

Krygger v Williams (1912) 15 CLR 366

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Facts

- Edgar Krygger refused to render military service on religious grounds.
- He was charged by Police Officer Alfred Williams.
- Krygger argued that compulsory military service prohibited the free exercise of his religion.

Issues

- Did compulsory military service infringe on section 116 of the Constitution?

Held

- Section 116 only protects religious observance from government interference; it does not permit a person to be excused from a legal obligation merely because the obligation conflicts with his or her religious beliefs.
- Griffiths CJ held that a law that requires a man to do a thing which has nothing at all to do with religion is not prohibiting him from his free exercise of religion.
- Krygger could request allocation to a medical or commissariat unit, but section 116 did not prevent him from serving entirely.

Quotes

"Sec. 116 of the Constitution provides that "the Commonwealth shall not make any law for... prohibiting the free exercise of any religion " - that is, prohibiting the practice of religion - the doing of acts which are done in the practise of religion. To require a man to do a thing which has nothing at all to do with religion is not prohibiting him from a free exercise of religion. It may be that a law requiring a man to do an act which his religion forbids would be objectionable on moral grounds, but it does not come within the prohibition of sec. 116, and the justification for a refusal to obey a law of that kind must be found elsewhere. The constitutional objection entirely fails."

(Griffiths CJ at page 369)

Full Text

The full text is available here: <https://jade.io/summary/mnc/1912/HCA/65>

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