

## WATCHING BRIEF WB16-1: CONSCIENTIOUS OBJECTION

*This paper is intended to sum up the history and current thinking among Quakers on this issue. It draws on various analyses especially from the Quaker United Nations Office and Britain Yearly Meeting. It focusses on objections to military service and to paying for war, and alternative options. It ends with questions for consideration and feedback.*

### Early Quakers

From their earliest days, Quakers spoke of the Inner Light present in everyone and saw this as giving people the potential to resolve conflict peacefully. The peace testimony, expressed publicly in 1661 to Charles II in England, said that “the spirit of Christ, which leads us into all Truth, will never more move us to fight and war against any man with outwards weapons, neither for the Kingdom of Christ nor for Kingdoms of this world”. This statement followed George Fox’s own testimony, when he declined military service in favour of imprisonment, saying that he “lived in the virtue of that life and power that took away the occasion of war”. Isaac Penington reinforced this in 1661 by looking forward to the day when “the power of the Spirit takes hold of and overcomes any heart at present, thus it will be at present with that heart”. He saw this as possible only if individuals begin acting as though such a “blessed state” is possible. (Both quotes are from *Quaker Faith & Practice* of Britain Yearly Meeting 1995 – clauses 1.02 and 24.21).

By mid-18<sup>th</sup> century the early colonies in USA – New York, Virginia, Massachusetts, North Carolina and Rhode Island – allowed Friends to be exempted from military service because of their well-known refusal to fight, and in Pennsylvania there was no conscription until 1775. During the revolutionary war in America, Philadelphia Yearly Meeting said that paying taxes for warlike purposes was not consistent with Christian testimony.

In the early twentieth century British Quakers opposed the South African War (1899-1902). During the following decade the Quaker Peace Committee (1902) and Northern Friends Peace Board (1913) campaigned vigorously against militarism and compulsory military training for all young men. The cost of the ongoing naval arms race was also highlighted, and Quakers were in the vanguard of efforts to improve Anglo-German relations through meetings, exchange visits and condemnation of xenophobic propaganda.

Quakers expressed their commitment to conscientious objection in the following terms: Respect the laws of the state but let your first loyalty be to God’s purposes. If you feel impelled by strong conviction to break the law, search your conscience deeply. Ask your meeting for the prayerful support which will give you strength as a right way becomes clear. (*Advices and Queries* 35).

## World Wars

Responses to the outbreak of war in 1914 were mixed in Britain, with some Quakers campaigning against it whilst others (around 1000 from a membership of 19,000) volunteered for military service. The first war-time public statement by Quakers said: “We hold that the present moment is not one for criticism, but for devoted service to our nation” (August 1914). By the time of Yearly Meeting in 1915 the Society decided against disowning those Friends who had joined up but also reaffirmed that “**there is a better way, and...Love alone can avail to find and follow it...** It has been an encouragement to us at this Meeting to know that the bulk of our young men are prepared to refuse military service of any kind.” This was followed by a statement in 1917 opposing regulations that all pamphlets be submitted to the Censor during the war (23.89 of *Quaker Faith & Practice* 1995).

At the same time, Quakers emphasised consistently that each person must take responsibility for their own decision about how to respond to the challenges that lead to war. Wolf Mendl in 1974 (*Quaker Faith & Practice* 1995, 24.12) reflected on how Quakers in Britain had responded to the major wars in the 20<sup>th</sup> century and listed a number of actions – non-combatant service with the armed forces, serving in the Friends Ambulance Unit, relieving the suffering of war victims, doing alternative civilian service of national importance at home, or going to prison for refusing service which might assist the war effort.

Following the creation of the Quaker War Victims Relief Committee during the Franco-Prussian War of 1870/9, the Friends Ambulance Unit began in 1914. It eventually recruited over 1800 members (not all Quakers) to work closely with the Red Cross and the Army. The FAU worked primarily on behalf of wounded soldiers, and so was open to the accusation of patching them up in order to return them to the firing line. Some Quaker members of the FAU eventually left to join the forces, while others left to become conscientious objectors after the introduction of conscription. 1500 COs were in prison at the end of the war, and some were not released until August 1919.

Friends Committee on National Legislation (USA) issued a statement in 2004 reaffirming that Quakers “uphold all whose conscience calls them to refuse participation in warfare” and quoting John F Kennedy as saying that war will exist until the conscientious objector enjoys the same reputation and prestige as the warrior. FCNL advocated the inclusion of a ‘check-off box’ on military registration forms for persons to declare their conscientious objection to war, and urged Quaker Meetings to counsel and support COs.

## International Human Rights and Conscientious Objection

Although this right is not explicitly recognised in the international human rights treaties, the UN Human Rights Committee, which oversees implementation of the International Covenant on Civil and Political Rights, has made it clear that conscientious objection to military service is protected under the right to freedom of thought, conscience and religion. On July 30, 1993, the Committee made a general comment (22, Paragraph 11): “The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief.” (Rachel Brett, QUNO paper 2011).

The international definition of conscientious objection officially broadened in 1995 when the UN Commission on Human Rights resolved that “persons performing military service should not be excluded from the right to have conscientious objections to military service”.

(Wikipedia). Alternative service must be of a civilian character and not punitive, and should not exceed the time expected for military service. (Rachel Brett paper).

The actual policies adopted around the world vary considerably among countries, and it is fair to say that the issue of conscientious objection remains controversial. In some countries, imprisonment of COs is a reality. Some soldiers (eg in Israel) have taken a stand against military action against unarmed Palestinians.

### **Australia's Legal and Political Context**

When in 1909 the new Commonwealth Government proposed the introduction of compulsory military training for boys aged 14, the General Meeting of Friends (1910) stated that they would be bound to refuse to obey on grounds of conscience. London Yearly Meeting sent a delegation of concerned Friends to help Australian Friends campaign against the compulsory clauses of the Defence Act, seeing it as "a stain upon the history of the British race". In the event some boys did suffer detention for refusal, and some parents were prosecuted for failing to register their sons. The efforts against boy conscription helped set the ground for the successful 'no' campaigns against conscription during WW1.

The compulsory training law lasted until 1929, but was not strictly enforced. Friends continued their work to help the victims of war, and this took on special urgency in the 1930s when refugees from Europe were settled in Australia. In 1940 a boatload arrived on the *Dunera* and Quakers helped them during their time in camps in Victoria and NSW.

When conscription was imposed during the Vietnam War, Australian Quakers issued a public statement in 1965 that emphasised not only conscientious objection war but also commitment to take positive action for a society in which war would be unthinkable. They authorised older Friends to support younger Friends who wished to consider their options in relation to the law and decide whether to register as a conscientious objector on religious grounds (the only basis for exemption) or to refuse to register altogether. One Quaker who was a conscientious non-complier was David Martin, who wrote (*This we can say* 3.39, 1972) that he refused to register as a conscientious objector because that would "acknowledge the authorities' right to use this law to conscript other men for military training".

One outcome of the Vietnam War was the *Defence Legislation Amendment Act 1992*, that changed the conscientious objection provisions so that objection to a particular war became an acceptable ground for seeking exemption, with decisions being made by a special tribunal of lawyers. Here is an extract from the amended section of the Defence Act:

#### **DEFENCE ACT 1903 - SECT 61A**

##### **Persons exempt from service**

(1) The following persons are exempt from service in the Defence Force in time of war:

.....

(h) persons whose conscientious beliefs do not allow them to participate in war or warlike operations;

(i) persons whose conscientious beliefs do not allow them to participate in a particular war or particular warlike operations; and

(j) persons who, for a reason stated in the Regulations, are declared by the Regulations to be exempt from service in the Defence Force in time of war.

(1A) Persons whose conscientious beliefs do not allow them to engage in duties of a combatant nature (either generally or during a particular war or particular warlike operations) are not exempt from liability to serve in the Defence Force in time of war but are exempt from such duties while members of the Defence Force as long as those beliefs continue.

## Opposition to War Taxes

Quakers have taken a lead in many places in objection to paying for war. John Woolman in 1755 expressed great concern at payment of taxes for war. Japanese Quaker Susumu Ishitani became convinced of the importance of conscientious objection and made a statement in a Tokyo court in the 1980s “to witness why I felt it necessary to resist tax payment for military expenditures, saying ‘with military power we cannot protect our life nor keep our human dignity’.” (*Quaker Faith & Practice* 24.16, Britain YM 1995).

In Britain, the Meeting for Sufferings deliberated for some time on a request from staff employed at Friends House that the part of their income tax attributable to military purposes should be diverted to non-military use. From 1982 to 1985 amounts were withheld until an Appeals Court ruled that to be unlawful, whereupon the Yearly Meeting paid the arrears. An approach was then made to the European Commission of Human Rights, but this was rejected. Further statements have since been made to the British Government objecting to the “the way in which the PAYE system involves us in a process of collecting money, used in part for military activity and war preparations, which takes away from the individual taxpayer the right to exercise their own conscientious objection”.

Friends Committee on National Legislation (USA) recorded that some individuals and Quaker organisations refused to pay the federal telephone tax imposed to finance the Vietnam War. Some Quaker employers have withheld levies on wages. FCNL has taken a public stand in favour of enacting a Religious Freedom Peace Tax Fund Act, which has been proposed since 1972 and remains on the agenda for Congress today. Its aim is:

To affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes

Canadian Friends Service Committee (CFSC) supports Conscience Canada which promotes the right of conscientious objection to military taxation. It has a website that compares military and civil expenditures and offers a form that allows people to register with a peace fund.

In Australia a Peace Tax Campaign began in 1983, with support from Quakers. In 1988 Jo Vallentine, when a Senator, redirected 10% of her taxes to Melbourne’s Peace & Development Foundation. She also introduced a Peace Trust Fund Bill to Parliament. Under this, conscientious objectors to military taxation could have that portion (10%) of their tax diverted into a fund to promote peace research and education, conflict resolution and improving international relations.

Jan de Voogd (NSWRM) has recently raised the possibility of putting the right not to pay taxes for the military on the same level as conscientious objection to serving in the military, reflecting a conscious decision to oppose war as unjust and illegitimate. He sees it as possible to campaign for a provision that would allow conscientious objectors to choose from a series of ‘peaceful’ purposes to which that portion of tax due to the military could be diverted.

## QPLC Statement on Defence Policy 2015

In a submission to the Department of Defence in October 2014, in response to an invitation for comments on the proposed Defence White Paper for 2015, QPLC concluded as follows:

The Australian Defence Force (ADF) should operate within an integrated and independent foreign policy set by the civil power. The following are features that we would like to see applied:

- ! Parliament's approval for the engagement of the ADF in war-fighting overseas.
- ! Priority given to involvements that are authorized by the United Nations and involve peacekeeping, peacemaking and peacebuilding.
- ! No conscription to the armed forces, and no recruitment of people under 18.
- ! Greater participation of women in decision-making roles within the ADF.
- ! Phased withdrawal of ADF from border protection, and replacement by a coastguard.
- ! Increased emphasis on skills of mediation and negotiation in ADF training.
- ! More resources to assist those returning from war zones, and their families.

## Current Dilemmas

Quakers in Australia have not had to face direct challenges to their peace witness in relation to war service in recent years. There are, however, some important areas that could be examined among us:

- (a) Is it timely for Quakers to make clear our objection to the trends in war-fighting, especially such things as the use of armed drones, targeted killings, and intrusive surveillance by the military?
- (b) Where do we stand on the use of the military forces to enforce border protection policies, and in fact the whole militarization of that process?
- (c) Could Quakers make public statements about the importance of no conscription, no recruitment of people under 18 to the armed forces, and support for those already in the military who seek conscientious objection to certain kinds of military action?
- (d) Are there those among us who feel led to campaign for some kind of peace tax to divert tax expenditure from military to civilian uses?

QPLC welcomes responses to these questions and to other issues raised in this paper.

## Sources

*Quaker Faith & Practice* (Britain YM 1995), various quotes.

*This we can say* (Australia Yearly Meeting 2003), various quotes.

*Friends Committee on National Legislation* ([www.fcni.org](http://www.fcni.org)) statements in 2004.

*Rachel Brett paper on International Standards on Conscientious Objection to Military Service, Quaker United Nations Office* ([www.quno.ch](http://www.quno.ch)) 2011.

*Presentation for Quaker Peace & Social Witness, by Julia Bush* (Britain YM) 2015

Conscience Canada - [twitter.com/ConscienceCnda](https://twitter.com/ConscienceCnda).