme Valleys and across to Sheffield and Doncaster. The Military Representative for each Tribunal, working under Defence of the Realm Act legislation and with the assistance of local police, was able to enforce the ruling that any man arriving in the region should report to the Recruiting Office. Regular inspections were made of hotels and lodging houses to check.<sup>493</sup> Using his data-base of local men and their occupations, visits

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<sup>492</sup> Scottish, Northern, Eastern, Western, Southern and Irish Commands and the London Recruiting Office.

<sup>493</sup> This included Workhouse inmates or temporary inmates of Casual Wards. The names and details of all men of military age applying for relief had to be forwarded to the Military Representative by the Master of the Workhouse. ‘Casual paupers’ would be taken into military custody and medically examined before being passed into Service. NA MH 47/142/1 P.99.

were made to factories, mills and workshops to discuss with employers which men might be spared from their workforce and conscripted.<sup>494</sup> In order to help panel members reach a decision he was provided with detailed lists and tables so that he could confidently say how many men were required for a particular job or task. When it came to agriculture for instance he would be able to argue that:

One skilled able-bodied man or lad (wherever possible not of military age) for each of the following: -  
 Each team of horses required to cultivate the land.  
 Every 20 cows in milk, when the assistance of women or boys is available.  
 Every 50 head of stall or yard stock, when auxiliary feeding is resorted to and the assistance of women or boys is available.  
 Every 200 sheep, exclusive of lambs, grazed on enclosed land.  
 Every 800 sheep running on mountain or hill pasturage.<sup>495</sup>

This was a far more structured and formal procedure than had been applied previously.<sup>496</sup> The Military Representative had the power to be able to direct police to detain men of military age in public areas to check their certificates of exemption. To ensure the cooperation of the local police force he was encouraged to be on personal terms with the Chief Constable. He was expected to work closely with Labour Exchange Managers who would have local knowledge of the labour situation and he should help to organize regional meetings where Military Representatives and chairmen of Tribunals would be addressed by the G.O.C.-in-C of Recruiting on the urgent need of getting men into the Army. All of this knowledge, all of this preparatory work, all of the administrative support he received made him a formidable

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<sup>494</sup> Under DORA legislation, employers were instructed to place a list of all male employees between the ages of 18 and 41 in a conspicuous place on the works premises. This list could be inspected at any time by up to eleven different type of officials, including Recruiting Officers and Military Representatives.

<sup>495</sup> *Registration and Recruiting*, Appendix B, p.24.

<sup>496</sup> Colonel Mellor took over from Recruiting Sergeant W. Henfrey who had been appointed a few months before and who was based in The Shoulder of Mutton Inn in Holmfirth where he dispensed advice and information to men who were considering enlistment.



presence in the Tribunal room. He would have received in advance from the clerk, as all members of the panel did, a list of those appearing at each hearing along with a written reason for their appeal. And, if he was performing efficiently, he would have done his homework. He was likely to have already met and interviewed the man; he would know the man's place of employment and his employers, his personal circumstances and the detailed reasons for his appeal. The breadth of his knowledge was considerable. During the second sitting of the Honley Tribunal on 2 March 1916 there was an appeal on domestic grounds by a market gardener and farmer. His mother, he declared, was in bad health and entirely dependent on him. If he was conscripted she would have no alternative to give up the farm and her home. The panel were 'favourably disposed' to the man and agreed that he was entitled to exemption. At this point, Captain Bradbury the Military Representative, pointed out that the man had not mentioned the sister at home who earned 11s per week and the fact that his mother part-owned two other cottages. The man's claim was disallowed.<sup>497</sup> With the help of his advisory team the Military Representative would have already prepared his response to the claims of appellants and, if there was disagreement amongst the panel members, his reasoned arguments for conscription. If he disagreed with the decision of the Tribunal he had the right, as did the claimant, to forward the case to the Appeal Tribunal, the middle tier of the process, where that panel would consider the evidence and either accept or reject the decision of the Local Tribunal. In the example given below a local farmer had appealed on behalf of three of his employees and had had his case rejected by the Local Military Service Tribunal whereupon he presented his case to the Appeal Tribunal. The Military Representative on the Local Tribunal wrote privately to his colleague on the Appeal Tribunal with the background to the case:

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<sup>497</sup> *Huddersfield Daily Examiner*, 2 March 1916.

George Titus Barham

Nos 213 241 244

Barham is local big-wig, very well known to members of the Tribunal, spends a good deal of money in the place, is believed to be very well off and imagines he has a lot of influence which no doubt he has amongst a certain class.

He lives in a place which he has called Sudbury Park & adjoining is Sudbury Park Farm and he states that he farms about 100 acres.

The hearing of the three applications was not satisfactory, all the members of the Tribunal with perhaps one exception (Mr Jackson, labour man) played into Barham's hands.

Barham referred to the companies he worked, he did not say, as is the fact, that he is the managing director of The Express Dairy Co Ltd which has about 80 shops in London, and pays dividends gradually rising from 6 to 8%.

Possibly Barham is entitled to one or two exemptions but certainly not to three.

Barham puts the youngest man Milcham aged 27 as Byreman and Cowman; the term Byreman is selected, as Burham admitted, from the list of excepted trades.

Coote, the next man is aged 30. Barham puts him down as Engine Man and foreman of the Machine Creamery. Coote can look after the whole of the machinery without any help, so he said.

The third man Allwood is aged 40, he is of the least use as a soldier and he is placed in a position in which his age might help towards his exemption. Allwood states that he mends the machinery on the farm. The machinery on the farm consists of the machinery looked after by Coote (which is of more or less a special nature) & the ordinary farming machinery, but this ordinary farming machinery is not very important, and any repairs necessary to be done to it could be done by the local blacksmiths of whom there are two or three (Jones at Sudbury and Thomas at Wembley).

As to the necessity for Allwood, see letter written to me by Mr Begbie who went & inspected the machinery at my request.

[...] Burham is a very clever man, he is deaf, is a very good witness, is very astute & wants careful handling.

[...] Burham is always playing to the gallery; he poses as a great supporter of recruiting & occupies the position of (so called) Colonel of the local volunteers & I believe has helped them to get rifles.

Burham appears to be always playing for his own hand, whilst he is on the one hand supporting volunteering, he is on the other making these applications to the Tribunal. If the Tribunal had granted Burham one exemption, or possibly two, I should not have appealed.<sup>498</sup>

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<sup>498</sup> NA, MH-47-125-1. The files do not provide any evidence as to how the appeal was concluded.

A private statement such as this illustrates the depth of local knowledge required by the Representative. It was helped by his ability to read the characters of the men making the appeal and his experience in being able to recognise the various ploys employed by some claimants.

Where the Appeal Military Representative disagreed with the decision reached by his regional Tribunal, the case could be referred to the highest level, the Central Appeal Tribunal based at Westminster whose decision was based on written reports from both parties. In the following different case the Appeal Military Representative has made further representations to the Central Tribunal:

July 12<sup>th</sup>, 1917

Further Representations by the Appeal Military Representative.  
From a further report received from the Local Military Representative it would appear that the man's wife is certainly suffering from mental trouble, but not harmful and but for a few mistakes can well look after the shop. The wife's mother lives quite near and could look after the wife and probably assist in the shop. The Local Military Representative further reports that there is a boy of 16 years employed who could easily help to look after the rounds and the shop. The urgent need of men for the Army necessitates this appeal, and it is submitted that where arrangements could possibly be made for the care of the wife this should be done and the man be made available for military service.

In its own evidence the Appeal Tribunal dismissed the arguments of the Military Representative:

19<sup>th</sup> July 1917

Representations of the Appeal Tribunal on the further  
Representations of the Military Representative.

The Military Representative appears to have overlooked the fact that according to medical evidence any excitement or even the visit from a doctor would result in the man's wife becoming permanently insane and that this would probably happen if he had to join the Army.

Under these circumstances the Military Representative's suggestion that the wife could well look after the shop appears to be quite beside the question.

The whole point in this case is that if the man has to join the Army his wife will become permanently insane and the Appeal Tribunal are not prepared to take the responsibility of bringing this about.

And then the Central Tribunal made its decision:

3rs August 1917

Sir,

I beg to inform you that the appeal in respect of T.H. Bates, 2, Brook Road, Brentford, Middlesex, has been considered by the Central Tribunal who have decided that the appeal of the Military Representative be dismissed and the man be exempt conditionally on joining the Volunteer Training Corps.

The Central Tribunal have directed the Local Tribunal to issue to the man a certificate of exemption in accordance with this decision.<sup>499</sup>

The process of appealing against conscription was, to say the least, thorough to an extreme and it would be difficult to argue that it was weighted solely towards the arguments put forward by the Military Representative. Tribunals, by and large, and there will be documented exceptions, attempted, in their semi-judicial positions to apply standards of fairness to their deliberations and in their decision making. In this, and despite the inevitable disagreements, Military Representatives played their part.

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<sup>499</sup> NA, MH-47-125-1.

### 3.7 Geddes and the Ministry of National Service

Much of Long's work with Tribunals was brought to an end with the creation of the Ministry of National Service which absorbed some of the responsibilities of the LGB. The country's manpower problem had been compounded by the establishment of the Manpower Distribution Board which was formed in 1916 to advise the Cabinet on the use and supply of labour. This Board proved incapable of fulfilling its role (which indeed caused much confusion and disruption in the Tribunal system) and was replaced by the Department of National Service in December 1916. This department had a wider remit but still lacked the means and the powers to deliver its targets. In August 1917, its Director General, Neville Chamberlain resigned and was replaced by Sir Auckland Geddes, formally Director of Recruiting. Tasked with the twin vital roles of finding, supplying, allocating and organizing labour for the economy and soldiers for the military, the Department of National Service was upgraded to a Ministry and Geddes was promoted to Minister. In effect the two arms of the conscription process that had existed until then – military recruitment and a civilian based appeal system – were now brought under one office and one director. Almost inevitably one of his first targets for reform was the appeal system of Local Military Service Tribunals. He had frequently voiced his opposition to what he regarded as the leniency of Tribunals and his enthusiasm for system change. He reorganized the Ministry and asked for and obtained greater and more effective powers, assuming responsibility for military recruiting, claims for discharge from the armed forces, and, crucially in its effect on Military Tribunals, exemptions from conscription:

The present exemption system is based almost entirely on individual or local considerations [...] confusion breeds inequality of treatment;

inequality of treatment a sense of injustice; a sense of injustice, hatred; hatred of government, revolt and revolution.<sup>500</sup>

In January 1918 the Ministry of National Service was charged with organizing a surge in recruiting and initially identified a further 420,000 to 450,000 recruits for the services.<sup>501</sup> To supply these numbers the government considered either lowering the minimum military age, or raising it, or introducing conscription in Ireland, but rejected these proposals in favour of taking men from existing industries, in essence, the war industries.<sup>502</sup> Most men working in the war industries were skilled men who had some form of exemption from conscription. Under the guise of abolishing the anomalies of a difference in treatment between those men who held protection certificates (normally issued by employers) and those who held exemption certificates (granted by Local Military Service Tribunals) the National Service Ministry proposed a number of changes to existing legislation in a Military Service Bill before Parliament.

The Bill, when passed in January 1918, ruled that the usual period of two months grace allowed to any man whose exemption certificate expired should be ended and the man should be liable for military service immediately; secondly it permitted the Director-General of National Service to cancel certificates of exemption that had already been granted by Local Military Service Tribunals on occupational grounds. Chapter 66 of the Act provided for the cancellation of certificates of exemption from military service granted on occupational grounds:

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<sup>500</sup> Auckland Geddes, *The Theory and Practice of Recruiting*, PRO, CAB24, GT 1484, July 1917.

<sup>501</sup> *Hansard*, HL Deb 30 January 1918 vol 28 cc219-41.

<sup>502</sup> By 1918 British war industries employed 3.4 million workers; 2.75 million, including 0.75 million women, worked in munitions. David Stevenson, *With Our Backs to the Wall; Victory and Defeat in 1918* (Harvard: Harvard University Press, 2011), p.383.

2-(1) The Director-General of National Service may at any time by order withdraw any certificate of exemption from military service to which this section applies as from such date, not being less than fourteen days after the date of the order, as may be specified in the order, and as from that date any certificate to which the order applies shall cease to be in force.<sup>503</sup>

Claims for exemption on the grounds of occupation far outnumbered all other claims to Tribunals where ‘no other aspect of their work located them so firmly as arbiters in the struggle between local and national interests’.<sup>504</sup> The changes he introduced to the appeal system changed the purpose and the *raison d’être* of LMSTs. From this point on, Tribunal panels were forbidden to allow any claim for exemption based on occupational grounds. As the large majority of claims fell into this category (see Chapter Four) this Act largely did away with the independence of Tribunals. Most appeals for the previous two years had been based on grounds of the harm enlistment would do to a man’s job or career or the effects that losing his job or business would have on his family. From this point on Tribunals were limited to hearing appeals based on much greater proscribed personal circumstances, reasons of health or conscientious objection. Applications for exemption on personal grounds were restricted and would now only be allowed for the sole surviving son of a widow, of whom at least one other son had died as a result of either wounds received or sickness contracted during service with the Armed Forces. Men appealing on grounds of conscience should also have reasons for exemption on grounds of indispensability or serious hardship *in addition* to a conscientious objection.<sup>505</sup> Given that the majority of appeals that had been heard, and

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<sup>503</sup> *Military Service Act, 1918*. Chapter 66, p.1.

<sup>504</sup> McDermott, p. 225. See also statistics on exemption in Chapter Four.

<sup>505</sup> MH-47-142-6-1, *Joint Committee Leaflet 6, Farmers and Military Service*, 1 May 1918, p. 82

exemption certificates awarded, by Tribunals were on occupational grounds, this one act disempowered Tribunals at once.<sup>506</sup> By March 1918, frustrated with the numbers still being exempted, Geddes was preparing legislation to abolish local Tribunals altogether.<sup>507</sup> Protection certificates meanwhile, which were issued to key workers by government departments or certain industries, could be ‘cancelled by a stroke of the pen’.<sup>508</sup> During the debate for the Second Reading of the Bill, Lord Harris pointed out the implications for Tribunals:

The noble and learned Lord opposite expressed the very strong hope that in putting the provisions of this measure into execution fairness and justice would be observed. I want to point out that, under the working of this Bill, all those attributes will have to be displayed by the Director of National Service. He is the man who is going to select, from the various occupations, the men whom he and his Department wish to send into the Army. The men are going to have the right of application to the Tribunals; but what is there to guide the Tribunals? Nothing. The Director selects the occupation; he is the only person who will know whether the occupation is of the first, the second or the third importance. He selects a certain number of men from each of these occupations and those men apply to the Tribunals. The Tribunals will know nothing whatever about the importance of these special occupations, and they must assume that the Director knows. Then, if a man is physically fit, can the Tribunal possibly refuse? I submit, therefore, that at an early stage, so far as fairness and justice are concerned, I do not quite see where the Tribunals will have an opportunity of exercising these attributes. It seems to me that the whole responsibility must fall on the Director.<sup>509</sup>

By denying the Tribunals the information they needed in order to make an informed decision on who should *not* be conscripted, the panels found that their hands were tied and that in cases of claims on occupational grounds only one verdict was effectively allowed them –

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<sup>506</sup> An average of 73% of claims made to the Holmfirth Tribunal were made on occupational grounds (1916 – 84%; 1917 – 75%; 1918 – 60%).

<sup>507</sup> ‘By January 1918 the Tribunals had been rendered problematic more by their leniency than by their toughness’. Gregory, p.189.

<sup>508</sup> Viscount Peel, Joint Parliamentary Secretary of the National Service Department speaking for the Second Reading of the Military Service Bill, HL Deb 30 January 1918 vol 28 cc219-41.

<sup>509</sup> 413 HL Deb 30 January 1918 vol 28 cc219-41.



refusal of the appeal. In the House of Commons during an earlier debate on the Bill, Donald MacLean, later to become leader of Liberal Party, had welcomed the changes:

As regards one of the first proposals he makes, namely, that a large portion of the power of the tribunals should be taken away from them and vested in the various Departments, I dissent very little from that, because I should imagine that members of the tribunals have had quite enough of a very disagreeable and distasteful job during the past two years. There is no doubt at all that tribunals have very largely suffered from a lack of uniformity of policy. There has been great and very justifiable dissatisfaction expressed at the fact that you get one tribunal exercising a discretion which appeals to the commonsense of the people, and another tribunal operating almost in the same district, at any rate immediately contiguous to it, exercising a discretion in quite a contrary direction.<sup>510</sup>

This was the criticism frequently made by opponents of the appeal process. But a system which was designed to produce a local response to a local problem was never going to be any different. The definition of ‘local interest’ in New Mill for instance - almost totally dependent on the textile industry, mining and quarrying for employment - was always going to be different from that of its immediate neighbor, Huddersfield, which apart from some textile, engineering and chemical production, was the business and financial centre of that part of the West Riding. In an area of such mixed industries as mining, munitions, engineering, chemicals and farming, protecting ‘local industries’ would mean different things to different communities. What would be seen as a priority to be preserved in one area would not necessarily be the situation in even an adjacent Tribunal a few miles away. It could be argued that this, in fact, was a strength of the Tribunal system and not a weakness. Though local solutions could, at times, be taken to extremes. The Tribunal of the rural town of Market Bosworth granted exemption to all men connected with the Atherstone Hunt. Public opinion in the industrialised West Riding was appalled:

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<sup>510</sup> Sir Donald MacLean, HC Deb 17 January 1918 vol 101 cc526-98.

At a moment when the War Office is claiming well-nigh the halt, the blind, and the lame, when widows' sons are being elbowed or shouldered into the Army, when exemptions are being refused to mill-hands "unless 30 per cent of the machines are standing idle", the Atherstone Hunt claims the honours and emoluments of a supreme national interest. Could farce go further?<sup>511</sup>

Only a local response, as Asquith's government had recognized in 1915, could deal with the multiplicity of reasons for appeals. A centrally based system, presumably with pre-formulated responses, communicating by post or in person, with the thousands of appeals that might be expected (let alone the millions that did, in fact, appeal) would surely have foundered from the outset or precipitated widespread unrest and possible resistance.

It is worth reiterating that the men who appeared in front of the panels were in the first stages of the enlistment process. They were already part of Army bureaucracy if not actually in uniform. They had received their enlistment papers, had had their military medical examination, had been assigned a military medical grade, and had been administratively allocated to an Army Reserve before making their application to the Local Military Service Tribunal. It was the Tribunal's duty to decide on whether to halt that process for the man involved or to allow it to continue. They could rule that a man would be of more benefit to the nation by remaining a civilian; or that the personal consequences for a family or a community would be made intolerable if he were to be taken away; or to decide whether or not the man held a genuine conscientious objection to serving; or even to decide (no matter what the man's allocated military medical grade showed) that he was medically unfit for service.

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<sup>511</sup> *Huddersfield Daily Examiner*, 16 March 1916.

Much of that changed with the passing of The Military Service Bill, 1918. By now, given the losses of the fighting on the Somme in 1916, the battles around Ypres in 1917 and the need to prepare for an expected German onslaught in 1918, the military need for men was not just urgent but desperate. Most of the independence, the discretion and the ability to make decisions which the Tribunals had previously enjoyed were taken away. Geddes and the Ministry of National Service now exerted considerable control over the workings of both Local and Appeal Tribunals. It cancelled all exemptions already held by men who had appealed on grounds of occupation and who had been born in 1895 or later and were in Medical categories A, B1, B2, C1 or Grades I and II, i.e. mainly young men in their early twenties who should be fit for front line general service or fit for service abroad. This included men who worked in Agriculture but only those with a medical grade of A or 1.

The order which is made under the provisions of the Military Service Act 1918, withdraws all certificates of exemption granted wholly or partly on occupational grounds to men, within the limits of age and medical category or grade shown in the Order, who were on the 9th April, 1918, employed in the occupations detailed in the first four parts of the Schedule to the Order or to men within the terms of the fifth part of that Schedule.<sup>512</sup>

The first four parts of the Schedule detailed the various occupations that were no longer exempt from conscription. This was a comprehensive list of a wide range of trades and skills – those named for the Woollen and Worsted industry for instance included all parts of the business from cloth scourers to mule spinners.<sup>513</sup> At the bottom of the list of workers for each manufacturer there was a

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<sup>512</sup> NA, MH-47-142-6-1, p.52.

<sup>513</sup> Parts I to III listed 296 assorted groups of workers from makers of hats to engineers; Part IV included Clerks in all branches of Banking, Industry, Insurance, Export and Commercial premises.

‘catch-all’ phrase of ‘All other classes of workmen’. Part V of the Schedule covered previously untouched miners:

I hereby withdraw all certificates of exemption issued on grounds of employment to persons employed in or about Coal Mines who were on 2<sup>nd</sup> November 1915, unmarried or widowers without any child dependent on them, and had on 1<sup>st</sup> January 1918, attained the age of 18 years and 8 months but had not on that date attained the age of 25 years.<sup>514</sup>

To ensure that the new regulations concerning exemption were carried out, National Service Representatives (with increased powers) replaced Military Representatives on Tribunal panels.<sup>515</sup> National Service Representatives now had the power to decide which men and which appeals the Tribunals could hear. In Circular R. 173 dated 4<sup>th</sup> March 1918, section (f) emphasizes regulation 26:

Tribunals are not to hear an application by or on behalf of a man until they have been notified by the National Service Representative whether he assents or objects to the application.<sup>516</sup>

In an attempt to alleviate the undoubted tensions between the National Service Representative and the other members of the panels - tensions created by the new regulations where the appeal process was now largely under the control of the government appointed Representative, Geddes released the Recruiting Code which up until March 1918 had been for National Service Representative’s eyes only. ‘It will be noticed that paragraph 118 of the Code which deals with the publication of official instructions states that copies of the code are not to be handed to Tribunals’:

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<sup>514</sup> NA, MH-47-142-6-1, R. 49 *Order Under the Military Service Act, 1918: Section 2*, p.52.

<sup>515</sup> In some cases, the individual remained the same, only the title was changed. See Mr. F.W. Hirst who was the Military Representative for Huddersfield until November 1917 when he became the National Service Representative.

<sup>516</sup> NA, MH-47-142-6-1, p.22.

Sir Auckland Geddes has thought that it would assist Tribunals in the discharge of their duties and in the maintenance of harmonious relationship with National Service Representatives if Tribunals were in a position to refer to the Recruiting Code, which is the result of careful and exhaustive compilation and contains the principal instructions issued for the guidance of the Recruiting Staff up to the 1<sup>st</sup> December last.<sup>517</sup>

The new regulations affected agriculture as well as industry.

The LGB issued Circular R. 181 on 23<sup>rd</sup> April 1918 (confirmed by a leaflet from the Joint Committee – Board of Agriculture – Ministry of Food, 1<sup>st</sup> May 1918) clarifying the position of agricultural workers. Any agricultural worker wishing to apply for exemption now needed to first satisfy the County Agricultural Executive Committee that ‘he is a highly skilled agricultural worker, whole-time employed on a farm in farm work, and is irreplaceable and essential to the cultivation of the farm’.<sup>518</sup> Only then would the National Service Representative allow him to appeal to the Tribunal.

A further manpower crisis came about in early May 1918 as the government attempted to replace the casualties caused by the German offensive in March. These battles had left the British Army in a poor state with losses of between 178,000 men (National Army Museum figures) and 236,000 (National Records of Scotland).<sup>519</sup> All men between the age of 18 and 51 were now liable for service. One unforeseen consequence of this change in the upper age limit for enlisted men was that many members of the managerial class of industry, who were generally a little bit older than the average worker, were now liable for military service. The Local Government Board quickly issued a circular to tribunals designed to ensure that

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<sup>517</sup> Circular R3 / 3801, 4th March 1918.

<sup>518</sup> MH-47-142-6-1, *Proclamation Withdrawing Certificates of Exemption*, p.64.

<sup>519</sup> Of the 5,215,162 British Army forces who served in the war, 2,471,152 (47.38%) were either killed, wounded or taken prisoner – J.M. Winter, *The Great War and the British People* (London: MacMillan), Table 3.3 Casualties Suffered by British Forces In The Great War, p.73.

important businesses would not be left without the ‘directing brains’ necessary for work to continue.<sup>520</sup> Other circulars followed. Circular R. 184 took away the exemption status of students, regular soldiers who had already served a minimum of twelve years before their discharge, and men who had been prisoners-of-war and had been released or exchanged. Members of the panels of Local Tribunals were no longer volunteers – they were now appointed by the Local Government Board. Any pretense of local people solving local problems was over. Speed of despatch of men to the Army was now of the essence:

The principal object of these changes is to accelerate the decision of cases. It is imperative that there shall be no break in the flow of men for the Army and that Tribunals should, therefore deal with cases with the utmost despatch.<sup>521</sup>

Tribunals were continually reminded of the urgent need for men and the standards for exemption were to be made stricter than ever. Panel numbers were now set at between three and five (previously five to twenty-five) in order to limit time spent on discussion. Wherever possible appellants should be heard in groups – ‘bulk claims’ – where men of the same trade, profession or occupation should be judged together. Any man making an appeal to the Local Military Service Tribunal was no longer allowed a solicitor to speak on his behalf.<sup>522</sup> There would be no exemptions longer than six months without the express agreement of the National Service Representative. Men who had gained an exemption certificate after 30 April 1918 were now liable to join the Volunteer Force ‘and perform such drills, training and military duties as may be prescribed’. Or the

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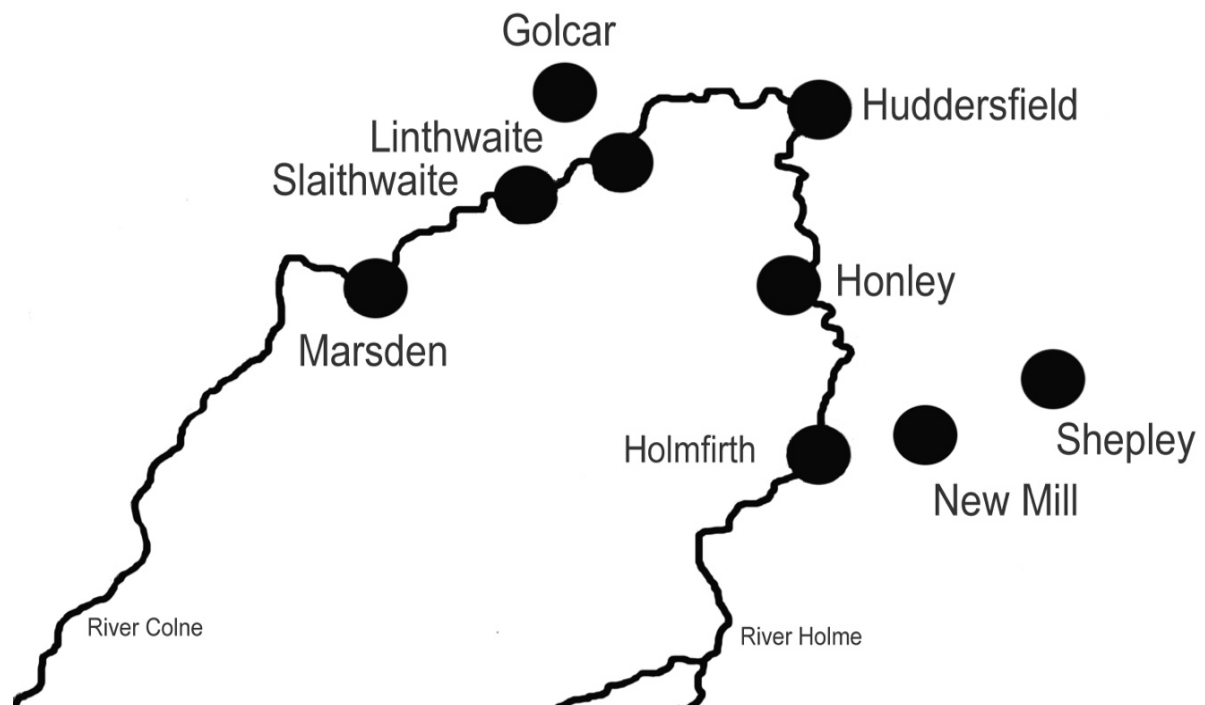
<sup>520</sup> *Huddersfield Daily Examiner*, Monday 19 August 1918, p.3.

<sup>521</sup> MH-47-142-6-1, R. 184, *Military Service (No. 2) Act, 1918*, p. 70.

<sup>522</sup> This instruction was rescinded by the Local Government Board on 4th May 1918, on the understanding that Tribunal Chairman would ensure that ‘proceedings are not delayed by unnecessary speeches and by the introduction of irrelevant matters’. R. 190, *Professional Representation Before Tribunals*, MH-47-142-6-1, p. 86.

man might be ordered to become a Special Constable, or join a Fire Brigade, or help a struggling business where the owner had been conscripted or work an allotment. To prevent Tribunals adjourning cases and thereby delaying a decision, all appeals had to be heard within twelve days or the case would be automatically transferred to the Appeal Tribunal. Men in certain occupations deemed vital for the war economy were not allowed to make an appeal on occupation grounds to a Local Military Service Tribunal at all – coal miners had to apply to the Colliery Recruiting Courts; tin workers in Cornwall and the Tavistock Rural District of Devon were dealt with by the Metalliferous Mining Court; dock workers had their Port Labour Committees; railway workers had their own committees, and munitions workers had the Munitions Courts.

## Chapter Four - The Holme and Colne Valleys



Chapter One of this thesis explored the beginnings of conscription and the difficulties and consequences of its introduction by Asquith in 1916. It detailed the historical background to military compulsion in Britain and the bitter division it provoked within the Liberal Party at a critical point in the war. A division, moreover, that, along with other factors to do with the conduct of the war, eventually led to the political marginalisation of the Liberal Party itself. The Military Service Bill introducing conscription, was almost derailed at the last moment and was only saved by Asquith's promise to include a civilian appeal system within the military process. No other Great War belligerent ever considered such a thing.

Civilian involvement in a matter that could have been the sole prerogative of the War Office was not viewed at the time as being either radical or particularly unusual. It was, instead, a recognition of the competence and importance of well-respected local authorities and local



government, what Lowe calls ‘the foremost agency’.<sup>523</sup> How localism came to be in that situation, and how Walter Long and the Local Government Board influenced the composition and operation of Local Military Service Tribunals, has been explored in Chapter Two.

LMSTs themselves were shaped by the structure and dynamics of local government and their role within a successful system of localism has been the basis of Chapter Three. This is where the workings of tribunals nationally are discussed and analysed along with an exploration of the role of the Military Representative, a key member of the tribunal who has been largely ignored in previous work.

These first three chapters then form the *why* and the *what* of this thesis. Chapter Four provides the *who*. This final chapter is a detailed study of nine LMSTs set in a particular location and looks at the men and women who comprised the panels and the men who were the appellants and the reasons behind their appeals. It then evidences the decisions made.

This section of the thesis will provide a more detailed and local analysis of the points raised in the preceding ones. I have shown that LMSTs were part and parcel of a local political and social structure and that members of the tribunal panels reflected the beliefs and prejudices of their own communities. I have also demonstrated that these independent bodies represented localism at a time of an increasingly dominant central state and that they were capable of opposing that central authority and able to influence government policy.

In this section, I look at the numbers of men involved in the appeal process, their reasons for applying and their chances of success in obtaining an exemption. I question the assumptions previously held of the composition of tribunals and I show that tribunals were much more *of* the working-class community than previously thought.

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<sup>523</sup> Rodney Lowe, ‘Government’ in Stephen Constantine, Maurice W. Kirby and Mary B. Rose eds., *First World War in British History* (London: Edward Arnold, 1995), p.29.

#### 4.1 The District – Religion, Politics and Tribunals

Textiles was the dominant industry of the West Riding. By the early nineteenth century the traditional manufacture of woollen cloth had diversified into worsted, cotton, flax, linen, silk and the development of recovered wool material – shoddy and mungo. Carpet manufacturing became important at this time, particularly in Halifax where Dean Clough Mills employed five thousand workers. The West Yorkshire Archaeology Service, using early twentieth century Ordnance Survey maps, has identified about 2000 Yorkshire mills connected with the textile industry in 1900.<sup>524</sup> Factory returns show 746 worsted mills and 569 woollen mills throughout the district in 1904.<sup>525</sup> Many of the mill owners were self-made men and saw themselves as paternalistic employers.<sup>526</sup> Some mill-owners initiated house purchase schemes for their workers. Others such as Edward Brook in Meltham built impressive housing estates for their employees. Brook also commissioned the town hall and large recreation grounds which he then donated to the town. Several early mills built their own schools for the children of their workers.<sup>527</sup> Most owners regularly organised and financed mill-outings or suppers for their workers. At the outbreak of World War One many owners of mills in the Holme Valley continued to pay the wages of any of their employees who had volunteered to serve in the armed forces. The firm of T.J. Tinker situated at Bottoms Mill in New Mill was typical. The firm had distributed a letter in 1915 to all its male workers of military age:

Do you realise your position? Do you know that hundreds of thousands of men, as good as you, have given up as good, and better, positions to help to protect their country against the diabolical German Kaiser and his millions

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<sup>524</sup> Colum Giles and Ian H. Goodall, *Yorkshire Textile Mills, The Buildings of the Yorkshire Textile Industry, 1770-1930*, Royal Commission on the Historical Monuments of England, West Yorkshire Archaeology Service, (London HMSO).

<sup>525</sup> Parliamentary Papers, *Returns of Mills and Factories*, 1833-1905.

<sup>526</sup> Sir William Raynor of Huddersfield had started his working life as a warehouseman, for example.

<sup>527</sup> Marie Hartley and Joan Ingilby, *Life and tradition in West Yorkshire* (Leeds: Smith Settle 1990) p.35.

of uncivilised soldiers? Your duty is clear. Go down to Huddersfield and give your name to the Recruiting Officer and tell him you want him to honour you by accepting your services, and by doing this you will have done the most noble act you can do or will be able to do to your dying day.<sup>528</sup>

The firm explained that business interests would be better if the men stayed and worked but that the nation's interests were paramount. Since the outbreak of war, the mill had paid a weekly allowance of 10/- to each man who had enlisted at an annual cost of over £700. Ninety percent of those men eligible for the armed forces had already joined the armed forces. This is the firm that had protested in 1916, with some justification, on the introduction of conscription and the resultant demands for yet more of its workforce. Faced with, and accepting the logic of this kind of argument, New Mill tribunal could only encourage the increased use of female labour to replace the conscripted men. Nearly all – workers and employers – of the two valleys shared the same religious background and attended the same churches. George Sykes in his memoirs recalls the vicar of Holmfirth Parish Church:

Many of the leading families and principal tradesmen and manufacturers of the district were members of his church and congregation.<sup>529</sup>

Unitarianism, the Congregationalist church movement and Primitive Methodism were the dominant creeds. Some parts of the district, particularly around New Mill, developed a strong Quaker presence. Unitarians in particular, but most non-conformists, believed that salvation was to be found more in the performing of virtuous acts rather than the simple practice of religious observance. Virtuous acts in the second half of the nineteenth century were closely

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<sup>528</sup> *Holmfirth Express*, 15 May 1915.

<sup>529</sup> George Sykes, *Reminiscences*. Transcribed by David Cockman. Holmfirth Local History Group.

connected to serving the community. Christianity was expressed by participating in the development of a thriving municipality where education was valued, the health of the citizens was improved, and access to culture was provided. The fact that this social altruism also benefitted the same capitalist manufacturers who were themselves prominent in donating to the community was not seen as an obstacle. Mill and factory owners benefitted from municipal control of the means of cheap energy – gas and electricity – as much as their workers. Municipal housing and industrial building development and improved public transport helped their labour supply. As did the advances in schools and colleges which ensured a steady input of trained, capable workers. This interweaving of a population that believed in being involved in, and advancing the cause of public good, resulted in a community of volunteers. Largely non-conformist men and women who were part of a libertarian, participatory tradition of helping and giving. It would be a rare and slightly odd person in the Holme Valley who wasn't a member of one of the numerous churches, or sang with a church choir or served on one of the thousand committees, or ran with the Harriers, or cycled or played billiards or football, or who joined a self-education group, or a Working Men's Club, or who kept themselves busy with the numerous fund-raising societies - the Belgian Refugees Fund, the Serbian Relief Committee, the Famine Fund and a hundred and one others that needed money.<sup>530</sup> And British Christianity supported the war and conscription:

I am clear then that God would not wish the government of this nation to stand aside and let Germany enforce her tyrannical and immoral rule over other nations first and ourselves afterwards. Apart from the sufferings inflicted on her enemies, he would not wish for Germany's own sake that she should be allowed to perpetrate these evils. I feel then that every Englishman, who in answer to his country's call, overcomes his natural

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<sup>530</sup> Isaac Beardsell, mill-owner in Holmebridge, in addition to running his textile business served as the Sunday School official at Holme School; acted as the village constable; was an official at Lane Independent Chapel and was a member of the Committee of Manufacturers.

leanings to self and safety, and his natural dislike to killing others, or to suffering himself, and offers himself to defend the liberties of his country, and the safety of his home, goes to battle with the blessing of God upon him.<sup>531</sup>

The Rev. Beamish of Upperthong, Holmfirth, added a footnote:

I find it difficult in the extreme to keep from criticising those young men who are sheltering themselves from serving their country under a plea of religious conscientious objection to shedding blood [...] the sooner he puts on petticoats the better...

In the West Riding religion went arm in arm with politics. Conservatives were Anglicans while Liberals were Nonconformists.<sup>532</sup> Politically, the area was Liberal. Huddersfield was one of the centres of Liberal strength in the county along with neighbouring Dewsbury, Halifax and Leeds. Yorkshire as a whole, and the West Riding and the Holme and Colne Valleys in particular, were Liberal territory. Congregationalists were leading members of the Liberal Party and politically very active:

The Congregationalists were different. These to a man and to a woman were fighters and very determined fighters. They formed a numerous and powerful body of men and women, from a large number of well-to-do families.<sup>533</sup>

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<sup>531</sup> Vicar Rev. P.L. Snowden, *Hepworth Parish Magazine*, 8 April 1916.

<sup>532</sup> This was more or less true countrywide. T.A. McDonald (*Religion and Voting in an English Borough: Poole in 1859*) uses the pollbooks for 1857, 1859 and 1865 to show that 60% of Anglicans consistently voted Conservative, while 80% of Dissenters voted Liberal. See: Edwin Jaggard, 'Small Town Politics in Mid-Victorian Britain', *Journal of the Historical Association* (21 January 2004).

<sup>533</sup> George Sykes, *Reminiscences*.

Liberalism in the West Riding faced a threat from a newly emergent labour movement at the end of the nineteenth century. A significant growth in trade-union membership led to demands for a political organisation outside of the Liberal Party to represent the working man and woman and in 1891 this demand culminated in the Huddersfield Labour Union.<sup>534</sup> Two years later it was renamed the Huddersfield Independent Labour Party in order to accommodate socialist aims.

Socialism, grounded in non-conformist Christian morality, was offering, not just a new political form of expression but a new way of life. Thomas Russell Williams, a Huddersfield socialist politician – he stood as the Labour Representation Committee candidate in the 1906 general election – was quite open about the strength of this new political force:

“Socialism is a religion to our people. They live for it. They would willingly die for it”.<sup>535</sup>

Despite the claim, Huddersfield ILP struggled at election time against a newly resurgent Liberal party. Labour’s political highpoint was in 1906 when it failed by just 500 votes to win a Huddersfield by-election and the town remained a Liberal stronghold. That local faith in Liberalism was shaken in 1916 with the deposition of Prime Minister Asquith by Lloyd George. Lloyd George was highly unpopular in the West Riding and there was widespread criticism of him and his government in the local press at that time.<sup>536</sup>

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<sup>534</sup> New unions were formed for the power loom tuners, gas workers, brass workers, cigar makers, painters and decorators and a Huddersfield branch of the Amalgamated Society of Railway Workers. *Yorkshire Factory Times*, 10 & 17 January 1890, 16 January, 10 April, 29 May, 12 & 19 June, 17 July 1891.

Even so only 4.4% of the working population of Huddersfield were members of a trade-union in 1900 compared to a typical Lancashire figure of 62%. *Huddersfield Chronicle*, 8 September 1900.

<sup>535</sup> *Leeds Mercury*, 24 July 1907. See also E.A. Hilary Haigh (Editor), *Huddersfield: A Most Handsome Town*, (Kirklees Cultural Services 1992), p.519.

<sup>536</sup> Bernstein, p.125.

Tribunals in the valleys made the process of appealing as fair and as painless as possible.

Appellants had a number of ways to present their appeals – they could write down their objections to their enlistment and present it to the tribunal; they could appear in person and plead their case, as most did; they could ask someone – friends, family or employer, to speak on their behalf; or they could employ a solicitor to argue for them. A number of local solicitors including Messrs. Smailes, Marshall, Eaton-Smith, Brook-Hirst, Hinchliffe and Wilmhurst appeared regularly on behalf of clients. They spoke on behalf of men who could afford to employ them, usually professional or business men, with mixed results. There is no evidence to suggest that employing a solicitor guaranteed an absolute exemption:

Mr. J.D. Eaton Smith appeared in support of an architect's application [...] He asked the tribunal to give the consideration which Mr. Tennant promised should be given to men with businesses solely dependent on them. Mr. Smith urged as another reason that the applicant was expecting an increase in the family.

Three months exemption was granted.<sup>537</sup>

The largest and busiest Tribunal of the area was based in Huddersfield. The town, which had achieved borough status by 1868, had a population of 107,821 of which 35,662 were men in employment.<sup>538</sup> The National Registration Act of 1915 identified 'about' 75,000 men between the ages of 15 and 65 who were not members of the military forces. Mr. Balmforth, who was later to become chairman of the panel, stated that the first meeting of the Huddersfield Tribunal took place on 2 December 1915.<sup>539</sup> Writing in 1918, Mr. Balmforth stated that, up to that point, the Tribunal

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<sup>537</sup> *Huddersfield Daily Examiner*, 29 May 1916.

<sup>538</sup> 1911 Census.

<sup>539</sup> This would have been one of the Tribunals set up to decide on cases originating in the National Registration Act. It was a committee of eight which included two Aldermen and four Justices of the Peace. This was

had held over 100 meetings and heard some 30,000 claims for exemption from military service.<sup>540</sup> Cyril Pearce records the number of appeals before the Huddersfield Tribunal as 27,621 in the two years 1916, 1917. Some of these appeals would have been from men making a second or subsequent appeal. According to the *Huddersfield Daily Examiner* the first LMST session took place on 21 February 1916 and in the following five weeks the panel sat fifteen times and heard an estimated 480 cases. The Advisory Committee which worked with the Military Representative Mr F.W. Hirst (Mr. Crosland had served as representative for a few meetings prior to Mr. Hirst and Mr. Arthur Green took over the role in July 1918) had held an even greater number of meetings under their chairman, Mr. Robert Ramsden. These facts alone illustrate the limitations of newspaper coverage. The *Huddersfield Daily Examiner* publicly reported on only seventy-five of those Tribunal meetings and there was no coverage at all of the Advisory Committee (this was true of Advisory Committees nationwide). Alderman J. Blamires was chairman of the Tribunal from its beginning through to August 1918 when he resigned because of ill-health. Blamires was Mayor of Huddersfield and had argued pre-1916 against conscription but for compulsory military training. Like many of the other township panels the members remained broadly the same throughout the period of the war.<sup>541</sup> Councillors Thomson, Taylor, Jessop, Balmforth and Topping were all regulars as were Messrs. Sykes, Armitage, Pickles and Sir William Raynor. Raynor, knighted in 1912, had, like his father, started his working life as a warehouseman before rising to become partner in a firm of wool merchants.

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probably the closest that any of the LMSTs came to Long's desire for all Tribunals to be composed of just such men.

<sup>540</sup> Owen Balmforth, *Jubilee History of the Corporation of Huddersfield (1868-1918)*, Ch.5, ed. Dave Pattern, *Huddersfield Exposed*.

<sup>541</sup> The chairmen of Holmfirth, Slaithwaite, Golcar, and Marsden attended every meeting of their respective Tribunals from 1916-1918. This is unlikely to be true of all Tribunals. Gregory assumes that all Tribunal panels had a regular turnover of personnel, doubling the numbers involved from 20,000 to 40,000.



Four of the smaller Tribunals were based in the series of townships to the south-west of Huddersfield following the path of the River Colne - Golcar Linthwaite, Slaithwaite and Marsden. Population for the whole of the valley in 1916 was over 40,000. All four towns were centres of textile production and quarrying with populations of between 5 - 10,000. Marsden, for example numbered over 5,000 in 1916. All of them had expanded rapidly during the previous fifty years, doubling, sometimes tripling, their populations. The Golcar Local Military Service Tribunal met approximately once each month during 1916 but only twice in 1917 and four times in 1918. It met seventeen times in total and heard an estimated 544 cases. This number appears suspiciously low for a town with a population of nearly 20,000 in 1910 and these relatively low numbers seem to suggest that many men of the town, for whatever reason (see Linthwaite below), would have made their appeals to the nearby Huddersfield Tribunal instead. Councillor Midgley took the chair for the majority of the sessions with occasional help from Mr. Slocombe and Mr. Whiteley. Captain Bradbury and Major Tanner shared the duties of Military Representative, but both were replaced by Mr. Quarmby when the National Service Act was passed in 1918.

The Linthwaite Tribunal, two miles to the south of Golcar and half the size in 1910, was a busier place despite numbers of conscripted Linthwaite men making their appeal at the Huddersfield Tribunal because 'they found it easier to secure exemption than at Linthwaite'.<sup>542</sup> This was not necessarily wishful thinking. There was disparity between the various tribunals and it was recognized by men making appeals. Charlie Tinker, the Military Representative on the Holmfirth Tribunal, pointed out that he had often heard the complaint that Holmfirth was 'easier' than other neighbouring Tribunals.<sup>543</sup> The Linthwaite Tribunal

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<sup>542</sup> *Huddersfield Daily Examiner*, 18 September 1916.

<sup>543</sup> At a meeting held on 16 November 1916 the Military Representative, Mr. Pickles, drew the attention of the panel to a letter he had received complaining of the leniency of Holmfirth compared to the New Mill Tribunal. 'Mr. Pickles and the Chairman expressed their opinion that the Holmfirth district had found its share of men'. *Holmfirth Express*, 16 November 1916.

was much annoyed to find that some men of the district had had their appeals heard in Huddersfield rather than in their own area. The Chairman stated that ‘people had gone to Huddersfield and had made no secret of it, saying that they would have a better chance of “getting off” than at Linthwaite’.<sup>544</sup> They wrote a letter of protest to their colleagues at the Huddersfield Tribunal:

[...] This committee is of the opinion that such a course is quite irregular and contrary to Government instructions, and it wishes to point out that considerable trouble has been caused through the non-uniformity of decisions, the military representative being at a complete loss to comprehend what exactly had taken place in their own area.<sup>545</sup>

Was the allegation correct? Did appellants stand a better chance of receiving exemption at some sites than at others? The immediate answer is ‘yes’, but the key question is ‘what kind of exemption’? Absolute exemptions were rare; temporary exemptions were just that – a delay of a few months before accepting the inevitable; but a conditional exemption could last out the war. It was believed, understandably, that jobs in the munitions, steel or uniform textiles industries were protected occupations that would be needed until the end of the conflict.<sup>546</sup> Men were granted exemptions on the condition that they found work in vital war industries.

Slaithwaite, with a population of over 5,571, situated further down the Colne Valley, held fifteen meetings in total with an estimated four hundred and eighty cases. It took time to

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<sup>544</sup> ‘Unless otherwise directed in any case by the Local Government Board, an application made by or in respect of a man on grounds connected wholly or mainly with the business or employment of the man shall be made to the Local Tribunal for that area’. *Regulations for Tribunals under the Military Service Act, 1916*, Section I – Constitution of Local Tribunals, 10. HC, Paper Number 5. This ruling appeared not to have been applied.

<sup>545</sup> *Huddersfield Daily Examiner*, 18 September 1916.

<sup>546</sup> This was more or less true until 1918 when the need for more men in uniform meant that even skilled men in these industries were conscripted.

appoint the panel and it was 2 June 1916 before it held its first meeting. The chairman was Jo Pogson, a self-made, local millowner employing about one hundred and sixty workers who had started his business in 1896 with just four carding machines. He was also chairman of Slaithwaite District Council between 1915-1917 and remained chairman of the Military Tribunal throughout its existence. Captain A.H. Mallalieu was the Military Representative. In November 1917 Captain Mallalieu in his new role was named as the National Service Representative. Councillors Firth, Furniss and Mr. E. Gledhill were all regular attenders. The Marsden Tribunal had sat eleven times in 1916 but only seven times in the following two years. It heard an estimated 576 cases. Councillor Cooper Firth was in the chair for the whole of the term with Captain Bradbury, followed by Captain A.H. Mallalieu, as Military Representative.

Along the River Holme, Honley Local Military Service Tribunal met three times in 1916 but adjourned all meetings in January 1917 and didn't meet again. Most of the panellists were councillors – Elon Crowther, George T. Oldham, Samuel Jagger, G. Pearson and John Edward Heap – with George Sheard and G. H. Barraclough. Councillor Crowther was in the chair. The Military Representative, Captain Bradbury was ill-disposed towards conscientious objectors who he regarded as ‘a great evil, hindering recruiting tremendously’.<sup>547</sup> The panel found themselves in dispute with local trade union officials who, they discovered, had the power to overturn Tribunal decisions:

It had come to the notice of the Tribunal that after an appeal had been dismissed certain trade union officials still had power to have a man's calling-up papers cancelled on making representations to the recruiting officer. The Tribunal felt that, in this and other ways, their efforts were being nullified, and that it was useless giving their time to the consideration of cases while such a state of affairs prevailed. They felt that there should be some finality about their decisions, except, of course, through the ordinary recognised channels of appeal. The Tribunal understood that only certain trade unions were represented on the Man Power Distribution Board, and they

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<sup>547</sup> Other Tribunals on which he had served had found him to be “very fair, very courteous, honest and straightforward”. *Huddersfield Daily Examiner*, 30 May 1916.

considered that this did not secure fair treatment for those trades not represented on the Board. Pending further and fuller information on all these points the Tribunal considered that their only course was to adjourn all applications at present pending.<sup>548</sup>

Members of Tribunal panels took their role seriously. They were independent, judicial bodies, representatives of their community and conscious of their power. This conflict between the Military Tribunals and trade unions had arisen because the Army Council had set up Industrial Advisory Committees. The Advisory Committees job was to find the balance between securing the maximum number of recruits for the Army and making sure that there was enough essential labour engaged in the production of military requirements. The Committees were made up of representatives of the War Office, employers and members of trade unions and their terms of reference were:

To advise officials of the War Department as to the best methods to be adopted with regard to the trade (1) In order to enable more men to be released from industry for the Army; (2) in order to maintain and if possible to increase the amount of production in the trade to meet the requirements of (a) the British and Allied Governments; (b) the export trade.<sup>549</sup>

These IACs were part of a solution for a much bigger problem facing an increasingly expanding state. The radically altered political and economic circumstances created by wartime conditions meant that central government was heavily dependent on good relationships with organised labour, as were employers. This was as true in the creation of an appeal system against enlistment at the behest of labour as it was in the involvement of trade-unions in the process of conscription.<sup>550</sup> In effect, this is more evidence that military

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<sup>548</sup> *Huddersfield Daily Examiner*, 9 January 1917.

<sup>549</sup> *Huddersfield Daily Examiner*, 2 May 1917.

<sup>550</sup> John Horne, *Labour at War: France and Britain 1914-1918* (Oxford: Oxford 1991).

authorities were not blindly focussed on a demand for more men at any cost. Despite their public pronouncements of needing every man, they had, in fact, adopted a more nuanced view of their role in the war and had accepted a more holistic approach to the man power problem. This was some time before politicians attempted to tackle the same issue. The Advisory Committees responsible for the woollen and worsted trade of the West Riding were based in Bradford and they attempted to soothe the ruffled feathers of the Tribunals who felt that their decisions were being overturned and their role diminished. The sole function of the Advisory committees, they declared, was confined to advising the military representatives and substitution officers; they had no intention of interfering in any way with the statutory duties of the Tribunals.

The Holmfirth Tribunal had come close to going on strike in October 1916 over a similar dispute.<sup>551</sup> This wasn't a situation unique to the West Riding. The York Tribunal had discovered that one of the local landed families – the Meysey-Thompsons – had been granted the services of two soldiers to cultivate the house gardens. The chairman of the panel pointed out that if the Army had sufficient men to supply Colonel Meysey-Thompson with servants it obviously had no need of further recruits and they would therefore go on strike until the War Office ruled on the matter. The smallest of the West Riding townships, Shepley (population 1,879), on the south-east side of Huddersfield, held six Tribunal meetings between March and October 1916 before closing down. They usually met every few months and, as their last meeting had been held at the end of October, they may well have been overtaken by the issues with the Man Power Distribution Board. In its short time it dealt with an estimated 192 appeals. Councillor Hayden Matthews held the chair and Colonel Mellor was the Military Representative. Slaithwaite almost suffered the same fate. On 12 January they discussed a letter from the Colne Valley Advisory Committee asking them to postpone all further sittings

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<sup>551</sup> *Holmfirth Express*, 12 October 1916.

until the situation with the Man Power Board could be resolved. Exercising their independence, they refused, arguing that their duty was to the men who had made appeals and were anxious to proceed.

New Mill, despite its small size (population 4,569 in 1911 – rather bigger than Cyril Pearce suggests in *Comrades in Conscience*)<sup>552</sup> had the third busiest Tribunal in the area. This wasn't totally unexpected – the town had been a centre for the anti-war movement in 1914 as well as the campaign against conscription in 1915 and was to prove a 'hot bed' of conscientious objection after 1916.<sup>553</sup> Both the independent Labour Party and the No-Conscription Fellowship had a presence in the town and packed meetings were held regularly in the New Mill Labour Club. Ramsey McDonald spoke there. A No Conscription Fellowship meeting was held in the town as early as February 1916 and attracted a crowd of over 200 Socialists, most of them men of military age. The District Council at its fortnightly meeting on 4 March 1916 decided to fill a vacancy on the New Mill Military Tribunal by asking, and then appointing, Councillor Brook to the post. Councillor Brook represented the anti-war Independent Labour Party. The Tribunal sat twenty-four times and dealt with an estimated 768 cases. Councillor J.F. Roebuck presided until 1918. Colonel Mellor was the Military Representative for the first few meetings followed by Mr C. Tinker and finally Mr. J.S. Quarmby who was appointed the new National Service representative in 1918. New Mill and Holmfirth were the only Tribunals in this part of the country to have a woman as part of the panel. In New Mill's case it was Mrs. Tinker who attended every meeting. Other panellists were Councillors Brook, Roebuck, Dennison, Turton and Mr Hiram Haigh who was the Agricultural Representative. The Tribunal met sixteen times in 1916, six times in 1917 and just twice in 1918. Formed at the same time as Holmfirth, five of the original six members

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<sup>552</sup> "about five hundred people, probably the entire adult population of the village", p.55.

<sup>553</sup> Cyril Pearce in conversation with this writer.

served until 1918, hearing over 700 appeals. By 1918 tensions among members of the Tribunal were common. Councillor Hiram Haigh had resigned from the panel in some distress at recent events. He had, he said, been part of the Tribunal when it had dismissed the claims of several young men of the town who had appealed against their conscription. These young men had gone off to the army only to claim when they were in barracks that they were, in fact, conscientious objectors and the army had sent them home. They were now to be seen, wandering the streets of New Mill while the Tribunal was sending married men of 44 to 48 years of age with wives and families off to war:

Here I am neglecting my own business and have to scramble in order to get here, and what do some people do? They threaten to shoot me in some parts of the district. They curse and swear at me. What do I get for it?<sup>554</sup>The situation was made even more difficult for some members of the Tribunal by the fact that they were younger than the men on whose fate they were deciding. This had the potential to create quite complicated problems. There were suggestions from the Local Government Board that, since the raising of the military age for enlistment to fifty, some members of Tribunals of military age could now be called-up and their places taken by wounded ex-soldiers. If those members of panels decided to appeal their conscription, they could conceivably come before men to whom they had previously refused exemption.

Holmfirth, seven miles south of Huddersfield, had a population of 13,180 in 1914. According to the *Holmfirth Express*, the Tribunal met forty-nine times with an estimated 1,568 appeals. Councillor Brook presided over every sitting bar two. The group of councillors who had formed the original National Registration Tribunal continued to serve on the Military Service Tribunal for the rest of the war – Barber, Roebuck, Quarmby and Simmonds. Mr. Simmonds was president of the Hinchliffe Mill Co-Op Society. The two invited members, Mr

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<sup>554</sup> *Holmfirth Express*, 27 July 1918.

Pickles, who represented labour, and Mrs Walker, stayed on the panel until 1918. Colonel Mellor, with the help of Mr Gibson of the Advisory Committee, served as Military Representative until 25 May 1916 until he was replaced by Mr Charlie Tinker, a woollen manufacturer from the village of Holme. Colonel Mellor also served as Military Representative on the Shepley and New Mill Tribunals. He was one of the first Military Representatives to be appointed in January 1916 by the Director of Recruiting and Staff. Holmfirth council asked Mr. Harry Gibson to be his clerk and they were allocated an office at the Holmfirth Drill Hall. Between March and April 1916, he also served as military representative on New Mill Tribunal. Mellor was typical of many servicemen who acted as the Military Representative on local Tribunals. He had begun his military career with the 2<sup>nd</sup> Volunteer Battalion, the Duke of Wellington's (West Riding Regiment) based in Holmfirth and retired as Officer Commanding the 2/7<sup>th</sup> Battalion of this local regiment. Within days of the formation of the Tribunal it was reported that many appeals had already been received from men who had attested, and the first meeting of the Holmfirth Military Service Tribunal took place in February 1916. In 1917 Tribunals were enlarged with the addition of an Agricultural Representative. In the case of Holmfirth, this was Mr. Holdsworth who joined the panel in July. The role of the Agricultural Representative was not to think of the national interest, nor to show impartial judgement, but simply to argue the case against conscription for any agricultural worker.

The formation and the beginnings of the Holmfirth Tribunal were similar to all those of the district. At a meeting of the Holmfirth Urban District Council on 1 November 1915 the Clerk read out a letter from Walter Long of the Local Government Board asking the Council:

To appoint a small Committee, which would act as a local Tribunal for the settlement of cases referred to them by Employer or the Recruiting Officer, as to



whether particular men are indispensable to their Employers or should be otherwise debarred from enlistment.<sup>555</sup>

They were to deal with cases of ‘starred’ or ‘badged’ men whose service might be available for military purposes and to adjudicate with regard to appeals by men who were not starred but whose employers urged that their skilled services were indispensable to the work of the firm. The five men who volunteered at that meeting to serve on the advisory committee – Councillors Brook, Barber, Quarmby, Roebuck and Simmonds – were later asked at the first council meeting in January 1916, to continue their roles and become the Local Military Service Tribunal for Holmfirth. This course of action had been suggested by the Local Government Board who also raised the point that a labour representative should form part of the panel and that the Board had no objection to the inclusion of women. Colonel Mellor had already been appointed as the Military Representative and was asking for the names of his fellow panel members. Councillor Tinker suggested that the panel should comprise nine members, two representatives of labour and two others, but after some discussion seven was decided upon. With all in agreement, Mr. Tommy Pickles, a labour representative, and Mrs. Walker were invited to join the Tribunal. Mrs. Joseph Walker was president of the Nursing Association. All seven of them remained as panel members for the next three years until the end of the war. Councillor Thomas Brook remained chairman of the Tribunal from its inception to its closure.

The Vicar of St. John’s, Upper Thong, Holmfirth, writing in the Parish Magazine, had accurately predicted how conscription would actually work in the Holme Valley:

But if compulsory service becomes absolutely necessary, it will take, in my opinion, something of the following form – A Committee will be formed in every

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<sup>555</sup> *Holmfirth Express*, November 1915.

borough, urban and rural district of influential men above military age, drawn from all political parties. This will be the Recruiting Committee of the district; they will have before them the registration returns lately taken. The Military authorities will say to them “We want a first draft of 50 or 100 men from you.” Take the case of Holmfirth and district, including New Mill, Nether Thong, Hepworth and Holme Bridge, with a population, roughly speaking, of 15,000 from which it would be fair to say that 500 men would be available between the ages of 19 and 40, perhaps less, if we exclude all married men for the time being. The Committee would select their first 50 from those who could best be spared from the different industries and they would take into consideration the necessity of the home. The men selected would be given an opportunity of protesting against being chosen. When the list was finally made up it would be sent to the military authorities and they would notify the men to present themselves to the nearest Recruiting or Military Depot; if the man did not come there they would be ‘fetched’ by a Military escort, assistance being given by the local police. Such a scheme is abhorrent to me as likely to take place in a country calling itself free and I, for one, would dislike very much having to serve on such a Selection Committee.<sup>556</sup>

As most of the following tables and statistics are based in part on press reports and articles it may be worth mentioning local newspapers who had their own biases, causes and editorial positions. The largest local newspaper was the *Huddersfield Daily Examiner* (originally *The Huddersfield and Holmfirth Examiner*). In 1914 it was a Liberal supporting newspaper serving a largely Liberal town and district. Founded in 1851 as a weekly publication it became a daily newspaper in 1871. Ten years later, it was the first provincial newspaper in the country to employ a woman journalist. In 1914 it was owned by Alderman Ernest Woodhead, one of the leading lights of the Liberal establishment of Huddersfield and the newspaper reflected his political opinions. The paper was particularly vociferous in its condemnation of the replacement of Asquith by Lloyd George and began to adopt a much more critical, anti-government tone in its comments on the war. Members of Tribunals would no doubt be aware of this. Coverage of other political parties in the area – Labour and Conservative - was largely muted. Union movements and anything related to socialism in

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<sup>556</sup> *Holmfirth Express*, December 1915.

general were heavily criticised. It had a rival daily newspaper in the *Huddersfield Chronicle*.<sup>557</sup> The *Chronicle* was originally a weekly Saturday publication established in 1850. It declared itself a ‘family paper [...] of a decidedly liberal character’. It published poetry, book reviews, parliamentary debates, local and district news (‘the Latest Intelligence by Electric Telegraph’) and serialised fiction. ‘It is favourable to the establishment of secular schools for the education of the people’.<sup>558</sup> By 1882 it had a daily circulation of 8,000 copies. The *Holmfirth Express* was founded in 1886 by Eli Collins.<sup>559</sup>

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<sup>557</sup> *The Huddersfield Chronicle* also published a weekly edition.

<sup>558</sup> *Mitchell’s Press Directory*, 1860.

<sup>559</sup> Other local newspapers referred to here are the *Colne Valley Guardian*, *The Worker*, *The Yorkshire Factory Times* and *The Worker’s Weekly Record*.

## 4.2 Numbers

This section looks in detail at the nine Tribunals of the Holme and Colne valleys of the West Riding of Yorkshire that met regularly between 1916 and 1918.<sup>560</sup> Following on from Asquith's instruction that Tribunals should be on everyman's 'doorstep', the distance from Huddersfield in the north to Marsden, the farthest Tribunal south along the Colne Valley is just seven miles; the corresponding distance to Holmfirth in the Holme Valley is also seven miles. We know from the 1911 census (see below) that 33% of the population of Huddersfield were working men. If we use that crude percentage figure to calculate the number of working men in the whole area covered by these nine Tribunals we reach a total of nearly 59,000 male workers, many of whom would have been eligible for conscription in 1916. But this ignores the large numbers of men who had already volunteered and enlisted in the previous two years, as well as those who had been rejected by the military medical panels on grounds of ill-health. Many of the men who volunteered in the West Riding would have responded to Kitchener's call in 1914 and enlisted in the three Service Battalions that were formed and raised in the area – the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Duke of Wellington's (West Riding Regiment) - approximately three thousand men. Others would have joined that same local regiment, comprising three battalions of regular troops (1<sup>st</sup>, 2<sup>nd</sup> and Reserve). Some would have made up the numbers of the four Territorial Army battalions of the Duke of Wellington's (4<sup>th</sup> based in Halifax; 5<sup>th</sup> at Huddersfield and Holmfirth; 6<sup>th</sup> Skipton – at the time Skipton was part of the West Riding - and 7<sup>th</sup>, Colne Valley). All record full musters in 1915-1916, giving a total (not counting the existing regular troops) of some seven thousand volunteers.<sup>561</sup> Yet more men would have been part of Divisional formations (there were two West Riding Divisions in WW1 – the 49<sup>th</sup> and the 62<sup>nd</sup>) as part of the Artillery, Engineers, Signallers or Medical Corps.

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<sup>560</sup> There were three other tribunal meetings within the district – Meltham, South Crossland and Holme Village - but each one met on only one occasion and they have not been considered or form part of the following detail.

<sup>561</sup> In conversation with the archivist of the Duke of Wellington's Regimental Museum, Halifax.

These Divisions included in their organisation other local regiments that West Riding men may well have joined – the Yorkshire Regiment, the West Yorkshire Regiment, the Yorks and Lancashire Regiment based in Sheffield, the East Yorkshire Regiment and the King’s Own Yorkshire Light Infantry. It is impossible from this distance to record exactly just how many men this applied to, but a conservative estimate might be a total of 10,000 men of the Huddersfield and District area who volunteered between 1914 and 1916 – almost 17% of working men – leaving a rough total of 50,000 still at home.<sup>562</sup> Not forgetting that the District was a centre of munitions manufacture, heavy military engineering, mining as well as a textile industry working for the War Office, many of the available workers would have been in badged occupations. Again, after making a crude calculation that one-in-five male workers would have been protected from conscription, we are left with a final total of approximately 40,000 men not in uniform. According to Owen Balmforth (see p.240) the Huddersfield Tribunal alone heard 30,000 cases during the war. Even if we make the reasonable assumption that at least some of those appeals were second or subsequent appeals, it is clear that the *majority* of men in the area of the two valleys made an appeal for exemption upon receipt of their call-up papers. Appealing against conscription in the West Riding, therefore, was accepted by all as a common response to the process of compulsion. This attitude was not confined to Yorkshire. Ivor Slocombe estimates that approximately 29% of the pre-war population of military age men in Wiltshire made an appeal to their local Tribunal. The same was true of many other areas:

[...] quite clear that a perfectly normal response to conscription was not passive acceptance but an appeal.<sup>563</sup>

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<sup>562</sup> This is a very conservative number. In 1920, the people of Holmfirth planned a celebratory meal for those local men who had served in the armed forces during the war. A list of names and addresses was drawn up numbering 1,745 men, 11.63% of the *whole* population of the period. List in the possession of this writer.

<sup>563</sup> Adrian Gregory, *The Last Great War*, p.102.

Table 1 looks at the numbers of men making appeals in each of the nine Tribunals in this study. The figures are expressed as a percentage of the estimated totals of the employed male workforce in each town and we can see that there is quite a wide discrepancy between Holmfirth and New Mill and the others. Possible reasons might be that Holmfirth was thought to be 'lenient' in awarding exemptions and might therefore attract more than its fair share of appellants. New Mill,

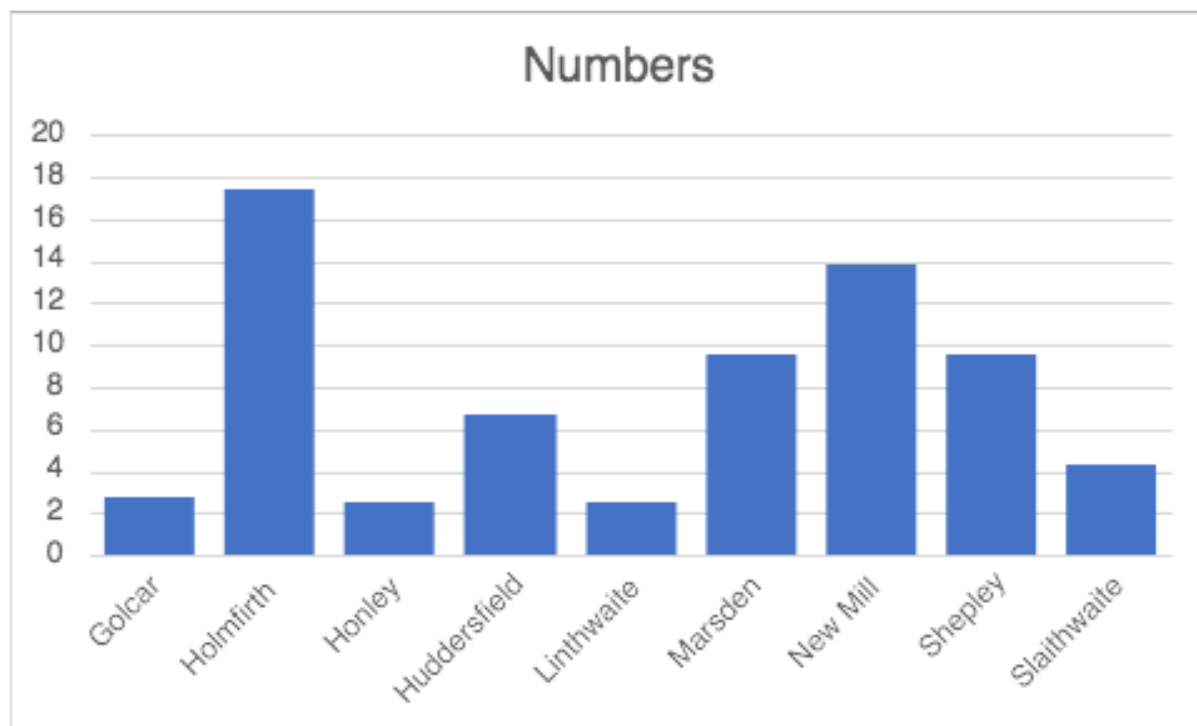


Table 1 – Numbers (expressed as a percentage of the male working population of each of the towns) of men of the district making appeals

on the other hand, was recognised as a base for anti-war, anti-conscription meetings and had a member of the Independent Labour Party on the Tribunal panel. Accordingly, it may well have attracted appellants whose beliefs lay in those areas and who could have expected a more sympathetic hearing.

The numbers who appeared before a Tribunal were limited by the time available. As previously mentioned, when Geddes was appointed to reform Tribunals one of his first acts was to compel

them to hear appeals *en bloc* in order to speed up the whole process. Panels would have received prior notice of each appellant along with full details prepared by the Military Representative. Cases were usually dealt with in a matter of minutes. The Minutes of the Birstall Tribunal below shows a typical meeting lasting two and a half hours and dealing with twenty-six cases. The timings would have been arranged by the Secretary to the Tribunal based on his experience of how long each case might take. Some appellants were given ten minutes, some five and some were dealt with *en bloc*. The original page (see below) contains scribbled notes on the decisions reached for each man – Lister, Conditional Exemption; Spink, Temporary Exemption to July; Isles, Disallowed; Hirst, Conditional Exemption; Nelmes, Disallowed; Overend, Disallowed; Gray, Adjourned; Morton, Conditional Exemption; Wilson was a Conscientious Objector and received a Conditional Exemption either to join the Non-Combatant Corps or to obtain work of benefit to the nation; Teale was Disallowed; Firth, Conditional Exemption; Clarke, Dismissed; Wood was another man applying for exemption on the grounds of conscience, he was granted Conditional Exemption; Spicer, Adjourned; Pollard, Conditional Exemption; Mann, Conditional Exemption; Charlesworth, Conditional Exemption; Thornton, Conditional Exemption; Casey, Conditional Exemption; Fox, Adjourned; Jarman, Dismissed; Thurman, Conditional Exemption; Kaye, Dismissed; Ramsden, Conditional Exemption; Roberts, Dismissed; Auty, Dismissed. Apart from the two claims based on grounds of conscience, we have no way of knowing what reasons these men gave for their appeals. We can surmise that John Casey, the Labourer, would have appealed on health or personal grounds as an appeal on occupational grounds that his job was essential to the war effort, would have been unlikely to succeed.

The range of occupations was wide-ranging, from Secretary of a company to Schoolmaster to Labourer. By this stage of the war most eligible textile workers had already been conscripted; of

## Birstall Local Tribunal, 30 April 1917

## BIRSTALL LOCAL TRIBUNAL.

LIST, AND TIME TABLE, OF CASES DOWN FOR HEARING, AT MEETING  
TO BE HELD ON MONDAY THE 30th APRIL, 1917, AT 2 P.M.

NO.	APPEAL MADE BY.	IN RESPECT OF.	OCCUPATION.	AGE.	TIME OF HEARING.
<i>C. Co.</i> 429.	Priggs Sons & Co.	Lister. J. W. <input checked="" type="checkbox"/>	Blacksmith.	37.	2
<i>38 July</i> 407.	do.	Spink. Jas. A. <input checked="" type="checkbox"/>	Turner.	28.	"
<i>Disallowed</i> 409.	do.	Iles. Walter. <input checked="" type="checkbox"/>	do.	23.	"
<i>ES.</i> 458.	do.	Hirst. Wm. S. <input checked="" type="checkbox"/>	Joiner.	40.	"
<i>do Aug 15</i> 456.	Rhodes. W. & J.	Helmes. Clifford. <input checked="" type="checkbox"/>	Piecener.	18.	2.10
<i>do do</i> 457.	do.	Overend. Joseph. <input checked="" type="checkbox"/>	do.	18.	"
<i>and S.D.</i> 369.	Crown Gray & Brown.	Gray. Herbert. <input checked="" type="checkbox"/>	Secretary.	33.	2.20
<i>ES.</i> 461.	Holton & Sons.	Morton. Willie. <input checked="" type="checkbox"/>	Spinner.	18.	2.30
<i>ES. CO</i> 416M.	do.	Wilson. Geo. Wm. <input checked="" type="checkbox"/>	Carder.	29.	"
<i>Disall.</i> 428.	White Lea Colliery.	Teale. Wm. <input checked="" type="checkbox"/>	Mechanic.	41.	2.40
<i>ES.</i> 391.	Birstall Co-op.	Firth. Herbert. <input checked="" type="checkbox"/>	Butcher.	18.	2.45
<i>ES. CO</i> 34M.	do.	Clarke. W. <input checked="" type="checkbox"/>	Greengrocer.	18.	"
<i>ES. CO</i> 460.	Akeroyd & Son.	Wood. Clarence. <input checked="" type="checkbox"/>	Blacksmith.	37.	2.50
<i>adly M.E.</i> 171M.	Etherington & Son.	Spicer. George. <input checked="" type="checkbox"/>	Baker etc.	41.	3
<i>ES.</i> 38M.	Goodman. Chas.	Pollard. Geo. I. <input checked="" type="checkbox"/>	Rag worker.	39.	3.10
<i>ES.</i> 59M.	Mann. Arthur.	Self. <input checked="" type="checkbox"/>	Printer.	41.	3.15
<i>ES.</i> 97M.	Barraclough. J.	Charlesworth. S.C. <input checked="" type="checkbox"/>	Millwright.	19.	3.20
<i>ES.</i> 170M.	Thornton. R.	Thornton. J. E. <input checked="" type="checkbox"/>	Teamer, etc.	40.	3.25
<i>ES. M. Co.</i> 459.	Casey. John.	Self. <input checked="" type="checkbox"/>	Labourer.	40.	3.30
<i>adly</i> 463.	Fox. Thos. A.	do. <input checked="" type="checkbox"/>	Manager.	33.	3.40
<i>adly M.R.</i> 435.	West Ridge Ed. Comm.	Jarman. H. E. <input checked="" type="checkbox"/>	Schoolmaster.	35.	3.50
<i>ES. M. Co.</i> 462.	Thurman. Alfred.	Self. <input checked="" type="checkbox"/>	Colour mixer.	36.	4
<i>ES. M. Co.</i> 464.	Kaye. Charles.	do. <input checked="" type="checkbox"/>	Willeyer.	39.	4.5
<i>ES. M. Co.</i> 466.	Ramsden. A.	do. <input checked="" type="checkbox"/>	Warehouseman.	36.	4.10
<i>ES. M. Co.</i> 406.	Roberts. E. H.	do. <input checked="" type="checkbox"/>	Fish frier.	26.	4.15
<i>ES. M. Co.</i> 373.	Auty. Herbert.	do. <input checked="" type="checkbox"/>	Warper, etc.	36.	4.20

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the twenty-six men on this one page only seven are connected to the woollen or worsted trade; three are managerial; eight others are skilled men – blacksmiths, turners, mechanic, joiner; the rest are tradesmen – butcher, greengrocer, fish fryer, baker etc. Twenty-three of the twenty-six were of the same trade, business and class as the men forming the panel. Of the twenty-six, three had their cases adjourned (11%), one received a three-month Temporary Exemption (4%), thirteen were granted Conditional Exemption (50%) and nine cases (35%) were Disallowed or Dismissed. Five out of eight skilled men gained Conditional Exemption on condition that they remained in their jobs, while one was granted Temporary Exemption for the usual three months. Eighteen of the cases were represented by their employers (the Birstall Co-operative Society in the cases of Firth and Clark), and eight represented themselves. There was no appreciable difference in the decisions reached between the two groups. Of those speaking for themselves, one case was adjourned (no reason given), four received Conditional Exemption and three were Disallowed.

### 4.3 Tribunalists

Assumptions have been made concerning the composition of Tribunals. Historians have assumed that Long's call for them to be made up of local prominent citizens was indeed carried out on a national basis. While this may have been true of many, if not most, Tribunal panels, it was not the case in this part of the West Riding.

Cartmell explains how they saw their principal role:

We were appointed to give effect to a pledge that the circumstances of men should be fully and carefully considered before they were called up to the Army.<sup>564</sup>

Gregory calculates the number of men and women who served on Tribunals to be a minimum of 20,000 and, allowing for turnover, a maximum of 40,000.<sup>565</sup> Many Tribunals sat two times a week. Rae points out the compositional differences of various Tribunals depending on their location. Understandably, he argues, rural areas tended to have more farmers and landowners than city Tribunals who would more likely be composed of professional and businessmen.<sup>566</sup> Tradesmen, says Rae, predominated. Even so, panelists were 'civilian, middle-class, and public-minded'.<sup>567</sup> JPs, he claims, 'were as numerous as Long could have wished, and sometimes constituted half the membership'. McDermott points out that in Northamptonshire most of the smaller rural Tribunals were composed largely of Justices of the Peace.<sup>568</sup> In Hyde, the panel consisted of the local Mayor, a JP, one councillor, a solicitor,

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<sup>564</sup> Harry Cartmell, *For Remembrance: An Account of the Part Played by Preston in the War* (Preston: George Toulmin and Sons, 1919). Mr. Cartmell served on the Preston LMST.

<sup>565</sup> Again, this is untrue for the Holme and Colne Valleys where Tribunalists, once appointed, tended to remain in their posts for the duration of the war.

<sup>566</sup> Rae, *Conscience and Politics*, p.53 (see also Appendix A).

<sup>567</sup> *Ibid*, p.57.

<sup>568</sup> McDermott, *British Military Service Tribunals*, p.1.

the chairman of the board of a local mill and a prominent businessman. In Wiltshire most members of the Tribunals were local councillors, justices of the peace or other local dignitaries.<sup>569</sup> Few received praise or recognition for their efforts and sacrifices. Pearce reflects the general judgement of history on Tribunals as ‘muddled, inconsistent, prejudiced and unjust’, a view based on the treatment of conscientious objectors.<sup>570</sup> He quotes Moorhead - Tribunals were likely to be made up of:

[...] elderly local business men, former civil servants and policemen, clergymen and the owners of large shops, all members of the middle classes.<sup>571</sup>

The situation in the Holme and Colne Valleys was very different. Of the seventy-nine named Tribunalists serving on the nine Tribunals (seventy are fully identified, nine are partially identified) only four were Justices of the Peace and three were solicitors. This was a community that shared a political and a religious base; one where members of the community expected, and were expected, to contribute to the public good by participating in one or more of the plethora of self-help organisations, charities or social groupings. It was a community based on local government with a tradition of Friendly Societies and self-improvement Mechanics Institutes. Combined together, these various strands and experiences produced working-class men and women who took an active part in the political and social life of the community. This involvement was furthered by the changes to the local franchise laws in 1894 which enabled workers to vote and to stand for local elections. These opportunities were embraced by working men who were already conversant with and involved in organised

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<sup>569</sup> Slocombe, p.107.

<sup>570</sup> Pearce, *Comrades in Conscience*.

<sup>571</sup> Caroline Moorehead, *Troublesome People: Enemies of War, 1916-198* (London: Hamish Hamilton, 1987).

local associations – friendly societies, trade unions, co-operative societies, political groupings, all of which had a considerable presence and wielded substantial influence in the community.<sup>572</sup> Moreover, the 1890s and onwards was a time of national debate on social reform. Outside of Westminster, the debate was led largely by trade unions, friendly societies and, in particular, Trades Councils made up of working men. Up to the early 1900s Trades Councils spent much of their time and effort on organised agitation for better housing for the working classes, health care, pensions, school meals, poor law reform, even pleading the case for better provision in the law for ‘unmarried wives’.<sup>573</sup> In the early 1900s they encouraged their members to seek election to local councils, poor law guardians, and education boards. For many Trades Council members, it was important to increase working class participation in local politics in order to have working men in a position to influence the decision-making process. This movement was particularly strong in the industrial heartlands of the Ridings of Yorkshire, West and South, and Lancashire.

The dominant issue of the debate on social reform was whether local authorities or central government should control provision of a proposed benefit scheme. Should social reform be initiated and controlled at local level or should a national system be imposed and administered by the state? Joseph Chamberlain was instrumental in the debate. He argued for improved working-class housing, state pensions, a minimum wage and a shorter working day not necessarily because these things were right in themselves but because they reduced the influence of Labour and socialism on workers. They would also aid social and political stability and protect the rich against the anger of disaffected workers:

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<sup>572</sup> Thane, *The Working Class and State 'Welfare' In Britain, 1880-1914*, pp.877-900.

<sup>573</sup> *Ibid*, p.886.

The foundations of property are made more secure when no real grievance is felt by the poor against the rich.<sup>574</sup>

In the West Riding it was still accepted that self-help was both morally and socially preferable to any provision provided and implemented by an increasingly intrusive central government. Supported by their Trades Councils, working-class men were elected to local councils throughout the region in order to further a local approach to the implementation of social reform. These were the same men who went on to comprise the panels of Tribunals in 1916.

The nominations for the Holmfirth District Council in March 1914 comprised a commercial traveller, a designer, a locksmith, a carter, a household painter and a dyer's labourer. There was also a store manager and two gentlemen.<sup>575</sup> In 1915, as part of the wider Urban District elections, the nominated men for Holmfirth and New Mill councils comprised a Teamer, a Printer, two Farmers, two Masons, one Coal Agent, a Scourer, a Contractor, two Gardeners, one Schoolmaster, a shopkeeper and a Gentleman.<sup>576</sup>

This concentration of skilled working men seeking local government office reflects their status within the community.<sup>577</sup> There was no real financial incentive for public office. In fact, given the amount of time councillors spent on carrying out their duties – and this applied particularly to those who served on LMSTs – income from their own trade or business was likely to be reduced.

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<sup>574</sup> *Report of the royal commission on the aged poor*, C. 7684 (1895). Minutes of evidence, Q 12,342. Joseph Chamberlain, 'Old age pensions', *National Review*, Feb. 1892.

<sup>575</sup> *Huddersfield Daily Examiner*, 12 March 1914.

<sup>576</sup> *Huddersfield Daily Examiner*, Thursday 11 March 1915.

<sup>577</sup> In the context of this study the term 'skilled' is defined as those manual occupations where some considerable degree of training or instruction or apprenticeship or responsibility is required and where wages would be higher than an unskilled labourer. Examples would include: motorman, edge tool maker, clothier, firedrawer, bricklayer, power-loom weaver, colliery deputy, motor driver, joiner, blacksmith, postman.

Evidence of working-class involvement in local politics is demonstrated in the following tables. Local newspapers printed the occupations of all men nominated for election to council offices and we can see clearly that in the four elections to Huddersfield Council between 1902 and 1915 the majority of nominations came from the skilled working class. The occupations shown in the following tables cover the full range of occupations listed in the 1907 elections.

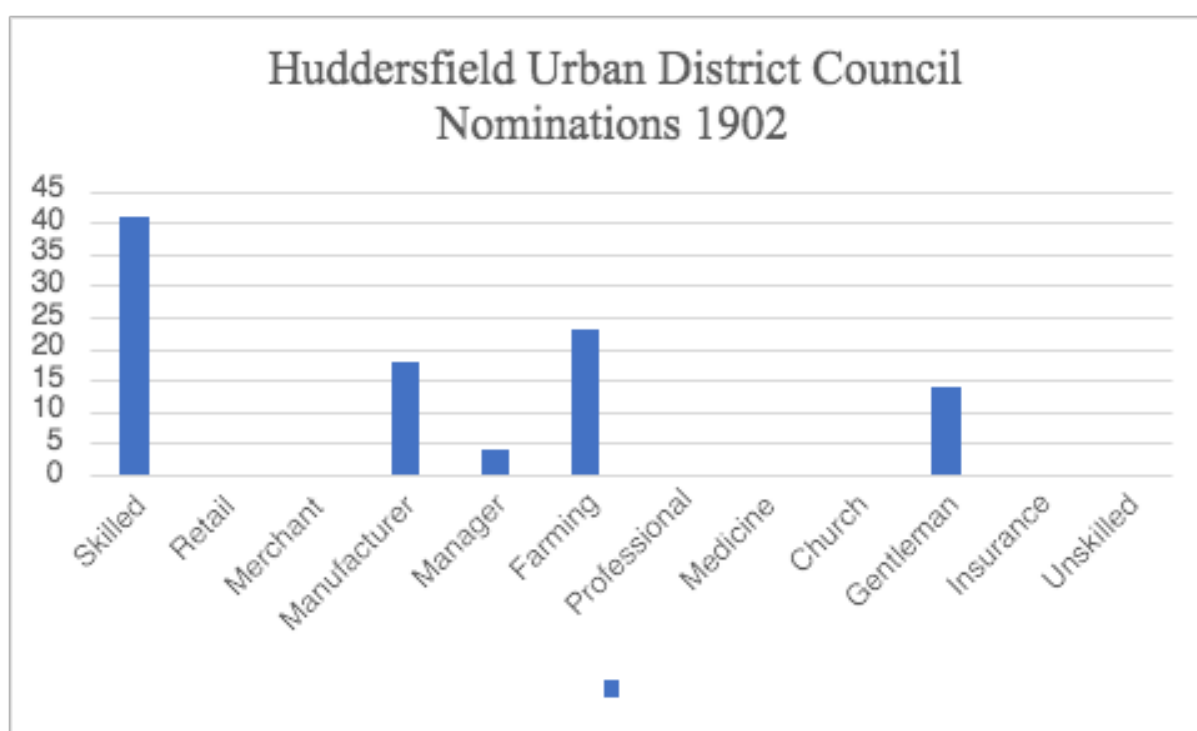


Table 2. Nominations for the 1902 Huddersfield UDC by occupation.

The nominations for the Huddersfield Urban District Council Elections in 1902 (Table 2) featured nine members of the skilled working class out of a total of twenty-two proposed names – 41 percent of the total.

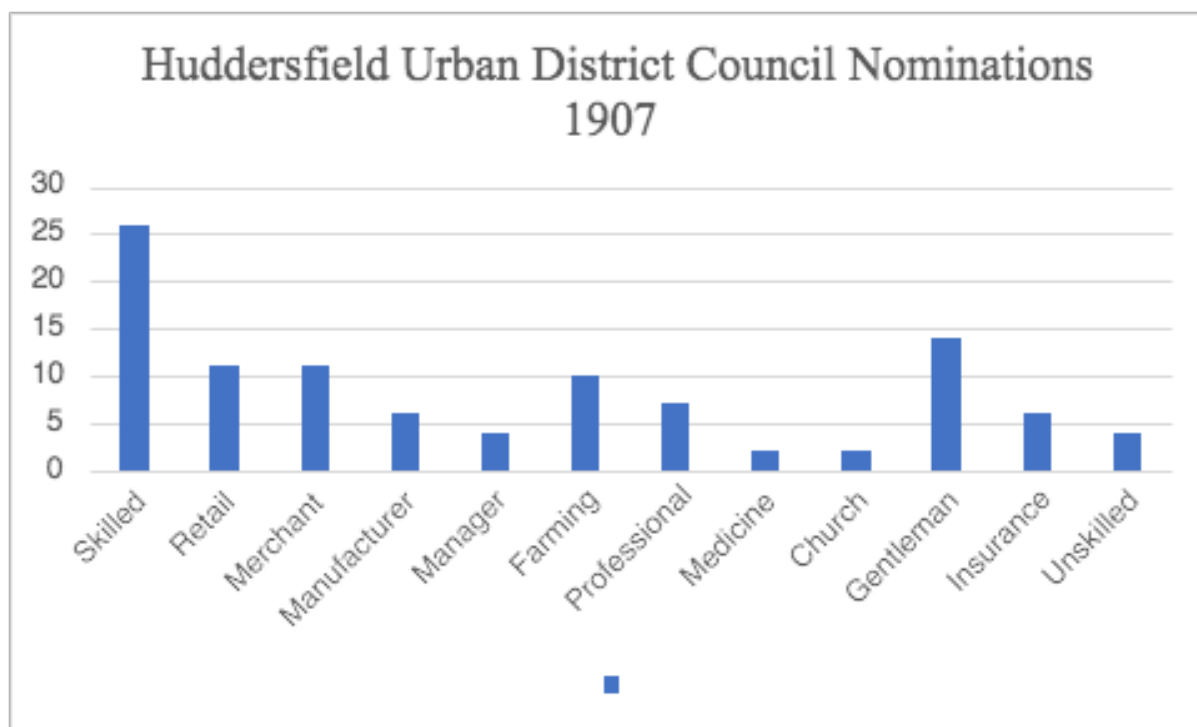


Table 3. Nominations for the 1907 Huddersfield UDC by occupation.

The 1907 elections (Table 3) covered Huddersfield and District, taking in the neighbouring towns of Holmfirth, Meltham, Slaithwaite, Kirkheaton, New Mill. Elland, Mirfield, Stainland, Thurlstone and Penistone. There were eighty-one nominations. Twenty-six percent were skilled working men – mechanics, ironmoulders, weavers, loom tuners and others. Eleven percent were either merchants or small shopkeepers; ten percent were farmers; twelve percent were professional men from the fields of education, medicine and the church and five percent came from the unskilled working class.

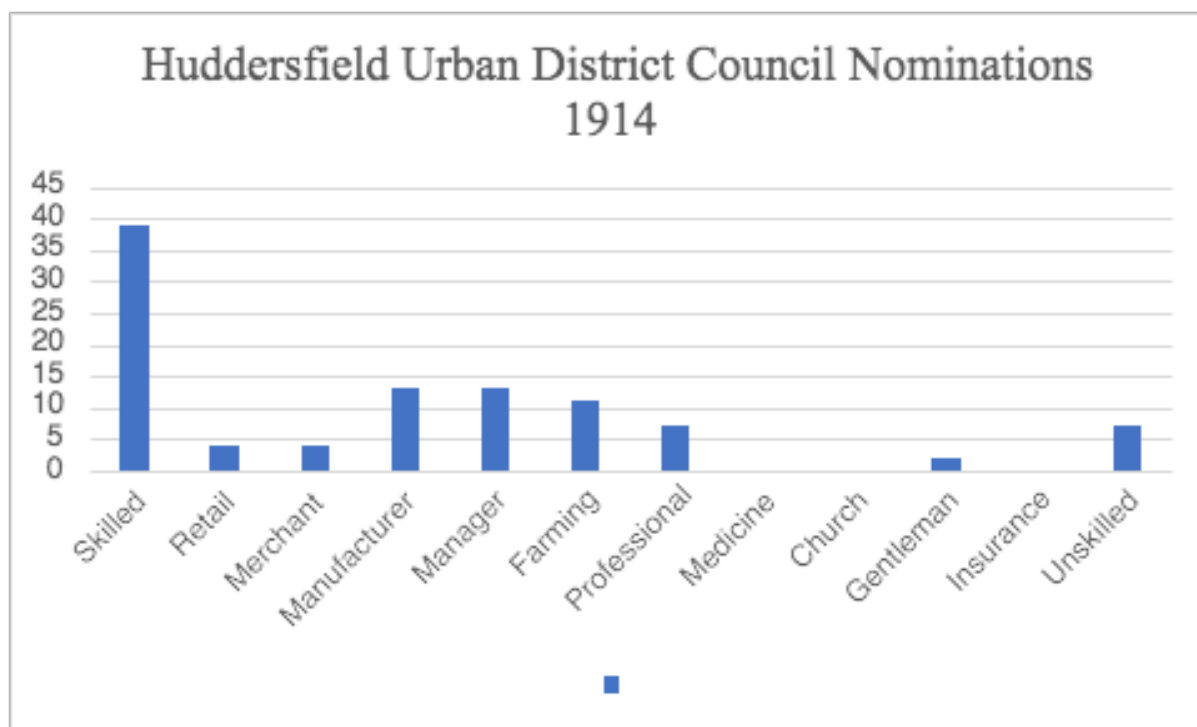


Table 4. Nominations for the 1914 Huddersfield UDC by occupation.

The pattern was repeated in the 1914 Urban District Council elections (Table 4) when there were forty-six nominations. The situation remained the same even in the 1915 wartime elections (see Table 5).

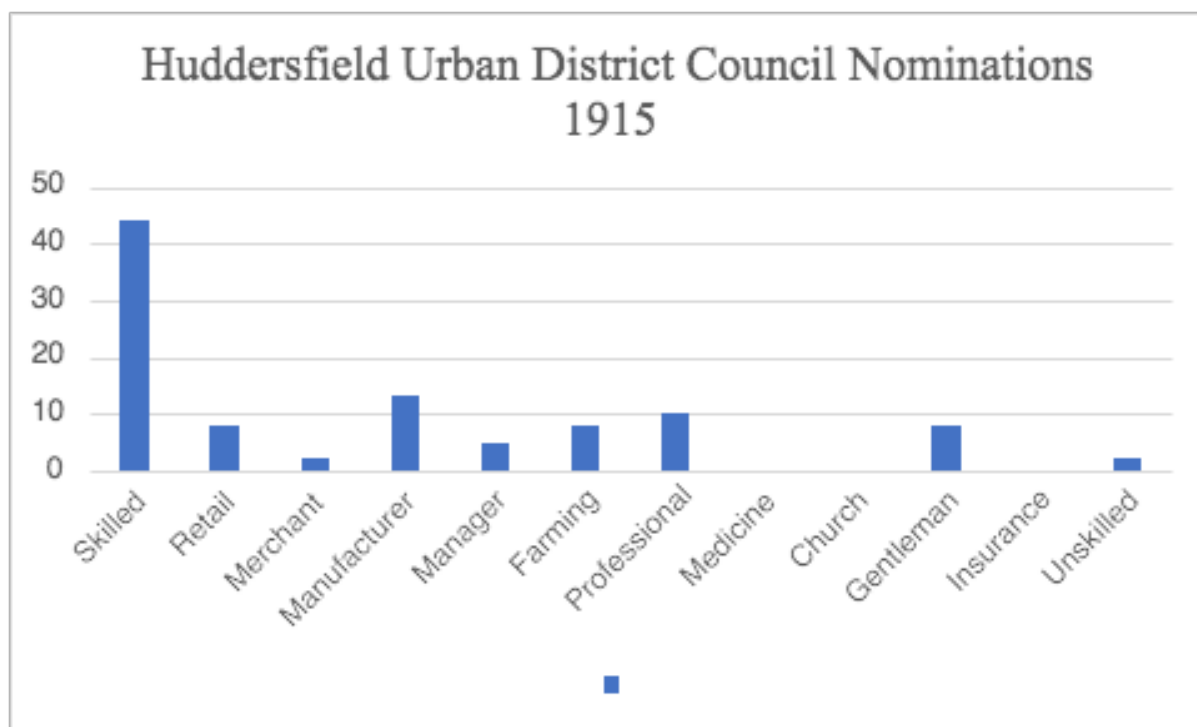


Table 5. Nominations for the 1915 Huddersfield UDC by occupation.



There was a similar picture for all the smaller centres around Huddersfield. Holmfirth was typical (see Table 6).

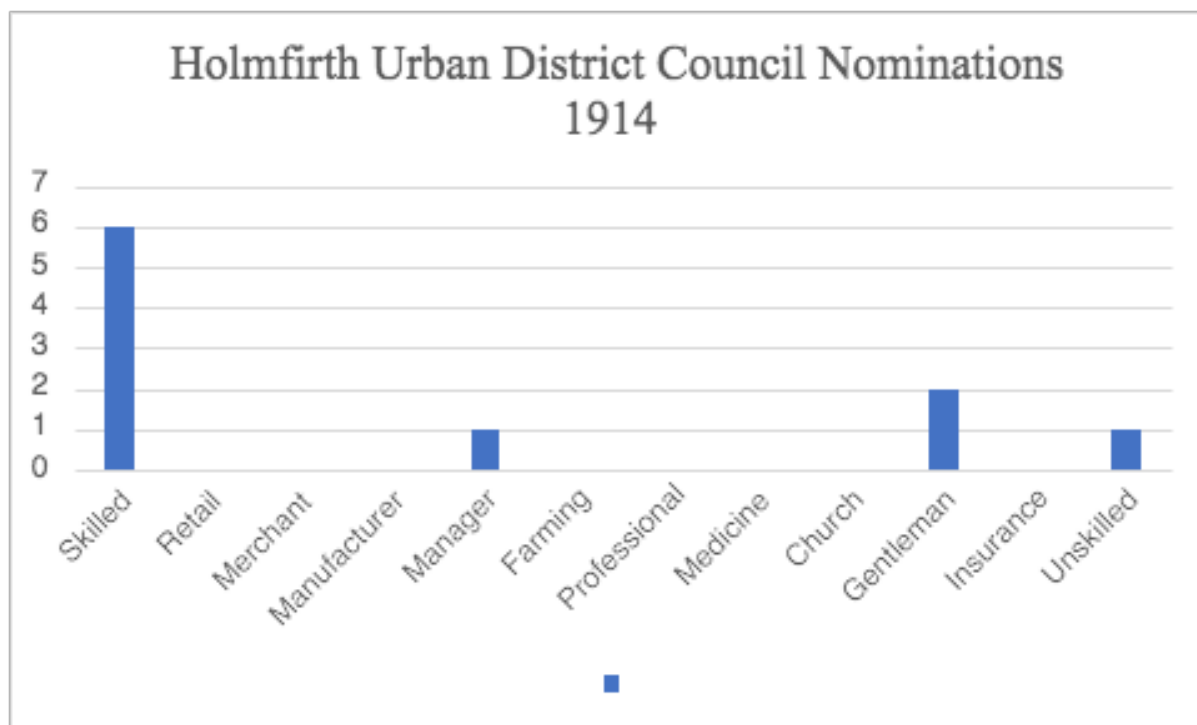


Table 6. Nominations for the 1914 Holmfirth UDC by occupation.

If we then turn to the occupations of serving councillors during this period, the relative weighting of skilled workers to managers, manufacturers or professional men remains roughly the same. The Huddersfield Year Book for 1915 (Table 7) gives the details of sixty-three Councillors and Aldermen. Nearly half of them, 49%, come from the skilled working class or are small shopkeepers. Four of these councillors served as members of the Huddersfield Military Tribunal – George Thompson, a worsted manufacturer; Law Taylor, a postman; William Henry Jessop, builder; and William Blamires, woollen manufacturer.

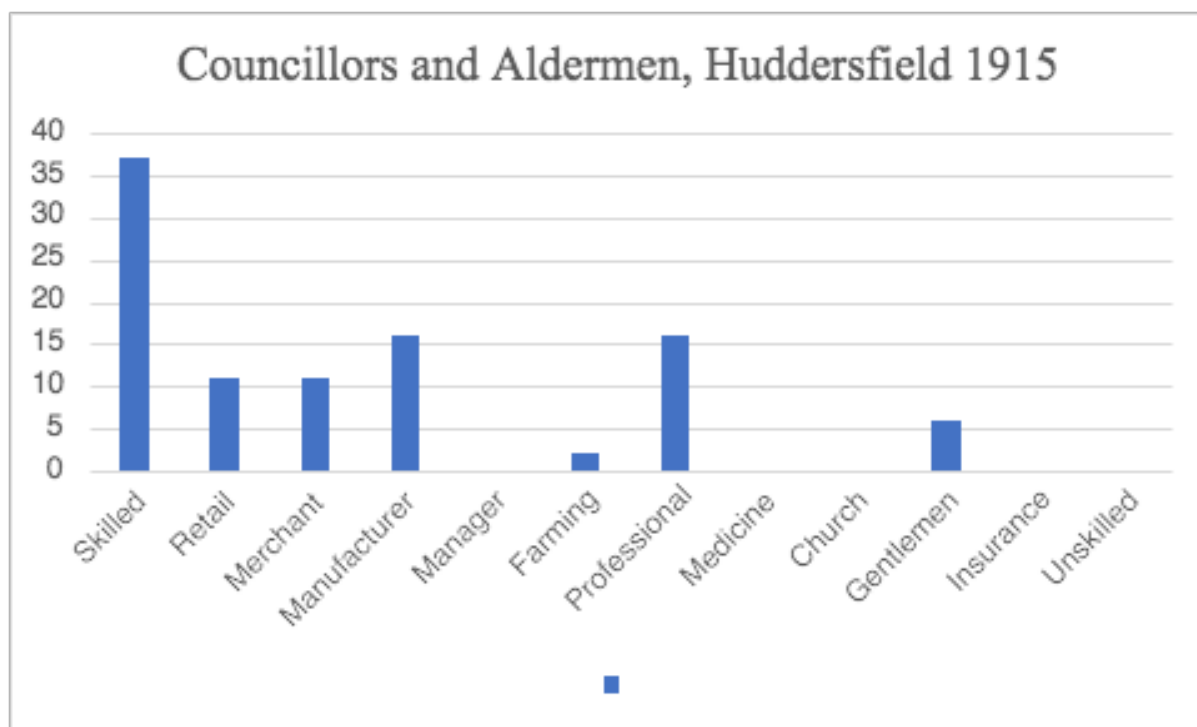


Table 7. Councillors and Aldermen of Huddersfield in 1915 by occupation.

Figures from the Honley Council Year Book of 1917 – 1918 show a total of fifteen councillors serving three wards (see Table 8). Again, the majority of them are either skilled working men – blacksmith, joiner, wool dyer, silk dyer etc – or are from the commercial sector. Six councillors formed the Honley LMST - a blacksmith, a silk dyer, a solicitor, a merchant, a weaver and a manufacturer.

LMSTs, in all the nine Tribunals of the Holme and Colne Valleys, were composed largely of local councillors.<sup>578</sup> Unusually, but probably symptomatic of heavily industrialised areas with a robust, organised working-class steeped in localism, most councillors and tribunalists came from the same skilled artisan background or owned or managed small businesses – butchers, bakers, grocers. The same class, trade or business as the majority of men appealing against their conscription.

<sup>578</sup> Five out of seven in Holmfirth.

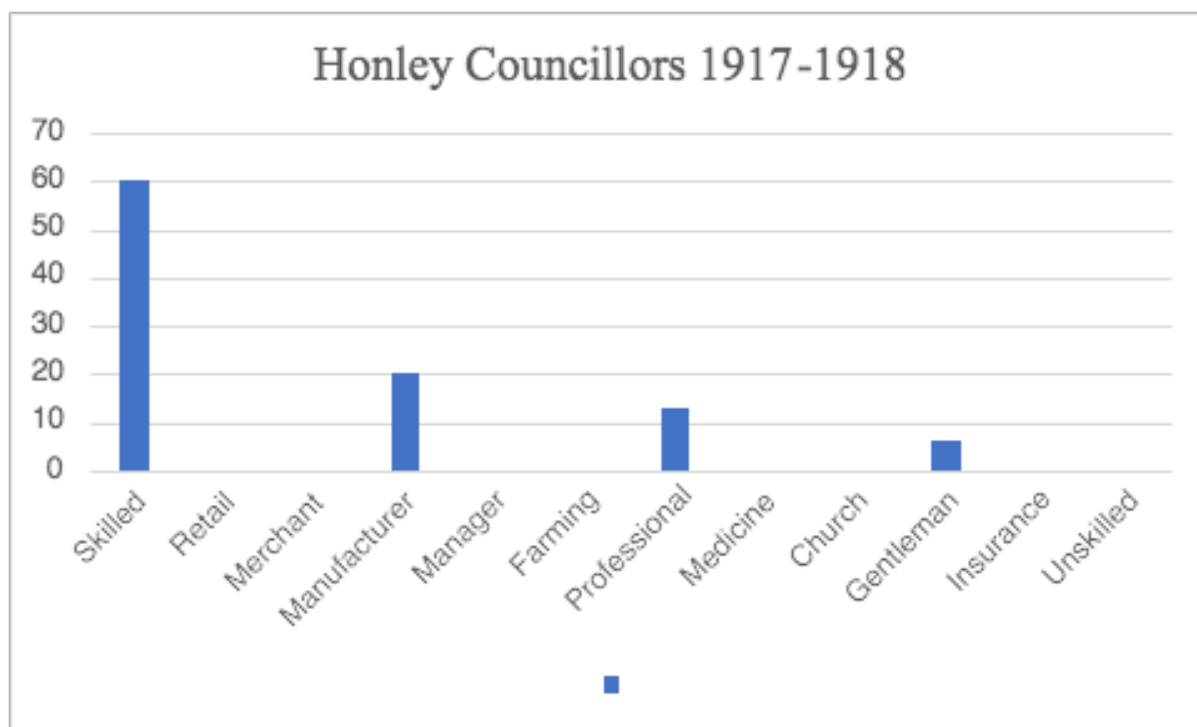


Table 8. Honley councillors in 1917-1918 by occupation.

Councillors enjoyed considerable social esteem and were held in high regard in the local community.<sup>579</sup> That high regard and sense of trust was transferred to Tribunals. On occasions Tribunals, who were charged with putting men in uniform whilst having regard to local circumstances, found themselves exercising a third responsibility – that of protecting men from the might of the military. The Marsden Tribunal complained vociferously to the LGB that locally exempted men had been threatened by recruitment officers:

The Chairman said that men in that district resented the threats that they would be fetched. He objected to the men being talked to in the way they had been, the language was foul, and it was not right, they were not dealing with a lot of pigs.<sup>580</sup>

<sup>579</sup> J.A. Chandler, *Explaining Local Government*.

<sup>580</sup> *Huddersfield Daily Examiner*, 26 July 1916.

The men and women who served on the Holme and Colne Valley Tribunals were mostly middle-aged and from the skilled working class. Other members of the various panels represented the wholesale and retail trade, public administration, commerce, farming and business. Some had modest independent means. In 1916, the Holmfirth LMST consisted of seven members, five of whom served on the local council and had originally been appointed as a committee under the Derby Scheme. The Chairman was Thomas Brook, a gardener; Mr. Simmonds, a commercial traveller; Eli Erley Quarmbly, household painter; William Hinchliffe, farmer and Mr. Pickles, a trade-union labour representative. Mrs. Walker was head of the local Nursing Association.<sup>581</sup> None were gentlemen, none were employers, none were mill-owners or people with wealth. In this respect, they were part of the same community as the people appearing before them.

The 1911 Census asked participants to identify themselves as either ‘workers’, ‘employers’ or ‘own account’ (i.e. working for oneself, neither employer nor employee) and these classifications are used below in Tables 9, 10 and 11. Ages given in the 1911 Census have been adjusted to show members’ true ages in 1916. What is surprising is how young the majority of panelists were given the responsibility of the role and the demands on their time. The other factor to consider is that in 1918 and the raising of military age, many of those panelists in their forties would have been eligible to be called-up themselves for military service. The figures given below are a total of all nine LMSTs in the Holme and Colne Valleys.

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<sup>581</sup> In other parts of the country the industrial-commercial sector was pre-eminent in the local administration and the local political system. In the small Derbyshire town of Glossop:

‘The real rulers of the town were the industrialists, who dominated its political and social organisations. They led the political parties, controlled the Borough Council, took turns to be mayor’. A.H. Birch, *Small Town Politics* (Oxford: Oxford University Press, 1959) p.34.

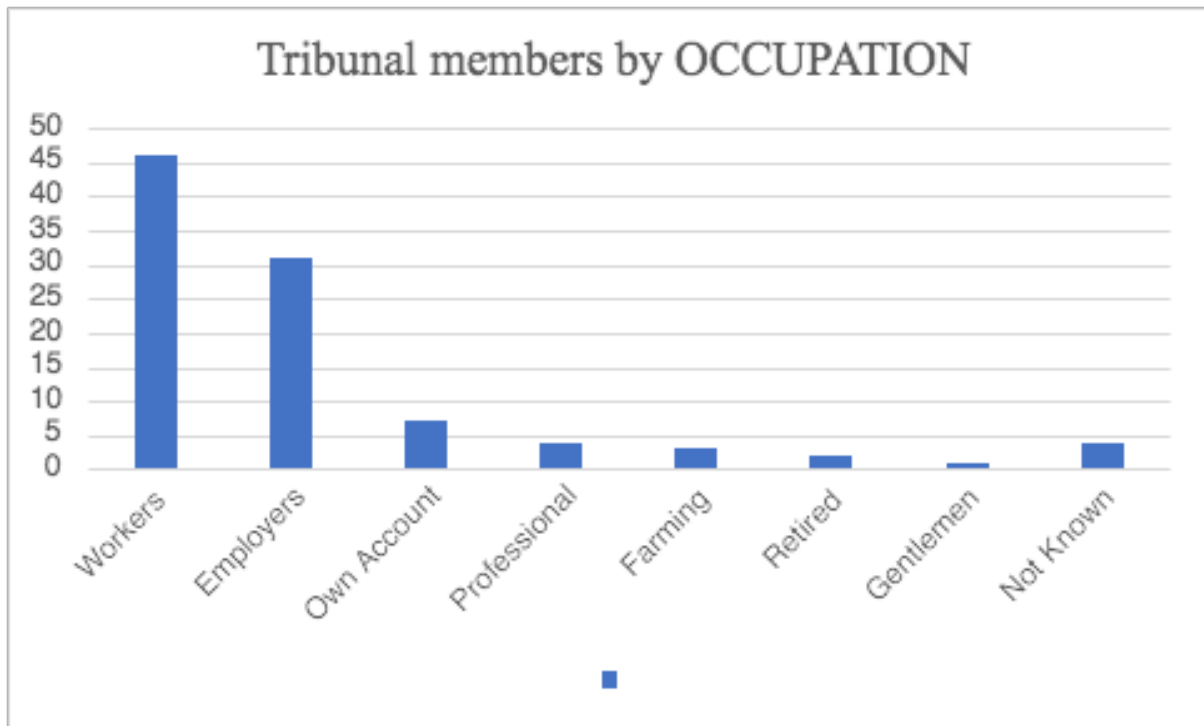


Table 9. Tribunal members by OCCUPATION

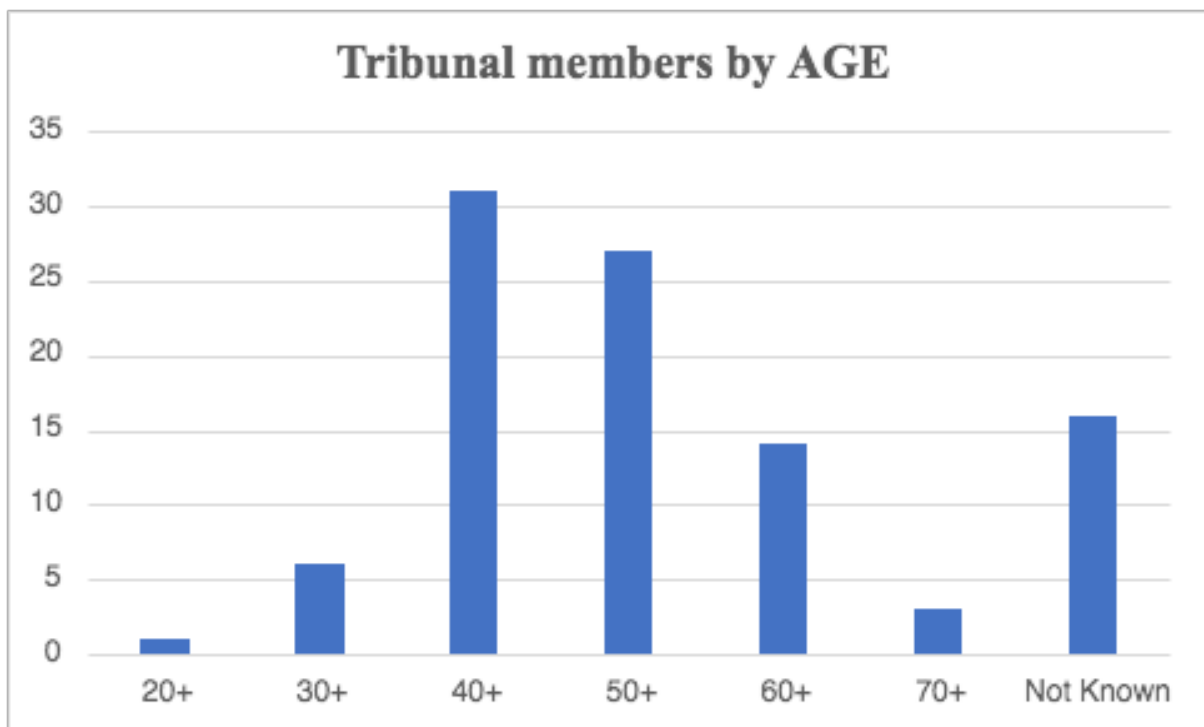


Table 10. Tribunal members by AGE

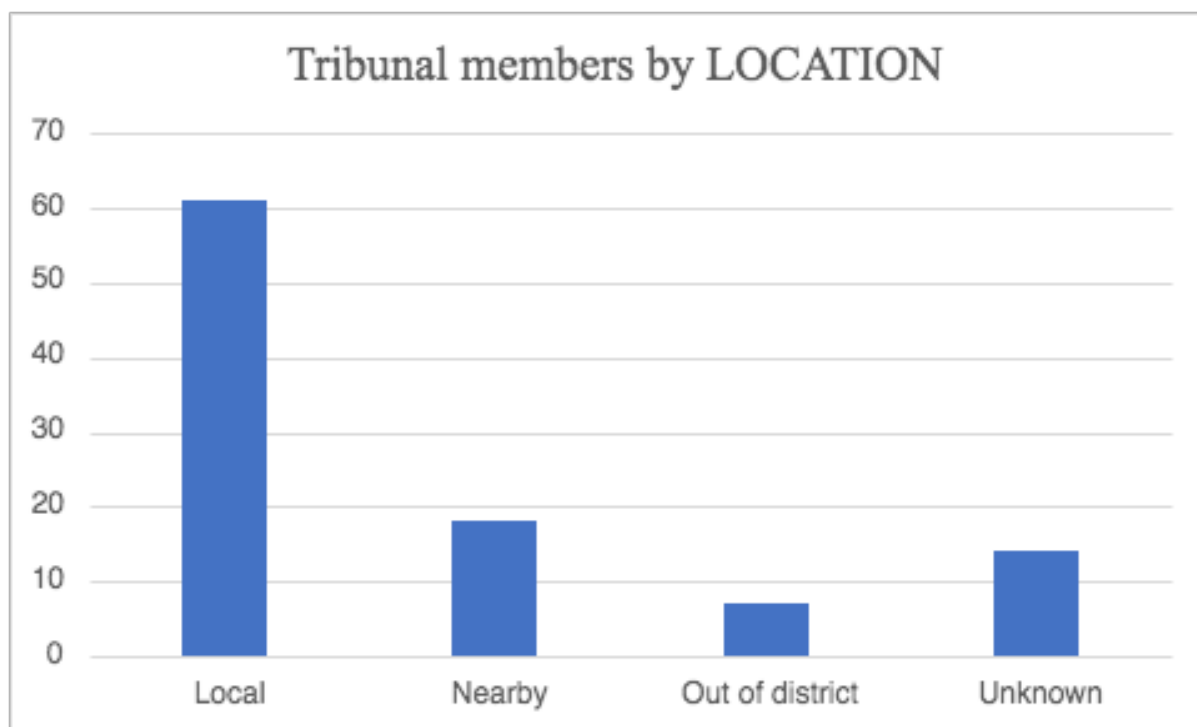


Table 11. Tribunal members by LOCATION

Unsurprisingly, most Tribunal members lived in the locality of the Tribunal itself. Eight out of ten panellists lived within walking distance of the Tribunal locations while some of those that lived out of the district were Military Representatives who often served more than one Tribunal. Given that most Tribunal members lived in the community they served, worked in local mills, attended local churches, were members of local clubs, watched local football teams, it is likely that they would have known personally, or at least by sight, many of the men who appeared before them. They might also have known the families and been aware of the man's circumstances. Was this a factor in their decision-making?

The LGB had foreseen that there might be at times a conflict of interest for some panel members:

Questions before the Local Tribunal shall be decided by a majority of the members of the Tribunal present and voting, but a member shall not take

part in the consideration of, or vote upon, any question relating to, an application in the decision of which he is personally interested;<sup>582</sup>

For ‘personally interested’ we can read ‘economically interested’. There were other dilemmas. Those Tribunals that followed the advice of the LGB and attempted to include a representative of labour on the panel were faced with a question of favouritism. Most labour representatives came from a Trade Union background yet the bulk of the work force in the West Riding were textile workers and unlikely to be a member of a trade union.<sup>583</sup> Nationally, only a fifth of workers were members of a trade union in 1910, even in such major industries as iron and steel, engineering and shipbuilding. In 1914 three quarters of the working population were non-unionised.<sup>584</sup> In West Yorkshire, non-unionised men would make up the largest number of those making an appeal. In the early days of Tribunals there was a fear that labour representatives on the panel would favour their own members against men who had refused to join a union.<sup>585</sup> But these situations were much more nuanced and complicated than that. The assumption has been that Tribunal hearings were an exercise in members of one class determining the fate of those of an inferior class (see Rae, McDermott and Pearce above) This study has demonstrated that in the Holme and Colne valleys at least, that was not the case. Patrick Joyce in his work on the definitions of class introduces the concept of ‘populism’ to describe relationships in the working classes.<sup>586</sup> He defines ‘class’ as denoting an economic, socially exclusive and potentially conflicting issue, whereas populism is concerned with social justice and reconciliation with an emphasis on social

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<sup>582</sup> LGB Circular R86, Section II – Procedure.

<sup>583</sup> 11,184 men out of a total male, working population of 35,662 in Huddersfield in 1911 were employed in the textile trade. Cyril Pearce, *Comrades in Conscience*, Table 2, p. 264.

<sup>584</sup> Ed. John Benson, *The Working Class in England 1875-1914* (London: Routledge 2016).

<sup>585</sup> Despite the national increase in Trade Union membership (4.1 million in 1914 to 8.3 million in 1920) most workers in the textile trade remained outside of a union.

<sup>586</sup> Patrick Joyce, *Visions of the People: Industrial England and the question of class 1848-1914*. (Cambridge: Cambridge University Press, 1991).

concord and human fellowship. A central tenet was co-operation amongst fellow workers and help and aid for those in need. Populism was practised by the artisan class, the tradesman, the skilled workman - the men who made up the panels of Tribunals. Certainly by 1914 the working classes were more class conscious reflected in the fact that there was a socialist thread running through many newspapers aimed directly at the working man and woman.<sup>587</sup> That thread had its origins in the traditional non-conformist localism of the area. The motto remained: "In all things Essential, Unity: In things Doubtful, Liberty: In all things, Charity".<sup>588</sup>

Other problematic issues for both sides of the conscription issue – civilian and military – lay in the rather ambiguous wording of some sections of the Military Service Act. Tribunals could simply refuse a man's appeal against military service, or they could grant some form of exemption. They could exempt a man *temporarily*, usually for a period of three months, enough time for a man to put his affairs in order and to make arrangements for loved ones:

Two months grace was allowed to a young man, single, aged 20, the main support of his mother. It was stated that his father and elder brother were both serving with the forces. His mother was an invalid and could not work, so that his sister, aged 16, had to stay at home, and the applicant was the only worker. There were two children at school.<sup>589</sup>

It was normal practice for men granted temporary exemption to apply again when this initial period of exemption had expired. Some men made multiple appeals. It was common for Tribunals to state to an appellant that this would be their last appeal.

They could grant *conditional* exemption – the man was excused service on the condition that

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<sup>587</sup> See *The Worker*, *The Factory Times*, *The Cotton Factory Times*.

<sup>588</sup> Banner of the *Cotton Factory Times*.

<sup>589</sup> *Huddersfield Daily Examiner*, 16 October 1916.



he remained in his particular employment, or that he took on extra employment deemed vital for the war effort or that he changed his employment altogether to one directly linked to the war effort:

The Tribunal decided that two of them, an electrician and a gear cutter, should remain in their present employments, and that the other two, a tramway conductor and a clerk in a shipping merchant's office, should engage in agricultural work.<sup>590</sup>

Or they could award *absolute exemption* – the appellant would no longer be considered for enlistment.

Neither were they above negotiating with men making an appeal:

Two single men who are partners in a building and contracting concern applied for exemption. One of the partners said he was willing to withdraw his application and go provided absolute exemption was given to the other partner.

To this course the Tribunal agreed.<sup>591</sup>

The military, represented on the Tribunals by the military representative, interpreted exemptions differently. If a man had obtained exemption on grounds of health he could, in time, recover; if his personal circumstances precluded him from service, those circumstances might change enough for him to be enlisted sometime in the future and the same was true of his terms of employment. The military therefore insisted on a regular review of appellants' reasons for exemption:

The military representative (Mr. F.W. Hirst) applied for the withdrawal of certificates of exemption granted to two brothers (who had been previously

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<sup>590</sup> *Huddersfield Daily Examiner*, 29 May 1916.

<sup>591</sup> *Holmfirth Express*, 15 July 1917.

granted absolute exemption). Both had been dismissed by their employer because, said Mr. Hirst, they had caused trouble and the substitution officer would have nothing to do with them.

Both certificates were withdrawn.<sup>592</sup>

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<sup>592</sup> *Huddersfield Daily Examiner*, 3 January 1917.

#### 4.4 Reasons and Decisions

Reasons for appealing against conscription might appear obvious – a desire not to leave home and hearth; not to wear uniform and be subject to military discipline; not to go to war and be put in harm's way; not to kill. But in fact, the reasons were more nuanced. There were certainly thousands of highly principled young men who appealed on grounds of either religious or political conscience. But there were also charlatans who pretended a conscientious objection, or faked symptoms of ill-health, or bought forged or ill-gotten certificates of exemption.<sup>593</sup> There were men who would accept service, but not *armed* service where they could be put into a position of causing hurt or harm to others. Some were men who would be happy to serve but genuinely believed they were too ill for army duties and who felt that they had been ignored or badly treated by military medical boards. Others were men who would have gone but for the fact that they feared for their family's welfare if they were absent. And men who, albeit reluctantly, accepted their duty to serve but needed some short space of time to sort out their affairs.

Not everyone appealed in good faith. Harry Cartmell comments on the number of sons claiming exemption on grounds of indispensability to the business because their fathers were aged fifty or over and incapable of work – ‘senile decay sets in at a very early age in Preston’.<sup>594</sup> He was equally surprised by the number of sons who could not be spared because the running of the business depended entirely on them, but, upon questioning, admitted they were paid a pittance. In Wiltshire there were numerous accusations concerning the sons of farmers. It became an acrimonious subject in the local press and eventually reached *The Times*:

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<sup>593</sup> In August 1918, Ida Lilian Carter pleaded guilty to issuing forged exemption certificates at the Stepney Tribunal. She had been asked by ‘many young men to get them forms to keep them out of the Army’. She was paid in money and sweets, the usual sum being 2s 6d. *Huddersfield Daily Examiner*, 19 August 1918.

<sup>594</sup> Harry Cartmell, *For Remembrance*.

From the neighbouring county of Wiltshire – many farmers have been allowed to retain an unfair proportion of their sons, and responsible men, even among the farming class, comment on the number of young farmers who apparently fail to take a serious view of the claims of the country.<sup>595</sup>

In Saltaire, just outside Bradford, Sir James Roberts appealed on behalf of his son who was managing director of his large Saltaire Mill. When the Tribunal rejected the son's claim for exemption Sir James threatened to close the mill, sack his 3,000 workers, and evict any of them that couldn't then pay the rent on their tied houses. His actions would have bankrupted the town. The panel – most of whom would have either been employed by the mill or dependent on it for their living - decided to deliberate further. After twenty minutes they returned and stated that their original decision held, and the son should report to his Army unit.<sup>596</sup> Some men went too far in their claims. Mr. Tiller of Holmfirth claimed exemption for his son. His son, he said, was irreplaceable and described him to the panel as:

An artist, ventriloquist, electrician, pianist, van builder, carver, cornet player, arranger, scene artist, music composer, worker and speaker, letterer, painter, carpenter, clog dancer, marionette, horseman, photographer, stage manager, business manager, etc.<sup>597</sup>

Some would change their appeal to suit the circumstances:

A teamer who applied for exemption was supported by his employer. He said he was the sole support of his widowed mother and partial support of his brother.

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<sup>595</sup> *The Times*, 12 June 1918

<sup>596</sup> *Huddersfield Daily Examiner*, 1 April 1916.

<sup>597</sup> *Holmfirth Express*, 1916.

Mr. A. P. Crossland (military representative): Are you a conscientious objector? – No.

You said you were when you came before the Advisory Committee.

Claimant: You refused it, so I gave that up.

The Mayor: He was seeking the easiest grounds to get out.

The application was refused.<sup>598</sup>

Despite the fact that Tribunals had no say in who appeared before them, many people wrote to suggest names of men that should be conscripted. Mr. F.W. Hirst, who was National Service Representative on the Huddersfield Tribunal, complained publicly about the excessive number of anonymous letters he had received regarding men who the writers thought should be in uniform:

he must therefore ask any person making complaints or wishing investigations to be made regarding any particular man to sign his or her name and address in strict confidence, otherwise their communications would, in future, be ignored.<sup>599</sup>

One woman wrote of her husband ‘I cannot understand him getting off every time... Come for him now, it will make a better man of him... he might be the missing link’.<sup>600</sup> Despite the fact that newspapers rarely printed the names of appellants, in small communities it was common knowledge who had appealed, and sometimes local gossip could influence the decisions made by Tribunals. Mrs. Peglar appealed to the Foxham Tribunal on behalf of her son Robert, aged 19, as essential to manage her farm of 240 acres. She had three other disabled workers – one had lost a hand, one suffered from fits and the third had asthma. Robert was granted absolute exemption. The following week a letter appeared in the local press from ‘one of the three’. The worker with only

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<sup>598</sup> *Huddersfield Daily Examiner*, 20 March 1916.

<sup>599</sup> *Huddersfield Daily Examiner*, 12 November 1917.

<sup>600</sup> Cartmell, *For Remembrance*.

one hand had actually lost only a finger; the man with fits had not suffered with that complaint for many years and it was a revelation to the man with asthma that he was ill. The Military Representative appealed, and Robert's absolute exemption was reduced to a temporary three months.<sup>601</sup>

A man could be excused service if he could demonstrate that continuing in his occupation, or trade, or business, was more valuable to the state than if he was conscripted;

A fruiterer and fishmonger urged that his business compelled him to attend the market every morning, in addition to other duties. There were, he said, two shops, one of which was looked after by his sister. A woman could not stand the knocking about attached to a greengrocery business. "If I have to go," he said, "it means me closing down altogether".

He could argue that serious hardship would occur to his domestic position if he was taken;

A quarryman, aged 37, applied for exemption on the ground that he was the sole support of his mother, 80 years old, whom he had supported for fourteen years. She did not want the house breaking up, nor did she want to go live either with her married son or her five married daughters.<sup>602</sup>

He could show that his physical condition and general health precluded him from serving:

Mr. Turner said that upon a recent examination applicant had been surprised to find that he had been placed in Grade 1. In May last he was C1, and later he was put back up to B1, but upon a re-examination had been put back to C1, and the medical officer stated that he ought never to have been

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<sup>601</sup> Slocombe, p. 116.

<sup>602</sup> *Holmfirth Express*, Thursday 2 March 1916.

put higher. The man had practically lost the sight of one eye, and he was never given any eyesight test at all.<sup>603</sup>

Or, he could claim a conscientious objection to the undertaking of combatant service.

He also sought exemption “on the grounds that having a strong, moral conscientious objection to murder in any form, and I regard this War or any other War as nothing more than organized murder, that I cannot under any circumstances partake in any form whatever in this the most insane method of settling international differences. It is not men or munitions that is wanted, but the exercise of common sense, and a fortnight’s armistice would do more than the millions of men and the huge quantities of munitions to bring the nations concerned to a rational understanding, neither King nor Country, Kaiser or Fatherland are worth this bloodshed”.<sup>604</sup>

Not all conscientious objectors objected on religious grounds, in fact the majority of such appeals in Huddersfield came from those who objected for political reasons. Arthur Gardiner appeared on Monday 20 March 1916 accompanied by 300 to 400 of his supporters and defended his case vigorously:

He could not undertake either combatant or non-combatant service. For a number of years, he had advocated the economic and moral uplifting of humanity. He was opposed to all forms of militarism.

Asked what religious sect he belonged to, the applicant said, “I am an atheist”.

Have atheists’ consciences then? – Yes.

Mr. Crossland, military representative (speaking to the panel): I should refuse it. If you grant exemption I shall oppose it.

The Tribunal then retired and on their return the Mayor said they had decided by a majority that the applicant was entitled to call himself a conscientious objector. They were sorry that a man of the applicant’s

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<sup>603</sup> *Huddersfield Daily Examiner*, 17 December 1917.

<sup>604</sup> *Huddersfield Daily Examiner*, 17 December 1917.

attainments and ability could not see that the interests of this country at the present time lay in the opposite direction. Temporary exemption for two months, which would carry four months, would be granted.

Mr. Gardiner said he could not accept the decision and would appeal.

The Mayor: That is what we want you to do.<sup>605</sup>

The exemption clauses in the Act were there to protect the *genuine* (and there was the core of the problem) conscientious objector, but, much more importantly to the overall war effort, they were there to ensure that family units were maintained in some form; that there was no disproportionate damage to local economies and that the public perception of conscription continued to be seen as fair in its execution.<sup>606</sup> In all of those areas, Tribunals were viewed by their contemporaries to be successful.

Gregory mentions that the Banbury Local Tribunal in 1916 in its very first session had less than 10% of claims based on grounds of conscience, 40% on domestic grounds and 40% on occupational or business reasons. The chances of gaining some form of exemption ranged from 20 – 50%.<sup>607</sup> Slocombe states that in Wiltshire the self-employed and those employed within the family were more successful in being awarded absolute exemptions. Tribunals, he said, were also more sympathetic to those claimants involved in agriculture.<sup>608</sup> In the West Riding, the grounds on which men made their appeals were similar but more pronounced. Men appealed on grounds of occupation by a large majority – Table 12.

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<sup>605</sup> *Huddersfield Daily Examiner*, 21 March 1916.

<sup>606</sup> Gregory, *The Last Great War*.

<sup>607</sup> *Ibid*, p.101.

<sup>608</sup> Ivor Slocombe, *Recruitment into the Armed Forces*.



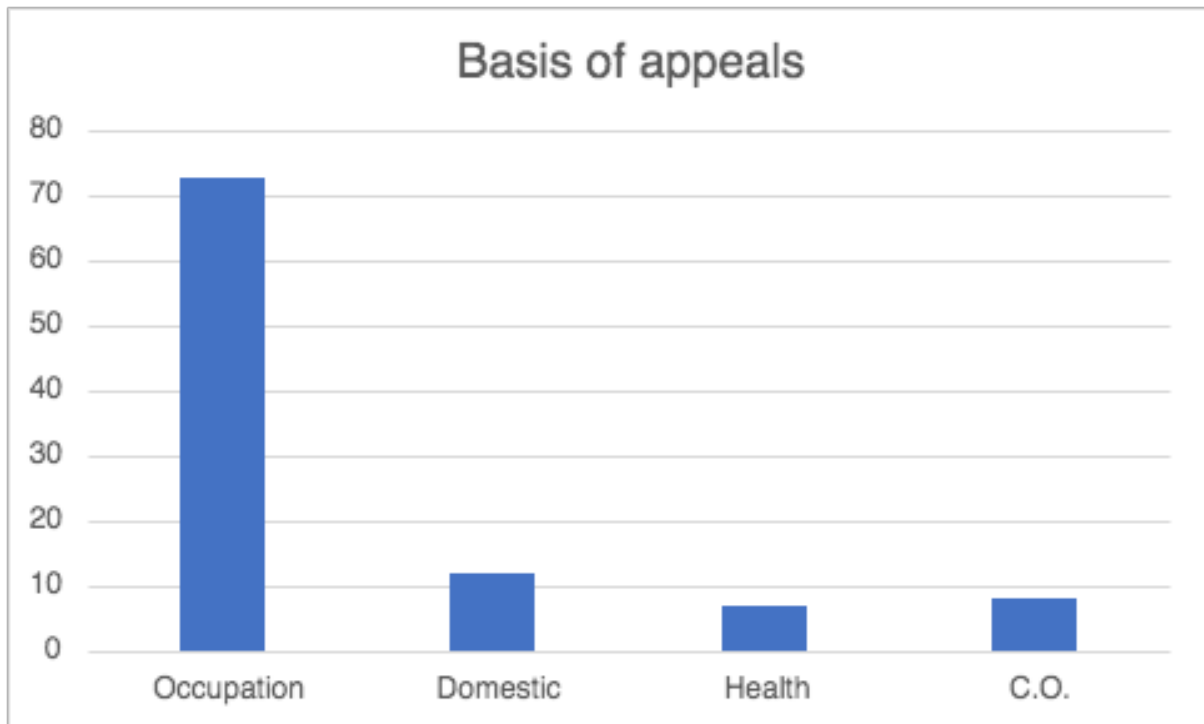


Table 12 – Grounds for appealing.

Breaking that down to individual tribunals in Table 13 below, we can see that the pattern is repeated throughout the area. Appeals on health grounds feature hardly at all in Honley and Linthwaite and barely in Marsden. Slaithwaite records the highest percentage of conscientious objectors.

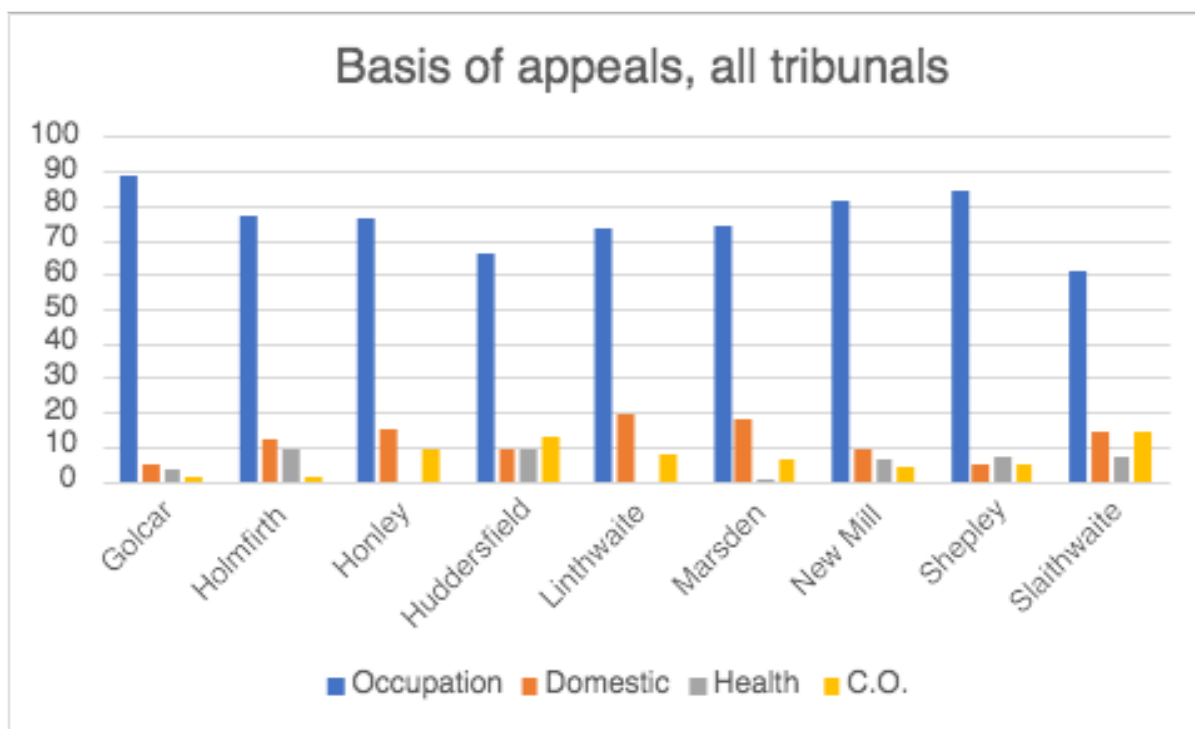


Table 13 – Grounds for appealing - all Tribunals.

Why should this be so? Why, out of the four grounds for appeal, should those appeals made on grounds of ‘occupation’ be so prevalent?

Given the number of men who did appeal and the fact that appealing was seen within the community to be a perfectly normal response to conscription, it is more than likely that the experiences of individuals appearing before a Tribunal would have been a topic of conversation wherever groups of men congregated - families, pubs and clubs. In these tight-knit communities everyone would know at least some men who had appealed, and their cases would, no doubt, have been discussed and argued over. A few claimants, of course, would have had very strong and clear-cut cases for exemption, but most others knew that the decision to award some form of exemption was in the balance and in the hands of the Tribunal panel. They had to be prepared to argue their case. It would be human nature to weigh up the options available to them and to seek to appeal on the particular grounds where they felt they had the strongest chance of success. We have already seen how some men were

prepared to change the grounds of their appeal (see above). Sometimes men deliberately ignored the rules and applied to a different Tribunal than their own in the belief that a neighbouring Tribunal was more lenient. Many men 'doubled' their appeals by claiming exemption in more than one category.

But in truth, their options were limited. All men who wished to appeal had first to appear and make their case to the Military Representative. Only when he felt that it was a claim that had some justification, or raised some question or issue, or if the man insisted, would it proceed to the Tribunal. False claims on domestic grounds, involving family hardship, widowed mothers and so on were easily checked against the database of the Military Representative and his Advisory Committee who had extensive knowledge of all individuals, families and groups in the area, right down to knowing who owned and who earned what. If the man decided to appeal on health grounds, he would have already been medically examined by military doctors. If he disagreed with the decision of the military examination he was entitled to appeal to a Tribunal, but of course he then had to provide medical proof of his illness or disability from his own doctors. Appealing on grounds of conscientious objection might appear to be the easier option but again Tribunals had already recognized that fact and were on the lookout – prompted continuously by Long and the LGB – for 'shirkers', men using the convenience of a claim on grounds of conscience to gain an exemption. It became necessary, as time went on and Tribunals became more experienced, to have to prove, rather than merely claim, a long-standing belief, whether religious or political, against the use of violence.

Convincing a panel of one's deeply held convictions was difficult and held the real prospect of ending in a prison sentence.

That left grounds of a threat to occupation, business or trade. This was a society where the concept of 'work' defined the man. Work was how a man was measured – 'an heroic, self-

denying enterprise'.<sup>609</sup> The values and attitudes most suited to life in an industrial society had been developed by working people around the workplace - punctuality, regularity and routine.<sup>610</sup> Work, particularly skilled work, was important, not just for financial reasons but because of the status it conferred. While the working-class might be viewed by their 'betters' as one homogeneous, and at times menacing, horde, they were, in fact, by the time of the First World War, compartmentalized with an understanding of 'respectability' that was as important for them as it was for more middle-class workers.<sup>611</sup>

And the men who made up the Tribunal panels in the West Riding were the same kind of working men as those appearing before them, and who therefore might have a greater understanding of the appeal. Appealing on grounds of occupation might appear to many claimants as their strongest option. Not only might they be awarded temporary or conditional exemption for their claim, but if that failed they could also be offered the option of changing their occupation to one in the war industries, thereby increasing their chances of conditional exemption. No doubt, these nuances would have been reflected upon when making an appeal.

The question then arises – how successful in obtaining exemptions were these appeals?

Table 14, below, shows the percentage of exemptions compared to refusals in each of the nine Tribunals.<sup>612</sup> It would appear that appealing on grounds of occupation / business / trade was effective.

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<sup>609</sup> Martin A. Danahay, *Gender at Work in Victorian Culture* (London: Routledge, 2016).

<sup>610</sup> F.M.L. Thompson, 'Social Control in Victorian Britain', *The Economic History Review*, May 1981, Vol.34, No.2, pp.189-208.

<sup>611</sup> B.A. Waites, 'The Effect of the First World War on Class and Status in England, 1910-20', *Journal of Contemporary History*, Vol. 11 (1976), pp. 27-48.

<sup>612</sup> The 'exemption' columns include those cases that were adjourned and those cases of conscientious objectors who agreed to serve as Non-Combatants.

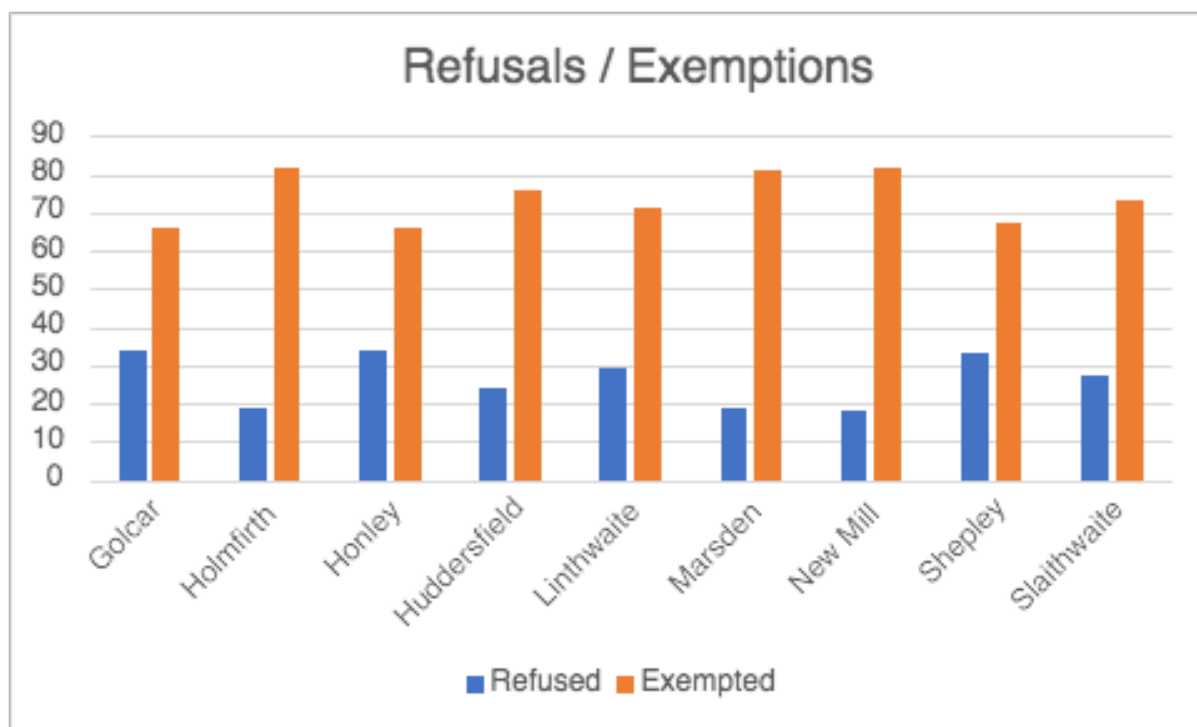


Table 14 – The number of refusals in each of the nine Tribunals compared to the number of exemptions granted.

The results show clearly that a man making an appeal at any of the nine Tribunals was at least twice as likely to be granted an exemption as having his appeal refused. In six of the Tribunals the chances were greater. Anyone applying to New Mill Tribunal, for instance, was nearly five times more likely to receive some form of exemption as having his claim refused.<sup>613</sup> Most of the New Mill Tribunal were locally elected councilors, elected before the war and representative of the community. That community was recognized for its individuality. It was the first in the area to resist the established church and break the law by embracing Primitive Methodism and establishing Quakerism. On the outbreak of war, it became a centre of anti-war and anti-conscription protest. Most of the larger demonstrations of the district against the war and against the conduct of the war

<sup>613</sup> As previously mentioned, New Mill was a centre of opposition to the war and to conscription. Numerous public meetings of the ILP were held there and a prominent member of the local ILP had been appointed to the Tribunal panel.

had taken place there. It was, as Cyril Pearce claims, a ‘hot-bed’ of conscientious objection. This appears to be reflected in the decisions of the Tribunal.

As previously pointed out, there were different categories of exemption. When the different categories of exemption are broken down – absolute, temporary, or conditional –we begin to see how Tribunals just a few miles apart offered different responses (Table 15).<sup>614</sup> In this Table we can see that Honley granted four times more conditional exemptions compared to temporary exemptions while Huddersfield produced opposite figures and gave eight times more temporary than conditional exemptions. Almost one in ten appellants at Shepley received a certificate of absolute exemption while none whatsoever were granted at Slaithwaite. Shepley was the smallest of the Tribunal areas with a population of just 2,000 meaning that most of those appealing would have been known, at least by sight, by members of the panel. This may have influenced the decisions made.

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<sup>614</sup> Figures for adjourned cases have been included in the Temporary Exemption column, while those conscientious objectors who agreed to Non-Combatant status have been included in the Conditional Exemption column.

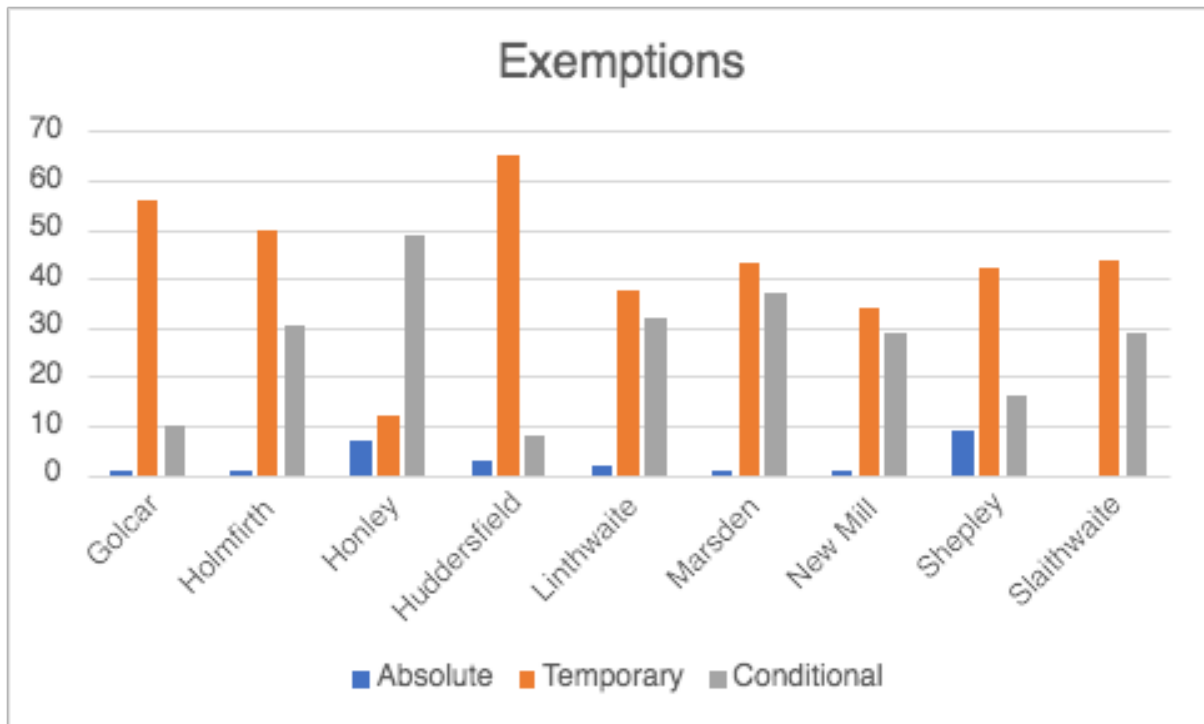


Table 15 – Breakdown of exemption awarded.

## Conclusion

There are two core questions answered by this study.

In answering the first question of *who* appealed, *why* did they appeal and *what* were the results of those appeals I have used a detailed breakdown of Local Military Service Tribunals based in the Holme and Colne Valleys of the West Riding of Yorkshire. I have also used the research data to refute the rather poor reputation of the men and women who made up the panels of Tribunals.<sup>615</sup> This study challenges a number of assumptions about the composition of Tribunals, the reasons behind appeals and the nature of the decisions made. It is the first in-depth breakdown of details of the members of the various Tribunals – their occupations, ages and locations – as well as being a detailed report on the cases themselves in terms of numbers applying, reasons for applying and the decisions reached. Part of that exploration involves the role of the Military Representative on each panel. Little has been previously written about this important member of the Tribunal, yet he performed a pivotal part in its workings. He was the only representative of the state and the military on each Tribunal and his function was to ensure that the panel put as many men as possible into uniform. And yet research here shows that Representatives were far more nuanced in their approach to their role and in fact followed the instructions in their handbook to take account of local social conditions.

This research has revealed that, in the West Riding at least, Tribunals were far from being made up of elderly, middle-class men, eagerly seeking out working-class ‘shirkers’ in order to send them to war. They were, instead, largely composed of men of the skilled artisan section of the working-class, and local butchers, bakers, builders and other small businesses. In other words, they were engaged in the same occupations as many of the men appearing in

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<sup>615</sup> See Rae, Pierce, McDermott, Gregory *et al.*



front of them.<sup>616</sup> This may well in part be the result of what John A. Hobson, writing about the General Election of 1910, described as two Englands – the north, a land of heavy industry, peopled by producers, a robust working-class that made things; the south, a consumers society, with a dominant middle-class attended to by a subservient working-class.<sup>617</sup>

The second question posed by this thesis concerns the issue of local government faced with an ever increasing intrusive and controlling state. This study places Tribunals, though they were a government creation and tasked with a national duty, firmly at the heart of a traditional system of localism. Whilst fulfilling their part in the conscription process in as fair and balanced manner as they could, they were also representatives and guardians of the community, prepared to speak out on behalf of members of that community if necessary. In all of this they were supported by the Local Government Board under the presidency of Walter Long who drew upon his experience of involving local authorities in implementing the Compulsory Vaccination Act in 1907.

Research into this subject has been hindered by the fact that in 1921 most records relating to the conscription appeal system were destroyed on government instructions.<sup>618</sup> They were lost at a time when society was beginning to formalize its memories of the First World War. The Cenotaph in Whitehall had been unveiled the previous year and the country was taking stock of what it had recently undergone. Every city, town, village and hamlet demanded its own memorial to the local ‘heroes’ who had ‘sacrificed’ their lives for the good of the country. It was also a time that saw the publication of war histories, both official and individual. The

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<sup>616</sup> Few men of the lower working-class, labourers, made appeals to LMSTs on grounds of occupation as it would have been difficult to justify their jobs as being indispensable to the economy. Accordingly, appeals that were made by the lower working-classes were made on grounds of personal hardship, health or conscience.

<sup>617</sup> J.A. Hobson, ‘The General Election: A Sociological Interpretation’, *The Sociological Review*, first published April 1910.

<sup>618</sup> Examples of Appeal Tribunals relating to Peebles, Lothian and Middlesex were retained as reference material in the event of conscription occurring again. Fragments of Minute Books and other documentation have survived in a number of other local authorities.

formal decision to create an official history of Great Britain and the Empire during the First World War was taken in 1915 when Maurice Hankey proposed:

...a popular and authoritative guide for the general reader; for the purposes of professional reference and education [and to provide] an antidote to the usual unofficial histories which besides being generally inaccurate, habitually attribute all naval and military failures to the ineptitude of the Government.<sup>619</sup>

The first volumes were published in 1920 followed by a growing stream of personal remembrances. The cardinal voices became those of ex-soldiers with their status of authenticity. In such an atmosphere, the public records of those who had sought to avoid conscription and conflict were at best embarrassing, at worst shameful, to a nation recently victorious. They were not viewed as being worthy of preservation and were consequently largely lost to the historian. What remained of the memories of the mainstay of the appeal system – the Tribunals – were distorted by the appearance of a number of books written by those who had opposed the war or were anti-conscriptionists. Their version of events (in some cases, understandably) portrayed Tribunals, and the men and women who served on them, as incompetent, ignorant, and vindictive in their response to appeals based on matters of conscience. Conscientious objectors, they claimed, had been treated too harshly and few had been granted exemption. These testimonies contrasted with the prevailing military opinion of the period that LMSTs had been far too lenient and far too ready to exempt men from doing their duty, thereby hindering and impeding the war effort at a time of national crisis. And finally, Tribunals were one of the last vestiges of a political system that had by 1919 largely had its day. The traditional system of separate entities – local and central - was

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<sup>619</sup> Quoted in *Writing the Great War: Sir James Edmonds and the Official Histories 1915-1948*, Andrew Green (London: Routledge, 2004) p.6.

embedded in the ethos of the Local Government Board which acted as a central administrator for local authorities. In that role it supported the statutory rights of individuals and groups, it sponsored local services and reported on the activities of local government to parliament. Essentially, it was the link between local private interests and public policy. It carried out its duties through negotiation, compromise and flexibility, much as Tribunals attempted to do, acting as tutor to local administrations using a paternalistic approach. This diplomatic / political rationale behind the LGB had been challenged before the war by individuals who sought a more centralized system and a domination of localism by the state. In place of the discretion exercised by the Board in its dealings with local authorities, by 1916 there was increasing pressure from an intrusive, controlling central body that had, in wartime conditions, grown accustomed to exercising power. According to reformers like Churchill and Lloyd George the LGB had ‘sunk in the depths of nineteenth-century lethargy’ and become a reactionary and anachronistic element within central government.<sup>620</sup> By 1917 and the Lloyd George coalition government there were plans to replace the LGB with a Ministry of Health. A draft Bill was sent to the Cabinet in March 1918 and, despite opposition from Tory supporters of the LGB, the Board was abolished and replaced in 1919. The old dual-polity system of government, under which Tribunals had operated, was at an end. Relations between local and central government which hitherto had relied upon diplomacy, example and compromise were now to be based on a technocratic, statistical, and centralised system of control.

And there, as far as Tribunals were concerned, the matter rested until the 1960s and 1970s when, in the manner of these things, historians began a revisionist review of the prevailing history and poor reputation of Local Military Service Tribunals. Part of the purpose of this study has been to explore further that reputation using data from some of the West Riding

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<sup>620</sup> J.A. Chandler, p.123.

Tribunals and to determine whether or not that reputation was deserved. It has concentrated on expanding our knowledge of the detail of the work of the Tribunals by using extensive research based on local newspaper accounts of Tribunal sessions and other local sources. Together, these sources give an insight into popular views on the war in general, and conscription and the appeal system in particular. Provincial newspapers have until fairly recently been a neglected area of research but, for the purposes of this study and despite their limitations, they have proved invaluable. What the research here showed was that in the West Riding of Yorkshire the composition of Tribunals, the process they were engaged in and the decisions they reached were all very different from those previously and casually assumed to be the case nationally. Most histories of the subject assume that Walter Long's proposals that Tribunals should be composed of 'prominent' men and women meant that it should be so. That was not the case in the Holme and Colne Valleys where the majority of Tribunal members were skilled working men who were councillors, who lived in the communities they represented and were younger than previously assumed – many of them were in the same military age bracket as the men appearing at Tribunal sessions. It would be an interesting exercise to find out if this was only local to the industrialised West Riding or did these conditions apply elsewhere?

These working men, who played such a large part of the Tribunal process in the Holme and Colne Valleys, were likely to have become politically active through membership of Trades Unions, Trades Councils, or Friendly Societies. Friendly Societies were mainly fraternal organisations which offered friendship, fellowship and the opportunity for leadership. Many men and women learned the art of public debate and the responsibility of holding office through their membership of friendly societies. And most people, men and women, *were* members:

It is well known that almost every village and hamlet in England and Wales has its Friendly Society, while the towns and cities have them by their hundreds.<sup>621</sup>

Friendly Societies had approximately 5.6 million members in 1900, while, nationally, trade-union membership totaled 1.2 million.<sup>622</sup> They were democratic organisations run by and for the better paid manual worker and they provided mutual insurance against unemployment, old age and sickness. As such, they had a direct interest in an increasingly intrusive state and its move towards a national benefit system.<sup>623</sup> The political aspects of social reform were regularly discussed at local and national meetings of the Societies.<sup>624</sup> The Ancient Order of Foresters, for example, took a decidedly socialist line in opposing government-imposed reforms. If the state did implement new social legislation, they demanded that it should be financed by local rates, which, in theory at least, would affect property and land owners rather than working men. Members were urged to join and support trade unions in their struggle for local representation which would help them to retain their independence from a centralized state.

Politically, it had always been possible for a working man to have a role in local government through the vestry system.<sup>625</sup> After 1835 it was possible in some areas for a skilled artisan to become a municipal councillor – Sheffield, for instance, had two in 1846. As the franchise was extended in the 1880's there was increased opportunity for working-class trade union representatives, with Liberal support, to be elected at both local and national level. By the

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<sup>621</sup> Dot Jones, 'Did Friendly Societies Matter? A Study of Friendly Society Membership in Glamorgan, 1794-1910', *Welsh History Review*, (1 Jan. 1964), p.331.

<sup>622</sup> Thane, *Working Class and State Welfare*, p.878.

<sup>623</sup> They were right to be concerned. The introduction of the National Insurance Act of 1911 sounded their death-knell.

<sup>624</sup> *Ibid* p.879

<sup>625</sup> The vestry was a formal meeting of parish ratepayers, usually held in the vestry of the local church and presided over by the vicar. They had evolved individually, responding to local conditions and were, until the eighteenth century, the principal form of local government.

1890's many of these trade unionists had accepted that an alliance with the Liberals, who were also the political party of their employers, would achieve little for their own people and they began to found political parties of their own. The Independent Labour Party was formed in 1893 and by 1900 there were 26 Labour representatives on West Riding municipal councils. In 1913 Labour fielded 494 candidates in local elections and succeeded in securing election for 196 of them.<sup>626</sup> While political trade unionists had their eyes fixed firmly on improving workers' working conditions at a national level, support for government at a local level came from the middle-class socialist groups, chief of whom were the Fabians. Between 1884 and 1900 Sydney Webb and the Fabians published 43 tracts relating to local governance.<sup>627</sup> Webb argued vociferously against the dangers of centralization; he was for municipalization and the importance of voluntary societies – men and women who were prepared to represent the community in its relations with government, much as members of Tribunals did. His enthusiasm for the state to provide a 'national minimum' which would be administered by local authorities was resurrected by Prime Minister Blair and his government a century later.

Trades Councils, on the other hand, were locally based from the outset. Formed of local groups of trade unionists they were (and are) elected from trade union branches from men who lived and worked in the area.<sup>628</sup> A Trades Council demonstration in June 1873 comprised representatives from 44 different Trades, including the Amalgamated Engineers, through Gas Meter Makers, to Women's Shoe Makers.<sup>629</sup> They were firm believers in being involved in the political process and that in order to maximise their influence it was necessary

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<sup>626</sup> Chandler, p.130.

<sup>627</sup> Ibid, p.131.

<sup>628</sup> The first ever Trades Council was formed in Sheffield in 1858.

<sup>629</sup> *British Trade Union Posters: An Illustrated History*, Public Domain, <https://commons.wikimedia.org/w/index.php?curid=2251319>.

to be part of the making and administration of local policy. Many of them stood for election as local councilors.

Chapter 4 shows that most Tribunalists belonged to the ‘respectable’ working class, exactly the kinds of men described above. They were part of a large section of society that opposed state interference for collectivist reasons, that is they believed that their priority should be that they themselves should be in a financial position that enabled them to be independent of government ‘help’. Coming from a background rooted in the primacy of localism and self-help they nonetheless volunteered to do their duty in the service of the state. Their motivation was to bring a sense of fairness to an essentially civilian social and military contract. And in this, I submit, they succeeded.

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