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THE PRINCIPLE

OF

CONSCIENTIOUS OBJECTION

BY

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THE PRINCIPLE OF CONSCIENTIOUS OBJECTION.

CHAPTER 1.

INTRODUCTION.

In its widest sense, the term "Conscientious Objection" implies an abiding opposition to some fact or circumstance for the reason only that the truth or existence of such fact or circumstance is incompatible with the dictates of conscience. It might perhaps be described as "a refusal to accept certain things as they are". The idea is by no means a new one, and its development might be traced in all its different variations and modes of expression from the dawn of history down to the present day.

But in these pages we are not concerned with conscientious objection in the general sense. The recent war raised many great and important issues, but few have received more attention than the question of conscientious objection to military service. It is this particular phase of conscientious objection that we wish to discuss, and where the term "Conscientious Objector" is used it will refer in every case to the "Conscientious Objector to Military Service".

We find examples of conscientious objectors as far back as the time of the Roman Empire. Mommsen in his "Provinces of the Roman Empire", says: "... the communities of Asia Minor under Augustus made the attempt to draw upon their Jewish fellow-citizens uniformly in the levy, and no longer allowed them the observance of the Sabbath; but Agrippa decided against them and maintained the status quo in favor of the Jews, or rather, perhaps, now for the first time legalized the exemption of the Jews from military service and their Sabbath privilege, that had been previously conceded according to

circumstances only by individual governors or communities of the Greek provinces."(1)

We find, however, that this policy was not followed in regard to the Christians. Using Gibbon's words: "About fourscore years after the death of Christ, his innocent disciples were punished with death by the sentence of a proconsul of the most amiable and philosophic character, and according to the laws of an emperor distinguished by the wisdom and justice of his administration. The apologies which were repeatedly addressed to the successors of Trajan are filled with the most pathetic complaints, that the Christians who obeyed the dictates, and solicited the liberty, of conscience, were alone, among all the subjects of the Roman Empire, excluded from the common benefits of their auspicious government..... A sentence of death was executed upon Maximilianus, an African youth, who had been produced by his own father before the magistrate as a sufficient and legal recruit, but obstinately persisted in declaring that his conscience would not permit him to embrace the profession of soldier. It could scarcely be expected that any government should suffer the action of Marcellus the centurion to pass with impunity. On the day of a public festival, that officer threw away his belt, his arms, and the ensigns of his office, and exclaimed with a loud voice, that he would obey none but Jesus Christ the eternal King, and that he renounced forever the use of carnal weapons, and the service of an idolatrous master. The soldiers, as soon as they recovered from their astonishment, secured the person of Marcellus. He was examined in the city of Tingi, by the president of that part of Mauretania; and as he was convicted by his own confession, he was condemned and beheaded for the crime of desertion.(2)

(1) Book 8, cap. 11. p. 171.

(2) Gibbon-Divine and Fall of the Roman Empire.
cap. 16. pp. 205, 225.

Soon after this the early Christian church discontinued its adherence to the non-resistance doctrine. But this did not necessarily extinguish the principle entirely, and it is remarkable to note that through the Middle Ages there is apparently no record of a conscientious objector. The reasons for this are not far to seek. The Catholic Church had become strongly entrenched. It alone was the mediator of salvation, and as such, exercised an authority over the people which is almost incomprehensible. The prevailing ignorance of the period had also a great deal to do in strengthening the Church's authority and in prohibiting any revolt against it. All this time the Church was becoming more and more militant, as witness the Papal armies and the stimulation of the Crusades, and for not a little of this period the Church claimed and exercised temporal as well as spiritual power. In such a combined atmosphere of ecclesiastical authority and militant activity it was practically impossible for conscientious objection to exist.

"The Mennonites were exempted from military service in Holland in 1575; in Zealand in 1577, and France, in 1793, accorded a similar exemption to the Mennonites of the Vosges, which exemption was confirmed by the great Napoleon, who employed them in hospital work on his campaigns. In the United States the members of certain religious denominations were exempted from general military service during the Civil War".(1)

At the time of the war with Napoleon the English Quakers were exempted from military service by the Militia Ballot Act of 1802. The Rt. Hon. H.H.Asquith in a speech delivered during a discussion of the Military Service Act in the British House of Commons on the fifth day of January, 1916, was referring to this bill when he said: ".... In the days of the great French war when Mr. Pitt.... enforced the Compulsory Militia Bill, they expressly exempted the only people who in those days

(1) W.G.Kellogg - The Conscientious Objector. p. 4.

had conscientious objections to Government service - the people called Quakers....." (1)

The recognition of the principle as a governmental problem in the British Empire and the United States in the days of the world war is of such recent date that a bare mention suffices in an historical resumé of this kind.

This historical sketch of the subject shows that the controversy has persisted for centuries and is still recurrent. But the problem confronting us at the present time differs from that of the past in this respect: the modern conscientious objector may or may not belong to a religious society or organization. He may be a member of a protesting social group. So long as his scruples are based upon convictions sincerely held, he is a conscientious objector. In earlier times, however, persons with such convictions, who were not members of some religious society the tenets of which restrained its members from the exercise of force under any circumstances, were rarely encountered. A consideration of the most important of the different classes of objectors may prove enlightening in regard to the basis upon which their conscientious objections are founded.

Chapter 2.

The Mennonites.

The Mennonites take their name from Menno Simons, a Dutch religious reformer, who was born at Witmarsum in Friesland in 1492. He was ordained a priest of the Roman Catholic Church and in 1524 took pastoral work in the village of Pinguim, but from a study of the New Testament, undertaken to solve his doubts about transubstantiation, he was induced to become an evangelical preacher and finally left the Roman Catholic Church.

(1) Debates (Brit. House of Commons) vol. LXXVII p. 957.

The place of origin of the views afterwards called Mennonite was Zurich, where in 1523 a small community left the state church and adopted a religion of their own. This religious belief discards the sacerdotal idea, owns no authority outside the Bible and the enlightened conscience, and lays stress on those precepts which vindicate the sanctity of human life and of a man's word. One of the most important fundamentals of their faith is the principle of non-resistance.

The modern Mennonite congregations in the Netherlands have given up their ancient Christian testimony against all war. It is interesting to observe how this came about. In 1787 the Mennonites joined the cause of "the patriots" who were opposing the claims of the Reformed State Church. The Stadtholder, William V., threatened to ~~use~~ call a Russian army to his aid, and "the patriots" then began to raise recruits for their forces in every town and village. Caught by the general enthusiasm, the Dutch Mennonites abandoned for the time being their objections to supporting their religious principles with the sword, and from that time on their scruples against military service have gradually been abandoned.

In 1807-1812 there were still a number of Dutch Mennonites faithful to their original principles and these attempted to obtain exemption from the military conscription of Napoleon I, but as their appeal for exemption was not supported by the majority of the sect in Holland, the request was refused. When liberty was restored to their country in 1813 they did not again apply for exemption, and, in fact, in 1815 they sent a large body of volunteers to Waterloo. The last little congregation which steadfastly continued to endorse non-resistance was dissolved in 1853, and thirty of these emigrated to the United States.

The Mennonites of the Vosges were more successful in their

application to Napoleon for exemption, but this was, perhaps, partly due to the fact that they had been previously exempted by the Committee of Public Safety. To use Robert Barclay's words : "The Mennonites of the Vosges petitioned the convention, and obtained an exemption from military service. The Republic, in a decree of the Committee of Public Safety dated the 18th of August, 1793, allowed the exemption from carrying arms or fighting, and they were consequently employed in hospitals and other services of a similar kind. Bonaparte allowed them the same exemption, and although as attendants of the armies many were killed in battle, they were so without having 'drawn a sabre or touched a gun'."(1)

We find from a study of their history that both the Prussian and the Russian Mennonites came originally from Holland. In 1549, the Polish king, Sigismund, promised a colony of Dutch Mennonites complete liberty of conscience upon condition that they settle upon and cultivate the low marshy deltas of the river Vistula and Nogat. As a consequence, these deltas later became exceedingly fertile tracts of land. In 1723, Frederick William the Great, issued an edict requiring them to either perform military service or leave the lands which their skilful labour had reclaimed. The king afterwards rescinded this command, and on the 29th of March, 1780, Frederick the Great confirmed their privileges. From that time on, the Mennonites, who numbered about 12,603 in all, were to be free from all military service. It is worthy of note that this great soldier declared his reason for confirming these people in their ancient privileges was to allow throughout his provinces complete freedom of conscience.

But with the idea of preventing increases in the number of the Mennonites having the right to this exemption, the privilege was attached to their estates. The Mennonites thereupon began to buy more land and their numbers increased proportionately. In 1801 an act was passed

(1) Robert Barclay- The Inner Life of the Religious Societies of the Commonwealth, cap. 27, p. 610.

which provided that only the direct male heirs of the owners of these privileged estates should be exempt, and on no account was a foreign Mennonite to enjoy the privilege, thus limiting the exemption to those born of parents living on these estates. As a result of this legislation, between the years of 1780 and 1801 large numbers of Mennonites emigrated to Russia. The Prussian government then amended the law so as to allow them to sell to other Mennonites their land and with it the freedom from military services.

These privileges remained the same until the 9th of November, 1867, when the general law relating to conscientious objectors was settled. It was issued in a Royal Cabinet Order of the 28th of November, 1868, and provided that such Mennonites as did not voluntarily express their readiness to do military duty under arms might fulfill their obligations to serve by performing noncombatant service. The Order also gave those Mennonites who objected to performing this kind of service "an opportunity, by means of emigration, of avoiding a conflict between their duties as subjects and their religious convictions."

Barclay describes the position of the Mennonites at this time in the following words: "Their principles regard all war and the very passions that lead to war as forbidden by Christ, and although they would rejoice to heal the wounds occasioned by war, either by hospital nursing, the care and education of orphans, or in supplying the necessities of the civil State, they object to be made a part of the military system, the intention of which is to inflict the utmost injury upon our enemies, instead of loving them and seeking their religious, moral, and spiritual welfare, and thus striking at the source and origin of national hatred." (1)

(1) Robert Barclay - The Inner Life of the Religious Societies of the Commonwealth. cap. 27. p. 618.

The natural effect of the new law was to produce a division among the stricter Mennonites and the newer members, the majority of whom yielded to combatant service and gave up their ancient objections to war. Those who were willing to perform the services in the army, either combatant or noncombatant, remained in the country; those who could not conscientiously do so emigrated to America.

Now let us turn to the Russian Mennonites. In 1786, Catherine II of Russia, with the object of populating the great tracts of land recently taken from the Tartars, invited the Prussian Mennonites to come to Russia, and she offered them, among other privileges, absolute exemption from military service and all obligations connected with war. Many accepted this offer and emigrated to Russia. But in 1874 the Russian Emperor stipulated that in return for their exemption from combatant service they must serve as attendants on sick soldiers in hospitals, as workmen in the arsenal at Nicolajin, as forest keepers, fire watchmen and as railway servants - in other words, they must render non-combatant service. This was the same ultimatum which had been submitted to them by the Prussian government, and consequently a great number of Mennonites left Russia for the United States where they would be entirely free from the obligation of military service.

Robert Barclay said of the Prussian and Russian Mennonites in 1877: "The position of these 'weaponless' or 'defenceless Christians' in Russia and Prussia merits some slight notice; and it requires to be explained under what circumstances these simple Christian people are gradually disappearing from Europe and transferring themselves to the New World; since amid the increased enthusiasm for elaborate military organization they have no one to plead their cause or to defend the 'defenceless'. It augurs badly for Modern Europe that conscientious convictions which have been respected by the most powerful and arbitrary monarchs in past

ages should be on any grounds slighted in our own; especially as the Mennonites settled in both Prussia and Russia under the most solemn promises that their religious scruples should on all points be respected. In both countries they have repaid the kindness of their Sovereigns by turning the most desolate land into a garden; and these potentates have never had subjects more loyal or who have discharged the duties of citizens in a more religiously exact and trustworthy manner."(1)

Walter Guest Kellogg, who was chairman of the Board of Inquiry for the investigation of cases of conscientious objection in the United States during the recent war, speaks with an intimate knowledge of the Mennonites in that country. He says⁽²⁾: "A psychologist, who obtained statistics on 1060 cases taken from twelve Army camps, informs me that 554 of those cases were Mennonites. My own observation would lead me to believe that even a larger percentage of the objectors examined by the Board of Inquiry were Mennonites....

"They are distinctly an agricultural people and live, for the most part, in isolated farming communities..... They marry among themselves and have unusually large families. Their ancestry is very often German. They are a thrifty, hard-working, prosperous people.

"The Mennonite is possessed of singular characteristics. His hair and beard are unkempt - if he is an Old Amish Mennonite he explains that it is against his religious principles to cut his hair or to trim his beard..... His trousers ~~often~~ ^{only} open at the side and do not button, but hook together..... He shuffles awkwardly into the room - he seems only half awake. His features are heavy, dull and almost bovine.

"He very probably does not speak English with any degree of

(1) Robert Barclay - The Inner Life of the Religious Societies of the Commonwealth. cap. 27. p. 612.

(2) W.G.Kellogg - The Conscientious Objector. p. 36 et seq.

even colloquial fluency - he is almost certain to speak German, and German, or Pennsylvania Dutch, is the language of his family circle and of his church..... He has never held public office of any kind, and takes no interest in the social life of his community. He cares nothing about good roads or any form of social uplift, and, in most cases he has never voted.....You cannot get him to say whether in his opinion the United States should triumph over Germany or Germany over the United States - he will tell you, 'It is not for me to judge'....He will not admit having been in any fight or having ever used force against a human being since joining the church.

"He professes to be a great reader of the Bible and is capable of disclosing a surprising knowledge of its contents. He takes 'Thou shalt not kill' and similar passages with absolute literalness, and any verse which seems to favor warfare he will explain as possessing a figurative intention..... I have examined at least fifty Mennonites at random in widely separated camps, who did not know what the Lusitania was, who Edith Cavell was, nor who General Foch or who General Pershing is. Others had heard of the Lusitania - that she was a boat which they thought had been sunk by the Germans, but they knew nothing about the surrounding facts.....

"Such ignorance, to one who has seen many of them, is hardly surprising. They are an isolated people; they do not mix freely with others. They remain now as their forefathers were three centuries ago. They are concerned little with what the world thinks and does; they read no newspapers other than their village weekly, which is not unlikely to be printed in German. Civilization, apparently, has passed them by; the twentieth century has hopelessly outdistanced them. They remain a curious and an alien survival of an old-world people, an anachronism amid the life of to-day.

"..... I doubt extremely if fifty per cent of the Mennonites examined, because of their ignorance and stupidity, ever should have been admitted into the army at all; I am certain that ninety percent of them need a far better preparation for citizenship than they have ever received. They are good tillers of the soil; they are, doubtless, according to their lights, good Christians, but they are essentially a type of Americans of which America cannot be proud.

"The problem of the conscientious objector, as applied to the Mennonites, is particularly and forcefully one of education, not more in the rudiments of schooling than in the inculcating of the social and national spirit."

It has not been possible to obtain such complete information about the Mennonites in Canada as Kellogg has collected in regard to those in the United States. The strictest of the sect in Canada forbid the carrying of fire-arms and the eating of flesh. They address each other in the second person singular. Dancing, smoking and drinking are forbidden, and their philosophy of life, of course, is non-resistance. Their way of living is very crude and their strange clothes present a picturesque appearance. Their chosen occupation is agriculture. In this vocation, like the Doukhobors, they excel, and some, at least, of these pioneer Mennonitish farmers are men of keen intellect and are exceptionally well read, although many of them speak either Russian or German much better than English. They are, perhaps, not so objectionable as the Doukhobors, for they do not indulge in the famous fanatical "pilgrimages" which have brought the name "Doukhor" into such disrepute.

When the Mennonites were considering coming to Canada in 1873, an order-in-council was passed by the Dominion Government which provided :

"10. That the Mennonites will have the fullest privileges of exercising their religious principles and educating their children

in schools, as provided by law, without any kind of molestation or restriction whatever."

When the substance of this section was transmitted to the Mennonites by the Secretary of the Department of Agriculture a looser form of words was employed which the members of the sect construed as allowing them to educate their children in schools as they wished, without any qualifications or restrictions of any kind. So they refused to send their German and Russian speaking children to Canadian schools to be taught English.

The authorities enforced the School Attendance Act and there were many convictions for failure to comply with the provisions of this statute. Finally in 1919, after the conviction of John Hildebrand and Dedrick Doerkson by Magistrate Milne at Morden, Manitoba, on the charge of unlawfully neglecting to send their children to school or make satisfactory provision for their education, the Mennonites carried the question in appeal to the Manitoba Supreme Court. It was held by this Court that under the agreement of 1873 the Government had intended to give the Mennonites, as they claim, the right to their own schools, but that even if this had been done it would have been ultra vires of the Dominion Parliament, for by the British North America Act the exclusive right to deal with matters pertaining to education was given to the provinces. The court also held that the School Attendance Act was binding upon the Mennonites, and that they must send their children to school according to the terms of the law. An application for leave to appeal to the Privy Council was refused.

Shortly after this judgment was delivered, there were rumors to the effect that these people were about to leave Canada, and in 1921 about 2500 of the 37000 in Canada at this time emigrated to Mexico. An immigration law excluding the Mennonites from this country was passed in 1920, but the ban was lifted in June, 1922, and by the

latest reports 3000 members of this sect will soon arrive in Canada from Russia, which they are leaving in order to escape from ^{the} Bolsheviki.

Opinion is greatly divided on the question of the value of these people as colonists. The prevailing feeling in Manitoba and Saskatchewan at the time of their emigration to Mexico was that the country was well rid of them. It is probably safe to say that the worry they cause the administration of the country more than outweighs their value as immigrants.

Chapter 3.

The Society of Friends, or Quakers.

"Society of Friends" is the name adopted by a body of Christians who in law and general usage are commonly called "Quakers". The Society was founded about 1647 by George Fox, the son of a weaver of Drayton-in-the-Clay, which is now called Fenny Drayton. The organization of the sect was due to William Dewsbury and George Fox, and it was not until 1666 that a complete church system was established. They were joined by William Penn about 1668.

During the whole time between their rise and the passing of ^{the} Toleration Act in 1889, the Quakers were subject to almost continuous persecution, which they endured with extraordinary constancy and patience. The number who died in prison approached four hundred, and at least one hundred more perished from violence.

According to the Encyclopedia Britannica, the Friends have always held that war is contrary to the precepts and spirit of the gospel, believing that it springs from the lower impulses of human nature and not from the seed of divine life with its infinite capacity of response to the Spirit of God. Their testimony is not based primarily on any objection to the use of force itself, or even on the fact that war involves

suffering and loss of life; their root objection is based on the conviction that war is both the outcome and the cause of ambition, pride, greed, hatred, and everything that is opposed to the mind of Christ; and that no end to be attained can justify the use of such means. While not unaware that with this as well as with all moral questions there may be a certain borderland of practical difficulty, Friends endeavour to bring all things to the test of the Realities which, though not seen, are eternal, and to hold up the ideal set forth by George Fox of living in the virtue of that life and power which takes away the occasion of war.

The Quakers, on the whole, are a very admirable class of people. Unlike the Mennonites, the majority of the American Quakers are pleasant-appearing, intelligent, at heart patriotic, and in spirit indubitably sincere. The English Quakers bear the same excellent reputation, and many of the outstanding men are members of this society.

In the debates on the Military Service Act in the British House of Commons in 1915, Mr. Arnold Rowntree used these words : (1) "It is felt that war is essentially contrary to the Spirit of Christianity, and naturally, when a war like this breaks out, the Quakers find themselves in a position of peculiar difficulty. Tho' they hold back, yet a large body of these conscientious objectors want to serve their country in the most effective way they can, and 500 ^{young} men holding these views have joined the Ambulance Unit in France.....I do beg of honourable Members, when they are apt to criticize these men, to recognise that there is a great principle at stake, and to be careful how they treat these conscientious objectors... They are willing to be persecuted if you are prepared to do it, but it is a question of conscience with them."

Mr. Bonar Law, then Secretary of State for ^{the} Colonies, and now Prime Minister, spoke of the Quakers as follows : (2) "I do not know

(1) Debates (Brit. House of Commons) vol LXXVII, p. 1685.

(2) " " " " " " LXXVIII, p. 429.

about any other organized body, but the Quaker organizations have done splendid service in connection with Red Cross work throughout this War. I happen to know of one case, no doubt there are many more, where a man holding these views, while not himself willing to be put in a position where he would be forced to take the life of others, has shown that he is perfectly ready to risk his own, and throughout the War has been engaged in mine-sweeping, which is one of the most dangerous occupations connected with the war".

It is greatly to be regretted that the Quakers differ so radically from the most of us in regard to duty in time of war. But their attitude is in strong contrast to that of the Mennonites. While the viewpoint of the latter is due in some cases, as W.G.Kellogg suggests, to ignorance, the attitude of the Friends is due for the most part to an inherent narrowness in vision.

Chapter 4.

The Doukhobors.

"Doukhobors" or "Doukhobortzy", ^{is} the name of a Russian religious sect, a number of which emigrated to Canada in 1899. The Society, if such it can be called, dates from 1733, and was formally founded in ~~the~~ Kharkov about 1740-50. Their whole teaching is permeated with the Gospel spirit of love, and they do not regard as binding upon them any demands of the government authorities which come into conflict with their conscience. They consider killing, violence, and, in general, all relations to living beings not based on love, as opposed to their conscience and to the will of God. They have always refused to perform military service and are consistent non-resistants, being opposed to wars of any kind. Because of this they endured for a long time the most

bitter persecution in Russia.

In their habits they are industrious and abstemious, and when living up to the standard of their faith they present one of the nearest approaches to the realization of the Christian ideal which have ever been attained, bearing in this respect a close resemblance to the Quakers.

(1) By the end of the 18th century, the Doukhobors were dispersed over practically the whole of Russia, although they were to be found in the greatest numbers in Kharkov, Ekaterin^oslav and Tambov. They suffered severe persecution at the hands of the Russian Government which saw in them the cause of future ^{social} revolutions. In 1779 the Doukhobors who lived among the Cossacks of the Don were exiled to Siberia, and in 1793 those of Kharkov met the same fate.

The ascent of Alexander I to the Russian throne soon brought the Doukhobors relief, and in 1802 those banished to Siberia were allowed to settle on the banks of the river Molotchnaia in Tauris. The same privilege was granted to the Doukhobors of the provinces of Tambov and Voroneje in 1804. Here the economic and climatic conditions were so favourable that the members of the sect prospered greatly, and the purity of their morals so impressed Alexander I in their favour that he protected them from oppression. But when Nicolas I came to the throne the persecution was again renewed. Many were sent to Siberia, and in 1841 they were compelled to migrate to Transcaucasia.

In 1861 Peter Verighin, the leader of the sect, and five other prominent members were exiled to Archangel, and finally Verighin himself was banished to Obdorsk in Siberia. Before leaving, Verighin advised the Doukhobors, through his brother Basil Verighin, to abstain

(1) See Aurelio Palmieri - The Russian Doukhobors and their Religious Teachings. Harvard Theol. Rev. vol. 8, 1915.

from taking oaths, to refuse to serve in the army, not to participate in any act of violence, and to destroy their arms.

This advice was followed, and many members of the sect either refused to render military service or burned their arms. As a penalty for these acts of rebellion, they were forced to emigrate to Georgian villages in the districts of Duchet, Gory, Tionety and Signakh. Here they endured the most terrible privations from starvation and cold, and finally in 1898 Tolstoi took up the pen in their defence and called upon the whole civilized world for aid. The same year Peter Verighin wrote to the Empress Alexandra Theodorovna, entreating her to use her influence to have such persecution brought to an end."....We are guilty of but one offence - that of wishing to remain Christians," he said. "We have renounced the use of flesh, of wine, and of everything that tends to the corruption of morals. And if we do not kill animals, it is not strange that we do not admit the possibility of killing one of our own kind....."

Realizing that it was impossible to coerce the Doukhobors into giving up their principles, the Russian Government gave them permission to emigrate to some other country on condition that they should do so at their own expense and that they should never return. The Doukhobors were supported both morally and financially by the English Quakers, and in August, 1898, a number of them emigrated to Cyprus. The climate was so unhealthy, however, that the rest, who were still in Russia, asked leave to go to Canada. The first party arrived in Canada in January, 1899, and settled in Manitoba. The total number of Doukhobors who emigrated to Canada at this time exceeded 7000.

Near Yorkton in the same year (1899), the first Doukhobor "pilgrimage" occurred. A number of members of the sect, under the impulse of their religious fervour, ^{cast} ~~cast~~ aside their clothing, and with the therm-

ometer standing at ten degrees below zero started southwards on a trek to Winnipeg. When questioned, their reply was : "We have received a message from heaven, and ~~we~~ are looking for Jesus". They were soon suffering terribly from the cold, little children were in the greatest distress, and the affair began to be pitiful and alarming.

The Canadian authorities tried to head off the movement, but all entreaties were in vain. The physical distress was appalling, and men and women were going out of their minds. At length stringent action was taken. The officials placed the "pilgrims" forcibly on a train and carried them back to their settlement.

In defence of the Doukhobors, Peter Verighin their leader, who at this time ^{was} still in prison in Siberia, stated that they were induced to embark upon this venture by a religious fanatic, that only a small number took part, and that the whole proceeding was condemned by a vast majority of the Doukhobor community.

In 1900 Tolstoi sent the Doukhobors a letter in which he inveighed against the institution of private property. The members of the sect immediately endorsed Tolstoi's views and began to protest against the laws of Canada, declaring that private property is a violation of the divine laws, that marriage and divorce are not human laws, and that the police and state have no business to register births and deaths. The Government's reply to this agitation was to the effect that it was not possible to change for them the existing general legislation.

But by this time the Canadian Government was beginning to fear serious trouble with the Doukhobors, and negotiations were entered into with the Russian Government for the liberation of Verighin before the expiration of his term of imprisonment. As a result he was set free, and arrived in Canada in 1902. He is a man of keen intellect, well read, tactful, and masterful without being arrogant. He possesses great influ-

ence over his people, and a change for the better was soon apparent.

But clouds have from time to time arisen on the horizon. Public opinion has always been against the Doukhobors because of their peculiar practices and strange ideas. It is reported that on one occasion they declared the horses to be as much entitled to freedom as themselves, and set them loose. Another report is that they declined to wear woolen clothing, believing it to be wrong to take the fleece from the sheep. They have always refused to perform military service and they will not become naturalized British subjects, maintaining that they will remain citizens, not of any particular country, but of the world. Their marriage service is merely an agreement between ^{the} two parties concerned, and they object to registering births, marriages and deaths. They wanted to take up land en bloc instead of allowing each man to take out an individual patent in accordance with the Dominion land laws. There was trouble over this point in 1907, and, in consequence, the original allotments to the Doukhobors of 160 acres to each family were reduced by the Government to 15 acres. In 1909 Verighin bought additional land in British Columbia, and about 5700 members moved from Saskatchewan to this new settlement.

At Verighin's suggestion they changed their name to "The Christian Community of Universal Brotherhood". Aylmer Maude quotes the opinion of one who saw much of them in Canada as follows: (1) "They belie every noun and adjective of their cumbrous title". Other writers, however, agree in acknowledging the purity of their morals, their admirable friendliness and hospitality, and their remarkable qualities of industry and thrift.

They object to the Canadian educational system on the ground that it creates an insatiable greed for easy money and luxury, and that the boy-scouting and military drill inculcate a love for military

(1) Aylmer Maude - A Peculiar People : The Doukhobors.

service. In the words of Verighin : " As we consider war a wholesale murder and wicked, we absolutely refuse to serve in the army or make use of any arms." In the war of 1914 they were exempted from military service. This evoked bitter feeling on the part of many of those in Canada who were not Doukhobors. It was felt that the Doukhobors were taking advantage of their exemption by making money out of the war.

In 1922 it was rumoured that the members of this sect were about to drown all the aged, maimed and infirm, and the children who were under ten years, by throwing them into the Columbia River. The remaining Doukhobors were then to travel about the country preaching the coming of Christ and conducting themselves as "A Vagrant Working Class" belonging to the "proletariat". This was to serve as a protest to the Government against taxation.

These and other reports have tended to give this sect a very bad reputation. There is a well-authenticated report to the effect that they still consider life in the nude the ideal form of existence. It is believed that Verighin's real reason for objecting to the Canadian system of education was to keep his people in a state of ignorance, so that he could remain an autocrat. At all events, much as we admire some of their ideals, such as the abolition of alcohol, their spirit of hospitality, the eradication of the root of all evil, money, and their simplicity of life, we cannot endorse those of their customs which are inconsistent with the ordinary laws of decency. To escape from the evils of civilization, they flee from civilization itself. In their habits of life there is little room for literature, science, or art. Their movement (if, indeed, we may call it a "movement") has not kept up with the spirit of the times; for this reason alone it can stand little chance of success, nor can a community that cuts itself off from the rest of the world ever hope to be the means of leading the world to a higher and more

perfect civilization.

Ever since their arrival in this country in 1899, the Doukhobors have proved a veritable thorn in the side of the Canadian authorities. At the date of writing there is a rumour that the Soviet Government has entered into negotiations with the Canadian Government for the return of these people to Russia. This is a matter for the future to decide, but it is not improbable that the Doukhobors may emigrate to some other country in the near future, either returning to Russia, or, like the Mennonites, seeking peace in that hot-bed of wars, Mexico.

Chapter 5.

The Socialists.

The Socialists, constitute, perhaps, the newest group of pacifists. (1) Their formation as a party dates only from 1847, the year Marx and Engels published their famous Communist Manifesto, which ended with the well-known words: "Proletarians of all lands, unite!" At this time all classes of the various nations were beginning to agitate for freer political and social activity; freethinking ^{became} ~~because~~ the vogue, and all Europe was fomenting with that increasing unrest which finally had its utterance in the Revolution of 1848.

The Communist Manifesto marked the beginning of a definite international movement. It set forth all the essential principles of international socialism, of which the most influential was the theory of the class war between the proletariat and the bourgeoisie, and the idea that, to become free from their servitude, a union of the workers of all countries was imperative. The rapid spread of this idea led to the formation in 1864 of an organization called the International

(1) See A. Shadwell- International Socialism and War.
Edinburgh Review for October, 1917.

Association of Working Men, now known as the Old International, at first composed ^{Largely} of members of the working class, but later led by intellectual doctrinaires of whom Marx was the leader. This organization was composed of a central body called the General Council, which had its seat in London and local branches in the affiliated countries. The real function of the Old International was the propagation of the theories of Marx, but its life proved to be ^a very short one. A rival association called the "International Alliance of Social Democracy" was founded by Bakunin in 1868, and, weakened by internal dissensions, the Old International melted away and finally collapsed of inanition.

Its importance from our viewpoint lies in its attitude toward war. International Socialism cleaves nations vertically and attempts to join classes within nations. It seeks to unite nations horizontally in order to carry on a class war in each of them, and thus its tendency is to eliminate and destroy nationality. It must, therefore, be naturally opposed to a war of nation against nation. Outwardly true to its principles, the Old International protested against the Austro-German war of 1866 and the Franco-Prussian war of 1870, but beyond the passing of useless resolutions it did absolutely nothing to prevent war. The obvious reason for this was the fact that practically all the Socialists, with the exception of Bebel and Liebknecht, were in favour of war, and would not combine in a united effort to prevent it.

The New International came into being in 1889, together with a multitude of opposing intolerant opinions. At first there were two rival organizations, but these later united as a matter of expediency, taking in all shades of opinion except that in favour of anarchism and physical force. This body grew steadily, and at a Congress held at London in 1896 it was attended by 800 delegates, of ^{whom} ~~which~~ more than

half were British. In 1900 a formal organization called the International Socialist Bureau was established for the purpose of keeping in touch with the national committees in each country, arranging the congresses and issuing a periodical bulletin.

The attitude of the New International in regard to war was the same as that of the Old. Opposition ^{to war} was its first and fundamental raison d' être.)

At the Congress of 1900 in Paris, the president, M. Jaurés, declared in opening the proceedings that the organization of international peace was the most important question on their programme. A resolution was unanimously adopted which declared :

(1) "That it is necessary for the Labour Party in each country to oppose militarism and colonial expansion with redoubled effort and increased energy.

(2) That it is absolutely necessary to reply to the alliance of the bourgeois classes and the governments for the perpetuation of war by an alliance of the proletarians of all lands for the perpetuation of peace - that is to say, to give up more or less platonic demonstrations of international solidarity and adopt energetic international action in the common struggle against militarism".

And in subsequent congresses, more especially at Stuttgart in 1907, this position was strongly re-affirmed, repeating that the campaign against militarism could not be separated from ^{the} general campaign against capitalism.

In 1912 the International Bureau called a special congress in view of the Balkan war. It met at Basel toward the end of November, and was well attended by continental members and the Balkan States. The British delegation, however, was very small. The congress drew up a manifesto which laid down rules of conduct for all the nations there

represented. The Socialists of the Balkan States were to "compose old enmities, oppose the violation of the rights of others, and declare the fraternity of all the Balkan peoples, including the Albanians, Turks, and Roumanians.... The Russians were to fight Tsarism and all Military policies." The Germans, French and English were to "insist that their governments should refuse all support to Austria and Russia, keep out of the Balkans, and maintain a strict neutrality." And the irony of it all is the fact that the following year the Balkan peoples were cutting each other's throats, and the German Socialists in the Reichstag voted in favour of a Finance Bill providing money for an increase in the size of the standing army.

In 1914 the German Socialists in the German Reichstag to a man voted for the war credit, the Socialists all over Europe joined the armies of their respective nations, and the New International collapsed far more decisively than had the Old. Only one small remnant under the leadership of Karl Liebknecht remained true to their protestations of peace and refused to sanction the war. It has been suggested that the reason for this, as far as the German Socialists were concerned, was their belief that the war was a purely defensive war against Russia. Whatever the reason was, the fact remains that in July, 1914, the masses of the German workers were attacked by a patriotic fervour which swept aside all the cautions and inhibitions of fifty years of Socialist propaganda. At the present time, the German Socialists, apparently, are gradually returning to the position which they held before the war.

When the war broke out in August, 1914, England was on the eve of a great strike. The workmen of all the principal trades in the country intended to present their demands - and, if necessary, strike for them - simultaneously. If these plans had been carried out, Great Britain would have been completely paralyzed industrially.

The workers virtually held the fate of the Empire in their hands. But the moment war was declared the strike was called off, and the workers sacrificed their hopes of bettering their condition to the welfare of the nation.

During the early part of the war, J. Ramsay Macdonald, at that time one of the leaders of the Labour Party and now its acknowledged head and a Labour Member of the House of Commons, was bitterly opposed to the war. Of the same mind was Keir Hardie, the Socialist.

✓ These two influential men later changed ⁱⁿ their attitude, and at a conference held in London of the Socialist and Labour organizations of the allied countries, they pledged their entire support to the war until the definite defeat of German militarism.

But J. Ramsay Macdonald is still unchanged in his denunciation of war, although he did yield to the exigencies of the time and to some extent dropped his opposition to the prosecution of the war of 1914. He maintains that the diplomacy of Europe is the inevitable cause of international conflict. "International relations", he says, "are controlled in such a way as to make war inevitable." (1) He believes that the only guarantee of peace is the education of public opinion in regard to international diplomacy. To use his own words: "No people wants to fight any other people. Public opinion in times of peace is always against war; it becomes warlike only when roused by the bugles of war; blowing from Foreign Offices, Ministries of War, and through newspapers..... Foreign affairs in some mysterious way have been withdrawn from the light of the world. They are transacted in rooms with blinds drawn, with backstairs entrances and secret doors and waiting chambers. Upon them are employed spies, suborned agents, ambassadors, whose business it is to cheat, and finesse. The whole corrupting system should be swept away....."

(1) J.R.Macdonald - National Defence p. 15

"I do not make the mistake of assuming that open diplomacy will remove the causes of war; I do ~~not~~ say that it will enable these causes to dissipate themselves without an explosion. Secret diplomacy acts upon national rivalry as a confining chamber acts upon a high explosive. In the open the high explosive burns; in a confined place it explodes. Capitalist rivalries, the spirit which animated our Tariff Reform campaigns, the need of national expansion, such as both Russia and Germany feel, will provide plenty of causes for future wars, but an open diplomacy will prevent these causes from generating disruptive force. The people and reasonableness will settle them as they arise." (1)

J. R. Macdonald does not say that all war is unnecessary. He merely condemns the diplomatic system, which, he says, causes some wars that would otherwise be avoided. And even if he should consider a particular war unnecessary, he does not, for that reason alone, justify a refusal to bear arms and rebellion against the State.

So when the need arose, the Socialists of Britain and the continental countries showed themselves to be patriots above everything else, and, in apparent violation of their pacifistic principles, went gladly flocking to the aid of their respective countries. But what was the situation in the United States ?

Soon after the war began the United States became literally flooded with pro-German and peace propaganda, much of it being distributed as Socialist literature. The platform of the American Socialist Party became so pro-German - or, at least, so ardently pacifistic - that many of their leaders broke away from the Party. Allan L. Benson, the Socialist candidate for President of the United States in 1916, believes that the attitude of the American Socialists was due to the presence among them of so many foreign-born (1) J.R. Macdonald - National Defence. p. 115 et seq.

Socialists was due to the presence among them of so many foreign-born. He says : (1) "What is mistaken as pro-Germanism in these men is non-Americanism. By reason of their foreign birth they cannot get the American point of view. All nations look alike to them.... These foreign-born leaders mislead the party not because they desire to do so, but because they are incapable by reason of their birth of doing otherwise. They cannot feel what Americans feel. And they are assisted by an anarchistic, syndicalistic minority that the party, prior to the war, had always suppressed..... A few men in the party, who should have known better, have accepted and proclaimed the false doctrine that a workingman can have no country, and , therefore, that it is immaterial to him whether the country in which he lives, if it be at war, shall be defeated or not. Such men seem quite unconscious of the fact that this is the doctrine of Proudhon and Bakunin, the Anarchists, rather than that of Marx, the Socialist....."

At the time of writing the above words Benson took his leave of the Socialist Party as a protest "against the foreign-born leadership that blindly believes a non-American policy can be made to appeal to many Americans". Other prominent men to leave the party were Charles Edward Russell, the Socialist candidate for governor of New York; John Spargo, one-time member of the National Executive Committee of the party; William J. Ghent, secretary of the platform committee in the convention of 1912; William English Walling, Upton Sinclair, and J.G.Phelps-Stokes and his wife. These all severed their connection with the Socialists before Benson had done more than criticize the attitude of the party.

(1) Current Opinion for Aug. 1918.- *What the War has done to Socialism in America.*

John Spargo denounced the party when they failed to join with all the other Socialist Parties of the world in the protest against the German deportation of Belgian workmen. He believed this alleged pro-Germanism to be due - not to corruption - but to the fact that American Socialists had for years regarded German Socialism "with something approaching reverence". "Whatever the cause may be," he said, "there can be no doubt as to the fact that from the beginning the party has been practically pro-German".

Ghent's indictment was even more sweeping. While pronouncedly anti-nationalistic so far as the United States is concerned, he declared, the Socialist Party of America "has been furiously nationalistic so far as Germany is concerned". It "has echoed virtually every demand of the German foreign office." It has no word to say against Germany's declaration of war, but it has officially condemned our declaration of war. It uttered no protest against the invasion of Belgium and the "frightful exactions" of the German army afterwards. No violation of international law has stirred it to indignation. Where it has spoken at all, it "has more or less openly justified such violation as seemed to aid the German cause." To use Ghent's concluding words: "whatever this element professes to stand for, and whatever it may really think it is trying to promote, the record shows that it has given its support to Kaiserism, to autocracy, to international bad faith, to spoliation and massacre, to the perpetuation of infinite cruelties and to the denial of reparation

We might say much more in regard to the attitude of the American Socialist Party. We must not forget that the United States Government prohibited, during the war, the publication of a number of papers including the Masses in New York City, the Appeal to Reason in (1) See Current Opinion for Aug. 1917.

Girard, Kansas, the American Socialist and the International Socialist Review of Chicago, the Social Revolution of St. Louis, and numerous other Socialist publications, and that the most general objection to these papers was their incitement of opposition to conscription. It was inevitable that the vigorous opposition to the draft encouraged by the attitude and propaganda of the Socialists should have its influence on the nation, and one of the results was a great harvest of Socialist objectors to conscription.

These objectors were not, perhaps, of the orthodox type; that is, they did not base their refusal to participate in war on the commandment "Thou shalt not kill" - or, if they did, it was not their real objection. They consisted of men who were either ^{of} pronouncedly pro-German views, or who believed that the war had been brought about by the capitalist class in their own selfish interests, and for one or other of these reasons they allowed their prejudices to overcome their interest in the welfare of their country. But whatever their motives were, they were sufficient to make them violently opposed to the operation of the Selective Draft.

Chapter 6.

The Independent Objector.

Up to this point we have been describing that type of conscientious objector which is a member of a class or organization whose regulations prescribe abstinence from war as an essential rule of conduct. As we have noted, this type includes not only the religious objector, such as the Mennonite and the Quaker, but it also takes in the pacifist Socialist, who, though not associated with any religious group, is yet a member of a class the principles of which

prescribe certain regulations as being necessarily observed by members of that class.

But we must also bear in mind the objector who belongs to no sect or organization, and yet has, or professes to have, very pronounced ideas in regard to actual participation in war. It is more particularly in regard to this type that the greatest difficulty has arisen. There can be no doubt that the majority of the religious objectors are sincere in their opposition to war, and doubtless ^{many} Socialists honestly believe that the way to end war once and for all is to oppose it by every means in their power, in the praiseworthy but perhaps Utopian hope of attaining Tennyson's much quoted "Federation of the World".

The difficulty in regard to the objector who is neither a member of a religious society nor a Socialist, lies in the fact that there is usually considerable doubt as to the presence of the "conscientious" element in his objections. The problem during the war was the separation of the sincere objectors from the slackers, and it was the means employed in cutting this "Gordian knot" which caused the storm of protest to break out in denunciation of the treatment accorded the conscientious objector. Very likely the expostulation was justified. There is no need to describe any of the uncivilized but modern tortures inflicted on these men in order to compel them to bear arms. This phase of the subject has been covered in other pages. (1) Yet it is worthy of note that no really satisfactory method has been found - nor is likely to be found - of separating the "sheep" from the "goats". The objector may be a slacker or he may not. If he so chooses, the truth, in the majority of cases, remains with himself. And this accounts for the weakness ⁱⁿ of the "tribunal" system which was used for this purpose in Canada, Great Britain and the United States.

(1) Mrs. Henry Hobhouse - I appeal unto Caesar.

During the debate in the British House in 1915 on the Military Service Act, the insertion of a ^{clause} ~~clause~~ in the Act exempting men other than members of religious sects from military service met with great opposition. Mr. Joynson-Hicks said in speaking on an amendment to the "conscience clause" on January 19th, 1916"..... I am prepared, I am bound to say, to give some right to these conscientious objectors if they ^{are} conscientious by religion and not conscientious by a desire to shirk. Surely there is a very great difference between the religious conscientious objector and the shirking conscientious objector. Under the clause as it stands both come in - that is, the man who has a real religious objection to fighting, the Quakers and one or two other sects such as the Plymouth Brethren, who hold these tenets, and the ordinary man who does not want to fight and does not mean to fight..... My Amendment is designed to meet the case of the man who has a real religious conscientious objection, and to exclude the man who shelters himself behind what he calls a conscientious objection and who is at heart a slacker and a shirker....."(1)

Judging from these words Mr. Joynson-Hicks considered that every objector not a member of a religious sect was insincere in his conscientious scruples, and consequently a slacker, and it was for this reason that he was objecting to the granting of exemption to any persons other than bona fide members of the pacifist religious societies. This, of course, was taking a more extreme view of the situation than was warranted, but many slackers did attempt to take advantage of this ground of exemption for evading the draft, and this opinion was an expression of the general attitude toward the conscientious objector in England during the period of the war.

(1) Debates (Brit. House of Commons) vol LXXVII p. 426.

Chapter 7.

The British Military Service Act.

The following words appeared in the Morning Post of August 20th, 1915: (1) "The principle of compulsory military service obligatory upon every able-bodied male between the ages of sixteen and sixty, is still the fundamental principle of English Law, both Common Law and Statute Law. It has been obscured by the pernicious voluntary principle, which, in the much-abused name of Liberty, has shifted a universal national duty upon the shoulders of the patriotic few. But it has never been revoked or repudiated.

"It is not National Service, but the Voluntary System that is un-English and unhistoric. The Territorial Army dates from 1908; the Volunteers from 1859; the Regular Army itself only from 1645. But for a millenium before the oldest of them the ancient defence of England was the Nation in Arms. When will it be so again?"

Yet so greatly was public opinion prejudiced against compulsory military service at the beginning of the war that the British Government hesitated for a considerable length of time before giving up the voluntary system. Scheme after scheme was resorted to for the purpose of stimulating recruiting, but in the late fall of 1915, after the total failure of the Derby plan, it became apparent that conscription was the only possible way of keeping the requisite quota of men in the field.

Accordingly, the first Military Service Act (2) was passed on January 24th 1916, and, like all measures that have but a half-hearted support, it was but a half-way measure. The Act provided that every male British subject between the ages of eighteen and forty-one years

on the 15th of August, 1915, and who was on the 2nd of November, 1915,

(1) F.J.C.Hearnshaw- Freedom in Service pp. 15 et seq.
(2) General Public Acts - 5 - 6 Geo. v 1914-16, cap.104.

either

1 unmarried or a widower with no children dependent on him, should be deemed "as from the appointed ~~time~~ 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." The "appointed date" was later fixed by a proclamation as the 2nd of March, 1916, and from and after that date all men coming within the class described above, who had not already enlisted, were automatically placed in the service and were liable to be called at any time. The Act, in the first instance, conscripted only those who could most easily be spared from the civil life of the country.

Exemptions from service were to be granted on application to local tribunals which were established for each registration district throughout the country. The grounds of exemption were :

- (a) Expediency in the national interest e.g., continuance of education or training;
- (b) Hardship, because of business obligations or domestic position;
- (c) Physical disability;
- (d) "on the ground of a conscientious objection to the undertaking of combatant service".

This last ground of exemption is the famous "conscience clause" which was the occasion for so much controversy in the House of Commons during the debates on the Act. The clause exempted not only bona fide members of religious societies the principles of which were known to be opposed to combatant service, but it was also intended to exempt "any man.... on the ground of a conscientious objection to the undertaking of combatant service." This meaning is made very clear from the Debates themselves. (1) In replying to the speech of (1) Speech of Mr. Joynson-Hicks supra.

Mr. Joynson- Hicks, Mr. Bonar Law said : ".....My honourable Friend says that the clause is a charter for the shirker. It is not that, but it does enable him.... to put forward his claim. That is a very different thing from a charter of exemption. He has got to make good that he holds these conscientious objections before he can get the privilege involved." (1)

Mr. E. Harvey said in part : "There are, however, not only these men who take what I may call the definite religious standpoint, but there are men who have, as I believe, every bit as much right for consideration. These are men who stand outside any organized Christian Church. Some of these are profoundly religious in spirit though they do not call themselves by any religious name..... These men believe with the profoundest conviction that their highest service to their country is to work still for drawing together the nations, and taking that view they cannot themselves take part in war even though they may believe as many do that in the main one country is championing a righteous cause..... There are those, and we must consider them, whose political convictions, mistaken though the House may think them, are so strong and sincere that they feel that they can take no part in a war of which they disapprove. They would not call it religious conviction, but it is a profoundly conscientious conviction. If they are sincere in this conviction I think these men, too, have to be considered."(2)

It is obvious from that above extracts that the framers of the Act intended to exempt sincere conscientious objectors irrespective of the basis upon which their convictions rested. But the local tribunals, which had the authority to allow exemptions, were so prejudiced toward the objector that what was intended to be a just

(1) Debates (Brit. House of Commons) vol LXXVIII p. 429.
(2) " " " " " VOL LXXVIII p. 433.

concession to a class of sincere altruists degenerated into a meaningless succession of words. The tribunals, apparently, granted exemptions on this ground only in rare instances, and the real intention of the legislators was never carried out. There were, it is true, slackers who attempted to gain exemption on this ground. But the tribunals were to blame in this respect, that they regarded all who applied for exemption as shirkers, thus condemning them before they were heard. The only plea which might be advanced in extenuation of their conduct is the spirit of the time. Britain was passing through one of the most critical periods in her history, and perhaps it is not to be wondered at that Britons were unjust in their attitude towards those of their own blood who appeared to be evading their responsibilities.

Chapter 8.

(1) The Military Service Act of Canada.

By a schedule appended to the Act, absolute exemption from military service was granted to "those persons exempted from military service by Order in Council of August 13th, 1873, and by Order in Council of December 6th, 1898". In introducing the Bill in the Canadian House of Commons on June 11th, 1917, Sir Robert Borden explained the application of this section of the Schedule in the following words:

(2) "This last provision relates to certain communities of Mennonites and Doukhobors, who came to Canada on the faith of the Orders in Council which I have mentioned. Under these Orders in Council, the settlers referred to were not to be called upon to perform military service. It is absolutely clear that the faith of a country thus pledged must be kept; therefore this exception is introduced into the Bill."

(2) Debates- House of Commons (Canada) vol. III, 1917 p. 2193.

(1) 7-8 Geo. V, cap. 19.

As a result of this section the Mennonites and the Doukhobors were not required even to register. An Order in Council was passed in October, 1918, restricting the application of this exemption to those Mennonites who originally entered Canada under this arrangement and their descendants who had since lived continuously in Canada. The object of this was to prevent the immigration of Mennonites from the United States for the purpose of obtaining exemption. But in so far as those who came under the meaning of the Act were concerned, a certificate from a minister of their church gave them a prima facie right to absolute immunity from both combatant and noncombatant service. In this way Canada redeemed her pledge.

In addition to this absolute exemption allowed the Mennonites and Doukhobors, the Act provided that any person might make an application to a local tribunal for a certificate of exemption on the ground (1) "that he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the 6th day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs." There was also this provision: (2) "A certificate may be conditional as to time or otherwise, and, if granted solely on conscientious grounds, shall state that such exemption is from combatant service only". Thus conscientious objectors who were neither Doukhobors nor Mennonites could obtain exemption only from combatant service. They were still liable to be called upon to serve as noncombatants.

This feature of the Canadian Bill constituted one of the chief points wherein it differed from the British Act, which provided

(1) Section 11 (1) (f)

(2) Section 11 (2) (a).

not for exemption from combatant service only, but for complete exemption. There was another important difference. The British "conscience clause" allowed exemption to any person who convinced the tribunal before which he appeared that he had sincere conscientious scruples against bearing arms. But the Canadian Act narrowed the class to which the clause applied and required that such person must be a member of some well recognized religious denomination whose tenets prohibited the undertaking of combatant service. We quote from the debates in the Canadian House of Commons on the meaning of the section:

(1) Mr. Doherty: "What the Bill requires is not merely that a man shall have conscientious objections to military service, but that he be prohibited from combatant service by the tenets and articles of faith, in effect at the date and passing of this Act, of any organized religious denomination existing and well recognized in Canada. Now the questions, what are the tenets and articles, and what is an organized religious denomination well recognized in Canada, are all matters of fact susceptible of proof otherwise than by the mere statement of the applicant."

Mr. Devlin: "A man, then, will have no right to decide according to his conscientious beliefs?"

Mr. Doherty: "He can decide his conscientious beliefs for himself, but in order that he should be entitled to exemption it is required not merely that he himself should conscientiously object, but that he should be a member of a religious organization well recognized in Canada whose tenets prohibit his acting as a combatant. So he has two things to prove not only the state of his own conscience, but the further fact that the state of his conscience is the result of his conforming to the tenets of any organized and well recognized religious denomination existing in the country at the time mentioned."

(1) Debates- House of Commons (Canada) vol IV, 1917, pp 3303 et seq.

There was not a great deal of trouble in Canada over the conscientious objector. Aside from the Mennonites and Doukhobors, there were very few claims for exemption on conscientious grounds, and the difficulties which arose over exemptions were, for the most part, in connection with applications made on grounds other than the one with which we are here concerned.

Chapter 9.

Conscription in the United States.

The law in regard to conscription in the United States is to be found in the Selective Service Act, which formally came into force on the 18th of May, 1917. The clause relating to the conscientious objector is as follows :

(1) "And nothing in this Act contained shall be construed or require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organization; but no person so exempted shall be exempted from service in any capacity that the President shall declare to be non combatant."

As set forth in this section, the American law resembled the Canadian Act in that it made provision for the objector who was a member of a religious sect, but disregarded those who were without the pale. This was considered to be a defect in the Act, and to remedy it the President promulgated an order which is cited as "The Executive

Order of March 20, 1918." This document amended section 1644 of the Act by setting out the services which were to be considered as non-combatant, and it further enacted that each Division, Camp, or Post Commander should report to the Adjutant General of the Army the names of all persons under their respective commands who professed "religious or other conscientious scruples", and who had because of such scruples been unwilling to accept military service. A brief, comprehensive statement as to the nature of the objections made by each person was also to be forwarded to the Adjutant General. In the meantime, such persons were to be segregated as far as possible and placed under the command of a specially qualified officer of tact and judgment, "who will be instructed to impose no primitive hardship of any kind upon them".

This Order extended the recognition of the Act to the non-member of a religious organization, and in this respect the American law was similar to the law as it then was in Britain. The Order was also intended to secure fair and just treatment to the objectors, but it appears that in some cases at least this direction was disregarded. (1) ^{however,} The recognition of the principle with which we are concerned, was quite clear.

(1) Remarks of Hon. W.E.Mason on Conscientious objectors, in the House of Representatives, March 3rd. 1919.

Chapter 10.

The Basis of Conscientious Objection.

We have traced the principle of conscientious objection back to its emergence from the obscurity of ancient times; we have noted it under the sway of the Roman Empire, first embraced by the Jews with the acquiescence of their Roman rulers, and later followed by the Christians during two hundred years of the greatest persecution; we have described the espousal of the principle by various religious sects in the 16th century, the concession allowed the English Quakers by the Militia Ballot Act of 1802, and finally, and perhaps most important, the recognition of the doctrine in the conscription Acts of three of the countries involved in the last war, namely Great Britain, Canada, and the United States. Call it what we will - a misguided view-point, a perverted idea, a fanatical obsession - it has survived centuries of oppression and is still remarkable for the regularity of its recurrence in time of war and the high mental calibre of many of its exponents. What, we may ask, is the basis of this tenacious principle ?

Speaking in the British House of Commons on the Military Service Act in 1916, Mr. E. Harvey, described the position of the conscientious objector as follows: (1) "I want, if I may do so, just to deal with a very large class, not merely of those who, like myself, are members of the Society of Friends, but others who take a more broad religious standpoint.... Our position broadly is this : not that we condemn the soldier who does his duty; we admire the nobility of his sacrifice and the manly virtues he displays, but we profoundly believe that the soldier and the military system belong to a stage of society which has to be transcended, and that we are working towards a state of

(1) Debates - British House of Commons- 1916, vol LXXVIII p.432.

~~of~~ society in which war will be a thing of the past. We believe that if there are men who feel the importance of this, and who feel, above all, that if they are obedient to the dictates of religion and to all that which is dearest and best to them in life, they are bound to follow what they believe to be not only the letter but the spirit of the teaching of Christ; they must, having accepted that point of view, endeavour to live up to the principle that they believe He laid down, and not return evil for evil, but ~~we~~ endeavour even to love their enemies. Hon. Members may say that that is a counsel of perfection. But we honestly believe this, and we have to do our utmost to bring that principle into our daily life and into the national life; and unless there are men who are prepared to stand out always for these principles we cannot hope that human society will ever reach that higher stage that we all long to see it reach some day. The State may rightly say - we must admit it - that we must make sacrifice in consequence of our views.... We must be prepared to lose our lives.... A number of men in Germany at the outset of the War who on religious grounds held that it was wrong to fight under any circumstances were shot in consequence of their belief. That is the logical outcome of a military State and of the militarist position. If Hon. Members opposite choose as militarists to take that point of view they are entitled to take it. I personally should not resist.... but I believe it to be wrong in the interests of the State and I think we can never hope to get a better condition of society unless we get a State prepared to go further than Germany has gone to-day.... It (the State) will then have made a great step in advance if it can recognize that there is a permanent place possible in its midst for citizens willing to sacrifice, willing to do their duty as citizens, and if necessary to lay down their lives provided they can do these things in full obedience to the

Higher Rule....."

Mr. Arnold Rowntree puts the case in this way: (1) "May I just say what the Quakers feel? We claim that no man can be called upon compulsorily to fight when the dictates of his conscience convince him that it is morally wrong to do so. Secondly, we claim that to require every man to be a soldier is to hand over every individual's freedom to the military authorities and to make the nation essentially a military Power, dependent on material force....."

(2) It appears that the religious objectors' opposition to war consists in the conviction that all war is morally and religiously wrong; that it is a relic of barbarism; that it is entirely unnecessary; and that the only way they can hope to end war is by standing firmly behind their convictions, refusing to become combatants even to save their own lives or the lives of those dear to them, and attempting to make war so unpopular that the condemnation of public opinion will render it hopelessly impossible. In Mr. Harvey's words quoted above, "the soldier and the military system belong to a stage of society which has to be transcended"; the object to be attained in the future is "a state of society in which war will be a thing of the past".

And the source from which this idea emanates is the profound conviction that force of any kind is opposed to the recorded teaching of Christ, and to the Christian doctrine of love which His life so strikingly portrayed. The passages most strongly relied upon for this assumption are (3) "But I say unto you, that ye resist not evil (1) Debates-British House of Commons - 1915-16 Vol LXXVII p. 1685. (2) See also J.W.Graham - War from a Quaker Point of View. (3) St. Matthew 5; 39 et seq.

but whosoever shall smite thee on thy right cheek, turn to him the other also. And if any man will sue thee at the law, and take away thy coat, let him have thy cloke also. And whosoever shall compel thee to go a mile, go with him twain. Give to him that asketh thee, and from him thou would borrow of thee turn thou not away. Ye have heard that it hath been said, Thou shalt love thy neighbour, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; that ye may be the children of your Father which is in heaven; for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust."

We find the same principle laid down in the gospel of Luke: (1) "But I say unto you which hear, Love your enemies, do good to them which hate you. Bless them that curse you, and pray for them which despitefully use you. And unto him that smiteth thee on the one cheek offer also the other; and him that taketh away thy cloke forbid not to take thy coat also. Give to every man that asketh of thee; and of him that taketh away thy goods ask them not again...." Again in Romans 12: 14: "Bless them which persecute you; bless, and curse not. Rejoice with them that do rejoice, and weep with them that weep..... Recompense to no man evil for evil. Provide things honest in the sight of all men...." There are also numerous other passages having the same general significance. (2)

The following quotation is from the Encyclopedia of Religion and Ethics: (3) "These passages, taken in combination with Christ's own example of meekness and non-resistance, and the general insistence on the principles of love and brotherhood, do constitute a prima facie case against the appeal to force, and pre-eminently against

(1) Luke 6: 27 et seq.

(2) Ephesians 4: 26; Colossians 3:13; 1 Peter 2:20; 1 Thessalonians 5:15

(3) vol. 10, p. 737 et seq.

St. Matthew 5; 3.

war. We should note, however, that among the passages of this type that from the Sermon on the Mount (1) stands alone as the most extreme and ~~uncompromising~~ *uncompromising*.

"We ask what indications are afforded by the rest of the New Testament as to a different and complementary type of teaching. Too much stress need not be laid on Christ's employment of the scourge to cleanse the Temple (2).... But the whole incident shows that, when Christ found Himself confronted with an abuse, He was prepared to take active measures to remedy it. More important is His attitude and that of the New Testament in general towards soldiers (St.Matthew 8; 5 et seq.) As is well known, they nearly always appear in a favourable light; there is no hint that when converted they are expected to abandon their profession, or that that profession is regarded as in itself wrong and un-Christian... There is in fact no parable which turns on the virtue of non-resistance; the ordinary discipline and penalties of life are assumed throughout. The slothful servant or dishonest steward is dismissed; even forgiveness is not unlimited to the slave who cannot forgive others.

"Finally, it is clear from the New Testament that force or coercion of some kind forms an important element in God's dealings with men. God respects man's personality and does not compel him to do right. This implies that when he obstinately refuses to yield to the promptings of love and higher motives, force must step in, at least for the time, in order to prevent him from using his independence indefinitely to the injury of his fellow-man. And, if man is made in the image of God and is called to imitate his Father's perfection (St.Matthew 5:48), what is right and consistent with love in God must also, with due qualifications, be right for man. If God under any

(1) St.Matthew 5: 39 et seq.

(2) St.John 2:14.

circumstances can use force and compulsion, so may man; when he may do it, and whether he does not appeal to it too readily and lightly, are questions which do not affect the main principle.

"It is therefore clear on the evidence of the New Testament itself, without appeal to any difficulties of interpretation or application, that the more extreme sayings about forgiveness and non-resistance cannot be understood quite literally as forbidding recourse to any form of force or penalty under any circumstances. We are free to ask what these sayings mean in the light of the general teaching of the New Testament, and are justified in applying to them those canons of interpretation which are recognized as valid in the case of other 'hard sayings'.... Christ constantly used the method of startling sayings worded in such a way as to force men to think. His teaching had not the precision of legal formularies; it was never His purpose to lay down a new code of fixed law or external rules. We recall sayings such as 'If any man cometh unto me, and hateth not his own father, and mother and wife.... he cannot be my disciple;' 'When thou makest a dinner or a supper, call not thy friends, nor thy brethren, nor thy kinsmen;' 'Call no man your father upon the earth.' None of these sayings can be, nor were they meant to be, applied literally; and the same principle holds good of the non-resistance sayings. We may note that in the quotation given above from St. Matthew 5 the apparent absolute prohibition of force occurs in the same context as equally absolute commands to unlimited giving of goods and service which have never been consistently applied au pied de la lettre, even by those who have attempted to follow out the one saying about non-resistance quite literally.

"These considerations hold good even of the sphere of private relationships, which our Lord evidently had primarily in mind.

Much more are they true of the international relationships which He did not and could not have directly before Him. (a) Without adopting the extreme eschatological view according to which Christ's whole teaching and career were dominated by the belief in an immediate end of the world's history, it is clear that he did not deliberately contemplate or provide for a long period of historical development, nor did he legislate with a view to the relationships of independent Christian or semi-Christian communities. (b) The historical conditions of the day excluded international problems and the claims of patriotism in our modern sense. The Jews had no independent existence as a nation, and the last thing that Christ or His followers desired was rebellion in order to regain it. The Gentile was a member of the Roman Empire, and war between its constituent elements did not come into purview. It is idle to seek for a direct answer to the modern difficulties connected with war from a period in which the conditions were so completely different.

"We may hold, then, that, in spite of the prima facie impression made by single texts of the New Testament, the question of the legitimacy of the use of force, whether in war or in other forms, is really an open one, and must be decided on the general principles of Christian ethics..... What would have been the duty of the Samaritan in the parable if he had come upon the scene at the moment when the robbers were about to attack their victim? It is hard to believe that Christ intended the principle of non-resistance to be applied in such a case as this. He certainly cannot have intended that a man should not use force to save his wife or family, or women and children in general from gross outrage."

So much for the New Testament. What is the attitude of the Old Testament? We find that it regards war as one of the

terrible means of meting out divine justice, and even goes so far as to describe Jehovah^h as a God of Battles. But the exponents of non-resistance do not take the Old Testament into consideration for a moment. They dismiss it as a record of a premature state of ethical and religious development, basing all their arguments on the New Testament, which as we have shown, does not condemn war but actually speaks of soldiers and all things pertaining to them without the slightest suggestion of disapproval.

So we find two contrasting interpretations of the teachings of the Bible in regard to the employment of force. The one interpretation is advanced by the exponents of non-resistance and conscientious objection to war; the other by those who consider that under modern international conditions there are circumstances under which war is excusable and, in fact, even necessary. Those who believe in the first exposition refuse to entertain any other construction. They insist on obeying to the letter those of Christ's injunctions which they believe to be concerned with military service, but they refuse to take such a view of all His commands. It is this attitude which is absolutely unjustifiable.

Chapter 11.

The Attitude of the Christian Church in General.

The other interpretation of the teachings of the Bible is enunciated in the following words: (1) "The purpose of the religion of the Bible is not peace, but righteousness. It proclaims implacable war upon iniquity. It seeks, it is true, to win sinners by gentle means from the error of their ways. But it recognizes the

(1) F.J.C.Hearnshaw-Hibbert Journal vol 14, 1915-16 p.656.

~~the~~ fact that there are some who cannot be won, and that there are devils beyond the reach of even the Divine love. To such it threatens everlasting destruction from the presence of the Lord, and it shrinks from no means within the range of omnipotence which may be necessary to achieve the final victory of good over evil. Pacifism gets no support from the Bible properly interpreted".

We quote the following from an address by Rev. Dr. W. T. Herridge in 1915, before ^{the} Empire Club at Toronto: (1) "I believe...that since human nature has not reached perfection, war may sometimes be a dire necessity, and such I regard the war in which Britain is engaged to-day. The fighting instinct is in each ^{one} of us ; it has splendid opportunities of exercise, of exercise in such a fashion as shall not only bring out what is best in us, but shall be of service to others; but as long as evil passions reign among men it will find inappropriate and mischievous ways of exercise, and therefore we need not forget Christ's own warning when He said, 'I come not to send peace on earth, but a sword'. Even the Prince of Peace, whose supreme purpose it is to bring peace among men, will not accept peace that is without honour and without purity; and though the Christ would not fight for himself, though in the midst of all the wrath of His vengeful enemies He presented a splendid silence, yet He would fight for the sake of others, He would fight those traffickers that dared to outrage His temple. Gentlemen, we are no saints, God knows; we had better be humble in these trying days; but it seems to me that our business just now is to find a scourge big enough and strong enough to lay upon the backs of those who dare to desecrate the temple of humanity, and to drive them out.... I hold that we have (1) Empire Club Speeches, 1914-15 p. 118 et seq.

a quarrel, both as Christians and as men, with the Germany which is dominant to-day....."

Thesetwo extracts express the attitude of a great majority of those who profess to believe in the Christian religion. With the exception of those religious sects and organizations which endorse the non-resistance view, it is the viewpoint of practically the whole of Christendom, and the proportion of these pacifist sects is so small, when compared with the overwhelming majority of those who incline to the other belief, that the advocates of absolute non-resistance constitute only a small minority group of those who go by the name of "Christians".

This interpretation is similar to that propounded in the preceding chapter in one respect, namely : each deprecates war. But the second interpretation differs from the first in that it recognizes that war is sometimes necessary, and when it is necessary the greater sin consists not in the performance of military service but in the refusal to do so. There are evils greater than war in this world, and Christian choice may sometimes be limited to the lesser of two evils. (1) "The fundamental difficulties with regard to war do not really lie in its being an appeal to force, but are due to the facts that there is no guarantee that force will be always used to uphold the right, or that it will succeed in doing so, and that the coercion is applied not merely to the actual offenders and transgressors, but to comparatively innocent members of the nation drawn into the net of war." Obviously, any scheme for the abolition or regulation of war must ensure that where force is necessary it will be used in the right cause.

There is also this phase of the question to consider. For 200 years the early Christians refused to serve with the Roman

(1) Encyclopaedia of Religion & Ethics, vol. 10 p. 738.

cohorts, but we find that before the ^{close}~~close~~ of the second century A.D. Christians were holding offices and fulfilling their duties in the imperial armies. All the great leaders of the Church acquiesced in the performance of military service by the Christians, and the principle of non-resistance survived only in the writings of a few Latin scholars.

Why did this spirit die out? It was really a matter of necessity. In following out the principle of non-resistance, the exponents of the doctrine tended to withdraw from the rest of the world and congregate in isolated communities. But to do this successfully, peace was essential. They formed no State for their own protection, and, indeed, would have refused to serve in the armies of their own State. In the event of war or an invasion, the result was annihilation. During the two centuries in which the early Christian Church embraced non-resistance, it owed its existence to the armies of the Roman Empire. After 200 years of pacifism the Church gave up the principle of non-resistance; had it not done so, Christianity would have been exterminated by the barbarian invasions.

(1) "The Church as a whole during the long and varied course of her history has been true to the general Biblical principle that evil should, where possible, be overcome by gentle means which give the evildoer room for repentance, but that it should be stamped out by the force of inevitable justice where gentle means have failed.... She has, it must be admitted, sometimes encouraged premature resort to force, and has given her blessing to countless wanton wars..... Nevertheless, however imperfect her practice, all her great teachers from Athanasius to Aquinas, and from Aquinas to the present day, have

(1) F.J.C.Hearnshaw- Freedom in Service, p. 63 et seq.

rightly recognized the legitimacy of the employment of force for moral purposes in the last resort, have admitted the compatibility of Christianity with military service, and have confessed that, evil as war is, there are evils still greater, and that the duty of every Christian man may be to fight lest the cause of righteousness and justice should suffer defeat. If the Church had taught otherwise - if she had been captured by the Gnostic heresy of non-resistance - Mediaeval Christendom and Western Civilization would inevitably have been destroyed by the assaults of Huns and Saracens, Magyars and Tartars, Vikings and Turks; while within the borders of Christendom itself law and order would have perished at the hands of wicked and violent men." It is scarcely to be wondered at, then, that the early Christian Church forsook a doctrine which threatened to bring about the complete obliteration from the face of the earth of the Christian religion.

The danger which lies in this principle was strikingly manifested during the war of 1914. But for the thousands of men who saw the right and the wrong of Christ's teachings clearly enough to die in defence of what they considered His life stood for, the advocates of pacifism would now be paying homage to a foreign conqueror. They salved their consciences by professing conscientious scruples (sincerely, no doubt) against war; at the same time they allowed others to do more than their share in safeguarding the things which they (the pacifists) held most dear. We think instinctively of sects like the Mennonites and the Doukhobors, who during the war peacefully tilled their fertile fields, paying no heed to the fact that but for the self-sacrifice of others the same fields would be under the control of a merciless foe and the present tillers in abject slavery.

But in modern as well as in ancient times the Church has decided that there are causes worth dying for. (1) "The English Puritans, for instance, including the early Quakers, considered that political freedom and religious liberty were ideals that justified and indeed demanded armed resistance to tyranny. During the last three centuries there have been few who, on religious grounds, have condemned the revolt of Christian peoples against Turkish misrule. In the American Civil War many professed pacifists felt that for the abolition of slavery they must need take arms. In our own recent history men like Havelock, Gordon, and Roberts have regarded as sacred trusts the tasks of saving women and children from massacre, of suppressing fanatical and cruel tyranny, of preventing intolerable wrong. The ~~Christian~~ Church with confident consistency has rightly sanctioned and sanctified their heroic enterprises. While condemning wars of ambition, conquest or revenge, she has taught that those who take arms to defend from murderous violence the weak and helpless, to maintain the priceless heritage of freedom, and to vindicate the majesty of law, may with humble assurance and firm faith pray for and expect the benediction of the Lord of Hosts. The Christian doctrine of war is admirably summarized by Burke in the words :- (2) 'The blood of man is well shed for our family, for our friends, for our God, for our country, for our kind; the rest is vanity; the rest is crime!'"

Chapter 12.

The State versus the Individual.

We have discussed the argument upon which the religious conscientious objector bases his refusal to perform military service and we have shown that it is at best merely the minority view of a

(1) F.J.C.Henshaw -Freedom in Service at p. 65-66. (2)Burke. Reg. Pe. vi, 145.

doctrine which is capable of two interpretations. Let us now leave aside this particular phase and examine the relationship which exists between the State on the one hand and the individual on the other. What is the State, and what is its basis and function? To what extent is the command of the State binding upon the subject, and under what conditions, if any, is the latter justified in open disobedience to the State's ordinances?

We may describe the State as a society organized for the purpose of maintaining the rights of its members, i.e. its subjects. The State does not create these rights; it merely gives fuller reality to the rights which already existed before it was established. The following illustration will serve as an ^{example} ~~illustration~~: (1) "A state presupposes other forms of community, with the rights that arise out of them, and only exists as sustaining, securing, and completing them. In order to make a state there must have been families of which the members recognized rights in each other (recognized in each other powers capable of direction by reference to a common good); there must further have been intercourse between families, or between tribes that have grown out of families, of which each in the same sense recognized rights in the other."

The recognition of a right being very short in its definition, the admission of a right in each other by two parties, whether individuals, families, or tribes, being very different from agreement as to what right consists in, what it is a right to do or acquire, the rights recognized need definition and reconciliation in a general law. When such a general law has been arrived at, regulating the position of members of a family towards each other and the dealings of families or tribes with each other; when it is voluntarily recognized by a community of families or tribes, and maintained

(1) T.H.Green -Principles of Political Ogligation par. 134.

tarily recognized by a community of families or tribes, and maintained by a power strong enough at once to enforce it within the community and to defend the integrity of the community against attacks from without, then the elementary state has been formed."

The basis and the function of the State are our next considerations. We find that each person in a society must be able to reckon on a certain freedom of action, and this can only be obtained through common recognition of this freedom on the part of each other, ^{by} the members of that society as being for the common good. Every individual, habitually and instinctively, without asking the reason why, regards his claims e.g., protection for himself and his family, getting his wages at the end of the week, as conditional upon his recognizing a like claim in others, and thus as a right, i.e. a claim of which the essence is that it is common to himself with others. This recognition by each individual of his rights as being dependent on his allowing similar rights to others is the basis of the State.

From this it naturally follows that the function of the state consists in maintaining these rights so as to secure in so far as it can the greatest good to the greatest number of its members. The State creates the sovereign which is its own characteristic institution, and, acting through it, the State performs its function of protecting the rights of its citizens.

But if it owes its citizens the duty of preserving these rights, do not the citizens themselves owe a duty to the State ?
(1) "It is the duty of every citizen to support and safeguard the State. It has long been one of the gravest weaknesses of our modern democracy that, while it has insisted vehemently upon its claims against the State - claims to education, employment, office

insurance, pension and so on - it has remained comparatively oblivious to its responsibilities". And ⁱⁿ speaking of the collectivism of those opposed to conscription, Hearnshaw says : " Their collectivism is, in fact, a peculiarly perverted or inverted type of individualism. It insists on the right of the individual, if unemployed, to come to the State for work; if in poverty, to come to the State for relief; if ignorant, to come to the State for education; but it strenuously ^S _A resists the exercise of the State of its reciprocal claim on the service of the individual. It is engrossed by the contemplation of the rights of the individual and the duties of the State; it ignores the rights of the State and the duties of the individual." (1)

It is quite true that the State owes a duty to its citizen but the rights and duties are reciprocal and the citizens in turn owe a duty to the State. The rights of individuals must be maintained, and in order to do this the State passes laws which every subject is under the obligation of obeying. Is a member of the State ever justified in disobeying these commands ? If the individual sincerely believes that some law passed by the State is not in the interest of the common good, how should he act in regard to it ?

We find a ready answer to this question in the words of T.H.Green: (2) " In a country like ours, with a popular government and settled methods of enacting and repealing laws, the answer of common sense is simple and efficient. He should do all he can by legal methods to get the command cancelled, but till it is cancelled he should conform to it. The common good must suffer more from resistance to a law or to the ordinance of a legal authority, than

(1) F.J.C.Hearnshaw - Freedom in Service at p. 41.

(2) T.H.Green - Principles of Political Obligation, paragraph 144.

from the individual's conformity to a particular law or ordinance that is bad, until its repeal can be obtained. It is thus the social duty of the individual to conform....."

Also: (1) "As a general rule, no doubt, even bad laws, laws representing the interests of classes of individuals as opposed to those of the community, should be obeyed. There can be no right to disobey them, even while their repeal is urged on the ground that they violate rights, because the public interest, on which all rights are founded, is more concerned in the general obedience to law than in the exercise of those powers by individuals or classes which the objectionable laws unfairly withhold."

These words speak for themselves, and no comment is necessary. In the same connection Hearnshaw says : (2) " The State does not and cannot submit the validity of its enactments to the private judgment of its subjects. It expresses and enforces the general will, and it dare not leave to the choice, or even to the conscience, of the individual an option as to which of its commands shall be obeyed and which not. To do so would be to lose the bands of society, to bring to an end the reign of law, and to plunge the community once again into that primal chaos of anarchy from which in the beginning it painfully emerged. The State demands, and must necessarily demand, implicit obedience."

It would be difficult to improve upon Hearnshaw's statement of the position of the conscientious objector. He says : " If the sovereign community does (as it easily may) by the vote of its majority make enactments which seem to any one of its subjects to be morally wrong, that subject has two legitimate courses open to him.

(1) T.H.Green - Principles of Political Obligation, par. 144.

(2) Freedom in Service p. 45-46.

He may either obey under protest, and ~~in the~~ meantime use all lawful influence at his disposal to convince the majority of the error of their ways, and convert them to his way of thinking; or he may withdraw from the community and its territories altogether, and go to some other part of the wide world where the obnoxious enactment is not in force. What he may not do, is to remain within the community, enjoy all the advantages of its ordered life, exercise its franchises, receive the protection of its forces, claim the security of its courts and the liberties of its constitution, and at the same time refuse to render it obedience.

"If in his misguided perversity he adopts this last-named course, the duty of the State is plain. It is to call him to submission, or to withdraw its protection from him. The person who will not recognize the State's sovereignty, has no claim ^{upon} ~~for~~ the services of the State. " (1)

Chapter 13.

The Solution of the Problem.

The problem awaits a solution. We have shown that the State has the right to the absolute obedience of its subjects. But should it take extreme measures to compel the conscientious objector to act in a way contrary to the dictates of his conscience by insisting that he perform military service, should it exempt him entirely, or is there a middle course which might be adopted?

Let us take the course followed by Great Britain in the last war as an example. In a previous chapter we described the provision made for the conscientious objector in the British

(1) F.J.C.Hearnshaw - Freedom in Service p. 55-56.

Military Service Act. A speech of Bonar Law in the House of Commons throws some light on the considerations which influenced the House when they selected what they hoped would prove to be a solution of the problem. He said : (1) "I have no hesitation whatever in expressing the view that the State has the right, the absolute right, to demand service of any one of its citizens if it thinks it is his duty to do so. I think that is the essence of the State. But that really does not carry us very much further. We are dealing with a great War, and I am sure nobody feels more strongly than my hon. Friend that the one duty we have to carry out is to deal with it as effectively as we can. Therefore the question is a simple one, not has the State the right to take a particular course, but is it wise to take a particular course ?"

The question of expediency was the important thing in the minds of the members of the British House of Commons at this time. Dissensions and disorders of any kind were to be avoided at any cost. The solidarity of the Empire both at home and in the overseas dominions was of paramount concern. So these circumstances were of great weight in deciding the policy they would follow. At all events, their solution, as we have seen, was the complete exemption of the objector on conscientious grounds. But this scheme was by no means a success; neither did the objectors consider that they were treated fairly (as indeed they were not in many instances(2)), nor was the exemption clause satisfactory to the rest of the nation. What, then, is the remedy ?

W. G. Kellogg suggests the following :

"First: that the sincerity of all men presenting themselves

(1) Debates (Brit. House of Commons) vol LXXVIII p. 427.

(2) Mrs. Henry Hobhouse- I appeal unto Caesar.

as objectors be tried and determined. The insincere objectors should be put in general military service.

"Second: that the sincere objectors who are willing to accept non combatant service should be assigned to non combatant service.

"Third: that the sincere objectors who are unwilling to take noncombatant service should be given farm or industrial furloughs.

"Fourth: that the objectors who are unwilling to take either farm or industrial furloughs should be deported from the United States of America.

"Fifth: if deportation is not possible because of the refusal of other countries to receive these absolutists, or for other reasons, then the United States must harbor them. Inasmuch as they have no right to a voice in governmental affairs, they should be disfranchised.(1)"

One weakness in this solution is that it provides for ascertaining the sincerity of an objector. This may be possible in some instances, but it is absolutely impossible to decide justly on the sincerity of the objector in every instance. The probability is that in a great percentage of cases the sincere objector will be considered insincere, or vice versa, and a great injustice will result.

The best plan is to place all the objectors, whether Mennonites, Doukhobors, Quakers, Socialists or otherwise, in the one class without attempting to ascertain their sincerity; then give each one the alternative of noncombatant service or farm or industrial furloughs. Those who are unwilling to perform one of these services should then be deported, or, if this is not practicable and they

(1) W.G.Kellogg - The Conscientious Objector p. 116 et seq.

remain within the limits of the State, the advantages and privileges which are due to citizens of that society should as far as possible be withdrawn from them. They should be disfranchised and prevented from invoking the protection of the State, or exercising the liberties which citizenship within it bestows.

At the present time this is the only answer which appears to be at all feasible. The ideal of the State is the attainment of the common good, and for the time being that institution is the only possible organ by means of which the common will can operate in the interests of the common good. We have shown that the very existence of the modern State depends upon the obedience of its subjects; obviously, then, this form of community has within it no place for the conscientious objector. His ideal of a world without war is a truly admirable one, but his methods of attaining that end presuppose in the modern State conditions which are really to be found only in an idealistic form of society. He attempts to prescribe for a Utopian world instead of a real one.

In an ideal world pacifism might possibly eliminate war, but the contention that the martyrdom of a few sincere disciples of non-resistance will usher in a new era in which war or any appeal to force will be unnecessary is a delusion. The only State in which pacifism would abolish war is the one where the spirit of goodwill toward men would be all-pervasive, and this is certainly not the modern State. In fact, to talk about a State in which the spirit of goodwill prevails is merely one way of saying that the Kingdom of Heaven will then become a reality on earth, for so long as the natures of men remain as they are there will always be rivalries which inevitably lead to war. Until the Kingdom of Heaven is established, the only panacea for war consists in the establishment

of some international authority for adjudicating disputes without recourse to war, and having the physical power to enforce its decisions. The first step towards the realization of such an authority is the League of Nations, and only when this method of arbitration has been brought to its highest state of perfection will war cease to be the usual method of settling disputes between nations.

THE END.

17,300 words approximately