

Can one be a good citizen and conscientiously object?

In this paper, I will define 'good citizen' as someone who follows the laws and promotes the interests of their state. And the particular type of conscientious objection I will focus on is selective refusal to serve in the military. This kind of conscientious objection is more in tension with citizenship than other forms of conscientious objection (eg refusal by doctors to perform certain medical procedures), since military service is often seen as a key to the protection of the state, and is an obligation which could be performed by most able-bodied citizens, if the circumstances demand it.

Much of the recent literature on conscientious objection has focused on selective rather than absolute objection (Coady, Childress, Rawls and Walzer). This is because the question of allowing certain groups, such as Peace Churches, an absolute exemption from military service is an example of political toleration – once such arrangements are established, few ethical questions arise. As Walzer says, those who conscientiously object for religious reasons are “adopting an attitude to war something like that of a monk towards sex”. Walzer, (1970, p127). That is to say, religious and other absolute exemptions from war are a non-challenging 'I'm not the type' claim. The question of whether to allow selective conscientious objection, on the other hand, is a much more direct challenge to citizenship, since it is an obvious and active case of individual moral principles coming into conflict with the demands of the state. Furthermore, should my argument in favour of selective conscientious objection succeed, this will provide support for those who argue for absolute (and/or religiously-motivated) conscientious objection. If my conclusion is correct, absolute objectors will no longer be seen as being 'indulged' by a tolerant state, but instead will be exercising a moral right.

Selective conscientious objection (hereafter SCO) involves refusing to fight in certain wars because one considers them unjust or unethical, without denying that all war is morally wrong. The demand for such a right has grown in the late 20th century, as anti-war movements have expanded beyond the traditional pacifist community. Therefore, the focus for this paper will be: is it morally permissible to follow one's conscience in selectively refusing military service, even if this involves conflict with one's civic duties? In framing my discussion, I will assume a nearly-just state which does not currently recognise the right of SCO. In this, I follow Rawls (1999). In fact, this is the position of most western democracies at present. Though many democracies give exemptions from military service to certain groups on an absolute basis (typically pacifist religious groups), no state currently allows SCO on moral grounds. This distinction has fuelled much of the philosophical debate around conscientious objection since the late 1960s.

In the first part of my paper, I will review four key arguments against the permissibility of SCO. Having reviewed the effectiveness of these, I will then consider two arguments in favour of SCO, before giving my conclusion on its moral permissibility.

An obvious argument against SCO (indeed, any form of civil refusal) is the view that the obligations of a citizen imply unconditionally following the will of the state. On this view, notably put forward by Rousseau (*The Social Contract*, Book II, Chapter V), holding the status of a citizen means that one is liable to the penalty of exile or execution if one's will is in conflict with the general will of the state. Being bound to follow the law of the state is not a question of consent or refusal on an ad hoc basis. This view is echoed by Broad, who claimed that the most moral course for those who refuse to fight is to commit suicide! (Broad, 1936). Such a draconian line is unjustified, in my view. Where a citizen is peaceably but resolutely at odds with the state on a question of principle, they should be able to withhold their co-operation whilst arguing their case. Maintaining a strict 'exile or death' policy in relation to dissent would have a chilling effect on public discourse. And in the case of military service, it is unjust to stipulate that selective conscientious objectors carry out the very act to which they are deeply opposed, while waiting for the state to come to its senses with regard to the justice of the war it is engaged in. Walzer (1970, p135) argues that being asked to fight is not just a case of being *subject* to the laws of the state – one is also being asked to actively *serve* the state in fighting the war. In Walzer's view, this demand is much more significant than passively submitting to a law (e.g. paying one's taxes). Furthermore, in practice, states have sanctions available for those who conscientiously object which are severe, but fall short of execution or exile. Therefore, it is wrong to pursue a strict non-voluntarist line in relation to SCO, since this would give the state an unwarranted amount of power. As Rawls has noted (to be discussed below), a healthy democratic state should allow for genuine pluralism in relation to questions of principle.

A second argument against the right to conscientious objection (in the general sense, also applicable to SCO) is that given by CD Broad, concerning 'mixed motives' (Broad, 1941). Broad argues that for a case of conscientious objection to be genuine, conscience must be the *only* motive. Mixed motives (fear of danger etc) would not be grounds for conscientious objection. It seems plausible that in many cases, our motives are mixed. Since we can't tell what people's real motives are, claims Broad, we can't allow conscientious objection. This argument is rejected by Coady via a *reductio*. Broad's stringent demand for 'pure' motives could be applied many kinds of actions, including voting to declare war, and deciding sincerely to fight. It seems obvious that applying

such demanding conditions to evaluating all actions would mean that no actions would be permissible – an absurd result. Therefore argues Coady, Broad's 'mixed motives' argument can be dismissed.

A third objection to SCO is to modify the 'mixed motives' argument in the following way. Call this the 'no politicised refusal' objection. This objection argues that a selective conscientious objector, in picking and choosing which wars to support, is attempting to second-guess the state. And it seems arrogant for an individual citizen to object to some state actions, but remain happy to follow the majority view when it suits them. It also appears difficult to separate a genuine, principled case of SCO from a political stance intended to weaken the government, which might be construed as an act of betrayal. In this way, someone claiming the right to SCO seems on weaker ground than someone who objects to all wars – recall the point in my introduction about general exemption being less hostile to the state. The stance of the selective conscientious objector, on the other hand, seems to withdraw support from the state, just when the state most needs loyalty from its citizens. Childress (1979) has pointed out that if SCO were permitted, it is possible that the numbers of those who exercise the right to SCO could vary radically in response to the apparent justice or injustice of the proposed war. And this seems more problematic for the state than a small pool of absolute conscientious objectors, who can be counted out of any martial requirements ahead of time. There are principled and practical responses to this. The principled response is to say embrace the problem. If permitting SCO led to cases where some wars could not be prosecuted due to a lack of support from citizens, perhaps this is an appropriate and democratic outcome. The state will simply have to work harder to persuade its citizens of the need to fight. I will discuss this line of response further when I raise arguments from Rawls below. A practical response to the worry that SCO might rob the state of willing combatants at short notice is based on an observation from Hobbes. He remarked that it is a well-known fact that a significant number of men 'of feminine courage' will always flee the battlefield (Hobbes, 2008, p145). On the basis of this observation, one could view those who want to claim the right to SCO as *helpful* citizens. They are publicly declaring their inability to fight in advance of being shipped to the front. One could see how this might enable the state to prosecute its war more effectively, since it would not waste resources transporting scrupulous citizens to the battlefield, only for them to avoid fighting. (Might this reason count *against* SCO, since it seems to help the state? No – a SCO could maintain that they are not *personally* aiding the state, thus preserving their conscience).

Fourthly, those opposed to SCO have another strong argument available to them. Call this the 'free-riding' objection. Broad (1936, 1940) argues that those who refuse to fight are 'free-riding' by letting others do the morally dirty (and dangerous) work. He also argues that in a war situation, those who don't fight are dependent on those who do fight for their food and livelihood. This food objection is incoherent, in my view – war does not lead to increases in agricultural output! Coady's (1997) response to Broad's main charge of 'free-riding' is that this is question-begging. One can only be charged with free-riding if one already accepts the normative perspective of war-mongers. If one believes that the war is unjustified – as a conscientious objector would – then one need not be grateful, since those who prosecute the war have not done one a favour. Therefore, according to Coady, charging the selective conscientious objector with 'free-riding' assumes an answer to the very question which is contested by them – namely, the morality of fighting the war.

Having shown that the objections from unconditional obedience, mixed motives and 'free-riding' all fall short of decisively dismissing the right to SCO, I will now consider some positive arguments in favour of permitting this right.

The first argument in support of SCO is that one's civic obligations are not always coextensive with one's moral obligations. As Aristotle puts it: "the virtue of the good citizen and the good man cannot coincide." (Aristotle, 1921, Book III, p1276b). This distinction requires further explanation. Aristotle's point is that some men will pass the threshold for being a good citizen, without being 'good men' in the unqualified sense. Develin analyses Aristotle's definition of the relation of the good man to the good citizen in this way:

- "a) The excellence of the citizen is relative to the constitution.
- b) The excellence of the good man is relative to an absolute standard.
- c) There is no common excellence for all citizens.

... Aristotle has, by the terms he has employed, indicated his meaning... The epithets for man and citizen... are different: the man is ἀγαθός, the citizen σπουδαῖος."

– Develin (1973, p73).

In short, on Aristotle's account, the definition of 'good citizen' is relative to the constitution of the relevant state (i.e. 'good for' a certain purpose), whereas a 'good man' is 'good' in an intrinsic sense. It seems intuitively right that the goodness or badness of citizens will vary according to the needs and constitution of the state, whereas following

one's moral obligations in order to be a 'good man' will not always be contingent on the kind of state one inhabits. Therefore, there will be cases where the conscience of the 'good man' conflicts with his responsibilities as a 'good citizen'. How does this Aristotelian distinction support the right to SCO? One might wonder whether such conflicts are a real problem.

Childress points out the serious nature of being forced to act against one's conscience:

"A person who appeals to his conscience indicates not only that the refused act is prima facie wrong, given his moral convictions, but also actually wrong in these circumstances, at least for him... none of the available public descriptions, justifications, or excuses for the act will ease the anguish of his conscience if he performs it."

– Childress (1979, p323).

Therefore, concludes Childress: "It is prima facie a moral evil to force a person to act against his conscience." Childress (1979, p330). Given this conclusion, it seems reasonable to require the state to do its utmost to avoid such a conflict with the conscience of its citizens.

In *A Theory of Justice* §57 and §58, John Rawls offers a strong and a weak argument in favour of SCO. His strong argument is based on liberty. In Rawls' view, liberty can only be compromised in order to preserve liberty. Clearly, compulsory military service constitutes a major intrusion into one's liberty. Therefore, wars in which liberty is not at stake (conceivably, a war on foreign soil where the enemy's victory would not threaten our liberty, or a war for economic gain) do not supply an adequate justification for compulsory military service. Hence, according to Rawls, SCO is permissible unless the relevant war is in defence of liberty.

Rawls' weaker argument is that allowing SCO acts as a counterweight to the warlike tendencies of powerful states. Where citizens have the right to selectively refuse military service, the state must work harder to secure 'jus ad bellum' (just cause for war) and maintain 'jus in bello' (just prosecution of war). This weaker argument might lack the categorical force of his argument from liberty. However, it does provide a good line of response to the 'unconditional obedience' objection above. In a state where unquestioning military service is not a given, decisions to go to war will be more cautious. One hopes this means that any wars which *are* committed to will be more just.

One caveat which should be mentioned in relation to Rawls is a difficulty related to Rawlsian 'public reasons'. For Rawls, paradigmatic civil disobedience should involve a

statement of 'public reasons', that is, reasons which carry weight in public discourse. Unfortunately, the private nature of conscience means that it will not pass Rawls' test for 'public reasons'. Does this present a difficulty for SCO? In my view, this problem is readily evaded – one merely has to stipulate that a genuine case of SCO should involve public criticism and advocacy against the proposed war. This requirement also serves to distinguish the active nature of SCO against the 'silent' exemption of many absolute pacifists.

Conclusion

I have considered four strong arguments against the right to selective conscientious objection, and have shown how all of them are open to challenge by the defenders of SCO. I have also given a number of arguments in favour of the right to SCO. One of these shows that denial of the right to SCO constitutes a moral evil. Further, I have argued that allowing SCO can be beneficial for the state overall, even if it involves a temporary constraint on its ability to prosecute war. Therefore, in my view, it is morally right for states to allow their citizens to exercise the right to selective conscientious objection.

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