

6-1-1953

CONSCRIPTION OF CONSCIENCE. By
Mulford Q. Sibley and Philip E. Jacob. Ithaca:
Cornell University Press, 1952

James P. Calhoun

Follow this and additional works at: <http://repository.law.miami.edu/umlr>

Recommended Citation

James P. Calhoun, *CONSCRIPTION OF CONSCIENCE*. By Mulford Q. Sibley and Philip E. Jacob. Ithaca: Cornell University Press, 1952, 7 U. Miami L. Rev. 597 (1953)

Available at: <http://repository.law.miami.edu/umlr/vol7/iss4/23>

This Book Review is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

BOOK REVIEWS

CONSCRIPTION OF CONSCIENCE. By Mulford Q. Sibley and Philip E. Jacob. Ithaca: Cornell University Press, 1952. Pp. 580. \$6.50.

Here is the story of the forgotten man of World War II, the conscientious objector. Grimly, without fanfare, he jostled with military officers, the courts, selective service officials, and representatives of the Historic Peace Churches, while his erstwhile friends and neighbors fought a much more publicized and appreciated war against the nation's declared enemies. Quixote-like, he trusted no man, making his a friendless fight, at least until the present authors arrived. This reviewer finds the Messrs. Sibley and Jacobs considerably less endowed with "scholarly neutrality" than the preface claims for them.

Their partiality for the lot of the objector, which may or may not be commendable, appears in text, supporting case histories and statistics procured from several sources.

Conscientious objectors found these things to be true: some draft boards failed to give full consideration to personal problems of individuals, occasional military officers displayed sadistic tendencies, prison guards sometimes were brutal, those charged with making job assignments usually paid little heed to training or capabilities, even loved ones upon occasion were blind to the urgent need for understanding. Somehow, these discoveries have a familiar ring. These unfortunate facets of regimentation existed in the posts, camps and stations of the armed services as well as in Civilian Public Service camps. War, apparently, is hell, whether one fights in it or against it.

Mr. Sibley and Mr. Jacobs believe that no genuine attempts were made to understand the peculiar problems of the objector. Sometimes one wonders if those who wail that they are misunderstood spend much time or energy in attempting to work the process in reverse.

Still, the authors establish several good points which are worthy of examination. Financially, the conscientious objectors suffered, receiving neither pay nor dependency benefits. This policy served a double purpose: soothing chauvinists who considered this minority group traitorous, and encouraging a surrender of principle by some of these objectors whose families were destitute. There was no G. I. Bill for these men. They were discharged months, and in some cases, years later than servicemen, and without separation allowances.

"The Erosion of Tolerance" (Chapter XIV) indicates that the worst time to prove a case for pacifism is in the midst of conflict. The "natural"

tolerance of government, church, conscientious objector and public finally "disintegrated." Perhaps intolerance had bred intolerance.

Neither an administration nor a citizenry is apt to regard civil rights with the same jealousy in war years as in periods of peace. Again, he who claims "rights" sometimes is required to produce his entitlement to them. If he lacks the strength to seize such rights by force, he must induce others to give them to him.

This volume is an effective broadside in a campaign of inducement. An overabundance of footnotes suggests accuracy, although much of the source material is not available to the reader. Occasional emotionalism is well documented with not completely impartial accounts of individual tragedies. But what salesman is restricted to complete objectivity? Whichever side of the fence he is on, the reader will be stirred by this report.

JAMES P. CALHOUN

MEMBER OF FLORIDA AND
HILLSBOROUGH COUNTY BARS

POLITICAL AND CIVIL RIGHTS IN THE UNITED STATES. By Thomas I. Emerson and David Haber. Buffalo: Dennis & Co., Inc., 1952. Pp. xx, 1209. \$7.50.

Few casebooks offer so rich a mine of source material as does this provocative and brilliant study of political and civil rights by Emerson and Haber. The authors, both engaged in the art of teaching law, have seized upon the opportunity presented in preparing a casebook of materials on the political and civil rights of man to synthesize the body of human knowledge on this topic. They have not ignored the traditional "case" system, but they have advanced its use and application considerably. It is to be regretted that so few law professors utilize the plethora of sociological, economic and political materials that can help make the study of law so fascinating and vital.

In addition to the traditional presentation of extracts of cases, there are scattered throughout the book excerpts from law reviews, economic journals, sociological texts, and newspaper reports. Here one's mind may be stimulated by reading portions from Milton's "Aeropagitica", John Stuart Mill's "On Liberty," "The Report of the President's Committee on Civil Rights," the "Wickersham Report," the "Alien and Sedition Acts" and what has been suggested to be their modern counter-part, the "Internal Security Act of 1950." The authors' purpose in using these materials is obviously not intended as a display of erudition, but is to be viewed rather as a realistic attempt to integrate "law" in its social context.

The writers have rejected the traditional and accepted casebook approach as illustrated by their statement, "The materials are organized

Through our individual conscience, we become aware of our deeply held moral principles, we are motivated to act upon them, and we assess our character, our behavior and ultimately our self against those principles. Different philosophical, religious and common sense approaches to conscience have emphasized different aspects of this broad characterization. The resulting more specific understandings of conscience will be presented in the sections below.

ON CONSCIENTIOUS OBJECTION – “Words of Conscience” Religious Statements.

Youth. – Generally, conscientious objection is a sincere conviction, motivated by conscience, that forbids someone from taking part in organized killing. This objection may apply to all forms or to particular aspects of war. What types of conscientious objectors are recognized by federal law?

Conscience against Conscription.

– Paul Kuehnert. Jun 5, 2017 – 4 min read.

One hundred years ago today my great-uncle and namesake, Paul Jacob Kuehnert, went to his polling place in the little Mississippi River town of Wittenberg, Missouri and registered for the draft. – Uncle Paul’s conscientious objection to conscription itself was consistent with both Lutheran theology and the history of democratic movements in Germany in the 18th and 19th centuries. (More on these points in future posts!) Nick Franks is raising funds for *The Draft: A Conscription of Conscience* on Kickstarter! A series of short films exploring the future of the Church, the return of Christ and our learning to pray. – A series of short films exploring the future of the Church, the return of Christ and our learning to pray. Follow along! Created by. 4

Conscription & Conscience

Conscription was seen as yet another increase in the power of the state at the cost of individual freedom. Due to a shortage of volunteers military conscription was introduced in January 1916 for unmarried men from Later this was extended in May 1918 to married men (can you think why?). By 1918 men up to age 50 with military experience were conscripted.

5 Exemptions to Conscription

Not all men were forced to join the army there were exemptions