

## CONVERSATION ON CONSCIENTIOUS OBJECTION

### **What is conscientious objection to military service?**

"Conscientious" in English is the clumsy adjective linked to "conscience". "Conscientious objection to military service" thus means the inability for reasons of conscience to accept such service. Throughout history there have been individuals and groups who have felt that to participate in war, to go armed and ready to take human life, run counter to their most fundamental beliefs, their innermost convictions of the nature of right and wrong. Whether they knew it or not, such people have been actual or potential conscientious objectors.

Not all refusal to serve in the military is conscientious objection. A desire to be fighting on the opposite side would not generally be seen as a matter of conscience. A distrust of the wisdom, motivation or competence of those directing the war or commanding the troops, a dislike of militarism, a rebellion against authority, may each be perfectly logical and valid, but in themselves they do not constitute a conscientious objection. Nor does a desire to avoid the horrors of the battlefield, the risk of death or injury, and the consequences.

That said, it must be stressed that conscientious objection exists independently of whether the state or other entity imposing military service or its equivalent is prepared to recognise conscientious objectors and excuse them from their military obligations. Nor does someone whom the authorities do not so recognise cease to be a conscientious objector.

### **Is conscientious objection a human right?**

During the last half century it has been recognised by the United Nations, the European Court of Human Rights and other European institutions and many other legal authorities world-wide, (including notably in recent years the Constitutional Courts of Colombia and the Republic of Korea) that a right of conscientious objection to military service is covered by the freedom of thought, conscience, and religion which is guaranteed under the Universal Declaration of Human Rights and other international instruments. This freedom does not mean that by invoking one's conscience one is released from any legal obligation with which one disagrees.

It should be noted that the freedom of conscience is clearly distinguished from the freedom of religion. Conscientious objections often derive from religious beliefs, but they may equally well derive from moral or ethical considerations with no religious elements; a secular pacifism, for instance.

### **What forms can conscientious objection to military service take?**

Over the years, some conscientious objectors have been satisfied to be excused personally from handling, carrying or using lethal weapons, or ammunition. Others have felt that any involvement in the "war effort" or, during periods when no declared hostilities are taking place, the "military machine" is indirectly contributing towards the ends to which they object. Even such a life-asserting role as a stretcher-bearer on a battlefield, it is argued, helps to free others to take an active part in hostilities. Some objectors feel that even performing a strictly non-military alternative service contributes in this way to a social order geared towards war.

Conscientious objection can arise where someone is performing military service, even having initially joined voluntarily. In particular it is not inconceivable that exposure to the realities of war might lead to objections which had not hitherto been thought of.

There are also actions which civilians may take which it can be argued are a form of conscientious objection to military service. Obvious examples are refusal to pay taxes towards military expenditure, or for unemployed persons to refuse jobs offered in munitions factories.

### **How can you tell whether a conscientious objection is genuine? To be a conscientious objector do you have to espouse absolute pacifism and non-violence in all circumstances?**

The simple answer is you can't! No human being can see into another's soul.

Until early in the 20<sup>th</sup> Century, the term “conscientious objection” was hardly, if ever used. But there are numerous instances, from Russia under Catherine the Great to America during the War of Independence and the Civil War, where exemption from military service was given to members of religious denominations which had a known pacifist stance.

Once states recognised conscientious objection, they usually have gone through a phase of wishing to examine the motives of the individual objector. Faced with this impossible task, they have tended to fall back on surrogate measures – full membership of a church of a particular denomination, for example, or never having held a firearms licence.

In more and more countries, however, the best practice has been adopted of simply accepting a declaration of conscientious objection except in the very rare situation where it is blatantly untruthful.

Another question is whether someone who simply evades military service rather than declaring a conscientious objection to the recruiting authorities can be considered genuine. This is a question which most often comes up where refugees from armed conflict seek asylum as conscientious objectors. A crucial question is whether there was any, or any reasonable chance of being recognised and exempted through official channels. An Eritrean refugee fleeing its draconian military service may well in practice be a conscientious objector, even without having never heard of the concept.

There is no reason why objection to specific kinds of military service may not be motivated by conscience. Some do not have an objection to going prepared to defend the national territory but cannot square their consciences with any aggressive military actions outside the national border. This can be compounded by specific aspects of the service they may be obliged to perform, for instance many young people in Israel object to taking part in an army of occupation in the Palestinian territories. Others may be reluctant to attack “their own” people as part of a military force representing another group – Kurds in Turkey, fellow-Muslims in Iraq, in the case of the also British invading force. Conscientious objectors have been recognised on the basis of their opposition to service in a force which may depend on the use of nuclear weapons.

A particularly thorny discussion concerns objectors who disapprove of a particular military action and wish no part in it. If the chain of command is not prepared quietly to ensure that no conflict of conscience takes place, it is very unlikely that the person concerned will be recognised as a conscientious objector by the authorities concerned. The objection will be labelled “political” and indeed the “politicisation” of the armed forces implied by a free choice of which assignments to accept is worrying in principle. Such objections may be considered legitimate if based on a fear that involvement in the specific action concerned carries a real danger of complicity in war crimes or crimes against humanity, but a serving soldier is never going to argue this successfully before the military hierarchy. It is an argument which can be put only to an outside tribunal. There have been instances in refugee cases where such arguments have been successful, but the burden of proof is high. A special situation applies to the case where the action in question has been condemned by the international community, an argument which was used successfully in the case of some deserters from the Yugoslav war.

### **Do conscientious objectors just “have it easy” at the expense of those who are prepared to do their military duty?**

Conscientious objection has never been the easiest way to get out of military service. To this day, more who wish to escape service do so by contriving medical exemptions than by declaring themselves conscientious objectors – and of course those who are released on medical grounds are freed from all obligations.

The process of applying for recognition as a conscientious objector has often been one which has involved facing hostile examination. By refusing military service they can lay themselves open to the threat of imprisonment, often under harsh conditions. Even if accepted, conscientious objectors are still too often, despite the developing international standards, assigned to alternative service of a longer duration than the military service they would have otherwise faced, more poorly paid, and sometimes with more unfavourable conditions in other respects.

Nor are conscientious objectors, cowards. Take the case of Desmond Doss, and Adventist objector who was happy to join the military in a medical rather than a fighting capacity. Having single-handedly rescued over 70 wounded comrades under heavy fire in the Pacific campaign, he received the United States’ highest award for valour. In the UK during the second world war, some conscientious objectors volunteered for bomb disposal duties; in Minnesota USA, a group of conscientious objectors agreed to be starved to help medical research into how malnourished populations could best be succoured after the war.

**Can women be conscientious objectors?**

Yes, of course, to the extent which they are touched by the issues concerned. In some countries, notably Israel and Eritrea, women have the same military service obligations as men. Israeli women of 18 or 19 are frequently given repeated sentences in jail. Many other countries admit women to their armed forces and they are just as liable to develop objections, whether specific or general, as their male colleagues. And of course, the forms of objection which may involve civilians are applicable equally to men and women.

**Do conscientious objectors have a right to alternative service?**

Alternative service is not a right. It is an obligation which States are by convention permitted to place on conscientious objectors whom they excuse from military service. Nor is it a requirement. There have at all times been situations where alternative service has not been required of conscientious objectors. If it is imposed, it must be compatible with the reasons for the objection, which usually means of an exclusively civilian nature and under civilian control. In no circumstances, under the international standards endorsed by the UN (not yet universally applied in practice), may its conditions be in any way discriminatory or punitive as compared with those of the military service it replaces. Under no circumstances is it legitimate for the authorities to seek to measure the "genuineness" of a conscientious objection by the objector's willingness to accept hardship.

**What are the prospects for conscientious objectors in the world today?**

The first significant provisions to exempt conscientious objectors from military service took effect in 1916, when the United Kingdom for the first time introduced conscription into a national military service. Other countries followed during the latter years of the First World War and the "interwar years". But all this preceded the recognition of conscientious objection as a human right.

It is actively respected in practice in more than sixty countries world-wide. And as of today, Azerbaijan and South Korea, both among the countries with the worst record on the issue in recent years, are currently drafting legislation.

In most of the countries with no provision the issue has never arisen because they have no armed forces, because all military service is voluntary, or because no conscientious objectors have chosen – or sometimes dared - to come forward. In only perhaps half a dozen countries (Singapore, Eritrea, Turkey, Turkmenistan, Kyrgyzstan, Egypt) have there been declared conscientious objectors who risk imprisonment because there is absolutely no recognition of the right either in law or practice.

**What positive contribution do conscientious objectors make to society?**

Many of us would claim that their most positive contribution is, individually and collectively, to do their bit raise questions about an international order based on the threat of military force and to point towards a better way.

They contribute to society in other ways which may be appreciated even by those who do not share this vision, particularly through the alternative service assignments which they perform. Many countries have relied heavily on conscientious objectors performing their alternative service for unpopular tasks in hospitals, old people's homes and mental health establishments for which many countries have relied heavily on.

Elsewhere, notably in Italy, an altruistic tradition of voluntary service has persisted since the suspension of military conscription rendered obsolete the alternative service for conscientious objectors on which it was originally based.