

SELECTIVE CONSCIENTIOUS OBJECTION

The Freedom House statement that appeared in the *New York Times* for November 30 asked responsible people to reject as fantasy the following proposition: "That military service in this country's armed forces is an option exercisable solely at the discretion of the individual. No nation anywhere, now or in the past, has ever recognized that principle. Those who urge individual defiance on moral grounds merely betray the genuine tenets of conscientious objection which our people respect."

It is this proposition which is considered by the following writers:

Gordon Zahn, the author of *German Catholics and Hitler's Wars*, wrote for CRIA a pamphlet entitled "An Alternative to War."

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The February issue of *worldview* contained contributions to the symposium by *Staughton Lynd*, *Everett E. Gendler*, and *Paul Ramsey*.

AN EXPLOSIVE PRINCIPLE

Gordon Zahn

It is with some misgiving that I presume to comment on the Freedom House advertisement, for I rather suspect its message was not addressed to the likes of me in the first place. It is most unlikely that my personal conviction that the war in Vietnam is an unjust war quite undeserving of the active or direct support of any religiously motivated American would qualify me as a "moderate" in their eyes. On the other hand, since I support the principle they choose to condemn as some kind of a "fantasy," I feel this gives me something of a right to present these comments as an unsought, and probably unwanted, rebuttal.

One need not pause too long on the most glaring weakness in their position, its astonishing display of historical ignorance. Systematic and enforced conscription as we have it today is a relatively recent invention as human history goes. For far longer stretches of time, the war-making authority was obliged to rely upon voluntary enlistments of one kind or another to provide the manpower they needed for their military adventures. Under the principle of voluntary recruitment, the shoe had to be on the other foot. Military service was nothing other than an "option

exercised solely at the discretion of the individual" — the individual, that is, who *chose* to enlist. True, the decision to volunteer or not did not always center upon the rightness or wrongness of the particular conflict for which the army was being assembled; one might even admit that such things as status considerations, the desire for adventure (to say nothing of booty), etc. may have carried much greater weight than any moral considerations. Nevertheless, it is perfectly safe to assume that for those individuals for whom this question did arise and was important, a sincere conviction that a given war was unjust or immoral would have been enough to persuade them to exercise their clear "option" not to get involved in it.

The shift to recruitment by conscription did present new threats to the right of the individual citizen to refrain from participation in evil wars. It was in recognition of this fact that the more democratic nations introduced the principle of conscientious objection as a means of protecting the individual's freedom of conscience or, in a somewhat narrow sense perhaps, his freedom of religion. To have an organization of distinguished Americans which presumes to incorporate the hallowed term "Freedom" in its name now include this very crucial principle in any list of "fantasies" would be depressing enough were it not for the even more tragic fact that this must be read as merely another indication of the extent to which this

nation is in danger of departing from its founding ideals.

If this war is unjust (as I firmly believe it to be), anyone who shares that conviction and is subject to military conscription (as I am not) must refuse active and direct participation in the injustice. If this nation is sincere in its democratic pretensions (as I choose to believe it still is — though with growing doubts, I must confess), the right of the individual to make such a refusal must be respected *and supported*, even by those who do not share that adverse moral judgment concerning the war.

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It is no answer to speak in glowing terms of recourse to normal democratic processes or of abiding by the decisions of the government chosen by a majority until such time as that government can be replaced, again by majority at the ballot box. The evil is being done right now, and the prospective conscript will be obliged to contribute to that evil tomorrow. Neither he nor we can wait until the next presidential election to register our protest and refusal. Besides, a moral issue is not one that is susceptible to “majority rule” but, rather, must be decided by each person himself and alone. Finally, if a more cynical note can be introduced here, we have learned from the last presidential election how easily those majority-rule decisions can be circumvented and betrayed. The nation, I seem to recall, elected the candidate who promised to avoid precisely the kind of military involvement his Administration has since escalated into a war of unimaginable dimensions; and it clearly rejected the candidate who was at least honest enough to propose the aggressive course that has since been followed. When it is so easy a matter for the victor at the polls to appropriate and, in some respects, surpass the program of the loser, it becomes a sad mockery to advise those who have been the victims of the massive switch to patiently bide their time with their protests until the next opportunity presents itself for them to be led down the same political garden path.

Under the circumstances, one must look to other forms of the democratic process, specifically to open dissent and, when such dissent is not accorded a fair and respectful hearing by the authorities to whom it is addressed, even to some form of civil disobedience. There is every reason to believe that this is where we are headed today. Our national policy-makers give every indication of being so transfixed by a kind of “crusade” mentality that any criticism or dissent is shaken off or ignored or, where this is impossible, noted and dismissed with singularly ill grace. Yet all the while these same officials piously give their ritual

lip service to the “unchallenged right” of others to voice the very dissent against which they have closed their minds and ears.

There is something of the same in this Freedom House ad. The patronizing nod in the direction of “the genuine tenets of conscientious objection which our people respect” is effectively cancelled by the description of attempts to avail oneself of the privilege supposedly unheld as “individual defiance on moral grounds.” (The choice of so inflammatory a word to describe the position itself cannot be overlooked in this context!) What we have, then, is a willingness to tolerate formal adherence to some established credal proscription against military service — such as might be represented, let us say, by the Mennonite and other so-called “peace churches” — while, at the same time, denying the conscientious objector classification to the individual whose stand is the product of deep personal moral struggle and search. Pursuing this to its logical extreme, we would find Freedom House denying such recognition to the firmly committed though “unchurched” individual and granting it to another individual who identifies himself with a privileged religious body with pacifist traditions to which he is not necessarily or equally deeply committed.

A group ostensibly dedicated to the ideal of “freedom” should be working the other side of the street. Instead of seeing how rigidly one can restrict *in practice* the rights it claims to acknowledge *in theory*, Freedom House should be devoting its efforts to protecting and expanding recognition of freedom of conscience and freedom of religion. Instead of being so concerned about “fantasies” which may stretch these principles of freedom too far (is that possible?), they should be investigating and opposing policies or actions through which the exercise of these rights may be hampered or blocked.

Just recently, for instance, a new challenge worthy of the attention of Freedom House has presented itself in the President’s “State of the Union” message. These “genuine tenets of conscientious objection which our people respect” are reflected, as has already been noted, in a general (however imperfect) policy which excuses a man from the duty to perform military acts he would regard as sinful and permits him to substitute alternative service instead. But what, we must now ask, about obliging that same man to pay for the weapons, to underwrite the organizations and activities by which these sinful acts are committed by others? To this point, although there have been many who have refused to contribute tax moneys which they believe would make them accessories before and after the fact of murder, most opponents of the war in Vietnam have been able to reconcile themselves to

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Michael Harrington

payment of taxes on the grounds that, first, these monies also go to support justifiable and commendable governmental operations and, second, the contribution to the war effort these taxes represent was indirect and mixed. These handy rationalizations, if that is what they were, will hold no longer; the proposed surtax would be specifically designated to cover the costs of prolonging an unjust war. Mr. Johnson made much of the fact that five dollars a month is not very much; to the individual who opposes the war on religious grounds it is far too great a sacrifice to ask — certainly much more than that little pinch of incense on a pagan altar that has to be the parallel governing their decision.

What this *should* mean, of course, is that we must now introduce a new principle of “conscientious objection to taxation” whereby the individual whose refusal to kill would be respected must now also be permitted to refuse to subsidize and underwrite the killing. Along with this would have to go some arrangement for “alternative payments” to support governmental activities which do not so violate the conscience of the individual.

To many this will be a shocking proposal: to the men and women of Freedom House, perhaps, a “fantasy” more dangerous than the others they denounced in their ad. For what is at the heart of the proposal — and this we must admit — is a potentially explosive principle which holds that *there are times when obedience is not a virtue, times when, in fact, obedience would be a vice*. To obey (like an Eichmann) that which is morally wrong — or even to obey that which is morally permissible unthinkingly or, worse still, under the duress of government threat or public opinion (as so many of us are prone to do) — is a surrender of human dignity and, it must also be said, a betrayal of our democratic ideals as well. Thus, unless we are prepared to permit and respect conscientious objection to particular wars (the “individual defiance” against which Freedom House has seen fit to warn the nation) or the refusal to pay a surtax specifically earmarked for the support of an unjust and immoral war, we simply are not being true to those high-sounding principles of freedom we so self-righteously celebrate at every opportunity. Mr. Johnson speaks of this as a “time of testing.” That it is — but in ways and to an extent I am sure he does not realize himself. If men are forced to break the law because its provisions would oblige them to commit sin or (and this would be a supreme bit of historical irony!) if they are forced to resume the pilgrim’s search into exile for some place where a man’s right to freedom of conscience and religion are assured a greater measure of acknowledgment and respect, the test will have been failed.

The remarks on conscientious objection in the Freedom House statement do not clarify a complicated, difficult subject. Indeed, I think they reduce an important complexity to a polemical simplicity.

One of the “fantasies” which Freedom House objects to — and which it attributes by implication to the anti-war movement on the issue of Vietnam — is the notion “that military service in this country’s armed forces is an option exercisable solely at the discretion of the individual.” The sense of this proposition turns, of course, on the meaning of “discretion.” If the term is taken to mean whim, then there is no reason to reject the thesis for there is no one who holds it, i.e., no one in the anti-war movement who seriously argues that there is no obligation whatsoever to serve or not to serve and that the individual makes up his mind on the basis of arbitrary or aesthetic considerations. More than that, by demanding that their political foes repudiate such an attitude — I am still assuming that Freedom House intends the “whim” interpretation — the statement clearly suggests that there are responsible people who hold it. That is not true.

If, however, Freedom House would define discretion as “moral choice,” then I would not repudiate the statement because I take it to be true. There is, it seems to me, a moral obligation on the part of any individual to determine, when he is asked to take life, whether he is, according to his most deeply held values, permitted to do so. It has even been asserted by the United States Government in the Nuremberg trials that, in certain cases, murderous orders are so obviously immoral as to create a universal obligation of disobedience with the force of positive law.

Another part of the Freedom House statement makes me think that an important distinction is being confused. They write “Those who urge individual defiance on moral grounds merely betray the genuine tenets of conscientious objection which our people respect.” What is at stake, I suspect, is the difference between religious objection and moral objection *and* political opposition. And Freedom House has, I suspect, jumbled up moral objection and political opposition.

When the current law originally confronted the issue of moral objection, it demanded that an objector base his claim on belief in a “Supreme Being.” (I am

somewhat familiar with the technicalities since I went through the process during the Korean War.) This was interpreted so as to exclude atheists and agnostics who, though basing their position on their most profound convictions, could not show that their objection was "religious" in the legal sense of the term.

This rejection of the atheist and agnostic was, I believe, an outrage and a violation of the First Amendment to the Constitution. However, a friend of mine who felt as I did on this point spent three years in a Federal penitentiary for his opinion. In effect, the traditional theistic religions were established for the purpose of the Selective Service Act. And that atheism and agnosticism are, or can be, religious in both a First Amendment and a philosophical sense of the term was denied.

In recent years, this position has been revised somewhat—but not enough. In the Seegar case, an agnostic objector had been denied even a hearing on the grounds that his lack of religious affiliation *a priori* excluded him from any consideration under the law. The Supreme Court responded to the due process point about the right to a hearing but not to the substantive issue of whether the "Supreme Being" proviso was constitutional. It held that the question of belief in a Supreme Being was a complex one and that it was therefore wrong to assume, without a hearing, that an "agnostic" could not possibly qualify. The local board then gave Seegar his exemption.

But as far as one can tell, this reading of the law in the light of a William James, or Tillich, definition of "religion" so far applies only to agnostics. Atheist objectors will still have to go to jail for their religion.

If Freedom House's hostility to "individual defiance on moral grounds" is an attempt to return to the narrow, anti-libertarian interpretation of the present law, that is a sad thing indeed. I would go a step further: that anyone who can show, on the basis of his most deeply held beliefs, that he is opposed to all wars or to all wars of a certain type, should be granted objector status. Thus I would certainly support the partisan of "individual defiance on moral grounds." And I think that it has been a blot on our civil-liberties record that the "genuine tenets of conscientious objection," as they have been defined in the past, involve an establishment of theistic religion and have forced atheists to go to jail for their beliefs.

In saying this I would, however, distinguish between moral objection to war, or a war, and political opposition to a war. The moral objector invokes a principle which requires him not to kill at all, or only to kill when certain conditions of a "just war" are present. In the course of coming to his decision, he may well take political considerations into account, i.e., one

traditional Christian teaching requires that the war itself be "just," a judgment which intermingles both politics and morality. But even then, the obligation being stated is a principled one which would require the objector to refuse combat in any and all situations which failed to meet his criteria. It is not that he is simply politically opposed to the war, but that he maintains a moral position in which such political opposition makes it conscientiously impossible for him to participate in that war.

Such an attitude can be distinguished from one of political opposition, pure and simple. Here I would take the figure of Lenin as an illustration of my point. Lenin was against Russia's cause in World War I heart and soul — he was a "revolutionary defeatist." Yet he did not believe that this political judgment required him to refuse military service. Exactly the opposite. Since he believed that the only way to end this war, and war itself, was by the revolutionary overthrow of the existing order, he urged his followers to go into the army precisely because they were anti-war. For, he argued with some prescience, it was in the army that the upheaval would begin.



I cite Lenin's case, not because it applies to any number of young people today, but simply to show that political opposition to a war, and moral objection to serving in it, are not the same thing at all.

The young political opponents of the war today are, I believe, often in a heart-rending dilemma. On the one hand, they are horrified (rightly I would say) by this particularly ugly, futile conflict in Vietnam; on the other hand, they do not hold convictions requiring them to refuse service nor do they possess the Leninist hope that being drafted is taking a step toward revolution. They have the worst of all possible political and moral worlds and, frankly, I do not know the answer for them.

But of one thing I am sure. These political opponents of war should not manipulate the conscientious objector machinery as a tactic, for in doing so they make it much more difficult for those who must use it on

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William V. O'Brien

grounds of principle. Thus when some young people in the anti-war movement urged flooding Selective Service with objector applications which were not seriously meant and were designed to choke the system on its own paper work, I publicly came out against the idea. For that is not good morality, nor good politics, and things are bad enough in Selective Service without making every man who applies as an objector suspect as some kind of a non-violent saboteur.

Finally, a brief comment on the Freedom House suggestion that a nation's security can be endangered if the wrong attitudes on conscientious objection prevail. (The statement says, "No nation anywhere, now or in the past, has ever recognized that principle" — the principle being that service is an option "solely at the discretion of the individual." I take this as an implication of the argument that rampant objection would lead to anarchy and societal breakdown.) In societies where the political majority supports a war — and since the discussion is within the framework of democratic principle, one can presume this to be the case — the number of conscientious objectors will, I am convinced, be relatively small. The emotions of patriotism and conformity are, alas, stronger than those of individual defiance on the basis of morality.

To be sure, there can be mass resistance to war on other bases. I am told that a significant number of French Canadians avoided service out of nationalist convictions during World War II and effectively kept their government from sending draftees overseas. Or, in World War I, there were the well-known cases in Russia and Germany of mass desertion and/or revolt by the enlisted ranks. But these are obviously not the kinds of situations to which Freedom House addresses itself.

In fact, one suspects that the concern over the objector position in the anti-war movement has been occasioned by a numerically small but socially significant number of young people who have taken the Nuremberg principles, and other American statements of the transcendental character of justice, with high seriousness. Some of them have made some errors. One of those was the suggestion that political opponents of the war jam up a system which has been designed to safeguard the rights of religious objectors and which should be re-designed to cover all principled, moral objectors. But in the presence of these young people my main feeling is not to want to admonish them to beware of the strange gods of conscience but to praise them for having turned the tragic conflict in Vietnam into an issue, not just of politics, but of morality as well. The whole society is much the better for what these young people have done. I would, *toutes proportions gardées*, praise them, not proscribe them.

Accounts of litigations and debates over conscientious objection frequently mentioned the precedent of the Nuremberg and other war crimes trials. It is argued that if men may be tried and executed for participation in aggressive wars and illegal wartime acts there must be a moral right and duty to refuse such participation. Indeed, there should be a right to avoid possible trial as a war criminal. I will attempt to assess the validity of this argument generally and its relevance to the Freedom House characterization as a "fantasy" of individual interpretation of the prerogative of conscientious objection.

Let us first define "the Nuremberg precedent." The London Charter of August 8, 1945, adhered to by the U.S., U.K., France and the Soviet Union, as well as nineteen other United Nations, established the Nuremberg International Military Tribunal to try the so-called "major" German war criminals. The legal foundation for the trial was two-fold. First, as belligerents, the United Nations had the right to try captured enemies for violations of the international law of war. Second, as conquerors exercising supreme authority in Germany they had the right to try German nationals.

Subsequently, all of the principal victorious belligerents, as well as their allies (e.g., the Netherlands, Italy, Norway, Yugoslavia) conducted trials of the so-called lesser war criminals. The United States held a series of trials at Nuremberg. (It is this series that inspired the film *Trial at Nuremberg*.) Moreover, the victorious belligerents in the Pacific held the Tokyo Trial of major Japanese war criminals.

I will use the term "the Nuremberg precedent" to refer to this complex of war crimes trials. This is important to our discussion because many of these lesser war crimes trials involved ordinary people rather than the top commanders and statesmen tried at Nuremberg. I take it that we are not here debating whether Secretary McNamara or General Westmoreland should turn themselves in to Lord Russell's traveling war crimes tribunal but whether the ordinary citizen facing military service can find guidance in the Nuremberg precedent.

It is also important to distinguish between the main categories of charges in most war crimes trials: crimes against the peace, war crimes and crimes against humanity. (I shall omit here discussion of the further charge of conspiracy to commit these crimes.)

The second category, war crimes, was not a new one, although proceedings under this rubric on such a large scale were unprecedented. The novel aspect of the trials lay in the charge of crimes against the peace and in the individual liability under international law which was said to rest upon those who were responsible for these crimes. No serious attempt was made to "outlaw" war until after World War I. The question at Nuremberg, which is still controverted, was whether so-called aggressive war had been legally outlawed by the time of the Nazi invasions. Today there is no question but that unilateral first recourse to armed force is *prima facie* aggression. Today we have also established that, circumstances permitting (and they seldom do), individuals may be tried under international law for complicity in wars of aggression, just as they could be in the past for war crimes.

The third count, crimes against humanity, is of interest because of its recognition of higher law standards and their relation to an incomplete and developing positive international law. In practice, however, crimes against humanity were usually merged with the category of war crimes, e.g., the new and dreadful concept of genocide, a crime against humanity, also involves gross violations of the traditional law of belligerent occupation.

Having distinguished the several categories of offenses charged by war crimes tribunals and noted the degree of individual responsibility under international law for their commission, let us turn to the question of their relevance to the problems of conscientious objection.

As regards crimes against the peace ("planning, preparation, initiation, or waging of a war of aggression, or war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing") we must emphasize that the characterization of a war as an illegal aggression does not brand every single participant on the aggressor's side as a "criminal." The contention that all participants in an aggressor's military forces were in principle criminals who might then be granted various excuses was put forth at Nuremberg by the French prosecutor M. de Menthon. The Court implicitly rejected this approach and it was explicitly rejected by American Nuremberg tribunals. However, either the logic or the propaganda potential or both of this approach has been used by Communist belligerents, notably by the North Koreans and Chinese Communists in the Korean War. All U.N. prisoners of war were declared aggressors and criminals in principle. Extension of

normal legal rights to them was portrayed as a generous but legally unnecessary gesture. But the proper view is that the illegal character of a war does not taint all members of the aggressor's armed forces with criminality under international law.

Consequently, I think that the real relevance of crimes against the peace to the conscientious objector lies not in the danger of his being made a war criminal simply by serving in the armed forces of an illegal belligerent but that they reinforce his contention that in positive international law as well as in individual moral judgments there are such things as aggressive, illegal wars which ought not to be supported. But the issue of participation, not as a top decision-maker but as an ordinary soldier, in what is believed to be an aggressive, illegal war, is one of individual morality, not of international law.

With respect to war crimes and crimes against humanity, the principal relevant legal issue is that of superior orders. The London Charter, the major Nuremberg Judgment, and the majority of lesser war crimes judgments, denied the defenses of Act of State and Superior Orders as a bar to conviction. However, superior orders could be considered as an extenuating circumstance, depending largely on the degree of choice open and the circumstances leading to the accused's predicament. Thus General Keitel, having worked his way up to the position of Chief of Command of the Armed Forces during the war and having executed Hitler's orders with considerable loyalty, zeal and efficiency, could not plead superior orders as a defense. On the other hand, an army lieutenant charged with executing an order to burn a village as part of a scorched earth defense policy would be viewed very differently.

All in all, it appears that the probability of the ordinary man's getting involved in acts which may be war crimes or crimes against humanity is more relevant to the conscientious objection problem than the issue of possible participation in aggressive war. Even here, however, there is some doubt in my mind as to the magnitude of the problem and the degree to which war crimes precedents are relevant and useful. A reading of the U.N. War Crimes Commission's fifteen volumes summarizing most of the important war crimes trials would probably not uncover a large number of cases wherein the accused had been *forced* to place himself in situations in which commission of war crimes and crimes against humanity was almost a foregone conclusion. Admittedly, individual moral responsibility far exceeds individual responsibility under international law. But one must be careful about

proceeding from the proposition that many crimes are being committed by a military force to the proposition that virtually all who serve in that force are highly likely to be obliged to commit such crimes.

In short, it appears that war crimes trials have left us some guidelines of relevance to the conscientious objection problem but the substance and usefulness of these guidelines appear to be rather modest. Since international law holds out the same rights and duties regarding the *conduct* of war for all belligerents, legal or illegal, international law is of concern for the average citizen-soldier only to the extent that he is involved in the conduct of the war. His chances of being dragooned into acts violative of international law are perhaps about the same as his chances of seeing extensive combat. In most armies in most wars these chances are substantial but they are not overwhelming.

If the foregoing analysis is substantially correct, the conscientious objector does not have a good legal case for emphasizing a desire to avoid the guilt and punishment of a war criminal as a primary reason for his avoidance of military service. He is, however, entitled to cite the Nuremberg precedent as evidence that war can be illegal and that men can be held accountable for their participation in aggressive wars and in illegal wartime conduct.

Having explored the relevance of international law to the conscientious objection problem, I would like to add a few words from the moral perspective of modern just-war theory. If there can be just wars and just means of war there obviously can be unjust wars and unjust means. Critics of just-war theories who charge that their exponents never seem to find anything that their state is doing unjust are, generally speaking, quite justified. The whole point of just-war theory, properly understood, is to bring moral limitations to bear on the conduct of wars. But one of the many prices to be paid for just war justifications is that of disagreement as to the justice of particular wars and means of warfare. It appears to me self-evident that the proponent of the right of just war must grant the moral right of conscientious objection in cases where an individual comes to the conclusion that a particular war or means of warfare is unjust.

Thus far we were talking of a moral right of conscientious objection. Now the moral right should be protected by a legal right of conscientious objection. But, no matter how broadly we define the legal right, two things seem clear to me. One, the legal right of conscientious objection will have to be defined by society, not the individual. Secondly, the legal right will always be considerably narrower than the moral right. Accordingly, it may very well be that the individual will find his conscience in conflict with his

nation's policies and its military service laws. In this sense, Freedom House is correct in characterizing as a "fantasy" the idea that "military service . . . is an option exercisable solely at the discretion of the individual."

Faced with a conflict between his conscience and military service laws, it seems to me that the individual has two basic alternatives. He can continue to refuse to serve and take the consequences which will probably be extremely painful. Or he can re-examine his notion of participation in an unjust and illegal war and in illegal and immoral wartime practices. If he looks to the Nuremberg precedent for guidance, I believe that he will *not* take the view that *any* participation in the armed forces is necessarily immoral any more than it is criminal under international law. If he participates, as marginally as possible, and manages with luck to stay out of positions and situations wherein immoral behavior is almost unavoidable, I would hold that he has not necessarily betrayed his conscience. After all, if I did not believe this possible I could not have any German friends who served in the German armed forces during the second world war.

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In any case, these difficult decisions are up to the individual. As he makes them, however, I would suggest that he re-examine the apparently prevalent idea that while service necessarily means participation in war and a sharing of all of the moral consequences that flow from the character of the war, refusal to serve means effectively non-participation. If the conscientious objector is really serious about non-participation in an unjust war I suggest that he ponder the writings of Walter Stein and his English Catholic pacifist colleagues. Perhaps non-participation should mean boycotting political elections. For some it may mean refusing to pay taxes. Often, however, these will not be the most important means of protest and disaffiliation available. What about government-supported universities, government-subsidized scholarships, grants and loans?

Is a draftee who folds blankets for a year in a supply room in Fort Dix participating in an unjust war to a decisively greater degree than a student attending a university heavily subsidized by the Federal government and engaged in all manner of projects related to the effective functioning of the U.S. war effort? Is participation mainly a question of a uniform? Whoever expects an early and generally acceptable answer to these questions in terms of legal—as distinguished from moral—rights of conscientious objection is indulging in fantasy.