NON-FICTION

THIRD WAY

When Soldiers Say No
Edited by Andrea Ellner, Paul Robinson and David Whetham

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ubtitled Selective Conscientious Objection in the Modern Military, this collection by soldiers and defence aca-
demics differs from the usual focus on 'absolute' conscientious objection (CO) as a universal objection to war. 'Selective' CO is where a soldier, who is not a pacifist, refuses to fight in particular circumstances. Theje might be either jus ad bellum (justice in going to war), or jus in bellum (justice in war's conduct).
The need for this book, say the editors, is that 'Iraq, in particular, undermined one of the key arguments against selective conscientious objection, namely that soldiers should accept that their political masters know best and have information at their disposal which they do not, so they should accept the decisions of the politicians.' The question of who guards the guards has risen to particu-lar prominence given that recent wars involving western powers have been of choice more than necessity.
Wars are fought at the strategic level of political princi-
ple, at the theatre level (such as the Normandy campaign), and the tactical level of the battlefield. Absolute CO would rule out participation in all three, but selective CO opens up layers of nuance. Here lie questions of a soldier's social contract, the moral cohesion of fighting units, and wheth-er or not a military service is voluntary and democratically governed. As such, here is a book that lays out rich ground for moral and political philosophers in exploring whether a soldier's conscience should be respected, or disregarded, by commanders and their sovereign powers.
Central to this framing is Augustine's 'just war' theory; specifically, his view (The City of God, 1:21) that a soldier is 'but the sword in the hand of him who uses it [and] not himself responsible for the death he deals.' Ergo, the 'moral equality' of all soldiers, such as is argued in the chapter by Michael Skerker of the US Naval Academy. In counterpoint, Andrea Ellner of Kings College posits that to deny the right of selective CO by making soldiers adopt the mask of corporate responsibility risks 'de-humanization of the self by causing 'moral injury'.
Melissa Bergeron of West Point argues that selective CO would be impractical, undermining state sovereignty and placing combatants (as the 'lethal instrument of the state') under an intolerable 'additional burden' of having to assess their government's probity. A solider, she concludes, 'must have good reason to believe that her sovereign will not betray that trust [and] will not exploit her obedience [by] employing her in the service of unjust ends.'
However, Bergjpn like several other contributors,
is not rose-tinted in her view of sovereign probity. She acknowledges 'overwhelming evidence that the conduct of the USA over the past decade of war has been manifestly unjust.' However, in a democracy the remedy must rest not with the individual soldier, but with the ballot box: thus 'voting is a duty, in this way of thinking.'
Daniel Zupan, a serving US Army officer with twenty-seven years experience states: 'I have been pressed by a lot of people to explain my decisions and actions... especially with respect to the second Gulf War... an unjust, stupid, immoral war precipitated by one of the most thor-oughly corrupt administrations ever to (mis)lead our country.' He employs Operation Urgent Fury, Reagan's 198? invasion of Grenada, to argue that the speed of an attack may permit no time for soldiers to research the jus-

tice of a cause. Jus ad bello — the strategic reasons for going to war — is beyond a combatant's remit. Jus in bello — the tactics on the ground — is within the remit, and this is what renders selective CO 'a moral requirement' in a just society.
But what about the special responsibilities and 'moral courage' required of high command? For the (sadly) late David Fisher of King's College, 'holding the generals and civil servants who advise the political leaders morally responsible ... is both appropriate and fair and may act as a disincentive to those who might otherwise too readily resort to war.' Pace Nuremberg, that is why the British Chief of Defence Staff and senior civil servants sought the Attorney General's reassurance on Blair's case for Iraq. To insert a personal note here, I guest lecture at the UK Defence Academy on nonviolence and, over fifteen years have paradoxically come to respect the moral fibre of many senior officers. I vividly remember sitting at a dinner table in the month following the invasion of Iraq and, to the horror of my hostess, inquiring of a general (who had issued attack orders) how he felt about possibly being a war criminal.

'It is something that I take very seriously,' he answered. Much to the reassurance of our hostess he seemed pleased to have the opportunity to share his concerns. He too had beaten a track to Lord Goldsmith's door. 'In the end,' he said, 'I was placed in a position where I had to make a moral decision. Did I obey my own gut feelings? Or did I obey orders from my own democratically elected Prime Minister?' Neither had he been privy to Blair's supposed intelligence reports. Were WMDs not found, 'Blair will have led us up the garden path.'
This volume's second half offers case studies from Australia, Israel, Canada and Germany. Stephen Deakin of Sandhurst explores selective CO the British history, begin-ning with Air Commodore Lionel Charlton who resigned in 1924 because of the RAF's indiscriminate bombing of tribal villages in Iraq. (Any notion that such history is behind us should be set against Boris Johnson's 'Spirit of Envy' speech, celebrating our past invasions 90% of the world's countries as having made Britain 'great'.) The level of selective CO in the British forces is, Deakin's fas-cinating study suggests, statistically much understated. Policy on the ground is to deal with soldiers' concerns with as much humanity and as little fuss as possible by mov-ing objectors into less contentious theatres of operation. Selective CO, he adds, is not only about killing. Other resignations have involved subordinates' lives being put at risk because of under-resourcing, and the 2000 policy shift that allows 'known homosexuals' to give military service.

Much of this book's impetus stems from debate within
the International Society of Military Ethics and it is heart-ening to see such depth of inquiry. As a brigadier told me, 'If only the politicians would listen!' For as Lt Col Jurgen Rose of Germany concludes: 'even the toughest troop has a soul of his/her own, and a conscience which tells him/her what you can do and what you cannot.' Military padres, whose voice of ethical restraint has been known to under-whelm, might stand to attention. Alastair Mclntosh

Here lie questions of a soldier's

social contract... whether or not

service is voluntary or democratic.