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A short history of conscientious objection in Canada

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(Adapted from a speech given at an event sponsored by the War Resisters Support Campaign in November 2014. Note: I am not an historian – there may well be errors or omissions. More emphasis is placed on Quaker witness in this article. Please feel welcome to email me at cfsc@quakerservice.ca so that I can make any necessary corrections.)

The history of conscientious objection (C.O.) in Canada has evolved a great deal over the past 220 years - well, at least the settler history. Sadly I do not know the history of CO in indigenous nations in Canada – but I hope to update this document with that information in the future.

1700s

In 1785, to entice them to move to Dartmouth Nova Scotia, Governor Parr offered the Nantucket Quaker Whalers (that's right "whale hunters") an exemption from militia duty – and a preferential tax rate on the whaling oil to be shipped to Britain. Between 1786 and 1788 half of the whaling oil ships were from Dartmouth. It did not take long for the British to lure the Quaker whalers from Nova Scotia to Wales with even better tax incentives.

I guess that does not say so much about the power of conscience as capitalism!

Most people cite the beginning of CO accommodations in Canada as **1793**, when Governor Lord Simcoe of Upper Canada offered Mennonites, Quakers and Brethren an exemption from militia duty to encourage their immigration to Canada. However, they were expected to pay a fee so that others could serve in their place. Most Quakers refused to pay the fee, which resulted in prison terms and property seizures.

I do wonder if support for "peace church" immigration was rooted more in growing an economy than in accommodating pacifism – these were hard-working, values-driven, tea-totaling Christians. Exemption from military service was perhaps simply a provision that sealed the deal – and after their experience in the US War of Independence, many pacifists jumped at the chance.

What is most interesting about the C.O. provision in the *Militia Act* of 1793 is its focus on personal conscience, rather than just membership in a peace church:

"... the persons called Quakers, Mennonites, and Tunkers [Brethren in Christ] who from **certain scruples of conscience** [my emphasis], decline to bear arms, shall not be compelled to serve in the said militia ..."

"Certain scruples of conscience" implies that membership in these churches was not enough for exemption (though the provision was limited to them) – it focused on those possessing that particular scruple of conscience.

This language about individual conscience disappeared in later legislation, and the idea of C.O. being a matter of individual conscience did not re-emerge until World War II.

1800s

The first real test of the *Militia Act* was, of course, **the War of 1812**. As many of you may know, some Quakers were jailed for refusing to pay this war tax. And many Quaker, Mennonite, and Brethren farms were assaulted by troops who pillaged their coffers.

In 1841, after years of lobbying, the government agreed to use this tax for public works – for those of us interested in the peace tax movement, this is where the precedent is set. Taxes for peace, not war.

In 1849, following much lobbying by Quakers and Mennonites, the tax was eliminated – so, no military service or tax.

In 1868, following Confederation, the section on CO in the *Militia Act* was significantly revised – the point about "scruples of conscience" taken out, and one had to produce proof of membership in a peace church to be exempt from military service, or prove that the religious doctrine of their church supported their CO to war – not always so simple. And Cabinet had the authority to revoke exemptions.

Between 1873 and 1899 further exemptions from military service were granted to waves of Mennonites, Doukhobors, and Hutterites immigrating to Canada, settling the west. Again, you see the role of economic development in Canada's accommodation of these pacifists – which makes one wonder how firm Canada's commitment to the rights of conscientious objectors has ever been.

1900s

The Great War was the first great test of these accommodations, which came to a head with the introduction of conscription legislation in 1917.

The highly controversial *Military Service Act* subjected all men between 20 and 45 to military service – except those that by the "tenet and article of faith" of their religion, at the time of the Act's passage, could not participate in war. So, you could not go join the Quakers to get out! (Not that the Quakers were letting people in – a story for another day.)

However, in **April 1918**, everyone lost their exemption status and had to register for service within 10 days - unless they were on a schedule of peace churches granted status earlier. A number of Mennonites, Hutterites, and some Quaker groups were not on the schedule. Some, including Quakers George Mabley and Albert Toole, refused to register and were sentenced to hard labour in prison rather than accept registering or non-combatant duty.

What happened to C.O.s in the Great War was unconscionable. Many were not recognized by conservative (often rural) local boards adjudicating registration and were sentenced to prison if they refused to serve.

C.O.s were “shirkers”, cowards, underserving of respect or accommodation. Some chose non-combatant duty to save their families being further persecution. Many C.O.s who were not given status refused to wear their uniform. My spouse’s great-uncle Curtis Ross was not recognized as a C.O. in Kansas and was beaten so badly in his barracks that he suffered a brain injury and died a few years later. My great-grandfather, Francis Fisher, a lawyer (and Presbyterian) in Winnipeg, came out as a pacifist bringing much shame on the family name.

Mennonites objected to buying war bonds and lobbied successfully to have special non-interest bearing bonds made available to pay for relief work only.

After the horrors of World War 1, there was a rise in pacifism in Canada, through the churches and other social movements. This was not to last – but it left an impact.

With the rise of fascism in Spain, and then Hitler in Germany, many were confounded about what to do. During World War II, many Mennonites and some Quakers – as an act of conscience – joined up. Most refused.

During **World War II**, C.O. status was initially restricted to religious groups that prohibited participation in war, but as a result of considerable pressure, this was gradually broadened.

By 1942, any conscientious objection, religious or secular, was acceptable – but the case still had to be made before a board.

This change was significant – it was the first time that rights of conscience for all were recognized in Canada. Alternative service was mandatory (unless you chose prison), and C.O.s managed to ensure it was under civilian not military control. Again special bonds were offered which would be used for civilian relief only. By 1945 there were about 10,000 C.O.s in Canada. This was great progress over what happened during World War I.

The Viet Nam War was the next big test of CO rights in Canada – but in an entirely new way.

“On May 22, 1969, Ottawa announced that immigration officials would not and could not ask about immigration applicants’ military status if they showed up at the border seeking permanent residence in Canada.” (Wikipedia, Canada and Viet Nam)

For the first time, people who had voluntarily served in the military were recognized as being able to develop a conscientious objection to war, or a war, and have that CO accommodated – if only implicitly.

It was remarkable. 50,000 young men and women – draft dodgers and deserters - came to Canada during that time. They have helped build this country over the past 40 years.

You would have thought this would have somehow impacted Canadian policy on CO for its own soldiers but this was not the case for another 20 years:

“News Release

Conscientious Objection

February 20, 1991, Victoria, B.C.

“I am Jason Miller and until last week, I was an Acting Sub Lieutenant in the Navy. I am a conscientious objector.

"When I originally took the Oath of Allegiance upon enrollment, I believed that it would be an honour to serve Canada in protecting the security and sovereignty of the country, and that this was a contribution to world peace. Through my experience in the military, I found that my understanding of the world changed — I no longer could say I was a strong supporter of all of Canada's defence commitments, but the time for voluntary withdrawal from the CF had long passed." (Science for Peace Bulletin)

With the help of peace advocates, Jason Miller was released from the Canadian Forces with an honourable discharge.

One thing that helped Jason was United Nations Commission of Human Rights **resolution 1989/59**, which, for the first time, recognized "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights".

This watershed resolution was achieved only two years previously. Quakers at the United Nations had a role in its advancement, and in the development of the international standards approved in December 2013, which are now a part of today's war resister cases.

Following Jason's case, MCC Canada and CFSC pressured the government to have procedures in place to address C.O. cases that might arise, as now we knew, clearly, that men and women in the less than one would hope military could develop a C.O. to war through service itself.

2000s

In 2004, quite by surprise, we found out that the Department of National Defence had put in place a policy. While CFSC welcomed the development of an administrative provision for conscientious objectors from within the Canadian Forces, we have stated that "we are concerned that the policy falls short of standards set by the international community through the United Nations and that it is far too circumscribed in scope and that the process could result in undue bias against the applicant."

And, interestingly enough, it was in **January 2004** that Jeremy Hinzman, Nga Nyuyen, and son Liam arrived at Friends House Toronto which, much to their surprise, launched a whole new movement for the rights of C.O.s. No longer the domain of pacifists, it is a rightful refuge for soldiers too.

[Note: I need to write up a history for this past 10 years. The speech from this is adapted was focused on the longer term history of C.O. in Canada. To learn more about the current movement, visit our website: www.quakerservice.ca/CO).

Resources:

Canadian Forces policy on CO (DAOD 5049-2): <http://www.forces.gc.ca/en/about-policies-standards-defence-admin-orders-directives-5000/5049-2.page>

CFSC, "Critique of Conscientious Objection order issued by Canada's Department of National Defence", 2006.

News Release on Conscientious Objection, February 1991 in Science for Peace Bulletin, March 1991: <http://www.scienceforpeace.ca/notices-199101>

Ruebsaat, Gisela (LL.B.). "The First Freedom: Freedom of Conscience and Religion in Canada (second edition)". Victoria, BC: Conscience Canada, 1989

Socknat, Thomas. "Conscientious Objectors in the Context of Canadian Peace Movements" in *Journal of Mennonite Studies*, Vol 25 (2007), pp. 61 – 74.
<https://jms.uwinnipeg.ca/index.php/jms/article/viewFile/1224/1216>

United Nations Office of the High Commissioner for Human Rights. "Conscientious Objection to Military Service". United Nations, 2012.
http://www.ohchr.org/documents/publications/conscientiousobjection_en.pdf

Wikipedia. "Canada and the Viet Nam War".
http://en.wikipedia.org/wiki/Canada_and_the_Vietnam_War

Woodside, Don. History of Conscientious Objection, Conscience Canada website.
http://www.consciencecanada.ca/?page_id=479