

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW,  
AND INTERNATIONAL STUDIES

**Master's degree in  
Human Rights and Multi-level Governance**



THE HUMAN RIGHT TO CONSCIENTIOUS OBJECTION TO  
MILITARY SERVICE. A CASE STUDY ON GREECE.

*Supervisor:* Prof. Pietro De Perini

*Candidate:* Giulia Beato

Matriculation No. 1238586

A.Y. 2021/202

## **List of abbreviations**

AGCO Association of Greek Conscientious Objectors

AVF All-volunteer based armed forces

CDU Christian Democratic Union

CEVIPOF Sciences Po Political Research Centre

CSDP Common Security and Defence Policy

CSW United Nations' Commission on the Status of Women

DR Die Rekruten

EBCO European Bureau for Conscientious Objection

ECHR European Convention on Human Rights

EU European Union

GNCHR Greek National Commission for Human Rights

HRC Human Rights Committee

IAW International Alliance of Women

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

IDF Israeli Defence Forces

INF Intermediate-range Nuclear Forces Treaty

LOC League of Conscientious Objectors

NATO North Atlantic Treaty Organization

NGO Non-Governmental Organization

NKF Norwegian Association for Women's Rights

OSCE Organization for Security and Co-operation in Europe

SMV Service Militaire Volontaire

SNU Service National Universel

UDHR Universal Declaration of Human Rights

UK United Kingdom

UN United Nations

US United States

WRI War Resisters' International

## Table of contents

<b>Introduction .....</b>	<b>4</b>
<b>Chapter I - Conscription in the European framework.....</b>	<b>8</b>
1. Introduction to the chapter.....	8
2. An overview on conscription.....	9
2.1 Current state of affairs .....	12
2.2 The decline of the Mass Army Theory and the changing face of conscription in Europe. Literature overview. ....	17
3. Military conscription in Europe: new relevance.....	23
3.1 The case study of France .....	27
3.2 The case study of Germany.....	30
3.3 The case study of Italy.....	34
3.4 An overview on the "Scandinavian model".....	39
4. Conclusion to the chapter.....	48
<b>Chapter II - The socio-political dimension of conscription.....</b>	<b>51</b>
1. Introduction to the chapter.....	51
2. The role of military conscription in the process of citizen creation.....	53
2.1 Hegemonic theorisations of citizenship: the spread of a normative soldier concept as instrumental in maintaining inequalities .....	55
2.2 Conscientious objection as an alternative performance of citizenship ....	61
3. Conscientious objection as a critique to patriarchy, sexism and normative gender roles. A feminist approach.....	64
3.1 Women conscientious objectors: a political innovation .....	67
3.2 Female mandatory conscription: a misconceived equality .....	71
4. Conscription and democracy: a contradictory relationship .....	77
5. Conclusion to the chapter.....	81
<b>Chapter III - Conscientious objection in the framework of the International Human Rights Law .....</b>	<b>85</b>
1. Introduction to the chapter.....	85
2. Overview of the concept of conscientious objection: definition and historical background.....	86

2.1 Different forms of conscientious objection .....	90
3. The recognition of the right to conscientious objection .....	96
3.1 UN standards on conscientious objection .....	102
3.2 European standards.....	108
4. The relevance of conscientious objectors' movements from Ukraine and Russia in today's European context .....	112
5. Conclusion to the chapter.....	114
<b>Chapter IV - Compulsory military service and conscientious objection: the case study of Greece .....</b>	<b>117</b>
1. Introduction to the chapter.....	117
2. History on conscription in Greece and objection to it.....	119
2.1 State law and practice: remaining challenges.....	124
2.2 The case of total objectors.....	132
3. An overview on conscientious objection and draft resistance in Israel .....	139
4. Conclusion to the chapter.....	145
<b>Conclusion.....</b>	<b>148</b>
<b>Bibliography .....</b>	<b>151</b>
<b>Acknowledgements.....</b>	<b>171</b>

## Introduction

Despite the fact that military service is no longer compulsory in most European countries, it remains a contentious issue that can spark heated internal debates within states, particularly between those who argue that military service still plays an important role in the education of young citizens and inspires values associated with national identity by teaching discipline and obedience, and those who criticise the compulsory nature of military service, along with its violent, exclusive and discriminatory character. While this issue has resurfaced in countries considering restoring conscription, there has not been as much discussion about the role of conscientious objection, and even on a practical level, the protection of conscientious objectors is not considered a priority. This issue exists both in countries that are considering reintroducing military service and in countries that have already reinstated it or have never abolished it; currently, 8 out of 27 EU countries, namely Austria, Cyprus, Denmark, Estonia, Finland, Greece, Lithuania, and Sweden, use conscription methods.

My research begins with an observation: in countries with mandatory military service, people who identify as conscientious objectors frequently face discrimination, psychological violence, and marginalisation, both from institutions and from society, and instead of being protected are rather stigmatised for their choice. This is notably evidenced in Greece, which is presented as a case study to demonstrate how a democratic government may obstruct the effective enjoyment of its citizens' rights while having recognised the instruments of international law that safeguard it.

The research aims to investigate the relevance of military service today in order to determine what role it plays in perpetuating inequalities; it also attempts to determine why there is no explicit and autonomous right to conscientious objection in the international human rights law, which frames it within the principle of freedom of thought, conscience, and religion, in order to understand

why states have never codified it, and what its clear recognition would imply in practice for conscientious objectors.

This thesis argues that the logic of power that underpins today's militarist narratives, such as the citizen-soldier model or the educational nature of military service, can explain why, throughout history, the concept of conscientious objection has always been viewed as a weakness, and a failure on the part of the citizen to fulfil his obligations to the state, and has thus been consistently hampered even at the legislative level.

The work follows a structure divided into four chapters, the first of which serves as a framework for the analysis, providing an overview of the implementation of conscription methods in Europe and an analysis of the reasons why some countries have retained or recently reintroduced it, notably after Russia's annexation of Crimea, in Eastern Ukraine in 2014. Drawing on an extensive body of literature, the chapter retraces the historical steps that led to the abandonment of the mass army model in Europe, and to the establishment of more efficient and specialised voluntary armed forces, according to the states' specific needs and objectives. In its last section, the chapter delves deeper into some of the countries where the debate over military service has recently resurfaced, which also have implemented pilot projects, either in schools, as in Latvia, or through a structured military or civil service programme, as France did in 2019 and Germany in 2021.

The second chapter examines the socio-political significance of military service, which is still a relevant institution for the construction and expression of citizenship, by exposing the ambiguities inherent in the concept of compulsory military service, the discrimination it implies, and the racist, classist and sexist narratives it entails, legitimising inequalities and perpetuating social and gender hierarchies. Conscientious objection is presented in this framework as an alternative to the conventional approach to identity and the normative concept of citizenship, proposing a more inclusive idea of masculinity that delegitimises the use of violence and disrupts patriarchal narratives. This conceptualisation was made possible by the contribution of feminist studies and the activism of

feminist anti-militarist movements for conscientious objection, which also debate whether or not the inclusion of women in military service is a step toward gender equality.

The third chapter examines how the concept of conscience has evolved from a religious to a political dimension as a process that has coincided with the codification of the right to conscientious objection in international human rights law; the analysis traces the historical barriers that this process has encountered, both within the United Nations system and the European institutions. Furthermore, the international and European criteria governing the right to conscientious objection are examined, beginning with the ratification of the Universal Declaration of Human Rights and, later, the International Covenant on Civil and Political Rights, as well as the framing of this right within the broader right to peace, in order to explain why a consensus has not yet been reached. The final section of the chapter looks at the implications and limitations of effective legal recognition of the right to conscientious objection, as well as what nations would have to give up in order for this right to prevail over their power to wage war.

The last chapter closes the research with a specific focus on the Greek case, as it represents a unique case in the European context, being the last European country to have recognised the right to conscientious objection in its domestic legislation, among the few countries that still impose military conscription on young male citizens. The analysis highlights the most critical aspects concerning the recognition of conscientious objection in this country, and the violations repeatedly exposed by international bodies such as the European Court of Human Rights and the UN Human Rights Committee, but also Amnesty International and the European Bureau for Conscientious Objection, among others. Finally, the chapter gives voice to the conscientious objectors' movement and in particular to the demands of total objectors, who are accused of insubordination for refusing both military and alternative service, and who claim respect for their fundamental civil rights. Using the findings of an online survey to gather the experiences and opinions of young Greek people on military and civil service, as well as the choice of conscientious objection, was

critical for my research in this field; equally crucial was the interview with a total objector from Athens, a signatory of a statement made with other objectors as a cry of hope against state oppression and persecution and a strong stand against war and militarism.



## **Chapter I - Conscription in the European framework**

### **1. Introduction to the chapter**

When referring to conscription or draft, we address the compulsory enrollment of people in a country's military service, typically requiring young men between the age of 18 and 25 to enlist at a crucial stage in their lives, when they are asked to choose between furthering their education and entering the labour market. Conscription is viewed as a controversial subject for a variety of reasons: those in favour of conscription methods advocate for the military's role in the education of young citizens, through discipline and obedience, as well as providing a first work experience while fostering the importance of national values and contributing to nation building; on the other side, those who oppose to conscription critic the effects of mandatory military service on educational and career advancement among youth, and point at it as a tool that only creates inequality between people, while also affecting the efficiency of the military itself and even violating individual rights and freedoms.

With this chapter, I attempt to provide an overview of the meaning of conscription in the European context, since the debate on its usefulness has been reignited in some countries, especially following the Russian invasion of Crimea, whereas the debate on conscientious objection still has no place in the institutional arena.

The chapter therefore begins with a brief analysis of the history of the universal mandatory conscription system, dating back to the aftermath of the French Revolution, up to the present professionalisation of national armies. In this first part I research the current distribution of conscription methods in Europe, where the different states that maintain conscription can be divided into groups with respect to the reasons they give for their choice: more precisely, there are countries that see their neighbours as potentially dangerous, others that justify keeping their conscription systems in place by virtue of their military neutrality, having the need for self-sufficient militaries, and the Nordic countries,

which have managed to maintain a form of conscription in place more or less continuously over time.

Many nations began to build their armed forces according to their specific needs and goals, especially in the changing political and socio-economic framework of the post-Cold War era, by suspending or abolishing obligatory military service and favouring all-volunteer armed forces: I therefore attempt to trace the stages that led to the fall of the mass army in Europe and to the model of compulsory conscription being abandoned.

The second part of the chapter focuses on the new relevance of conscription at the European level, by researching the draft in those European countries that still enact it, and reviewing the reasons why other countries are willing to reintroduce it, so as to present the current debate on conscription, with an analysis of the main arguments for and against.

In the final section of the chapter, I provide a more detailed analysis, including a comparison of specific case studies addressing the various scenarios in France, Germany, and Italy, the countries where the debate has been most heated in recent years, to conclude with the Scandinavian model.

## **2. An overview on conscription**

Historically, the origins of conscription date back to ancient Mesopotamia, where Babylonian kingdoms, on the basis of the Hammurabi Code, employed a conscription system in which land owners should enlist in virtue of their status; a similar system was used in feudal Europe during the Middle Ages. In the course of the 17th and 18th centuries other forms of conscription were introduced by Russia, Prussia, Switzerland and other European countries, but the first example of universal draft, enlisting all young men regardless of their social class, was instituted after the French Revolution: in response to the European powers' attempt to restore monarchy, the French government decreed a *leveé en masse* enlisting all unmarried, able-bodied young men between the age of

18 and 25.<sup>1</sup> After its origins in Napoleonic France, many countries in Europe and North America have followed the French example during the 19th and 20th centuries, requiring a universal conscription system for their national armies; some studies associate mass armies to the development of industrialised societies, in the framework of the technological and sociocultural changes they brought with them.<sup>2</sup> With time, the military draft was increasingly associated with the creation of nation-State and with the concept of citizenship, national sovereignty and social participation, therefore armies became increasingly important for nation-State building and conscription became a central tool for shaping national identities in the early modern period.<sup>3</sup> During the 19th century, conscription systems were used throughout Europe and in Russia, while in the United States conscription was effectively adopted with World War I, then abandoned and reintroduced with World War II. After World War II many countries re-established conscription on a volunteer basis, such as the United States, Japan, Britain and Canada, or on a selective basis, as China and Germany for instance; finally, with the end of the Cold War, the use of new technologies and better weapon systems led to the professionalisation of national armies in most countries worldwide,<sup>4</sup> as I will explain in more detail further in this chapter.

Nowadays conscription takes many forms around the world, specifically, according to War Resisters' International, a global pacifist and antimilitarist network with over 90 affiliated groups in 40 countries, it is possible to identify five main types of conscription:<sup>5</sup> classical conscription systems, based on universal conscription of male citizens, providing for exemption only in a few circumstances; this system can be found in Austria, Greece, Turkey and South Korea, among others; nowadays, women are part of the universal military

---

<sup>1</sup> See *The Draft*, History.com editors, at <https://www.history.com/topics/us-government/conscription#:~:text=Conscription%20is%20the%20mandatory%20enlistment,French%20Revolution%20in%20the%201790s>. Accessed November 2021.

<sup>2</sup> Simon, Rita J. and Abdel-Moneim, Mohamed Alaa, *A Handbook of Military Conscription and Composition of the World Over*, Lexington Books, 2011, pp. 5-23.

<sup>3</sup> *Ibidem*.

<sup>4</sup> See "Conscription", *Encyclopedia Britannica*, 5 Mar. 2020, <https://www.britannica.com/topic/conscription>, accessed November 2021.

<sup>5</sup> See War Resisters International, General panorama of conscientious objection in the world, <https://wri-irg.org/en/news/2006/bogota06-worldco-en.htm>, accessed November 2021.

scheme in six countries, namely Israel, Eritrea, Mali, Morocco, Tunisia and North Korea. Secondly, in countries like Denmark, Mexico and Chile there is a selective conscription system which is very similar to the universal one, but it can be easier to avoid enlistment. In selective systems the military chooses whom to draft based on their personnel needs; currently, five countries have selective systems that encompass men and women, namely Benin, Cape Verde, Mozambique, Norway and Sweden. The '*Dedovchina*' systems are based on universal conscription but characterised by high levels of corruption and abuse of young conscripts by the older ones; this system is especially widespread in the former Soviet Union's countries.<sup>6</sup> Some other countries, which are in a situation of armed conflict, might use forced recruitment, based on conscription or not, such as Angola, Eritrea, Colombia or Democratic Republic of Congo; in these countries conscientious objection is mostly not provided, both legally and in practice. Finally, in countries with professional militaries, such as Britain, United States, Argentina and much of western Europe, there is no conscription system and soldiers join the military on a voluntary basis. Moreover, some countries present a *de jure* compulsory service, which is provided by law but it is rarely enforced, as in the case of the United States, which requires all able-bodied men between the age of 18 and 25 to register with the Selective Service in order to be drafted if needed, but in practice the system relies on the many voluntary recruits since the end of the Vietnam War; in a similar manner, China's military system requires a compulsory service, but an actual draft has never taken place because of the high numbers of volunteers.<sup>7</sup>

The line between these categories can be blurry, since countries might present a combination of multiple systems, and at the same time there can be some differences between what is required by law and what is actually enacted: this happens in Norway for instance, where the universal conscription system would require to enlist every young person until the age of 44 for one year of

---

<sup>6</sup> Ibidem. The term *dedovchina* in fact refers to the informal practice of hazing and abuse of young conscripts in the former Soviet and now Russian armed forces.

<sup>7</sup> World Population Review, *Countries with mandatory military service 2021*, <https://worldpopulationreview.com/country-rankings/countries-with-mandatory-military-service>, accessed November 2021.

service in the armed forces, but in practice no one is obliged to serve against their will;<sup>8</sup> on the contrary, some other countries might not have any conscription law but in practice recruitment is heavily incentivized, as in Venezuela for instance, where people who can not prove they have served in the military are denied to attend university or get a driver's licence. On the whole, according to the Pew Research Center,<sup>9</sup> 60 countries are currently drafting people into their militaries, fewer than a third of the world's countries; 23 countries have conscription laws but they are not actively drafting anyone; 85 countries have no laws in place authorising a conscription system and 23 countries do not have any regular military.

## 2.1 Current state of affairs

As already said, the end of the Cold War was the most important element for conscription reform in Europe, by making it unnecessary during peaceful times; indeed most European Union countries today have abandoned or abolished conscription, and where it is still in place, it also includes an alternative in the form of a civilian service, an option that is only available when a country respects the right to conscientious objection of its citizens, who can refuse to take part to the military service for specific reasons.

Nowadays, 8 countries out of 27 EU members still implement some form of conscription, these are Austria, Cyprus, Denmark, Estonia, Finland, Greece, Lithuania and Sweden.

On a broader European level, according to the study conducted by Rongé and Abrate,<sup>10</sup> it is possible to divide states into three groups on the basis of their national trends in the usage of conscription: a first set of countries continue to enlist conscripts because they see their neighbours as potentially dangerous;

---

<sup>8</sup> Pew Research Center, *Fewer than a third of countries currently have a military draft; most exclude women*, by Drew Desilver, April 23 2019. Available at <https://www.pewresearch.org/fact-tank/2019/04/23/fewer-than-a-third-of-countries-currently-have-a-military-draft-most-exclude-women/>, accessed November 2021.

<sup>9</sup> *Ibidem*.

<sup>10</sup> Rongé, Joeri and Abrate, Giulia, *Conscription in the European Union Armed Forces: National Trends, Benefits and EU Modernised Service*, European Army Interoperability Centre, Finabel, July 2019.

namely, Estonia, Lithuania, Finland and Sweden are adopting conscription methods because they perceive Russia as a threat, especially since the turmoils in Ukraine in 2014 with the annexation of Crimea by Russia in the context of the Donbass war. Importantly, both Lithuania and Sweden reintroduced the draft respectively in 2015 and 2017, after having it suspended during peacetime; Ukraine also reintroduced conscription in 2014. In the same group, countries like Greece and Cyprus maintain their compulsory military service, in a preventive defensive way against any Turkish potential attack; in addition, Greece and Cyprus' military drafts are among those that last longer, respectively requiring between 9-15 months and 24 months in the army.

Another issue often used to legitimate conscription is neutrality: Austria, Sweden, Finland, and Ireland are EU countries without being part of NATO, and do not belong to any military alliance; therefore these countries, excluding Ireland that never had conscription, and including Switzerland despite not being part of the EU, they justify the fact of keeping conscription systems in place in virtue of their military neutrality, having the need to dispose of self-sufficient militaries without relying on immediate outside help.

A third and final group, also called "the Nordic group", includes the Northern countries such as Denmark, Sweden, Finland once again, and Norway, which is not part of the EU but it is worth mentioning because it never abolished conscription and since 2013 it applies also to women. Finland and Denmark never abolished conscription too, while Sweden, as already mentioned, suspended it after the Cold War to then reintroduce it in 2017. The research points out that 98% of Denmark's military needs are met by volunteers and only 2% is covered by conscripts, however the Danish Ministry of Defence planned an increase in the number of people called through conscription for the 2018-2023 period.<sup>11</sup>

General overview of European states and their orientation towards conscription is presented in the table below.

---

<sup>11</sup> *Ibidem*, p. 8.

<b>Country (NATO/EU membership)</b>	<b>Type of military (Conscription ended in)</b>	<b>Notes</b>
Albania (NATO)	AVF <sup>12</sup>	
Austria (EU)	Conscription	Re-confirmed during the 2013 referendum: 6 months of military service, or 9 months of civil service for conscientious objectors. Males obliged.
Belgium (NATO and EU)	AVF (1992)	Conscription is only possible in wartime.
Bosnia-Herzegovina	AVF	
Bulgaria (NATO and EU)	AVF (2008)	
Croatia (NATO and EU)	AVF	Conscription was suspended in 2008. 8 weeks for voluntary military service.
Cyprus (EU)	Conscription	Compulsory military service for 14-24 months. Males obliged.
Czech Republic (NATO and EU)	AVF (2004)	Conscription can be reintroduced in situations of threat or wartime.
Denmark (NATO and EU)	Conscription	Mostly voluntary-based system, military and civil service for 4-12 months. Males obliged, women can volunteer.
Estonia (NATO and EU)	Conscription	Military service for 8-11 months. Males obliged, women can volunteer.
Finland (EU)	Conscription	Military (6-12 months) and

<sup>12</sup> All-volunteer based armed forces.

		civil (12 months) service. Males obliged, women can volunteer.
France (NATO and EU)	AVF (1996)	Reinstating of civilian service planned for 2021-2026.
Germany (NATO and EU)	AVF (2011)	Ongoing discussions about reinstating.
Greece (NATO and EU)	Conscription	Military (9-12 months) or civilian (15 months) service, males obliged.
Hungary (NATO and EU)	AVF (2004)	
Iceland (NATO)	AVF	Only coastguard service of approx. 250 members.
Ireland (NATO)	AVF	Conscription never existed in Ireland.
Italy (NATO and EU)	AVF (2005)	Suspended in peacetimes.
Latvia (NATO and EU)	AVF (2007)	Educational "Total Defence" project ongoing since 2017.
Lithuania (NATO and EU)	Conscription	Reinstated in 2015, military service (9 months) for males.
Luxembourg (NATO and EU)	AVF (1967)	
Malta (EU)	AVF	Conscription never existed in Malta.
Montenegro (NATO)	AVF	
North Macedonia (NATO)	AVF	
Netherlands (NATO and EU)	AVF (1996)	Suspended in



EU)		peacetimes.
Norway (NATO)	Conscription	Military (up to 19 months) and civil service. Men and women (since 2015) are eligible.
Poland (NATO and EU)	AVF (2009)	
Portugal (NATO and EU)	AVF (2004)	
Romania (NATO and EU)	AVF (2007)	Suspended in peacetimes.
Serbia	Conscription	Voluntary-based military service (6 months).
Slovakia (NATO and EU)	AVF (2006)	
Slovenia (NATO and EU)	AVF (2003)	
Spain (NATO and EU)	AVF (2002)	
Sweden (EU)	Conscription	Reintroduced in 2017, military service (9-12 months), men and women obliged.
Switzerland	Conscription	Militia-based armed forces. <sup>13</sup>
Turkey (NATO)	Conscription	Military service (up to 12 months). Males obliged.
Ukraine	Conscription	Conscription ended in 2013 and was reintroduced in 2014.
United Kingdom (NATO)	AVF (1960)	

**Table 1:** List of European countries and type of military they have been using (as of July 2019).<sup>14</sup>

<sup>13</sup> A militia is an army of non-professional soldiers.

## 2.2 The decline of the Mass Army Theory and the changing face of conscription in Europe. Literature overview.

As mentioned before, it is precisely with the end of the Cold War that the classical conscription model starts being replaced, in some European countries, by the all-volunteer forces, or AVF: conscription was no longer seen as an appropriate model of how to manage armed forces, therefore many countries started structuring their militaries according to their specific needs and purposes, in the new political and socio-economic frameworks in the context of the post-Cold War era. As observed by Cindy Williams, since the Cold War ended there has been a shift in many of NATO's member States' military models, by suspending or abolishing compulsory military service and favouring all-volunteer armed forces.<sup>15</sup> Her article from 2005 is an overview of the phasing out process of conscription in Europe, in a comparison with the United States, where a similar process took place between the 1960s and 1970s. Williams presents some relevant perspectives on the "transition issues" associated with the shift to the AVF system, such as practical concerns with military reduction, economic competition in the labour market, and difficulties attracting suitable recruits. At the same time, the author argues presents a list of the main reasons why the draft was removed in the European context, after the end of the Cold War, including a shift in military activities, a reduction in the size of the armed forces, and a decrease in the number of conscripts required. Interestingly, in contrast to the United States, Williams also highlights the lack of economic arguments in the European discussion over conscription abolishment.<sup>16</sup>

Taking a step back, the first studies related to the evolution of military conscription started emerging in the second half of the twentieth century, therefore the following paragraphs will look at a selection of conscription-related

---

<sup>14</sup> *Supra* note 10. See also "The Military Balance 2020, International Institute for Strategy Studies".

<sup>15</sup> Williams, Cindy, *From conscripts to volunteers, NATO's Transitions to All-Volunteer Forces*, Naval War College Review, Vol. 58, No. 1, 2005, pp. 35-62.

<sup>16</sup> *Ibidem*, p. 38.

literature that has been published in the last decades and is rather relevant to the subject of this chapter.

On a broader level, the weakening of the concept of mass army in Western Europe has been studied in the academic world since the 1970s when, according to Haltiner, the decline of the mass army theory was an integral part of military sociology,<sup>17</sup> with Morris Janowitz's "The Decline of the Mass Army" (1972), Gwyn Harries-Jenkins' "From Conscription to Volunteer Armies" (1973), and Jacques van Doorn's "The Decline of the Mass Army in the West" (1975), among others, who were searching the reasons behind the demise of the conscript military model. The theory was essentially stating that "*the enormous economic productivity and the high living standards in industrialised modern societies are based on a continuously increasing degree of functional division of labour and professional specialisation. The driving forces of this process are technological progress and market penetration into all spheres of life and society, which imply an increasing degree of individualization and normative pluralization as well as the decreasing importance of traditional values and an erosion of the norm of compulsory military service*".<sup>18</sup> Building on this theory, in his article from 1998, Haltiner claims that the individual nation has lost its significance as a point of reference for a collective identity as a result of globalisation, and that the development of military systems technically, economically, and sociopolitically follows a similar pattern.<sup>19</sup> He asserts that the transition from conscription to all-volunteer armies reflects societal and economic changes, also claiming that as military systems become more complicated and need greater levels of expertise, the military's organisation changes as well. Therefore, according to the author, the mass army has lost its legitimation to make room for smaller, more efficient and specialised military organisations, successfully predicting the future development of conscription in Europe: according to his results, the end of the Cold War and countries' membership in NATO would have been the most compelling grounds to

---

<sup>17</sup> Haltiner, Karl W., *The Definite End of the Mass Army in Western Europe?*, *Armed Forces & Society*, Vol. 25, No. 1, 1998, p. 7.

<sup>18</sup> Burk J., *The decline of mass armed forces and compulsory military service*, 1992, p. 47.

<sup>19</sup> *Supra* note 16, Karl W. Haltiner, p. 8.

eliminate conscription; in this framework, states outside of NATO's framework and those dealing with any type of territorial dispute, on the other hand, would have been different, with conscription as a part of their military system.<sup>20</sup>

Many researchers and experts supported this argument in the 1990s, as the conscript military paradigm began to be phased out on a far greater scale: Christofer Jehn and Zachary Selden for instance, continue the earlier discussion on the matter but argue that while attitudes about conscription in Europe may show similar tendencies in general, the underlying reasons for phasing it out are to be pointed at each country's political system and to its place in the international environment.<sup>21</sup> The broad patterns leading to all-volunteer forces are mainly identified in the collapse of the Warsaw pact and of the Soviet Union, after which several Western European political leaders claimed that maintaining massive national armies for territorial defence was no longer necessary, also providing economic motivations, since the draft's basic budgetary logic allows the government to keep an armed force at a lesser cost by moving some of the defence costs to conscripts.<sup>22</sup> The authors mention as well domestic political factors favouring the transition to AVFs, mainly related to political and security issues; they came to the conclusion that although the trend was the decay of military conscription in Europe and the construction of an all-volunteer force, conscription is unlikely to be eliminated, especially in countries that were actively seeking to build effective armed forces, such as Central and Eastern European countries, and in those nations that were outside the Cold War alliance framework and, as a result, developed the potential to mobilise a large proportion of the male population in case of war.<sup>23</sup> Moreover, in their article, Jehn and Selden found out that all of the Scandinavian countries were planning, unlike other European countries, to retain conscription: this issue has also been addressed by H. Sorensen, with his essay from 2000, who focused on conscription in Denmark, Sweden and Norway. Sorensen's article attempted to examine previous conscription development using a variety of socio-

---

<sup>20</sup> *Ibidem*, p. 33.

<sup>21</sup> Jehn, Christopher and Selden, Zachary, *The end of conscription in Europe?*, 2002, pp. 93-100.

<sup>22</sup> *Ibidem*, p. 95.

<sup>23</sup> *Ibidem*, p. 93.

economic markers, such as demography, economy, organisation, and personnel, and to anticipate future development in corresponding countries.<sup>24</sup> His conclusions were that, according to the data, the use of conscription service was gradually declining even in this specific region, while progressively shifting “*from a societal obligation to an individual option*”,<sup>25</sup> however, the reasons vary from country to country; he also projected that conscription will continue in Scandinavian countries, but the nature and scope of it will vary depending on the needs of each country.

Further elaborating on the topic of phasing out conscription in Europe was Yael Hadass, attempting to explain why certain countries choose conscription over others who use an all-volunteer force model. The author approaches the topic of the different factors influencing this decision from different points of view, focusing on the supply of young males, the perception of military threat, the availability of relatively inexpensive workers, the economic and political context, and the origins of legal institutions, giving us yet another useful perspective on the debate. The researcher found out that countries with British legal origins are less likely to conscript in relation to countries with Soviet legal origins, while countries with a higher share of young males are more prone to conscript as a measure to solve unemployment.<sup>26</sup>

Timothy Edmunds took a slightly different approach to the topic, attempting to investigate the changes that the armed services were facing after the Cold War, which, according to the author, “*provided the core institutional justification for most European armed forces' roles*”;<sup>27</sup> with its end the dominant strategic lens through which armed forces were formed and understood was removed, triggering a fundamental rethinking of their purpose and legitimacy throughout the continent. In particular, the author identifies four main trends that are particularly noteworthy: the first is that the defence of national territory is becoming less important as a key organising concept for conventional armed

---

<sup>24</sup> Sorensen, Henning, *Conscription in Scandinavia During the Last Quarter Century: Developments and Arguments*, 2000, p. 314.

<sup>25</sup> *Ibidem*, p. 331.

<sup>26</sup> Hadass, Yael, *On the Causes of Military Conscription*, Harvard University, 2004, p. 19.

<sup>27</sup> Edmunds, Timothy, *What Are Armed Forces For? The Changing Nature of Military Roles in Europe*, Royal Institute of International Affairs, Oxford University Press, 2006, Vol. 82, No. 6, p. 1062.

forces; the second is the growing dominance of a military professionalisation paradigm that equates modern armed forces with smaller, highly competent, and effective military units capable of projecting force overseas, whether for conventional warfare or peacekeeping missions. The third factor is the rise of a variety of new security threats, such as terrorism, which have refocused military efforts on domestic security concerns; the fourth point is the importance of armed forces playing a larger domestic sociopolitical role.<sup>28</sup> Edmunds' article, in comparison to the other texts analysed, has a slightly different framing and viewpoint on the problem; however, it also confirms the general narrative outlining the changes in the military and the causes behind them.

In 2009, the Dansk Institut for Militaere Studier published a study that provides more insight into this topic: the authors looked at previous experiences with countries that have suspended conscription in the past, specifically France, Slovakia, the Netherlands, and Latvia, in a way to explore the broader implications of the suspension or abolition of conscription.<sup>29</sup> Among the main findings of the research, the authors noted that while reorganising a country's military from conscript-based to professional forces is expensive, the main costs are related to the fact that reorganisation increases the likelihood of active engagement in international operations, and the need to prepare for them. The authors also observed that conscription has the critical function in many countries of making a link between the military and the rest of the people, which is the reason why the authors call for the necessity to put in place goal-oriented strategies to maintain this link if conscription is discontinued.<sup>30</sup>

Similar insight and elaborating on this topic brought Pertti Joenniemi with his essay on the changing face of European conscription in 2006: according to the author, when conscription is viewed from the perspective of the nation, it plays a vital role in connecting the citizenry with the military and the state, therefore facilitating the nation's identification with the other two and, more

---

<sup>28</sup> *Ibidem*, p. 1059.

<sup>29</sup> Jorgensen, Henrik J. and Breitenbauch, Henrik O., *What if We Gave Up Conscription?*, Dansk Institut for Militaere Studier, 2009.

<sup>30</sup> *Ibidem*, p. 50-53.

importantly, giving them public legitimacy.<sup>31</sup> This is the reason why the government is hesitant to reduce its availability or to eliminate it entirely, even when the public demands it; therefore, a reconfiguration of conscription is often seen as more desirable.<sup>32</sup>

Before the last two authors, also Margaret Levi elaborated this concept with her paper in 1996, where she questions the institution of conscription in a way to understand if it actually contradicts the fundamental liberties of citizens that they have to give up to sacrifice for their countries, building on the Hobbesian and Lockean theories on social contracts as an inherent part of liberal democracies, while highlighting the history of mass conscription in modern democracies as “*the story of the changing relationship between the state and its citizens*”.<sup>33</sup>

To conclude, Karl W. Haltiner and Tibor S. Tresch elaborated on the conscription discussion in 2009 with their thesis on why the conscription model was abandoned, specifically why conscription was unsuitable for modern armed forces: according to their argument, on the strategic level, a higher professionalisation was required by the multinational character of international missions; on an operational level, the conscription model did not provide nations with enough readiness and sustainability over time, especially required by the new types of threats that militaries were called to deal with; and finally, on the individual level, the authors claim that states were unable to compel conscripts to serve in foreign missions.<sup>34</sup> Throughout the same article, the authors identify three different reform waves concerning the conscription phase-out process in Europe since the Cold War: namely, the downsizing wave, from 1990 to 1995, which was mostly cost-motivated and lacked strategic vision and examination of the mass-army principle as a whole; followed by a wave of

---

<sup>31</sup> *The Changing Face of European Conscription*, edited by Pertti Joenniemi, Danish Institute for International Studies, 2006. See also the book review by Giorgio Baruchello, University of Akureyri, Iceland, in “The European Legacy”, Vol. 12, No. 5, pp. 623-658, 2007.

<sup>32</sup> *Ibidem*, p. 623.

<sup>33</sup> Levi, Margaret, *The Institution of Conscription*, Social Science History, Vol. 20, no. 1, Cambridge university Press, 1996, pp. 133-134.

<sup>34</sup> Haltiner, Karl W. and Tresch, Tibor S., *From Conscription-Based Defense to VolunteerBased Constabulary Forces: European Defense Integration and Mission Change as Driving Factors for the End of Conscription in Europe*, in *The transformation of the world of war and peace support operations*, by K. Michael, D. Kellen, E. Ben-Ari, pp. 40-41.

peace-intervention-driven advancement from 1995 to 2001, and then a surge of strategic shift consolidation from 2001 onwards.<sup>35</sup>

The size of European armies has shrunk in recent years to accommodate new mission objectives and decreased military budgets, thus reducing the demand for recruits; but at the same time in some European countries debates started on the reintroduction of conscription, specifically after Russia's annexation of Crimea and its intervention in eastern Ukraine. In the following paragraphs I will analyse more up-to-date literature on the new concerns on military conscription in Europe.

### **3. Military conscription in Europe: new relevance**

It has not been that long since the draft was the norm in Europe: compulsory military service existed in almost every European country during the Cold War and in the 1990s, and even when the Cold War's persistent threat faded, several European countries did not rush to remove conscription. However, as analysed in the previous paragraphs, with the end of the Cold War European countries began to move away from the concept of territorial defence as the primary mission of the armed forces, therefore in the last two decades military conscription has generally been considered as an outdated security policy approach.

The invasion of Crimea by Russia and the Ukraine crisis have sparked debates in various nations about bringing the draft back again; Lithuania and Ukraine, for instance, have recently reintroduced it, igniting a resurgence of conscription throughout Europe. Interestingly, at this regard, according to Matthias Bieri's article,<sup>36</sup> conscription has resurfaced in Western Europe as well, however the context is different this time as it is mainly characterised by societal issues, in the way the debate on the reinstatement of conscription responds not only to concerns of military necessity in foreign policy but to

---

<sup>35</sup> *Ibidem*, pp. 45-47.

<sup>36</sup> Bieri, Matthias, *Military Conscription in Europe: New Relevance*, No. 180, 2015, Centre for Security Studies (CSS), ETH Zurich, p. 1. This paragraph's title is actually a tribute to his work.



considerations of social policy too, with a view for instance to overcome societal fragmentation, for some, or to boost young citizens' discipline, for others. On the other side, the closeness of an unpredictable and militarily stronger Russia is the most important consideration for Eastern and Northern European countries, as well as for the Baltic countries, where a consensus on the reintroduction of conscription was easier to achieve; nonetheless, Sweden has reintroduced conscription for all, Norway extended it to women, while Ukraine, Lithuania, Kuwait and Georgia have reintroduced it for men, the latter one only eight months after it has been abolished.<sup>37</sup>

Another important aspect that contributed to the changed perception of regional security in Europe is the fact that on 2 August 2019 the United States withdrew from the Intermediate-range Nuclear Forces (INF) Treaty, agreed between the US and the Soviet Union in 1987, banning the two nations' land-based conventional and nuclear missiles with a range until 5.500 kilometres;<sup>38</sup> moreover, terrorism and new cyber threats have also been mentioned as among the reasons why the conscription debate is coming back to Europe.

According to Bieri, in countries like Poland, Romania, but also France, Italy and UK, conscription has been a topic of discussion in recent years, its growing popularity stemming from military considerations as well as political idealism; quoting the author, "*It is only where both arguments apply that a return of conscription seems likely*".<sup>39</sup> The concept of political idealism arises in relation to the societal function of conscription in Western Europe, where the perception of threat and security have changed since Russia's acquisition of Crimea and the start of the Ukraine crisis: as a result, various governments have proposed increases in their defence spending, while others are attempting to strengthen their military reserves, as Denmark for instance, which is planning to progressively increase the number of conscripts until 2023, according to

---

<sup>37</sup> See War Resisters' International, *The Return of Conscription?*, by Hannah Brock, 2018. Available at [https://wri-irg.org/en/story/2018/return-conscription#\\_ftn10](https://wri-irg.org/en/story/2018/return-conscription#_ftn10), accessed January 2022. See also *Georgian Authorities Reinstate Military Conscription*, by Giorgi Menabde, Eurasia Daily Monitor, Volume: 14, Issue: 22, 2017. Available at <https://jamestown.org/program/georgian-authorities-reinstate-military-conscription/>, accessed January 2022.

<sup>38</sup> See The military Balance 2020, *chapter four: Europe*, International Institute for Strategic Studies, pp. 64-165.

<sup>39</sup> *Ibidem*, p. 2.

Rongé and Abrate's analysis,<sup>40</sup> or in the case of France, as we will see more accurately in the next paragraphs, which is currently testing a new model of compulsory service. In the European context, researchers have been reporting a clear link between populist movements and support for mandatory military service, as many countries are currently evoking the conscript army as the "citizens' school"<sup>41</sup> in a way to bring back to light a sense of responsibility in the name of the most conservative societal values. This is especially true in Italy, where the Northern League announced in the summer of 2015 that it would have introduced a legislation to reinstate mandatory military and civil service, in order to "*bring back order, discipline and respect*".<sup>42</sup> In Belgium, according to a survey conducted in 2018, around two-thirds of the citizens wanted the draft to be reinstated for both young boys and girls;<sup>43</sup> in a similar way, also Germany has been reconsidering conscription since 2018, even though the country suspended it only in 2011;<sup>44</sup> interestingly, a peculiar feature of the German debate is the idea to include refugees in the draft as a way to improve their integration, as we will see in the following paragraphs. Moreover, to continue this European overview, in the Netherlands 17-year-old boys continue to get a letter from the State about their military duty, even though this does not force them to enlist, and since 2018 girls receive it too; according to the authors, the decision was most likely made on the basis of gender equality, but it demonstrates at the same time that the concept of conscription has not been totally abandoned.<sup>45</sup> Latvia offers an interesting example as well: despite the fact that the country has no plans to reintroduce conscription, a project called "total defence" has been launched in 2017, in order to incorporate defence and security courses into school curricula; additionally, according to the European Bureau for Conscientious Objection, EBCO, the Parliament of the Republic of Latvia passed on 3 December 2020 a law on the new National Defence Course,

---

<sup>40</sup> *Supra* note 9, Joeri Rongé and Giulia Abrate, p. 8.

<sup>41</sup> *Supra* note 35, Matthias Bieri, p. 3.

<sup>42</sup> See article by Alessandra Borella published on La Repubblica, 15 October 2015, available at [https://www.repubblica.it/politica/2015/10/15/news/salvini\\_militare\\_obbligatorio\\_per\\_riportare\\_onore\\_e\\_rispetto-125125674/](https://www.repubblica.it/politica/2015/10/15/news/salvini_militare_obbligatorio_per_riportare_onore_e_rispetto-125125674/), accessed January 2022.

<sup>43</sup> *Supra* note 37, International Institute for Strategic Studies.

<sup>44</sup> See <https://www.bundeswehr.de/en/about-bundeswehr/ranks-and-careers/voluntary-military-service>, accessed January 2022.

<sup>45</sup> *Supra* note 37, Joeri Rongé and Giulia Abrate, p. 9.

which came into force in January 2021 as an integral part of the secondary education curriculum that will be mandatory starting from 2024-25 school year.<sup>46</sup> All teachers involved in the National Defence Course are required to have a basic military background, and they are recruited by the Ministry of Defence; EBCO clarifies that the activities included in the National Defence Course do not imply any commitment to the national armed forces, indeed, the teacher provides alternative study topics and personally adapts the study process for students who are unwilling to participate in particular activities that are a part of the Course owing to their religious or philosophical convictions, or other objective conditions.<sup>47</sup> The project though was not without ambiguities, having been subject to criticism from some national political parties, basically denouncing the mandatory nature of the course as contradicting the fundamental regulation on the rights of children, protecting them from propaganda and active recruitment within schools.

In some other European countries with all-volunteer armies, the focus has been on the necessity to develop new ways to introduce young people and women to the military, in order to make it more attractive and to meet the personnel needs; for instance, Estonia's conscript numbers surged quickly when the government decided to make it simpler for women to volunteer and make them eligible for all military units.<sup>48</sup> From 2017, all boys and girls in the Czech Republic must report for medical examination at the age of 18, providing authorities with a better picture of citizens available for recruitment in the event of a conflict.<sup>49</sup>

According to Bieri, the reinstatement of conscription, on the other hand, would be unlikely to attain in practice: in most European countries, the all-volunteer forces are well-liked by the general public, while there might be practical problems as well, in addition to societal ones, since it would be necessary to rebuild military infrastructure and structures for training.

---

<sup>46</sup> See <https://ebco-beoc.org/latvia>, accessed January 2022.

<sup>47</sup> *Ibidem*.

<sup>48</sup> See "More women to be allowed to serve in the Estonian military", by Sten Hankewitz, 2017, Estonian World. Available at <https://estonianworld.com/security/women-allowed-serve-estonian-military/>, accessed January 2022.

<sup>49</sup> *Supra* note 35, Matthias Bieri, p. 4.

Apart from analysing the potential challenges to the implementation of conscription, in the wake of its new relevance, international organisations such as War Resisters' International, have expressed their concern for conscientious objectors, many of whom are still discriminated against and currently imprisoned worldwide.<sup>50</sup>

The following section will be more analytical, as I will review some European countries' experience with the new debate around conscription, specifically in France, Germany and Italy, that have been recently experimenting new forms of military or civilian service, and I will conclude the chapter with an overview on the Nordic countries and the Scandinavian model.

### 3.1 The case study of France

France has had conscription since 1798, but the structure and length of military service has changed over time based on the army's needs. For those opposed to conscription, the institution was both costly and outmoded as conflicts evolved, and it was broadly perceived as a waste of time.<sup>51</sup> In 1996, President Jacques Chirac officially proclaimed the end of military service; therefore, young males born after 1978 were officially discharged from military service in October 1997, while young males born before this date were still required to serve in the military and did so until 2001. The reinstatement of a new kind of national service has been proposed often since the suspension; for example, it was an election promise of current President Emmanuel Macron during his presidential campaign in 2017: "*re-establishing a compulsory national service is absolutely necessary, not only to teach citizens how to adapt to the*

---

<sup>50</sup> See for instance <https://wri-irg.org/en/story/2021/prison-now-prisoners-peace-list-november-2021>, accessed January 2022.

<sup>51</sup> See Maurin, Eric and Xenogiani, Theodora, *Demand for Education and Labor Market Outcomes, Lessons from the Abolition of Compulsory Conscription in France*, The Journal of Human Resources, Vol. 42, No. 4, 2007, pp. 795-819.

*[terrorist] threat, but also to strengthen national cohesion*”,<sup>52</sup> he announced, building on the renovated general fear after the 2015 Paris attacks.

The country began a trial for compulsory national service for teens in 2019, more than twenty years after conscription was definitively suspended; the *Service National Universel* (SNU)<sup>53</sup> began the pilot programme in 2019 on a voluntary basis, while from 2021 until its full implementation in 2026, the SNU should become mandatory for all young citizens between 16 and 25 years of age. Its actual implementation caused great surprise and sparked criticism from the left parties, especially when images of dozens of young people in uniforms, lined up army-style and singing the national anthem at early morning flag ceremonies, first emerged: the critics condemned the service as too expensive and as a form of “*forced nationalism that should not be made compulsory*”,<sup>54</sup> reclaiming the role of the school as the primary place where the youngsters can learn about social cohesion.

The national service, which can be performed in both civil and military facilities, is done in three stages: for the first two weeks, young people between the ages of 15 and 17 are involved in a residential training programme, during which they are taught first aid, map reading and how to respond to critical situations, such as terrorist attacks or natural disasters; according to Gabriel Attal, secretary of State to the Minister of national education and youth until 2020,<sup>55</sup> the programme should take place in the context of a military education, that requires the teens to wear uniforms and sing the national anthem every morning. A second two-weeks phase has to be fulfilled with community work in non-profit organisations, the military, the police or the fire department; finally, each person can continue their period of engagement on a voluntary basis until

---

<sup>52</sup> Fize, Etienne, Louis-Sidois, Charles, *Military service and political behaviour: Evidence from France*, European Economic Review, 2019, p. 1.

<sup>53</sup> *Le service National Universel (SNU): Jeunesse engagée*, Ministère de l'éducation nationale, de la jeunesse et des sports, <https://www.education.gouv.fr/le-service-national-universel-snu-jeunesse-engagee-5381>, accessed November 2021.

<sup>54</sup> See “*Macron's national service sparks criticism from French left*”, by Angelique Chrisafis, The Guardian, 2019, available at <https://www.theguardian.com/world/2019/jun/19/rollout-of-compulsory-civic-service-for-young-people-in-france-sparks-criticisms>. Accessed January 2022.

<sup>55</sup> See France24.com, “France begins trial of compulsory civic service for teens”, June 2019, available at <https://www.france24.com/en/20190616-france-trial-macron-new-compulsory-national-service-teen-military>. Accessed November 2021.

the age of 25, while there is also an option for 18 to 25-year-olds to take part to the *Service Militaire Volontaire* (SMV), which lasts for 8 to 12 months.<sup>56</sup> In the beginning, the national service was presented as a more military-style programme, but the French army did not have the capacity to train up the nation's teenagers and indicated a solution in a more civil-structured programme; therefore it was rather given a civil scheme aimed at boosting patriotism and social cohesion among young people, and at giving a direct experience of military life, according to President Macron,<sup>57</sup> who is the first French President not to have completed military service. According to the government website, 18.000 were the young volunteers aged 15 to 17 taking part in the national service in 2021, the object being to target about 800.000 youngsters per year once the programme will be running at full capacity, estimating the cost of the first two weeks programme in €2.000 per participant, for a total amount of at least €1.6 billion. The economical aspect of the programme received many critics as well, including from some student organisations, claiming that the money is needed instead in the French education system; student unions have also questioned whether a two-weeks programme will really help national social cohesion: despite sharing the government's concerns about the lack of social integration, the economic disparities and the broad social fragmentation, those who oppose to the programme think that the universal national service is not the right response. In this respect, a 2018 YouGov poll showed that about 60% of the population was in favour of the plan, as reported by Connexion France,<sup>58</sup> even though it has been criticised from all sides of the political arena and from the FAGE student union,<sup>59</sup> according to which the two-weeks plan in the barracks is appealing only to the nostalgic segment of the population, while it is not popular within French teenagers who would have to do it. Bruno Cautrès, political scientist and

---

<sup>56</sup> Service Militaire Volontaire (SMV), Ministère des armées, <https://www.defense.gouv.fr/jeunesse/etudier-et-se-former2/service-militaire-volontaire-smv/service-militaire-volontaire-smv>, accessed November 2021.

<sup>57</sup> See "France's raw recruits sign up for return of national service", by Lucy Williamson, BBC, 2019, available at <https://www.bbc.com/news/world-europe-48755605>. Accessed November 2021.

<sup>58</sup> *France's 'Universal National Service' plan unveiled*, The Connexion, French news and views, 2018, <https://www.connexionfrance.com/French-news/France-s-Universal-National-Service-plan-unveiled>, accessed November 2021.

<sup>59</sup> Orlane François to France24, see *supra* note 12; at the time head of the umbrella FAGE student union: FAGE- National Federation of Students' Associations, <https://www.esu-online.org/?member=france-federation-des-associations-generales-detudiants-fage>.

researcher at the Sciences Po Political Research Centre in Paris (CEVIPOF),<sup>60</sup> explained to the BBC his views on the political reasons behind the launch of the programme by Macron, who sponsored this initiative in the attempt not to leave the field of patriotism to his political opponents, and to show to the French public that it is possible to be pro-European and patriotic at the same time; he added however that in the context of the French fragmented society, where many youngsters have low levels of education while the level of discrimination on the basis of the origin is still high, a compulsory national service might not be the right example of cohesion.<sup>61</sup> Macron presented the notion of mandatory national service when he originally proposed it as part of France's efforts to prepare for a period of global turbulence similar to the Cold War, however, at a time when socioeconomic divisions are widening, the campaign promise was regarded as a means to play up patriotic nostalgia for military service. After all, how to transform the current social division is an actual challenge, and conscription does not appear to be the perfect solution.

### **3.2 The case study of Germany**

Conscription has been in place in Germany since 1871, with only minor breaks following World War I and II, and it was retained in the unified Germany until July 1, 2011, after it was suspended by the German parliament in March 2011.<sup>62</sup> According to War Resisters' International, since the right to conscientious objection was completely denied under Nazi Germany's dictatorship, as a result, it is now incorporated as a constitutional right under article 4 paragraph 3, which states that nobody shall be compelled to perform military duty involving the use of arms against his conscience. The status is granted to persons who refuse to serve in the military or to carry out specific

---

<sup>60</sup> See <https://www.sciencespo.fr/cevipof/en/researcher/bruno-cautres.html>, accessed November 2021.

<sup>61</sup> *Supra* note 14, Williams.

<sup>62</sup> See War Resisters' International: "*Country report and updates: Germany*", Rebecca Hummler, 2017, available at [https://www.wri-irg.org/en/programmes/world\\_survey/country\\_report/de/Germany](https://www.wri-irg.org/en/programmes/world_survey/country_report/de/Germany), accessed January 2022.

commands for the reasons stated, and it is legal on both religious and non-religious grounds.<sup>63</sup> Conscription has played a minimal role since its suspension, however it is still contained in Article 12a of the constitution and can be reinstated at any time; furthermore, people can be drafted into the army (*Bundeswehr*) when there is a situation of tension or in case of war even against their will, meaning that the form of military service in Germany is actually a “*nonactive conscription*”, according to Philipp Lange.<sup>64</sup> The latter introduced the national debate about conscription from the early years after its suspension in his paper from 2018: according to the author, any decision to reintroduce conscription as a method of national defence should be based primarily on security policy considerations, however, educational and social policy considerations have dominated the debate concerning conscription for decades. According to his analysis, since the terrorist attacks of September 11, 2001, and the subsequent mobilisation of the German army to Afghanistan, it has been argued that conscription was justified because conscripts were needed at home while volunteers and professional soldiers were deployed abroad; conscripts, it was further thought, may help in natural calamities. However, those in favour of conscription mainly used arguments of a social, fiscal, educational and demographic nature, according to which young people should pay society back through their military or civilian service.<sup>65</sup> Conscription opponents, on their side, argued that the security policy justification for conscription was no longer valid: the Green Party, for instance, believed that the role of national defence had become obsolete, and that conscription was consequently unnecessary; it seemed much more logical to establish a well-trained army with rapid reaction and deployment capabilities, which would eventually lead to the formation of a volunteer army. Nowadays, the debate is based on the same arguments: although the system was phased out in 2011, many conservatives still believe that young people should serve in the military, both to reinstate the importance of those that are considered as traditional

---

<sup>63</sup> *Ibidem*.

<sup>64</sup> Lange, P., “*Is conscription a guarantee of national defense? Some remarks on the justification for reactivating conscription*”, Federal Academy for Security Policy, Security Policy Working Paper, No. 21/2018, p. 2.

<sup>65</sup> *Ibidem*.



fundamental values, and to overcome the difficulty for the army to find enough recruits; in this context, the Christian Democratic Union (CDU) has been the main party reconsidering the idea of a new form of compulsory national service in Germany.<sup>66</sup> Annegret Kramp-Karrenbauer, former leader of the CDU and Minister of Defence until December 2021, suggested at the time a compulsory service year for all young men and women, including also asylum seekers and refugees; when asked about the programme, she explained that such a service would help refugees integrate into society, while increasing their acceptance among the population; it certainly represents a peculiarity of the German example, that did not exempt itself from criticism.<sup>67</sup> Finally, in April 2021 Germany launched the new programme, the “voluntary military service in homeland security”, sponsored by Kramp-Karrenbauer as “*Your year for Germany*”: following the emergence of the coronavirus pandemic, the project was announced with the goal of providing training that combines fighting and helping. Recruits in the new voluntary service go through a three-months basic training program followed by a four-months special training program to be carried out close to their place of residence. Within six years, they will spend five more months in reserve training or operations, their service being used for natural disasters or a pandemic, for instance, while also being willing to serve abroad after completion of the training. At this regard, the new programme deals with the controversial issue of the German military missions abroad: the German army, the *Bundeswehr*, was founded by West Germany as a purely defensive force in the postwar period, and initially participated in humanitarian and military missions abroad, but in recent years foreign missions have multiplied and German forces have served in Afghanistan, Syria and Iraq, among others; according to some experts from the Ministry of Defence, it is precisely these missions that reduce the appeal of the army, so it is for this reason that those who join the new programme will be mainly used to fill the gaps in the troops stationed in Germany, while regular personnel will serve

---

<sup>66</sup> See “*Germany mulls year of national service for young people and migrants. Proposal aimed at uniting Angela Merkel’s party criticised as populist by opposition*”, Josie Le Blond, The Guardian, 2018. Available at <https://www.theguardian.com/world/2018/aug/26/germanys-cdu-floats-return-of-one-year-compulsory-national-service>, accessed January 2022.

<sup>67</sup> *Ibidem*.

abroad.<sup>68</sup> The pilot project is planned to last for one year, and on April 6, 2021, around 340 soldiers began their service in the new voluntary draft.<sup>69</sup> Since the new programme has tried to attract as many young people to the ranks of the army, much has been spent in the sponsorship campaign, as it is evident from the dedicated website, for instance, which includes the “Homeland security blog”,<sup>70</sup> where volunteers and recruits report on their training activities, while focusing on the voluntary nature of the service, so as to conceive the message that the voluntary military service is “an opportunity, not an obligation”,<sup>71</sup> so that people who are interested in learning more about the military can do so without engaging into a long-term commitment straight away. The information is very clear on the website, where also the military pay for every rank is explained, in connection with the wage increase for volunteers set out in January 2020. Another peculiarity in the German example is the mediatization of war, as analysed by Frank Stengel and David Shim in their research on the gendered representation of military service in German recruitment videos on social media:<sup>72</sup> the article analyzes the German YouTube series *Die Rekruten* (DR) (The Recruits), a popular web series developed for recruitment objectives on behalf of the German armed forces, which follows twelve naval recruits through their initial training, described by The Guardian as “one of Germany’s most successful social media projects ever”.<sup>73</sup> Importantly, the two authors analyse the politics of the format, by noticing that viewers can quickly decode traditional recruitment video clips as fictional because they are created as advertisements, but the hybrid DR documentary’s aesthetics, on the other hand, make it more

---

<sup>68</sup> See also “‘*Non combatterete all'estero*’, così la Germania a corto di soldati vuole convincere i giovani ad arruolarsi”, Giulia Maini, Europa Today, 2021. Available at <https://europa.today.it/lavoro/germania-cerca-soldati-no-missioni-estero.html>, accessed January 2022.

<sup>69</sup> ‘*Pilot project: Voluntary military service in Homeland Security*’, <https://www.bundeswehr.de/de/ueber-die-bundeswehr/die-reserve-der-bundeswehr/reservist-werden-in-der-bundeswehr-/reserve-der-streitkraeftebasis-/pilotprojekt-freiwilliger-wehrdienst-im-heimatschutz->. Accessed January 2022.

<sup>70</sup> *Ibidem*.

<sup>71</sup> ‘*Voluntary military service: an opportunity, not an obligation*’, <https://www.bundeswehr.de/en/about-bundeswehr/ranks-and-careers/voluntary-military-service> accessed January 2022.

<sup>72</sup> Stengel, Frank A. and Shim, David, *Militarizing antimilitarism? Exploring the gendered representation of military service in German recruitment videos on social media*, International Feminist Journal of Politics, July 2021. Available at

[https://www.tandfonline.com/doi/full/10.1080/14616742.2021.1935289?\\_\\_cf\\_chl\\_captcha\\_tk\\_\\_=AzltULiG.Dr0syJHIH\\_J7Bg6hZIA39g3QtBDzjML\\_WM-1641806894-0-gaNycGzNC2U](https://www.tandfonline.com/doi/full/10.1080/14616742.2021.1935289?__cf_chl_captcha_tk__=AzltULiG.Dr0syJHIH_J7Bg6hZIA39g3QtBDzjML_WM-1641806894-0-gaNycGzNC2U), accessed January 2022.

<sup>73</sup> ‘*Die Rekruten: the reality show on the frontline of the German army’s battle for public support*’, Kate Connolly, The Guardian, 2017. Available at <https://www.theguardian.com/world/2017/dec/27/die-rekruten-the-reality-show-on-the-frontline-of-the-german-armys-battle-for-public-support>, accessed January 2022.

difficult to discern, featuring real conversations, pictures of daily life and 'behind the scenes' footages, therefore appearing as more familiar and appealing to the young consumers of new digital media.<sup>74</sup>

At the same time though, critics from charities and other civil groups argue that the new force is usurping the function of Germany's existing civil volunteer services, which they consider more apt for civil society, especially as the year of service is paid far more than that of NGOs; "*Voluntary services are a privilege of civil society, not the state*," German Caritas President Peter Neher remarked in an interview.<sup>75</sup> Even the new force's name has caused some consternation: the program's German name incorporates a phrase with far-right connotations (*Heimatschutz* or homeland security), which many find unsettling given the *Bundeswehr's* continuous struggle with neo-Nazis.<sup>76</sup> Finally, others have raised concerns about handing out rifles to people as young as 17 years old, while the dominant narrative still favours the concept of defence of the motherland, as confirmed by the words of Kramp-Karrenbauer: "*The motherland is more than a physical location. It's something you hold close to your heart*"<sup>77</sup>, perfectly representative of the surge of the military draft and conservative values in the current European context.

### 3.3 The case study of Italy

Unified Italy had a conscription system since 1861, when "making the Italians" was the first goal of the military service,<sup>78</sup> which was compulsory until 1 January 2005, when it was professionalised on a volunteer basis: after a 200-year tradition of conscription dating back to Napoleon's tenure in Italy, in which all males aged 18 to 26 were required to serve in the military for ten months, the

---

<sup>74</sup> *Ibidem*.

<sup>75</sup> *Supra* note 66, The Guardian, 2018.

<sup>76</sup> See "*Germany launches new voluntary military service program*", Alex Berry, 2021. Available at [https://www.dw.com/en/germany-launches-new-voluntary-military-service-program/a-57105974?fbclid=IwAR2DYxlJBgfoxZjZ-Fyoqdq7AWbFXJfQlafmWgT\\_GRF2CtMidIdiDuG8zos](https://www.dw.com/en/germany-launches-new-voluntary-military-service-program/a-57105974?fbclid=IwAR2DYxlJBgfoxZjZ-Fyoqdq7AWbFXJfQlafmWgT_GRF2CtMidIdiDuG8zos). Accessed January 2022.

<sup>77</sup> *Supra* note 66, The Guardian, 2018.

<sup>78</sup> Rovinello, Marco, *The draft and draftees in Italy, 1861-1914*, from the book: *Fighting for a Living*, Amsterdam University Press, p. 516.

Italian senate voted to abolish conscription and establish an all-volunteer professional army.<sup>79</sup> At that time, according to former Defence Minister Antonio Martino, who proposed Law 226/2004 that suspended compulsory military service in Italy, the elimination of compulsory military service would have benefited both the military, which was unable to send conscripts on military operations abroad, and young people, by allowing them to begin their career sooner.<sup>80</sup> At the same time, the history of the right to conscientious objection in Italy has deeply contributed to the progressive weakening and delegitimization of mandatory enlistment in the country. In a broad sense, the history of conscientious objection began with the unification of Italy as well: the introduction of conscription in 1861 met with strong opposition, particularly among the rural population of the South.<sup>81</sup> During World War I, there were around 470.000 trials for draft renunciation and over a million for other military offences such as desertion, intentional infirmity, serious disobedience, and mutiny. In this context, Pietro Pinna was the first nonviolent objector to be imprisoned after World War II, while proposals for the recognition of the right to conscientious objection have been presented by different parties since 1949, but they have all sunk into oblivion due to parliamentary indifference and the government's and military's resistance. At the beginning of the 1960s, there were the first petitions from catholic objectors: in 1962 Gozzini was the first catholic to refuse on religious grounds, followed by Father Ernesto Balducci, who was attacked by the Church and defended by Don Milani, author of the pamphlet "*Obedience is no longer a virtue*".<sup>82</sup> Both the two priests, Balducci and Milani, were charged with apology of crime; meanwhile, Don Milani, who died in 1967, endured the humiliation of conviction, while the rest of the Church seemed unconcerned about the issue. These trials shocked the public opinion and brought the issue of conscientious objection to the forefront, recording

---

<sup>79</sup> Simon, Rita J. and Abdel-Moneim, Mohamed Alaa, *A Handbook of Military Conscription and Composition the World Over*, Lexington Books, 2011, pp. 83-89.

<sup>80</sup> See War Resisters' International, "*Italy ends compulsory military service on 1 January 2005*", available at <https://wri-irg.org/en/story/2004/italy-ends-compulsory-military-service-1-january-2005>, accessed January 2022.

<sup>81</sup> See the reconstruction of the history of conscientious objection in Italy made by ASC Aps, Italian association entirely dedicated to the civil service, available at <https://www.arciserviziocivile.it/obiezione-dicoscienza/>, accessed January 2022.

<sup>82</sup> *Ibidem*.

crucial pro-conscientious-objector stances. Until the late 1960s, there were few objectors, almost only Jehovah's Witnesses with a few exceptions among anarchist, pacifist and socialist groups, and a few Catholics; many objectors were imprisoned while the Parliament was presented with numerous draft laws, none of which was accepted. The right to conscientious objection for political reasons was finally affirmed after 1968: the analysis of the army as an institution that sustains a dangerous state-civil society connection, was linked to broader civil rights struggles taking place in factories, schools, and neighbourhoods. At the same time, the number of young people who chose incarceration over military service had grown to the point that it was a significant problem that needed to be addressed. As a consequence, the political elite, pushed to the limit by the shift in public opinion and the escalation of widespread protests, passed Law 772 on December 15, 1972, which established the right to object to military service for moral, religious, and philosophical reasons, the so-called "Marcora" law. The latter allowed young conscientious objectors to be released and, at the same time, constituted a significant milestone in the Italian legislation by introducing the option of choosing unarmed military service. With this law, conscientious objection was not yet seen as a right, but rather as a benefit granted by the government and subject to specific conditions, while civil service management remained in the hands of the Ministry of Defense. Prior to that, all conscientious objectors who refused to serve in the military were deemed deserters and were detained in military prisons or, in the worst cases, military psychiatric facilities, losing most of their civil rights. Because of its punitive nature, as it provided for an extra eight months of service, a selection board, the exclusion of political motives, and dependence on military codes and courts, this law sparked a dispute among conscientious objectors who formed the League of Conscientious Objectors (LOC) in 1973;<sup>83</sup> many organisations and associations have been fighting for a change in the law and for a full acknowledgment of the right to conscientious objection since this time. The enactment of Law 230, which established full legal recognition of conscientious objection, took place in July

---

<sup>83</sup> See also: *LOC: Lega Obiettori di Coscienza*, available in Italian at <http://ospiti.peacelink.it/loc/presenta.htm>, accessed January 2022.

1998: with this law, conscientious objection finally became a right of the individual. At the same time, the civil service, whose management was transferred to the National Office for Civil Service in 2000, represented an alternative way of "serving the homeland", with a duration comparable to military service, and it was officially established by Law 64/2001: defined today as universal civil service, its main purposes were to stress community engagement, social inclusion, and solidarity. It was therefore the Law 331 of 2000, "Norms for the Establishment of Professional Military Service",<sup>84</sup> which fundamentally altered the character of military service, by making it voluntary and professional, thus leading to the end of conscription in 2005.

Ultimately, the long campaign to end compulsory military service reflected the Italian people's strong, hard-won will; however, Italy did not abolish conscription, which can still be enforced in times of war or national crisis, or if the volunteer staff in service is insufficient, according to the Constitution, thus paving the way for its potential reinstatement.

In this context, former Minister of the Interior Matteo Salvini was the last in line to bring back the discussion in 2021 on the so-called *naja*, or military duty, for its educational and formative values, and as a tool to "*teach some youngsters respect, sacrifice, discipline, honour, sweat and hard work*", as he explained.<sup>85</sup> The law proposed by the Northern League in 2017, and before in 2015, calls for six months of mandatory military or civilian service on a regional basis, both for males and females between 18 and 28 years of age. Prior to that, Berlusconi's government had previously developed a project called "Planet Defence," that included a short period of voluntary military service intended for a selected group of young people chosen by the National Alpine Association; the project was experimental and was actually enacted between 2009 and 2010.<sup>86</sup> The Democratic Party as well advocated a month of required civil

---

<sup>84</sup> Law 14 November 2000, n. 331, "*Norme per l'Istituzione del Servizio Militare Professionale*", Italian Official Gazette, General Series n. 269/2000.

<sup>85</sup> See article by Today, "*Leva obbligatoria, Salvini ci riprova: 6 mesi a scelta tra servizio militare o civile*", 2019. Available in Italian at <https://www.today.it/politica/leva-obbligatoria.html>, accessed January 2022.

<sup>86</sup> See for instance article by Adnkronos, "*Difesa: La Russa, mini-naja volontaria per riscoprire le forze armate*", 2009. Available in Italian at [http://www1.adnkronos.com/Archivio/AdnAgenzia/2009/06/02/Politica/DIFESA-LA-RUSSA-MINI-NAJA-VOLONTARIA-PER-RISCOPIRE-LE-FORZE-ARMATE\\_100205.php](http://www1.adnkronos.com/Archivio/AdnAgenzia/2009/06/02/Politica/DIFESA-LA-RUSSA-MINI-NAJA-VOLONTARIA-PER-RISCOPIRE-LE-FORZE-ARMATE_100205.php), accessed January 2022.

service in 2017,<sup>87</sup> aimed at socially helpful services, which instead was never enacted. Therefore the debate over the necessity to reinstate some form of conscription, be it of a military or civilian nature, never really stopped in the country, indeed it has recently developed, with Matteo Salvini as its main spokesperson, without being supported though by the other national right-wing parties. In the course of 2021, Salvini's relaunched debate on the return of obligatory military service has elicited a range of responses: comparing the opposing sides' arguments, the prevailing theory regards the return to compulsory military service as outdated, in light of the fact that today's Italian armed forces are made up of professionals. Furthermore, today's armed forces lack military-sized barracks, equipment, instructors, and services for training, a common situation among European countries that have been lately considering the reinstatement of conscription, as emerged from the previous analyses. Similar critics, believe the draft to be entirely inadequate and insufficient in preparing the army to fight in crisis situations and international contexts, therefore preferring professional volunteer forces, or even proposing the creation of an Operational Reserve Unit for this reason, to gather former military personnel who are willing to be called up to two or three months each year for training or emergencies.<sup>88</sup>

On the other side though, the education-related impact of compulsory military service is still exalted, to the extent that it is believed it would help young people reclaim their national identity and increase their sense of territorial belonging, something that many right-wing parties across Europe support, in this broader context of nationalism's resurgence. Another peculiar aspect of the Italian study case is that the military commitment on the national territory is currently increasing: as analysed by Coticchia and Moro in their research in 2020, Italian military interventionism abroad in the past decade has

---

<sup>87</sup> See for instance article by Fanpage.it, "*La proposta del PD: almeno un mese di servizio civile obbligatorio per tutti i giovani*", 2017. Available in Italian at <https://www.fanpage.it/politica/la-proposta-del-pd-almeno-un-mese-di-servizio-civile-obbligatorio-per-tutti-i-giovani/>, accessed January 2022.

<sup>88</sup> See for instance "*Il dibattito sul ripristino della leva obbligatoria*", Analisi Difesa, 2018. Available in Italian at <https://www.analisdifesa.it/2018/08/il-dibattito-sul-ripristino-della-leva-obbligatoria/>, accessed January 2022.

consistently diminished;<sup>89</sup> while Italy has regularly been involved in major conflicts in the Balkans, the Middle East, and Afghanistan since the end of the Cold War, its involvement has slowly declined in the last decade, particularly following the 2011 Libyan intervention. The authors suggest that successful populist parties have shaped Italian decision-making on military operations abroad, contributing to a growing, but still restricted, scholarly discussion on populist parties and foreign policy.<sup>90</sup> This helps to understand why the increasing military's presence on the national territory relates to the support given to the issue of mandatory military service exclusively as a tool of territorial control. Finally, the North League's proposal draws attention to the issue of an insufficient spirit of active citizenship that actually exists and has to be addressed; however, according to the literature analysed so far, the military forces, which played a crucial role in uniting and moulding the nation from the unification of Italy until the end of the twentieth century, now have new responsibilities and fulfil different tasks; as a result, political support for mandatory military service appears to be stronger than public opinion.

### **3.4 An overview on the "Scandinavian model"**

As regards the five Nordic countries, they have made distinct decisions about where they would seek security, since the NATO includes only Denmark, Iceland, and Norway, while Finland and Sweden are members of the European Common Security and Defence Policy (CSDP). This distinction has an impact on these countries' defence and security policies, as I will explain further in this paragraph, but at the same time it is possible to identify a common ground in the Nordic approach to defence, which is the reason why some researchers speak of the "Scandinavian model".<sup>91</sup> Except for Iceland, whose Coast Guard consists of all-volunteer forces, making it the only NATO country without a

---

<sup>89</sup> Coticchia, Fabrizio and Moro, Francesco Niccolò, *From enthusiasm to retreat: Italy and military missions abroad after the Cold War*, Italian Political Science, Volume 15 Issue 1, 2020, p. 114.

<sup>90</sup> *Ibidem*, p. 125.

<sup>91</sup> Braw, Elisabeth, *Competitive National Service. How the Scandinavian Model Can Be Adapted by the UK*, Royal United Services Institute for Defence and Security Studies, RUSI Occasional Paper, October 2019.



standing army, the other four Nordic countries base their defence policies on conscription.<sup>92</sup> the enlistment of able-bodied men has been in place in Denmark since 1849, as stated in the country's founding Constitution; obligatory service is now only available to men and lasts anything from four months to a year, while on the same terms as men, women can volunteer to serve. Moreover, as previously discussed in this chapter, Denmark is one of the countries that plan to gradually raise defence spending and conscript numbers in order to boost its military force and readiness in the next few years. Despite a long history of not requiring women to serve in the military, the Danish armed forces have managed to achieve a high female participation rate among conscripts, but, ironically, many male conscripts, on the other hand, believe that there are now too many women in the military, while they do not perceive the military as a male bonding experience anymore, as according to Braw's analysis.<sup>93</sup>

Likewise, the Norwegian military was established in 1814 and was never abolished: the average length of service is 12 months, but it can be as short as six months or as long as 19. Conscripts are drafted at the age of 18 and serve until they are 44 years old; in the event of war, however, the maximum age for service is raised to 55. Interestingly, in 2015 the Parliament agreed to expand conscription to include women, making it the first NATO member and the first European country to do so; at this regard, as we will see in the following paragraphs, this development underscores a significant difference between Norway's military strategy and that of its NATO colleagues, who have chosen to end the draft, as according to Matthew Kosnik, who focuses on the Norwegian example in his paper from 2017.<sup>94</sup>

In Finland, every male citizen between the age of 18 and 60 is required to serve in the military, after which they are classified as reserve members of the Finnish Defence Forces; the military in Finland offers some kind of flexibility, allowing conscripts to pick where they want to serve. The country is an

---

<sup>92</sup> See Zubova, Xenia, *Which countries still have conscription?*, 2021. Available at <https://www.forces.net/world/which-countries-still-have-conscription>, accessed February 2022.

<sup>93</sup> *Supra* note 90, Elisabeth Braw, p. 12.

<sup>94</sup> Kosnik, Matthew, *Conscription in the twenty-first century: Do reinforcements equal security?*, *Comparative Strategy*, Vol. 36, No. 5, 2017, pp. 457-467.

interesting case study since it is not a member of any military alliance, hence it is responsible for defending its own borders.

On the other hand, males in Sweden have been required to serve in the military since 1901; conscription was temporarily repealed in 2010 and revived in 2017 in response to mounting national security threats, and since then, men and women have been drafted. The conscript has the option not to serve, since there is no obligation to do so: only those who are motivated to serve are chosen for the draft, according to Swedish officials, and those who are drafted are expected to serve for nine to twelve months. According to Sanna Strand, the Swedish situation is worth looking into because it offers a different perspective than the one emerging from the debates in other European countries such as France and Germany, where proponents of conscription have mostly relied on traditional arguments about national pride, solidarity, and cohesion to justify their position.<sup>95</sup> On a broader level, the European Union's security doctrine, which defines terrorism, cybercrime, the proliferation of weapons of mass destruction and organized crime as the current major threats,<sup>96</sup> traditional territorial defence still continues to be seen as quite obsolete; however, in light of the current sense of insecurity in Europe, specifically enhanced with the Russian invasion of Crimea in 2014, it might seem that having a strong army capable of defending the country could play a significant role at the international level in the long run. In this context, it is possible to identify a Nordic approach to the dimension of defence policies, which instead have traditionally differed, but started being more convergent with the end of the Cold War, in the context of a European integration: as analysed by Pernille Rieker,<sup>97</sup> despite their variations and geographical location, the Nordic countries all maintained a more traditional security policy, emphasising territorial defence and military aspects of security through conscription for

---

<sup>95</sup> Strand, Sanna, *The "Scandinavian model" of military conscription: A formula for democratic defence forces in 21st century Europe?*, Austrian Institute for International Affairs, 2021.

<sup>96</sup> See for instance "European security and defence", Centre for European Reform (CER), at <https://www.cer.eu/hot-topics/european-security-defence#:~:text=Internally%2C%20transnational%20terrorism%20and%20crime,for%20tackling%20internal%20security%20issues.>, accessed February 2022.

<sup>97</sup> Rieker, Pernille, *The Nordic countries and EU security policy: convergent or divergent agendas?*, in *The Nordic Countries and the European Security and Defence Policy*, Stockholm International Peace Research Institute, Oxford University Press, 2006, pp. 301-314.

longer than most of their European counterparts.<sup>98</sup> This explains why conscription is still seen as a resource in these countries, whose main security and defence policies I am going to analyse in the next paragraphs.

For what concerns Norway, the "total defence" idea, a legacy from the Cold War era, remains a pillar of Norway's national defence strategy to this day, according to Kosnik,<sup>99</sup> whose research shows that even though the country has revised its military strategy in recent years, shifting its focus away from border protection, territorial defence remains a top priority in Norwegian defence policy, and conscription allows the country to increase its territorial presence, maintain a total defence doctrine, and a stable military manpower level. During a conflict, this comprehensive defensive strategy asks for the mobilisation of the entire nation's resources in order to safeguard its territory and preserve its sovereignty. The author points out that although Norway does not name Russia as a military concern, it is evident that it poses a significant military threat, especially in the High North: the country's hydrocarbon industry is located in northern Norway, which is near to Russia's heavily guarded Kola Peninsula; as a result, Russia's threats to Norway's sovereignty, particularly in relation to the Svalbard Islands, to hydrocarbon exploitation, and fishing rights, have gotten a lot of attention.<sup>100</sup> Accordingly, one of the key responsibilities of the Norwegian armed forces is to monitor and manage all areas under Norwegian authority, as well as to ensure border security. Interestingly, in order to ensure that only the most qualified and motivated people are drafted, Norway has a very selective military service, which appeals to young Norwegians for its exclusivity rather than for the actual duties, as reported by Braw:<sup>101</sup> out of around 60.000 young draftable men and women, between the age of 19 and 44, 17.500 are selected for a second interview, with around 8.500 joining the military; around 7.500 of them complete their mandatory national service, accounting for roughly 13% of

---

<sup>98</sup> *Ibidem*, pp. 301-302.

<sup>99</sup> See *supra* note 91, Xenia Zubova, p. 457.

<sup>100</sup> *Ibidem*, p. 461.

<sup>101</sup> Braw, Elisabeth, Competitive National Service. How the Scandinavian Model Can Be Adapted by the UK, Royal United Services Institute for Defence and Security Studies, RUSI Occasional Paper, October 2019, p. 15.

each year's cohort.<sup>102</sup> Since conscription was first adopted, the economics of conscription in comparison to all-volunteer forces have been extensively discussed in the political arena; however, as reported by Kosnik, despite the fact that economists continue to question the effectiveness of conscription in terms of costs, Norway maintains that it is a crucial and cost-saving recruitment instrument; furthermore, due to the lack of ally NATO forces on its territory, one of the Norwegian armed forces' key objectives is to retain a significant military presence. Compulsory military service that is gender-neutral is also at the centre of the Norwegian armed services' recruitment plan to expand the number of women serving in the military; for this reason, in 2013 the country's parliament unanimously approved to enhance the country's conscription policy by requiring women to serve alongside men in the military: a measure that enabled Norway to become the first NATO member and the first European country to require both men and women to serve in the military in 2015. The armed forces' selection pool has now doubled, and selection has been made even more competitive: women were able to volunteer in the army before this, but by 2016, they had to go through the same process as men and, as it has been shown, the proportion of women in the Norwegian military forces has been gradually increasing since then, from 21% in 2017 up to 33% in 2020.<sup>103</sup> Although, only a small fraction of them go on to pursue careers in the military, primarily as a result of sexual harassment and bullying within the army: the data from a national study conducted in 2020 showed that 63% of women under thirty years old were sexually harassed.<sup>104</sup> The military is currently one of Norway's most gendered workplaces, and much can be done internally to make this environment more equitable and professional.

Out of the Nordic countries, Norway and Sweden are the only ones providing conscription for both men and women, while in Denmark and Finland it is for men only. Although, unlike Norway, Sweden abolished military

---

<sup>102</sup> See "Conscription in development", People and Defense, April 9, 2021. Available at <https://folkogforsvar.no/verneplikten-i-utvikling/>, accessed February 2022.

<sup>103</sup> See "A Look at Norway's Approach to Gender-Neutral Conscription", <https://www.securitywomen.org/post/a-look-at-norways-approach-to-gender-neutral-conscription>, accessed February 2022.

<sup>104</sup> *Ibidem*.

conscription in favour of volunteer recruitment in 2010, joining a long list of European countries that had done so at the time. Sweden's government agreed to reactivate conscription in March 2017, and the Parliament overwhelmingly supported the idea, with almost 70% of the votes in favour: as a result, starting with January 2018, mandatory enlistment has been functioning alongside conventional volunteer-based recruiting, affecting approximately 4.000 of the 13.000 eligible young men and women who were chosen to serve in 12-months military service.<sup>105</sup> Interestingly, as reported by Sanna Strand in her paper from 2021, the reactivation was not presented as a matter of political ideology as in other European countries, rather, the new government presented it as an unavoidable decision due to a shortage of volunteers in the Swedish Armed Forces and a countermeasure to the rising tensions in the Baltic Sea region.<sup>106</sup> As opposed to Norway, Russia's provocative and hostile acts are more openly cited by Swedish officials as a primary driving element behind this decision, stating that "*The security environment in Europe and in Sweden's vicinity has deteriorated and the all-volunteer recruitment hasn't provided the Armed Forces with enough trained personnel. The re-activating of the conscription is needed for military readiness.*"<sup>107</sup> Therefore, with the goal to overcome the need for qualified workers and a larger recruitment pool, the Swedish government started recruiting women as well. In this regard, according to the analysis by A. Persson and F. Sundevall in 2019, the Swedish scenario is a bit of a contradiction from an international standpoint: on the one hand, Sweden has established itself as a leader in military gender equality, as it was one of the first countries to allow women to serve in all branches and ranks of the military, including combat. In comparison to NATO countries, Sweden, on the other hand, has a low proportion of female officers, and major gender-related work environment issues, such as sexual harassment and a lack of sufficient

---

<sup>105</sup> Zak, Barbara, "Conscription in European Union", Europensblog, 2017, available at <https://europensblog.wordpress.com/2017/03/07/conscription-in-the-european-union/>, accessed February 2022.

<sup>106</sup> Sanna Strand, *The "Scandinavian model" of military conscription: A formula for democratic defence forces in 21st century Europe?*, Austrian Institute for International Affairs, 2021.

<sup>107</sup> Ministry of Defence, "Sweden re-activates conscription", available at <https://www.government.se/articles/2017/03/re-activation-of-enrolment-and-the-conscription/>, accessed February 2022.

equipment for women, have been reported.<sup>108</sup> The conscription system remains highly selective however, as it is in Denmark and Norway, since the armed forces rarely have to force a candidate to serve; also, selective national service has a strong appeal because it is a mix of voluntary and mandatory service. This selectivity is portrayed as one of the key characteristics of the Swedish model of conscription in Strand's paper, according to whom it could be taken as example for the Scandinavian model itself: the main goal of conscription, as already said, was stated as providing personnel to the armed forces; it was not about raising and teaching young people, and such a rhetoric is understandable in the context of Swedish government's version of conscription, which is selective rather than universal.<sup>109</sup> Sweden aims to enrol only the proportion of the population that the military requires and can afford to train, which has amounted to roughly 5% of the age-group available for service every year since the conscription was reinstated. Because of this choice, the government and defence authorities have been able to portray conscription as still being voluntary in principle, thereby making it more appealing. In this framework, the author identifies the gender neutrality of Sweden's conscription model and the fact that it is a selective and highly competitive service as its main features, and as more and more important issues for the Swedish armed forces to be perceived as a modern and appealing organisation.<sup>110</sup> Sweden's military non-alignment policy contributed to increasing public support for conscription and the armed forces,<sup>111</sup> although the country abandoned its neutrality when it joined the EU in 1994, therefore it will be interesting to see what will change in the event that it joins NATO.

With respect to Finland, the country quickly created armed forces after achieving independence from Russia in 1917,<sup>112</sup> on the basis of universal

---

<sup>108</sup> Persson, Alma and Sundevall, Fia, *Conscripting women: gender, soldiering, and military service in Sweden 1965-2018*, *Women's History Review*, 28:7, 1039-1056, 2019, p. 1051.

<sup>109</sup> Strand, Sanna, *The "Scandinavian model" of military conscription: A formula for democratic defence forces in 21st century Europe?*, *Austrian Institute for International Affairs*, 2021, p. 6-9.

<sup>110</sup> *Ibidem*.

<sup>111</sup> See Elisabeth Braw, *Competitive National Service. How the Scandinavian Model Can Be Adapted by the UK*, *Royal United Services Institute for Defence and Security Studies*, RUSI Occasional Paper, October 2019, p. 20.

<sup>112</sup> See <https://www.britannica.com/place/Finland/The-struggle-for-independence>, accessed February 2022.

conscription for men, and especially after the Second World War, during which Finnish soldiers fought against a significantly superior Red Army and were finally destroyed, the universal conscription concept became critical to the country's defence.<sup>113</sup> Nowadays, national service is still quite important in Finland's defence policy, and enjoys a broad base of support, as it is regarded as an essential component of citizenship and the set of civil rights and responsibilities that come with it.<sup>114</sup> Moreover, the citizens' will to defend the country is said to have a crucial role in preserving conscription in Finland: on this matter, according to Tarja Cronberg, Finland has its own unique perspective on security and defence, while the perceived Russian threat, the concept of territorial defence, and a high level of general conscription are the cornerstones of this viewpoint; together, they constitute the foundation of the will to defend, which is a feature of Finnish mentality and even national identity, according to the author.<sup>115</sup> Nonetheless, according to a recent analysis, Finns over 50 years of age are the most supportive of conscription (84 percent), while young people under the age of 25 are increasingly becoming less engaged;<sup>116</sup> at the same time, the current debate's hot themes concerning conscription converge on gender inequalities in the conscription system and the growing political support for mandatory civilian service. Pertti Joenniemi, in his book on the changing face of European conscription, underlines that there are some recurring narratives on Finland's conscription policy, that have traditionally relied on arguments such as the ones supporting a huge pool of military personnel as the only way possible for the defence of the entire national territory; the concept of nation-building through the defence of the country's independence; conscription system as a cost-effective method, also contributing to military democratisation, and beneficial to the nation's willingness to defend itself. In the case of Finland, as well as Sweden, it will be interesting to see how

---

<sup>113</sup> *Supra* note 111, Elisabeth Braw.

<sup>114</sup> See Kosonen, J., Alisa P., and Teemu, T., *Saying no to military service - obligation, killing and inequality as experiences problems in conscription-based military in Finland*, J. Military Stud. 2019, 46-57.

<sup>115</sup> Cronberg, Tarja, *The will to defend: a Nordic divide over security and defence policy*, in *The Nordic Countries and the European Security and Defence Policy*, Stockholm International Peace Research Institute, Oxford University Press, 2006, pp. 315-322.

<sup>116</sup> *Supra* note 111, Elisabeth Braw, p. 46.

what has been said so far, especially the nation's willingness to defend itself, will be reconciled with the fact that it is likely to be part of NATO.

Moreover, based on the fact that Finland's geopolitical status precludes the use of a professional army, as the number of soldiers required would be prohibitively high, and the area would be too large to be legitimately defended with a small professional army, the conscription system is deemed to be the most fitting; and finally, it has widespread public support.<sup>117</sup> The latter has been meticulously constructed by national institutions over time, and continues to be, especially through the social networks, parades, national days and events that want to be appealing and engaging for the younger generations, as is evident from the national website.<sup>118</sup> At the same time though, Finland has been lately the subject of a research conducted by War Resisters' International on the issue of conscientious objection, and does not come out well; among the main critical aspects, the association identifies the following: the alternative civilian service is punitive in length; those who refuse to serve in the military or in a (punitive) alternative service, such as total objectors, are sentenced to prison, which is frequently converted to home detention with monitoring; professional soldiers do not have the right to conscientious objection; in the call-ups, there is no information about civilian duty, and serving conscripts who want to switch to non-military service are frequently denied or delayed by military officials.<sup>119</sup> Specifically concerning total objectors, it is against this group that the legislation is generally more harsh, since they are subjected to very strict measures providing for a limitation of their personal freedom, being monitored by technical devices, and basically confined to their home, in case their sentence is converted from prison to monitoring.<sup>120</sup> In the years 2010-2019, there were around 40 total objector instances every year on average, according to the

---

<sup>117</sup> Joenniemi, Pertti, *The Changing Face of European Conscription*, Danish Institute for International Studies, 2016, p. 43.

<sup>118</sup> Leaflet from the 2017 campaign, "The Finnish Defence Forces' Finland 100 events in 2017", [https://puolustusvoimat.fi/documents/1948673/2267766/PV\\_Maanpuolustus\\_taskuesite\\_0317\\_EN\\_www\\_fi\\_nal.pdf/51814168-991d-4ab4-ab99-d3fb2d794829/PV\\_Maanpuolustus\\_taskuesite\\_0317\\_EN\\_www\\_final.pdf?t=1491813869000](https://puolustusvoimat.fi/documents/1948673/2267766/PV_Maanpuolustus_taskuesite_0317_EN_www_fi_nal.pdf/51814168-991d-4ab4-ab99-d3fb2d794829/PV_Maanpuolustus_taskuesite_0317_EN_www_final.pdf?t=1491813869000), accessed February 2022.

<sup>119</sup> See War Resisters' International, *Country Report and Updates: Finland*, last revision October 2021, available at [https://wri-irg.org/en/programmes/world\\_survey/country\\_report/de/Finland](https://wri-irg.org/en/programmes/world_survey/country_report/de/Finland), accessed February 2022.

<sup>120</sup> *Ibidem*.



Report of the Union of Conscientious Objectors by 2021;<sup>121</sup> moreover, the association reports that total objectors have been randomly acquitted since February 2018, but after the elimination of the exception for Jehovah's Witnesses in April 2019, they have been summoned and fined once more, contrary to the *ne bis in idem* principle. Therefore, in light of the above, some concerns remain as regards the Finnish conscription system and the protection of conscientious objectors' human rights.

#### **4. Conclusion to the chapter**

I started this Chapter with an historical reconstruction of conscription, its methods, its development and distribution worldwide, and I focused on the current state of affairs concerning the European context. This gave me the opportunity to show how the European conscription map has changed in the last decades: several European countries have significantly reduced general conscription, developed it to be more selective, or moved completely into a professional military system in the post-Cold War security environment. The latter one was the most important element for conscription reform in Europe, leading to its abolition or suspension in the majority of the countries; however, some of them still use some form of conscription, while some other countries are considering its reinstatement, or have already started trial processes.

The main focus of the chapter revolves around this new relevance of conscription in the European framework, and gives space to the current debate about a return to the military. After having analysed in details the literature about the decline of the Mass Army Theory, according to which conscription was no longer seen as an appropriate model for defence policy, but rather was increasingly replaced by all-volunteer forces, my attention goes towards the importance of the 2014 Ukrainian crisis and its role in the shift to new forms of

---

<sup>121</sup> Report of the Union of Conscientious Objectors (Aseistakieltäytyjäliitto, AKL) regarding Finland's seventh periodic report on International Covenant on Civil and Political Rights, Appendix 1. Available at <https://akl-web.fi/fi/posts/akln-raportti-ykn-ihmisoikeuskomitealle>, accessed February 2022.

conscription nowadays, not to mention the effect that the current conflict with Russia will have in the long term in both geopolitical and social terms in Europe.

Specifically, I analysed the case studies of France and Germany, where the debate on mandatory military and civilian service is stronger and has already lead to pilot projects of new national services; as well as the study case of Italy, where the history of conscientious objection strongly intertwines with the one that lead to the suspension of conscription in the country, and I gave an overview of the political proposals that have been recently made or enacted, according to the populist political request to teach the younger generations sacrifice and discipline. I concluded my analysis with a study case on the Nordic countries and the “Scandinavian model”, in a way to present different points of view on the same matter, without claiming to be exhaustive, rather to outline how a group of countries who are deemed to be an example of modernity, also deal with challenges and paradoxes in their defence policies about conscription methods. Indeed, while counting on a very competitive conscription system, and on a broader public support for the national service, their gender neutral application, where it is provided, does not directly translate into gender equality within the military, given the under-representation of women in the ranks and the multiple cases of sexual harassment.

Therefore, in such a geopolitical context where mandatory enlistment is either enhanced as having an important educative and patriotic role, or is being rated as an outdated security policy method, the question of whether conscription is an appropriate technique of civic education remains open and debatable.

A better understanding of the legal system of the country in which one is a citizen, lives and votes, a better ability to manage social relations, and an in-depth civic education are all aspects in which many countries' education systems fall short, therefore the idea to replace this with a mandatory service in the military might not sound as the perfect solution. Indeed, the public feeling in many countries is that to teach adolescents to trust in military force, to blindly obey to orders, and to always agree with their superiors, is not the right way to

educate the future generations, and it might not be the best way to achieve the goal of forming a more unified, honest and concerned social structure.

At the same time however, mandatory enlistment benefits from a wide public support in some countries, especially from the older age groups of people, who are being mostly nostalgic of the conscription concept, without a proper consideration though of the fact that it is one thing to do it as a profession, and it is quite another to force an entire state's youth onto the military. These remarks entail as well the problematic issue of conscientious objectors, as they are still being seen as potential dangers for the stability of the state, and denied of their basic rights whenever their objection is considered to be "too much", as in the case of total objectors; indeed, regardless of the type of conscription adopted by a country, the acknowledgement of the right to conscientious objection as a basic human right does not yet receive the attention it deserves, and in the next chapter I try to explain why.

## Chapter II - The socio-political dimension of conscription

### 1. Introduction to the chapter

The themes of patriotism and militarism, and how they perpetuate existing socioeconomic inequities and hierarchies, may be further addressed once it has been shown that there is a relationship between military duty and nationalist reasoning, and that the demand for identity is an essential theme.

In this context, the military remains one of the primary institutions for the construction and expression of citizenship, based on the principle of the citizen's participation in and contribution to the common good as a duty owed to him as a member of society; mandatory military service is thus seen as the most basic manifestation of an individual's commitment to the state.

For this reason, with this chapter my intention is to debunk the myth that everyone in a democratic system has equal citizenship status, rights, and responsibilities: I will be focusing on the discrimination that militarism and patriotic concepts entail, for instance when they conceive the concept of the enemy and the homeland to defend, forming the "us versus them" narrative; the latter strategically legitimises inequalities and perpetuates social and gender hierarchies, through social categorisation, marginalisation, stereotype-based prejudice, discrimination, and legitimisation myths such as patriotism in fact, whose function, according to G. Melek,<sup>122</sup> is to legitimise the concept of war, the use of force and the militarisation of society.

With the intention of reflecting on these issues and exposing the ambiguities behind the concept of mandatory military service, I have structured the chapter as follows: I begin by summarising the many viewpoints in the literature on the military's involvement in the formation of the normative idea of citizenship, examining how the ideological component of nationalism relates to state interests and power. I go on to examine the concept of citizen-soldier from

---

<sup>122</sup> See Goregenli, Melek, *Patriotism and the justification of inequality in the construction of militarism*, in *Conscientious Objection, Resisting militarized society*, 2009, p. 38.

its ancient origins to Morris Janowitz's conceptualization, with a focus on those who have historically been excluded from its formulation, through an examination of hegemonic and military citizenship theory, and through the thesis that military service exemplifies the patriarchal form of citizenship.

I review the literature on military culture as a political tool that contributes to the reproduction of inequalities by delivering pre-packaged messages of an ideal kind of masculinity that serves no purpose other than to replicate the hierarchical gender order as long as people are excluded from service based on sexual and gender identity, class, and race.

Conscientious objectors oppose the conventional approach to identity in this paradigm, becoming proponents of a new concept of masculinity and opposing a requirement, military service, that introduces young men to a regressive view of society.

With the second half of the chapter, I devote more attention to the analysis of women's protagonism, both as army volunteers and activists in feminist conscientious objection and anti-militarist movements, in order to address the political implications of women's conscientious objection in a setting where women are not conscripted. Through the work of researchers such as Cynthia Enloe and Cythia Cockburn, two luminaries in the field of gender studies and anti-militarist feminist movements, the feminist perspective exposes all the fallacies associated with the hegemonic military masculinity concept, as well as the tendency to consider the extension of conscription to women as a synonym for gender equality, instead exposing the rampant militarism in our societies.

I conclude the chapter with an examination of the ambiguous relationship between conscription and democracy, revealing the former's hidden costs in terms of educational access and economic effects, particularly given that conscription benefits from a large pool of underpaid workers; additionally, I examine how its effects on human rights culture are devastating, since democratic systems that rely on military conscription support international relations that are far more hostile to human rights.

## 2. The role of military conscription in the process of citizen creation

Military service participation has long been a feature of the normative notion of citizenship, and the relationship between the state, the individual and the army has gotten a lot of academic interest. On a broader level, when it comes to the military's role in nation-building, there are two primary positions in the literature: one viewpoint claims that it plays a constructive role in the nation, with unifying and stabilising effects on society,<sup>123</sup> while the opposing viewpoint asserts the inverse, for instance considering the military as a mere financial burden;<sup>124</sup> others believe neither perspective is correct, for instance attributing the military's success to the state formation process or to its degree of cohesion and use of national identity and ideology.<sup>125</sup> However, in a context where globalisation has become the hallmark of the postmodern era and has challenged the very idea of national sovereignty, the old link between citizens' identity and the nation-state has been put into jeopardy, as analysed by many researchers;<sup>126</sup> yet, national identity is still one of the few ideas of community that we can refer to nowadays, and it finds fertile ground in the concepts of nationalism, patriotism and national consciousness.

On this regard, Suavi Aydin describes the role played by conscription and national armies in the process of producing citizens, starting from the spread of the concept of national consciousness:<sup>127</sup> the latter began to gain popularity in the aftermath of the French Revolution, when the military service was no longer seen as a privilege reserved for the nobility, and military rank was no longer a status that could be purchased, indeed the right to bear arms was granted to all

---

<sup>123</sup> See for instance Coleman, J.S. and Brice, B., *The Role of the military in sub-Saharan African*, 1962, and L.W. Pye, *Armies in the Process of Political Modernisation*, 1962, both in John J. Johnson (ed.) *The Role of the Military in Underdeveloped Countries*, Princeton University Press, 1962.

<sup>124</sup> See Krebs, Ronald R., *A School for the Nation? How Military Service Does Not Build Nations, and How It Might*, *International Security*, Vol. 28, No. 4, 2004, pp. 85-124. See also Roumani, M., Elkin, J., and Dietz, H., Retrieved from *Ethnicity, Integration and The Military*, 1991.

<sup>125</sup> See for instance Du Pisani, A., and Lamb, G., *The Role of the military in state formation and nation-building: an overview of historical and conceptual issues*. Batchelor, P., Kingma, K. and Lamb, G. *Demilitarisation and Peace-building in Southern Africa* 3, 2004, pp. 6-17.

<sup>126</sup> See for instance Vanoni, L. P. and Vimercati, B., *Dall'identità alle identity politics: la rinascita dei nazionalismi nel sistema costituzionale europeo*, *Quaderni costituzionali* (ISSN 0392-6664), Fascicolo 1, March 2020.

<sup>127</sup> Aydin, Suavi, *The militarization of society: conscription and national armies in the process of citizen creation*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 17-37.

citizens, resulting in the formation of the so called “people's army”;<sup>128</sup> a new military concept for that time, which also entailed Napoleon's military triumph in the first two decades of the nineteenth century. Historically, as the author points out, conscription became both a right and a sacred responsibility for all citizens since the creation of the nation-state, however, unlike in pre-nation-state eras, it did not provide any direct personal advantage to the people, so the focus shifted to the need for an ideology: the concept of fighting for the homeland, connected to the idea of the military service as the most important and necessary institution for ensuring the wellbeing of the country as a whole, was the main motivation, as a result of which the nationalist ideology started taking root. The most common narrative was that the community of citizens could now count on the military for the continuation of family, school, and community discipline, through values such as sacrifice, loyalty and military honour.<sup>129</sup>

Barry R. Posen also commented on this point earlier in 1993,<sup>130</sup> presenting the ideological aspect of nationalism as functional to the state for spreading the concept of “*a shared identity and fate*” among citizens;<sup>131</sup> therefore he conceptualised the need for states to actively promote nationalism due to its effectiveness in mass mobilisation, especially in preparation for a potential conflict, and the necessity to disseminate some aspects of culture and history that are vital to the nation's identity, for instance through education, media and military indoctrination. Thus, according to the author's analysis, nationalism and the national military service are instrumental to the state power, as long as they can rouse the spirit of self-sacrifice of as many people as possible, contributing to the improvement of the state's military capabilities.

This takes us back to the concept of the citizen-soldier, subject of much research in the second half of the 1900s, an idea that can be traced back to the Greek city-state and early Roman military system; a notion that emphasises the links between military service and the state's control over the armed forces. In

---

<sup>128</sup> *Ibidem*, p. 17.

<sup>129</sup> *Ibidem*, p. 30.

<sup>130</sup> Posen, Barry R., *Nationalism, the Mass Army, and Military Power*, *International Security*, Vol. 18, No. 2, 1993, pp. 80-124.

<sup>131</sup> *Ibidem*, p. 85.

this regard, Morris Janowitz in his *Military Institutions and Citizenship in Western Societies*,<sup>132</sup> talks in detail about the military's role in nation-building from a sociological point of view. Historically, military service was defined as an inherent part of citizenship in the mass conscript armies of the nineteenth century, and when they began to be converted into smaller voluntary forces, as we saw in the previous chapter, this had enormous repercussions on social structure, political power, and on nationalism as well. Building on previous literature about the role of the armed service in the formation of nationalism and the links between military service and citizenship, the author's famous formulation "*military service emerged as a hallmark of citizenship and citizenship as the hallmark of a political democracy*", contributes to this point. Moreover, further analysing the concept of the citizen-soldier, Janowitz explains that it is more of a political status than a specific military kind, hence contributing to the idea that in a democracy, military service is the only means to gain social and political recognition.<sup>133</sup>

## **2.1 Hegemonic theorisations of citizenship: the spread of a normative soldier concept as instrumental in maintaining inequalities**

In a way to better understand what conscription really entails, we also have to look at those who have been historically excluded, and still are, from the concept of citizen-soldier and from conscription, therefore putting it in relation to social groups that are marginalised and discriminated against mainly because of their sex, gender, religion or ethnicity, for instance. Nira Yuval-Davis, in her article published in 1997, was already speaking of a "*gender-blind and Westocentric character*" that is typical of "*many of the most hegemonic theorizations of citizenship*",<sup>134</sup> in a way to address how the latter can differentiate between citizens, ending up with limitations to the civil rights of entire social groups. Individual citizens are considered to have equal status,

---

<sup>132</sup> Janowitz, Morris, *Military Institutions and Citizenship in Western Societies*, Armed Forces & Society, University of Chicago, 2:185, 1976, pp. 185-204.

<sup>133</sup> *Ibidem*, pp. 189-193.

<sup>134</sup> Yuval-Davis, Nira, Women, *Citizenship and Difference*, Feminist Review n. 57, Citizenship: Pushing the Boundaries, 1997, p. 4.



rights, and responsibilities in the liberal tradition, therefore principles of inequality arising from gender, ethnicity, class, ability, or other circumstances are not supposed to be relevant to the status of citizenship as such; nonetheless, this theorization is dangerous and does not reflect the actual complexity inherent in the construction of citizenship: diversity is part of human nature and needs to be taken into account as an integral part of what makes us citizens. The ultimate citizen's responsibility has always been considered as defending one's own community and country, even at the cost of one's own life; in this context the author highlights how the body also represents an important feature in the definition of citizenship, claiming that it has traditionally been associated with the ability to participate in conflicts for national defence, and that this ability has been identified exclusively with maleness.<sup>135</sup> This categorisation clearly has an effect on both sexes, on how they perceive themselves and they are perceived by society, as we will analyse further in this chapter; although such a definition also entails a specific perception of how the ideal citizen has to be, what physical characteristics he needs to have, what values he should believe in, what he must be ready for in order to defend his homeland.

Further expanding this point of view, Edna Feder and Orna Levy's research examined the multiple effects of military service on citizens, particularly taking into account the different subjective experiences of citizenship in the army at the intersectionality of gender, class, and ethnicity, based on a study that analysed the life stories of Israeli women from various ethno-class backgrounds who served as military secretaries, showing that military service takes on a different meaning depending on one's social and economic status and cultural framework.<sup>136</sup> Moreover, based on the perspective that the military is the most strongly affiliated institution with the state, and that it represents the embodiment of citizenship, especially in those countries with mandatory enlistment, the authors claim that compulsory military service is one

---

<sup>135</sup> *Ibidem*.

<sup>136</sup> Lomsky-Feder, Edna and Sasson-Levy, Orna, *Serving the army as secretaries: intersectionality, multi-level contract and subjective experience of citizenship*, *The British Journal of Sociology*, Volume 66 Issue 1, 2015, pp. 173-193.

of the key methods by which the state creates obedient and dedicated citizens. The concept of the good citizen is confirmed here as responding to the definition of citizenship in terms of one's contribution to the collective security: as a result, the good citizen is a male combat soldier who is ready to give his life for the sake of the homeland, thus excluding women from this definition. Indeed, women are not treated the same as men when it comes to the ultimate commitment to the state, and so do not have the same rights and privileges; therefore, according to the authors, military service exemplifies the patriarchal form of citizenship.<sup>137</sup> Curiously, this discrimination takes place in the Israeli context as well, where mandatory enlistment is for both men and women since its foundation in 1948; as a matter of fact, inclusion in the conscription system alone is not enough to guarantee equal rights, as I will explain later in this chapter.

Orna Levy has previously developed this topic in her study from 2003, researching the relationship between military service, masculinity and citizenship from the point of view of lower-class Israeli soldiers, examining how this relationship changes when social stratification is included in the assumed equation between men, military, and the government. She came to the conclusion that despite the fact that this process can reveal the internal contradictions between what she calls the *holy triangle* of war-making, citizenship and masculinity, the military continues to serve as a political tool that contributes to the reproduction of inequalities;<sup>138</sup> it serves as a primary expression of both citizenship and manhood, shaping images of masculinity that do not take into consideration the complexity of social stratification, and gives an image that is not representative of society. This is the reason why one of the assumptions of Levy's research is that the intertwinement between multiple social variables and the social construction of masculine identities, leads to the fact that a unified militarised masculinity is unrealistic to maintain.

---

<sup>137</sup> *Ibidem*, p. 175.

<sup>138</sup> S. Levy, Orna, *Military, Masculinity, and Citizenship: Tensions and Contradictions in the Experience of Blue-Collar Soldiers*, *Global Studies in Culture and Power*, 2003, 10:3, 319-345.

On these premises, the idea of the army operating as a mechanism for social integration, solidarity, and cohesion is clearly implausible: citizen military service has been viewed as a means for excluded segments of society to gain political legitimacy and rights, as well as an indication that they had effectively gained citizenship and the benefits that come with it. Therefore, the discrimination entailed by the military's identification as a masculine institution affects not only society, but also specific social groups: the link between military duty and citizenship, while favoring men conscripts in the army, excludes women and gender nonconforming people, and treats them as second-class citizens. This hierarchical gender order is maintained by replicating the concept of ideal masculinity as linked to citizens' rights and obligations, while simultaneously imposing false equality standards and a second-class citizenship status on women and those who are not compelled to serve in the military. While it is no longer true that military service gives a person citizenship status, traditionally members of marginalised groups could have actually improved their social status by serving in the military, as it has been historically true for women and African American people, according to the analysis by James Burk:<sup>139</sup> they were recognised as full citizens only in theory, while being denied at the same time the possibility to carry out military obligations connected to citizenship. In line with the author's analysis, these constraints stemmed from a general societal reluctance to award them full citizenship rights, confirming their lower position in comparison to white males, while contributing to the spread of the concept of first-class and second-class citizens, and its radicalisation in mainstream Western thinking.

Not only women and black people, but also religious and sexual minorities, individuals with disabilities, indigenous people and other marginalised groups, have all been formally barred from serving in the military, or had their capacity to do so severely limited, which is the reason why they have frequently campaigned for the right to conscript, in order to establish their worth as citizens. Therefore, understanding military membership among those who do

---

<sup>139</sup> Burk, James, *Citizenship Status and Military Service: The Quest For Inclusion by Minorities and Conscientious Objectors*, Armed Forces & Society, Texas A&M University, 1995, pp. 503-529.

not fit the typical image of cisgender christian heterosexual white man,<sup>140</sup> considered as the normative soldier concept, can provide an insight into larger societal patterns of polarisation and inequality, and that is for instance what K. De Angelis et al. did in 2017 with their research on inclusion in the American military.<sup>141</sup> The authors encourage us to think about what social representation and inclusion in the military says about who qualifies as a citizen and whose lives are worth risking for defending their nation. They explain how every marginalised group in America has strategically used military service to push for fuller citizenship, civil rights, and social integration, while also opposing the conflation of American identity with European descent: Blacks, Latinos, Native Americans, Asians, and Pacific Islanders all have a history of being denied recruitment, being assigned to segregated units, being restricted to demeaning jobs, and being denied opportunities to advance into the officer ranks, and this is because, notably, racial and ethnic prejudices are frequently at the heart of the definition of military jobs.

The main point of contention in the debate on inclusivity in the military service, has always been whether including marginalised or minority populations will weaken unit cohesiveness and reduce military performance. Of particular importance in this respect is the announcement by former US president Trump in 2017 of his ban on transgender people from serving in the military:<sup>142</sup> while being a boorish political stance against transgender people as a whole, and a demonstration of the mental backwardness of the most conservative political fringes, the decision to exclude them from military service is also a clear sign of how important it can be for certain people to serve in the armed forces in terms of political and social representation and recognition.

On this point, an interesting analysis by Spindel and Ralston recently highlighted the current attitudes towards transgender military service and the

---

<sup>140</sup> See De Angelis, Karin et al., *Inclusion in the American Military: A Force for Diversity*, Lexington Books, 2017. The christian element in this definition is explained as having a role in the armed services' qualification procedures, since they are more aligned with normative christian culture than with other religions, according for instance to dressing standards or community pastoral ceremonies.

<sup>141</sup> *Ibidem*.

<sup>142</sup> See for instance The New York Times, *Trumps says transgender people will not be allowed in the military*, available at <https://www.nytimes.com/2017/07/26/us/politics/trump-transgender-military.html>, accessed February 2022.

opposition to it: they find that either support or opposition for transgender inclusion in the military is based on political ideologies rather than military expertise, and that, since it is well established that military service offers first-class citizenship benefits, these attitudes can translate both in an effective inclusion of marginalised groups in the army, or in an increased impediment to exercising their citizenship rights.<sup>143</sup> Interestingly, according to the authors, military service can become a key conduit for influencing the general public's treatment of transgender and other marginalised people as the American public becomes increasingly deferential to those in uniform. Indeed, because of the military's importance as a significant social institution, its success or failure in the attempt to recruit a more diverse workforce has consequences for society as a whole; if military experience is any indication, policies mandating inclusion in other social organisations might result in more inclusive mindsets.<sup>144</sup>

The relationship between military effectiveness and inclusivity has been recently accessed by Jacqueline Whitt and Elizabeth Perazzo in their study on the critics of the American military as a social experiment.<sup>145</sup> They look at "the social experiment critique," or the idea that the military should not be used to push a social agenda or be a product of social engineering. The authors reconstruct the debates surrounding the military's role in inclusivity and place them within the context of conservative political circles, which continue to use the social experiment critique as a political tool; interestingly, they note how the social experiment critique is used selectively, namely against populations other than heterosexual, white, christian, and native born cisgender men in the military. According to them, the US military has never been homogeneous, and it has traditionally restricted military participation based on demographic factors such as race, ethnicity, class, citizenship, religion, gender, and sexuality, to maintain the existing social and political order, often at the expense of military

---

<sup>143</sup> Spindel, J. and Ralston, R., *Taking Social Cohesion to Task: Perceptions of Transgender Military Inclusion and Concepts of Cohesion*, *Journal of Global Security Studies*, 5(1), 2020, pp. 80-96.

<sup>144</sup> *Ibidem*.

<sup>145</sup> Whitt, Jacqueline E. & Perazzo, Elizabeth A., *The Military as a Social Experiment: Challenging a Trope*, *Parameters* 48, no. 2, 2018. Available at [https://press.armywarcollege.edu/parameters/vol48/iss2/3?utm\\_source=press.armywarcollege.edu%2Fparameters%2Fvol48%2Fiss2%2F3&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://press.armywarcollege.edu/parameters/vol48/iss2/3?utm_source=press.armywarcollege.edu%2Fparameters%2Fvol48%2Fiss2%2F3&utm_medium=PDF&utm_campaign=PDFCoverPages), accessed February 2022.

efficacy considerations. The attempt to diversify the American military and broadening access to military service has traditionally been opposed by political conservatives, but this started to evolve when the idea of the all-volunteer force began to take hold, since armies needed as many conscripts as possible to sustain themselves.<sup>146</sup> Nonetheless, despite the reality that an all-volunteer force would be unable to function without women, there is still a propensity to regard warfare as a masculine domain.

Today, the debate around the impact of a socially inclusive military, reveals the politicisation of questions about military representativeness and inclusivity: the research shows that the social experiment critique is still used in conservative media and political circles to express opposition to the advancement of social considerations to the detriment of military readiness and effectiveness, as previously mentioned. Furthermore, the authors observe that the critique is frequently expressed by politically conservative senior retired military officers, who are widely respected by the public, and share the message whereby domestic policy decisions might occur to question military traditional values.<sup>147</sup> Finally, the social experiment critique outlines military service as a privilege for those considered suitable to serve, rather than a duty or a punishment, thus reinforcing the narrative that military service uplifts those who serve.

## **2.2 Conscientious objection as an alternative performance of citizenship**

In the light of what has been analysed so far, there are no two more traditionally distinct groups than conscientious objectors and minority groups in terms of their attitudes toward military duty: the first are seeking exemption from military service, while the others are struggling to enlist in order to establish their political commitment and identity. As we have seen up to now, as long as nationalism and national military service can stimulate mass mobilisation, they

---

<sup>146</sup> *Ibidem*.

<sup>147</sup> *Ibidem*, p. 11.

are beneficial to state authority, and an effective political instrument to generate compliant citizens and to perpetuate inequality.

In this framework, conscientious objectors reject the nationalistic language of self-sacrifice, question the military's function in molding citizenship, and question the link between conscription and state loyalty by choosing not to serve, while becoming the bearers of a different idea of masculinity, and of alternative gender definitions that are not based on military service.

There has been a lot of research on the subject of conscription as a tool used to militarise citizenship, aiming at promoting false equality ideals; thus, as a result, conscription has a substantial impact on the state's imposition of who gets to be *us* and who gets to be *them*, notably a crucial idea in national security discourses. In response to this, conscientious objectors are citizens who do not want to be a tool for political control and military readiness, nor want to be instrumental to keep social hierarchies. Historically, this process started changing with the decline of the mass army and the separation of the notion of citizenship from military service, but it is still true in those countries with mandatory conscription systems.<sup>148</sup>

According to the original research that I. Hwang does concerning the criminalisation of conscientious objection in South Korea, conscientious objectors are thought to be challenging the hierarchical structure of national security by demonstrating that its concept and practise is open to negotiation and reform, through their alternative performance of citizenship.<sup>149</sup> According to the author, they propose a new civic space from which new national security knowledge can be negotiated, by blurring the lines between the concept of soldier and civilian, friend and enemy, criminal and law abiding. The author argues that the claim of objection serves as a reminder to society that the information on national security and the way it is implemented are not absolute, but rather conditional, and that objectors represent in this framework the struggle for a more democratised process for defining national security. Both

---

<sup>148</sup> See Janowitz, Morris, *Military Institutions and Citizenship in Western Societies*, Armed Forces & Society, University of Chicago, 2:185, 1976, pp. 188-191.

<sup>149</sup> Hwang, Ihntaek, *Militarising national security through criminalisation of conscientious objectors to conscription in South Korea*, *Critical Studies on Security*, 6:3, 2018, pp. 296-311.

objectors who explicitly refuse conscription claiming their right to oppose military service, and those who avoid it for personal reasons, undermine with their choice the state's militaristic ideology, and reject every hegemonic narratives around citizenship made in an effort to preserve the existing political order.<sup>150</sup>

Conscientious objection is not synonymous with opposition to the army *per se*, but in some cases, the right to refuse to perform military service carries with it a more structural criticism of society and social relations, where power, status and authority prevail. Moreover, the blind respect for orders and hierarchies, the inculcation of a totally uncritical attitude, and the eradication of individuality are all elements that play an important role in the critical choice of objectors, as they are part of the indoctrination process ingrained in military-style education, according to which learning about violence is considered necessary. Some researchers have studied the process by which indoctrination is believed to transform civilians into members of something bigger, by giving them a collective distinct identity, by suppressing individuality, training individuals to kill when necessary, and allowing recruits to see themselves in collective terms.<sup>151</sup> Basic military training is therefore designed to use intimidation and coercion consistently with the interest of producing uniform soldiers, by educating them through discipline and the normalisation of militarisation. The latter has been defined as “*a process that shapes culture, politics and identities*”,<sup>152</sup> and as such it plays an essential role in creating the classic image of the normative soldier as a cisgender christian heterosexual white man, as it has been said before; in this context, conscientious objectors challenge the traditional approach to identity and the state-imposed boundaries of political membership in a society.

At the same time, objectors want to avoid being stigmatised: they do not just oppose war, they also do not want to be excluded from the community,

---

<sup>150</sup> *Ibidem*.

<sup>151</sup> See McGurk, D., Cotting, D. I., Britt, T. W. *et al.*, *Joining the Ranks: The Role of Indoctrination in Transforming Civilians to Service Members*, in *Military life: The psychology of serving in peace and combat: Operational stress*, Praeger Security International, 2006, pp. 13–31.

<sup>152</sup> *Supra* note 149, Hwang, Ihntaek, p. 299.



even if the majority disagrees with them.<sup>153</sup> The stigma attached to their choice may lead them to be considered as strangers within their own country, according to some researchers, since they actively express their convictions as attempts to establish sovereignty over their own bodies, challenging the common logic of national security, and raising concerns about a state's sovereign power to decide on the lives and deaths of its citizens.

### **3. Conscientious objection as a critique to patriarchy, sexism and normative gender roles. A feminist approach.**

In the previous paragraphs I have analysed how the pervasiveness of a discriminating and exclusionary concept such as the one of the good citizen-soldier, based on a patriarchal conception of citizenship and society, impacts on various social groups and especially on women. However, I would also like to give space to the analysis of the protagonism of women, both as volunteers in the army and as activists in feminist movements for conscientious objection and anti-militarist movements, as I will do further in these paragraphs.

Compulsory military service is both a practice officially aimed at defending the country and a practice that distinguishes between male and female citizens' relationships with the state, hiding a more structural gender discrimination: since in most cases only men are required to serve as soldiers under a conscription system, a strong link between masculinity, the state, and military duty is established; in this way conscription is not just a requirement for first-class citizenship, but it also defines manhood.<sup>154</sup> Moreover, militarism, which is at the foundation of military conscription's legitimacy, promotes a specific concept of masculinity and makes patriarchal social structures appear normal and legitimate; therefore, examining militarism also means questioning hegemonic constructs of masculinity.

---

<sup>153</sup> Burk, James, *Citizenship Status and Military Service: The Quest For Inclusion by Minorities and Conscientious Objectors*, Armed Forces & Society, Texas A&M University, 1995, p. 511.

<sup>154</sup> See Altinay, Ayse Gul, *Refusing to identify as obedient wives, sacrificing mothers and proud warriors*, in *Conscientious Objection, resisting militarized society*, Zed Books 2009, p. 90.

The relationship between masculine identity and the military feeds the perception that there is a set of precise characteristics that a man and a soldier should have, therefore physical strength, toughness, courage, self-discipline, competitiveness and heterosexuality are among those attributes that are viewed as both embodiments of masculinity and vital to the military and war-making. Researchers refer to the concept of militarised masculinity as a construct having negative effects both on women and men, endangering social justice, peace and gender equality,<sup>155</sup> as well as creating not just binary disparities between the two sexes, but also a hierarchical connection between diverse types of masculinity within a culture.<sup>156</sup>

In this regard, Connell was one of the first academics to talk about the notion of hegemonic masculinity, describing it as a paradigm that represents the desired cultural form of masculine identity in reference to which all other forms of masculinity are perceived as inferior or marginalised; she used this term to describe the pervasiveness of male dominance in the face of diverse and fluid masculinities within a society.<sup>157</sup> Therefore hegemonic masculinity consists of a collection of norms and behaviours perceived as masculine that have taken hold in different organisations, while receiving institutional support, making those cultural norms hegemonic; as a result, hegemonic masculinity refers to a set of attitudes associated with males who hold positions of authority in society; this is why the military, and other security-related organisations, have historically been places where hegemonic masculinity has reigned supreme, while being linked to specific gender stereotypes that shaped their agendas over time.<sup>158</sup> Among the ideals of masculinity that the military tends to express and legitimise, physical strength-oriented masculinity strongly predominates, with the combat soldier being the most prominent representation of military masculinity.

---

<sup>155</sup> See Bjarnegård, Elin and Melander, Erik, *Disentangling gender, peace and democratization: the negative effects of militarized masculinity*, Journal of Gender Studies, Volume 20, Issue 2, 2011.

<sup>156</sup> See Perez, Merav and Sasson-Levy, Orna, *Avoiding Military Service in a Militaristic Society: A Chronicle of Resistance to Hegemonic Masculinity*, Peace and Change, A Journal of Peace Research, Volume 40, Issue 4, 2015.

<sup>157</sup> See Connell, R. W., *Masculinities*, Berkeley: University of California Press, 1995.

<sup>158</sup> See Kronsell, Annica, *Gendered practices in institutions of hegemonic masculinity*, international Feminist Journal of Politics, 7:2, 2005, p. 281.

In line with this narrative, Cynthia Enloe's work explores the notion of combat as the final measure of a man's masculinity, while playing a crucial part in the creation of concepts of manhood and explanations for maleness' dominance in the social order.<sup>159</sup> The point is not that all soldiers match this paradigm, rather, that this image naturalises gender hierarchy and works as a societal ideal, so that everyone negotiates their masculinity in relation to it.

These kind of narratives pertaining to the military culture keep reinforcing hegemonic masculinity and heteronormativity on a broader level, institutionalising it in national culture: the social construction of masculinity as ideally reached through the military, and the army's image as a male institution, excluded and continue to exclude many people deemed not to conform to the patriarchal idea of the soldier-type, as we saw earlier in this chapter, and especially non heterosexual people. Because sex, gender, and sexuality are all intertwined, hegemonic masculinity cannot be isolated from heteronormativity, which identifies heterosexuality as the norm in sexuality.

Besides, the insistence on differences between heterosexual and homosexual orientation is part of the hegemonic concept of masculinity also according to Connell, who explains how its consequences impact society as a whole, permeating cultural discourses about manhood.<sup>160</sup>

Interestingly, as Duncanson explains in her article from 2015, when this way of being a man is valued, militarism and war become valued as well; the association of masculinity with toughness, aggressiveness, and war, and feminine with weakness, passivity, and peace, favours the perpetuating of oppression and of a militaristic mindset.<sup>161</sup> Moreover, this type of military masculinity's supremacy has also been related to violence against women, both during war and as domestic violence: citing Connell again, the notion of hegemonic masculinity can be used to analyse violence in a variety of ways, since it might explain why men and women have such different rates of

---

<sup>159</sup> Enloe, Cynthia H., *Does Khaki Become You? The militarisation of women's lives*, South End Press edition, Boston, 1983.

<sup>160</sup> See *supra* note 157, R. W. Connell.

<sup>161</sup> Duncanson, Claire, *Hegemonic Masculinity and the Possibility of Change in Gender Relations*, *Men and Masculinities*, Vol. 18(2), 2015, p. 235.

violence, or it may aid in the analysis of homophobic violence, as well as it might be helpful in deciphering the dynamics of violent groups, such as how armies operate and create violence, and finally it might aid in comprehending the difficulties of achieving peace and resolving conflicts.<sup>162</sup> For instance, in the case of armies, Connell explains that the army has provided individuals with multiple interpretations of masculinity, by saying that “*The relationship of masculinity to violence is more complex than appears at first sight. Institutionalised violence (e.g., by armies) requires more than one kind of masculinity. The gender practice of the general is different from the practice of the front-line soldier, and armies acknowledge this by training them separately*”.<sup>163</sup>

### **3.1 Women conscientious objectors: a political innovation**

Discussions regarding masculinity may also be contentious in terms of the conscientious objection movement's orientation and conscientious objectors' self-identification, therefore the connections between masculinities and militarism can be exposed by a feminist point of view by questioning what appears to be self-evident, previously accepted, and natural ideas and behaviours; feminist and gender studies might help to challenge power dynamics at work in militarised and male-dominated societies. To apply feminist lenses to research means to question militarised masculinity, as it is a significant motivation for conscription compliance and a critical component of national security; it also means to problematise the gendered assumptions behind male-led anti-militaristic groups, considering women's position in demilitarisation and reweighting the importance of feminist politics in this process, as Insook Kwon for instance explains in the framework of her publication on the South Korean movement for conscientious objection.<sup>164</sup> The author clarifies that academic research has focused on the range of roles

---

<sup>162</sup> Connell, R.W., *On hegemonic masculinity and violence: Response to Jefferson and Hall*, University of Sydney, Australia, Volume: 6 issue: 1, 2002, p. 93.

<sup>163</sup> *Supra* note 158, Annica Kronsell.

<sup>164</sup> See Kwon, Insook, *Gender, Feminism and Masculinity in Anti-Militarism*, *International Feminist Journal of Politics*, 15:2, 213-233, 2013, p. 214.

women perform in connection to militarism, such as peaceful moms, passive victims, members of national armies, to rebels and terrorists; it has also looked at the gendered nature of militarisation, arguing that military systems and militaries rely on women performing specific feminine roles in a larger sexual division of labour, which is then reinforced by a dominant social construction of masculinity; to conclude that feminist literature and research on conscientious objection started appearing only in the 2000s.<sup>165</sup> One of the most innovative works in that period on the matter was *Women Conscientious Objectors*, published by War Resisters' International and written by a collection of feminist authors from throughout the world;<sup>166</sup> the importance of this text lies in the fact that the writers claim that women aren't merely supporting or assisting male conscientious objectors, instead they can be conscientious objectors to conscription as well.

As Cynthia Enloe affirms, women may feel as if they have little control over how the culture and institutions produce the typical image of the perfect citizen-soldier, instead they are major players in this dynamic;<sup>167</sup> according to Enloe, when a woman declares herself a conscientious objector even if she is not subject to conscription is a significant political innovation, also considering the fact that they stand against militarism, regardless of the form in which it influences their lives, harshly critiquing and exposing the strong patriarchal notion of politics at the same time. As the author points out, women are encouraged to regard men who seek to escape military service as less than typically masculine: this is why women are needed by nations to persuade men to join their forces.<sup>168</sup> Men are not the only ones who have a part in defining and regulating the standards of traditional masculinity in any society, since women have an important role in the decision of establishing a continuum or a detachment with gender politics. Interestingly, she affirms that women's role as architects of masculine norms is a source of concern for government authorities

---

<sup>165</sup> *Ibidem*, p. 215.

<sup>166</sup> Elster, E. and Sørensen, M. J., *Women Conscientious Objectors, an anthology*, War Resisters International, London 2010.

<sup>167</sup> Enloe, Cynthia, *Where are the women in military conscientious objection? Some feminist clues*, in *Conscientious Objection, resisting militarized society*, Çınar and Üsterci, Zed Books, 2009.

<sup>168</sup> *Ibidem*, p. 82.

in both nations with mandatory military service and those that have abolished or suspended conscription, adding further that women who are emotionally connected with young men, on the other hand, are major players in the dynamic historical processes of determining the norms for respected male behaviour.<sup>169</sup>

Therefore, the basic assumption is that conscientious objection is not just for men who do not want to be drafted into the military, instead, as Ayşe Gül Altnay shows, women conscientious objectors challenge norms and traditions by rejecting positions that have been taken for granted for years; women conscientious objectors, with this approach, provide fresh methods to the quest for anti-militarist language and politics on the one hand, and make militarism visible on the other.<sup>170</sup> Altnay's research starts with a simple question: what does women's conscientious objection entail in a situation where there is no female conscription?;<sup>171</sup> the author constructs her analysis to arrive at the statement that the apparent distance between women and the military, as well as their exoneration from military duty, should not support the conclusion that conscientious objection is not a woman's concern; the conscientious objection movement is more than a fight against compulsory military service, because the notion encompasses a far broader range of issues, for instance involving strong resistance to militarism in all its forms, and to the militarist culture which entails oppression, repression, marginalisation, murdering, being killed, war, military duty, and violence. Within a militarist society, women perform a variety of functions, and conscientious objection entails rejecting all of them.

In Turkey, following the first objection declarations in the 1990s, some anti-militarist movements, such as the Izmir War Resisters Association or Kaos GL were created, founded by small groups of feminist activists who have been supportive of the CO movement and refused to perceive anti-militarism only as a political philosophy, given the importance of embracing it as a way of life.<sup>172</sup>

---

<sup>169</sup> *Ibidem*, p. 85.

<sup>170</sup> Altnay, Ayşe Gül, *Refusing to identify as obedient wives, sacrificing mothers and proud warriors*, in *Conscientious Objection, resisting militarized society*, Çınar and Üsterci, Zed Books, 2009.

<sup>171</sup> *Ibidem*, p. 96.

<sup>172</sup> See *Turkish Women Awaken to Conscientious Objection*, by Ferda Ülker, War Resisters' International. Available at <https://wri-irg.org/en/story/2011/turkish-women-awaken-conscientious-objection>, accessed April 2022. See also Kaos GL Turkey at <https://kaosgldernegi.org/en/about-us/who-are-we>.

These organisations became the first gathering places for conscientious objectors and a point of reference for every proclamation of opposition, action, or engagement. Interestingly, the activists developed a statement that a woman who is not subject to the state's military conscription may make for herself, allowing her to proclaim herself a conscientious objector, therefore separating conscientious objection from masculine privilege.

The ability of these feminist activists to trace military conscription back to its militaristic foundations has helped them to dig out this new political space, in a context where conscientious objection has long been identified with males, and where campaigning for the right to conscientious objection in such a militarised atmosphere carries a high danger of legal repercussions. In the words of the feminist conscientious objector movement:

*"I shall defy every secret and obvious form of militarism and show solidarity with anyone who defies militarism.*

*As much as militarism is determined to affect my life, I am determined to continue my struggle.*

*I REJECT!"*<sup>173</sup>

Another point of contention is how to define the relationship between heroism and conscientious objection: activists support non-heroic ways of refusal, ones that do not rely on the figure of the hero, either male or female, or on the ethics of self-sacrifice, in a way not to replicate the sexism intrinsic to militarism.<sup>174</sup> Therefore, while advocating for the conscientious objection movement to be included in the anti-militarist movement, women are also emphasising the fight against patriarchy as a vital component of anti-militarism: as Enloe remarks multiple times in her researches, women participate in patriarchal gender relations just as much as men, although some women recognise the link between the state's legal violence against its alleged opponents, both external and internal, and the endemic violence perpetrated by

---

<sup>173</sup> *Supra* note 168, Cynthia Enloe.

<sup>174</sup> See for instance Lerner, T., *On Women's Refusal in Israel*, in Elster, E. and Sørensen, M. (eds) *Women Conscientious Objectors: An Anthology*, pp. 116–20. London: War Resisters' International, 2010.

men against women. They perceive the militarised state as enabling males to subjugate women at home, if necessary with violence, by demanding men to execute their violent duty for the country; their stance is considered to be a feminist response to the militarisation of males and masculinity, as well as society as a whole, in order to reveal the toxic interconnectedness between patriarchy, nationalism, and militarism for everyone to see.<sup>175</sup>

### **3.2 Female mandatory conscription: a misconceived equality**

Feminist debate on women's military participation has long centred on whether women should pursue inclusion, questioning if this would be a step forward for women, gender equality, and feminism. More specifically, as explained by Claire Duncanson and Rachel Woodward in their article in 2016, since the 1970s the dispute has been fought between two opposing political views: on the one hand, proponents of the "right to fight", emphasising women's equality with males, have been vocal; anti-militarist feminists, on the other hand, have contended that women's military engagement just legitimises an institution that is antagonistic to feminism's ideals.<sup>176</sup> According to the feminist argument for the "right to fight," women should have equal access to military service as males: they argue that prohibiting women from serving in direct combat positions limits women's opportunities and thus perpetuates women's inferior military and social status, given the historic and symbolic links between citizenship and military service, where doing equal duty is the only way to be worthy of equal rights. On the other hand, anti-militarist feminists argue that increasing women's participation in armies does not signify progress for women or a more peaceful world order. Firstly, these feminists contend that, rather than advancing women's equality, military service will never fully equalise women, given the discrimination they are usually subjected to in such an environment and the greater efforts women soldiers must make to obtain unit respect. Secondly, researchers have noted how military training relies on the

---

<sup>175</sup> *Ibidem*.

<sup>176</sup> Duncanson, Claire and Woodward, Rachel, *Regendering the military: Theorizing women's military participation*, Security Dialogue, Vol. 47, No. 1, 2016, pp. 3-21.



identification of an inferior, feminised Other as a means of motivating men to achieve high levels of aggression; misogyny, together with sexual harassment and violence, are thus almost unavoidable, and will not be questioned by an increase in the number of women, according to this viewpoint.<sup>177</sup> Thirdly, anti-militarist feminists dismiss the idea that having more women in the army can lead to institutional change, claiming that women can only be checkers in organizations that are inherently violent and anti-feminist; according to this analysis, while armies may adopt terminology referring to equal rights in order to recruit women, anti-militarist feminists argue that women are being fooled since no institutional commitment to meaningful gender change exists. As a result, many civil society feminist organisations believe that armies are not only designed to carry out state-legitimized violence, but also to be complicit in the structural violence that occurs when public funds are diverted to military rather than social spending. EBCO, the European Bureau for Conscientious Objection, has also expressed these concerns, together with the Association of Greek Conscientious Objectors as part of the Global Campaign on Military Spending in 2017, giving voice to the feminist demands of civil society movements declaring that “*equality in militarism does not favour gender equality but only the power centres, the weapons merchants and corruption*”.<sup>178</sup>

On this matter, the International Alliance of Women (IAW), an international NGO comprising 41 member organisations involved in the promotion of women’s human rights, equality and empowerment, took a stand on the occasion of the introduction of conscription for women in the Norwegian government in 2013, sharing the statement drafted by the Norwegian Association for Women’s Rights (NKF), according to which true gender equality entails more than the integration of women into a male-dominated social framework: the care of children, sick people and the elderly continue to fall disproportionately on women, but while their work in this area is comprehensive and has a positive societal impact, they still earn less, own less, have smaller

---

<sup>177</sup> *Ibidem*, p. 5.

<sup>178</sup> European Bureau for Conscientious Objection (EBCO), “No to Equality in Militarism”, Statement of the feminist collective To Mov (Greece) co-signed by the Association of Greek Conscientious Objectors, available at <https://ebco-beoc.org/node/386>, accessed April 2022.

pensions, and are underrepresented in positions of power and influence than males. In this circumstance, imposing a new burden on women, such as conscription, is considered as irrational, since it risks widening the economic and social gender divide already present in society; instead of equality, more inequality will be the outcome, according to their view.<sup>179</sup> The most urgent task, in such a framework, would be to increase women's authority and influence, as well as to promote better care methods that could guarantee equality *de facto*. Forcing women to serve in the military in order to justify it, is considered by many as unsustainable, arguing that conscription issues must be settled on their own terms, not by bringing in a new social group. The main argument justifying the inclusion of women in the draft in Norway argued that it would lead to better defence, although it is unclear to activists what is intended; NKF in particular explains that it is a fallacy to expect that the inclusion of women in the military apparatus will result in structural and behavioural changes, since women can promote variety, but they are not expected to disrupt the military's tight hierarchical structure; as a result, women are militarised and the military remains mostly unchanged.<sup>180</sup> Importantly, the Alliance focuses on the issue of non-violence, by stating that it is not opposed to women willingly choosing a career in the military; conscription, on the other hand, is different in that it affects everyone and involves the use of force. Both the IAW and the NKF join the struggle shared by many anti-militarist feminist movements vehemently opposing the implementation of female conscription, and the use of coercion to compel anyone to join the military; in their words, the focus should be more on issues such as disarmament, non-violent conflict resolution, peacekeeping, peace negotiations and the reconstruction of communities, than on the fact of broadening the basis for military activities.<sup>181</sup>

B. J. Van Gilder, in her research from 2019, further problematizes the extension of military recruitment to women referring to the example of the US Army, where despite legal reforms allowing women to serve, dominant

---

<sup>179</sup> See "No to female conscription" by Skard, Torild, The international Alliance of Women (IAW), available at <https://www.womenalliance.org/no-to-female-conscription/>. Accessed April 2022.

<sup>180</sup> *Ibidem*.

<sup>181</sup> *Ibidem*.

discourses continue to maintain hegemonic masculinity and heteronormativity; she explains that those who do not fit the male warrior image are thus marginalised within the military, regardless of whether it is a man, woman or non-binary person, notwithstanding assertions of a new and more inclusive military.<sup>182</sup> As the author explains, despite the fact that these discourses are not exclusive to the military, the latter one has played a significant influence in the formation and preservation of gender and sexuality interactions in general in the United States; moreover, with her work, she denounces the “interlocking systems of oppressions” entailed in the military, that “shape individual experiences” in it,<sup>183</sup> related to gender, race and class, influencing how women and non-heterosexual people approach their military identities in a predominantly masculine context.

Therefore, according to the author, even in the situation where military conscription, or the possibility to serve in the national army, is also open to women, this does not lead to spontaneous integration; on the contrary, dynamics of structural oppression, discrimination and violence emerge. Thus it is important to address and deconstruct the white cisgender privilege that usually goes unnamed when studying the dynamics related to militarist logic, in the wake of what Cynthia Cockburn has previously stated with her publications in 2010 and 2013, based on empirical research among women’s antiwar organisations worldwide, where she explains that feminist activism needs to tackle all dynamics of oppression and power that are involved in war-making: more specifically, because patriarchal gender connections are perceived as intersecting with economic and ethno-national power relations in maintaining a trend toward armed conflict in human cultures, antiwar feminism, which views patriarchy as a power relationship, needs to be holistic and can not fail to address capitalism, imperialism, colonisation and class exploitation, as well as gender relations, among the root causes of wars.<sup>184</sup> Interestingly, the author

---

<sup>182</sup> Van Gilder, Bobbi J., *Femininity as Perceived Threat to Military Effectiveness: How Military Service Members Reinforce Hegemonic Masculinity in Talk*, *Western Journal of Communication*, 83:2, 2019, pp. 151-171.

<sup>183</sup> *Ibidem*, p. 152.

<sup>184</sup> See Cockburn, Cynthia, *Gender Relations as Causal in Militarization and War*, *International Feminist Journal of Politics*, 12:2, 2010, pp. 139-157.

presents patriarchal gender relations both as a root cause and a consequence of war: according to her analysis, armed conflicts typically develop more distinct and antagonistic concepts of ethnic and national identity, just as they often promote more intense distinction of masculine and feminine identities, something that makes war and gender dynamics deeply interlinked. Restorative gender justice and long-term transformational change in gender relations are thus deemed as essential components of feminist advocacy for peace.<sup>185</sup>

Historically, as Cockburn analyses, in the series of United Nations global conferences on women between 1975 and 1995 there has been a rising awareness over time of the gender-specific experiences and demands of women in war and post-war settings, as well as their absence from most of the major forums where security is addressed.<sup>186</sup> In particular, the Beijing Declaration and Platform for Action, issued in the aftermath of the UN Fourth World Conference on Women, marked a watershed moment in the global agenda for gender equality, establishing strategic objectives and actions for the advancement of women and the achievement of gender equality in twelve critical areas of concern; importantly, it includes a chapter of great importance and of almost revolutionary scope for its time, since the issue of security had so far remained a masculine domain: the chapter on "Women and Armed Conflict" states, among other things, that "*The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security*".<sup>187</sup> When the UN's Commission on the Status of Women (CSW)<sup>188</sup> examined this chapter a few years later, a strategy was established to address the Security Council's concern about women and conflict, and things started to change when the Commission decided to involve women's organisations from conflict zones from all over the world, founding the

---

<sup>185</sup> Cockburn, Cynthia, *War and security, women and gender: an overview of the issues*, Gender & Development, 21:3, 2013, pp. 433-452.

<sup>186</sup> *Ibidem*, p. 442.

<sup>187</sup> United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995, paragraph 134. Available at <https://www.un.org/womenwatch/daw/beijing/platform/armed.htm>, accessed April 2022.

<sup>188</sup> See UN Women, <https://www.unwomen.org/en/csw>. Accessed April 2022.

NGO Working Group on Women and Armed Conflict,<sup>189</sup> with the ambition of obtaining an actual Resolution. Therefore, women welcomed the passage of UN Security Council Resolution 1325 in October 2000, with a well-deserved sense of accomplishment, proud of the fact that its roots can be found in civil society, in human rights, anti-war and women's movements, to name a few. It is rightly considered a landmark Resolution, since it recognises the unique impact of armed conflict on women, as well as women's involvement in preventing and resolving conflict in many nations.<sup>190</sup> As Cockburn and other researchers noticed though, during the preparation and redrafting of the Resolution, as well as during its negotiated passage through the Security Council, nothing had been stated about males and masculine cultures of violence, therefore lacking an analysis of the structural gender issues connected both to the effects and the causes of wars.<sup>191</sup> Moreover, one of the most common complaints levelled against Resolution 1325 is that something that began with feminist critiques of militarism and war has been whittled down, stripped of its revolutionary potential: the Resolution, according to feminist international relations specialists, has done nothing to change how the international community responds to armed conflict in the way that many feminists initially envisioned.<sup>192</sup> Additionally, as concerning the focus on security and peace-making, feminists have long argued that associating only women with peace undermines their credibility as actors in international politics and national security; likewise, contending that increasing the number of female soldiers will help eradicate sexual abuse and exploitation is said to be both wrong and misguided because it makes female soldiers responsible for their male colleagues' behaviour.<sup>193</sup>

To conclude, in view of this, anti-militarist feminists' movements continue to make themselves heard and fight for the defense of all those rejecting

---

<sup>189</sup> See Working Group on women, peace and security, at <https://www.womenpeacesecurity.org/>. Accessed April 2022.

<sup>190</sup> See OSAGI, Office of the Special Adviser on Gender, <https://www.un.org/womenwatch/osagi/wps/#/resolution>

<sup>191</sup> Cockburn, Cynthia, *Gender: a cause of war and a resource for peace*, in *War and security, women and gender: an overview of the issues*, Gender & Development, 21:3, 2013, pp. 444-447.

<sup>192</sup> See *supra* note 5177, Claire Duncanson and Rachel Woodward, *Regendering the military: Theorizing women's military participation*, pp. 8-9. See also Valenius, Johanna, *Gender mainstreaming – what and why?*, European Union Institute for Security Studies (EUISS) (2007), pp. 11-32.

<sup>193</sup> *Ibidem*.

conscription and for women's power to be better exercised through political involvement rather than military intervention, as well as by fighting gender inequalities; according to this viewpoint, the feminist goal is to criticise and reformulate the idea of citizenship, rather than adopting a conception of citizenship related to national defence, while the ultimate objective is the abolition of militarism in society, not the legitimisation of military institutions and power through female involvement.

#### **4. Conscription and democracy: a contradictory relationship**

I have until here analysed the real meaning of conscription in terms of its effects on citizenship rights, political recognition of marginalised groups, creation of social standards, implications on gender based violence and gender equality; nonetheless, I cannot overlook the idea that democracy and conscription are mutually conditioned, as it is a recurring theme in the debate over civil–military relations. Therefore, drawing on the extensive literature on the relationship between conscription and democracy, my objective is to expose the latter in terms of its effects on the human rights culture, showing that democratic systems relying on military conscription are a contradiction in terms, supporting international relations that are by far more driven by militaristic logics than by a culture of peace.

According to the article by Robin Luckham, the connection between the military and democracy is intrinsically problematic, because the latter has traditionally justified conscription as required for national security: the security discourse asserts that the stability of the state, the safety of the political community and its inhabitants are inextricably linked; however, the essential reality that the author explains is that the state controls all tools of coercion, employing force on behalf of the citizenry as a whole, in order to protect existing interests,<sup>194</sup> and this aspect has been studied as a profound restriction of the citizens' right to liberty.<sup>195</sup>

---

<sup>194</sup> Luckham, Robin, *Democracy and the military: An epitaph for*

The fact that the relationship between democracy and the army is seen as contradictory is also supported by a large body of quantitative research, such as that by Asal, Conrad and Toronto in "*I Want You!*": by using a new data set spanning more than 100 countries over 200 years, they found that democracies are less likely to impose conscription, whereas governments involved in an interstate conflict are more likely to do so.<sup>196</sup> Conscription is more likely to be introduced in unstable democracies than in stable democracies, also according to Antonis Adam's research; this is because unstable democracies use conscription to lessen the possibility of military coups;<sup>197</sup> stable democracies, Adam says, have no need to secure themselves in this way, and so have no need to initiate or maintain conscription.

As explained in the previous Chapter, conscription has undergone significant changes in the nineteenth and twentieth centuries, from the development of the mass army during the French Revolution and throughout World Wars to its collapse after the end of the Cold War; conscription was gradually phased out in favour of smaller, voluntary forces. Nowadays, most armed units are nearly exclusively made up of volunteers, however this is not the case in all nations; the main point of the authors of is that the usage of conscription is heavily influenced by historical precedent: specifically, they argue that because of an anti-conscription precedent created during the English Civil War, former British colonies are less inclined to adopt conscription as a tool of military recruiting. Furthermore, the authors argue that military threats encourage states to impose the draft, claiming that this tendency historically began with the *levée en masse*, which France forced on its population in 1793, and which could also be seen as the foundation for comprehending contemporary conscription;<sup>198</sup> this interpretation of conscription as a response

---

*Frankenstein's monster?*, (1996), *Democratization*, 3:2, pp. 1-16.

<sup>195</sup> See for instance Ruzza, Stefano, *Combattere, I dilemmi delle democrazie*, Bonanno editore (2010), p. 10, discussing the US case: "According to Sol Tax, US rejection of the Vietnam War (...) is due to the natural contempt Americans have for the draft, which is seen as a violation of the ideals of freedom (service is imposed) and equality (not everyone is required to serve)." My translation.

<sup>196</sup> See Asal, Victor, Conrad, Justin and Toronto, Nathan, *I Want You! The Determinants of Military Conscription*, *Journal of Conflict Resolution* 2017, Vol. 61(7), pp. 1456-1481.

<sup>197</sup> Adam, Antonis, *Military conscription as a means of stabilizing democratic regimes*, *Public Choice* (2012) Vol.150, No. ¾, pp. 715-730.

<sup>198</sup> *Ibidem*, pp. 1461-62.

to both foreign and internal challenges has been extensively reflected in the literature, including the most recent one, which identifies the element of threat as what still drives some European states to maintain compulsory conscription.<sup>199</sup>

The body of literature has yet to reach a consensus on which variables influence the relationship between democracy and military conscription, although the level of democracy, security, and economic development, according to conscription researchers, all have a role in whether a state decides to utilise conscripts or not. The authors discuss some current studies in this area, arguing that conscription is economically inefficient and inconsistent with many democratic norms, and that it will most likely be phased out over time.<sup>200</sup>

At the same time, while the security threat argument may explain the logic of conscription in name of self-defence, other researchers believe that it is more closely associated with an aggressive expansion-oriented foreign policy: according to Pfaffenzeller for instance, the dawn of total war, rather than the victory of democracy, is marked by the introduction of modern conscription.<sup>201</sup> Others, such as Russett and Oneal, argue that Napoleon's nationalist army was traditionally viewed as a challenge to European power; as a result, conscripting soldiers appears to be at odds with the logic of democratic peace, as it tends to lead to international conflict.<sup>202</sup> The elimination of military conscription is therefore linked to a greater pacifist outlook in a country, according to this thesis which links conscription to the militarisation of society.

Interestingly, other scholars such as Choulis, Bakaki and Böhmelt, have recently discovered that while considerations of efficiency and effectiveness may influence the choice to deploy a more professional, all-volunteer army, conscription has other benefits for the state: first of all, conscription appears to boost public support for the armed forces, translating into greater public support

---

<sup>199</sup> See for instance Duff, Alan W., *Does Conscription Affect War Duration? A Study of Military Manpower Systems, Regime Type, and Interstate Wars*, (2014). Lawrence University Honors Projects, 64. P. 52.

<sup>200</sup> *Supra* note 196, Victor Asal, Justin Conrad and Nathan Toronto.

<sup>201</sup> Pfaffenzeller, Stephan, *Conscription and Democracy: The Mythology of Civil–Military Relations*, *Armed Forces & Society*, April 2010, Vol. 36, No. 3 (2010), p. 488.

<sup>202</sup> Russett, Bruce, and Oneal, John R., *Triangulating Peace: Democracy, Interdependence, and International Organizations*. New York: Norton, (2001) p. 19.



in case of increases in the military budget, involvement in alliances or military interventions abroad; therefore political leaders and decision-makers are well aware of the potential of conscription for their electoral success.<sup>203</sup> Secondly, an impact of conscription they identify in their research is the availability to a huge pool of cheap labour, which is worth analysing in more detail, since exploring the hidden costs of conscription can help to understand the choice of conscientious objectors to place themselves outside this system. Several studies have estimated the societal costs of compulsory military service and other types of mandatory civil or social service systems, as well as the private costs for those who must serve, both in terms of wages and academic performance, showing that the compulsory service system reduces the proportion of university graduates and reduces average societal wages by 1.5 percent.<sup>204</sup> Conscription-based forced labour therefore has long-term detrimental repercussions for university completion and individual incomes; one can therefore understand how the choice to oppose military service is consistent with the struggle for workers' rights and for an improvement of living conditions for all in a society.

In conclusion, while to many military conscription looks like having a stronger affinity with democracy than an all-volunteer army, it nonetheless works on the basis of order and command, and hence is fundamentally non-democratic, while also having long-term degrading consequences for a community especially in terms of labour rights and cultural development. Still, another viewpoint sees conscription as a tool of increasing civilian authority over the armed forces: advocates of conscription believe that conscripts can operate as a bridge between society and the army, while the professional military tends to isolate itself from society and create a state inside a state.<sup>205</sup> The importance of social actors in maintaining a close check on their country's

---

<sup>203</sup> Choulis, Ioannis, Bakaki, Zorzeta & Böhmelt, Tobias, *Public Support for the Armed Forces: The Role of Conscription*, *Defence and Peace Economics*, 32:2, (2021), pp. 240-251.

<sup>204</sup> See Hubers, F. and Webbink, D., *The long-term effects of military conscription on educational attainment and wages*, *IZA Journal of Labor Economics* (2015) 4:10. See also Puhani, Patrick A. and Sterrenberg, Margret K., *Effects of Mandatory Military Service on Wages and Other Socioeconomic Outcomes*, IZA – Institute of Labor Economics, DP No. 14352, (2021).

<sup>205</sup> See Poutvaara, Panu and Wagener, Andreas, *Ending Military Conscription*, Ifo Institute – Leibniz Institute for Economic Research at the University of Munich, Vol. 09, Iss. 2 (2011), pp. 36-43.

military organisation is discussed as well in Nadja Douglas' paper, which calls for broadening the framework of civilian control and claims that, regardless of the political regime's character, societal supervision is becoming increasingly vital as a compensating mechanism.<sup>206</sup> The author describes that the potential for societal engagement, particularly in matters of security and defence, is to assure a critical and constructive attitude toward the armed service; in an ideal world, she affirms, social supervision would become a formal component of democratic authority, assisting in the process of democratisation. However, even in mature democracies, democratic control is not always guaranteed, which is why society's ongoing involvement in the command of military forces is a serious challenge.<sup>207</sup>

## **5. Conclusion to the chapter**

In order to illustrate the various implications of compulsory military service, I began this chapter with a historical analysis of the underlying principles of conscription, namely nationalism, patriotism, and national consciousness, explaining that nationalist ideology began to take root as conscription became both a right and a sacred responsibility for all citizens since the creation of the nation-state. This allowed me to demonstrate how this set of principles is still useful to state power as long as they can arouse the spirit of self-sacrifice in as many people as possible, adding to the state's military capabilities and the creation of the citizen-soldier model. This analysis is also significant because it exposes the scope of military service as a means of gaining political and social recognition, particularly among the most marginalised members of society, for reasons related to their sex, gender, religion, class, or ethnicity, demonstrating the current complexity inherent in citizenship construction. In this context, the view emerges that the military is the most closely associated institution with the state, representing the embodiment of citizenship, particularly in countries

---

<sup>206</sup> Douglas, Nadja, *The Role of Society in the Control of Armed Forces – Implications for Democracy*, Security and Peace, 2015, Vol. 33, No. 1, in *The Role of the Security Sector in Democratization Processes* (2015), pp. 19-25.

<sup>207</sup> *Ibidem*, p. 24.

where enlistment is compulsory, and that compulsory military service is thus one of the key methods by which the state creates obedient and dedicated citizens. The army continues to be a political tool that contributes to the perpetuation of inequalities; it is the primary expression of both citizenship and virility, shaping images of masculinity that ignore the complexities of social stratification and returning an image that is not representative of society, thus the assumption that the army serves as a tool of integration and social cohesion is dubious on this premise.

While favouring conscripts in the army, the link between military duty and citizenship excludes women and gender non-conforming people, imposing false standards of equality and a second-class citizenship status on all those who are not forced to serve in the army. The study of military participation among people who do not fit the stereotype of the cisgender heterosexual christian white man, regarded as the normative soldier notion, can help us better comprehend the power dynamics that govern the issue of compulsory military service in theory and reality.

With my research, I draw on studies that show how the military system plays a key role in the reproduction of heterosexuality and gendered citizenship by mobilising men for military service, and it is in this context that conscientious objectors make their decision: they reject the nationalistic language of self-sacrifice, question the military's role in shaping citizenship, and question the link between military service and gendered citizenship. Conscientious objectors are citizens who do not wish to be used as a weapon for political control or military preparation, or to maintain social hierarchies; through their alternative performance of citizenship, conscientious objectors demonstrate that national security knowledge can be negotiated, rejecting all hegemonic narratives about citizenship created in an effort to maintain the existing political order. They openly express their beliefs as attempts to create sovereignty over their own bodies, questioning the mainstream logic of national security, and raising questions about a state's ability to decide on its citizens' lives and deaths.

A large part of this chapter is also devoted to an analysis of conscientious objection as a critique to patriarchy, sexism and normative gender roles, under a feminist perspective: despite the fact that there are many different points of view on women's concerns in relation to the military, feminist and gender studies can serve to question power dynamics at work in militarised and male-dominated environments by challenging what appears to be socially accepted as natural views and behaviours, namely the mentality of conquest around which wars and militaries are organised, and the close link between heterosexism, patriarchy, and militarism. I begin by challenging hegemonic ideas of masculinity, in which battle is viewed as the pinnacle of a man's gender expression, as well as analysing how it relates to violence against women. Gender relations are brought into the picture by women antiwar activists not as an afterthought, but as an integral, intertwined, and unavoidable part of the same tale: as a result, many women antiwar activists argue for a rethink of masculinity, emphasising the reality that there are different kinds of masculinity, not all of which are constructed within a militarised paradigm. It is crucial to conceive the message that women aren't only supporting or aiding male conscientious objectors, rather, they play a critical part in the decision to maintain a continuity or separation from gender politics. They can also be conscientious objectors to conscription, as several Turkish social movements demonstrate, in order to challenge conventions and traditions by rejecting long-held viewpoints. Furthermore, today's militaries have more women serving than ever before, but for some feminists, the struggle is to better the conditions for the women who serve in them, and, more crucially, to tackle the practises of military violence itself.

This part of the feminist battle leads us back to the nature of the conscientious objection movements, since they confront state-centered nationalism, which uses citizens as a weapon for national security, and opposes militarism as a fundamental cause of many of the world's problems. Consequently, a closer look at the benefits of military conscription for the state exacerbates the reasons behind the choice of conscientious objectors and

invites reflection on the importance and necessity of guaranteeing and protecting it as a fundamental human right.

## **Chapter III - Conscientious objection in the framework of the International Human Rights Law**

### **1. Introduction to the chapter**

Despite the long history of conscientious objection, written by people who refused to comply with the state-imposed obligation of military service, relatively little has been written about the role of conscientious objection in international human rights law and the need to recognise it as a fundamental human right. Conscientious objection to military service is in fact recognised in international law as inherent to the right to freedom of thought, conscience and religion, enshrined in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, but it has not yet been explicitly recognised as an autonomous human right. This chapter addresses the reasons why legal recognition of conscientious objection is important, especially in terms of the protection afforded to objectors in a context where, as explained in the previous chapter, they are still marginalised and discriminated against for their choices. For these reasons, I have given the chapter the following structure: first, I provide an overview of the concept of conscientious objection, starting with the 1983 UN definition, and considering the fact that, as an individual choice, it can take on different meanings depending on the person objecting and the political context in which the objection is made. Conscientious objection to the military has also been defined as a fundamental component of an individual's relationship with the state, whose authority over the bodies and lives of its citizens is therefore questioned. In order to understand why conscientious objection is so hindered today, it is useful to look at its history: in the first part of this chapter, I explain how the concept of objection, which originated as a religious and pacifist stance, then developed with the birth of the nation-state, has always been seen as a failure of citizens to fulfil their duties towards the state, and an act of betrayal to the national cause. I then go on to research the different types of conscientious objection, which are not always linked to the notions of anti-militarism and civil

disobedience, as well as the different types of objectors, including total, or absolutist, alternativists, non-combatants and selective conscientious objectors.

The central part of the chapter is dedicated to the issue of the recognition of the right to conscientious objection, which emerges as an act of opposition not only to military conscription, but also to violence as a method of conflict resolution in general; in this context, I discuss the dichotomy between the citizen's moral duty to respect the laws of the state, and the need to also respect the laws of his or her conscience.

Subsequently, I examine the UN and the European human rights landscapes in order to present as detailed a picture as possible of the acknowledgement of conscientious objection as a right, emphasising that although the international community considers it a principle inherent to the right to freedom of thought, conscience and religion, and to the right to peace, it nevertheless remains a derivative right, lacking its own autonomous strength, and never explicitly recognised, either regionally or internationally, as an integral part of international human rights law.

In light of the present situation in Eastern Europe, I finish the chapter with a perspective on the importance of listening to the voices of pacifist conscientious objector movements from Ukraine and Russia, so that conscientious objection might continue to be discussed on multiple levels of society, in the hope of full legal and social recognition in the future.

## **2. Overview of the concept of conscientious objection: definition and historical background**

When people who do not want to become soldiers are not forced to do so, they have no motive to resist duty, and as a result, they will not conflict with government officials: only when a state declares military service a patriotic duty with the intention of enlisting all young, healthy, male citizens in the army, and it

cannot refrain from regulating what should be done about those who do not answer this call, conscientious objection becomes an issue.<sup>208</sup>

It is important to remember that conscientious objection as an individual choice can take on different meanings depending on the person objecting, and in addition, the political context in which the objection is made must be taken into account; for these reasons, it is not easy to provide a universal definition of conscientious objection. The UN's first report on conscientious objection in 1983 can serve as a reference point for framing the concept of conscience, in which conscientious objection has its philosophical roots, and which is defined as a set of "(...) *genuine ethical convictions, which may be of religious or humanist inspiration*", from which two broad sets of beliefs can be distinguished: "*one that it is wrong under all circumstances to kill (the pacifist objection), and the other that the use of force is justified in some circumstances but not in others, and that therefore it is necessary to object in those other cases (partial objection to military service)*".<sup>209</sup> Conscience, as the embodiment of one's integrity, refers to a value system that is subjective; conscientious objection, if understood from this perspective, is the result of a certain attitude aimed at preserving one's moral integrity; it is possible to explain this concept by quoting Hannah Arendt, according to which "*the rules of conscience hinge on interest in the self. They say: beware of doing something that you will not be able to live with*".<sup>210</sup>

Conscientious objection to military duty is a way of refusing war and military service for reasons of conscience based on fundamental ethical, religious, intellectual, humanitarian, or similar convictions. According to Moskos and Chambers, conscientious objection to the military service is a basic component of an individual's relation with the state: it makes us question the

---

<sup>208</sup> See Bröckling, Ulrich, *Sand in the wheels? Conscientious objection at the turn of the twenty-first century*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 53-60.

<sup>209</sup> Conscientious Objection to Military Service, Report prepared in pursuance of resolutions 14 and 1982/30 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities by Mr. Eide and Mr. Mubanga-Chipoya, 27 June 1983, E/CN.4Sub.2/1983/30, paragraph 21. Available at [http://hrlibrary.umn.edu/Conscientious%20objection%20to%20military%20service\\_Eide\\_MubangaChipoya.pdf](http://hrlibrary.umn.edu/Conscientious%20objection%20to%20military%20service_Eide_MubangaChipoya.pdf), accessed May 2022.

<sup>210</sup> Arendt, Hannah, *Crises of the Republic: Lying in Politics, Civil Disobedience on Violence, Thoughts on Politics, and Revolution*, San Diego: Harcourt Brace Jovanovich, 1972, p. 64.



commitment to protect the country, which is seen as one of the most essential tasks of the citizens.<sup>211</sup>

It is also important to stress that resistance to war extends far beyond conscientious objection to military service, as Pietro Pinna said back in 1973: the Italian conscientious objector believed it was important to push the message that conscientious objection is a central concept in anti-militarist action, but that it also extends to all other spheres of social life.<sup>212</sup>

From a historical perspective, conscientious objectors were initially motivated by religious stances, justifying their disobedience of secular laws on the basis of their allegiance to God's precepts, in order to avoid isolation from their religious community; interestingly, while they sought to refrain from directly engaging in conflicts, the concept that their disagreement might genuinely contribute to war prevention was often outside their scope; they were, in fact, demonstrating their devotion to a religious group. Thus, in the beginning, conscientious objection was mainly connected with religious objections to military activity: it emerged in the 16th century as a theology of the Mennonites in various regions of Europe, later developed by the Quakers in England in the 17th century, and the Church of the Brethren and the Dukhobors in Russia in the 18th century;<sup>213</sup> however, the development of a military system that relies on universal conscription into a regular national army formed the basis of conscientious objection as it is recognised today. The linkages between conscientious objection and faith weakened towards the late 19th century, and notably throughout the 20th century: the establishment of universal mandatory conscription coincided with the ideological sanctification of military service, according to Ulrich Bröckling, who explains that those who refused to respond to the call of the country were accused of betraying the national cause and damaging the national military force;<sup>214</sup> indeed, governments have often been

---

<sup>211</sup> Moskos, C. C. and Chambers, J. W., "Introduction," in *The New Conscientious Objection: From Sacred to Secular Resistance*, Oxford University Press, 1993.

<sup>212</sup> *General panorama of Conscientious Objection in the World*, War Resisters' International, 2006. Available at <https://wri-irg.org/en/news/2006/bogota06-worldco-en.htm#fn0>, accessed May 2022.

<sup>213</sup> Britannica, The Editors of Encyclopaedia, *conscientious objector*, *Encyclopedia Britannica*, Mar. 2021, <https://www.britannica.com/topic/conscientious-objector>. Accessed May 2022.

<sup>214</sup> *Supra* note 208.

hostile to individual conscientious objectors across history, treating their unwillingness to serve in the military as if it were a criminal offence. This is especially true for conscientious objection to military service based on non-religious beliefs: as explained by Özgür Heval Çınar in his book, the modern conscription system evolved in tandem with the concept of the nation-state, which emerged after the French Revolution, and was seen as crucial to the process of nation-building as well as defending the nation;<sup>215</sup> moreover, when the nation-state concept became popular in the early twentieth century, the number of European nations that recognised the right to conscientious objection was quite tiny, since only Norway, Denmark, Sweden, and the Netherlands recognised the right to conscientious objection in their domestic jurisprudence in 1900, 1917, 1920, and 1922, respectively; during that period conscientious objectors were called traitors in most nations and were held in jails or psychiatric hospitals for years. Consequently, organised conscientious objection gradually developed, starting after the First World War, with War Resisters' International which was founded in 1921 as an international organisation of conscientious objectors, and especially after the Second World War, when movements for the right to conscientious objection first appeared, mostly in Western Europe and North America.<sup>216</sup> So it was that countries such as France and Belgium finally extended the right of conscientious objection, granting legal recognition to religious and philosophical objectors, allowing both noncombatant and alternative kinds of service, between 1963 and 1964.<sup>217</sup>

Since World War II, when conscription was widespread, the issue of conscientious objection has arisen on all continents, most prominently in countries with conscription; although, in describing the European scenario, it has been noted that catholic nations have waited much longer to recognise the right to conscientious objection: the catholic Church refused to recognise the right until 1965, when the Second Vatican Council changed the Church's position on the issue, stating that "*it seems fair that laws should provide with*

---

<sup>215</sup> Çınar, Özgür Heval, *Conscientious Objection to Military Service in International Human Rights Law*, Palgrave MacMillan, 2013, p. 21.

<sup>216</sup> *Supra* note 211, War Resisters' international.

<sup>217</sup> *Supra* note 213, *Encyclopedia Britannica*.

humanity for those who, for reasons of conscience, refuse to use arms, provided, however, that they agree to serve the human community in another way.”<sup>218</sup> The right to conscience was in fact emerging in those years as an individual right that did not necessarily have to be based on religious convictions; even the catholic world, with the development of the protection of minority religions, was beginning to consider the idea of freedom of conscience independently of a theological standard.<sup>219</sup> Following this, a number of catholic countries, including Italy in 1972 and Spain in 1976, enshrined the right to conscientious objection in their domestic law.

Thus, from the First World War onwards, the debate on conscientious objection began to change: although the concept of the nation-state was maintained, the concept of conscientious objection evolved from a religious to a political focus and, especially in the European context, the conscientious objection movement took on tones closely linked to the anti-militarist and anti-capitalist struggle. Since World War II, however, and with the end of the Cold War, many nations have enacted laws or even constitutional amendments to recognise conscientious objection, which became an essential human rights issue with the ratification of the Universal Declaration of Human Rights and, later, the International Covenant on Civil and Political Rights.<sup>220</sup>

## 2.1 Different forms of conscientious objection

Although all objectors are motivated by conscience, their convictions may be based on different religious, philosophical, or political considerations; furthermore, the state's response is affected by its assessment of the threat that such opposition provides to internal and external stability.<sup>221</sup> Because different political and social circumstances necessitate different strategies, there is a

---

<sup>218</sup> *Supra* note 215, Özgür Heval Çınar, p. 22.

<sup>219</sup> Hammer, Leonard M., *A Brief History of the Development of the Right to Conscience*, in *The International Human Right to Freedom of Conscience, Some suggestions for its development and application*, Routledge, London (2001).

<sup>220</sup> *Conscientious Objection to Military Service*, UN Human Rights Office of the High Commissioner, United Nations Publication, New York and Geneva, 2012, p. 5.

<sup>221</sup> See Mellors, Colin and McKean, John, *Conscientious Objection in Western Europe*, School of European Studies, University of Bradford, Bulletin of Peace Proposals, Vol. 13, No. 3, 1982, pp. 227-239.

variety of ways to refuse: open conscientious objection, but also evasion from conscription, desertion, refusal in the form of medical exemptions or postponement of service; these alternative types of refusal are far more common in most countries than open conscientious objection, and while they do not directly oppose state militarism, they are nonetheless essential.

Conscientious objectors have been historically fighting for recognition from the public and hostile governmental power, and they have managed to build a remarkable dissenting discourse while being regularly ignored and sometimes violently suppressed. In this framework, Nilgün Kiliç explains how the notions of conscientious objection, civil disobedience, and anti-militarism are related and differentiated:<sup>222</sup> the reason for her analysis is that there is a certain ambiguity between these concepts, since conscientious objectors are those who refuse to serve in the army, but their actions frequently come in the form of civil disobedience, as they are a deliberate violation of the law requiring military conscription; at the same time, the reasons they give to justify their actions frequently point to a radical anti-militarism, according to which the modern state system is essentially militaristic. The author frames civil disobedience in terms of a political activity, in that it gives voice to a dissent with the laws of the state, affirming that they are in conflict with human dignity and that they can be neither just nor legitimate, thus having as an objective to change a law or to bring about a change in government policy. Unlike conscientious objection, this kind of protest does not refer to the subjectivity of the individual but rather to the public sphere: civil disobedience, in theory, concerns everyone and is configured as a communal rather than an individual act. The argument is that, unlike conscientious objection, civil disobedience has the capacity to launch and sustain such huge and systemic reforms. While conscientious objection rejects the political horrors of war in the name of the moral integrity of the individual and is limited to the rejection of military duty, the resistance of civil disobedience takes the form of a broader action to avoid war. At the same time, however, when the choice to refuse military service is structured and argued in terms of a

---

<sup>222</sup> Kiliç, Nilgün Toker, *The morals and politics of conscientious objection, civil disobedience and anti-militarism*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 61-72.

critique of militarism in general, what appears to be an act of conscientious objection becomes “transformative civil disobedience”.<sup>223</sup>

In her chapter, the author also explores the subtle differences between conscientious objection and anti-systemic critique based on anti-militarist stances: antimilitarism is structured as a critique of the contemporary state as a monopolistic means of violence. The definition of militarism therein presented is not limited to military operations or the army as an institution; rather, the idea is that the state displays a significant military character in modern society based on fear and propagates through the interiorisation of it. Militarism is thus defined as a system of subordination in which the will of the citizen is subjugated to the will of the state; consequently, opposition to militarism is defined in terms of opposition to the submission of free will.

According to this viewpoint, refusing to serve in the military entails uncovering and opposing the political injustice at the heart of the contemporary state. When objectors refuse to bear arms and perform military service because of their anti-militarist positions, and are critical of the system, their actions should be recognised as political civil disobedience rather than moral conscientious objection. This type of action takes place collectively or with the support of a specific organisation, and aims to expose the endemic problems of the state structure in the public sphere. Moreover, such activities are emblematic in the sense that they demonstrate that state control is not boundless, that resistance is possible, and that new venues for building solidarity can be established. These activities differ from conscientious objection in the way they are fundamentally political in nature, and are based on political dissent rather than moral principles.

This analysis is complemented by the contribution of Ö. Çınar, who distinguishes conscientious objectors according to their willingness to collaborate within political or military institutions.<sup>224</sup> In fact, a number of conscientious objectors refuse different components of service, for both religious and non-religious reasons, thus indicating their willingness to

---

<sup>223</sup> *Ibidem*, p. 69.

<sup>224</sup> *Supra* note 215, pp. 27-39.

collaborate or not with the state and military institution. For this reason, he presents four different groups of objectors: total, or absolutists, alternativist, noncombatant, and selective conscientious objectors.

The author describes total, or absolutist, conscientious objectors as people who oppose any kind of direct or indirect involvement with the military system; they vehemently oppose violence and killing under any circumstances, and most of them are devout pacifists. Total objectors, in particular, oppose being coerced into military service, and also refuse to undertake non-combatant or alternative civilian service, as they believe it will only contribute to encouraging war and support a social system based on militarism and coercion. Consequently, their objection includes being directed by the state in their decision for alternative service, yet they oppose any level of participation with the military system, both in times of war and peace.

Importantly, the author adds that since there is no legal support for these conscientious objectors in domestic or international law, total conscientious objection is not yet perceived as a legal matter, nor as a civil rights issue.<sup>225</sup>

He then continues his analysis by describing alternativist and noncombatant conscientious objectors as people who do not completely reject the military system but accept alternative civilian service or non-combatant military service, also known as unarmed military service. A characteristic that separates them from regular soldiers is that they do not use weapons, engage in armed conflict or participate in military training; the unarmed military service may include medical or clerical responsibilities. With regard to the alternative service, conscientious objectors in this category are often employed in administrative, aid or philanthropic activities, such as in hospitals or schools, thus contributing significantly to the national economy by providing cheap labour.<sup>226</sup>

---

<sup>225</sup> *Ibidem*. See also Krishnaswami, A., "Study of Discrimination in the Matter of Religious Rights and Practices," UN Doc. E/CN.4/Sub. 2/200/Rev.1, UN Publication: New York and Geneva, 1960, pp. 43-44. Available at [https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Krishnaswami\\_1960.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Krishnaswami_1960.pdf), accessed May 2022.

<sup>226</sup> See Brett, D., *Military Recruitment and Conscientious Objection: A Thematic Global Survey*, Leuven and Geneva: Conscience and Peace Tax International, 2006, pp. 105-130.

Importantly, there is no right to alternative service, including both alternative civilian service and unarmed military service, under national or international law: according to the Resolution 1998/77 of the Commission on Human Rights, states define if and how long alternative service will be provided in their domestic legislation, but it does not provide for such a service to be compulsory.<sup>227</sup> On the other hand, the availability of a non-combatant or civilian alternative to military service does not in itself amount to a recognition of conscientious objection.<sup>228</sup> Furthermore, the call for prolonged periods of alternative civilian or unarmed military duty poses another issue: doing so may be regarded as a breach of the international norm that these forms of services must not be discriminatory or punishing;<sup>229</sup> in Italy, for example, the Constitutional Court ruled in 1989 that a longer alternative service was unconstitutional.<sup>230</sup> Despite the jurisprudence, the trend has not always been good: in fact, several governments argue that extending the term of service is the only method to verify an individual's sincerity of convictions; while other states, at the opposite end of the spectrum, deny conscientious objectors the possibility of alternative service, for example by making it exclusive for religious objectors.<sup>231</sup>

Finally, there are selective conscientious objectors, who express their objection to being deployed as soldiers in a particular war or conflict, in specific military actions where particular weapons or methods of warfare are used, as was the case in the wars in Iraq or Afghanistan by many US and British soldiers.<sup>232</sup> The right to selective conscientious objection is a right that both professional and conscript soldiers can claim, but very few countries guarantee this right to professional soldiers in the practice: in fact, the vast majority of

---

<sup>227</sup> UN Commission on Human Rights, *Conscientious objection to military service*, 22 April 1998, E/CN.4/RES/1998/77, available at [https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1998-77.pdf), accessed May 2022.

<sup>228</sup> *Supra* note 224, p. 105.

<sup>229</sup> *Supra* note 225, statement n. 4: "(.)Reminds States with a system of compulsory military service (..) that they provide for conscientious objectors various forms of alternative service (..) in the public interest and not of a punitive nature".

<sup>230</sup> *Supra* note 224, p. 120.

<sup>231</sup> *Ibidem*, p. 107.

<sup>232</sup> *Supra* note 222, Çınar, Özgür Heval, p. 33.

European states do not grant the right to selective conscientious objection.<sup>233</sup> Soldiers can decide not to engage in certain conflicts for reasons of conscience, be it religious, ethical, philosophical or similar; or they can cite reasons related to the principles of the 1950 Nuremberg Tribunal, which hold them responsible for crimes against peace and humanity even if they have only carried out orders.<sup>234</sup>

Another important aspect related to the right to conscientious objection, and often underestimated or deliberately avoided by governments, is that conscientious objection under international law can be requested at any time, as well explained by D. Brett, who notes that the lack of a conscientious objection to military duty before enlistment does not disqualify the eventual development of such an objection later, since most kinds of conscientious objection are not immutable religions, but rather beliefs that evolve over time.<sup>235</sup> This means that a conscientious objection can emerge at different phases of an individual's interaction with the military: a person may be aware of an objection prior to being called up to enlist, but the objection may also emerge during the recruiting procedure, or it may only take shape after the objector has already undertaken compulsory military service or enlisted voluntarily; it may finally develop after the objector has finished military service and is subject to reserve assignments. The Parliamentary Assembly of the Council of Europe has also spoken out on this subject in the past with its Recommendation 1518/2001, stating that "*The Assembly (...) recommends that the Committee of Ministers invite those member states that have not yet done so to introduce into their legislation (...) the right to be registered as a conscientious objector at any time*", declaring "*the right for permanent members of the armed forces to apply for the granting of conscientious objector status*" as well, and "*the right for all*

---

<sup>233</sup> *Ibidem*.

<sup>234</sup> See Principles of the Nuremberg Tribunal, No. 82, Document A/1316, adopted on June 5–July 29, 1950, available at [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/7\\_1\\_1950.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf), accessed May 2022.

<sup>235</sup> *Supra* note 224, Brett, D., p. 56.



*conscripts to receive information on conscientious objector status and the means of obtaining it”, among others.*<sup>236</sup>

### **3. The recognition of the right to conscientious objection**

Although conscientious objection to military service has a very long history, little is known about its relevance in the context of international human rights law: importantly, conscientious objection is not explicitly recognised as an autonomous right in the international human rights standards; nevertheless, this does not mean that individuals do not have an internationally recognised right to conscientious objection. Viewing conscientious objection as a universal human right rather than a privilege provided by national governments calls into question what is usually the exclusive authority of the state over its domestic policies. The right to conscientious objection fundamentally transforms the relationship between state and citizen, as Jeremy Kessler argues, by subordinating the state's ruling in terms of national security to the convictions of the individual citizen;<sup>237</sup> in this regard, the author explains how the history of the right to conscientious objection, which originated from the interplay of universalist and nationalist political agendas, also serves to understand the relationship between international human rights law and national sovereignty. The recognition of conscientious objection as a human right would imply the notion that some human rights are so crucial that they need to be safeguarded and advocated by the international community, even when a state regards objection as a danger to both its national security and its role as a key player in international affairs. As Bröckling argued, even though the anti-militarist movement does not stop with the legalisation of conscientious objection, its

---

<sup>236</sup> Council of Europe: Parliamentary Assembly, Recommendation 1518 (2001): Exercise of the right of conscientious objection to military service in Council of Europe member states, 23 May 2001, para. 5 I-III. Available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16909&lang=en>, accessed May 2022.

<sup>237</sup> Kessler, Jeremy K., *The Invention of a Human Right: Conscientious Objection at the United Nations, 1947-2011*. Columbia Human Rights Law Review, 44.3, 2013, pp. 753-791.

recognition as a human right is critical since it implies an improvement in the status of conscientious objectors.<sup>238</sup>

As analysed in the previous Chapter, the call to arms is seen in some countries as a fundamental obligation linked to an individual's citizenship status, and for this reason, the conscientious objector is regarded as a threat to national security and the equality of citizens, who are all faced with the obligation to militarily defend the state and to self-sacrifice for it, where conscription is adopted. On this point, Lippman recalls that in 1977 the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe noted that there were few areas in which respect for human rights clashed so strongly with the state interests as in the issue of conscientious objection to military service.<sup>239</sup> In a similar manner, the fight for the recognition of the right to conscientious objection in the United Nations system was mostly hindered in its inception as Kessler's research shows, starting from the failed attempt to standardise the concept of conscientious objection within the Commission on Human Rights in the 1970s.<sup>240</sup> The author also traces the development of the anti-colonial conception of conscientious objection, which will make its way during the end of the Cold War and will lay the foundations for its recognition as a universal right, at least in theory.

There is a large body of literature that has investigated the issue of the balance between state sovereignty and the recognition of conscientious objection in terms of human rights; among these, Emily Marcus refers to this relationship by interpreting conscientious objection as a violation of the social contract between the individual and the state, whose domestic authority in terms of recruitment is challenged by the fundamental human rights recognised by the international community that supports the right to conscientious objection.<sup>241</sup> Furthermore, she explains the uniqueness of conscientious

---

<sup>238</sup> *Supra* note 208, Ulrich Bröckling, *Sand in the wheels? Conscientious objection at the turn of the twenty-first century*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 53-60.

<sup>239</sup> Lippman, Matthew, *The recognition of conscientious objection to military service as an international human right*, *California Western International Law Journal*, 21(1), 1990, p. 31 (quoting Report on the Right of Conscientious Objection to Military Service, Eur. parl. Assembly, 29th Sess., Doc. No. 4027, at 19 (1977)).

<sup>240</sup> *Supra* note 236, Kessler, Jeremy K.

<sup>241</sup> Marcus, Emily N., *Conscientious Objection as an Emerging Human Right*, Vol. 38(3), 1998, p. 510.

objection to military service as an act of opposition not only to conscription but also to the general militarisation of society, to violence as a means of resolving controversies, and to the authority of a government that forces its citizens to kill other human beings; principles that objectors reject as being in conflict with their own conscience and that are based on the human rights standards recognised by the international community.<sup>242</sup>

Interestingly, in line with this point of view, Kiliç deepens the study of conscientious objection by investigating what is the main complication for its recognition as a right within the liberal paradigm of rights: according to the author, it consists of the fact that there is a conflict of duties since, on the one hand, the individual has a moral obligation to obey the law by virtue of the assumption that he is part of the social contract and thus bound by it; on the other hand, he is also morally obliged to preserve his personal integrity regardless of social convention.<sup>243</sup> A tension therefore arises, which finds expression in the fact that one law, that of compulsory conscription, cannot be considered just since it distorts the personal integrity of the individual. According to the author, this suggests that the principle of justice requires the recognition of conscientious objection as a right, although he specifies that conscientious objection does not challenge the justness of a particular law, but rather emphasises that compliance with it is unacceptable to one's conscience; therefore he states that justice is not the rationale of the act of conscientious objection, but the fundamental of its acknowledgement as a right.<sup>244</sup>

Interestingly, as Emily Marcus points out in her paper, while there is consensus in the international community that the right to freedom of thought, conscience and religion forms the conceptual basis for the right to conscientious objection, support for this right can gain legitimacy from other human rights recognised in international conventions. According to Marcus, they are the right to life, liberty and to peace, freedom of association and

---

<sup>242</sup> *Ibidem*.

<sup>243</sup> *Supra* note 221, Kiliç, Nilgün Toker, p. 65.

<sup>244</sup> *Ibidem*.

expression, and the right to be free from forced or compulsory labor,<sup>245</sup> as legal principles that implicitly support the right to conscientious objection.

In this regard, the specific discourse framing the right to conscientious objection within the right to peace deserves further examination. In 2012, the Advisory Committee of the UN Human Rights Council produced a promising draft declaration on the right to peace, which included, among other things, clauses on the right to human security and peace education; provided for the disarmament of states under international supervision; envisaged the prohibition of war propaganda, and defended the right to resist and oppose colonial and dictatorial regimes of occupation and oppression; interestingly, it also included articles on the right to development and a healthy, clean and peaceful environment.<sup>246</sup> Most interesting, however, from the point of view of the focus of this thesis, is the provision in Article 5 of a specific right to conscientious objection to military service: with this Article, states would commit themselves to avoid the use of war by any military institution, guaranteeing their members the right to disobey orders that are contrary to the principles and norms established by international humanitarian and human rights law. In the first paragraph, the Article also explicitly recognises the right of every person to conscientious objection to military service, precisely in the framework of the broader respect for the right to peace as a fundamental right belonging to individuals and peoples. On this aspect, Papisca further elaborated, noting that the draft Declaration on the Right to Peace represents a strong innovation with respect to the traditional Western philosophy of human rights, according to which rights can only be personal; in fact, the text explicitly envisages the right to peace as both an individual and a collective right.<sup>247</sup>

For the first time, the right to conscientious objection was to be codified as an autonomous right, rather than merely as a right derived from the concept of

---

<sup>245</sup> *Supra* note 240, pp. 517-524.

<sup>246</sup> UN General Assembly, *Report of the Human Rights Council Advisory Committee on the right of peoples to peace*, A/HRC/20/31, 16 Apr. 2012. Available at <https://digitallibrary.un.org/record/731170>, accessed May 2022.

<sup>247</sup> Papisca, Antonio, *The Human Right to Peace Is Putting the Sincerity of the Peace-loving States to the Test*, *Rivista "Pace diritti umani - Peace Human Rights"*, Special issue on the right to peace, 2-3/2013, p. 134.

freedom of thought, conscience, and religion; additionally, for the first time, this right was to be understood as being closely linked to the right to peace, which had previously been the focus of UN work, such as in the 1984 Declaration on the Right of Peoples to Peace,<sup>248</sup> whose creation process has been reconstructed by Puyana,<sup>249</sup> and in 2003 Resolution 57/216 on the Promotion of Peace as a Vital Requirement for the Full Enjoyment of All Human Rights by All.<sup>250</sup>

Based on the draft presented by the Advisory Committee, a few months later the Human Rights Council adopted Resolution 20/15 on the Promotion of the Right to Peace, establishing a working group with the mandate to negotiate what would have been the United Nations Declaration on the Right to Peace.<sup>251</sup> However, the resolution was opposed by states, especially some European states, which abstained from voting, and by the United States, which voted against it and rejected it from the beginning.<sup>252</sup>

The UN General Assembly did actually approve the Declaration on the Right to Peace a few years later, in December 2016,<sup>253</sup> but all of the recommendations of the Advisory Committee's draft were not taken up, and the Declaration was thus robbed of its initial strength, while its drive for change was completely silenced; yet again, the US voted against, along with other European states.<sup>254</sup> Papisca's analysis is once again enlightening, since it prompts us to consider the significant difference that a Declaration based on the original draft would have entailed: the author speaks of an "*inescapable process*

---

<sup>248</sup> UN General Assembly, *Declaration on the Right of Peoples to Peace*, 12 November 1984, A/RES/39/11. Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-peoples-peace>, accessed May 2022.

<sup>249</sup> Fernández, Christian Guillermet, Puyana, David Fernández, *From a Culture of Conflict to a Culture of Peace, Human Rights and Development*, Rivista "Pace diritti umani - Peace Human Rights", Special issue on the right to peace, 2-3/2013, pp. 19-21.

<sup>250</sup> UN General Assembly, *Promotion of the right of peoples to peace*, 27 February 2003, A/RES/57/216. Available at <https://digitallibrary.un.org/record/482003>, accessed May 2022.

<sup>251</sup> UN General Assembly, Promotion of the right to peace, 17 July 2012, A/HRC/RES/20/15. Available at <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/161/63/PDF/G1216163.pdf?OpenElement>, accessed May 2022.

<sup>252</sup> See RightDocs, Res/20/15, Promotion of the right to peace, at <https://www.right-docs.org/doc/a-hrc-res-20-15/>. Accessed May 2022.

<sup>253</sup> UN General Assembly, *Declaration on the Right to Peace*, 19 December 2016, A/RES/71/189. Available at <https://digitallibrary.un.org/record/855187>, accessed May 2022.

<sup>254</sup> See United Nations Digital Library, Declaration on the Right to Peace, <https://digitallibrary.un.org/record/855187>. Accessed May 2022.

of *genetic mutation*” that nations would have to undergo in exchange for relinquishing their total authority over their populations' lives and deaths and the power to wage war.<sup>255</sup> The sinking of such a statement is explained by the fact that in the presence of an unequivocal human right to peace, or to conscientious objection, the dismantling of nations' secular ability to use *ius ad bellum* would no longer be an option, but a legal requirement.

While it is important to know what can be accomplished with legal recognition of the right to conscientious objection, so is the awareness of what its limitations are: according to War Resisters' International, the legal recognition of the right to conscientious objection can provide valuable protection for conscientious objectors, who will therefore no longer have to fear a call to military service, however, several limitations still apply.<sup>256</sup> First of all, a question arises concerning the status of conscientious objectors who are not recognised by the state: there are well-founded doubts concerning the process that establishes whether the conscientious objection is genuine and justified, since some countries provide for scrutiny by a special committee, in a process that can be both inquisitorial and discriminatory, and can lead to new sorts of injustice. Secondly, the question arises as to how effective legal recognition is in contexts where the legal system of the state does not function and is not enforced, for instance in situations where there are several armed groups, legal or illegal, in power; legal recognition, therefore, being solely recognition by the state, does not afford protection against non-state actors. Moreover, it must be considered that the recognition of conscientious objection often leads to the establishment of a substitute service, which some conscientious objectors see as a problem; War Resisters' International argues that the alternative service only exists because the state enlists for the armed forces through conscription, and performing substitute service is in fact an implicit recognition of the state's right to draft its own citizens.<sup>257</sup>

---

<sup>255</sup> *Supra* note 247, Papisca, A., p. 138.

<sup>256</sup> See War Resisters' International, *General Panorama of Conscientious Objection in the World*, available at <https://wri-irg.org/en/news/2006/bogota06-worldco-en.htm>, accessed May 2022.

<sup>257</sup> *Ibidem*.

Linked to this, there is the issue of the social recognition of conscientious objection, which is often accepted as a valid option only when an alternative service is provided: it is thus problematic to make the recognition of a fundamental right conditional on the provision of an obligatory service to society, whether military or alternative. The question raised by War Resisters' International as to how to address the issue of alternative service is not easy to resolve; in fact, it has been the subject of huge debates and divisions within the conscientious objectors' movement since its inception in the 1920s. Trying to find a constructive approach to the problem, the movement posed the question of how to carry out an effective struggle for social change, overcoming individualism while criticising militarism and violence as integral features of our societies, regardless of whether there is conscription or not, or whether the right to conscientious objection is provided or not.

Finally, the movement's most important goal is to keep the issue of conscientious objection on the agenda of states, since its recognition as a right is only a part of the greater stand against militarisation, war and violence.<sup>258</sup>

In this context, therefore, it is interesting to understand how the right to conscientious objection has received global legitimacy, since it does not enjoy specific legal recognition as a fundamental human right.

This central theme will be developed by a brief review of international and regional legal standards in terms of conscientious objection, through an analysis of the UN Human Rights System and the European System.

### **3.1 UN standards on conscientious objection**

The right to conscientious objection to military service is not a right in itself, as the international instruments of the United Nations do not make direct reference to such a right, which is rather characterised as a right derived from an interpretation of the right to freedom of thought, conscience and religion, as enshrined in Article 18 of the Universal Declaration of Human Rights, later also

---

<sup>258</sup> *Ibidem*.

reproduced in Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

The issue of conscientious objection to military service has been tackled in a number of ways within the United Nations human rights system, in particular by the resolutions of the former Commission on Human Rights and the current Human Rights Council, as well as by the Human Rights Committee, in particular with its General Comment No. 22, as I will explain in the next paragraphs.

Even before the right to conscientious objection, in the context of the redaction process of the Universal Declaration of Human Rights (UDHR), the right to freedom of thought, conscience and religion was considerably hindered, especially, as Boyle analyses, due to the power wielded by the Church, which for a long time opposed individual religious freedom in Europe.<sup>259</sup> For this reason, the debate around Article 18 of the UDHR was much less than that sparked by the other articles of the Declaration; with this in mind, Çınar explains that the initial proposal did not include a clear reference to freedom of religion, however, the drafters of the UDHR wanted to incorporate and protect not only the right to freedom of religion but also other forms of belief, by arranging for Article 18 to contain a clear provision concerning the right to freedom of conscience;<sup>260</sup> its final version is quoted as follows:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*<sup>261</sup>

Even though the issue of conscientious objection itself was never addressed during the drafting process of Article 18 of the UDHR, Çınar emphasises how this broad interpretation of the concept of belief is significant for those conscientious objectors based on non-religious grounds. Importantly, he further states that by including an internal sphere of rights, the article makes

---

<sup>259</sup> See Boyle, Kevin, "Freedom of Religion in International Law," in *Religion, Human Rights and International Law*, ed. J. Rehman and S. C. Breau, The Hague: Martinus Nijhoff, 2007, p. 34.

<sup>260</sup> *Supra* note 222, Çınar, Özgür Heval, pp. 45-46.

<sup>261</sup> UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Art. 18. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, accessed May 2022.



it explicit that conscience belongs to the personal domain, thus recognising the moral autonomy of the individual, in which the state has no power to intervene.<sup>262</sup>

Furthermore, with regard to the right to conscientious objection, Article 29(1)<sup>263</sup> is significant in that it explicitly provides for an individual duty to the community, here understood as the nation, according to De Jong,<sup>264</sup> considering that at the time of the drafting of the UDHR, from the point of view of the states, performing military service was an individual duty to the community. As a matter of fact, some states have invoked this paragraph as a legal basis for objecting to the right to freedom of conscience, stating that enlistment for military service was one of the duties of citizens towards the community.<sup>265</sup>

On the whole, although there was a strong recognition of the broad concept of conscience by UN members during the drafting process of Article 18 of the UDHR, a right to conscientious objection is never actually mentioned.

At the same time, the Universal Declaration set the groundwork for the International Covenant on Civil and Political Rights (ICCPR), whose Article 18 rearranges the notions found in Article 18 of the UDHR, and adds a restriction clause in paragraph 3, providing for limitations “*as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others*”.<sup>266</sup>

Although the ICCPR article specifies that an individual's freedom to have or adopt a religion or belief of his or her choice may not be restricted, it also states that it can be subject to the limitations provided in paragraph 3; thus, as Emily Marcus points out, a person's right to adopt a religion or belief of his or

---

<sup>262</sup> *Supra* note 248, p. 48: “The state has no place in the *forum internum* aspect of freedom of thought, conscience, and religion.”

<sup>263</sup> *Supra* note 249, Art. 29(1): “Everyone has duties to the community in which alone the free and full development of his personality is possible.”

<sup>264</sup> De Jong, C.D., *The freedom of thought, conscience and religion or belief in the United Nations (1946-1992)*, Refugee Survey Quarterly, 2001, Vol. 20 Issue 3, p. 178.

<sup>265</sup> *Supra* note 248.

<sup>266</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, Art. 18. Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, accessed May 2022.

her choice is seen as unwaivable, while his or her right to manifest it depends on national laws and the limits they impose on it for the purposes mentioned above.<sup>267</sup> A widespread interpretation of these provisions is that the ICCPR does not cover the right to conscientious objection, especially if one looks at the history of the Covenant negotiations. In fact, during its drafting, the diplomatic representative of the Philippines was the only one to propose an amendment to Article 18 that would have included the right to conscientious objection within the provisions on freedom of religion; a proposal that was eventually withdrawn as it did not have enough support from the other countries, many of whom opposed the amendment due to concerns about reaching a consensus on the definition and scope of the right to conscientious objection.<sup>268</sup> Despite this, the established tendency in the international community is precisely to interpret Article 18 of the International Covenant on Civil and Political Rights as incorporating a right to conscientious objection. In line with this point of view, according to Boyle's analysis, the Covenant provides a comprehensive protection scheme whereby conscientious objectors have an absolute right to freedom of thought, conscience and religion.<sup>269</sup>

Yet, there was no specific reference to conscientious objection in Article 18: the words only appear in the ICCPR in Article 8(3)(c)(ii), where alternative service for conscientious objectors is treated in the same way as military service as an exception to the ban on forced labour.<sup>270</sup> The lack of a direct mention of the right to conscientious objection and the fact that it is appointed only in Article 8, has made the latter a subject of debate, especially within the Human Rights Committee, as I will explain in the next paragraphs.

As concerning the other UN human rights bodies, the former Commission on Human Rights issued an early decision on the matter in 1987, although it was merely advisory, leaving governments with the most autonomy in their

---

<sup>267</sup> *Supra* note 240, Marcus, Emily N., p. 515.

<sup>268</sup> *Ibidem*.

<sup>269</sup> Boyle, K., "Freedom of Conscience, Pluralism and Tolerance: Freedom of Conscience in International Law," in *Freedom of Conscience*, Council of Europe (Strasbourg: Council of Europe, 1993), p. 46.

<sup>270</sup> Article 8(3)(c)(ii) reads as follows: "(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:", "(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors".

policy on conscientious objection. The Commission eventually established the existence of a broad right to conscientious objection two years later, in Resolution 1989/59;<sup>271</sup> it was the first time a treaty body had done so in UN history.<sup>272</sup> Furthermore, the Human Rights Committee (HRC), which was established to monitor the ICCPR, has addressed the right to conscientious objection in multiple documents, such as Concluding Observations on Reports of states and in individual communications, but especially in General Comment No. 22: in 1993 the HRC released the General Comment on the right to freedom of thought, conscience, and religion, focusing specifically on conscientious objection, recognising it as a right under Article 18 of the ICCPR, “(..) inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief.”<sup>273</sup> The comment apparently does not set out clear instructions for state parties on the obligation to grant the right to conscientious objection, but rather indicates that such a right could be derived from Article 18, and invites the countries that do so to notify the Committee. Whereas, since 2007, the Committee has regularly stated in its jurisprudence that Article 8 of the Covenant per se does not recognise or exclude a right to conscientious objection. Therefore, it states that this right must be appreciated exclusively in accordance with article 18 of the Covenant.<sup>274</sup>

At the time, the General Comment was considered innovative, but it was not the first time that UN human rights bodies had addressed the issue of conscientious objection: it had in fact entered the UN political agenda initially with General Assembly Resolution 33/165 (1978), which called on states to grant asylum to persons whose request was based on conscientious objection to compulsory service within military or police forces used to enforce

---

<sup>271</sup> UN Commission on Human Rights, *Conscientious objection to military service*, 8 March 1989, E/CN.4/RES/1989/59. Available at <https://digitallibrary.un.org/record/61818>, accessed May 2022.

<sup>272</sup> *Supra* note 239, JKessler, eremy K., p. 778.

<sup>273</sup> See UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4. Available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.4&Lang=en), accessed May 2022.

<sup>274</sup> QUNO, Quaker United Nations Office, *International Standards on Conscientious Objection to Military Service*, Revised Edition 2021, by Laurel Townhead, p. 2.

apartheid.<sup>275</sup> Subsequently, the Commission on Human Rights, in its Resolution 1987/46, had called on states to "recognise that conscientious objection to military service should be considered a legitimate exercise of freedom of thought, conscience and religion".<sup>276</sup>

Since 1993, the issue has progressed through the jurisprudence of the Human Rights Committee and resolutions of the former Commission on Human Rights, which continued to be active on the subject. For instance, Resolution 1998/77 recognizes "that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives".<sup>277</sup> As Brett points out, both the Committee and the Commission have said unequivocally that no discrimination between religion and belief is acceptable.<sup>278</sup>

More recently, the UN Human Rights Council adopted, without a vote, Resolution 24/17 in 2013, reiterating that the right to conscientious objection to military service can be derived from the right to freedom of thought, conscience and religion,<sup>279</sup> reaffirming the provisions of previous UN Commission on Human Rights resolutions dating back to 1989. Furthermore, it urges states to establish independent decision-making bodies to assess conscientious objection applications on a case-by-case basis, while welcoming the fact that some states accept applications for conscientious objection to military service as valid without further investigation; it also calls on states that still have a system of compulsory military service to provide conscientious objectors with

---

<sup>275</sup> UN General Assembly, *Status of persons refusing service in military or police forces used to enforce apartheid.*, 20 December 1978, A/RES/33/165. Available at <https://digitallibrary.un.org/record/187405>, accessed May 2022.

<sup>276</sup> UN Commission on Human Rights, *Conscientious objection to military service*, 10 March 1987, E/CN.4/RES/1987/46. Available at <https://digitallibrary.un.org/record/130166>, accessed May 2022.

<sup>277</sup> UN Commission on Human Rights, *Conscientious objection to military service*, 22 April 1998, E/CN.4/RES/1998/77. Available at [https://www.ohchr.org/sites/default/files/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/sites/default/files/E-CN_4-RES-1998-77.pdf), accessed May 2022.

<sup>278</sup> Brett, Rachel, *International standards on conscientious objection to military and alternative service*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 198-205.

<sup>279</sup> UN Human Rights Council, *Conscientious objection to military service*, 8 October 2013, A/HRC/RES/24/17. Available at <https://www.right-docs.org/doc/a-hrc-res-24-17/>, accessed May 2022.

various forms of non-punitive alternative service.<sup>280</sup> These positions were further confirmed, by consensus, in Resolution 36/18 of 2017.<sup>281</sup>

The right to conscientious objection under the ICCPR has also been the subject of work of the UN Working Group on Arbitrary Detention, which historically dealt in particular with the prohibition of repeated punishment of conscientious objectors (*ne bis in idem*, or the principle of double jeopardy), defining their detention as a violation of Article 18(1) of the Covenant. Its positions on the matter are reflected in the recent 2019 report, in which the Working Group affirms the need to find an approach that ensures more extensive protection of conscientious objectors' human rights, and that respects the evolving consensus on how harmful it is to society to force individuals to take up arms and participate in military training against their will.<sup>282</sup>

### 3.2 European standards

At the regional level, the European context has been exemplary in terms of standard-setting in recognition of the right to conscientious objection, although it has never recognised it as an autonomous right. Based on Çinar's study, it is possible to structure the analysis on three levels, according to how the right to conscientious objection has been treated in the three different intergovernmental organisations in the European context, namely the Council of Europe, the European Union, and the OSCE.

In the framework of the Council of Europe, the drafters of the European Convention on Human Rights, adopted in 1950, dealt with conscientious objection under Article 4(3)(b) and Article 9. They did not provide for any official recognition of this right, which was therefore left to the states to determine, however, they were in continuity with the UN standards set in the Universal Declaration: namely, in Article 4(3)(b) alternative service to military service appears as an exception to the norm regulating on slavery and forced labor, in

---

<sup>280</sup> *Ibidem*.

<sup>281</sup> UN Human Rights Council, *Conscientious objection to military service*, 3 October 2017, A/HRC/RES/36/18. Available at <https://www.right-docs.org/doc/a-hrc-res-36-18/>, accessed may 2022.

<sup>282</sup> Report of the Working Group on Arbitrary Detention (A/HRC/42/39, 16 July 2019) para. 60(b).

line with Article 8(3)(c)(ii) of the ICCPR, that would have been adopted years later.<sup>283</sup> Article 9, concerning freedom of thought, conscience and religion, is structured similarly to Article 18 of the ICCPR, including the clause on limitations of the right, except that it is divided into two paragraphs, the first of which refers to Article 18 of the Universal Declaration of Human Rights.<sup>284</sup>

Thereafter, in 1967, the Council of Europe became the first European institution to address the right to conscientious objection to military service, adopting the first resolution in the region on this matter: Resolution 337 stated that conscientious objection must be considered a right inherent to the concept of freedom of thought, conscience and religion, as recognised in Article 9 of the European Convention on Human Rights.<sup>285</sup> In his analysis, Schneider observes that to date this fundamental resolution has been reiterated in numerous recommendations and resolutions of the Council of Europe and the European Parliament.<sup>286</sup>

In the framework of the European Union, the Charter of Fundamental Rights of the European Union, proclaimed in 2000 in Nice and a second time, in an adapted version, in 2007 in Strasbourg, is the first legally binding European human rights instrument that explicitly recognises the right to conscientious objection as part of freedom of thought, conscience and religion; its Article 10 constitutes the basis for this legal recognition, "in accordance with the national

---

<sup>283</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5. Available at [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf), accessed May 2022. Article 4(3)(b) reads as follows: "(3) For the purpose of this Article the term "forced or compulsory labour" shall not include:", "(b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;"

<sup>284</sup> *Ibidem*. Article 9 reads: "1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

<sup>285</sup> See Resolution 337 (1967), Council of Europe, *Right of Conscientious Objection*. Available at <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15752&lang=en#:~:text=Persons%20liable%20to%20conscriptio%20for,obligation%20to%20perform%20such%20service>, accessed May 2022.

<sup>286</sup> Schneider, Friedhelm, *European standards on conscientious objection and alternative service, in Conscientious Objection, Resisting militarized society*, 2009, pp. 206-211.

laws governing the exercise of this right”.<sup>287</sup> The decision to include this last sentence has given rise to debates on how much discretion states have in determining the limitation of this right and its protection. However, the conclusion was reached that if a state does not recognise the right to conscientious objection for EU citizens, it is violating the EU Charter, which they are required to respect. Since 2009, in fact, the EU Charter of Fundamental Rights has been classified as primary European law by the Lisbon Treaty, thus becoming legally binding on EU institutions and bodies.<sup>288</sup>

With regard to the European Parliament's work on conscientious objection, it has adopted several resolutions on the subject, as can be seen on the European Bureau for Conscientious Objection's (EBCO) website. The first of these dates back to 1983, the Macciocchi Resolution, recognising the right to freedom of thought, conscience and religion as a fundamental right.<sup>289</sup> Continuing with Resolution Schmidbauer of 1989, which goes into more detail on conscientious objection and provides greater protection, stating for instance in Paragraph A that “no court and no committee can examine a person's conscience”,<sup>290</sup> and requesting that, for a person to be recognised as an objector, a declaration explaining his or her reasons should be enough. With regard to alternative civil service, in the 1994 Bandrés Molet and Bindi resolution, the European Parliament reaffirmed conscientious objection as a subjective right, by virtue of the previous regulations adopted in the United Nations, and, among other things, it called “on the member states to ensure that compulsory military service and civilian service performed in institutions that are not under the supervision of the Ministry of Defence have the same duration”.<sup>291</sup> Finally, in 2013 the Parliament approved a recommendation on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or

---

<sup>287</sup> European Union: Council of the European Union, *Charter of Fundamental Rights of the European Union (2007/C 303/01)*, 14 December 2007, C 303/1. Available at [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf), accessed May 2022.

<sup>288</sup> *Supra* note 148, Çinar, Özgür Heval, p. 207.

<sup>289</sup> EBCO, The Macciocchi Resolution, available at <https://ebco-beoc.org/node/187>. Accessed May 2022.

<sup>290</sup> EBCO, The Schmidbauer Resolution, available at <https://ebco-beoc.org/node/188>, accessed May 2022.

<sup>291</sup> EBCO, The Bandrés Molet and Bindi Resolution, available at <https://ebco-beoc.org/node/189>, accessed May 2022.

Belief, with the aim of developing standards on conscientious objection that respect the human rights enshrined by the European Union.<sup>292</sup>

Ultimately, it is interesting to follow Çinar's analysis, which explains how there has been bipolar support for the right to conscientious objection in the European context:<sup>293</sup> more precisely, on the one hand, the Council of Europe, the European Committee of Social Rights, the European Parliament and the Organisation for Security and Cooperation in Europe (OSCE) have clearly shown a positive attitude towards the recognition and promotion of the right to conscientious objection, while on the other hand, the former European Commission of Human Rights and the European Court of Human Rights did not initially support the protection of conscientious objection as a human right under Article 9 of the European Convention on Human Rights. However, the various European mechanisms have over time helped to build a solid foundation for the right to conscientious objection as a legitimate exercise of freedom of thought, conscience and religion, to the point of making it a *sine qua non* requirement for countries wishing to join the Council of Europe and the European Union. They must in fact recognise the right to conscientious objection and, if they have a system of compulsory military service, they have a legal obligation to provide alternative civilian service.<sup>294</sup> This standardisation process in the European context has implied greater homogeneity between European and UN mechanisms.

---

<sup>292</sup> EBCO, European Parliament/Protection of Freedom of Religion or Belief/The right to conscientious objection to military service. Available at <https://ebco-beoc.org/node/313>, accessed May 2022.

<sup>293</sup> *Supra* note 275, pp. 143-145.

<sup>294</sup> The exception in Europe is Turkey, where the right to conscientious objection to military service is not recognised, conscription is compulsory and an alternative civilian form is not granted. Anyone who refuses conscription risks life-long persecution, including continuous arrest warrants and repeated persecution amounting to 'civil death', an expression used by objectors to describe their exclusion from social, cultural and economic life. See <https://www.azionenonviolenta.it/cos-day-2021-dalla-wri-solidarieta-con-gli-obiettori-di-coscienza-turchi/>, accessed May 2022. See also <https://serenoregis.org/2021/05/26/obiettori-di-coscienza-in-turchia/>, accessed May 2022.



#### **4. The relevance of conscientious objectors' movements from Ukraine and Russia in today's European context**

While there is no lively debate on the issue of conscientious objection at the institutional level, in the European context the scene of anti-militarist civil society movements has been revived in defence of the right to conscientious objection, especially after the Russian invasion of Ukraine in February 2022. As confirmed by the European Bureau for Conscientious Objection's (EBCO) annual report, the human right to conscientious objection to military service was not at the top of the European agenda in 2021;<sup>295</sup> however, more attention should be paid to this issue, especially considering that compulsory conscription is still in force in as many as 18 Council of Europe member states.

Among these countries, special mention must be made of the Ukrainian case, where the draft had already been reintroduced in 2014, after the invasion of Crimea; even before the Russian invasion on 24 February 2022, EBCO denounced a strengthening of compulsory conscription without any exemption for conscientious objectors.<sup>296</sup> The situation worsened following the invasion, resulting in a series of violations of conscientious objectors' rights, starting with the fact that since martial law had been declared, all male citizens were required to take up arms, and denied the right to evacuate the country.

It is also indicative of the changing geopolitical situation in Europe that both Sweden and Finland, the two historically non-aligned Nordic countries, formalised their requests to become NATO members, which has been described as the most significant geopolitical outcome of the war in Ukraine.<sup>297</sup> These two nations were also covered in Chapter one since they constitute a peculiar example in the contemporary European landscape: both have mandatory military service, with Sweden reintroducing it in 2017; both countries

---

<sup>295</sup> See Tsouni, Alexia, EBCO President, in *EBCO Annual Report, Conscientious Objection to Military Service in Europe, 2021*, Brussels, 21 March 2022, p. 3.

<sup>296</sup> *Ibidem*, p. 4.

<sup>297</sup> See *The most striking aspect of Sweden and Finland's application to join NATO*, CNN, May 19, 2022, at <https://edition.cnn.com/2022/05/18/europe/sweden-finland-nato-analysis-intl/index.html>, accessed May 2022.

recognised the right to conscientious objection in their domestic law, Sweden in 1920 and Finland in 1931, although the latter has drawn the most attention from the Human Rights Committee, which has asked the government to stop prosecuting and imprisoning conscientious objectors, as well as to revise the civil service, which remains extremely punitive and discriminatory.<sup>298</sup> It is therefore interesting to see what the consequences will be for the objectors in these countries as a result of these geopolitical turns.

EBCO strongly opposes Russia's invasion of Ukraine and NATO's eastward expansion, asking troops not to take part in the fighting and all recruits to avoid military duty. EBCO also calls for an immediate ceasefire to halt the violence and expresses support for Russia's and Ukraine's peace movements.<sup>299</sup>

Groups such as the Conscientious Objectors Movement in Russia and the Ukrainian Pacifist Movement have spread their calls for peace and reiterated their refusal to take up arms, condemning military actions on both sides.<sup>300</sup> Their strong stance serves as a warning to those who believe that the issue of conscientious objection to military service is no longer relevant; the power of their statements, in light of current events, demands the attention of all, so that conscientious objection continues to be discussed, and so for it to finally be recognised as a fundamental human right.

---

<sup>298</sup> EBCO, European Bureau for Conscientious Objection, *Annual Report, Conscientious Objection to Military Service in Europe, 2021*, pp. 30-31. Available at <https://ebco-beoc.org/node/526>, accessed May 2022.

<sup>299</sup> See EBCO's *Press Release, Solidarity with conscientious objectors, anti-war activists and civilians in all sides of the war & concrete support from Europe*, Brussels 15 March 2022. Available at <https://www.ebco-beoc.org/node/523>, accessed may 2022.

<sup>300</sup> See the statements by the Ukrainian Pacifist Movement (UPM) at [https://wri-irg.org/en/story/2022/ukrainian-pacifists-war-crime-against-humanity?fbclid=IwAR04CEph\\_ZDTY2IFlyw1Zh\\_covUhZHdCPmhaH8kBIHLEJgZbovlsMwJG0ul](https://wri-irg.org/en/story/2022/ukrainian-pacifists-war-crime-against-humanity?fbclid=IwAR04CEph_ZDTY2IFlyw1Zh_covUhZHdCPmhaH8kBIHLEJgZbovlsMwJG0ul), and by the Movement of Conscientious Objectors in Russia (MCOR) at [https://wri-irg.org/en/story/2022/statement-movement-conscientious-objectors-russia-international-conscientious-objection?fbclid=IwAR26cruBmoKqvBW4gulgvjG6QT80A9\\_4TmjJBOR6KmZH-unoo9sLDagG7dM](https://wri-irg.org/en/story/2022/statement-movement-conscientious-objectors-russia-international-conscientious-objection?fbclid=IwAR26cruBmoKqvBW4gulgvjG6QT80A9_4TmjJBOR6KmZH-unoo9sLDagG7dM). Accessed May 2022.

## **5. Conclusion to the chapter**

While the codification of the right to conscientious objection to military service is not the prerogative for conscientious objection to exist, as the conscientious objector movements claim, the lack of an express right in international human rights law is a strong indication of the impact it would have against states' ability to wage war, as seen by broad rejection by nations while voting on a game-changing Declaration on the right to peace. Those who oppose conscientious objection as a human right do not accept the model of world order that the recognition of the right obliges them to implement, as well as they do not recognise the lives of those who refuse compulsory military service, or compulsory alternative service, as equally worthy of respect and protection. The problem, as I have tried to explain in this chapter, is both on the social level and on the level of the institutions: as long as the latter do not develop a clear and explicit right to conscientious objection without compromises, the society too will not regard it as such.

In this chapter, I have given an overview of the concept of conscientious objection to military service and how it has historically evolved from a religious concern driven above all by the desire not to be excluded from one's community, to an instance motivated by pacifist reasons and a systemic critique of the militarist state, that exercises its authority over its citizens' lives.

The right to freedom of thought, conscience and religion is cited as the philosophical basis that can justify the right to conscientious objection, as well as, according to some researchers, the right to life, freedom of association and expression, the right to be free from forced or compulsory labour, and especially the right to peace, which I extensively described as one of the main legal principles that implicitly support the right to conscientious objection.

However, while there is a lack of a clear codification of the right to conscientious objection, there has been a lot of work on the part of European institutions and the United Nations to apply its content under the umbrella of the right to freedom of thought, conscience and religion. In this regard, I have

traced the history of the recognition of the right to conscientious objection in the United Nations, which was at first deeply hindered by both the states and the catholic Church, due to their scepticism about granting religious freedom; an attitude that persisted for some time in the working methods of the Commission on Human Rights. The writing of article 18 of the Universal Declaration of Human Rights departs from the previous viewpoint, with a stress on the idea of conscience emerging, despite the fact that there is never any mention of it becoming a specific right; while protecting an internal sphere of rights, the article makes it clear that conscience belongs to the personal domain, recognising the moral sovereignty of the individual over which the state has no authority.

The same principles were then taken up by the International Covenant on Civil and Political Rights, both in Article 18, parallel to that of the Universal Declaration, and in Article 8(3)(c)(ii), where conscientious objection is mentioned for the first time, explaining that alternative service is not comparable to forced labor, in case of objection. Over the years, other UN mechanisms have also contributed, through their jurisprudence and their recommendations and comments, to reinforce the understanding and relevance of conscientious objection; among these, I have mentioned in particular the former Commission on Human Rights and the Human Rights Council, as well as the Human Rights Committee and the UN Working Group on Arbitrary Detention.

The European standard-setting process was also intense and important, and involved all the major European institutions; I specifically analysed the context of the Council of Europe, with the drafting of the European Convention on Human Rights, and Resolution 337 about a decade later, which confirmed its reading within the right to freedom of thought, conscience and religion. Likewise, I explained how the Charter of Fundamental Rights of the European Union, with its Article 10, finally recognised the value of conscientious objection in legal terms.

Although I have discussed the limits of legal recognition of conscientious objection, as detailed by War Resisters' International, my study shows that the

protection offered by a right to conscientious objection, as long as it remains only theoretical, cannot be guaranteed, endangering the lives of many objectors. In reality, objectors are still a marginalised and criminalised minority in many parts of the world, as the current Russian-Ukrainian conflict shows, and as the next chapter on the case of Greece, the last European country to recognise the right to conscientious objection for its citizens, will further demonstrate. Ultimately, arrests and prosecutions of conscientious objectors are used as a kind of intimidation to discourage political engagement and limit freedom of thought and expression, which may eventually conflate conscientious objectors with human rights defenders, blurring the distinctions between these two groups.

Given the impact that war and violence have on the entire world, the conscientious objector movement should have broad support, as it is now imperative that conscientious objection be recognised internationally as a fundamental human right.

## **Chapter IV - Compulsory military service and conscientious objection: the case study of Greece**

### **1. Introduction to the chapter**

Chapter IV is dedicated to the case study of Greece, as one of the few European Union countries where military service is still mandatory, and a country which is believed to violate the human rights of conscientious objectors, according to the 2021 Annual Report by the European Bureau for Conscientious Objection. The objectives of this chapter are manifold: I want to highlight the discrepancies between the law and the practice regarding conscientious objection, analysing the difficult legal process which led to the current legislation and to the recognition of conscientious objection, as well as the even more difficult process towards an actual recognition in society, where nationalist traditions and patriarchal cultural norms and practises play a role in keeping and fostering the stigma against refusers and objectors. My intention is to research personal views and experiences of younger generations of refusers, through interviews and surveys, in order to report the real life struggles to which they are subjected, with a specific focus on the case of total objectors; total objection, as explained in the previous Chapters, is intended as the choice of a person who refuses to undertake any function in the military service as well as any alternative service of civilian character, and in Greece is still regarded as a crime constituting insubordination.

In the last part of the Chapter, with a view to give voice to civil society movements which support the cause of conscientious objectors, I drew a parallel between Greece and Israel, which is renowned for its strict approach to universal mandatory enlistment; in this analysis I provide a comparison between the regulations on conscription and the role of civil society movements in the two countries, observing both differences and commonalities, delineating, among the latter ones, the systematic attempt to prevent objections based on ideological and political grounds.

Therefore I structured the Chapter in the following manner: the first part is dedicated to the history of conscription in Greece and the political and legal process that led to the official recognition of conscientious objection, covering a period of time of about one century, with an excursus that takes into consideration two interconnected levels of analysis, the institutional one and the one concerning activism and social movements in civil society. Thereafter I present the actual challenges resulting from the mismatch between state law and practises, relying on reports from the European Bureau for Conscientious Objection (EBCO) and War Resisters' International, also involving the use of a survey that helped me study the complexities of the issue. Furthermore, I present the case of Greek total objectors, who are charged with insubordination and are obliged to face financial and administrative consequences, while faced with trials that take place in military courts, despite the civilian status of the defendants; this constitutes, according to EBCO and the Association of Greek Conscientious Objectors (AGCO), a violation of the right to a fair and public hearing by a competent, independent and impartial tribunal, as well as of the principle of *ne bis in idem*, as also denounced by the Human Rights Committee, given its nature as ongoing offence and the consequent repeated persecution against conscientious objectors.

I present some of the main difficulties that people who choose to be total objectors have to face in everyday life, thanks to the precious contribution of a conscientious objector who I had the opportunity to interview, in the framework of the *Χυπολίτο Ταγμα (Ξυπόλυτο Τάγμα)* Collective from the city of Ioannina.

The Chapter concludes with a section on Israel's conscription system, where it is even more difficult to be recognised as a conscientious objector due to political and ideological reasons, but where a segment of the civil society is very active in supporting draft refusers and objectors who are automatically sentenced to prison. As a result, I provide an overview of the main anti-militarist social movements as well as an understanding of the gradual cultural change that Israeli society is undergoing, from considering conscription as a national necessity and a personal aspiration to opposing the occupation of Palestinian lands and condemning colonialism, militarism, and violence.

## 2. History on conscription in Greece and objection to it

In the European context, Greece was the last EU country to recognise the right to conscientious objection, in 1997, and it is still a country that, even though the regulations, has to deal with several critical issues and discriminatory practices against conscientious objectors. Conscription is established by Article 4, paragraph 6, of the 1975 Constitution: according to it, all Greek males who are capable to bear arms are obliged to serve in the army between they are 19 and 45 years old;<sup>301</sup> also men who have at least one Greek parent, even if they do not possess Greek citizenship, are liable for military service in Greece; this applies also to Greek men living abroad, since Greece is not a party to the Council of Europe's Conventions on Nationality (ETS43 and ETS166)<sup>302</sup>, under which, since 1963, dual nationals are not subject to military service obligations in more than one state.

In order to better understand why conscientious objection on political, philosophical and ideological grounds is still a critical issue for the Greek society and its government, it is worth reconstructing the history of conscription in Greece and of repression of conscientious objectors, from the provision of the first form of mandatory military service in the late nineteenth century<sup>303</sup>. In 1911 the institution of conscription was officially introduced, a short while before the involvement of Greece in a series of wars;<sup>304</sup> exhausted from the duration of the wars, after more than one decade of conflicts, the soldiers started refusing the military service, in the context of the first mass waves of desertion. Until the 1970s and 1980s, conscientious objection was legally motivated only by

---

<sup>301</sup> Constitution of Greece, Article 4, paragraph 6 : "*Every Greek capable of bearing arms is obliged to contribute to the defence of the Fatherland as provided by law*", <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20agliko.pdf>, accessed July 2021.

<sup>302</sup> Council of Europe, *European Convention on Nationality*, 6 November 1997, ETS 166, available at <https://rm.coe.int/168007f2c8>, and *Convention on Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality*, 6 May 1963, ETS 43, available at <https://rm.coe.int/168006b659>. Both accessed July 2021.

<sup>303</sup> The first mandatory military service in Greece appeared in 1825, when the recruitment system involved a mixture of volunteers and conscripts; universal mandatory military service was established by law around 1880, and the institution of voluntary replacement was abandoned. See "*War against war*", Xupolito Tagma, Ioannina 2015, p. 3.

<sup>304</sup> I am here referring to the Balkan Wars, the First World War, the campaign in Ukraine and the Asia Minor campaign.



religious beliefs, with Jehovah's Witnesses in the first place, who suffered convictions and imprisonment up to 15 years in military prisons; many of them were also sentenced to death, especially during the years of the Greek civil war in the 1940s.<sup>305</sup> According to Schroeder's analysis,<sup>306</sup> the Jehovah's Witnesses were all conscientious objectors since the First World War, but manifested their choice in different ways; it was only with the outbreak of the Second World War that their position became more consistent.

In September 1977, the Karamanlis government of New Democracy, a right-wing party, passed Law no. 731, under European and international pressure: according to this law, people choosing not to be drafted for religious reasons, could choose between serving a four-year alternative unarmed service or getting imprisoned for the same amount of time, being exempted afterwards from any call to serve.<sup>307</sup> It is important to notice how the issue of conscientious objection motivated by different grounds than religious ones, was already a critical issue to manage with, both for the political parties and the civil society movements.

The political questioning of the mandatory military service started to gain ground in the context of the environmentalist and anti-authoritarian movements, addressing the respect of the human rights and the civil liberties of conscripts, around 1982-1984, in a partnership with some of the thousands evaders living abroad. For all this decade, the magazine "*Arnoume*" (*I Refuse*) and the ecologist journal "*Oikologiki Efimerida*" started to be the main ways to support the first examples of dissent,<sup>308</sup> asking for the release of the objectors and the recognition of conscientious objection, thus contributing to the debate on conscientious objection and anti-militarist culture in Greece.

In 1986-87 the first non-religious conscientious objectors appeared, echoing a wider subversive attitude, prone to non-violence and social

---

<sup>305</sup> As Ioannis Tsoukaris on February 11, 1949, and Georgios Orfanidis on March 2, 1949; see "15th May International CO Day: Focus on Greece", War Resisters International, [https://www.wri-irg.org/sites/default/files/public\\_files/br66-en.pdf](https://www.wri-irg.org/sites/default/files/public_files/br66-en.pdf), accessed October 2021.

<sup>306</sup> *Ibidem*.

<sup>307</sup> See *Refusing conscription for reasons of conscience in Greece, brief flash back*, Σύνδεσμος Αντιρρησιών Συνείδησης, <https://antirrhisiies.gr/219/>, accessed July 2021.

<sup>308</sup> *Supra* note 304, War Resisters International.

disobedience: in December 1986, Michalis Maragakis was the first person to publicly refuse to enlist for reasons not adhering to religious beliefs, and he began a hunger strike; his declaration was a turning point for the conscientious objection movement in Greece. The year after, he was arrested and sentenced to a four-year imprisonment in a military prison; for his release there was an impressive movement of support that mobilised also some Italian political environments.<sup>309</sup> In April 1988 conscientious objector Thanasis Makris was also arrested and went on hunger strike in solidarity with Maragakis; during their imprisonment, the intense struggle by civil society together with the National Students Union of Greece led to the creation of the Conscientious Objectors Committee, which became the Conscientious Objectors Association in 1987<sup>310</sup>, in a similar way to the Italian experience, that in 1973 was marked by the creation of the Conscientious Objection League.<sup>311</sup> After a constant mass action of support, both nationally and internationally, and after several hunger strikes, both Maragakis and Makris were released between 1988 and 1989, while the Greek government decided to lay hands on the 1977 law concerning unarmed service in order to extend it in 1988, so as to include objectors who refuse to enlist on the basis of political, philosophical or ideological grounds; in the same period some political parties tried to come up with a law recognising the right to conscientious objection, but the proposal was never made to the Parliament.

The government's response shown it was not in line with the changing social environment: during the 1990s many arrest warrants were pending, while police officers regularly visited conscientious objectors' parents' houses to intimidate them. Between 1990 and 1997 only three ideological conscientious objectors were arrested: Nikos Maziotis and Pavlos Nathanail, both anarchists, arrested in 1991, publicly announced their position, later described as total objection, since they were consciously against any form of service, be it military

---

<sup>309</sup> See *Radicali Italiani* at [http://old.radicali.it/search\\_view.php?id=49619&lang=&cms=12](http://old.radicali.it/search_view.php?id=49619&lang=&cms=12) and [http://old.radicali.it/search\\_view.php?id=49963&lang=&cms=12](http://old.radicali.it/search_view.php?id=49963&lang=&cms=12), accessed July 2021.

<sup>310</sup> *Supra* note 305.

<sup>311</sup> See <https://www.arciserviziocivile.it/obiezione-di-coscienza/>, accessed July 2021.

or civilian,<sup>312</sup> while Nikos Karanikas was the last one to be jailed before the law, in 1995.

These events inaugurated a time of general mobilisation in Greece, that contributed to the reduction of the sentences of many of the objectors imprisoned by then and, most importantly, it had a role in the adoption by the Government of the first law recognising the existence of conscientious objectors, Law 2510/1997: with big delay with the rest of Europe, the Greek Parliament introduced an alternative social service to the military service, mentioning for the first time the term "conscientious objection" in a legal text, without however recognizing its nature as a fundamental right.

The law in fact was very restrictive, for instance excluding soldiers and reservists from its application, denying them the right to declare their conscientious objection, while setting the duration of alternative civil service as eighteen months longer than military service. This is the context, for example, of the continued persecution against Lazaros Petromelidis, who declared his conscientious objection in March 1992, before the law 2510/1997, but he also refused to perform the alternative service, on the grounds that, at seven and a half times longer than military service, it would have been punitive and discriminatory. He was then convicted and arrested multiple times always for the same crime, namely draft evasion and insubordination, despite the International Covenant on Civil and Political Rights stating at Article 14 that no one shall be liable to be tried or punished multiple times for the same offence.<sup>313</sup> This approach is also in contrast with the UN Commission on Human

---

<sup>312</sup> In a letter written while he was detained in the military prison of Avlonas, published on "Arnoume" in 1992, Pavlos Nathanail talks about his vision of the State, the war and militarism, describing them as the true enemies of humanity, considering the army as a violent and hierarchical mechanism incarnating the ruling class' interests, while defending his right not to kill to order; *"I am not asking to exchange military service for any other type of service. I believe that any service integrated into state planning, even if extraneous or complementary to the military one (...) is essentially military service. War prevention is based on the development of a spirit of international solidarity and on the uprooting of hierarchical structures, which transform citizens into submissive law enforcement agencies (...)"*. Translated from [http://xupolutotagma.squat.gr/2016/09/13/gia\\_to\\_thanato\\_tou\\_paulou\\_nathanail/](http://xupolutotagma.squat.gr/2016/09/13/gia_to_thanato_tou_paulou_nathanail/), accessed October 2021.

<sup>313</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, art 14, para. 7: *"No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country"*. Available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed October 2021.

Rights Resolution 2002/45,<sup>314</sup> according to which states should refrain from using the judicial system to force conscientious objectors to change their beliefs. Fortunately, however, Petromelidis had the support of the Association of Greek Conscientious Objectors, AGCO,<sup>315</sup> which helped him in his long struggle for recognition of his right to refuse.

The main law governing the refusal of conscription for reasons of conscience nowadays in Greece is Law no. 3421/2005, which is deemed though not to comply with several international standards on conscientious objection.<sup>316</sup> According to some scholars' analysis, the 2005 law did not solve the several and complex problems that had accumulated over the years:<sup>317</sup> people who were objecting both on religious and non-religious grounds kept being prosecuted and imprisoned. In the same year, the European Bureau for Conscientious Objection,<sup>318</sup> Amnesty International and War Resisters' International<sup>319</sup> denounced that Greece was going against the grain in the European legal panorama on conscientious objection, and invited the country to take action, but unsuccessfully. Interestingly, some scholars<sup>320</sup> provided a more in depth analysis of the possible reasons why the experience of the conscientious objection movement in Greece did not succeed in its objectives: they mainly reproach the national mass movement of objectors for not addressing enough the broad role of the military in Greek society, as well as the real meaning of conscription and its strong social implications, especially in terms of the socialisation of men and the social construction of sexuality and gender roles, as discussed in the second Chapter of this thesis. Moreover, it has been noticed that the movement for conscientious objection lacked a common strategy of resistance, that would have included conscientious

---

<sup>314</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Conscientious objection to military service: Commission on Human Rights resolution 2002/45, 23 April 2002, E/CN.4/RES/2002/45, available at <https://www.refworld.org/docid/5107c76c2.html>, accessed October 2021.

<sup>315</sup> As he said in his interview by War Resisters International, see *supra* note 305.

<sup>316</sup> War Resisters International, <https://wri-irg.org/en/news/2005/greece05a-en.htm#fnB4>, accessed July 2021.

<sup>317</sup> See Tsouni, Alexia and Maragakis, Michalis, *Conscientious objection, resisting militarized society*, "Refusing to serve in the army for reasons of conscience in Greece", Zed books 2009, p. 163.

<sup>318</sup> See <https://ebco-beoc.org/>, accessed July 2021

<sup>319</sup> See <https://www.wri-irg.org/en>, accessed July 2021.

<sup>320</sup> See Speck, Andreas and Friedrich, Rudi, *Conscientious objection, resisting militarized society*, "Experiences of conscientious objection movements: South Africa, Greece and Paraguay", Zed books 2009, p. 127.

objectors, total objectors and draft evaders all together, whereas its fragmentation made it more vulnerable and weak over time. Greece missed the chance to recognize the right to conscientious objection as a subjective right rather than a benefit granted by the state, as it happened instead in Italy, with Law no. 230/1998: the strong stance by civil society, including also some religious personalities such as the brave example of Don Lorenzo Milani, led the Italian country to the suspension of the mandatory military service, after many years of collective struggle.

## **2.1 State law and practice: remaining challenges**

According to the results of a poll I conducted to collect the personal opinions and experiences of a group of 26 young Greek males on conscription, it appears that the government discriminates heavily against those who refuse to serve in the army for reasons of conscience.<sup>321</sup> Indeed, the majority of responses were harshly critical of the military system as a whole, as well as the growing militarization of society, while criticising society itself for becoming less militant against mandatory military service and valuing the status quo in the name of national geopolitical and economic needs. Some interviewees cited the current government's conservative policies and nationalist narratives against foreign adversaries, particularly Turkey, as a key factor in the creation of the necessary framework for mandatory enlistment, while others explained how switching to a different model would most likely be an economic burden, as the closure of many military bases across the country would prevent local communities from earning a living, thus being a hard political decision to make.

Nevertheless, together with a critique from some sections of the population, mandatory enlistment in Greece is also subject to criticism by national and international bodies, in the foreground by Amnesty International, the European Bureau for Conscientious Objection (EBCO), War Resisters International (WRI) and the Greek National Commission for Human Rights

---

<sup>321</sup> See Table 2 in Bibliography.

(GNCHR),<sup>322</sup> whose statements converge on the same issues, as I will analyse in the following lines.

First of all, people who want to apply as conscientious objectors, as provided by Law 3421/2005, need to prove their "general perception of life, based on conscious religious, philosophical or moral convictions"<sup>323</sup> through a personal interview: this procedure has been heavily criticised under many aspects and deemed "controversial *per se*",<sup>324</sup> since it is quite complicated to evaluate another person's convictions. This practice is addressed as the first issue of concern, connected to a lack of impartiality and independence when considering the applications by conscientious objectors. In Greece, all statements on objection to military service are examined by a special committee, commonly referred to as committee for the examination of conscience, which falls under the authority of the Ministry of Defence: the committee consists of three university professors,<sup>325</sup> one military officer of high rank, and one member of the state's Legal Council. At this regard, the Greek National Commission for Human Rights emphasises the importance of the case *Papavasilakis vs Greece* dated September 15, 2016,<sup>326</sup> where the European Court of Human Rights examined for the first time the issue of the composition of the examining committee; the Court's decision showed that leaving the final decision to the Minister of Defence does not respect the requisites of impartiality and independence, especially where, as in the aforementioned case, the person concerned was interviewed by a board composed of a majority of senior army officers.<sup>327</sup> Also the Human Rights Committee, after reviewing a State

---

<sup>322</sup> The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek state on matters pertaining to human rights protection. See <https://www.nchr.gr/en/>, accessed July 2021.

<sup>323</sup> Article 59, paragraphe 2. See <https://www.e-nomothesia.gr/kat-enoples-dynameis/stratologia/n-3421-2005.html>, accessed July 2021.

<sup>324</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 2017, p.8.

<sup>325</sup> This provision was introduced by Art. 23 para. 2 of Law 4609/2019, increasing the number of professors from two to three. As noted by Amnesty International, this change caused a significant delay of the already lengthy procedures because of the backlog of applications. This has practically meant a suspension of examination of applications for more than a year, resulting in challenges finding employment. See <https://rm.coe.int/amnesty-international-comments-on-greek-3d-report/16809eff1e>, accessed July 2021.

<sup>326</sup> ECtHR, case of *Papavasilakis v. Greece*, 66899/14, 15.9.2016, available at <http://hudoc.echr.coe.int/eng?i=001-166850>, accessed July 2021.

<sup>327</sup> *Supra* note 320, p. 3-4.

report by Greece back in 2005, requested the country "to consider placing the assessment of applications for conscientious objectors status under the control of civilian authorities".<sup>328</sup> On this matter, the work of the Commission on Human Rights was intense too: importantly, in its resolution 1998/77, already cited in Chapter III, called for an independent decision-making process, and pointed out that states are not required to examine claims of conscientious objection, and can accept them as valid without further inquiries. The Committee of Ministers of the Council of Europe also highlighted the need for a fair procedure,<sup>329</sup> adding two important procedural safeguards: the right to appeal against the first decision of the Committee and the requirement that also the appeal authority needs to be independent from any military control.

Connected to this first issue, there is the importance of the availability of, and access to, information on the right to conscientious objection to mandatory enlistment, as also addressed by the work of the Human Rights Committee and previously by the Commission on Human Rights<sup>330</sup>. The Office of the High Commissioner for Human Rights reiterated it in its publication,<sup>331</sup> claiming that it is of great importance to provide available and accessible information about applying for conscientious objector status, and this is even more crucial in the Greek contest, since there is no awareness of the right to conscientious objection and there are no informative campaigns about it. As revealed in the survey, the 20 percent of the people interviewed were not aware of their right to refuse conscription, while the others specified that their knowledge on the issue did not come from school or other public entities, but rather from friends, online researches and assemblies organised by students and activists.

Another important issue regarding the problems connected to conscientious objection in Greece is the length of the alternative civil service and the fact that it is totally controlled by the Ministry of Defence: Amnesty

---

<sup>328</sup> CCPR/CO/83/GRC available at <https://undocs.org/CCPR/CO/83/GRC>, para. 15, accessed July 2021.

<sup>329</sup> Council of Europe, Committee of Ministers, Recommendation No. R (87) 8 of the Committee of Ministers to Member States regarding Conscientious Objection to Compulsory Military Service, 9 April 1987. Available at <https://www.refworld.org/docid/5069778e2.html>, accessed July 2021.

<sup>330</sup> See OHCHR, "Conscientious Objection to military service", New York and Geneva, 2012, p. 31.

<sup>331</sup> OHCHR, "Conscientious Objection to military service", New York and Geneva, 2012, pp. 59-62.

International in particular has continuously expressed concern on this issue,<sup>332</sup> clearly addressing the fact that the alternative service needs to be under a civilian authority and its duration should not be of a discriminatory and punitive nature, as also stated in the aforementioned Recommendation No. R(87)8 by the Committee of Ministers of the Council of Europe,<sup>333</sup> under para. C.9, according to which: "Alternative service, if any, shall be in principle civilian and in the public interest". Nevertheless, under the current Greek law, while the military service is set between 9 and 12 months long,<sup>334</sup> the alternative civilian service shall last for 15 months. Moreover, the consensus on the lack of utility of the alternative service, as shown by the survey, is widespread: when asked if the civilian service is a valid alternative the way it is now, the majority answered negatively, since it is still a way to serve the state for some, and it has a punitive nature; according to some others the military should be professionalised, and objectors, whatever their reasons are, should simply not serve, either in the army or in the alternative civil service. It should be noted that, according to international standards, states are not required to establish such a system, but in case they do, they should provide different types of alternative service, be it of a non-combatant or civilian nature, in any case still compatible with the reasons for conscientious objection.<sup>335</sup>

Many institutions, from the UN Human Rights Committee to the European Parliament, had called on Greece to introduce forms of alternative service that do not last longer than compulsory military service, as well as the Human Rights Council in the context of the Universal Periodic Review in 2016, but unfortunately Greece rejected the recommendations concerning conscientious objectors. In detail, one of the recommendations was made by Uruguay, asking to review the current legislation with a view to recognize an alternative to military service which is accessible to all conscientious objectors and is not

---

<sup>332</sup> See for instance Amnesty International, "Greece: high time to comply fully with European standards on conscientious objection", EUR 25/003/2006; "Greece: Observations on the right to conscientious objection - serious violations of Greece's obligations towards conscientious objectors remain unaddressed in proposed bill despite some positive steps", EUR 25/0088/2019; and Amnesty International Report 2020/21, "The state of the world's human rights", p. 174.

<sup>333</sup> *Supra* note 324.

<sup>334</sup> The common duration is usually 12 months for the Navy and Air force.

<sup>335</sup> *Supra* note 323, Greek National Commission for Human Rights.



punitive or discriminatory; another recommendation came from Slovenia, which called for changes in legislation and in practice as well, in order to ensure that individuals who express conscientious objection to compulsory military service do not face harassment or prosecution, and that they have the opportunity to perform a civilian service of equal length.<sup>336</sup> In light of this, and in view of the 39th session of the UPR between in November 2021, the European Bureau for Conscientious Objection (EBCO) and the Association of Greek Conscientious Objection (AGCO) presented a joint submission<sup>337</sup> providing a contribution as stakeholders, still addressing the issue of the duration of the civilian service as one of the major concerns.

There are many other conditions concerning the civilian service that are problematic, apart from its duration, as for example that it has to be served without an adequate financial support; this situation has been denounced by Amnesty International in its Public Statement published in 2019,<sup>338</sup> claiming that in Greece the level of remuneration given to conscientious objectors during the alternative service should be sufficient to ensure an adequate standard of living, also in accordance with Articles 7 and 11 on the ICESCR<sup>339</sup>, while in practice conscripts receive only food and housing, or a little money amounting approximately to 210€ per month. Such practise has been described as discriminatory, considering that, unlike those serving in the army, conscientious objectors are prohibited by law to serve at their place of residence or origin, therefore having greater expenses; for this reason it has been noted that in practice only the wealthiest conscientious objectors can actually perform the substitute service. This situation, amounting to economic discrimination, is

---

<sup>336</sup> See UN, Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, A/HRC/33/7, 8 July 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/146/45/PDF/G1614645.pdf?OpenElement>, and UN, Human Rights Council, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/33/7/Add.1, 2 September 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/195/60/PDF/G1619560.pdf?OpenElement>. Accessed September 2021.

<sup>337</sup> See <https://www.ebco-beoc.org/node/492>, accessed September 2021.

<sup>338</sup> Amnesty International Public Statement, "Greece: observations on the right to conscientious objection - serious violations of Greece's obligations towards conscientious objectors remain unaddressed in proposed bill despite some positive steps", EUR/0088/2019, 20 March 2019.

<sup>339</sup> International Covenant on Economic, Social and Cultural Rights. <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>. Accessed July 2021.

addressed as well by War Resisters' International,<sup>340</sup> and by the United Nations Office of the High Commissioner for Human Rights, which included Recommendation No. R(87)8 of the Committee of ministers of the Council of Europe in its publication in 2012,<sup>341</sup> so as to reiterate the fact that "Conscientious objectors performing alternative service shall not have less social and financial rights than persons performing military service".<sup>342</sup>

This is also one of the main reasons why the majority of young Greek men refuse to apply as conscientious objectors: according to the survey, only one person applied as conscientious objector out of 26, the 23 per cent wanted but did not, and the 73 per cent decided not to apply as conscientious objectors adducing many different reasons, since most of them were aware of the difficulty to carry on the long legal battle in order to be recognised as conscientious objectors, and thus preferred to be exempted on medical grounds. Among those who decided to join the military service, some explain that they had too much pressure from family and society, others were motivated by the fact that it can be difficult to find a job as conscientious objectors; others were discouraged by the length of civil service, and still others wanted to keep their right to have a passport and travel internationally, something that total objectors are forced to renounce, as will be further explained below.

Another aspect that is worth mentioning to complete this analysis, is that the great majority of people usually avoid military service by "playing the crazy card"<sup>343</sup> and getting certified as mentally ill: according to the survey for instance, just one person claimed exemption by moving abroad to study, even though he was obliged to pay the 6000€ fine to be actually exempted; all the other people adduced the medical reasons in order to be labelled as unfit for the army. When asked about it, the people who chose this option stated that this procedure put

---

<sup>340</sup> See <https://wri-irg.org/en/news/2005/greece05a-en.htm#:~:text=discriminatory%20and%20punitive.-,Greek%20CO%20law%20excludes%20whole%20groups%20from%20applying%20for%20CO,after%20entering%20the%20armed%20forces>. Accessed July 2021.

<sup>341</sup> UN, OHCHR, "Conscientious Objection to military service", New York and Geneva, 2012.

<sup>342</sup> *Ibidem*, pp. 42-43.

<sup>343</sup> The phenomenon was also analyzed by War Resisters' International, see <https://wri-irg.org/en/news/2005/greece05a-en.htm#:~:text=discriminatory%20and%20punitive.-,Greek%20CO%20law%20excludes%20whole%20groups%20from%20applying%20for%20CO,after%20entering%20the%20armed%20forces>. Assessed July 2021.

them under a lot of stress and strained their mental health, especially because in some cases they had to go through a process examination with the authorities. Importantly, in terms of visibility of the issue, War Resisters International highlighted that this practice hides the real numbers of conscientious objectors in Greece, thus having a direct consequence on the social perception of the problem and the political will to intervene on it;<sup>344</sup> moreover, conscripts are removed from the general labour force so that conscription artificially lowers unemployment rate data.

Having clarified the issue of punitive conditions and discrimination against conscientious objectors in comparison to conscripts serving in armed forces, it is worth saying that, as exposed by the Greek National Commission for Human Rights (GNCHR),<sup>345</sup> discriminatory practices are enacted also between conscientious objectors, on the basis of their different grounds of objection: the Greek Ombudsman, which is a member of the GNCHR, has stated that "there is a constant practice of unequal treatment of those objecting on ideological grounds in comparison to those objecting on religious ones",<sup>346</sup> as he denounced in his special reports in 2013 and in 2017, even though he has not been involved in any recent action on this issue. However, this issue is also confirmed by official statistics,<sup>347</sup> where it is argued that there is a clear difference between the recognition of conscientious objectors on religious grounds, with a percentage constantly around 96-100 per cent, and the recognition of objectors on ideological grounds, usually around, or below, 50 per cent, while Jehovah's Witnesses are almost automatically accepted.<sup>348</sup>

These findings show that the right to conscientious objection is not valid for everybody and at anytime, moreover, despite the Human Rights

---

<sup>344</sup> *Ibidem*.

<sup>345</sup> *Supra* note 319, Speck, Andreas and Friedrich, Rudi, p. 5.

<sup>346</sup> *Ibidem*, p. 6 and *supra* note 323, Greek National Commission for Human Rights. See also Ombudsman, Special Report 2013, "Combating Discrimination", available in Greek at <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>, accessed September 2021.

<sup>347</sup> *Ibidem*, p. 13; these statistics are valid over the period 2007-2015 in Greece.

<sup>348</sup> See also the Quaker Council for European Affairs, *The right to conscientious objection in Europe: A review to the current situation, Executive summary*, Available at <http://www.qcea.org/wp-content/uploads/2012/01/rprt-cocoe1-execsumm-en-apr-2005.pdf>, accessed July 2021.

Committee's statements and report on Greece,<sup>349</sup> the provision for alternative civil service in the country can be suspended during war by decision of the Minister of Defence, according to Law 3421/2005 as amended in 2010,<sup>350</sup> actually obliging conscientious objectors to serve in the army.

Another restriction concerns objectors who are already serving the military, both as conscripts, reservists or volunteers, whose claims of objection are never considered valid, since such a practice would contravene the procedural deadlines for the submission of documents according to the current laws, and on a deeper level, would question the authority of the state and its power to wage war through the deployment of citizens. Thus, at present, there is no possibility to apply for conscientious objection during or after military service, while professional soldiers are entirely excluded from this option: this contravenes two UN Commission on Human Rights' resolutions on the matter, namely resolution 1993/84, in which the Commission "affirms that people performing compulsory military service should not be excluded from the right to have conscientious objection to military service",<sup>351</sup> and the previous resolution 1998/77, recognising that "persons performing military service may develop conscientious objection";<sup>352</sup> this concept was recently reiterated by the Human Rights Council as well and by the Special Rapporteur on freedom of religion or belief.<sup>353</sup>

War Resisters International and the Greek National Commission for Human Rights continue to denounce this situation, for example by addressing

---

<sup>349</sup> UN Human Rights Council, Analytical report on conscientious objection to military service: Report of the United Nations High Commissioner for Human Rights, 3 June 2013, A/HRC/23/22, para. 11: "(...) State party should fully acknowledge the right to conscientious objection and, accordingly, guarantee it both in wartime and in peacetime". Available at <https://www.refworld.org/docid/51b5c73c4.html>. Accessed July 2021.

<sup>350</sup> Law 3421/2005, art. 65, paragraph 2, as amended by the Law 3883/2010, art. 78.

<sup>351</sup> Office of the High Commissioner for Human Rights, Commission on Human Rights resolution 1993/84, Conscientious objection to military service. Available at [https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN\\_4-RES-1993-84.pdf](https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1993-84.pdf), accessed July 2021.

<sup>352</sup> Office of the High Commissioner for Human Rights, Commission on Human Rights resolution 1998/77, Conscientious objection to military service. Available at [https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1998-77.pdf), accessed July 2021.

<sup>353</sup> UN Human Rights Council, Analytical report of the Office of the United Nations High Commissioner for Human Rights, Conscientious objection to military service, 1 May 2017, A/HRC/35/4, p. 5, para. B.

letters to the Minister of National Defence, as they did in 2004<sup>354</sup> in relation to the case of a professional soldier expressing his conscientious objection to the war in Iraq, who was given a negative answer.

Another important concern is the possibility for conscientious objectors to have their status revoked: according to a report by War Resisters International,<sup>355</sup> conscientious objectors who carry out trade unionist activities or participate in a strike during their substitute service, can have their status be taken away, subsequently being called for military service at the next enlistment. As explained in the aforementioned report, this provision contravenes Article 6 of the UN Commission on Human Rights resolution 1998/77, stating that "States, in their law and practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights",<sup>356</sup> therefore constituting a grave violation of Greek citizens' civil rights.

## **2.2 The case of total objectors**

The young Greek men who refuse to enlist and do not want to avoid conscription through one of the methods previously explained, nor to apply for civilian service because of its punitive and discriminatory nature, or because they can not afford its financial cost, they are identified as total objectors; nevertheless, for the Greek legislation they are only considered as draft evaders, and as such they are repeatedly persecuted: according to Articles 51 to 54 of Greek Law No. 3421/2005,<sup>357</sup> those who evade compulsory military service are considered insubordinates, therefore punished with a huge additional fine and obliged to face multiple other administrative consequences.

---

<sup>354</sup> As expressed in its Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, GNHCR, 2017, p. 7.

<sup>355</sup> War Resisters International, Report for the Human Rights Committee in relation to Article 18 of the International Covenant on Civil and Political Rights, February 2005, available at <https://wri-irg.org/en/news/2005/greece05a-en.htm#fnB4>. Accessed July 2021.

<sup>356</sup> *Supra* note 348.

<sup>357</sup> See <https://www.e-nomothesia.gr/kat-enoples-dynameis/stratologia/n-3421-2005.html>, accessed July 2021.

According to War Resisters' International,<sup>358</sup> insubordination is considered to be an ongoing offence which is valid until the person reports to the military authorities, is arrested or reaches the age of 45. In times of war, insubordination is punishable by a life sentence, or by a sentence of at least two years imprisonment, if it is deemed not to cause substantial harm to the military efforts of the country; while in peace time, it is punishable by a sentence of up to two years, which can be suspended or converted to a financial penalty depending on someone's criminal record. An important aspect of this issue is that convictions for insubordination do not discharge the objector from the mandatory enlistment: men are called up for military service multiple times during the year, which means that every measure taken to contrast the refusal to enlist, be it a conviction, an arrest warrant or a financial penalty, is renewed at every call.

Another relevant aspect concerns the fact that trials for insubordination take place in military courts, despite the civilian status of the defendants:<sup>359</sup> as denounced by EBCO and AGCO,<sup>360</sup> the trials of conscientious objectors in military courts are a violation of the right to a fair and public hearing by a competent, independent and impartial tribunal, according to Article 14.1 of ICCPR<sup>361</sup> and Article 6 of ECHR,<sup>362</sup> as also previously stated by the European Court of Human Rights in similar cases concerning Turkish conscientious objectors. The offence of insubordination comes to an end, as well as the liability to perform military service, on the 31st December following the person's 45th birthday, while prosecutions can continue for up to eight years afterwards, thus making it possible for objectors charged with insubordination to be tried up

---

<sup>358</sup> War Resisters International, Country Report and updates: Greece, last revision 08 Mar 2021, available at [https://wri-irg.org/en/programmes/world\\_survey/country\\_report/en/Greece](https://wri-irg.org/en/programmes/world_survey/country_report/en/Greece). Accessed July 2021.

<sup>359</sup> *Ibidem*.

<sup>360</sup> Joint Submission by the European Bureau for Conscientious Objection (EBCO) and the Association of Greek Conscientious Objection (AGCO) to the UN Universal Periodic Review 39th session of the UPR Working Group, Oct-Nov 2021, Athens 25 March 2021. See <https://www.ebco-beoc.org/node/492>, accessed July 2021.

<sup>361</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, available at <https://www.refworld.org/docid/3ae6b3aa0.html>. Accessed August 2021.

<sup>362</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf). Accessed August 2021.

to the age of 53.<sup>363</sup> Along with the fact that an insubordinate can be arrested at any time and that the 6000€ fine is annually increased, it has been observed that insubordinates can be punished more than once for refusal to undertake military service, and for this reason the Human Rights Committee found violations of the principle of *ne bis in idem*, recommending Greece to avoid repeated punishment of conscientious objectors;<sup>364</sup> at this regard the Greek National Commission for Human Rights has consistently demanded the abolition of the repeated prosecutions of conscientious objectors in Greece,<sup>365</sup> but there is still progress to be made.

On the matter of continuous prosecution, the case of K.K. is an example:<sup>366</sup> now 45-year-old, he declared his conscientious objection on ideological grounds in 2003 and applied for civilian service, which at that time was 30 months long; in 2004 the Ministry of Defence rejected his application following a negative opinion by the conscience examination committee, and his appeals were also rejected. K.K. did not join the army so he was consequently charged with insubordination and fined 6000€; since he also refused to pay the fine, the state's tax services confiscated the money from his bank account. The man was brought before a military court in 2020, after having being denied the possibility to serve the civilian service, however extremely punitive, and being not recognised effectively as a conscientious objector: in light of this, EBCO has defined this event not just as a paradox, but also as a "multiple blatant violation of European and international human rights standards".<sup>367</sup> His continuous persecution and the violation of his human rights are clearly a symptom of the vengeful governative stance against conscientious objectors, as also denounced by many international human rights instruments, while his story is similar to that of many other conscientious objectors and conscription resisters who have been discriminated against by the Greek government, which

---

<sup>363</sup> As explained by War Resisters' International, *supra* note 354.

<sup>364</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, para. 37-38.

<sup>365</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 2017, p.12.

<sup>366</sup> See EBCO at <https://ebco-beoc.org/greece>. Accessed August 2021.

<sup>367</sup> European Bureau for Conscientious Objection, Annual Report, Conscientious Objection to Military Service in Europe 2020, Brussels February 2021, pp. 28-30.

recognises their rights on paper but not in practise, as evidenced by the reiterated recommendations to the country in the framework of the Human Rights Council Universal Periodic Review regarding the discriminatory and punitive nature of Greek legislation.<sup>368</sup>

According to War Resisters Internationa,<sup>369</sup> the additional administrative consequences that insubordinates have to face are very confining, and include for instance the inability to work as state employees, while the certificate showing that a person has served in the army is still a prerequisite for certain jobs; those tried and convicted loose the right to vote and to be elected, and they are not entitled to get the licence in order to pursue a professional career that requires it, such as medicine or law for instance; insubordinates can not obtain a passport, so they are not allowed to leave the Schengen area, or even Greece in certain cases.

In order to shed light on all these points, that clearly refer to a human rights violation, I interviewed a Greek conscientious objector during the summer of 2021 in the city of Athens: Dimitris Angelakis, together with other conscientious objectors, published a statement in 2013, the "Collective statement of total objection to army",<sup>370</sup> in the framework of the *Xupolito Tagma* collective of objectors from the city of Ioannina, in order to clarify their motives. He gave me the permission of using his name since his declaration is public, and agreed to tell me his personal experience as a total objector: as such, he consciously decided not to enlist and not to apply for the civilian service as well, in virtue of a political opposition to the institution of the military as a whole, for what it represents, protects and reproduces. The collective chose public objection to military service not as a personal way out but as a joint solution and a practical way of opposing this mechanism in all its forms.

Hence, the first subject of discussion was that together with the other objectors, he decided not to just avoid conscription, but to give voice to the movement of conscientious objectors in a society that tries not to see them: the

---

<sup>368</sup> As both in the first and second cycle of the Universal Periodic Review.

<sup>369</sup> *Supra* note 354, GNHCR.

<sup>370</sup> "War against war", Xupolito Tagma, Ioannina 04/2015, p. 28.



possibility introduced by the government to avoid enlistment for medical reasons, commonly known as "iota-5", was used as a way to take away any political pressure from the issue. Moreover, the government decision to introduce a 6000€ fine for men who refuse both to enlist and to do the civil service, namely with Law FEK B 517 of 2011, made things even more difficult for the movement of conscientious objectors, also considered the context of economical crisis that Greece was undergoing; no wonder it has been criticised as a measure that was worsening the existing economical inequalities instead of effectively tackling civil disobedience. According to the interviewee, these measures contributed to weakening the objectors' movement over time, increasingly subjected to legal, political and financial threats.

When asked about other reasons that contributed to the movement's failure, he pointed out that the context in which the movement has been working is that of a society which is still very conservative and traditionalist, along with the fact that the country is at the borders of the EU and this functions as a perfect excuse to ignite militarism and nationalism in the name of geopolitical reasons.

As for the law regulating the financial consequences for conscientious objectors, the *Xupolito Tagma* collective highlighted the ambiguous interventions by the Syriza government, between 2015 and 2016: before Syriza became the ruling party, it was necessary for five deputies to file a question in order for the 6000€ fine to be adjusted to the financial means of the accused, a measure that wanted to ensure the principle of equality among objectors; while after 2015 the party legislated that a question must have been deposited by at least 46 deputies, practically making this measure impossible.<sup>371</sup> In addition, the main political action that released pressure once and for all from the issue of conscientious objection was Law 4361/2016, which regulates, among other things, military obligations of the so called disobedients declaring at Article 12 that conscientious objectors who fulfil their obligation with the alternative service or motivate their choice with medical reasons, are no more subjected to criminal

---

<sup>371</sup> See "Greek militarism in the age of SYRIZA", published by the Xupolito tagma collective, 2016, p. 3.

and administrative consequences, and administrative fines are deleted.<sup>372</sup> With this regulation the Syriza government *de facto* cancelled the attention paid to total objectors, at the same time diminishing the pressure related to the financial costs of their choice, making it possible for them to comply with the law at any time and without paying anything, either going to the army, to the alternative service or providing medical or psychological reasons. However, such a measure clearly does not take into account the profound reasons behind a conscientious objector's decision, but only attempts to eliminate the problem superficially, so that numerically it is no longer considered a concern. As a result, this event deeply weakened the conscientious objectors' movement, and impacted the Greek society at large, since no government to date has been able to address the actual and predominant role of militarism in Greek society and to put an end to the violations of conscientious objectors' and total objectors' rights.

Another major concern for Greece, as analysed by EBCO in its annual report concerning 2020,<sup>373</sup> is considered to be the increase of militarisation, which is seen, for example, in the fact that the army is involved in the construction and the management of asylum seekers facilities and first reception centres. The European Bureau for Conscientious objection denounces as well the extra spending for defence and the fact that the media, officially controlled by the Prime Minister's Bureau, tend to deny the main suppliers and the total military costs.<sup>374</sup>

For the objectors who decide to continue the struggle without the compromises tolerated by the State, economical oppression keeps being a tough collateral problem: if they do not pay the fine, they can not be holders of any property, be it a car or a house for instance, they are not entitled to have a bank account, otherwise the tax service can take all their money, and they can

---

<sup>372</sup> Law 4361/2016, Government Gazette 10/A/1-2-2016: Regulation of issues of transfer of hoplites, personnel care and other provisions. Available at <https://www.e-nomothesia.gr/kat-enoples-dynameis/nomos-4361-2016.html>, accessed October 2021.

<sup>373</sup> EBCO, European Bureau for Conscientious Objection, Annual Report "Conscientious Objection to Military Service in Europe 2020", pp. 28-30.

<sup>374</sup> France, Germany and USA are believed to be the main suppliers, for a total of two to ten billions euros, according to EBCO. *Ibidem*, p. 29.

not make business, because their tax record is not clean. The economic consequences of the choice made by total objectors are reflected in everyday life, but there are additional difficulties, such as not having a passport, which obliges the person to move only within the Schengen area and sometimes only within Greece, constituting a severe restriction on their freedom of movement. It can also be difficult for a total objector to find a job, as he is forbidden by law to work in the public sector. These many critical issues enhance the hardship connected to the choice taken by total objectors in virtue of their conscience, but it may also reinforce their positions and reinvigorate the strength of their choice, as in the case of Angelakis and many others.

During the interview with the objector, one of the questions was about how his family reacted to his decision not to enlist, to which he answered confirming the lack of support that objectors usually have from their own families. As previously explained, family is one of the main factors influencing young men in their choice of avoiding the bureaucratic process of conscientious objection: the idea of "becoming a man" through the army while serving the country fits well with the widespread traditional mentality of Greek society, for which the nation, family and religion are still considered essential pillars; it follows that many young men feel a strong family and social pressure on them, that finally push them towards the decision to go to the army.

At this regard, the words of Vangelis Meimarakis, former minister of national defence between 2006 and 2009, sum up well the nature of the issue: he once stated in a TV interview that the reason why the Greek army is not exclusively professional is purely social and ideological, for the young men to learn their duty to the country;<sup>375</sup> later he was president of New Democracy and now a member of the European Parliament since 2019, with the Group of the European People's Party.<sup>376</sup>

To conclude the interview, I asked Angelakis if there was anything else he wanted to say about how the current situation could change, to which he responded that there is a need for a strong and inclusive mass movement that

---

<sup>375</sup> *War against war*, Xupolito Tagma, Ioannina, 2015, pp.17-18.

<sup>376</sup> See [https://www.europarl.europa.eu/meps/en/197662/VANGELIS\\_MEIMARAKIS/home](https://www.europarl.europa.eu/meps/en/197662/VANGELIS_MEIMARAKIS/home).

could lead to political choices that are more attentive to conscientious objectors' human rights, even if it is unlikely to happen in the coming years; for this purpose, it might be useful to put pressure on tax authorities to release objectors from economic oppression, thereby encouraging society to recognise the importance of refusing war and militarism in a system based on authoritarianism, which reproduces violence, demands blind obedience, practises repression, and foments machismo, so that those who refuse do not have to justify their actions.

*"We do not pledge to be loyal to any country. We do not obey any Constitution, law or legislation of any State, when these are against our interests, the interests of our communities and our class. We will not submit to our 'superiors'. We will not carry out their orders willingly and without resistance. We will not loyally and devotedly defend any flag under which the members and supporters of the bourgeoisie have exploited, suppressed, murdered, humiliated and raped thousands of our proletarian brothers and sisters within and beyond the states' borders, whether in the battlefields or in the daily social struggle in neighborhoods, streets and workplaces. And as far as our last drops of blood are concerned, we will keep them firmly in our veins so that we can live, be joyful, be sad, fight for our collective emancipation, love, but also hate those who deserve it. We will not therefore observe any military laws, but we will fight to abolish them, their legislators, the state and the bosses."*<sup>377</sup>

### **3. An overview on conscientious objection and draft resistance in Israel**

After analysing the harsh living conditions conscientious objectors in Greece are forced to endure, especially total objectors, a parallelism can be made between Greece on the legal as well as political and cultural level, to

---

<sup>377</sup> At the end of their statement, in an attempt to remark their objection and social resistance, the objectors paraphrased the official military oath, which reads: *"I pledge to be loyal to the Homeland. To obey the Constitution, the Laws and the States' legislation. To submit to my superiors. To carry out orders willingly and without argument. To loyally and devotedly defend the Flag with every last drop of my blood. To never abandon or part from it. To observe all military laws. And to conduct myself as a loyal and conscientious soldier."* From the statement by objectors C.G., T.N. and D.A., Ioannina-Thessaloniki / September 2013, *War against war*, Xupolito Tagma, Ioannina, 2015, p. 30.

show how the European country is coming dangerously close to Israel's even harsher and more discriminatory policies regarding the treatment of conscientious objectors.

First of all, the law regulating conscription in Israel, the Israeli Defence Service Law,<sup>378</sup> also known as Security Service Law, has gone through several revisions since its creation in 1949, right after the creation of the state of Israel in 1948; notably, the drafting process of this law is strictly related to the role of the Israeli Defence Forces (IDF) as an instrument of nation-building in the first place.<sup>379</sup> Unlike the Greek legislation, the Israeli Defence Service Law does not recognise explicitly the right to conscientious objection, instead it only provides for a set of reasons for which the Minister of Defence may exempt a person from his or her military duties: according to the law, conscription in Israel is mandatory for all its Jewish citizens over 18 years old, both males and females, where the latter have to serve for 24 months on average and the former for 30 months, with special rules about exemption applying to women, who are also judged by a different conscience committee. In accordance with section 39 and 40 of the national Defence Service Law,<sup>380</sup> the Minister of Defence can exempt women from military service for religious reasons or on the basis of marriage status, pregnancy and parenthood; they can undertake an alternative civil service which is not mandatory, but they are required to serve in the reserve units until the age of 24, while it is 51 for men; ultra-orthodox men, especially coming from the Haredi tradition, are granted deferments while pursuing their Torah studies. Finally, exemption apply to both the sexes if the person holds a criminal record or provides medical or psychological reasons that make them unsuitable for the army.

---

<sup>378</sup> Defence Service Law, Consolidated Version, 5746-1986, available at <https://www.mfa.gov.il/mfa/mfa-archive/1980-1989/pages/defence%20service%20law%20-consolidated%20version--%205746-1.aspx>, accessed October 2021.

<sup>379</sup> See Cohen, Stuart A., *The Israel Defence Forces (IDF): From a "People's Army" to a "Professional Military" - Causes and Implications*, Armed Forces and Society, Vol. 21, No. 2, 1995, p. 246.

<sup>380</sup> According to art. 39 (c): "*A female person of military age who has proved, in such manner and to such authority as shall be prescribed by regulations, that reasons of conscience or reasons connected to her family's religious way of life prevent her from serving in defence service, shall be exempt from the duty of that service.*"; according to art. 40, exemption is permissible when: "*(1) reasons of religious conviction prevent her from serving in the defence service and (2) she observes the dietary laws at home and away from home and (3) she does not ride on the Sabbath.*", *supra* note 376.

As in the case of Greece, exemption on grounds of conscience is very problematic and extremely selective: exemption is usually given to pacifists, who are strictly examined by a special military committee, according to which their claims must be "truly conscientious and not politically, socially or otherwise motivated",<sup>381</sup> in order to conform to conscientious objection and not to civil disobedience. Nevertheless, since it is clear that conscientious objection to military service can be, and usually is, motivated by ideological considerations and antimilitarism, as well as by political disagreement with the state policy, besides pacifism and religious philosophies, the procedures governing the cases of conscientious objection in both countries reflect an attempt to hinder by every means the human right to conscientious objection. As a matter of facts, those who openly refuse conscription in Israel and whose application is rejected by the conscience committee, they are tried and sent to military prison; it needs to be noted, by the way, that as in the case of Greece, the sentence is renewed if the objector refuses repeatedly, therefore the issue of the ongoing punishment for the same 'crime' is another element in common. It goes without saying that as a consequence, many young people prefer to choose an easier way out of conscription, opting for draft evasion strategies, such as fake marriages, claiming unsuitability with false medical certificates, or even leaving Israel before getting to the age of recruitment, in order to avoid military service, prison, limited job options and social stigma related to such a choice. However, if it can be relatively easy to get exempted on medical and psychological grounds in Greece, notwithstanding the consequences, a recent provision in Israel made it even harder, requiring draft evaders to prove that they are taking psychiatric medication.<sup>382</sup>

The relationship between Israel's military and its society has been studied by many scholars, focusing especially on the role that the military service has in the construction of a full Israeli citizenship: Cohen, for instance, describes the

---

<sup>381</sup> Canada: Immigration and Refugee Board of Canada, *Israel: The treatment of conscientious objectors called up for reserve duty or military service*, 10 March 2010, ISR103375.E, available at: <https://www.refworld.org/docid/4e4260122.html>, accessed October 2021.

<sup>382</sup> See Lerner, Tali, *Conscientious objection: resisting militarized society*, "Conscientious objection in Israel", Zed books 2009, pp. 156-159.

military service as a "*rite de passage*" towards citizenship,<sup>383</sup> analysing it as a primary social boundary within people, who are therefore rewarded or marginalised depending on whether they have a service record or not. As also Tali Lerner says, the only way to be a part of Israeli society has been for many decades to be a part of its army,<sup>384</sup> and conscription in the IDF was considered both a national necessity and a personal aspiration; however, starting with the first Lebanon war in 1982 and then the first Intifada in 1987, many Israelis began to take a distance from the blind endorsement of their country's actions, especially from the occupation of the Gaza strip and the West Bank. This wide disapproval increased over time and after September 2000, with the beginning of the second Intifada, a movement of conscientious objectors was taking shape: both soldiers in the army and in the reserve units started refusing to take part to the war and began organising into groups advocating for their right to refuse. Yulia Zemlinskaya<sup>385</sup> well describes the main social movements that supported conscientious objectors and draft resisters by standing against Israeli occupation of the Palestinian Territories, namely *Yesh Gvul*, *Courage to Refuse*, *New Profile* and *Shministim*; according to the author, the fact that there are different opinions on the refusal to serve, is the main reason why there is not a single umbrella organization that encompasses all groups of refusers. In particular, in contrast with the Greek case, where there has been one single movement which was progressively weakened by the state, in Israel the social movements are more fragmented and advocating for different issues: *Yesh Gvul* and *Courage to refuse* mainly include male soldiers, reservists, conscripts and officials advocating for a selective refusal, unwilling to serve in the Occupied Territories, denouncing "the brutal role of the Israeli army in subjugating the Palestinian population".<sup>386</sup> In this context, a group of Air Force reserve pilots shocked the country back in 2003 publishing "The pilots' letter",

---

<sup>383</sup> See *supra* note 377, p. 244.

<sup>384</sup> *Supra* note 382, p. 156.

<sup>385</sup> Zemlinskaya, Yulia, "Between Militarism and Pacifism: Conscientious Objection and Draft Resistance in Israel", *Contention, Controversy, and Change: Evolutions and Revolutions in the Jewish Experience*, Volume I, edited by Levine, E., and Fishbane, S., Boston, USA, Academic Studies Press, 2016, pp. 198-230.

<sup>386</sup> Gvul, Yesh, "Who we are, what we do, how to support us", available at [https://web.archive.org/web/20061015135946/http://www.yeshgvul.org/about\\_e.asp](https://web.archive.org/web/20061015135946/http://www.yeshgvul.org/about_e.asp), accessed October 2021.

shedding a light on the activities of the IDF and refusing to participate in targeted killings, without however rejecting military service, remarking their adherence to the principles "of Democracy, of Zionism and of Jewish Morality".<sup>387</sup> On the other side *Shministim* and *New Profile* are mainly comprised of high-school students supporting a total objection to nationalist and militarist codes, openly challenging the dominant Zionist discourses by invoking their pacifist, anti-militarist and feminist ideological stances. According to some estimates, the last two groups represent the 40-45% of Israeli population who do not enlist or do not complete the military service, therefore taking shape as a widespread presence within Israeli society, despite being heavily marginalised, both socially and political. More specifically, the *Shministim* group, literally "the twelfth graders", gained worldwide visibility with the refusal letters that the students addressed over time to the Prime Minister, as well as for the presence of some senior army officers' children within the ranks of the movement.<sup>388</sup>

In a recent online interview to some refusers, also known as *sarvanim* or "refuseniks", what clearly emerges is the huge cost of their choice, described as a process of consciousness-raising, that condemns them either to jail or to be considered as outsiders by society; they talk about the encounter with Palestinian people as a game changer for their personal experience and a very significant tool for a general change. They express the level of oppression they have to face when questioning the ethics of the Israeli army, with the aim of raising the issues and dilemmas concerning their country's political situation in relation to the mandatory military recruitment law, and to criticize the education system which erases Palestinian narratives, while denying the possibility for refusal.<sup>389</sup>

---

<sup>387</sup> "The Pilots have Courage to Refuse", available at <https://web.archive.org/web/20100308102144/http://www.seruv.org.il/english/article.asp?msgid=55&type=news>, accessed October 2021.

<sup>388</sup> The case of Omer Goldman became popular in the 2000s, for becoming a member of the *Shministim* group after visiting the Occupied Territories, and for being the daughter of a former deputy head of Mossad, the Israeli intelligence service. Her declaration of refusal, "Father, forgive me, I will not fight for your Israel!", is available at <http://www.thehypertexts.com/Omer%20Goldman.htm>, accessed October 2021.

<sup>389</sup> The interview "The Shministim Letter 2021" is available on Youtube and it was published in January 2021 by *Israel Social TV*.



Ultimately, in order to understand why this second group of movements' discourses are marginalised by Israeli society, it might be useful to contextualize them in the broad cultural change that Israel is undergoing in the last decades, with the emergence of an alternative post-Zionist discourse: as articulated by Kimmerling, the "Zionist hegemony" of Israeli society is "expressed in the taken for grantedness of the equivalence between Jewish religion and nation",<sup>390</sup> therefore determining national and personal aspirations, frontiers and identities; starting from the 1980s, religion is no more the only source for self-identification, and the younger generations are reinterpreting the concept of citizenship in the framework of the post-Zionist discourse, with a more universalistic approach, while this awareness is reflected in the decreasing motivation to serve in the army and, on a broader level, in the diminishing cultural importance of military service. According to Lerner,<sup>391</sup> even though the status of the army in Israel has been changing quite slowly, draft rates are now less than 90%, while the rates representing those who complete their service are close to 65%, depicting in practice a relevant change for a society as militarist as the Israeli one, also paving the way for an even stronger mass movement sustaining conscientious objection.

In this respect, it is possible to highlight some differences between Israeli and Greek objectors' movements in relation to their tactics: while in the Greek context the conscientious objectors' movement has lost most of its strength and its fight is mainly represented by external organisations, such as War Resisters' International, EBCO and AGCO, the struggle in Israel is way more active among conscientious objectors, and currently focused on exposing the prejudice around exemption on medical and psychological grounds, in order to decrease stigma around it. According to Lerner,<sup>392</sup> the movements' tactic has been focusing on changing the way people look at this choice, by openly talking about their experiences, writing about it, and showing that more and more people who choose not to serve in the army or to leave it could study at the university or find jobs, in a way to prove it is possible. This strategy also

---

<sup>390</sup> Kimmerling, Baruch, *Religion, Nationalism and Democracy in Israel*, Constellations, 6(3), 1999, p. 340.

<sup>391</sup> *Supra* note 381, p. 159.

<sup>392</sup> *Supra* note 382, Lerner, Tali, pp. 158-159.

included an attempt to spark debate about the army's and war's roles as political and economic instruments designed for profit rather than security; the author describes the movements' efforts as converging on the legal aspect of the fight, in order to stop state's discrimination in the workplace and in the process of university admissions against those who do not serve in the army.

At the same time it is possible to observe the commonalities between the movements in the two countries in terms of problematic issues, about disputes between different ramifications within the movement with regards to the meaning of refusal, the different aspects of the fight and its intersections with other agendas, as for instance that of feminism, antiracism, anticolonialism and the LGBT+ movement.<sup>393</sup>

#### **4. Conclusion to the chapter**

With this chapter, I intended to present in more detail the case of Greece, one of the few European countries to still retain mandatory conscription, and the last EU country to have recognised the right to conscientious objection in its domestic law.

By studying the country's military service and conscientious objection history, one can gain a better understanding of modern Greece and why the government is hesitant to fully recognise the right to conscientious objection, both in theory and in practise; one can also gain a better understanding of modern Greek society and why it struggles to regard conscientious objection as an individual choice that should be respected, if not encouraged, rather than avoided and opposed in every possible way. One also gains a greater understanding of why certain segments of society, particularly the younger generation, are so politically engaged and wish to express their dissent, while feeling too often ignored and unheard by those in power.

---

<sup>393</sup> Interestingly, at this regard, Tali Lerner describes in her research how the feminist movement, the homosexual rights movement and even the Arab groups have tried to tie their struggle to their willingness to serve in the army, thus increasing the army's status in Israeli society.

The fact that Greece has been called out for its treatment of conscientious objectors by multiple human rights mechanisms, including EBCO, Amnesty International, War Resisters' International, the Greek National Human Rights Commission, the European Court of Human Rights, the European Parliament, as well as the Human Rights Council in the context of the Universal Periodic Review, gives an idea of how much work still needs to be done in this field, and also of the unwillingness of the various Greek governments to deal with this issue. The critical issues highlighted by these bodies were analysed point by point in order to expose the breaches of some of the international standards related to military service and the violations of the fundamental rights of conscientious objectors in Greece.

A section of the chapter is devoted exclusively to the case of total objectors, as they are still numerically very present in the country today and also because the consequences they suffer as a result of their choice to refuse both military and civilian service are very severe and disproportionate, especially in light of the human rights standards analysed in the previous Chapter.

With regard to the methodology, the survey was intended to give an idea of the complexities involved in the decision of young Greek citizens when faced with the choice of whether or not to participate in military service, and the consequences that each of these choices entails, whether they decide to refuse military service in one of the ways analysed, or to be recognised as conscientious objectors. The interview with D. Angelakis was also crucial to understand the daily struggles experienced by those who make an anti-militarist life choice, specifically those who identify themselves as total objectors. What emerged from this interview was not only a very critical analysis of the various Greek governments that have been unable to address the issue of conscientious objection to date, but above all the need to give voice to the movement opposing military service, which fights every day for the recognition of the right to conscientious objection and is therefore silenced by government policies.

Ultimately, the comparison between the Israeli and the Greek system, presented in the last section of this Chapter, is relevant to understand how Greece is progressively going in the direction of Israeli rigid and repressive approach against the rights of conscientious objectors. On the other hand, this analysis also points out that the Greek conscientious objectors' movement is less active and less inclusive than the Israeli one, in the context of a society that does not perceive conscientious objection as a priority, but rather still regards the role of the Greek conscription army as obvious and necessary.

As shown by Greece's refusal to accept all the recommendations concerning the right to conscientious objection in the framework of the Human Rights Council's Universal Periodic Review, the country is not ready yet to start a constructive debate on the issue or to question its legislation, while on the other side there is not enough international awareness on the actual consequences that conscientious objectors have to face for refusing to enlist. A democratic country should consistently preserve its citizens' right to freedom of conscience, instead, as my analysis highlighted, there is a constant blackmail aimed at silencing and intimidating, through legislative and bureaucratic technicalities made to discourage dissent and critical thinking, attacking objectors and labelling them as insubordinates. There is a clear design behind these choices, that complies with the traditional ways to govern a state and its society, without taking into consideration that the latter has already changed and it is still changing, in the way it values more tolerance, awareness, freedom of choice and expression.

A democratic state must measure up to its civil society, and at the same time the human rights mechanisms should be more vigilant in this respect, ensuring that more attention is paid to conscientious objection as a human right.

However, in countries where recruitment is still mandatory and refusal is not contemplated, as Greece and Israel, the activism of many young people, their political awareness and their interest for human rights, must be something to reflect upon, their anti-militarism being an enormous value for the young generations, and an inspiration for everybody.

## Conclusion

With this research, I have attempted to investigate why states have not come up over time with an official universal codification of conscientious objection as an independent human right, rather than inherent in the right to freedom of thought, conscience and religion. My study shows that states play a key role in this major gap in international law, as they view conscientious objection not as an issue concerning people's fundamental rights, but rather as a matter of state sovereign authority, whereby they regard it as a threat to national and international stability. Considering conscientious objection as a universal human right rather than a privilege provided by national governments challenges what is usually the state's exclusive authority over its domestic policies.

Drawing on a large body of literature, my research shows that the right to conscientious objection radically transforms the relationship between state and citizen: as explained in chapter two, conscientious objectors structure their choice on the basis of deep convictions, under which they reject the nationalistic language of self-sacrifice, question the function of the military in shaping citizenship, and challenge the link between conscription and loyalty to the state by choosing not to serve, while at the same time becoming bearers of a different idea of masculinity, and of alternative definitions of gender that are not based on military service. They challenge the hierarchical structure of national security by demonstrating that it is open to negotiation and reform, through their alternative performance of citizenship. Conscientious objectors are citizens who do not want to be a tool of political control and military readiness, nor do they want to be instrumental in maintaining social hierarchies; they actively express their convictions against the normalisation of militarisation and the mentality of conquest, as attempts to establish sovereignty over their own bodies, despite the stigma that such a decision entails.

I have demonstrated the reluctance of states to find consensus on the need to ratify an autonomous human right to conscientious objection, citing as

an example the failed attempt to incorporate a right to conscientious objection in the 2016 UN Declaration on the Right to Peace, as explained in chapter three. This approach adopted by various governments is a demonstration of the *inescapable process of genetic mutation* Papisca speaks of, which nations would have to undergo in exchange for relinquishing their total authority over the life and death of their populations and their power to wage war. In the presence of an unequivocal human right to peace and conscientious objection, dismantling the centuries-old ability of nations to employ the *ius ad bellum* would no longer be an option, but a legal obligation. Even if the anti-militarist movement does not end with the legalisation of conscientious objection, its recognition as a human right is crucial because it implies an improvement in conscientious objectors' status, greater protection of their fundamental rights, and a standard-setting process that would bring clarity to the most problematic aspects of conscientious objection that are currently left to states.

Because states have so much discretion, there is a risk of delays in recognising this right in domestic law, as well as situations where alternative civilian service is discriminatory and punitive, still responding to the notion that citizens who refuse compulsory military service are failing in their duty and social contract with the state. The Greek case also demonstrates how, despite repeated warnings and criticism from international bodies, a European Union country can continue to discriminate against its citizens who express conscientious objection, because the right to conscientious objection does not have sufficient legal force to be universally enforced.

My research shows that states tend to obstruct the right to conscientious objection because conscription brings them real benefits, for instance by increasing public support for the armed forces and military security policies, contributing to the improvement of the state's military capabilities and to their power to wage war, as well as providing the opportunity of making a huge pool of cheap labour out of obedient and dedicated citizens.

In this sense, refusing to serve in the military is equally consistent with the fight for workers' rights and the improvement of everyone's living conditions,

which is a distinctive component of the Greek movement of total conscientious objectors, who express their position as a collective solution: they unmask the interests of the state, which uses military service as a political tool that contributes to perpetuating inequalities, excludes the most marginalised fringes of the population from being recognised as full citizens, and offers the illusion that in a democratic system everyone has equal citizenship status, rights and responsibilities. In this way, conscientious objectors seek a common path outside the compulsory conscription model, embracing the feminist anti-militarist fight and demonstrating to society that the conscientious objection movement is more than a struggle against compulsory military service, it is about the limits of democracy and the harsh reality of state power.

## Bibliography

**Table 2**, questions of the online poll on military service in Greece:

- Did you go to the army?
- If yes, where did you serve and for how long? How old were you?
- Did you want to go to the army? If no, explain why.
- Were you aware of your right to refuse conscription?
- How did you learn about conscientious objection (the right to refuse mandatory conscription)? (Ex. family, friends, school, other..)
- Did you apply as conscientious objector?
- If no, why?
- If you refused conscription, which motivation did you provide? (Medical, religious, ideological..)
- Were you orally examined by the special committee? If yes, what did they ask you?
- Was it difficult to be recognized as objector / to be exempted from the army?
- Did you do the alternative civil service?
- Do you agree with the provision of conscientious objection?
- Do you think mandatory conscription should be open also to women?
- Do you think mandatory conscription should be abolished?
- Why do you think Greece still has mandatory conscription?
- Are you a total objector / do you know any total objectors? (people who refuse both the military and the alternative service)

*A Look at Norway's Approach to Gender-Neutral Conscription,*

<https://www.securitywomen.org/post/a-look-at-norways-approach-to-gender-neutral-conscription>

Adam, Antonis, *Military conscription as a means of stabilizing democratic regimes*, Public Choice (2012) Vol.150, No. ¾, pp. 715–730

Adnkronos, "*Difesa: La Russa, mini-naja volontaria per riscoprire le forze armate*", 2009.

[http://www1.adnkronos.com/Archivio/AdnAgenzia/2009/06/02/Politica/DIFESA-LA-RUSSA-MINI-NAJA-VOLONTARIA-PER-RISCOPRIRE-LE-FORZE-ARMATE\\_100205.php](http://www1.adnkronos.com/Archivio/AdnAgenzia/2009/06/02/Politica/DIFESA-LA-RUSSA-MINI-NAJA-VOLONTARIA-PER-RISCOPRIRE-LE-FORZE-ARMATE_100205.php)



- Altnay, Ayse Gül, *Refusing to identify as obedient wives, sacrificing mothers and proud warriors*, in *Conscientious Objection, resisting militarized society*, Çınar and Üsterci, Zed Books, 2009.
- Amnesty International Public Statement, "Greece: observations on the right to conscientious objection - serious violations of Greece's obligations towards conscientious objectors remain unaddressed in proposed bill despite some positive steps", EUR/0088/2019, 20 March 2019, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>
- Amnesty International Report 2020/21, "The state of the world's human rights", <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>
- Amnesty International, "Greece: high time to comply fully with European standards on conscientious objection", EUR 25/003/2006
- Amnesty International, "Greece: Observations on the right to conscientious objection - serious violations of Greece's obligations towards conscientious objectors remain unaddressed in proposed bill despite some positive steps", EUR 25/0088/2019
- Arendt, Hannah, *Crises of the Republic: Lying in Politics, Civil Disobedience on Violence, Thoughts on Politics, and Revolution*, San Diego: Harcourt Brace Jovanovich, 1972
- Asal, Victor, Conrad, Justin and Toronto, Nathan, *I Want You! The Determinants of Military Conscription*, *Journal of Conflict Resolution* 2017, Vol. 61(7), pp. 1456-1481
- Aydin, Suavi, *The militarization of society: conscription and national armies in the process of citizen creation*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 17-37
- Baruchello, Giorgio, University of Akureyri, Iceland, in "The European Legacy", Vol. 12, No. 5, pp. 623-658, 2007
- Berry, Alex, "Germany launches new voluntary military service program", 2021. [https://www.dw.com/en/germany-launches-new-voluntary-military-service-program/a-57105974?fbclid=IwAR2DYxIJBgfoxZjZ-Fyoqdq7AWbFXJfQlafmWgT\\_GRF2CtMidIdiDuG8zos](https://www.dw.com/en/germany-launches-new-voluntary-military-service-program/a-57105974?fbclid=IwAR2DYxIJBgfoxZjZ-Fyoqdq7AWbFXJfQlafmWgT_GRF2CtMidIdiDuG8zos)
- Bieri, Matthias, *Military Conscription in Europe: New Relevance*, No. 180, 2015, Centre for Security Studies (CSS), ETH Zurich
- Bjarnegård, Elin and Melander, Erik, *Disentangling gender, peace and democratization: the negative effects of militarized masculinity*, *Journal of Gender Studies*, Volume 20, Issue 2, 2011

- Borella, Alessandra, *La Repubblica*, 15 October 2015, [https://www.repubblica.it/politica/2015/10/15/news/salvini\\_militare\\_obbligatorio\\_per\\_riportare\\_onore\\_e\\_rispetto-125125674/](https://www.repubblica.it/politica/2015/10/15/news/salvini_militare_obbligatorio_per_riportare_onore_e_rispetto-125125674/)
- Boyle, K., "Freedom of Conscience, Pluralism and Tolerance: Freedom of Conscience in International Law," in *Freedom of Conscience*, Council of Europe (Strasbourg: Council of Europe, 1993)
- Boyle, Kevin, "Freedom of Religion in International Law," in *Religion, Human Rights and International Law*, ed. J. Rehman and S. C. Breau, The Hague: Martinus Nijhoff, 2007
- Braw, Elisabeth, *Competitive National Service. How the Scandinavian Model Can Be Adapted by the UK*, Royal United Services Institute for Defence and Security Studies, RUSI Occasional Paper, October 2019
- Brett, D., *Military Recruitment and Conscientious Objection: A Thematic Global Survey*, Leuven and Geneva: Conscience and Peace Tax International, 2006, pp. 105-130
- Brett, Rachel, *International standards on conscientious objection to military and alternative service*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 198-205
- Britannica, The Editors of Encyclopaedia, *conscientious objector*, *Encyclopedia Britannica*, Mar. 2021, <https://www.britannica.com/topic/conscientious-objector>
- Bröckling, Ulrich, *Sand in the wheels? Conscientious objection at the turn of the twenty-first century*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 53-60.
- Burk, James, *The decline of mass armed forces and compulsory military service*, 1992
- Burk, James, *Citizenship Status and Military Service: The Quest For Inclusion by Minorities and Conscientious Objectors*, Armed Forces & Society, Texas A&M University, 1995
- Canada: Immigration and Refugee Board of Canada, *Israel: The treatment of conscientious objectors called up for reserve duty or military service*, 10 March 2010, ISR103375.E, <https://www.refworld.org/docid/4e4260122.html>
- Choulis, Ioannis, Bakaki, Zorreta & Böhmelt, Tobias, *Public Support for the Armed Forces: The Role of Conscription*, *Defence and Peace Economics*, 32:2, (2021), pp. 240-251.
- Chrisafis, Angelique, "Macron's national service sparks criticism from French left", by, *The Guardian*, 2019, <https://www.theguardian.com/world/2019/jun/19/rollout-of-compulsory-civic-service-for-young-people-in-france-sparks-criticisms>

- Çınar, Özgür Heval, *Conscientious Objection to Military Service in International Human Rights Law*, Palgrave MacMillan, 2013
- CNN, *The most striking aspect of Sweden and Finland's application to join NATO*, May 19, 2022, <https://edition.cnn.com/2022/05/18/europe/sweden-finland-nato-analysis-intl/index.html>
- Cockburn, Cynthia, *Gender Relations as Causal in Militarization and War*, *International Feminist Journal of Politics*, 12:2, 2010, pp. 139-157
- Cockburn, Cynthia, *Gender: a cause of war and a resource for peace*, in *War and security, women and gender: an overview of the issues*, *Gender & Development*, 21:3, 2013, pp. 444-447
- Cockburn, Cynthia, *War and security, women and gender: an overview of the issues*, *Gender & Development*, 21:3, 2013, pp. 433-452
- Cohen, Stuart A., *The Israel Defence Forces (IDF): From a "People's Army" to a "Professional Military" - Causes and Implications*, *Armed Forces and Society*, Vol. 21, No. 2, 1995
- Coleman, J.S. and Brice, B., *The Role of the military in sub-Saharan African*, 1962, and L.W. Pye, *Armies in the Process of Political Modernisation*, 1962, both in John J. Johnson (ed.) *The Role of the Military in Underdeveloped Countries*, Princeton University Press, 1962
- Connell, R. W., *Masculinities*, Berkeley: University of California Press, 1995.
- Connell, R.W., *On hegemonic masculinity and violence: Response to Jefferson and Hall*, University of Sydney, Australia, Volume: 6 issue: 1, 2002
- Connolly, Kate "Die Rekruten: the reality show on the frontline of the German army's battle for public support", *The Guardian*, 2017.  
<https://www.theguardian.com/world/2017/dec/27/die-rekruten-the-reality-show-on-the-frontline-of-the-german-armys-battle-for-public-support>
- Conscience in International Law," in *Freedom of Conscience*, Council of Europe (Strasbourg: Council of Europe, 1993)
- Conscientious Objection to Military Service*, Report prepared in pursuance of resolutions 14 and 1982/30 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities by Mr. Eide and Mr. Mubanga-Chipoya, 27 June 1983, E/CN.4Sub.2/1983/30,  
[http://hrlibrary.umn.edu/Conscientious%20objection%20to%20military%20service\\_Eide\\_MubangaChipoya.pdf](http://hrlibrary.umn.edu/Conscientious%20objection%20to%20military%20service_Eide_MubangaChipoya.pdf)

- Conscription in development*, People and Defense, April 9, 2021.  
<https://folkogforsvar.no/verneplikten-i-utvikling/>
- Constitution of Greece, Article 4, paragraph 6,  
<https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>
- Coticchia, Fabrizio and Moro, Francesco Niccolò, *From enthusiasm to retreat: Italy and military missions abroad after the Cold War*, Italian Political Science, Volume 15 Issue 1, 2020
- Council of Europe, Committee of Ministers, Recommendation No. R (87) 8 of the Committee of Ministers to Member States regarding Conscientious Objection to Compulsory Military Service, 9 April 1987,  
<https://www.refworld.org/docid/5069778e2.html>
- Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)
- Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)
- Council of Europe, *European Convention on Nationality*, 6 November 1997, ETS 166, <https://rm.coe.int/168007f2c8>, and *Convention on Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality*, 6 May 1963, ETS 43, <https://rm.coe.int/168006b659>
- Council of Europe: Parliamentary Assembly, Recommendation 1518 (2001): Exercise of the right of conscientious objection to military service in Council of Europe member states, 23 May 2001, para. 5 I-III.  
<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16909&lang=en>, accessed May 2022
- Cronberg, Tarja, *The will to defend: a Nordic divide over security and defence policy*, in *The Nordic Countries and the European Security and Defence Policy*, Stockholm International Peace Research Institute, Oxford University Press, 2006, pp. 315-322
- De Angelis, Karin *et al.*, *Inclusion in the American Military: A Force for Diversity*, Lexington Books, 2017
- De Jong, C.D., *The freedom of thought, conscience and religion or belief in the United Nationa (1946-1992)*, Refugee Survey Quarterly, 2001, Vol. 20 Issue 3

- Defence Service Law, Consolidated Version, 5746-1986,  
<https://www.mfa.gov.il/mfa/mfa-archive/1980-1989/pages/defence%20service%20law%20-consolidated%20version--%205746-1.aspx>
- Douglas, Nadja, *The Role of Society in the Control of Armed Forces – Implications for Democracy, Security and Peace*, 2015, Vol. 33, No. 1, in *The Role of the Security Sector in Democratization Processes* (2015), pp. 19-25.
- Du Pisani, A., and Lamb, G., *The Role of the military in state formation and nation-building: an overview of historical and conceptual issues*. Batchelor, P., Kingma, K. and Lamb, G. *Demilitarisation and Peace-building in Southern Africa* 3, 2004
- Duff, Alan W., *Does Conscription Affect War Duration? A Study of Military Manpower Systems, Regime Type, and Interstate Wars*, (2014). Lawrence University Honors Projects, 64, p. 52
- Duncanson, Claire and Woodward, Rachel, *Regendering the military: Theorizing women's military participation*, *Security Dialogue*, Vol. 47, No. 1, 2016, pp. 3-21.
- Duncanson, Claire, *Hegemonic Masculinity and the Possibility of Change in Gender Relations*, *Men and Masculinities*, Vol. 18(2), 2015, p. 235.
- EBCO, European Bureau for Conscientious Objection, *Annual Report, Conscientious Objection to Military Service in Europe, 2021*, pp. 30-31, <https://ebco-beoc.org/node/526>
- EBCO, European Parliament/Protection of Freedom of Religion or Belief/The right to conscientious objection to military service, <https://ebco-beoc.org/node/313>
- EBCO, The Bandrés Molet and Bindi Resolution, <https://ebco-beoc.org/node/189>
- EBCO, The Macciocchi Resolution, <https://ebco-beoc.org/node/187>
- EBCO, The Schmidbauer Resolution, <https://ebco-beoc.org/node/188>
- EBCO's *Press Release, Solidarity with conscientious objectors, anti-war activists and civilians in all sides of the war & concrete support from Europe*, Brussels 15 March 2022. <https://www.ebco-beoc.org/node/523>
- ECtHR, case of Papavasiliakis v. Greece, 66899/14, 15.9.2016,  
<http://hudoc.echr.coe.int/eng?i=001-166850>
- Edmunds, Timothy, *What Are Armed Forces For? The Changing Nature of Military Roles in Europe*, Royal Institute of International Affairs, Oxford University Press, 2006, Vol. 82, No. 6
- Elster, E. and Sørensen, M. J., *Women Conscientious Objectors, an anthology*, War Resisters International, London 2010

- Encyclopedia Britannica*, "Conscription", 5 Mar. 2020,  
<https://www.britannica.com/topic/conscription>
- Enloe, Cynthia H., *Does Khaki Become You? The militarisation of women's lives*,  
 South End Press edition, Boston, 1983
- Enloe, Cynthia, *Where are the women in military conscientious objection? Some  
 feminist clues*, in *Conscientious Objection, resisting militarized society*, Çınar and  
 Üsterci, Zed Books, 2009.
- European Bureau for Conscientious Objection (EBCO), "No to Equality in Militarism",  
 Statement of the feminist collective To Mov (Greece) co-signed by the  
 Association of Greek Conscientious Objectors, available at [https://ebco-  
 beoc.org/node/386](https://ebco-beoc.org/node/386)
- European Bureau for Conscientious Objection, Annual Report, *Conscientious  
 Objection to Military Service in Europe 2020*, Brussels February 2021, pp. 28-30.
- European Bureau for Conscientious Objection, *Latvia*, <https://ebco-beoc.org/latvia>
- European security and defence*, Centre for European Reform (CER),  
[https://www.cer.eu/hot-topics/european-security-  
 defence#:~:text=Internally%2C%20transnational%20terrorism%20and%20crime,f  
 or%20tackling%20internal%20security%20issues](https://www.cer.eu/hot-topics/european-security-defence#:~:text=Internally%2C%20transnational%20terrorism%20and%20crime,f)
- European Social Charter, Comments by Amnesty International on the 3d National  
 Report on the implementation of the European Social Charter,  
[https://rm.coe.int/amnesty-international-comments-on-greek-3d-  
 report/16809eff1e](https://rm.coe.int/amnesty-international-comments-on-greek-3d-report/16809eff1e)
- European Union: Council of the European Union, *Charter of Fundamental Rights of the  
 European Union (2007/C 303/01)*, 14 December 2007, C 303/1.  
[https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)
- FAGE- National Federation of Students' Associations, [https://www.esu-  
 online.org/?member=france-federation-des-associations-generales-detudiants-  
 fage](https://www.esu-online.org/?member=france-federation-des-associations-generales-detudiants-fage)
- Fanpage.it, "*La proposta del PD: almeno un mese di servizio civile obbligatorio per tutti  
 i giovani*", 2017. [https://www.fanpage.it/politica/la-proposta-del-pd-almeno-un-  
 mese-di-servizio-civile-obbligatorio-per-tutti-i-giovani/](https://www.fanpage.it/politica/la-proposta-del-pd-almeno-un-mese-di-servizio-civile-obbligatorio-per-tutti-i-giovani/)
- Fernández, Christian Guillermet, Puyana, David Fernández, *From a Culture of Conflict  
 to a Culture of Peace, Human Rights and Development*, Rivista "Pace diritti  
 umani - Peace Human Rights", Special issue on the right to peace, 2-3/2013, pp.  
 19-21

- Fize, Etienne, Louis-Sidois, Charles, *Military service and political behaviour: Evidence from France*, European Economic Review, 2019
- France24.com, "France begins trial of compulsory civic service for teens", June 2019, <https://www.france24.com/en/20190616-france-trial-macron-new-compulsory-national-service-teen-military>
- Goregenli, Melek, *Patriotism and the justification of inequality in the construction of militarism*, in *Conscientious Objection, Resisting militarized society*, 2009
- Greek National Commission for Human Rights (GNCHR), <https://www.nchr.gr/en/>
- Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 2017
- Gvul, Yesh, "Who we are, what we do, how to support us", [https://web.archive.org/web/20061015135946/http://www.yeshgvul.org/about\\_e.asp](https://web.archive.org/web/20061015135946/http://www.yeshgvul.org/about_e.asp)
- Hadass, Yael, *On the Causes of Military Conscription*, Harvard University, 2004
- Haltiner, Karl W. and Tresch, Tibor S., *From Conscription-Based Defense to VolunteerBased Constabulary Forces: European Defense Integration and Mission Change as Driving Factors for the End of Conscription in Europe*, in *The transformation of the world of war and peace support operations*, by K. Michael, D. Kellen, E. Ben-Ari, 2009
- Haltiner, Karl W., *The Definite End of the Mass Army in Western Europe?*, Armed Forces & Society, Vol. 25, No. 1, 1998
- Hammer, Leonard M., *A Brief History of the Development of the Right to Conscience*, in *The International Human Right to Freedom of Conscience, Some suggestions for its development and application*, Routledge, London (2001)
- Hankewitz, Sten, *More women to be allowed to serve in the Estonian military*, 2017, Estonian World. <https://estonianworld.com/security/women-allowed-serve-estonian-military/>
- Henriksson, Markku Ilmari, Weibull, Jörgen, Enander, Henrik, Sandelin, Carl Fredrik, Sundblad, Ilmari, Larson, Susan Ruth and Sandvik, Gudmund. "Finland". *Encyclopedia Britannica*, 31 May 2022, <https://www.britannica.com/place/Finland>.
- Hubers, F. and Webbink, D., *The long-term effects of military conscription on educational attainment and wages*, IZA Journal of Labor Economics (2015) 4:10

- Hwang, Ihntaek, *Militarising national security through criminalisation of conscientious objectors to conscription in South Korea*, *Critical Studies on Security*, 6:3, 2018
- Il dibattito sul ripristino della leva obbligatoria*, *Analisi Difesa*, 2018  
<https://www.analisdifesa.it/2018/08/il-dibattito-sul-ripristino-della-leva-obbligatoria/>
- International Institute for Strategic Studies, *The military Balance 2020*, *chapter four: Europe*, pp. 64-165
- Janowitz, Morris, *Military Institutions and Citizenship in Western Societies*, *Armed Forces & Society*, University of Chicago, 2:185, 1976, pp. 185-204
- Jehn, Christopher and Selden, Zachary, *The end of conscription in Europe?*, 2002, pp. 93-100
- Joenniemi, Pertti (ed.), *The Changing Face of European Conscription*, Danish Institute for International Studies, 2006
- Joint Submission by the European Bureau for Conscientious Objection (EBCO) and the Association of Greek Conscientious Objection (AGCO) to the UN Universal Periodic Review 39th session of the UPR Working Group, Oct-Nov 2021, Athens 25.3.2021, <https://www.ebco-beoc.org/node/492>
- Jorgensen, Henrik J. and Breitenbauch, Henrik O., *What if We Gave Up Conscription?*, Dansk Institut for Militaere Studier, 2009
- Kaos GL Turkey, <https://kaosgldernegi.org/en/about-us/who-are-we>.
- Kessler, Jeremy K., *The Invention of a Human Right: Conscientious Objection at the United Nations, 1947-2011*. *Columbia Human Rights Law Review*, 44.3, 2013, pp. 753-791
- Kilinç, Nilgün Toker, *The morals and politics of conscientious objection, civil disobedience and anti-militarism*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 61-72
- Kimmerling, Baruch, *Religion, Nationalism and Democracy in Israel*, *Constellations*, 6(3), 1999
- Kosnik, Matthew, *Conscription in the twenty-first century: Do reinforcements equal security?*, *Comparative Strategy*, Vol. 36, No. 5, 2017, pp. 457-467
- Kosonen, J., Alisa P., and Teemu, T., *Saying no to military service - obligation, killing and inequality as experiences problems in conscription-based military in Finland*, *J. Military Stud.* 2019, 46-57
- Krebs, Ronald R., *A School for the Nation? How Military Service Does Not Build Nations, and How It Might*, *International Security*, Vol. 28, No. 4, 2004, pp. 85-



124. See also Roumani, M., Elkin, J., and Dietz, H., Retrieved from Ethnicity, Integration and The Military, 1991
- Krishnaswami, A., "Study of Discrimination in the Matter of Religious Rights and Practices," UN Doc. E/CN.4/Sub. 2/200/Rev.1, UN Publication: New York and Geneva, 1960, pp. 43-44,  
[https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Krishnaswami\\_1960.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Krishnaswami_1960.pdf)
- Kronsell, Annica, *Gendered practices in institutions of hegemonic masculinity*, International Feminist Journal of Politics, 7:2, 2005
- Kwon, Insook, *Gender, Feminism and Masculinity in Anti-Militarism*, International Feminist Journal of Politics, 15:2, 213-233, 2013
- Lange, P., "*Is conscription a guarantee of national defense? Some remarks on the justification for reactivating conscription*", Federal Academy for Security Policy, Security Policy Working Paper, No. 21/2018
- Lanza, Martina Lucia, "COs day 2021: dalla WRI solidarietà con gli obiettori di coscienza turchi", 10 May 2021, <https://www.azionenonviolenta.it/cos-day-2021-dalla-wri-solidarieta-con-gli-obiettori-di-coscienza-turchi/>
- Law 14 November 2000, n. 331, "*Norme per l'Istituzione del Servizio Militare Professionale*", Italian Official Gazette, General Series n. 269/2000
- Law 4361/2016, Government Gazette 10/A/1-2-2016: Regulation of issues of transfer of hoplites, personnel care and other provisions, <https://www.e-nomothesia.gr/kat-enoples-dynameis/nomos-4361-2016.html>
- Le Blond, Josie, "*Germany mulls year of national service for young people and migrants. Proposal aimed at uniting Angela Merkel's party criticised as populist by opposition*", The Guardian, 2018,  
<https://www.theguardian.com/world/2018/aug/26/germanys-cdu-floats-return-of-one-year-compulsory-national-service>
- Lerner, T., *On Women's Refusal in Israel*, in Elster, E. and Sørensen, M. (eds) *Women Conscientious Objectors: An Anthology*, pp. 116–20. London: War Resisters' International, 2010.
- Lerner, Tali, *Conscientious objection: resisting militarized society*, "Conscientious objection in Israel", Zed books 2009
- Levi, Margaret, *The Institution of Conscription*, Social Science History, Vol. 20, no. 1, Cambridge university Press, 1996

- Lippman, Matthew, *The recognition of conscientious objection to military service as an international human right*, California Western International Law Journal, 21(1), 1990
- LOC: *Lega Obiettori di Coscienza*, <http://ospiti.peacelink.it/loc/presenta.htm>
- Lomsky-Feder, Edna and Sasson-Levy, Orna, *Serving the army as secretaries: intersectionality, multi-level contract and subjective experience of citizenship*, The British Journal of Sociology, Volume 66 Issue 1, 2015
- Luckham, Robin, *Democracy and the military: An epitaph for Frankenstein's monster?*, (1996), Democratization, 3:2, pp. 1-16
- Maini, Giulia, “*Non combatterete all'estero', così la Germania a corto di soldati vuole convincere i giovani ad arruolarsi*”, Europa Today, 2021.  
<https://europa.today.it/lavoro/germania-cerca-soldati-no-missioni-estero.html>
- Marcus, Emily N., *Conscientious Objection as an Emerging Human Right*, Vol. 38(3), 1998
- Maurin, Eric and Xenogiani, Theodora, *Demand for Education and Labor Market Outcomes, Lessons from the Abolition of Compulsory Conscription in France*, The Journal of Human Resources, Vol. 42, No. 4, 2007, pp. 795-819
- McGurk, D., Cotting, D. I., Britt, T. W. et al., *Joining the Ranks: The Role of Indoctrination in Transforming Civilians to Service Members*, in *Military life: The psychology of serving in peace and combat: Operational stress*, Praeger Security International, 2006
- Mellors, Colin and McKean, John, *Conscientious Objection in Western Europe*, School of European Studies, University of Bradford, Bulletin of Peace Proposals, Vol. 13, No. 3, 1982, pp. 227-239
- Menabde, Giorgi, *Georgian Authorities Reinstate Military Conscription*, Eurasia Daily Monitor, Volume: 14, Issue: 22, 2017. <https://jamestown.org/program/georgian-authorities-reinstate-military-conscription/>
- Ministère de l'éducation nationale, de la jeunesse et des sports, *Le service National Universel (SNU): Jeunesse engagée*, <https://www.education.gouv.fr/le-service-national-universel-snu-jeunesse-engagee-5381>
- Ministère des armées, Service Militaire Volontaire (SMV), <https://www.defense.gouv.fr/jeunesse/etudier-et-se-former2/service-militaire-volontaire-smv/service-militaire-volontaire-smv>

- Ministry of Defence, "Sweden re-activates conscription",  
<https://www.government.se/articles/2017/03/re-activation-of-enrolment-and-the-conscription/>
- Moskos, C. C. and Chambers, J. W., "Introduction," in *The New Conscientious Objection: From Sacred to Secular Resistance*, Oxford University Press, 1993
- Movement of Conscientious Objectors in Russia (MCOR), [https://wri-irg.org/en/story/2022/statement-movement-conscientious-objectors-russia-international-conscientious-objection?fbclid=IwAR26cruBmoKqvBW4gulgvjG6QT80A9\\_4TmjJBOR6KmZH-unoo9sLDagG7dM](https://wri-irg.org/en/story/2022/statement-movement-conscientious-objectors-russia-international-conscientious-objection?fbclid=IwAR26cruBmoKqvBW4gulgvjG6QT80A9_4TmjJBOR6KmZH-unoo9sLDagG7dM)
- Obiettori di coscienza in Turchia*, CSSR, 26 May 2021,  
<https://serenoregis.org/2021/05/26/obiettori-di-coscienza-in-turchia/>
- Obiezione di coscienza*, Arci Servizio Civile, <https://www.arciserviziocivile.it/obiezione-di-coscienza/>
- Office of the High Commissioner for Human Rights, Commission on Human Rights resolution 1993/84, Conscientious objection to military service,  
[https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN\\_4-RES-1993-84.pdf](https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1993-84.pdf)
- Office of the High Commissioner for Human Rights, Commission on Human Rights resolution 1998/77, Conscientious objection to military service,  
[https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1998-77.pdf)
- OHCHR, "Conscientious Objection to military service", New York and Geneva, 2012,  
[https://www.ohchr.org/sites/default/files/Documents/Publications/ConscientiousObjection\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/ConscientiousObjection_en.pdf)
- Ombudsman, Special Report 2013, "Combating Discrimination",  
<https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>
- OSAGI, Office of the Special Adviser on Gender,  
<https://www.un.org/womenwatch/osagi/wps/#resolution>
- Papisca, Antonio, *The Human Right to Peace Is Putting the Sincerity of the Peace-loving States to the Test*, Rivista "Pace diritti umani - Peace Human Rights", Special issue on the right to peace, 2-3/2013
- Perez, Merav and Sasson-Levy, Orna, *Avoiding Military Service in a Militaristic Society: A Chronicle of Resistance to Hegemonic Masculinity*, Peace and Change, A Journal of Peace Research, Volume 40, Issue 4, 2015

- Persson, Alma and Sundevall, Fia, *Conscripting women: gender, soldiering, and military service in Sweden 1965-2018*, *Women's History Review*, 28:7, 1039-1056, 2019
- Pew Research Center, *Fewer than a third of countries currently have a military draft; most exclude women*, by Drew Desilver, April 23 2019.  
<https://www.pewresearch.org/fact-tank/2019/04/23/fewer-than-a-third-of-countries-currently-have-a-military-draft-most-exclude-women/>
- Pfaffenzeller, Stephan, *Conscription and Democracy: The Mythology of Civil–Military Relations*, *Armed Forces & Society*, April 2010, Vol. 36, No. 3 (2010)
- Pilot project: Voluntary military service in Homeland Security*,  
<https://www.bundeswehr.de/de/ueber-die-bundeswehr/die-reserve-der-bundeswehr/reservist-werden-in-der-bundeswehr/reserve-der-streitkraeftebasis-pilotprojekt-freiwilliger-wehrdienst-im-heimatschutz->
- Posen, Barry R., *Nationalism, the Mass Army, and Military Power*, *International Security*, Vol. 18, No. 2, 1993, pp. 80-124
- Poutvaara, Panu and Wagener, Andreas, *Ending Military Conscription*, Ifo Institute – Leibniz Institute for Economic Research at the University of Munich, Vol. 09, Iss. 2 (2011), pp. 36-43
- Principles of the Nuremberg Tribunal, No. 82, Document A/1316, adopted on June 5–July 29, 1950,  
[https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/7\\_1\\_1950.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf)
- Puhani, Patrick A. and Sterrenberg, Margret K., *Effects of Mandatory Military Service on Wages and Other Socioeconomic Outcomes*, IZA – Institute of Labor Economics, DP No. 14352, (2021)
- Quaker Council for European Affairs, *The right to conscientious objection in Europe: A review to the current situation, Executive summary*, <http://www.qcea.org/wp-content/uploads/2012/01/rprt-cocoe1-execsumm-en-apr-2005.pdf>
- QUNO, Quaker United Nations Office, *International Standards on Conscientious Objection to Military Service*, Revised Edition 2021, by Laurel Townhead
- Radicali Italiani*, [http://old.radicali.it/search\\_view.php?id=49619&lang=&cms=12](http://old.radicali.it/search_view.php?id=49619&lang=&cms=12) and [http://old.radicali.it/search\\_view.php?id=49963&lang=&cms=12](http://old.radicali.it/search_view.php?id=49963&lang=&cms=12)
- Refusing conscription for reasons of conscience in Greece, brief flash back*,  
<https://antirrisies.gr/219/>
- Report of the Union of Conscientious Objectors (Aseistakieltäytyjäliitto, AKL), Appendix 1. <https://akl-web.fi/fi/posts/akln-raportti-ykn-ihmisoikeuskomitealle>

Report of the Working Group on Arbitrary Detention (A/HRC/42/39), 16 July 2019

Resolution 337 (1967), Council of Europe, *Right of Conscientious Objection*.  
<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15752&lang=en#:~:text=Persons%20liable%20to%20conscription%20for,obligation%20to%20perform%20such%20service>

Rieker, Pernille, *The Nordic countries and EU security policy: convergent or divergent agendas?*, in *The Nordic Countries and the European Security and Defence Policy*, Stockholm International Peace Research Institute, Oxford University Press, 2006, pp. 301-314.

RightDocs, Res/20/15, Promotion of the right to peace, at <https://www.right-docs.org/doc/a-hrc-res-20-15/>

Rongé, Joeri and Abrate, Giulia, *Conscription in the European Union Armed Forces: National Trends, Benefits and EU Modernised Service*, European Army Interoperability Centre, Finabel, July 2019

Rovinello, Marco, *The draft and draftees in Italy, 1861-1914*, from the book: *Fighting for a Living*, Amsterdam University Press

Russett, Bruce, and Oneal, John R., *Triangulating Peace: Democracy, Interdependence, and International Organizations*. New York: Norton, (2001)

Ruzza, Stefano, *Combattere, I dilemmi delle democrazie*, Bonanno editore (2010)

S. Levy, Orna, *Military, Masculinity, and Citizenship: Tensions and Contradictions in the Experience of Blue-Collar Soldiers*, *Global Studies in Culture and Power*, 2003, 10:3, 319-345

Schneider, Friedhelm, *European standards on conscientious objection and alternative service*, in *Conscientious Objection, Resisting militarized society*, 2009, pp. 206-211

SciencesPo Cevipof, Bruno Cautrès,  
<https://www.sciencespo.fr/cevipof/en/researcher/bruno-cautres.html>

Simon, Rita J. and Abdel-Moneim, Mohamed Alaa, *A Handbook of Military Conscription and Composition of the World Over*, Lexington Books, 2011

Skard, Torild, *No to female conscription*, The international Alliance of Women (I.A.W.), available at <https://www.womenalliance.org/no-to-female-conscription/>

Sorensen, Henning, *Conscription in Scandinavia During the Last Quarter Century: Developments and Arguments*, 2000

- Speck, Andreas and Friedrich, Rudi, *Conscientious objection, resisting militarized society*, "Experiences of conscientious objection movements: South Africa, Greece and Paraguay", Zed books 2009
- Spindel, J. and Ralston, R., *Taking Social Cohesion to Task: Perceptions of Transgender Military Inclusion and Concepts of Cohesion*, *Journal of Global Security Studies*, 5(1), 2020
- Statement by objectors C.G., T.N. and D.A., Ioannina-Thessaloniki / September 2013, *War against war*, Xupolito Tagma, Ioannina, 2015, p. 30.
- Stengel, Frank A. and Shim, David, *Militarizing antimilitarism? Exploring the gendered representation of military service in German recruitment videos on social media*, *International Feminist Journal of Politics*, July 2021.  
[https://www.tandfonline.com/doi/full/10.1080/14616742.2021.1935289?\\_\\_cf\\_chl\\_captcha\\_tk\\_\\_=AzltULiG.Dr0syJHIH\\_J7Bg6hZIA39g3QtBDzjML\\_WM-1641806894-0-gaNycGzNC2U](https://www.tandfonline.com/doi/full/10.1080/14616742.2021.1935289?__cf_chl_captcha_tk__=AzltULiG.Dr0syJHIH_J7Bg6hZIA39g3QtBDzjML_WM-1641806894-0-gaNycGzNC2U)
- Strand, Sanna, *The "Scandinavian model" of military conscription: A formula for democratic defence forces in 21st century Europe?*, Austrian Institute for International Affairs, 2021
- The Connexion, French news and views, *France's 'Universal National Service' plan unveiled*, 2018, <https://www.connexionfrance.com/French-news/France-s-Universal-National-Service-plan-unveiled>
- The Draft*, History.com editors, <https://www.history.com/topics/us-government/conscription#:~:text=Conscription%20is%20the%20mandatory%20enlistment,French%20Revolution%20in%20the%201790s>
- The Finnish Defence Forces Finland 100 events in 2017*,  
[https://puolustusvoimat.fi/documents/1948673/2267766/PV\\_Maanpuolustus\\_taskuesite\\_0317\\_EN\\_www\\_final.pdf/51814168-991d-4ab4-ab99-d3fb2d794829/PV\\_Maanpuolustus\\_taskuesite\\_0317\\_EN\\_www\\_final.pdf?t=1491813869000](https://puolustusvoimat.fi/documents/1948673/2267766/PV_Maanpuolustus_taskuesite_0317_EN_www_final.pdf/51814168-991d-4ab4-ab99-d3fb2d794829/PV_Maanpuolustus_taskuesite_0317_EN_www_final.pdf?t=1491813869000)
- The history of conscientious objection in Italy,  
<https://www.arciserviziocivile.it/obiezione-di-coscienza/>
- The New York Times, *Trump says transgender people will not be allowed in the military*, <https://www.nytimes.com/2017/07/26/us/politics/trump-transgender-military.html>

*The Pilots have Courage to Refuse,*

<https://web.archive.org/web/20100308102144/http://www.seruv.org.il/english/article.asp?msgid=55&type=news>

*The Shministim Letter 2021*, January 2021, *Israel Social TV*,

<https://tv.social.org.il/en/the-sheminisites-2021-letter>

Today, “*Leva obbligatoria, Salvini ci riprova: 6 mesi a scelta tra servizio militare o civile*”, 2019. <https://www.today.it/politica/leva-obbligatoria.html>

Tsouni, Alexia and Maragakis, Michalis, *Conscientious objection, resisting militarized society*, “Refusing to serve in the army for reasons of conscience in Greece”, Zed books 2009

Tsouni, Alexia, EBCO President, in *EBCO Annual Report, Conscientious Objection to Military Service in Europe, 2021*, Brussels, 21 March 2022

Ukrainian Pacifist Movement (UPM), [https://wri-irg.org/en/story/2022/ukrainian-pacifists-war-crime-against-humanity?fbclid=IwAR04CEph\\_ZDTY2IFlyw1Zh\\_covUhZHdCPmhaH8kBIHLEJgZbovlsMwJG0ul](https://wri-irg.org/en/story/2022/ukrainian-pacifists-war-crime-against-humanity?fbclid=IwAR04CEph_ZDTY2IFlyw1Zh_covUhZHdCPmhaH8kBIHLEJgZbovlsMwJG0ul)

UN Commission on Human Rights, *Conscientious objection to military service*, 22 April 1998, E/CN.4/RES/1998/77, [https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1998-77.pdf)

UN Commission on Human Rights, *Conscientious objection to military service*, 8 March 1989, E/CN.4/RES/1989/59. <https://digitallibrary.un.org/record/61818>

UN Commission on Human Rights, *Conscientious objection to military service*, 10 March 1987, E/CN.4/RES/1987/46, <https://digitallibrary.un.org/record/130166>

UN Commission on Human Rights, *Conscientious objection to military service*, 22 April 1998, E/CN.4/RES/1998/77. [https://www.ohchr.org/sites/default/files/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/sites/default/files/E-CN_4-RES-1998-77.pdf)

UN General Assembly, *Declaration on the Right of Peoples to Peace*, 12 November 1984, A/RES/39/11, <https://www.ohchr.org/en/instrumentsmechanisms/instruments/declaration-right-peoples-peace>

UN General Assembly, *Declaration on the Right to Peace*, 19 December 2016, A/RES/71/189, <https://digitallibrary.un.org/record/855187>

UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, Art. 18.

- <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, <https://www.refworld.org/docid/3ae6b3aa0.html>
- UN General Assembly, *Promotion of the right of peoples to peace*, 27 February 2003, A/RES/57/216, <https://digitallibrary.un.org/record/482003>
- UN General Assembly, Promotion of the right to peace, 17 July 2012, A/HRC/RES/20/15, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/161/63/PDF/G1216163.pdf?OpenElement>
- UN General Assembly, *Report of the Human Rights Council Advisory Committee on the right of peoples to peace*, A/HRC/20/31, 16 Apr. 2012. <https://digitallibrary.un.org/record/731170>, accessed May 2022
- UN General Assembly, *Status of persons refusing service in military or police forces used to enforce apartheid.*, 20 December 1978, A/RES/33/165. <https://digitallibrary.un.org/record/187405>
- UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Art. 18, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.4&Lang=en)
- UN Human Rights Committee, Concluding observations on the initial report of Greece, (CCPR/CO/83/GRC), 25 April 2005, <https://undocs.org/CCPR/CO/83/GRC>
- UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, para. 37-38.
- UN Human Rights Council, Analytical report of the Office of the United Nations High Commissioner for Human Rights, Conscientious objection to military service, 1 May 2017, A/HRC/35/4



- UN Human Rights Council, Analytical report on conscientious objection to military service: Report of the United Nations High Commissioner for Human Rights, 3 June 2013, A/HRC/23/22, <https://www.refworld.org/docid/51b5c73c4.html>
- UN Human Rights Council, *Conscientious objection to military service*, 8 October 2013, A/HRC/RES/24/17, <https://www.right-docs.org/doc/a-hrc-res-24-17/>
- UN Human Rights Council, *Conscientious objection to military service*, 3 October 2017, A/HRC/RES/36/18, <https://www.right-docs.org/doc/a-hrc-res-36-18/>
- UN Human Rights Office of the High Commissioner, *Conscientious Objection to Military Service*, United Nations Publication, New York and Geneva, 2012
- UN Office of the High Commissioner for Human Rights (OHCHR), Conscientious objection to military service: Commission on Human Rights resolution 2002/45, 23 April 2002, E/CN.4/RES/2002/45, <https://www.refworld.org/docid/5107c76c2.html>
- UN Women, <https://www.unwomen.org/en/csw>
- UN, Human Rights Council, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/33/7/Add.1, 2 September 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/195/60/PDF/G1619560.pdf?OpenElement>
- UN, Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, A/HCR/33/7, 8 July 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/146/45/PDF/G1614645.pdf?OpenElement>
- United Nations Digital Library, Declaration on the Right to Peace, <https://digitallibrary.un.org/record/855187>
- United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995, paragraph 134. <https://www.un.org/womenwatch/daw/beijing/platform/armed.htm>
- Valenius, Johanna, *Gender mainstreaming – what and why?*, European Union Institute for Security Studies (EUISS) (2007), pp. 11-32.
- Van Gilder, Bobbi J., *Femininity as Perceived Threat to Military Effectiveness: How Military Service Members Reinforce Hegemonic Masculinity in Talk*, *Western Journal of Communication*, 83:2, 2019, pp. 151-171
- Vanoni, L. P. and Vimercati, B., *Dall'identità alle identity politics: la rinascita dei nazionalismi nel sistema costituzionale europeo*, *Quaderni costituzionali* (ISSN 0392-6664), Fascicolo 1, March 2020.

- Voluntary military service, an opportunity not an obligation*,  
<https://www.bundeswehr.de/en/about-bundeswehr/ranks-and-careers/voluntary-military-service>
- Voluntary military service: an opportunity, not an obligation*,  
<https://www.bundeswehr.de/en/about-bundeswehr/ranks-and-careers/voluntary-military-service>
- War Resisters International, "15th May International CO Day: Focus on Greece",  
[https://www.wri-irg.org/sites/default/files/public\\_files/br66-en.pdf](https://www.wri-irg.org/sites/default/files/public_files/br66-en.pdf)
- War Resisters International, *Conscientious objection to military service in Greece: human Rights shortfalls*, <https://wri-irg.org/en/news/2005/greece05a-en.htm#fnB4>
- War Resisters International, Country Report and updates: Greece, last revision 08 Mar 2021, [https://wri-irg.org/en/programmes/world\\_survey/country\\_report/en/Greece](https://wri-irg.org/en/programmes/world_survey/country_report/en/Greece)
- War Resisters International, Report for the Human Rights Committee in relation to Article 18 of the International Covenant on Civil and Political Rights, February 2005, <https://wri-irg.org/en/news/2005/greece05a-en.htm#fnB4>
- War Resisters' International, *In Prison Now: Prisoners for Peace List, November 2021*, <https://wri-irg.org/en/story/2021/prison-now-prisoners-peace-list-november-2021>
- War Resisters' International, "Country report and updates: Germany", Rebecca Hummler, 2017, [https://www.wri-irg.org/en/programmes/world\\_survey/country\\_report/de/Germany](https://www.wri-irg.org/en/programmes/world_survey/country_report/de/Germany)
- War Resisters' International, "Italy ends compulsory military service on 1 January 2005", <https://wri-irg.org/en/story/2004/italy-ends-compulsory-military-service-1-january-2005>
- War Resisters' International, *Country Report and Updates: Finland*, last revision October 2021, [https://wri-irg.org/en/programmes/world\\_survey/country\\_report/de/Finland](https://wri-irg.org/en/programmes/world_survey/country_report/de/Finland)
- War Resisters' International, *General panorama of Conscientious Objection in the World*, 2006. <https://wri-irg.org/en/news/2006/bogota06-worldco-en.htm#fn0>
- War Resisters' International, *The Return of Conscription?*, by Hannah Brock, 2018. [https://wri-irg.org/en/story/2018/return-conscription#\\_ftn10](https://wri-irg.org/en/story/2018/return-conscription#_ftn10)
- War Resisters' International, *Turkish Women Awaken to Conscientious Objection*, Ferda Ülker, <https://wri-irg.org/en/story/2011/turkish-women-awaken-conscientious-objection>
- Whitt, Jacqueline E. & Perazzo, Elizabeth A., *The Military as a Social Experiment: Challenging a Trope*, Parameters 48, no. 2, 2018,

[https://press.armywarcollege.edu/parameters/vol48/iss2/3?utm\\_source=press.armywarcollege.edu%2Fparameters%2Fvol48%2Fiss2%2F3&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://press.armywarcollege.edu/parameters/vol48/iss2/3?utm_source=press.armywarcollege.edu%2Fparameters%2Fvol48%2Fiss2%2F3&utm_medium=PDF&utm_campaign=PDFCoverPages)

Williams, Cindy, *From conscripts to volunteers, NATO's Transitions to All-Volunteer Forces*, Naval War College Review, Vol. 58, No. 1, 2005, pp. 35-62

Williamson, Lucy, "France's raw recruits sign up for return of national service", BBC, 2019, <https://www.bbc.com/news/world-europe-48755605>

Working Group on women, peace and security, <https://www.womenpeacesecurity.org/>

World Population Review, *Countries with mandatory military service 2021*,

<https://worldpopulationreview.com/country-rankings/countries-with-mandatory-military-service>

Xupolito Tagma, "Greek militarism in the age of SYRIZA", 2016

Xupolito Tagma, "*War against war*", Ioannina 2015

Yuval-Davis, Nira, Women, *Citizenship and Difference*, Feminist Review n. 57, Citizenship: Pushing the Boundaries, 1997

Zak, Barbara, "Conscription in European Union", Europensblog, 2017, <https://europensblog.wordpress.com/2017/03/07/conscription-in-the-european-union/>

Zemlinskaya, Yulia, "Between Militarism and Pacifism: Conscientious Objection and Draft Resistance in Israel", *Contention, Controversy, and Change: Evolutions and Revolutions in the Jewish Experience*, Volume I, edited by Levine, E., and Fishbane, S., Boston, USA, Academic Studies Press, 2016, pp. 198-230

Zubova, Xenia, *Which countries still have conscription?*, 2021.

<https://www.forces.net/world/which-countries-still-have-conscription>

## **Acknowledgements**

My gratitude goes to Professor De Perini, who supported my thesis project from the beginning, and for his insightful comments and suggestions.

I would like to extend my special thanks to the people who shared with me their experience as objectors in Greece, especially Dimitris Angelakis.

Finally, I would like to thank my friends and family for their love and support.