duties" as duties actually prescribed by the constitution. In any case constitutional rights always have primacy over duties and duties referred to in the constitution cannot be more extensive than are the actual laws that precisize these duties.(5)

The Military Service Act of 1950 is not inconstitutional. But its relationship to article 75 of CA is not clear (among other things the Military Service Act sets also a duty to protect the social order prescribed by law, something which is not dealt with in CA). If the Military Service Act is renovated, its relationship to the constitution should be examined. And what maybe is more important, the Finnish constitution permits several other systems of organizing the country's defence than compulsory armed service for male citizens.

Parliament's Committee on Constitutional Law gave an interpretation of article 75 of CA earlier this year as it was examining the constitutionality of the bill concerning changes in the law of alternative service for conscientious objectors and the bill concerning exemption of Jehovah's witnesses from military service (and alternative service as well). The Committee considered the former bill to be in accordance with the constitution and the latter to be inconsistent with the constitution and thus to require the support of 5/6 of M.P.'s.(6)

As interpretation of article 75 of CA is concerned, the Committee's decision can be described as surrenderening in front of the Military Service Act. The Committee stated that article 75 of CA contains in peacetime a duty of healthy male citizens of a certain age to serve either in the military forces or in alternative service. Thus exemption of Jehovah's witnesses from any kind of service would be an exception from article 75 of CA. This interpretation does not take into account that several groups - as a matter of fact the majority of the population - are exempted from all kinds of service in spite of article 75 of CA which applies equally to all citizens - also women, children etc. Several members of the Committee on Constitutional Law noted this in their reservations and stated that the majority's interpretation is vague and in contradiction with the story of the origin of and the previous application practice of article 75 of CA. The Committee's decision cannot be considered as a strong precedent.

On the other hand: If the majority was serious in their decision, every eventual bill including conscription of women must be considered by the same majority to be in contradiction with the constitution.

Conscientious Objection and the Constitution

Unlike certain other countries (e.g. Austria, FRG, Netherlands, Portugal, Spain) the Finnish constitution does not contain a provision of the right to conscientious objection. Even the two articles concerning freedom of religion and conscience (art. 8 and 9) are narrow and susceptible to different interpreations.

Article 8 of CA deals mainly with the right to form religious associations and to take part in religious ceremonies. It does not literally speak of other than religious convictions and it does not guarantee the right to act according to one's conviction.

Article 9 of CA contains an ambiguous sentence: "The fact of belonging to any special religious community or not belonging to any such community shall in no way detract from the rights and duties of Finnish citizens."

In Finland there are two traditions in the question of the effect of a person's conviction to his duties. The mainstream is that one's conviction does in no way affect one's duties prescribed by law. There are certain decicions of the Supreme Administrative Court and the Judicial Delegate (Ombudsman) which follow this tradition. A schoolteatcher is obliged as a part of his official duties to take part in religious ceremonies even if they were against his own conviction. A physician is obliged to perform abortion even if his conviction did not accept abortion. And a civil servant has to swear a loyalty oath even if swearing any oath was against his religion. These interpretations take literally the above-quoted sentence of article 9 of CA. They are also expressions of our strong legalistic tradition in Finland: the law is the law, especially when duties are concerned.

According to this tradition of argumentation there exists no actual right to conscientious objection. There is only a privilege good-heartedly granted by the State. This privilege is not broader than the laws and decrees valid at a certain point of time happen to grant. It is up to the State to maintain this privilege or even totally to demolish it.

This argumentation contains a severe paradox: Articles 8 and 9 are provisions of a certain fundamental right of citizens. In interpretation practice they are used against this right, as an obstacle for laws giving practical possibilities for freedom of conscience.

The literal interpretation of article 9 of CA is even absurd, because Finland is a religious state (the Evangelical Lutheran Church is the State Church with the State Government in its leadership and also the Orthodox church has a state-protected position). There are several respects in which religion actually affects the duties and rights of citizens. Because of this situation the quoted sentence has been in literature of constitutional law interpreted to refer only to such rights and duties which have nothing to do with the conviction itself. Thus it is in full accordance with the constitution to accept a bill concerning collection of a special tax for the needs of the church from the members of the church. But it would be against article 9 of CA to make a law prescribing higher state income tax for those who belong (or those who do not belong) to the church. This interpretation tradition treats article 9 of CA as a provision which forbids religious discrimination. It at least leaves the way open for such a fundamental right of freedom of conscience which would emphasize the citizen's right to act in practice in accordance with his own conviction.

Recently Parliament's Committee on Constitutional Law has followed this interpretation line as it in 1982 stated that article 9 of CA presupposes full impartiality from public authorities as they create rights or duties which do not deal with exercise of religion. The committee also stated that no one can be obliged to take part in the exercice of religion except if the obligation is created by a bill which is accepted in the same order as the constitution is amended.(7)

As articles 8 and 9 of CA, which literally taken deal only with freedom of religion, have generally been interpreted to refer also to a more general freedom of conscience, the latter interpretation tradition makes it possible to accept in normal order (without the need of a 5/6 majority in Parliament) bills which permit exemption from military service on conscientious reasons, even without a duty to perform alternative service (if this kind of an exemption is not interpreted as discrimination of other convictions).

There are not many decisions of Parliament's Committee on Constitutional Law dealing with freedom of conscience. Last spring the Committee's majority rejected a proposal

of analyzing the contents of this fundamental right in connection with the bill concerning major amendments to the law on conscientious objection and alternative service. Several members of the Committee stated in their reservations that this fundamental right can be derived from CA's articles concerning freedom of life and freedom of personal liberty (art. 6), freedom of religion (art. 8 and 9) and freedom of speech (art. 10). According to these reservations this fundamental right includes the citizen's constitutional right to act according to his conviction.(8)

Some members of Parliament's Committee on Constitutional Law stated also that the freedom of conscience interpreted as a right to act in practice according to one's conviction has become a fundamental right of a customary law character, i.e. an unwritten constitutional right. This fundamental right has grown up as legislation concerning conscientious objection has through decades been developed to have more and more respect for the conviction of the objector. According to the minority's opinion the proposed amendments to the law on conscientious objection and alternative service were in contradiction with this fundamental right because they were against this tradition of legislation and meant to weaken the protection of conviction as the contents of alternative service was connected with total defence.

In my opinion the statements of the minority members are very important. They can be said to have their starting point in an idea of conscientious objection not just as a privilege granted and taken away by the state, but as a true right originating from the citizen and his positition as a genuine subject of the society.

The majority of the Committee did not pay much attention to freedom of conscience. They just stated that the bill granting exemption to Jehovah's witnesses was inconsistent with the constitution also because it was an exception from the State's impartiality in religious questions demanded in article 9 of CA.(9)

The effect of international Human Rights

As the Finnish constitution does not give very much protection for conscientious objection it must be asked whether international Human Rights Documents could be of help in a country like Finland.

Articles number 18 of both the UN Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights proclaim the right to freedom of conscience. The Universal Declaration proclaims in article 3 also the right to life. These Human Rights Documents - which both have been accepted also by the Finnish Republic - can be interpreted in such a way that the right to life implies neither only a privilege nor only a right not to kill but actually a duty not to take the life of any other human being. Freedom of conscience does not maybe mean the right of a person to act in all circumstances just according to his own conviction without notice to the duties prescribed by State authorities. But it can be said that conscientious objection is one of the most important practical ways to exercise this right guaranteed by Human Rights Documents and that every state is by international law obligied to promote the exercising of human rights.(10)

In Finland international agreements are not automatically also part of the national legislation. But at least as legislation or other actions taken by state authorities are

concerned, a breach of international law is in question every time when an agreement is not observed. Parliament's Committee on Constitutional Law stated on this question in 1982 as it decided that accepting a bill which is in contradiction with a legally binding international agreement is a breach of international law even if the bill is accepted in the same order as the Finnish constitution is amended, i.e. by a 5/6 majority. In this respect international human rights are stronger than the provisions of our own constitution. And this is why the contents, implementation and interpretation of Human Rights Documents have a great importance also for conscientious objectors in Finland.(11)

References

1. The presently valid law is titled Law on unarmed service and civil service (Statute Book of Finland 21.2.1969/132) and minor amendments have been made (14.1.1972/24; 16.5.1975/312; 3.6.1976/467; 26.5.1978/364). The law valid in 1987-1991 is titled as Law on temporary amendments to law on unarmed service and civil servive (12.7.1985/647).

2. The English quotations from the Constitution Act of Finland are from the book "Constitution Act and Parliament Act of Finland", published by the Finnish Ministry for Foreign Affairs (Helsinki 1967). The book contains also quite an extensive introduction to the Finnish Constitution, written by professor Paavo Kastari.

3. The Military Service Acts have been published in the Statute Book of Finland as 8.2.1919/11; 11.11.1922/270; 30.6.1932/219 and 15.9.1950/452).

4. The concepts "duty", "liability", "power" and "privilege" in the text refer to Wesley Newcomb Hohfelds analysis in "Fundamental Legal Conceptions as Applied in Judicial Reasoning" (Westport, Connecticut 1978, originally 1913 and 1917). Hohfeld presented a system of jural opposites and jural correlatives. This system has a close connection with the concepts of modal logic. In the text I have partly used the same terms as they are quite loosely used in natural language (e.g. the concept "fundamental right").

5. See Carl Schmitt "Grundrechte und Grundpflichten", in Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954; Materialien zu einer Verfassungslehre (Berlin 1958, originally 1932); Hans Peters, "Artikel 132 und 133 Absatz 1. Dienste für den Staat", in Die Grundrechte und Grundpflichten der Reichsverfassung; Kommentar zum zweiten Teil der Reichsverfassung; Zweiter Band, Herausgegeben von Hans Carl Nipperdey (Berlin 1930). See also Gunnar Folke Schuppert "Über Grundpflichten des Bürgers und die Funktionen des Verwaltungsverfahrens - Bericht über die Staatsrechtslehrertagung 1982 in Konstanz", published in Archiv des ˇffentlichen Rechts 107 (1982).

6. Parliament's Committee on Constitutional Law, opinion N:o 9 and N:o 10/1985 (PeVL 8 and 9/1985 vp.).

7. Parliament's Committee on Constitutional Law, opinion N:o 12/1985 (PeVL 12/1985 vp.).

8. The reservations are included as annexes to opinion N:o 10/1985 of Parliament's Committee on Constitutional Law.

9. Parliament's Committee on Constitutional Law, opinion N:o 9/1985.

10. In Hohfeld's system "duty" is the legal correlative of "right". This means that a right of a person is always connected with a corresponding duty of another person. And if the right is general, i.e. effective in relation to all other persons ("multital" in Hohfeld's terminology), every other person has the duty not to violate that right.

11. Parliament's Committee on Constitutional Law, opinion N:o 12/1982.

Annex

CONSCRIPTION AND CONSCIENTIOUS OBJECTION IN FINLAND

Summary of information concerning the present (1969) law and the law valid in 1987-1991. Summarized as answers to questions presented in annex I of the report of Mr. Asbjörn Eide and Mr. Chama Mubonga-Chipoya (UN document E/CN.4/Sub.2/1983/30).

1. Existence of conscription: Conscription exists (Law on Military Service 1950).

2. Liability to service: Men between 20 and 50 are liable to service and even men between 17 and 20 and between 50 and 60 can under special circumstances be called up; exemptions are granted for health reasons (approximately 10 % are rejected). From 1987 also Jehovah's witnesses are exempted in peace time.

3. Length of service: 8 or 11 (special training) months plus reserve duty for 0 to 100 days.

4. Recognition of conscientious objection. a) Recognition: Conscientious objection is recognized, but only in peace time. b) Grounds recognized as valid: Profound conscientious grounds based on religious or ethical conviction. According to the present law an application is examined by local military authorities and a national Examination Board which consists of civil and military personnel. The rejection rate has gradually increased and is now approximately 20 %. According to the law valid in 1987-1991 an application is not examined, i.e. every applicant is accepted to alternative service. c) Timing of the claim: At any time after reaching conscription age.

5. Known cases of conscientious objection: 1000-1300 per year (between 2 and 3 % of the age group) apply for alternative service, 90 % of these to Civil Service. More than 100 object even to alternative service (at present mostly Jehovah's witnesses, which are exempted in 1987; after 1987 new groups of

total objectors are believed to to arise as the contents of Civil Service is considered to violate certain convictions).

6. Alternative and development service: Unarmed Service (11 months) and Civil Service (12 months, 1987-1991 16 months). Civil Service is performed in state and municipal institutions, f.g. hospitals, social welfare institutions, prisons, airports etc. The law valid in 1987-1991 militarizes the contens of alternative service as it has a clear connection to plans concerning wartime total defence. Conscientious objectors will be trained mainly to tasks in first aid and protection of population, and the training will be given in institutions with mass character and partly under restrictions now valid only in the military camps.

7. Possible penalties for refusal to perform military service: Total objectors and rejected applicants who continue to object are imprisoned for 9 (8-12) months with no possibility of conditional sentence or parole. Several CO's whose applications have been rejected have been sentenced in recent years. Some of them have already been imprisoned and Amnesty International has recognized them as prisoners of conscience. According to the new law, total objectors will be either imprisoned for 12 (11-16) months or even to chained imprisonments interrupted with new call-ups. In principle the chain can continue until 50 years of age.

8. Dissemination of information on the possibility of obtaining conscientious objector status: Very little official information is given. There are no restrictions for propagating alternative service, except inside the army where (actually illegal) restrictions exist.

Tor Egil Forland

5.2.3. NORWAY

Conscription is an old Norwegian phenomenon: Already the old viking laws (Gulatingsloven) stated that if the country is attacked, both free men and slaves must meet at the shore to go on board the viking ship and defend their country. The old vikings did not recognize conscientious objection: He who stayed at home, was outlawed.

Today, the vikings are more or less brave history, and the slaves are definitely less brave history. Norway still has conscription for all men, however, and the sea and the shores are still supposed to be the main battlefield. But in 1985, the principle of conscientious objection is long established. And instead of being outlawed for the rest of your life – in those days, that would not be too long – Norwegian conscientious objectors now are being put to civilian service for 16 months. (The military service being from 12 to 15 months.)

There are (at least) two ways to study the conflict between conscription and conscientious objection: either chronologically or functionally. I have decided to do both: First, I shall take a brief look at the situation for conscientious objectors during the last 150 years, on two dimensions: 1) the legal conditions for obtaining the status of conscientious objector; and 2) the alternative service for conscientious objectors. Then, I shall investigate further the situation today on these dimensions. In relation to the second dimension, the alternative service, I shall also comment on the evolution of the Norwegian preparatory school for conscientious objectors.

Now, let us enter the time machine and return to Norway anno 1835. There are three questions which we would like to have answered:

1) Was there conscription?

2) Did the law recognize conscientious objection? and

3) What was the alternative service – if any – for conscientious objectors?

The answer to our first question is "Yes – but": Norway did have conscription – as it had had since 1628. (Norway was a kind of pioneer conscript country, then, at a time when most countries employed hired armies. The reason for the Norwegian pioneering is quite prosaic: The country was too poor to afford a hired army.) The conscription was not universal, however: The bourgeoisie and the official class did not have to do military service; the Norwegian soldier was a peasant. And a poor peasant, too: The conscription law had a paragraph called "the right of position" (stillinsretten): This paragraph read that every conscript could hire someone else in his place. The hire rate was about 100 spesiedalers – or 10 cows. There would always be someone to hire, because not all peasant would be called to military service; the soldiers would be chosen by drawing lots.

What then about conscientious objection? The law was clear: It had no provisions for objectors. The system outlined above indicates also that a lot of "potential objectors" let out through the holes in the law. Some were caught among the conscripts, though mostly quakers. As early as 1818 the first proposal to recognize quakers as conscientious objectors was promoted – without success.

In the Viking Age the objectors were outlawed: the situation in 1935 resembled this in a way: Most conscientious objectors – if one could use the word 'most' about a group of an uncertain, but very limited number of men – found their way out, to America. Some stayed home – our first known conscientious objector is a quaker from 1828. Better known is the quaker Soren Helland Olsen, "a righteous and truth- loving person", as the jury said. Because of these personal qualities, they let him get away with a sentence of 3 times 27 whiplashes for 3 days. The usual penalty was the ball and the chain.

Such was the situation 150 years ago. The Norwegian Government described the situation with these words in a Report to the Storting in 1984:

> Conscientious objectors did not represent much of last century. Those who were called to do military service, were not allowed to object. The ones who did object anyway, were severely punished, often imprisoned.

Fifty yeast later, in 1885, the situation was much the same. The law had been changed in two respects: The bourgeoisie and the official class were no longer exempted from conscription, and the "right of position", the possibility of hiring a conscript in one's place, had been abolished.

The logical consequence was more conscientious objectors. Still, the group was small – from 1885 to 1899 27 objectors are known – it was a group, though. And since they were men like Soren Olsen – righteous, truth-loving and, alas, peace-loving – the objectors, still mostly quakers and still subject to imprisonment, gradually came to represent a problem for the Government.

The result was, first, another Norwegian pioneer work: In 1860 the Parliament (Stortinget) asked the Government to consider recognition of conscientious objection for quakers. Nothing happened, however, and at the end of the 19th century the impatience on behalf of the objectors was distinct: Several private propositions were promoted – killed.

We shall pause for a moment at one of them: From the Norwegian Peace Society (Norges Fredsforening), the Norwegian Godtemplar Order and the Oslo Labour Society. It read like this:

> The young men who because of their conviction cannot do military service, shall be allowed to do usual work for the state.

The proposition was very far-reaching: It embraced not only religious objectors, but also conscripts who objected on other ethical or political grounds. The verdict from the Department of Justice was crushing: The department had asked the opinion of several "authorities" about the "rational (fornuftsmessige) objectors", and

> Each and all authorities agree that the category of persons, belonging to the class that is of the opinion that the military is meaningless, absurd, and irrational, a.s.o., represent such a negative spirit in the nation, that one sees no need for changing the law of conscription for their consideration.

This distinction between religious and "rational" objectors and the authorities' acceptance of the one and distaste for the other, is important, because it is a recurrent motive in the history of conscientious objection in Norway. As we shall see, we find the same arguments today as in 1899 – with a slightly different wording, though.

The pressure with respect to the religious objectors were effective: in 1900 the Department of Defense gave permission to transfer religious objectors to non-combative positions. (To some extent this had already been practiced.) To many conscientious objectors, however, non- combative service in the army was not acceptable. The commanding general capitulated in 1902: He directed, no doubt with the consent of the Department of Defense, that religious objectors for the time being were not to be prosecuted. For these years, religious objectors were given no alternative service or penalty. The number of recognized objectors rose, between 100 and 150 yearly during the First World War.

Now let us enter the time machine again, and walk out in 1935. The thirties, accompanied by unemployment and the rise of nazism, were in some respects the best ever for Norwegian conscientious objectors. Inspired by the Danish (1917) and Swedish (1920) examples, the Norwegian Parliament in 1922 passed an amendment to the military penal code: The new formulation read that there should be no penalty for conscripts who objected because of "serious religious conviction or other reasons of conscience". The law was amended again in 1925, to the formulation which still rules: The objector should not be punished "if it is contrary to his serious conviction to do any kind of military service".

This was a substantial change from the 1902 situation, not only because the provisional directive from the commanding general was replaced by a permanent from the Parliament – but also because the law text, and the way it was practiced the first years, did not discriminate between the various grounds for the objection; it was sufficient that the objector had a "serious conviction" against any kind of military service. Whether the grounds were religious, ethical or political, was irrelevant. As we shall see, this situation did not last long.

But before we make another time lap, let us look at the alternative service in 1935. The law of 1922 had not only legalized conscientious objection – it had also institutionalized it, through an alternative, civilian service. The service was to "not have any connection with military facilities or activities, and be led by civilians". The civilian conscripts were to be administered by the Department of Justice; the benefit would belong to the state.

The department hammered out directives for the civilian service: The objectors were set to agricultural work in an area bought originally for unemployment activities. When we pass by, in the 1930s, we shall find between 50 and 200 objectors cultivating a fertile part of mother Norway. This is, if we come during summer: The civilian service, though 50% longer than the military service, lasted less than 4 months at this time.

After the Second World War, the alternative service changed dramatically. The first years after the war, there was no alternative service at all. Then the Government emptied the two traitor camps of Havnas and Hustad, and filled them with conscientious objectors. No misunderstanding: There was no barbed wire or armed guards; the camps were no longer for imprisonment, but for civilian service. (It does, however, have some symbolic value to do your alternative service in a former traitor camp!) the service was no longer agriculture, but mainly forestry work: In 1954 almost 70% worked in these areas. Them,

gradually but fast, the civilian conscripts were transferred to the health and social sectors: 15 years later, in 1969, about 70% worked here – less than 2% did their service in agriculture and forestry work.

Two years earlier, in 1967, the Department of Justice had sent the Parliament a Report, proposing to continue the transfer from forestry work to service in the health and social sectors. The Department argued that this service was "especially well suited" for the conscientious objectors; besides, these sectors were in need of labour. The Parliament accepted the proposals, but added that the objectors should have the option for "other kind of peace building and for society helpful service". The Parliament called attention on museum, archaeological, and research work, as well as service in humanitarian organizations in institutions. In 1970 the Parliament again asked the Department to find options for suitable service that would be both peace building and helpful for society.

The demand for peace building service options was ignored, however. Today, more than 70% of the objectors in service work in the health and social sectors. Some 5% work in the camps and in the civilian service administration, the same figure applies for service in humanitarian organization, a little more for archaeological and museum service, and for service in research institutions. The number of conscientious objectors have risen from between 350 and 1200 during the years 1951-71, to between 2000 and 3000 every year since 1972, the year when Norway answered "No" to the EEC.

The legal situation of conscientious objectors in Norway has also changed since the Second World war – though the wording of the paragraph is the same as in 1922. The Parliament passed a new law about conscientious objection in 1965, but kept the crucial formulation with just a cartling of words: conscientious objection is recognized if there "is reason to believe that a conscript cannot do military service of any kind without conflict with his serious conviction".

What has changed, then, is the interpretation: "military service of any kind" is now interpreted as meaning military service of any kind, at any time, under any government, and against any enemy. If these conditions are not fulfilled, the objection is interpreted as "conditionary" (situasjonsbetinget), and the objector is not recognized, but ordered to do military service. If he does not, he will be prosecuted, and eventually imprisoned. (Then, after the release, he will get a new call from the military. If he still objects, he will be imprisoned for a second time. This time, however, he will also be sentenced to lose the right to protect his country, so that the tragical farce will not go on eternally.)

The demand for unconditionary objection does of course make political objection illegal: The political objector's reason for objecting is by definition nothing but the kind of, or time for, military activity, or the government, or the enemy. The Norwegian Government claims, however, that political objection is recognized is just the same way as religious or ethical objection – if only it is not "conditionary"! This odd reasoning has led the Government to prosecute and imprison several political objectors – some of whom are adopted by Amnesty International as "prisoners of conscience". (In fact, at the very same moment that I am writing this paper the TV news tells that Amnesty has adopted a Norwegian "conditionary" conscientious objector who is imprisoned in Trondheim.) A paradoxical fate for a pioneer country as Norway was around the turn of the century.

Now that we have the historical background, we can look deeper into the current

debate on conscientious objection in Norway. This depate culminated in March 1985, when the Parliament discussed the Government's Report to the Storting No. 70 (1983-84) About Conscription. This Report, and the Parliament debate, gives us an excellent explanation of the official Norwegian conscientious objection policy. I shall be more restricted than the debate, and concentrate upon the two crucial issues: the legal conditions for being recognized as a conscientious objector, and the alternative service. I shall start with the "hottest" theme in Norwegian opinion (and, I suppose, in your memory): The legal conditions for recognition as a conscientious objector.

In theory, the principles are clear: The demand for "unconditionary objection" means that you have to be a pacifist in order to be recognized as a conscientious objector. (By "pacifist" I mean someone who cannot imagine any situation where he would defend the use of violence in a military, i.e. an organized, way.) The Norwegian Department of Justice also uses this word, in a less strict sense, though: They state that the law demands a "basic pacifist attitude" (pasifistisk grunnholding). They don't care whether this attitude has religious, ethical, or political background - but it has to be "unconditionary". The absurd consequences for political objectors are already mentioned. Now I shall exemplify the problems which this interpretation of the law runs into in court:

The Norwegian Supreme court has, during the last 20 years, stated that you can be recognized as a conscientious objectors even if you can accept ethically other people's use of military violence; and as well if you answer "Yes" to the question of whether you would use a gun that suddenly appeared in your hand, if an enemy soldier tried to kill your wife. (If you had the gun hidden in the drawer instead, your status as a conscientious objector would be more doubtful.) Even acceptance of, and willingness to participate in, spontaneous guerilla warfare, would not hinder your status - if it was strictly spontaneous and in no way prepared. The main point seems to be that there must be no situation in foreseeable future, in which you would enter a military defense of any kind. In 1982 the Supreme Court recognized a so-called "nuclear pacifist" as conscientious objector (Sandvik): He argued that in the nuclear era, all wars in which Norway would take part, would be nuclear wars - and he would not fight with nuclear weapons. This was found to be an "unconditionary" objection. Next year, however, another nuclear pacifist (Fjelland) was sentenced: He argued that he objected any use of nuclear weapons, and that the Norwegian military "in foreseeable future" only would be used in a conflict which involved such weapons. This objector was not recognized, because he could imagine situations and military systems when he would fight. Therefore, he was a "conditionary objector", and was imprisoned. Had he not sketched such imaginary situations, the Supreme Court would have had to recognize him as they recognized the 1982 nuclear pacifist.

The Government's position on the question of changing the law, is a plain "No". The reasoning why is almost just as plain: To open up for "conditionary objection" "would have unknown consequences for the system of universal conscription in the country". The Department of Justice seems thus to have accepted the premises given by the Joint Chiefs of Staff:

> to legalize conditionary conscientious objection can, in the worst case, lead to a de facto abolition of the conscription.

The department further warned against the "demoralizing effect" which would be the result if the general opinion would become that many get away with the service too easily – implying this to be the situation for the conscientious objectors doing their 16 months alternative service.

The conscientious objectors and the peace organizations in Norway have of course argued that this situation is not worthy of Norway. They are not alone: All the theological organs have judged the present practice ethically unacceptable – their argument being that a "conditionary" objection may be just as seriously ethically motivated, as an "unconditionary" objection. The theological faculty at the University of Oslo, called the question of recognition of "conditionary" conscientious objection "an acid test" of the democracy. Nevertheless, the Christian People's Party, like their Conservative and Agrarian coalition partners, has not been willing to accept any changes in the law or law practice.

The demand from the conscientious objectors and the peace organizations, as well as from the civilian half of a governmental conscription committee (vernepliktutvalget), has been for a change in the law, to recognize any objector who cannot do military service without conflict with his serious conviction.

After this year's parliamentary election (1985 eds.), a very interesting situation has emerged: The non-socialist coalition has lost its majority, but still holds government with the support of a small right-wing party (Fremskrittspartiet). In this question, however, dissidents from the Christian People's and the Agrarian Party, together with the Labour Party and the Left Socialist Party, make up a majority for a change in the law of conscientious objection. The problem is, that as long as the non-socialist coalition holds government, no proposition will be promoted. And so we must expect Norway to continue in imprison "conditionary" conscientious objectors, and thus again appear on the Amnesty list of prisoners of conscience.

I now turn to the other dimension of this study: The alternative service. i have already given an outline of the current situation, as well as some glimpses of the historical record. Here I shall investigate the conscientious objectors' and peace organizations' position – these never conflicted –, and the response their proposals met with from the government.

Ever since 1961, the conscientious objectors argued that peace building service should be accepted by the government. In that year, a committee with both civilian and military members (the chairman was Johan Galtung) promoted a proposal for a Norwegian Peace Corps, composed out of both military and civilian conscripts. The idea has today yet to be accepted. More success, if no smashing victory, had a group of objectors who went on strike – illegally, of course – in order to push their demand for peace building service. As a direct result the Norwegian Society for the United Nations was accepted as a body for service in the same year. Five years later the situation had not changed much. Only two additional institutions had got the departmental blessing as bodies for civilian service: The Vietnam Collection and the International Peace Research Institute of Oslo (PRIO). The same meager result was the outcome of a CO Counter Report in 1970 with a list of peace institutions which could use conscientious objectors in service: Even though the Parliament's Committee of Justice embraced it, the Department almost neglected it. There has been a small increase in options for peace building service – e.g. Amnesty International is accepted; it was not in the 1960s – but the overall impression is that the Government

shows no interest in peace building service.

The Government's attitude to peace building service in the 1983 Report, is an extraordinary expression of departmental arrogance:

> To make the service more peace relevant, does presumably mean for the most part that the objectors should do their service in institutions and organizations which as an aim claims to conduct so-called peace directed work, as e.g. the WRI, the WILPF, the Norwegian Peace Society (Norges Fredslag), etc. The Department is, for principal reasons, negative to such a plan.

The ground for the negativity is that several of the organization have "controversial political aims", e.g. Norwegian neutrality or complete disarmament. The Department's conclusion is worth quoting:

> The Department finds it offensive and invidious that conscientious objectors should be given service in organizations which aims are to weaken the very military defense that they, after very thorough study, has been let off, and perhaps in this way help to remove the basis of the universal conscription defense.

The positive aspect of this provocation, is that it represents a clear misunderstanding of the concept "peace building (or peace relevant) service". There should therefore be room for explanation and perhaps a better understanding – if not at the top of the Department of Justice, then at least in the Parliament. The CO organization composed a Counter Report, where the concept of a peace building service is discussed at some length. The Counter Report quotes an earlier Counter Report, from 1970, where peace building service is explained to be work to

a. Map and remove the reasons for war and violent conflicts.

b. Remove economic, social, and political exploitation both nationally and internationally.

c. Work out and spread information and education about relations in other countries, relations between nations, peace policy, etc.

d. Further international exchange of contacts.

This, of course, was not very precise. The conscientious objectors now concreted the idea of a peace building service anno 1984: Besides the old proposals for Peace Corps service as civilian service, non-violence resistance training and planning, and service in peace organizations, they outlined a model of service for the developing countries – in Norway. The conscientious objectors could perform several tasks in Norway that would be of great help to the developing countries, they maintained; production of simple goods (e.g. tents, ovens and protein biscuits), and collection of second hand clothes etc, were mentioned as examples of suitable and peace building work, which would not demand the establishment of a large new administrative apparatus.

It was (and is) imperative for the conscientious objectors to develop an inexpensive and reliable alternative to service in the health and social sectors. These sectors did no longer experience the need for labour that in the 1960s had initiated the transfer of conscientious objectors from forestry work to this kind of service. Rather the opposite. The unions had started to demur about the conscientious objectors blocking jobs and covering up the real need for unemployment in "their" sectors. The Government's answer was to propose another big transfer of the objectors to civilian service in the Civil Defense (Sivilforsvaret). This proposal – which was no new idea, just a more careful version of the proposal from the military part of the conscription committee to transfer the whole alternative service to the Civil Defense – met with strong objection from the objectors. The reason was the Civil Defense's close relations with the military defense, a relation that led 34% of the conscientious objectors to answer that they would object this kind of service, when asked about their attitude in an academic survey in 1972. The Department of Justice's proposal was dangerous, because it neither explicitly estimated the number needed in the Civil Defense, nor did it guarantee that objectors negative to the Civil Defense, would not be enrolled for this kind of service. Thus, the Department held open the kitchen door for the military's proposal.

When the Report to the Stroting came before the politicians, then, they had two alternatives to the existing service in the health and social sectors: The Department of Justice's idea of "a necessary number" of objectors in the Civil Defense, as an interim arrangement some 200 men; and the conscientious objectors looser notion of a national service for the aid to the developing countries. The Parliament acted as one could have supposed: They worked out a compromise based upon the status quo: The main part of the objectors were still to do service in the health and social sectors; service in the Civil Defense was allowed on a voluntary basis; and the Department of Justice was allowed to accept experimental projects with national service for the aid to the developing countries. Today, nine months later, as far as I know, no such projects has been initiated. With the Conservatives in charge of the Department of Justice as well as the Government, it would seem a fair guess that no such projects will evolve.

I shall end this not too optimistic review of the situation for Norwegian conscientious objectors, with a visit to another Norwegian pioneer achievement: The preparatory school for civilian service. The story of the rise and if not fall, then at least change, of this idea, is just as tragical as the other aspects of Norwegian policy towards conscientious objection.

The so far last chapter of the story of the preparatory school, starts on 17 September 1984. Then the school at Hustad was opened for the first class of objectors. This non-violent victory for the conscientious objectors in Norway, represents not the end, but the end of a 30 years beginning of the work for a preparatory school for the alternative service. I shall return to the present situation in a moment. But first, we must take a look at the previous history of the school.

The beginning of the school was another CO Counter Report: This time, in 1953, in response to a military dominated civilian service committee. 15 years later, the Department of Justice started to consider ways of realizing the idea. Then, in 1972, the Department started an experimental project in Ringebu. The project lasted three years, and the results – though very differently evaluated – led the socialist majority Parliament in 1979 to adopt

a proposition for a permanent preparatory school for conscientious objectors. The first school was built at Hustad (after protests from several local administrations and ad hoc organizations on suggested places of location), and was ready for use in the summer of 1983. The first year, however, the school buildings were used not as a school, but as lodgings for new civilian conscripts who stayed at the camp during the habitual three information days. The now non-socialist Parliament had accepted this, but under the condition that the school would be used for its planned purpose from the autumn of 1984 onwards.

Nevertheless: The national budget for 1984 had no funds for the preparatory school. The conscientious objectors were infuriated; the Parliament's Committee of Justice was shocked. This time the Parliament stood firm, and voted the sum necessary for operation of the school. The first battle was won.

But another was already waging: over the timetable. How long were the courses to last? The first propositions from the 1970s had suggested 12 weeks; then the Parliament adopted the proposition, the courses had been reduced to 10 weeks. When a separate Report to the Storting about the education at the school was debated in 1981, the non-socialists wanted courses of only 6 weeks' duration, while Labour still advocated 10 weeks. Another point of disagreement was the subjects and their weight, especially the peace subject: In the first propositions peace education and non-violence training had been the main subject. When the propositions about the school and the education were passed in 1979 and 1981, this was reduced to 40 obligatory peace lessons. In 1981, however, the non-socialists, though still in minority, voted for a different timetable: In their 6 week-course the peace education had disappeared, and been replaced by 15 hours social science (samfunnsfag), herein information about the Norwegian defense and security policy, peace and conflict subjects (freds- og konfliktlaere) etc.

Now, in the budget debate 1984, the Parliament's Committee of Justice compromised again: The committee advised the Department to start 6 week-courses, but with peace education included. The peace education which started on 17 September 1984, was a totally different subject from the one the pioneers of the 1960s had dreamed about. The non-violence resistance part had vanished – the Norwegian society was not liberal enough to accept this after the experience of the Mardola and the Alta ecology demonstrations; the establishment – which in this respect includes large parts of the Labour Party – would not be willing to organize what they feared would be chain gang training at the conscientious objectors' preparatory school.

Anyway – the school is in operation. What kind of school it will be, remains to see. It will certainly not be the lively, action minded peace camp dreamed-about in the 1960s; there is a real danger that it will end up as the assistant nurses school the Conservatives are trying to convert it into. If this becomes the fate of the preparatory school, however, it will be less a sign of governmental power, than a symbol of conscientious objectors' lack of fighting spirit. We all know that it takes more than a negative Department, to halt a pacifist army, determined to fight with all weapons but violence. The very existence of the preparatory school is the proof of that pudding. Our next task is eating it!

Dorothea Woods

5.3. SWITZERLAND

PROPOSED CHANGES IN THE SITUATION OF THE CONSCIENTIOUS OBJECTOR IN SWITZERLAND

A number of measures are being promoted or proposed so as to change the situation of the conscientious objector to military service in Switzerland. They include the following.

Draft for a New Constitution

In the draft for a new constitution now under discussion, article 371 states that all Swiss are responsible for the defense of their country. Men are to be called for military service, and those who cannot reconcile military service with the demands of their conscience may carry out a substitute civilian service.

The Federal Government has consulted cantons and enterprises and organisations; and individuals have submitted their criticisms of the new draft constitution. According to the Journal de Geneve of 21 June 1981, those in favor of a civilian alternative to military service and those opposed have made their opinions known in about equal numbers.

Parliamentary and Governmental Action to Decriminalise conscientious objectors

Eva Stegmuller (Christian Democrat. St. Gall) deposited with the legislature in September 1983 a motion asking for a revision of the military code so that the true conscientious objector need no longer be associated with common criminals in prison. This motion was accepted by the Council of Cantons and the National Council, which encouraged the Federal Council to prepare a revision of the military penal code so that authentic conscientious objectors might carry out their sentences in a special way with activities in society and not in prison.

The Federal Military Department named a study Commission, presided over by Raphael Barras, auditor-general of the army. The Commission was charged with examining possible modifications of the penal code of the military so as to decriminalise the conscientious objector whose conflict of conscience was recognised by the military tribunal. It examined ways of replacing prison sentences by other treatment. the findings, released in July 1984, were presented not as a solution but as a basis for further reflection.

Hans Ulrich Graf (Zurich) and Franco Matossi (Thurgovia) of the Democratic Center Party deposited a motion in March 1984 with the National Council and the Council of Cantons. They asked the Federal Council to try to organise unarmed service, including sanitary service and anti-airraid service, for conscientious objectors so as to exclude a free choice between military and alternative service, and to find a way so that refusers of military service need no longer be punished as criminals.

M. Caribbio of the free faction of the Socialist Party in April 1984 put forward a motion urging Switzerland to come closer to the outlook of the Council of Europe, to

substitute for the present "serious conflict of conscience" the idea of "serious personal conflict in confronting the use of violence and the obligation of armed service", to create a civilian service under the auspices of the Confederation but independent from the army and as long as military service, and to oblige the conscientious objector to state his motivation before a civilian commission, independent from the army.

The Christian Democratic Party presented to Parliament in June 1984 its own solution for the decriminalisation of conscientious objectors. The proposals called for changed in the military code rather than in Constitution. A civilian service should be established, and conscientious objectors should be assigned to it after a test of conscience; the service would be carried out as a penalty for refusal to serve in the armed forces. The conscientious objector should not have to prove that he has a serious conflict of conscience but only to show why he cannot, either for religious or ethical reasons, reconcile military service with the dictates of his conscience. The judge would impose a replacement service which would last from twenty months up to three years in time of war. Such replacement service should be carried out in a public or private institution serving the interests of all. The cantons should take considerable responsibility for the management of this replacement service.

The four parliamentary motions and the request to the Federal Council are not alike in all respects, and they pose new problems of principle and procedure. Therefore, the Federal Military Department set up an Expert Committee charged with further study of the question of decriminalising the conscientious objector. The Expert Committee has examined the report of the earlier study commission with a view to 1) deciding whether the carrying out of the obligatory measures by conscientious objectors is within the mandate of the Confederation of the cantons, 2) studying the application of these measures and developing a model for alternative service which takes into account different assignments for conscientious objectors, 3) preparing a revision of the laws and ordinances so that an obligatory work service might be set up.

The Expert Committee has made its report, and the Federal Military Department has been charged by the Federal Council with opening a consultation procedure on the decriminalisation of conscientious objectors. the consultation process ended on 18 November. Among the finding and proposals of the Expert Committee are the following (Journal de Geneve, 15 August 1985 and Tribune de Geneve, 15 November 1985):

1.

The complete decriminalisation of conscientious objection is not possible within the present constitutional framework. Article 18 of the Constitution sets a general obligation to serve which cannot be made more flexible.

2.

In accord with trends in modern penal law, authentic conscientious objectors could replace their prison terms with work which keeps the nature of a sanction. Conscientious objectors would not be deprived of liberty but their liberty would be restricted.

3.

As a measure of decriminalisation, the act of the conscientious objector and his punishment would not be written into a judicial file.

4.

The work done by conscientious objectors would serve the public interest. An ordinance of the Federal Council would enumerate the types of action possible.

An inquiry sent to cantonal authorities reveals possible types of projects for those "constrained to work"; cleaning forests, lake and river shorts; helping peasants in mountainous areas, assisting in hospitals and hostels and institutions, and aiding in situations of catastrophe. The Department of the Interior would define the rights and duties of persons constrained to work. The Confederation would pay the workers and insure them against illness and accidents and intervene as a social employer as regards social insurance. the conscientious objectors receive a daily payment in line with their family responsibility. Most assignments would be group assignments.

5.

The military tribunals would remain the bodies with competence to judge conscientious objectors and decide whether their religious and moral convictions should prevent them from doing military service. The "serious conflict of conscience" would be replaced by a formula easier to apply, but the conscientious objector will have to indicate the problems posed to his conscience.

6.

The decision as to whether the conscientious objector would be allowed to do unarmed service would be made first by a military commission, then by a civil commission and finally by the Federal Military Department.

7.

The conscientious objector would continue to pay a military tax, for being constrained to work is not the same as carrying out an alternative service.

Now that the period of consultation is over, the government will have to decide on modifications of these proposals in the light of replies.

The Barras Commission II says that the modification of the military penal code is not the only measure foreseen. Innovation are to be made in the federal law on military organisation in the case of conscientious objector is refusing armed service.

Matt Meyer

5.4. THE UNITED STATES OF AMERICA

5.4.1. LEGAL AND ECONOMIC CONSCRIPTION

My name is Matt Meyer and I was born in New York City in 1962. At that time, there was still an active draft in the US, left over from the war in Korea. Also that year, young soldiers were sent to fight in the unseccessful invasion of Cuba known as the Bay of Pigs.

When I was a year old, 18-year-olds were conscripted and sent to the Bay of Tonkin. When I was three, drafted and volunteer soldiers successfully invaded the Dominican Republic, overthrowing the democratically elected government of Juan Bosch.

From the time I was two till the time I was ten, 18-year-old draftees were sent to fight in the war in Southeast Asia: Vietnam, Cambodia and Laos. When I was 13, though the official draft was ended due to years of widespread protests, US troops were involved in fighting in East Timor.

In 1980, when I turned 18, we were sent to US Post offices throughout the country to register for a new draft ... and I, and hundreds of thousands of others, REFUSED TO GO!

So we are dealing in this case study with a country that is involved in military actions all around the world; with a country whose 18-year-olds grew up watching color TV news programs of nightly body counts and bags being sent home from Vietnam; with a country that, due to the massive unpopularity of that war, was forced to temporarily abandon conscription; and with a country that is now leading the world in an unprecedented military build-up in which troops will soon become more and more necessary.

It is clear to those in the US working for peace, that the US government has learned – in very concrete terms – how to make it as difficult as possible for anti-war and anti-conscription movements to grow, despite those movements' long and strong history and a popular desire for peace and disarmament. So I would like to talk today – first about the reality of the current draft in the US and then about what we can learn from the way the US government has reacted to the anti-draft movement.

Let's begin with the reinstitution of registration and with the law itself.

1979 was a bad year for the US government. Some of our best friends – the Shah of Iran and Anastacio Somoza of Nicaragua to name just two – were thrown out of office by popular revolutions. Between the US hostage crisis and compared to the Soviet actions in Afghanistan, the US Armed Forces were looking weak. So President Carter had the clever idea that, in order to show our strength and military superiority he would call for a reinstitution of registration for the draft and acre the Russians by having all those young Americans flock to US Post Offices to sign up.

The problem was that this did not quite work as planned. All men born in 1960 and 1961 were supposed to sign a card giving their name, birthdate, address, and social security number to the Selective Service System (which I'll refer to as the SS). But in 1979, most of these men either did not know about the new law, did not care about it, or else were upset about it and began to think politically about its implications. Demonstrations of

women and men, including a lot of new, young faces, occurred at Post Offices (where the sign-ups were taking place) throughout the country. many of those supposed to register just did not show up, some were turned away by the protests and the controversy, and others (like myself) became public about their refusal. By the end of the summer of 1980, SS and independent news reporters estimated that over 100.000 men had not registered. So, from the beginning, the government was put on the defensive.

Then came Ronald Reagan. Ronald Reagan said, in campaigning for the presidency in 1980, that as a libertarian and laissez-faire capitalist, he was against a peacetime draft. He actually wrote letters, which were well published, telling of his position against peacetime draft. The problem with Ronald Reagan is that he is also against peacetime. And as long as we've got a war or two, we might as well have conscription.

But because of all of those not registering, even Ronald Reagan didn't want to make a big issue out of it. Now don't get me wrong – we're not talking about 100.000 resisters marching in the streets demanding an end to registration. Most of us are folks who just said "What for?" or "To Hell With That!" and stayed home. The government has no way of tracking down and jailing all of those non-cooperators. They would have to build five times the number of federal prisons in order to accomodate that many violators of a federal law punishable by 5 years imprisonment and/or a $10.000,00 fine.

So the strategy of the US government has been to maintain registration without making a big deal about it – so that resistance can't grow. You might think that in conservative America, we'd have some patriotic pro-war slogans to get young recruits interested in fighting for the red, white and blue. you might think that SS would put out a media campaign saying "Register and Fight For Your Country" of "Do What's Right – Defend America and Sign Up". But that's not the approach that they've taken at all. they know that the youth of the 1980's is looking for something somewhat simpler. So the SS national slogan is:

"It's Quick ... It's Easy ... and It's the Law" Not "it's right" or "it's good for America" but "it's the law" so don't mess around. And anyway, if it's so quick and easy, what is the big deal anyway? It's not even the real draft, they say, no ones going into the Armed Forces. It's just registration.

The danger with that argument is that registration is the draft – it is the first and most important part of the process – the process of gathering names. The second part of the process – classification, where one might apply for conscientious objector status or some other exemption or deferment, will now happen much more quickly than in the past, giving folks who are not yet part of the peace movement and not prepared to make a conscientious objection claim only seven to ten days to get their claim together. This totally undercuts the use of conscientious objection claims to build a movement, and has been a major cause of the peace movements focus on total resistance.

So the first major lessons that the US government has learned from the anti-Vietnam war movement involve limiting the ability to use conscientious objector status and the separation of the registration and classification stages of the draft process. After repeating the phrase "but it's only registration" over and over again, the government has minimized the issues in the eyes of much of the peace and justice movements. Even internationally, where the role of US intervention is quite clear, the domestic militarism taking place inside

the US to uphold these interventions is not yet recognized of understood.

Another lesson that the US government has learned is that intimidation of non-registrants through selective prosecution and jailings does not, in most cases, work. Recent estimates by SS and independent sources put violations of SS laws and regulations at potentially over six million, including non-registration, incomplete, late and invalid registration, and counseling, aiding or abetting resistance. This figure includes the thousands of older women and men who have registered, though they were the "wrong" age of the "wrong" gender, or who have registered under the name of Micky Mouse or Donald Duck, just in order to screw up the system. Yet despite all of these resisters, only 18 young men have been indicted for non-registration.

Of those 18, all but one have been public about their refusal, and have been active politically in their local peace or church groups. The one exception is Phetsamy Maokhanphio, a name out of the SS grab- bag, who – as a Laotian immigrant – did not know of his duty to register and, in fact, could hardly read English.

Of the other 17, only seven were given prison sentences, five of which have already been served. For fear of renewed public protests, the government has stayed away from any indictments in many major cities. There have been no indictments in New York City, Chicago, San Francisco, Detroit, Miami, Houston or Atlanta. And in those cities where indictments have taken place, the resistance and conscientious objection support community has been made stronger than in cities where no government activity has occurred.

The government has resorted to buying lists and sending out form letter "warnings" to scare people into registering. In 1984, SS purchased a list from Farrell's Ice Cream Parlor Restaurants of names, addresses and birthdates from a contest held in 1977 to win a free ice cream cake in the "boys birthday club". Warning letters have been sent out, but the non-registration figures remain high.

So the final point, the main lesson that the US government has learned, is that if political opposition to conscription is high and the potential for a politically threatening resistance is high, then you cannot fight draft resistance and conscientious objection on political or moral grounds. You've got to fight the resistance movements economically. And that is just what the US government has done.

First, two amendments were attached to the Military Selective Service Act. The Solomon amendment cut federal financial aid to college students who have not registered and limit the federally funded Jobs Training Programs for poor and unemployed youth who have not registered.

Second, more importantly, in a country where unemployment among Black and Latino youth is over 50%, the government has been able to replace legal conscription with economic conscription through military recruitment. The military, they say, is the only job available.

Military recruitment in the US is on the rise. In order to develop the global capabilities envisioned by the Reagan administration, the Armed Forces need to expand 53% in army or marine combat divisions, 69% in aircraft carrier battle groups and 58% in tactical fighter divisions.

And saying recruitment today is the same thing as saying economic conscription. It is saying the same thing as saying "the poverty draft". Because recruitment in 1985 means recruitment of poor Black and Latino youth.

Recruitment today also means recruitment fraud:

- Recruiters promise much but can make no guarantees.
- Close to 50% of recruited personnell do not get jobs where they applied and cannot change jobs, even after one year in the military.
- 50% of all Black or Latino Vietnam veterans are unemployed today. The unemployment rate among Vietnam veterans is double that of the general American population.
- More Vietnam veterans have died or committed suicide since the end of the war than died in combat during the entire length of the war. Over 50% of the military prison population today is Black or Latino. This is compared to only 10% of all officers and only 10% of all military lawyers.
- The Army Times recently reported that every military base in the US has a Ku Klux Klan chapter. The Pentagon admitted in 1979 that there has been a dramatic increase in KKK activities within the military.

Finally, the Reserve Officer Training corps (ROTC), in which "the inherent desire to fight and kill must be carefully watched for and encouraged by the instructor" (according to a 1925 training manual) is making a tremendous comeback as a vehicle for recruitment on public high school and college campuses. There are currently 631 chapters at colleges and 1300 chapters at high schools. With jobs hard or impossible to find, the combination of recruitment and ROTC creates a new conscription – the economic conscription.

So Where Can We Look for Hope?

There is hope in the 100.000 of people, including many new to the peace movement, who are building a community of resistance in the US, that can support those who choose to say no and who will work to stop the increased domestic militarism.

There is hope in the new resistance of people like Corporal Alfred Griffin, a 22-year-old Black Muslim of the 22nd US Marine Amphibious Unit who refused to participate in the invasion of Grenada, and later refused to serve in Lebanon.

There is hope as both traditional peace groups and newer movements begin to see the links between foreign intervention and domestic militarism.

And there is hope as resistance activists and conscientious objectors gather together on an international level to discuss our similarities and differences, out networking and analysis.

In the words of Dr. Henry Kissinger, from the report of the President's Commission on Central America (1984):

WE CAN MAKE A DIFFERENCE
THE CRISIS WILL NOT WAIT
THERE IS NO TIME TO LOSE
WE CAN MAKE A DIFFERENCE.

Kath Buffington

5.4.2. TWO WAYS OF WORKING AGAINST ECONOMIC CONSCRIPTION: COUNTERRECRUITMENT AND MILITARY COUNSELING

In addition to a formal registration for military service, the US has what is called a poverty draft or economic conscription: the forced choice of enlisting in the military because there are few job opportunities. The military spends more than US$200 per recruit on advertising alone. Most of the recruits really don't know what they are getting into.

To educate young people who are considering enlisting, many groups have launched counterrecruitment campaigns. These campaigns involve getting information to young people about military life, the legalities of their service contracts, military law and the experiences other have had in the military. They are also given list of questions to as the recruiters.

The hardest part of counterrecruitment is reaching the people. We have leafletted high school students at schools, and graduation ceremonies, put ads in local and school papers, put up posters, tried to get schools to distribute information, put announcements on the radio, and passed information through religious groups. For those who have left high school we have put posters in youth centers, and in neighborhoods that are heavily recruited, put contact phone numbers in jail cells, and spoken to youth groups.

Many people go into the military are then shocked to find out what it's really like. some find that the recruiters' promises don't come true. Some have enlisted to get away from personal problems which, instead of disappearing, are compounded. Others find that they are really conscientious objectors.

To work with people in these situations, some of us are doing "military counseling" – counseling people in the military. There are many discharges that the typical enlistee knows nothing about. A military counselor will help the person by enlisting and offering information.

As with counterrecruitment, the key is letting people know that help and information are available. We have tried to publicize military counseling in a variety of ways such as posters, ads on the radio and in papers that serve the military bases, establishing a drop-in counseling center, putting stickers about the counseling office on mirrors in local bars, and leafletting soldiers as they enter bases. We have also incorporated outreach into non-violent blockades of bases. While blockading, we chanted the number of the military counseling center, did skits about counseling and talked to the military people on the other side of the fence. Once, a member of our group who was a Vietnam war Navy helicopter pilot wore his uniform and was able to speak with many people after he was arrested.

The members of the counseling center have made personal contact with many service and social agencies, clergy and teachers and the center is now listed as a resource with many groups.

Military counselors also deal with people who are AWOL (absent without leave) and sometimes are able to help veterans who want to upgrade poor discharges or who are in need of special help because of delayed stress syndrome, agent orange exposure, etc.

There is a nationwide network of draft and military counselors and a number of groups who support that work.

One final note: Since the military is presented as a job opportunity or career to young people, we must also address economic alternatives and basic employment.

5.4.3. WAR RESISTERS LEAGUE AND VIET NAM VETERANS REACH OUT TO YOUTH

Because of the military conscription, the draft, in the United States in the late 1960's, and particularly because of my own ignorance as to the possible alternatives to becoming a part of the military, at nineteen of age I was sent to Viet Nam as a medic with the US armed forces. Although I did not declare myself a conscientious objector, as a medic I had the moral luxury of not using a weapon; I was able to function in a nurturing and healing role.

As a result of this first hand experience with the consequences of war, I am currently working with the War Resisters League-West in conjunction with a group of other military veterans of the Viet Nam war involved in the peace movement, to educate young people as to the consequences, the financial, educational, psychological, and moral implications of joining the United States military, particularly in this period of interventionist policies in Central America on the part of our government. Draft registration, financial hard times, and lack of educational advancement in civilian life have all increased the attraction of the military to young people, especially working class and Third World young people. Our group also attempts to combat the increasing militarization of American society and its far reaching effects.

We focus mainly in educating secondary school students, particularly working class and Third World students, and community organizations. We try to provide young people with the facts about the military as we personally experienced it, as opposed to the rather fraudulent image the armed forces itself presents to attract new members. The United States Department of Defense spends over 500 million dollars each year advertising on television and radio and in periodicals, including secondary school newspapers, to entice young people to join. To counteract this high pressure advertising campaign, we have been placing advertisements ourselves in secondary school newspapers (and we hope shortly to expand this campaign to include radio and television) warning young people of the possible problems of becoming a member of the military and urging them to talk with a counselor and/or a veteran.

As well as speaking to young people and our advertising campaign, we have also reacted to the increasing militarization of American culture by providing informational leaflets at secondary schools, at military introduction centers, at locations where active duty military personnel are, and most recently at theaters showing films glorifying and presenting a false image of war, such as Rambo. Our current focus is on the Christmas promotion and sale of Rambi, G.I. Joe and other war related toys, as militarization is now being aimed at an ever younger segment of our society.

To sum up, it is our intention to make young people understand the harsh realities of military service, to reveal the truth behind the promises made by the armed forces. As an enticement, the military emphasizes job training, yet 80% of the military's occupations have no civilian counterpart. Although there are promises of travel and adventure, the business of the military is death; besides the deaths of several thousand Vietnamese, US intervention in that country resulted in 58.000 American troops deaths; over 50% of 110.000 veterans who died since returning from Viet Nam committed suicide. We feel it is the

utmost importance that young people realize all the consequences of being a part of the military.

Kimmo Kiljunen

5.5. SOUTH AFRICA

5.5.1. WHITE CONSCIENTIOUS OBJECTORS AGAINST APARTHEID

South Africa's white minority government, led by Prime Minister Pieter Botha, is getting into greater and greater difficulties. during the past year, the black majority has to an increasing extent arisen in defiance of the prevailing order. The economic situation is the weakest since the recession of the 1930s, and the outside world is gradually isolating the country.

For the first time, the white minority is becoming irrevocably divided over the question of the continuance of apartheid, the politics of racial separation. The viewpoints of the white population are becoming polarized.

On the one hand, there are those who are barricading themselves even more solidly than before behind the regime conserving apartheid and white privileges, though they do make some very small concessions. On the other hand, there are those who demand a halt to black oppression, this being the only way in the long run to safeguard also the future of the whites in the country. The former constitute the majority of whites, but the voice of the latter has begun to be heard more and more forcibly.

The Afrikaners, of Dutch origin, have been considered as the most stable mainstay of the ruling National Party. The English-speaking population has taken a more critical attitude towards apartheid. The split is not, however, as simple as that. It is undeniable that there are fewer opponents of apartheid among the Afrikaners than among the English-speakers, but the majority of even the English-speakers support the South African Government. This came out clearly when in 1983, Botha's government received an overwhelming majority of votes for its constitutional proposal, which left the blacks with no political rights at all.

But the white opposition has woken up. On two levels. there has happened a remarkable change.

In the first place, in September, certain top leaders of South African business life – including Gavin Relly, the general manager of the country's largest firm, the Anglo American Co. – visited Lusaka, Zambia, and met with representatives of ANC, a movement banned in South Africa. This news was a jolt to Botha's government: leaders of the business world meeting with 'terrorists'.

Secondly, young whites liable to military service have begun in great numbers to refuse to do national service of refresher training. Evasion of military service is a symptom of the spread of a pacifist attitude among white South Africans.

The 'Youth and Military Service' symposium was visited by two South African peace activists, Laurie Nathan and Peter Hathorne. They represented the End Conscription Campaign (ECC), whose activities are described in the next article in the book. The movement works within the country ofr the abolition of general military service. ECC has only recently been founded, but its appeals have gained a surprisingly strong response. This anti-military movement has in fact become the most prominent organization campaigning against apartheid with influence among the white – and its significance is naturally

heightened by the possibility of undermining the very last pillar of the regime of racial oppression, the army.

In South Africa, there is general national service liability for white men. The small units composed of coloureds and blacks are, on the other hand, salaried. Military service for the whites consists of a two-year National Service, and in each of the subsequent twelve years refresher training, whose length varies in alternate years between one month and three months. Those on three-month refresher training are regularly sent to Namibia to fight against SWAPO, the freedom movement active there.

Declining to take up arms is forbidden in South Africa – except on strong religious grounds. Refusal to serve in the army is punished with a six-year prison sentence. In spite of almost twenty years war in Namibia, conscientious objection has nevertheless been rare up until last year – except among certain religious groups like the Quakers and the Jehovah's Witnesses. Those resisting military service on other grounds have generally fled from the country.

Since last year, the unrest which has escalated explosively in the black ghettoes has changed the situation. The government has declared a state of emergency for most of the black residential areas, and in addition to the police, army units have been sent to quell to disturbances. Acting with almost unlimited rights protected by the state of emergency, the police and soldiers have established a bloody command over the black areas.

This state of affairs has opened the eyes of many young white men. One does not go into the army "to defend the fatherland against an outside enemy", but to defend the apartheid system. The use of military force tells not of the government's strength, but of its weakness. The ill-treatment and killing of one's own country's black may fascinate some, but for many it constitutes a burning question as to their personal attitudes towards military service.

During this year, in certain places even over a third of the whites called to national service have failed to report. Young people flee military service by continually changing their addresses, or try to find artificial grounds for postponement. The anti-military campaign (ECC) has organized impressive mass meetings in the country. Very quietly it has gained the backing of about fifty national organizations, from churches to human rights organizations, and functions now with a force of a couple of hundred active workers in all the country's most important centres.

The stimulus towards conscientious objection in South Africa is state crime – that is why the youth campaign for the abolition of general national service. The ECC is nevertheless functioning on the borderline of risk. Many of the movement's activists have ended up being arrested or are the objects of house visitations. Personal threats have forced many to flee from country. Conscientious objectors who have left South Africa have founded their own organization both in England and in Holland.

Conscientious objection has become a dominant theme in the activities of the white opposition. It is the form in which more and more young people demonstrate their antipathy towards the apartheid regime. Conscientious objection has even constituted a serious challenge to the government and its political credibility. A society inflamed by a system of racial oppression is causing an irrevocable division also within the white population.

Peter Hathorn and Laurie Nathan

5.3.2. END CONSCRIPTION CAMPAIGN

1. Formation

In March 1983 the Black Sash passed a motion at its annual congress, calling for an end to compulsory military conscription into the South African Defence Forces. The call was made in response to the situation which prevails in South Africa, whereby all white males are required to do two years military service, to be followed by two years of military camps, spread over 12 years. (These camps often involve operational duty on the Namibian Border.) After completing his camps, the conscript remains "on reserve" until he reaches the age of 55.

At the time that the Black Sash made its call, two significant events prompted the formation of the End conscription Campaign (ECC). Firstly, in response to the growing conscientious objection movement in South Africa, the government passed a new law increasing the maximum prison sentence for conscientious objectors from two to six years. While certain reform were introduced, these applied only to individuals classified as "religious pacifists". The punitive six-year sentence indicated to army in the conscientious objection movement that little was to be gained out of campaigning legal reform.

At about the same time the South African government announced that it was paving the way for the possible future conscription of "Coloureds" and Indians. this was to be a logical conclusion to the introduction of the new tri-cameral constitution, which was to extend limited voting rights to the "Coloured" and indian communities. The prospect therefore existed of compulsory military conscription being extended beyond the privileged white community, to hundreds of thousands of South Africans who daily suffer the hardships of apartheid.

These two events occured in the context of the growing militarisation of South African society, with the South African Defence Force (SADF) increasingly taking on the role of the major defender of apartheid, and at times even directly implementing apartheid policies (for example, assisting in the government forced removals programs.) At the same time the SADF was continuing its illegal occupation of Namibia, and its destabilisation of the Southern African sub-continent.

This was the context when 100 delegates gathered in Durban in July 1983 at the annual conference of the conscientious objector support groups (COSG's). There a decision was taken to launch a campaign, taking up the call of the Black Sash. It was decided that the campaign should be as broad-based as possible, and that local COSG groups should take the initiative at setting up End Conscription Committees.

Throughout the second half of 1983 a range of church, women's, student, civil rights and political organisations were approached. These eventually came together in November 1983 to form the End Conscription Committee. Committees were established in Johannesburg, Cape Town and Durban.

2. Basis of Opposition to Conscription

The End Conscription Committees were united by a three-fold of opposition to conscription. These were expressed as follows in an ECC press package:

i. Conscription intensifies the violent conflict in our society. This conflict is engendered by a political system which denies most South Africans basic human rights. South Africa is confronted by a civil war. Attempts to stop this by compulsory conscription can only result in escalating violence and further division. Conflict can only be resolved by dismantling the apartheid system and recognising all South African as full citizens.

ii. Conscription prolongs the war in Namibia. South Africa's occupation of Namibia is illegal in terms of international law. The Catholic and Anglican bishops, the Namibian Council of Churches and many other church and human rights groups have called for the withdrawal of South African troops and immediate elections supervised by the United Nations so that the people of Namibia can determine their own future. Forcing people to fight in Namibia will slow down this process.

iii. Conscription violates a human right – the right of any individual to refuse in conscience to render military service and be granted instead a non-military alternative. Present conscription does not recognise this right.

3. Campaign to Date

Within the year of the campaign's existence it has had a significant impact. Most importantly, millions of South Africans have been exposed to the call, and the campaign has achieved a legitimacy and acceptance even beyond the expectations of its initiators. It can safely be said that the recent shift in policy on conscription on the part of the opposition Progressive Federal Party was partly induced by the pressure of the End Conscription Campaign. (At its federal congress in November 1984 the PFP passed a motion calling for an end to compulsory conscription.)

The ECC's have so far organised two major campaign. Over May and June 1984 a focus on Namibia was held in Johannesburg and Cape Town. The demand was made for the immediate withdrawal of South African troops from Namibia, as a first step towards ending conscription. Through public meetings, press conferences, pickets, concerts and an intensive media campaign, the attention of the public was drawn to the demand. Three Namibians were brought to South Africa by ECC: Advocate Anto Lubowski, Mr. Hans Röhr (leader of the Namibian Christian Democratic Party) and Pastor Cornelius Kameeta (Vice-president of the Evangelical Lutheran Church).

The second major campaign was the launching of the ECC declaration in October 1984. The declaration was drawn up as a document expressing the underlying reasons for the call to end conscription, and asserting the demand for a just peace in out land. It was endorsed by a range of organisations and prominent individuals (see sec. 5). The public launching of the declaration was seen as a way of publicity putting the campaign on the map.

In Cape Town, the declaration was launched at a public meeting attended by about 1.400 people, and addressed by, amongst others, Revd. Allan Boesak (President of the World Alliance of Reformed Churches) and Mrs Sheena Duncan (President of Black Sash). As part of a build-up to the launch a range of activities were held: a press conference, where prominent individuals indicated why they supported the campaign; a rock concert; a church vigil and communion service; a picket demonstration; and an intensive media campaign, which included the production and distribution of T-shirts, badges, publications and a slide-tape show.

In Johannesburg, the launch of the campaign was affected by the government ban on public meetings in certain areas. They consequently launched the declaration with a "Spring Fair", which was publicly openly by Sheena Duncan and veteran human rights campaigner, mrs Helen Joseph. They, too, held a press conference, at which people like Revd. Beyers Naude publicly endorsed the campaign.

In Durban, the campaign was launched through a highly successful public meeting addressed by church leader, Revd. Wesley Mabuza and by Advocate Zac Yacoob of the Natal Indian Congress. As part of a build-up to the launch meeting, a smaller meeting, addressed by Sheena Duncan, and an organisational workshop were held. The workshop attracted a range of organisations and youth groups not yet part of ECC, but which were keen to participate in the campaign.

Besides these two major campaigns, the three ECC's have engaged in a range of activities in order to raise awareness and consolidate support.

These have included:

- Surveys conducted on all English speaking university campuses and in some churches. (The campus surveys indicated a 70% support for the call to end conscription.)
- Education seminars and workshops for ECC member organisations.
- A public focus on the August to November Transvaal and Eastern Cape unrest, in which the military played an extensive and repressive role (in Cape Town, a protest meeting, addressed by Professor Francis Wilson, was attended by over 500 people.)
- Mass distribution of pamphlets at the time of the July intake into the SADF.

4. Future Plans

The major focus of ECC's work during 1985 will be a campaign around the issue of youth and conscription. The focus will form part of the United Nations International Year of the youth campaign, which is being taken up in South Africa by organisations such as the South African Council of Churches and the United Democratic Front. One of the Year of the Youth themes is "peace" with conscription being seen nationally as an important sub-theme. Already ECC is participating on the SACC Year of the Youth Committee.

Besides the youth focus, a range of other focuses and activities are planned:

- An on-going focus on the Namibian situation, and increasingly close liaison with their anti-conscription campaign.
- A continuing focus on the role of the military in internal unrest.
- A focus on the issue of parents and conscription (as a parallel to the youth campaign).
- Increasing focus on the issue of "Coloured" and Indian conscription.
- A national conference in July 1985 to draw together as many active supporters of the campaign as possible.

With these activities in mind ECC has planned its first national conference for January 1985. Delegates will be mandated from each centre to establish common policy and to plan for 1985.

5. ECC Structure and Co-ordination

Each local End Conscription Committee has a federal structure and operates as a front of organisations. Any organisation which supports the declaration may join the Committee. Representatives are mandated by their organisations to play a role on the committee. An executive is elected from amongst the delegates to convene meetings and undertake administrative tasks. In addition, the Cape Town and Johannesburg ECC's have set up their own media committees.

National co-ordination has, up till now, operated on an informal and ad hoc basis. However, the need has now arisen for ECC to structure itself on a national basis. At the January 1985 conference a national co-ordinating committee will take office, with one representative from each region.

While the ECC only operates in Johannesburg, Cape Town and Durban, solid contact has been established with supportative organisastions in Pietermartizburg, Grahamstown and Port Elizabeth. It is envisaged that Pietermaritzburg will be incorporated into a larger Natal region, and that a separate ECC will be established in the Eastern Cape. Close contact has also been established with the emerging anti- conscription campaign in Namibia.

ECC work is carried out entirely by volunteers. However, it has been decided to employ one full-time national field-worker from 1985. His/her tasks will be to assist existing regions, build-up new regions, help ensure efficient national co-ordination, help organise the July conference, and conduct research into the area of conscription and militarisation.

Besides the affiliate organisations in each region, a far larger number of organisations, as well as many prominent individuals, have endorsed the ECC declaration. These organisations and individuals have, through their endorsement, given full support to the work of the ECC, although they are generally unable to get involved in the day-to- day work of the committees. A list of some of the endorsers is appended to their application.

6. Administration and Financies

Up until now each region has been entirely self-sufficient with regard to administration and financing. Generally, finances have been obtained in three ways:

i. For specific campaign, organisations like the South African Council of Churches and the Southern African Catholic Bishops Conference have been applied to.

ii. Finances have been generated through profitable projects; for example, holding concerts and selling T-shirts and badges.

iii. Affiliate organisations have paid small amounts of money to cover local administrative costs.

While this way of operating has suited ECC's needs up until now, it has given rise to certain problems. In particular, it has highlighted the need for national financial co-ordination. Consequently, a national ECC bank account has been opened in Johannesburg and the services of auditors have been procured. The national co-ordinating committee (with one representative from each region) will function as the responsible structure for the allocation of finances.

7. Relationships to Other Organisations

i. South African Council of Churches

The SACC was one of the first organisations to endorse the ECC declaration, when it passed a motion to this effect at its annual conference in June 1984. At a local level, the Western Province Council of Churches (the Cape branch of the SACC) is represented on the Cape Town ECC, and the WPCC Ecumenical Officer sits on the Cape Town ECC executive.

SACC member churches have also given much support to the campaign. A number have endorsed the declaration, and some are represented on local ECC's. ECC, as was started earlier, is represented on the SACC International Year of the Youth Committee.

ii. United Democratic Front

ECC is not affiliated to the United Democratic Front, but the two groupings do have close working relationships. While UDF has itself taken up the conscription issue, it has recognised ECC as the foremost grouping heading the anti-conscription campaign. In all centres a number of ECC affiliates are also affiliates of UDF. In Cape Town, UDF is directly represented on the End Conscription Committee. And in Cape Town and in Johannesburg, ECC is represented on the anti-conscription sub- committee of the UDF. Nevertheless, despite this close working relationship, ECC has felt it necessary to remain an autonomous campaign grouping, unattached to any outside organisation.

iii. The Conscientious Objection Movement

ECC has maintained a very close working relationship with the Conscientious Objector Support Groups throughout the country. As was stated earlier, COSG played the prime

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