

## **Conscientious Objection in Japan in Contrast to that in Europe**

**Hiromi ICHIKAWA**  
Imabari Meitoku Junior College  
Affiliated Researcher, Institute for Peace Science, Hiroshima University

### SUMMARY

In this short paper, I will briefly survey conscientious objection in Japan from Meiji period to the present in contrast to that of Europe. The idea of right to conscientious objection has been developed from ancient Roman Empire and especially during and after the two world wars. And now in Europe conscientious objection is recognized as one of the basic human rights. In Japan as conscription was introduced, there were several revolts against it. Now a few people tried to and did escape from conscription by various means. They did not have any idea to refuse any governmental order for one's conscience. Christians also tried to follow both the State's and the God's order.

After the defeat in 1945, Japan has no conscription and therefore the right to conscientious objection has never drawn attention. But we can see some ideas in connection with conscientious objection among civil movements.

In an earlier era, in much of the world, a mass conscript army based on universal military training and service was regarded in many countries as a sign of an advanced nation-state, particularly when such a national force replaced the hired professional armies of the monarchies. In Europe, people have developed the idea that every citizen has the right not to serve in an army, because of their conscience. The history of conscientious objection varies greatly from country to country, due to differences in military systems, social situations and historical backgrounds. But one noticeable development in European countries is that defending one's State with arms is no longer a citizen's duty which take precedence to one's conscience. A citizen's right to conscientious objection is respected, even for an active soldier.

After World War II and the Holocaust, to refuse senior officer's orders became rather a duty, when the order is inhuman or unlawful. Senior officer's orders are no longer a excuse for committing war crimes. This has become validated through court decisions in Strausbourg.

I will sketch first; how conscientious objection has developed most in Europe, and then contrast it to Japan and point out the difficulties due to the very short history of conscientious objection. Japan has not had conscription since the defeat in World War II. But there are still moments that an individual has to accept the State's orders.

## **1. Development of Conscientious Objection in Europe**

### *1.1. Christian Tradition of Conscientious Objection*

Conscientious objection has its origin in the ancient Roman Empire. Christians in the Roman Empire refused to bear arms and to kill, even in battle. Many were executed for those beliefs and have been regarded as martyrs ever since. It was said that Christians might not serve in any army, otherwise they would violate the precept of the God. However, with the Imperial Ordinance of Milan in 313 A.D., Constantine I made Christianity the officially recognized religion of the Roman Empire. After that, Christians were excommunicated from the Church if they did not serve in the army of the Empire. The Church obliged its people to serve in "just" wars.

Against this mainstream Christian dogma, some people began unconventional activities seeking to find the origin of Christianity. The Church of the Brethren in

Germany in the 18th Century, the Friesland Mennonites in the 16th Century and the Quakers in the 17th Century in England all advocated non-violence and had a great influence in history of conscientious objection. These sects developed well-defined beliefs of nonresistance and established their own tradition of opposition to military service and warfare.

As they were oppressed in Europe, they were forced to emigrate to America, where they aroused a new social consciousness. They made it clear that they would not bear arms and fight against native Americans. In doing so they forced the government to make legislation to exempt them from military service.

Informal accommodations developed between the ruling sovereigns and the otherwise generally law-abiding dissenting religious sects that sought to avoid military service. In Europe, conscientious objector status was granted only to small religious sects that did not represent a direct challenge to the state's ability to mobilize for war.

Jehovah's Witnesses are not pacifists: they are willing to fight for the Lord at Armageddon but not for temporal powers here and now. In totalitarian state under Hitler, Jehovah's Witnesses who refused to serve in the armed forces were physically abused, placed in concentration camps, and executed.

### *1.2. History of Conscientious Objection in Modern States*

Conscriptive military service originates in Napoleon's civil army, consisting of citizens was considered a symbol for a democratic nation. To defend one's fatherland by bearing arms was considered a duty, and at the same time an honorable right for a citizen.

But conscription brings about a highly charged confrontation between the State and individuals. Conscientious objectors become problematic when the modern state forces its people to serve in its army. Military service was regarded as an important condition for a nation. Therefore conscientious objection was severely punished for a long period in its history. They remained small minority and were exclusively from specific Christian sects.

On the European continent during World War I, the major powers, regardless of political tradition, generally denied any legal right of conscientious objection. The clash between the state and conscientious objectors and increasingly religious pacifists from

mainstream faiths, ethical pacifists, socialists, and anarchists, led to some accommodation, particularly with the religious pacifists.

There was also some severe punishment, particularly for the secular, political objectors. In Britain, some 6,500 conscientious objectors went to prison. The intensive European nationalism and mass mobilization during World War I made conscientious objection a significant political issue for the first time in Europe. Religious objectors were joined by anarchist and socialist opponents of the military system, who refused to fight in bourgeois wars.

In Britain, the experience in World War I led to major changes in subsequent conscription acts during and after World War II. Legislation recognized conscientious objection based not only on the refusal by individual to kill, but also on his/her right not to perform work that would assist the military.

Nowadays, in some European countries, the right of conscientious objection is constitutionally guaranteed. Here, we see an important change in which the State respects a citizen's conscience taking precedence over the duty of defense. This changing process is best observed in case of Federal Republic of Germany (FRG).

In the wake of World War II and the rejection of Nazism, the Germans fundamentally altered their political-military culture and institutions. Chastened by the Nazi experience and the Nuremberg trials' emphasis on the moral responsibility of individuals for war crimes and crimes against humanity, the Federal Republic of Germany guaranteed the right to conscientious objection in the Constitution of 1949.

The Protestant church supported conscientious objection and demanded the State to assure the right for citizens. After FRG joined NATO and subsequently reintroduced conscription in 1959, federal legislation specified that "any person who opposes armed conflict between states" should be assigned to alternative civilian service or, if the draftee requested it, to noncombatant service in the military.

By the 1980s authorities accepted conscientious objection with little more than pro form declarations on the part of the objectors. In recent years, nearly a half of potential draftees chose conscientious objection and serve alternative duty. At last the number of conscientious objectors exceeded that of conscripts in 1999. The Majority of them work in hospitals or facilities for seniors or disabled people. Those conscientious objectors are indispensable for the social welfare in Germany. Surveys show a growing

acceptance of the view that civilian alternative service is the civic equivalent of military service. Germany's *Zivildienst* (civilian service) program is by far the most extensive system of alternative service in the world (Moskos, 203p.).

### *1.3. Guarantee of the Right to Conscientious Objection in Europe*

Formal acceptance of the right of conscientious objection and of alternative civilian service has become a hallmark of most liberal Western parliamentary democracies. The movement for such recognition was projected onto the international stage in 1987, when the United Nations' Human Rights Commission adopted a resolution specifically urging universal recognition of the right of conscientious objection. Virtually every Western nation voted in favor. In short, developments toward the expansion and legitimization of conscientious objection were most evident in Western democracies (Moskos, 205p.).

In October 1989, the European Parliament adopted a resolution calling for "the right to be granted to all conscripts to refuse military service, whether armed or unarmed, on grounds of conscience" and urging that "a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objector." The Parliament also urged that the right to civilian alternative service for conscientious objectors be recognized in the European Convention for the Protection of Human Rights and Fundamental Freedoms. In 1990 a similar standard was proposed by the thirty-five-nation Conference on Security and Cooperation in Europe (CSCE).

Organizations have become engaged in politics as an issue-oriented pressure group, as typified by the Central Committee for Conscientious Objectors, the War Resisters League, and the National Interreligious Service Board for Conscientious Objectors. A broad coalition of groups, particularly since the 1960s, has pressed for liberalization and secularization of the standards for conscientious objection. The historic peace churches, pacifist and antiwar groups, and conscientious objector support groups have been joined by mainstream religious bodies and civil liberties agencies and, most recently, by international human rights agencies such as Amnesty International and the Commission on Human Rights of the United Nations. (Moskos, 202-3)

## **2. Weak Tradition of Conscientious Objection in Japan**

### *2.1. Protest against Introduction of Conscription*

After the Meiji Restoration, the Japanese government tried to construct a modern State along the lines of America or European countries. Its basic policy was *Fukoku Kyouhei*, rich State and strong army. People were unhappy with the modernization policies of the new government. And then conscription was introduced in 1873 and conscription period was for 3 years. For peasants, conscription meant deprivation of their ability to support their families. Conscripted peasants were not only unable to work but they were not paid enough to support their lives in their absence.

In 1873 and 1874 there were 14 revolts against conscription by peasants in several prefectures. Their demands were not only to abolish the conscription, but also other modernization policies, for example, the elementary school system. The revolt in Okayama in May 1873 was the biggest one. In this revolt, 26,916 people were arrested and punished; 15 of them were executed. All these revolts were soon suppressed by the government. These riots were against the new government in order to protect their lives in their villages and they were not necessarily opposed to war itself. (Kitamura, 2pp.)

### *2.2. Evasion of Conscription*

In the early days of the Meiji period, many people tried to escape from military duty by various means. After the introduction of conscription, the most popular way was to alter the village or city register, because register system was new and easy to revise. Adoption was also often used. It was so popular, that a word, "conscription adoption" was born. This was fully legal. Conscription in the Meiji period had exemptions for those who were physically disabled or sickly, public officers, students of prescribed schools, people who studied in foreign countries, heads of families, criminals and people who paid an exemption fee. Gradually those provisions were amended, as militarism strengthened, and there were very few exceptions. (Abe, 61pp.)

The other way to evade conscription was to flee. From 1915 to 1931 there were thousands of people who had escaped from conscription and were missing. In 1916, recorded the highest total, 44,456 and the lowest was 23,513 in 1931. (Abe, 143pp.)

There were also several hundred people each year who gave themselves self inflicted injuries, to be judged unfit for military service. Losing weight drastically

drinking about 2 liter Soysauce just before physical examination to heighten blood pressure, or cutting off the forefinger of the right hand were examples of popular ways to avoid military service. But those were dangerous ways both physically and also legally. Some people lost their lives due to self inflicted injuries, others were severely punished, because these methods were illegal. (Kikuchi)

### 2.3. *Exceptional Individual Conscientious Objection*

In Japan, we have only a few conscientious objectors. Those who refuse to serve in the army were Christians. They were fewer Christians than now in Japan and were isolated cases whose beliefs prohibited them from bearing arms.

In 1889 the first lecture by English Peace Association in Japan was held. In those days peace movements in Europe had influence on Japan. Toya Kitamura (1868-94), a Christian who worked for a Quaker engaged in missionary work, translated the first lecture. He established *Nihon Heiwa Kai*, the Japan Peace Association, together with Quakers in that year. But it remained a small minority and dissolved after 5 years, one month after the outbreak of the Sino-Japanese War in 1894. *Hei-min-sha*, Ordinary People's Party, was established in 1903 by socialists and Christians. They declared in their newspaper, that liberty, equality and philanthropy were the most important for people's lives and to achieve these ideals, they advocated abiding by laws and non-violence.

Nevertheless, neither religious nor political organizations supported or encouraged people to conscientious objection (Abe, 78pp.).

There were only a few examples of conscientious objection in the modern era in Japan. We see the first conscientious objection during the Russo-Japanese War (1904-05). Kiyoshi Yabe (1884-1935) was 17 years old and was a member of Seventh Day Adventist church. He went to the recruitment office and explained why he could not kill people and should obey the God. He was sentenced to 2 months in prison. After 5 weeks, he changed his mind, i.e., he still believed war is a crime, but conceded there are also deeper sins than to bear arms. He served as an orderly after his release (Suzuki).

Kanzo Uchimura (1861-1930), a leading Christian thinker, was for the Sino-Japanese War(1894-95) as a just war, but he changed his attitude toward the war after seeing the actual condition. He insisted that Japan should not fight any war and each

individual sent to war should practice nonresistance in other words, not fight back. He suggested nonresistance to the State for one young man, who was a Christian teacher at an elementary school and wanted to explain his pacifist attitude at medical examination and also urged him not to refuse to pay his taxes because they would have been spent for a war. Uchimura explained that real peace cannot be achieved through people's discussion or movements, but only through the second coming of Christ. Pacifists should follow conscription, otherwise Pacifists would be understood as cowards. Pacifists should go to the front, so that other people would not have to go in their places. When many Pacifists fall miserably in a battle, the war would be ended, because through their death, a part of the sin of the mankind would be atoned, he thought (Abe, 84pp.).

The second and perhaps the last conscientious objector who actually took action against the conscription itself and refused to take arms, was Osamu Ishiga (1910-1994). He was also a Christian, an Esperantist and a member of War Resisters' International. In August 1943 he went to the office and said that he would refuse to be recruited. After 2 weeks in custody, he made up his mind to serve as an orderly. He was released by giving bail after 4 months. For about 2 months from July 1945, he served as an orderly in the army.

One of the most important figures for Christians in Japan, Tadao Yanaihara(1893-1961), a successor to Uchimura, send a letter to Ishiga's sister. In that letter, he regretted Ishiga's action and wrote, to follow conscription as a nation and to go to the front was not a sin. *Nihon Kirisuto Kyodan*, Japan Christian Council, requested their believers officially to follow the Imperial ethics to carry out war (Kido).

#### 2.4. *Todai-sha, Jehovah's Witness*

In 1926 *Todai-sha*, the Japanese branch of Watch tower (Jehovah's Witness) was established by Junzo Akashi(1889-1965). During his 20 years stay in the United States, he became a Jehovah's Witness and worked for it.

His oldest son, Makoto Akashi answered a call to arms in 1939, but on the first day, when he was given a gun, he went to his senior officer and said that he was returning his gun, because of the commandment: Thou shall not kill. Asked about the Emperor, he answered that the Emperor was also a creation of the God. He was



sentenced to 3 years in prison. During his prison term, he was allowed to read Japanese classic literature and he gave up his belief and changed his mind to serve in the army for the Japanese State. He returned to the army in 1941.

Issei Muramoto was a member of Todai-sha and served for several months as a draftee. In the army, he refused to bow to the direction to the Emperor's Palace, because he thought that was idol worship. He was not punished at all, in spite of his disrespectful action to Emperor. In 1939, he heard of Makoto Akashi's action to return the gun and he also returned his own gun and refused to take part in military training. He was sentenced to 2 years.

In that year, all 122 members of Todai-sha, were captured and tortured and ill-treated in prison because of their beliefs. Among them only 4 did not convert by the end of the war, 3 died in prison (Inagaki).

### *2.5. Differences between Conscientious Objection in Japan and in Europe*

In contrast to conscientious objectors in Europe, the question is raised as to why they did not refuse to obey the State's order to serve for the State. The next four points provide some explanation to the question.

#### First; Buddhism and Shintoism in Contrast to Christianity

Neither of the two major religions in Japan, Buddhism or Shintoism, provide believers with teachings about conscientious objection. Shinto shrines are often dedicated to brave generals. Shinto was regarded as the State religion and had intimate relation to the imperial house from the Meiji period until the Japanese defeat in 1945.

At the same time, there were some shrines, which were famous for propitious ways of escaping from conscription. Many people believed that the God of those shrines had power and if they prayed to the God, they wouldn't be recruited. It was popular (Ooe, Kitamura).

Buddhism teaches that to kill any living things is one of the most serious sins. But unlike Christianity, each believer won't be punished by Buddha. A large sect of Buddhism, *Dai-jo Bukkyou*, Mahayana, did not require believers to strictly follow the teachings. Christians have a God who sees their behavior all the time. And when the behavior is not good, they might not be accepted in heaven after death. Unlike

Christians adherents to Buddhism or Shintoism don't have any other Lord to follow. They should obey *Okami*, the governing power.

Christian beliefs offer a strong basis for each individual to act against the state's wishes. A person can have a higher obligation to one's God. This way of thinking is also shared with the State due to the two kingdom theory. The state's power is authorized by the God. Unlike the Christian church in Europe, Buddhism and Shintoism were not a counter authority to the State. Furthermore, in Japan, the Emperor was believed to be a descendant of *Amaterasu-oomikami*, the Sun God.

In addition, in 1882, the Emperor's admonition to soldiers was issued. This admonition made clear that military discipline was unconditional obedience to the superiors with a sentence: superior's order must be understood as the Emperor's order. It meant that the Japanese army was of the Emperor, not of the people (Ooe, 77p.).

#### Second; Weak Independence of Individual

As a basic thought, Europe has developed Social Contract. This theory provided the people the right to resist bad government. And this right of the people was actualized in America's Independence and French Revolution. The Social Contract is based on the idea that each society consists of individuals. In another words, each individual is established and independent from the pre-modern community.

In Japan, the pre-modern community was preserved even after the modernization of industry and the political system. Especially *Kafuchosei* a traditional patriarchal family based system, was carefully protected and used for modernization of the country. Under this *Kafuchosei* individuals were not respected, and the Kacho, the father, represented all other members of his family. A family member also ought to devote oneself to his/her family. The government utilized this analogy to the Emperor as the father of all Japanese people, and therefore a nation should obey and be dedicated to the Emperor. This idea was especially promoted in the army.

#### Third; Death as a Means of Expression

In Japanese tradition, people had an idea that a person can express his/her true will or innocence by his/her death. In Europe conscientious objectors were executed by their own State, because they refused to obey the State's orders. In this sense, death was

a result of their disobedience. Uchimura, to the contrary, suggested that conscientious objectors should go to the front and be killed there. That was for him the way to express his will to pacifism and for redemption, obeying the State at the same time (Abe, 84pp.).

#### Fourth; Absence of Organizations to Support Conscientious Objectors

Different from the development in Europe, there were no organizations to support conscientious objectors. Therefore, each individual had to confront the State alone, directly. They even could not get any information about punishments on refusing conscription. All those who did refuse to serve in the army were prepared to be executed.

### 3. Post-war Japan and Conscientious Objection

#### 3.1. *Idea of Conscientious Objection after the World War II in Japan*

After the defeat in 1945, pacifist feeling was dominant among most Japanese people. The disastrous experiences in Hiroshima and Nagasaki had great influence on it. The Japanese constitution clearly stipulates that Japan possess no army. Japan no longer has conscription and therefore people are not confronted with the problem of conscience in the case of military service. In spite of this, we can see indirect ways of supporting conscientious objection.

The United States began bombing North Vietnam in 1965. The American soldiers sent to the front were based in Japan. A Japanese civil movement against the war in Vietnam, *Be-he-ren*, Peace for Vietnam Federation, insisted that the war in Vietnam by the United States was unjust and they were against any attack on people. They encouraged Japanese people not to cooperate with this war in any form. Japanese people in some firms were engaged in supporting the military action, because important US bases were in Japan. To do such business meant indirect way to support the unjust war. So they thought, that Japanese people, too were responsible for the war.

As the war continued, more and more US soldiers in Vietnam deserted from the army. They had experienced what was done in Vietnam and decided they won't return to the war. Some had tried to escape from the army when they were in Japan. Japan Technical Committee for Assistance to Anti-War U.S. Deserters (JATEC), an

organization within *Be-he-ren* supported those soldiers. This activity was done by many nameless Japanese residents responding to requests of JATEC (Oda).

Desertion is one form of conscientious objection, when there are no legally possible measures that a conscientious objector can take. For the State, desertion is unacceptable, in that it breaks obligation in a very clear way.

#### 4.2. *New Phase after the End of the Cold War*

In 1991, the Japanese government had paid the largest contribution for the Gulf War, but it was the least appreciated. So some people urged for a military contribution in case of an international conflict. But there is still relatively strong opposition to sending Self Defense Force's troops out of Japan.

In 1999, as a humanitarian intervention, NATO carried out air strike against Serbs in Kosovo. Because Germany had taken part in this action as a member of NATO, Makoto Oda, one of the founders of *Be-he-ren*, insists that Japan should act in the world as a conscientious objector. He suggests that Japan is now the only country which recognizes that any kind of war is wrong. Other countries support the concept of "just wars." (Asahi Shinbun, 10th of August 1999)

The new Japan-US defense cooperation related law was enacted in August 1999. According to this law, people would be asked to cooperate with military action in case of emergency around Japan in collaboration with US troops. This law has no provision for any form of conscientious objection. Though concrete details are still unknown, transportation industry and hospitals, for example, could be expected to be mobilized.

We can see a small civil movement against this law. While some groups collect signatures to declare his/her will not to cooperate with any warfare, others distribute cards of expression. This card, taken from a donor card for organ transplants, stipulates, "War can never protect or make peace. I will not cooperate with any act of war. " This activity does not aim to mediate between the State and the individual, but to give people a means to express their opinion on the law or on war.

### Conclusion

In Europe, incorporating conscientious objectors into the State system has been

developed since World War II, especially in the late 1970s and 80s. The right to conscientious objection for a citizen is guaranteed in Europe. Even an active soldier can assert this right.

In Germany, many organizations have worked for institutionalizing of conscientious objection. They provide information not only for potential draftees, but whole society, including the State. They request the State to take adequate measures to protect the right to conscientious objection. As those organizations have information and places for civilian alternative services, the State respects the activities.

In contrast, conscientious objection has never been paid attention to in Japan, due to the lack of conscription. Therefore, there is no provision on conscientious objection in general or for soldiers in SDF. There are no organizations to mediate between the State and citizens, to give information for people or to support the people's right to conscientious objection. Unlike citizens in Europe, Japanese people have to face the State directly in case of emergency. And we do not know what will happen when we refuse to cooperate.

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