Conscription Refusal as Political Resistance

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Abstract

Since the law on universal conscription was passed 1901, there has been a debate in Sweden concerning how to deal with those who refuse military service. The state faces a dilemma: on the one hand maintaining the law on conscription, while on the other allowing the right to conscientious objection. The objective of this article is to scrutinize how the Swedish state has tried to solve this dilemma. At the beginning of the 20th century, those who refused to fulfill the fundamental duty of military service were not regarded as deserving any kind of legal protection. Their actions questioned the consensus on the need for a military defense, and therefore had to be punished. But it did not take long until this view was modified, and a law was established that opened up the option of community service for conscientious objectors. In that way, the legislators created a buffer in the conflict between pro-militarists and anti-militarists. As long as the objectors stayed in the buffer construction, they did not represent any threat towards military defense. On the contrary, they even served as proof that the state respected human rights. The opposition was in that manner divided into two parts; those who accepted community service and those who did not. The latter, who did not accept the state's offer of community service, were sentenced to prison. Since 1901, the legislator's main strategy to tackle opposition towards military defense has been a combination of co-optation via community service and repression via prison for those who do not accept that service. It has been of great concern for the lawmakers to keep the number of the latter, the total resisters, sentenced to prison as low as possible. If the number becomes too high, it will cause debate and criticism, both in public and in the parliament. The lawmakers have responded by modifying the prison sentence and changing the construction of the buffer.

Brief history of Swedish military service

Forced recruitment of soldiers for national defense, together with tax collection, has been an important precondition for the formation of nation states. Ever since the 16th century, Sweden has had, in addition to

its professional army, various forms of conscription, namely compulsory regulations to make citizens defend the kingdom with arms. In the early 17th century under the rule of King Gustav II Adolf, the Swedish army was one of the mightiest armies in the world (Villstrand 2000, 267). Over the years, there has also been the possibility when needed to temporarily yet compulsorily call up combat forces through conscription.

With the aim of formalizing recruitment to the armed forces, and in that way better supplement the professional army, a 'general conscription institution' was finally introduced in 1812 (SOU 1984:71, 20). All men had to participate in military exercises for twelve days. 45 years later, the period of service was extended to 30 days spread over two sessions; thus the conscripts were now a real part of the army. 1901 saw a complete reorganization of Swedish military defense. The old subdivision system was abolished, meaning that it was no longer the landowners who paid for and provided the military with soldiers, thus avoiding enlistment themselves. The conscripted and enlisted troops were now replaced by permanent officers and volunteer non-commissioned officers, while Sweden was given its first law on compulsory military service (SFS 1901:58).[1] All men between the ages of 21 and 40 were now conscripts, which meant that they were obliged to complete 150 days of military service plus three refresher courses (SOU 1984:71, 21). Apart from adjusting the length of training and the age of conscripts, the system remained basically the same until 2010, when it was decided that general conscription would be dormant in peace time; essentially, temporarily abolished. It was replaced by a compulsory general defense service for all men and women aged between 16 and 70 (SOU 2013:38, 348). The service consists of civilian work in the rescue services or health and social care. Foreign nationals can also be ordered to general defense service if the situation so requires. An example of a situation that could lead to such a duty in peacetime is clean-up after a nuclear accident. Anyone who refuses total defense duty can be fined or imprisoned for up to one year, and in a state of heightened readiness the penalty can be up to four years' imprisonment. In 2017 the Government decided to activate the possibility of general conscription in the Law of total defense duty (Regeringsbeslut 2017). Accordingly, in 2023 we are back where we started, with a mandatory legislation on general conscription.

[1] SFS (Svensk Författnings Samling) indicates the number of the Law in the Official publication of Statutes and Ordinances.

Throughout the years, the duty to defend the realm with arms has been challenged, and many thousands have for various reasons refused to participate and as a consequence spent time in prison. Criticism of armed defense has at times been both harsh and widespread. As early as 1901, the Universal Conscription Act was met with strong protests, mainly from the anti-militarist labor movement because of its negative experiences of military violence in connection with strikes and suffrage demonstrations (Blomqvist 2006, 115). A direct consequence of the Conscription Act was 'an increase in the emigration of young men to North America' (Ericson 1999, 111). The emigration peaks in 1902 and 1903 were 'partly a consequence of the reluctance to do military service' (Nothin 1957, 50).

This article discusses how the Swedish state has responded to opposition to universal conscription. The initial decades are briefly reviewed, while focus is on the latter half of the last century, in particular the period from 1950 to 1990. First, a theoretical framework is presented for how the response to opposition can be understood and expressed.

Two ways to respond to opposition

The State can use two different strategies in response to opposition. One is open repression, namely the use of force and sanctions. In states that aspire to the epithet of democracy and the rule of law, this mainly involves the use of force regulated by law in the form of police coercion and other coercive measures, such as imprisonment. More totalitarian regimes are less prone to stay within the legal framework. Moreover, innovative use of the law can hide the most heinous acts. A drastic example is Guatemala's then President Ephraim Rios Montt, who, in seeking to justify the genocide of the country's indigenous population, bluntly stated that 'We declared a state of emergency in order to kill legally' (Heimerson 1982). In other words, it is not given that a lawful act is necessarily morally justifiable behavior, any more than that an unlawful act a priori is morally reprehensible.

The second option is to respond to undesirable behavior with tolerance. This can be done, for example, by establishing some kind of right, but a right that does not in any fundamental way threaten existing power relations. In a democracy, the tolerant approach is preferable, as it is consistent with the values associated with such governance. Showing tolerance as far as possible is important to maintain a spirit of consensus.

The classical power strategies of tolerance and repression, often labelled the carrot and the stick, are interdependent, almost symbiotic and often

used in parallel. The dilemma for those in power is to maintain a balance in application. To avoid counterproductive consequences, it is important neither to react too harshly nor too softly. Reacting too harshly leads to protests and critical debate; reacting too softly can cause an opposition group to grow and become large enough to influence the decision-making agenda. The ideal is to make the opposition so small that it does not attract any substantial attention; that it can be defined as something highly marginal and thus limit its influence as far as possible. The theme of this article is how these power strategies have been used since the introduction of universal conscription in Sweden in 1901. The focus is on the period 1950-1990, as it was during these years that the number of those who refused conscription became a tangible problem for the state. The overall aim of these strategies has been to neutralize the anti-militarist opposition's questioning of the consensus concerning the existence of Swedish military defense.

Neutralize through tolerance

When those in power wish to silence a disruptive opposition, it is of importance to get rid of issues from the debate and decision-making arena that in some way can become a threat to the status quo. Such challenging issues have been termed key issues by political scientists Bachrach and Baratz (1970): 'A key issue, in our terms, is one that involves a genuine challenge to the resources of power or authority of those who currently dominate the process by which policy outputs in the system are determined' (47-48). Furthermore, they emphasize the importance of distinguishing between key issues and relatively unimportant issues. Discussions concerning these less important issues distract and mislead attention, thereby contributing to making the basic conflict invisible: 'If there is no conflict, overt or covert, the presumption must be that there is consensus on the prevailing allocation of values' (49). The consensus in focus here is the design and, by extension, the existence of Swedish military defence. Anyone who refuses to take part in defending the country is challenging this consensus.

Lewis Coser has argued that one way to preserve consensus is to tolerate conflict and gradually institutionalize it. Such tolerance can then act as a stabilizing mechanism, what Coser (1969) has called safety-valve institutions:

> Safety-valve institutions lead to a displacement of goal in the actor: he need no longer aim at reaching a solution of the unsatisfactory

> situation, but merely at releasing the tension which arose from it. Where safety-valve institutions provide substitute objects for the displacement of hostility, the conflict itself is channeled away from the original unsatisfactory relationship into one in which the actor´s goal is no longer the attainment of specific results, but the release of tension (156).[2]

If those in power succeed in their tolerant attitude, which is to say, the conflict is institutionalized and purged of key issues, the instituted right will act as a conflict-neutralizing buffer. Within such a buffer, the opposition can become as eloquent and diverse as it wishes. They do not pose a real threat, they rather help to legitimize the current order, as those in power can use them as an example of their respect for freedom of opinion.

The conflict-neutralizing buffer

The hypothesis to be tested here is that the Swedish Unarmed Service Act has come to constitute a buffer whose function has been to neutralize and co-opt the original conflict between opposition and status quo defenders. The basic conflict looks like this:

Anti-militarist opposition	Military defense

In such a polarized situation, the conflict becomes obvious and it is easier for an opposition to stir up debate and engagement around its issues. One way to draw attention to the key issue—in this case, conscription and, from a broader perspective, the existence of a military defense—has been to refuse conscription. Margaret Levi (1997) has described the special relationship between the state and the citizen when it comes to conscription in the following way:

> The military service policy bargain is a metaphor for the set of mutual expectations that government actors and citizens have of each other. (…) The crucial ingredient, however, is the delineation of circumstances under which, first, citizens are willing to contribute lives, labor, goods, and money to government or in some other way cede power to

[2] The reasoning has some similarities with Herbert Marcuse's (1970) concept of repressive tolerance. On repressive tolerance in the context of unarmed service during the Second World War, see Zetterberg (1975:67).

> government over their persons and purses; and, second, government can use coercion to enforce contributions and compliance (33-34).
>
> The institution of conscription significantly extends the obligations of male citizens and the reach of the state. (…) The high degree of citizen support necessary for conscription hinges on the perception of an acceptable policy bargain whose terms governments are likely to uphold (197).

Those who refuse conscription challenge the support and consensus that Levi believes the state seeks in its relations with its citizens. Such protests have historically often been met with overt repression in the form of imprisonment. However, in order to show respect for freedom of opinion, a legal right to apply for a non-military service has been established in the Swedish conscription system. With the introduction of this possibility, the conflict came to look like this:

Total Resisters Prison	The Unarmed Service Act Buffer	Compulsary military service

The opposition is thus separated into two parts, each with slightly different objectives. Those who accept the states' offer of a legal non-military service fall within the buffer. The other part, those who refuse all kinds of service (henceforth referred to as 'total resisters'), place themselves outside the buffer, which means that they will be arrested, convicted and imprisoned. Such a division of the opposition can also lead to conflicts between the opposition groups, which might weaken the overall challenge against the military defense.

The article's second hypothesis is that if the number of total resisters who ends up in prison becomes unacceptably large, the legislators will have to correct the buffer's design. This can be illustrated with the following idealized curve.

The tolerance limit refers to the number of imprisoned resisters the authorities can accept at any given time. If the limit is crossed there is a risk of shifting public opinion and questioning of the military defense. The main means of influencing the shape of the buffer is to change the legislation on conscription. The aim of such corrections is to bring the number of total resisters below the tolerance limit. If there are just a few, they will be

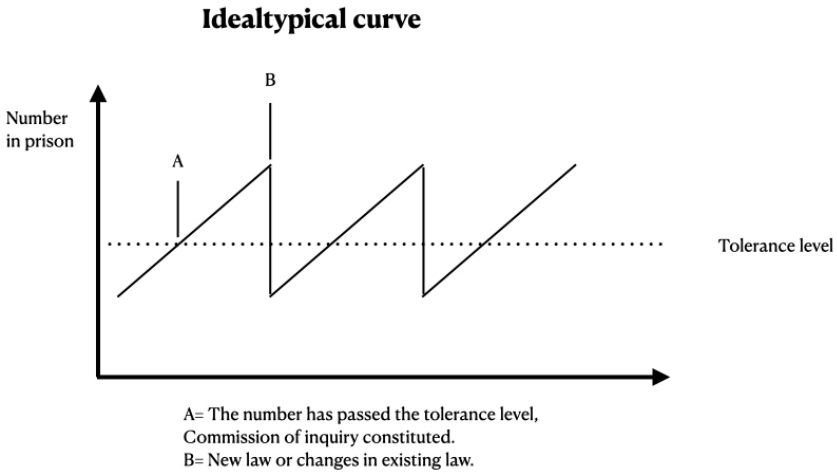

Figure 1: Idealized actions of the Swedish legislators against total resisters.

marginalized, which makes it more difficult for them to raise debate on the key issues.

In the following pages, the development of the legislation and the changes in the anti-militaristic opposition since the introduction of universal conscription in Sweden in 1901 are reviewed.

The Law and the resistance against conscription

In the same year as the general conscription was established, a royal circular was issued that gave the regimental commander a possibility to grant unarmed service with the troops. At that time, only religious motives were accepted for such an exemption from duty: 'Both among military personnel and among legislators, there was a perception that the circular had solved the conscientious objector problem' (Granström 2002, 83). However, just six years later a debate started in the Swedish Riksdag arguing that the exemption was not generous enough. The fact is that the number of conscientious objectors with non-religious motives increased over the next few years, which, according to Granström, was due to an 'increased anti-militarist and defense nihilist agitation' in connection with the dissolution of the union with Norway in 1905 (83). The issue was debated repeatedly in Parliament over the next decade. Finally, a committee was set up in 1917-1919 to draft a proposal which was adopted by Parliament in 1920. It became Sweden's first

law regulating the exemption for conscientious objectors (SFS 1920:303). Obviously, the issue was not fully debated as the law was limited in time to five years; before making a final decision on the issue the legislators wanted to gain more knowledge. The Act provided that those who had 'serious conscientious objections to compulsory military service based on religious convictions' would be given the opportunity to serve without arms. In practice, it was a reaffirmation of the 1902 circular, albeit with the difference that there would be a possibility of civilian duty. Such civilian service was considered by the Minister of Justice in the Bill to the Act to be necessary if 'the important humanitarian purpose intended by legislation in the field in question is to be achieved' (Proposition 1920:165, 14).

Five years later, it was decided to make the 1920 Act permanent (SFS 1925:183), although with the addition that so-called 'ethicists' could also be given unarmed service. During the years 1920-25, those with ethical motives were in the minority, however from 1931 this category grew and came to constitute about a quarter of the total number of conscientious objectors. More than half of them came from Västernorrland (Flyghed 1989, 22). This may be due to the strong anti-militarist sentiments in that part of the country after the tragedy in the small community Ådalen in 1931. During a demonstration in connection to a labor dispute, military troops opened fire with a machine-gun and four demonstrators and a spectator, a young woman, were shot to death. Five others were injured (Sundstedt 2015).

In 1934, several bills were submitted to Parliament, claiming that malingering was taking place among the conscientious objectors, and that the legislation therefore needed to be amended. It was argued that the ethically conscientious objectors should be excluded from the unarmed service. Accordingly, a proclamation (Kungörelse No.1,1935) introduced a 'certain tightening of the provisions relating to the mode of proving alleged conscientious objections'. The number of applications granted on ethical grounds thus fell from 250 in 1934, to 86 the following year.

Unsurprisingly, during the Second World War the climate for those who refused to take part in military defense became harsher. The year after the outbreak of war, in 1940, the rules of service were also changed to the disadvantage of the conscientious objectors. During the war, an inquiry was set up to look into the matter (SOU 1942:15), and the subsequent bill stated that the government could accept conscientious objectors as long as there were not too many of them. The Minister of Justice pointed

out that this exceptional status was to be understood as a privilege made possible by the fact that the vast majority 'loyally performs the actual military service' (Proposition 1943:18, 14). Should this situation change so that the effectiveness of the armed forces was in any way endangered, 'the question of the continued existence of the exceptional legislation must be reconsidered' (Proposition 1943:15). It is the same argumentation about a limit to the number that could be accepted that was used in the first decades of the 20th century: 'When it came to conscientious objection, freedom of consciousness was allowed only as long as it did not interfere with the state´s interests' (Granström 2002, 225).

The revision of the law, which came into force in 1943, introduced the concept of 'deep distress of conscience' as a requirement for obtaining unarmed service (SFS 1943:121), which in practice meant that a total renunciation of the use of weapons and other forms of violence was required. This disadvantaged the ethical group of the objectors. In addition, there was a stricter examination procedure with extensive certification to prove the applicant´s conviction. The application of the law had the consequence that the service options of the disarmed were being brought closer to total defense. It was not until 1956 that the possibility of more civilian-oriented service was introduced.

Jehovah's Witnesses

At the end of the 1940s, a whole new group of total resisters began to make itself heard: the Jehovah's Witnesses. Throughout the 1950s and until 1966, they made up virtually the entire population of imprisoned resisters. They were not pacifists and therefore were not qualified for the Unarmed Service Act, the buffer. Their attitude of non-subordination to any form of secular power meant that they consistently refused any form of state service. For almost two decades, nearly 200 Jehovah's Witnesses had each year been sentenced to prison. It is also this group of total resisters that prompted the next change in the law.

In the run-up to the 1966 Unarmed Service Act, the lawmakers tried almost every means at their disposal to persuade Jehovah's Witnesses to accept some form of service that would prevent them from violating the conscription law, thus avoid being sentenced to imprisonment. Their leaders were interviewed to find out if there was any service option they might accept. They were even asked to come up with their own suggestions that

would help them avoid prison. However, the Witnesses rejected all such invitations. They continued to resist all kinds of military service. When Sweden started to attract attention for having prisoners of conscience, they became an increasing problem. The problem was not uniquely Swedish, as Jehovah's Witnesses acted in the same way in most other countries as well.

One can sense a certain resignation when the investigators finally concluded that there was no other solution than to 'temporarily disqualify Jehovah's Witnesses on similar grounds as those already applied to certain alcoholic or antisocial persons' (SOU 1965:71, 67). They pointed out that since Jehovah's Witnesses 'cannot be used for any useful service during wartime, it seems pointless to burden society with the expense and trouble of training them for peace' (67). No such reasoning has ever been applied to any other category of total resisters, neither prior to or following that time. As Jehovah's Witnesses were a very homogenous group and at that time constituted virtually the entire number of imprisoned total resisters, this became a particularly effective way of eliminating critical voices claiming that in Sweden, religiously motivated prisoners of conscience were sentenced to prison.

The bill that followed quoted the Military Ombudsman's referral opinion (Proposition 1966:107, 41). He pointed out that since the risk of the Jehovah's Witnesses' doctrine spreading should be minimal, it is most rational to grant them exemption from military service. Here, then, we find a crude reasoning about how a certain number of total objectors can be eliminated. No more principled reasoning appears; it is primarily a matter of finding a rational solution to an undesirable prison population. The proposal to exempt Jehovah's Witnesses was accepted by Parliament and the law was passed (SFS 1966:413). The order not to call Jehovah's Witnesses is still in force, thus allowing the state to get rid of a few hundred potential total resisters every year.

Another new feature of the 1966 Act was the introduction of a central review body, The Alternative Service Board. The Board's task was to decide whether or not applicants for unarmed service had a 'deep distress of conscience'. In practice, the Board interviewed applicants to see whether they would consider using force in any situation. If the answer was yes, the application was rejected. The inquiry rejected the problematic concept of 'deep distress' as a criterion for obtaining an alternative service, but Parliament chose to retain it.

The then Minister of Defense, Sven Andersson, described the overall purpose of the new law as follows: 'The idea on everyone's part has been to have such an order that as few as possible became total resisters and went to prison. Everyone has agreed on this' (Riksdagens protokoll 26/1966). The aim of the legislators was fully met, and the year after the revision of the law the number of persons convicted of total refusal fell to 8 (see fig. 2). Legally, the total resisters were convicted of insubordination under the Criminal Code, Chapter 21. The criminal act was committed when they refused to obey an order in the presence of witnesses, usually to receive a weapon or some other equipment. To be on the safe side, the order was repeated three times. If he refused even the third time, he had committed insubordination. As a consequence, the classification of the crime as insubordination obscures the fact that it is an explicit refusal of military service.

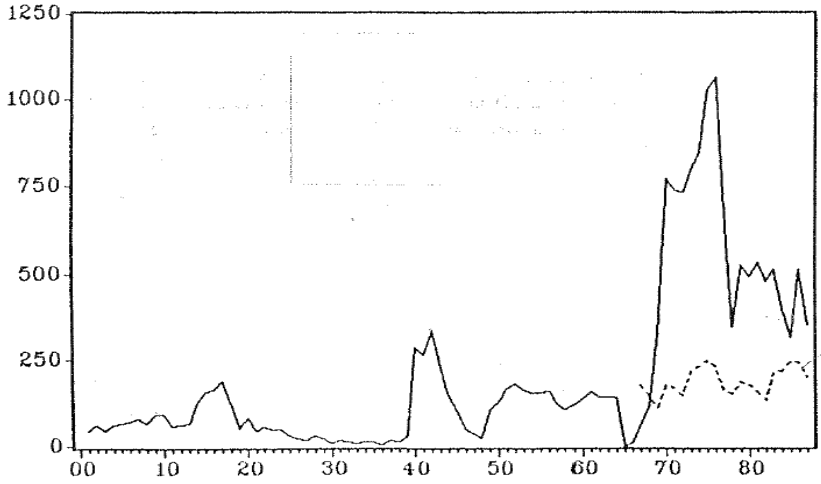

Figure. 2: Convictions for obedience offences 1901- 1990

------ = Jehovah's Witnesses excused from military service

New times, new categories of resisters

The measure of exempting Jehovah's Witnesses to keep the number of total resisters down to an acceptable level soon proved insufficient. In fact, the number soared just a year after the law came into force. Those who now refused were as uncompromising as Jehovah's Witnesses, albeit with

completely different motives. More and more of them cited various kinds of personal or political motives for their refusal, however these kinds of motives were not accepted according to the Unarmed Service Act. As a result, the number of applications for unarmed service skyrocketed, while the percentage of denied applications initially increased dramatically (see Fig.3).

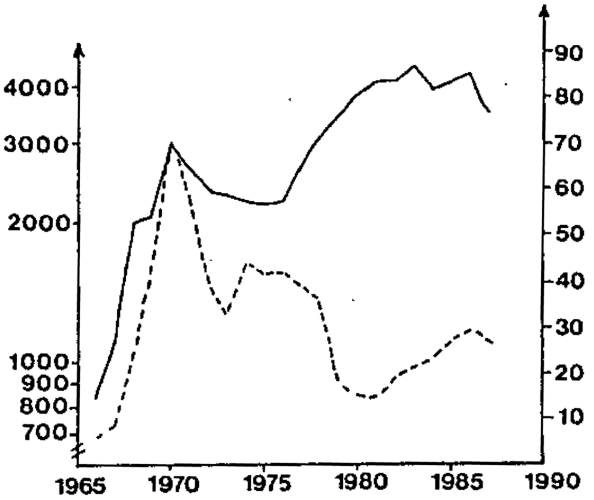

Figure 3: Applications under the Unarmed Service Act (in the solid line) and percentage thereof rejected (in the dotted line).

There is no detailed survey of the motives for total refusal at this time. Many also refused immediately without first applying for non-military service, which means that there is no investigative material from The Alternative Service Board available. The reasons given in the court documents are also very scanty. However, it seems likely that the extensive reporting on the war in Vietnam contributed to a general anti-militarist attitude that resulted in many refusing conscription (SOU 2002:90, 173, 185).

As can be seen from Figure 2, the intended effect of the legislative measures in 1966 was very short-lived. Indeed, the number rose rapidly and the authorities' tolerance was soon exceeded. As early as 1973, a new inquiry was therefore set up for another revision of the Unarmed Service Act, which in these circumstances must be regarded as an unusually rapid measure. The primary objective of the inquiry was 'to limit the number of total resisters as far as is considered possible' (SOU1977:7, 136). It is not surprising,

therefore, that the investigators proposed to maintain the previously existing system of equating Jehovah's Witnesses with 'anti-social and criminal'.

The report also proposed to abolish the requirement of 'deep conscience', as this requirement had proven to be too stringent. The number of rejected applications had become unacceptably high, leading to too many having ended up in prison. The legislators went along with the investigators' proposal and decided to replace 'deep conscience' with the lower requirement of 'personal conviction'. In order to obtain non-military service, it was sufficient that the use of weapons was contrary to the applicant's personal serious convictions. The lawmakers' intention was that this broadened possibility would reach large sections of the group that had their applications for exemption from arms refused, and subsequently had become total resisters. In the year before the new Act came into force, 40 per cent of those who were sentenced to prison had previously applied for alternative service (Försvarsdepartementet, 1988).

However, the new law that came into force in 1978 (SFS 1978:524) did not only change tolerance towards the unarmed. At the same time, repression against the total resisters was also sharpened. The previous practice of summoning total resisters on three occasions and sentencing them according to an escalating scale of penalties (1, 2 and 3-months imprisonment) was abolished. Instead, first-time offenders were now sentenced to a substantial fine and a suspended prison sentence. Repeated refusals were subject to an unconditional prison sentence of four months. This marked a tougher approach towards those who maintained their total refusal: 'A severe penalty must ultimately be imposed on anyone who refuses to perform military service or unarmed service' (SOU 1990:81, 61). Nevertheless, the repressive element lost some of its force when the Riksdag implemented a general sentence reduction reform in 1983, which meant that those who did not manifestly misbehave were released after half the sentence (Proposition 1992/93:4, 17).

Figures 2 and 3 show that the dual approach of the legislators was once again successful. Figure 2 shows the number of total resisters decreasing significantly with the new law coming into effect, while the number of total resisters belonging to Jehovah's Witnesses remains relatively stable. Figure 3 illustrates how the number of applications for unarmed service increased, while the percentage of denied applications decreased.

The introduction of fines in the 1978 Act created a statistical complication in the sense that it became practically impossible to distinguish those convicted of total resisting for the first time, from conscripts who, during their training, disobeyed an order which was not a direct protest against conscription. The problem lies in the earlier mentioned fact that the formal offence under Chapter 21 of the Criminal Code was insubordination and not 'resisting military service'. As a result, all those fined for insubordination, irrespective of the motive, are a fusion in the statistics. From June 1 1987, total resisters were no longer convicted of an offence of insubordination, rather of a 'refusal of military service' under Section 38 of the 1941 Military Service Act. However, the statistical problem remains.

As the need for a large number of conscripts over the past 30 years has decreased, fewer and fewer have been called up for military service. It is henceforth not necessary to give a particular and argued reason for refusing to do military service; in principle, it is enough to say that you do not want to. This is clearly stated in studies on the 'total defense obligation' (see for example, SFS 1994:1809), which came into force in 1995 and replaced the conscription law and the Unarmed Service Act. The introduction of a total defense obligation also meant that non-military service was no longer regulated as an exception to military service, but as one of several service options within the total defense of the realm. However, it is still a compulsory law of duty, which means that anyone who commits what is now classified as a 'breach of total defense duty' is liable to both fines and imprisonment.

In 2010, it was decided that general conscription was dormant in peace time. Therefore, legislative changes were made to ensure that the provision of defense personnel would be based primarily on voluntary action and no longer primarily on a total defense obligation. The total defense obligation should basically remain in place, although the obligation to undergo conscription and the obligation to perform either military or civil service now required a prior decision by the government in view of Sweden's defense preparedness (SOU 2013:38, 348-349):

> One consequence of the fact that it is now voluntary to undergo conscription etc. is that most of the penal provisions of the law are in practice no longer applicable. The amended regulation may therefore be said to have amounted to decriminalization. (SOU 2013:38, 370).

In other words, there was no longer a potential conflict situation that could lead to refusal of conscription. The decriminalization also 'resulted in significant resource savings for the justice system' (SOU 2013:38, 394). The cost for a prisoner in Sweden is 3200 kronor (320 euro) per day,[3] in addition there are expenses for the police (interrogations and investigations), the prosecution service and the courts. The most recent change in the legislation concerning conscription was made in 2017, when the Government reintroduced the obligation to enlist and complete basic training with compulsory military service (Regeringsbeslut 2017). This means that Sweden now again applies all parts of the law on total defense obligation, not only those relating to civilian service. As the law is now gender-neutral, the obligation applies equally to both women and men.

Summary and discussion

The first mention of a special status for those who did not want to do military service for conscientious reasons was introduced as early as 1902. This possibility of obtaining an unarmed alternative service in the army mitigated the confrontation between pro-militarists and anti-militarists. Those who rejected unarmed service and persisted in their refusal to do military service were sentenced to imprisonment or hard labor. The opposition was thus met from the outset with both tolerance and punishment. The possibility of defusing the conflict was extended in 1920 when unarmed service was introduced as an independent option. When the law was made permanent in 1925, the conflict-neutralizing buffer was further expanded as ethical reasons were also accepted as grounds for disarmament. Ten years later, the conditions became more restrictive as legislators tightened the rules for how to demonstrate the depth of motives for conscientious objection. The buffer became narrower. During the Second World War, the requirements for obtaining unarmed service were further tightened, while the opportunities for service were largely restricted, which narrowed the buffer even further.

With the establishment of The Alternative Service Board in 1966, the process became more formalized and the opportunities for being granted arms free service somewhat expanded. Still, the tolerance limit of the buffer was marked by the punishment of those who did not accept the legal alternatives to conscription that were offered. All of the imprisoned total resisters of the time were got rid of by putting Jehovah's Witnesses 'on exemption'. The

[3] According to the Swedish Prison Service´s statistics 2021.

1978 revision of the law further expanded the opportunities for unarmed service. On the one hand, the review procedure itself was simplified, and on the other, the conditional clause was liberalized. At the same time, penalties were increased for those who, despite these changes, refused any form of service.

A contributing factor to the legislators' change in attitude towards conscription in the end of the last century was the restructuring of the military defense. From a system with a high demand for many soldiers at the beginning of the century, the need for conscripts has gradually decreased, particularly over the last 30 years. Continuing to provide basic training of about 40-50,000 conscripts each year was not considered an economically justifiable priority. From a military point of view, a large number of conscripts without weapons, that is, those whom have accepted the conditions for the Alternative Service Act, did not represent a problem, since they were not perceived as a drain of the war potential. On the contrary, they fulfill a substantial function in the defense. According to the legislators, the conscripts without arms are an important resource if Sweden were to go to war and are therefore placed 'in our war-organized total defense' (Försvarsutskottet 1986/87). As long as they remain within the buffer, their ability to influence anti-militarist key issues are limited.

Even though the Unarmed Service Act is a way for the state to show respect for the freedom of expression, it is a freedom with limitations:

> However, in the opinion of the experts, an absolute precondition for such consideration must be that the individual does not go beyond the limits of reason and ethics in his demands for an exceptional status. Where these limits lie must be determined by the State in accordance with the reasoning set out above (SOU 1942:15, 19. See also SOU 1965:71, 42).

We have seen how legislators over the years have adjusted the limits on the degree of tolerance to objectors by adjusting the width of the buffer. To a large extent, it is these limits that have been the subject of debate within parts of the opposition, discussions that are not examples of key issues for an opposition to a military defense. It is such issues—the length and nature of unarmed service; detailed reasoning about the conditions of service; whether or not the service should be under the authority of the Ministry of Defence—that have largely preoccupied peace associations such as the Swedish Peace

and Arbitration Society. This has contributed to shift the focus from the key issue challenging the states' desired consensus, that of the military's being or not being.

The fact that those who refuse all kinds of military service have been regarded as a threat by the armed forces and the security police is revealed in one of the Security Service Commission's reports.[4] The resisters are described as 'part of an anti-defense activity that posed a threat to the will to defend and ultimately to the country's defense capability' (SOU 2002:90, 183). It was mainly the imprisoned total resisters who threatened the consensus concerning the military defense. Every change in the legislation concerning conscription has been due to the number of imprisoned total resisters having become so high that they have aroused debate and opinion. Without their rejection of the buffer construction, most of the changes to the law would not even have been initiated.

A basic condition for maintaining a law of duty is the possibility of punishment. The prison sentence for refusal to fulfill military service has also never been questioned (see, for example, SOU 1990:81, 61). For the buffer construction to work, a threat of punishment is essential, marking the limit where the state's tolerance ends. The penalty is necessary for the tolerant attitude to be effective. Avoiding being punished is what the state has to offer to those who accept the tolerant solution and stay within the buffer. It is therefore impossible to abolish the prison sentence, it is the basic prerequisite for the buffer construction. The 1978 law was already accompanied by directives stating that 'it is out of the question to abolish the penalty for total refusal or to apply only minor penalties such as fines' (SOU 1977:7, 139). For those who do not want to accept or complete Non-Military Service 'and do not allow themselves to be corrected by disciplinary measures, imprisonment should be imposed. Ultimately, there must be some penalty that is severe' (SOU 1977:7, 139). As long as the opposition does not overstep the bounds of legality, it is accepted as a negotiating partner. Those who goes beyond that line are punished with imprisonment.

Conclusions

The Unarmed Service Act has functioned as a buffer in the conflict between total resisters and military defense. By legalizing a part of the opposition,

[4] For a review of the Swedish Security Commission's reports, see Flyghed 2011.

legislators have been able to adopt a dual strategy: the threat of punishment on the one hand, and the conditions for obtaining non-military service on the other. Part of the opposition has been diverted into legally regulated behavior. By changing the form of the buffer, by making the Unarmed Service Act as attractive as possible through the means of advantageous service options and the length of service, the idea has been to prevent the anti-militarist opposition from clinging to the polarized situation and persisting in its total refusal. Those who did so anyway were met with repression in the form of imprisonment, a punishment intended to be dissuasive enough to reduce the number who went prison. If a large enough part of the opposition falls within the conflict-neutralizing buffer, so that the total resisters will be few, there is a high probability that the opposition will be neutralized. In the 1960s and 1970s, however, the state's dual strategy failed. Thousands of total resisters ended up in prison, which was too many to be ignored. Their lawbreaking actions was successful in the sense that they attracted media attention, which created conditions for debate and questioning of the state's desired consensus on Swedish military defense.

It remains to be seen in what way the possible Swedish membership of NATO will affect the relationship between the Swedish armed forces and the antimilitaristic opposition. However, it is obvious that such membership is a paradigm shift in Swedish defense policy. Completely new questions will be relevant for those who are expected to do military service. It is no longer only a question of domestic self-defense, but also future NATO actions in other parts of the world. Together with the reintroduction of universal conscription on a large scale, the stage will be set for conflicts between the military service and those who are drafted for conscription. In all likelihood, the Swedish state will continue to make the buffer's civilian service options as attractive as possible, while at the same time tightening up the prison sentence if necessary. The aim will be the same as it has been for the last 100 years or so, to keep the number of imprisoned total resisters so low that they stay below the threshold where they risk generating debate, and by extension questioning how Swedish defense should be designed.

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