

Forum: Social, Cultural and Humanitarian Committee (GA3)

Issue: Discussing the ethical implications of mandatory conscription

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INTRODUCTION

The concept of morality and ethics has occupied several ancient philosophers including Socrates, Aristotle and Plato. According to Aristotle, a soldier must possess the virtue of courage. Even though he acknowledges that courage may derive from shame or fear, he views true courage as the magnanimity and the greatness of the soul, which can only be obtained through long-standing education. Military education can be considered as a way to cultivate courage. Hence, military service is an action that brings virtue and consequentially, conscription is a policy which promotes virtuous traits in citizens, marking Aristotle's favorable opinion on the matter. ¹

Our world is currently experiencing several multidimensional conflicts like the Russo-Ukrainian war. A key element that permits these conflicts to last is its disposable manpower according to each country's conscription laws. For example, the Ukrainian government, for the sake of the war, has recently lowered its draft-eligible age for men from 27 to 25 years old.² Whereas Russia's House of Parliament decided to raise the maximum age of conscription from 27 to 30 years old.³ This is a means that two countries use, in order to augment the manpower drafted for the army.

This year's conference theme is conflicts' realities and everything that entails them. The consequences of the different conflicts taking place in the socioeconomic, ethical and political sectors coincide with the ones of mandatory military service. Therefore, it is imperative that these be tackled as well.

DEFINITION OF KEY-TERMS

Conscription (or Draft)

Conscription refers to "the act or process of forcing people by law to join the armed services"⁴

¹ De Santis, Guglielmo . *Is Conscription Morally Acceptable according to Aristotle's Virtue Ethics?*

https://www.researchgate.net/publication/338697614_Is_conscription_morally_acceptable_according_to_Aristotle's_virtue_ethics, Jan. 2020.

² Arhipova, Hanna, and Samya Kullab. "Ukraine Lowers Its Conscription Age to 25 to Replenish Its Beleaguered Troops." *AP News*, 3 Apr. 2024, apnews.com/article/russia-ukraine-war-conscription-mobilization-251058a942a253f3eae2c53373adf03.

³ Reuters. *Putin Signs Decree on Spring Military Conscription*. 31 Mar. 2024, p. <https://www.reuters.com/world/europe/russias-putin-signs-decree-spring-military-conscription-2024-03-31/>.

⁴ Cambridge Dictionary. "Conscription." @CambridgeWords, 10 Aug. 2022, dictionary.cambridge.org/dictionary/english/conscription.

Selective Service System

“An American agency which manages a conscription program to deliver personnel to the Department of Defense (DoD) if authorized by Congress and the President. It was first introduced by President Wilson in 1917.”⁵

ALTERNATIVE SERVICE WORKER (ASW)

“Alternative Service Workers are individuals who have been granted Conscientious Objector to all military service by their Local Board or Appeal Board.”⁶

Anti-militarism

The Anti-militarism ideology is described as “the opposition to the idea that it is necessary to have strong armed forces and that they should be used in order to win political or economic advantage”.⁷

BACKGROUND INFORMATION

Historical Information

The concept of mandatory military enlistment has existed- with various alterations and different forms- since ancient Mesopotamia and specifically during the time of the Babylonian empire. Around that time, during the reign of Hammurabi in 1750 BC, a primary form of conscription was introduced, called “Ilkum”.

According to this system, whenever the empire faced a war, its leaders had the right to call upon citizens to serve in the army. However, during peacetime, the citizens were unpaid workers serving the government and in return, were given land. Based on this system, several other regions implemented it.⁸ Military conscription has played an integral role in all following war-related historical events, including the French Revolution, the Cold War as well as the First and Second World Wars.

⁵ What Is the Selective Service System . hasbrouck.org/draft/advice/selective-service.html.

⁶ UNITED STATES GOVERNMENT. “Alternative Service Program.” Selective Service System, www.sss.gov/register/alternative-service/.

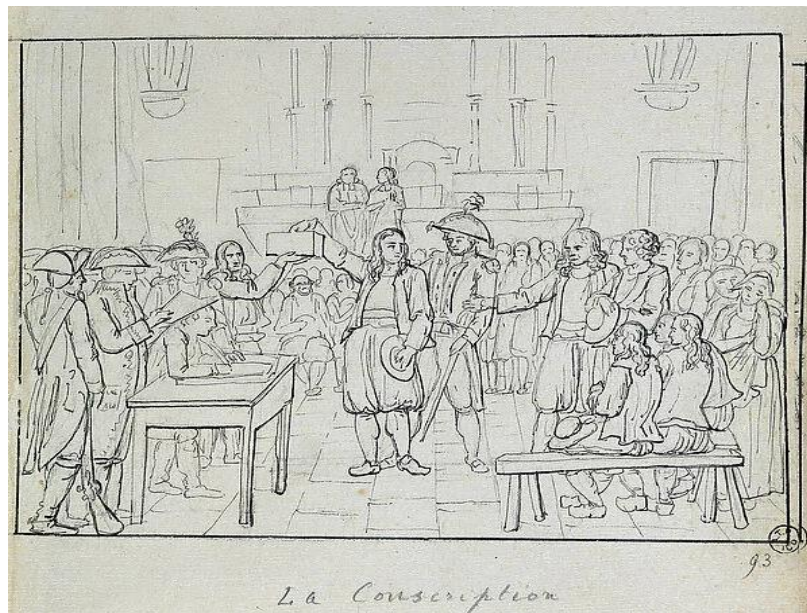
⁷ Cambridge Dictionary. “Anti-Militarism.” @CambridgeWords, 10 July 2024, dictionary.cambridge.org/dictionary/english/anti-militarism?q=antimilitarism.

⁸ “Ilkum - Governments and Policies - Civlopedia - Civilization VI.” Www.civlopedia.net, www.civlopedia.net/rise-and-fall/governments/policy_ilkum.

French Revolution

The French Revolution was a landmark event during the 1790s. It began in 1789 and ended in the late 1790s with the ascent by Napoleon Bonaparte. During those days, the French economy was in recession due to its costly participation in the American Revolution and the extravagant expenditures of the royal couple The aforementioned, combined with the heavy taxes and the extremely high prices of all products was the motive of the revolutions.⁹ The prime causes of the revolution were, among others, the prevalent enlightenment ideas which referred to a more democratic rule rather than a monarchical one and the fact that the French monarchy was no longer considered to be divinely ordained. On July 14, 1789, the Parisian crowd stormed the Bastille, a symbol of royal tyranny.¹⁰

In April 1792, the newly elected Legislative Assembly declared war on Austria and Russia, where it believed that French émigrés were building counterrevolutionary alliances. The relevant policy of conscription is called “Levée en masse”. During the Revolutionary Wars (1792-1799) all able-bodied unmarried between the ages of 18-25 were called upon to join the military. Even though in 1790, there was a small military unit of professional soldiers, after the outbreak of the war a great number of volunteers joined the army. However, after some time an additional unit was requested until the Levée en masse was decreed. Even though there were numerous draftees, a quarter to million men were under arms. Their families received generous veterans’ privileges.¹¹



⁹ History.com Editors. “French Revolution.” History.com, A&E Television Networks, 9 Nov. 2009, www.history.com/topics/european-history/french-revolution.

¹⁰ The Editors of Encyclopaedia Britannica. “French Revolution | Causes & Effects | Britannica.” Www.britannica.com, 21 June 2022, www.britannica.com/summary/Causes-and-Effects-of-the-French-Revolution.

¹¹ “Levée En Masse | French History.” *Encyclopedia Britannica*, www.britannica.com/topic/levee-en-masse.

Fig. 1: conscription scene in Brittany in 1793¹²

The ethics of conscription

When it comes to forcing someone to join the military and potentially risk their lives to a war or conflict, several ethical implications entail it. Throughout history, there have been several interpretations of conscription and its correlation to ethics.

Conscription is an agreement between citizens and the state

The political institution that reigns a sovereign nation grants several privileges to its people including free education, healthcare, and other services. In return, the state asks its citizens to fulfill certain obligations like taxation, jury duty, and military service. In a hypothetical concept, any reasonable man would agree to be governed by a state and therefore accept its decisions and way of reigning. However, there are some issues that are raised.

Firstly, in case of a tyrannical or a corrupted rule, such a case wouldn't exist as the state wouldn't fulfill its part of the agreement. Moreover, one of the government's obligations is the protection of the rights of its people. When referred to the right to life, conscription would seem extremely unethical.¹³

Conscientious Objectors

Conscientious Objectors is a status that was adopted by many men during the Second World War. The term refers to those who object to military service based on mostly religious and philosophical and political beliefs. Some of them refuse to undergo any kind of military procedures. This phenomenon has existed since the start of Christianity. Governments tend to be disbelieving and unsympathetic with this stance of life and such stances are usually considered as violations of the law.

Even though this status has existed in the US since the colonization of Pennsylvania in 1756, it became prevalent during the American Civil War. During those years, those granted conscientious objector status were treated as alternative service workers meaning that they supported the war efforts through other means such as military taxation. However, the status applied for those who were certified to be members of a specific religious sect, philosophical, political, and personal justifications were deemed unfit.

European countries like Great Britain, France and Belgium were not very receptive to this phenomenon. Great Britain made several attempts to approach the objectors by establishing a non combatant corps during the first world war but it lacked popularity. After some years the English government created certain types of exemptions, but they were not responsive to the objectors' beliefs. Finally in 1968 when conscription was over, recruits were allowed to terminate their term invoking that status.

¹² "Prints of French Revolution: Conscription Scene in Brittany in 1793. Paris, Musee Carnavalet." Media Storehouse Photo Prints, www.mediastorehouse.com/fine-art-finder/artists/school-indian/french-revolution-conscription-scene-brittany-22855048.html.

¹³ Arnet, Evan. "The Ethics of Conscription." *Prindle Institute*, 21 Feb. 2024, www.prindleinstitute.org/2024/02/the-ethics-of-conscription/.

As far as France and Belgium were concerned, several years passed until they recognized a religious and philosophical basis for quitting the military. On the contrary, Scandinavian countries were more flexible and recognized all types of objectors.¹⁴

The issue of sexism

Traditionally, the military service involves men or young boys rather than women, so it is viewed as a masculine activity. According to researchers of the University of Wisconsin- Madison, those men who serve in the military are susceptible to adopting sexist homophobic attitudes against women and homosexuals and generally towards the whole concept of homosexuality or old-fashioned sexism.

They also argue that conscripted men tend to engage in Intimate Partner Violence (IPV) as they are more authoritarian, aggressive, and conservative. All these are caused by the fact that military service enhances the appropriate masculine self- image that armed forces require.¹⁵

Another case in point of sexism relates to the presence of women in the armed forces. Although women weren't allowed to enlist until recent years, discrimination cases are detected. According to a 2021 study, and more specifically in the US Army's elite Special Operation Forces, women are facing significant discrimination including sexual harassment and sexism from their male counterparts and are required to wear ill-fitting equipment.

According to the survey, 40% of women consider gender bias in the workplace a problem, and that all sexist comments express a "common sentiment". The unwelcoming status of women by many men in the US Army is summarized in the words of one senior non-commissioned officer and his fellow: "[Women in the army] are looking for a husband, boyfriend or attention." and "dread(s) the day a woman arrives on a team and I hope I am retired by the time that happens."¹⁶

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Israel

On October 7th, 2023, the Hamas Soldiers and other Palestinian military groups launched an attack against Israel. Ever since the two nations have engaged in a conflict until the present where millions of lives are lost, displaced and harassed. Even though all Jewish men up until the age of 40 are obligated to serve a two-year sentence, Ultra-Orthodox parties have been finding ways to avoid the service since the founding of the Israeli state in 1948.

However, on June 25th, 2024 Israel's Supreme Court unanimously ordered the government to begin drafting ultra-Orthodox Jewish men into the army which make up almost 13% of the Israeli population. Following up to this event, thousands of Jewish ultra-Orthodox men clashed with Israeli police in central Jerusalem throwing rocks at the police forces and attacking a minister's vehicle.

¹⁴ "Conscientious Objector | Definition, History, & Facts | Britannica." Encyclopædia Britannica, 2020, www.britannica.com/topic/conscientious-objector.

¹⁵ Gibbons, Por. Military Conscription, Sexist Attitudes, and Intimate Partner Violence. June 2020.

¹⁶ Britzky, Haley. "Study Reveals Persistent Sexism toward Women Serving in US Army Special Operations Forces | CNN Politics." CNN, 21 Aug. 2023, edition.cnn.com/2023/08/21/politics/army-women-special-operations-study/index.html.

The concept of the draft has caused resentment as over 600 soldiers have been killed in fighting, and tens of thousands of reservists have been activated, upending careers, businesses and lives.



Figure 2: Israeli orthodox protesting after the court's decision for enlistment¹⁷

Latvia

Latvia is the first country in Europe to reinstate compulsory military service with a unanimous vote of the parliament, on April 5th, 2023, after having abolished it in 2007. This measure was taken in response to its membership in the European Union (EU) and the North Atlantic Treaty Organization (NATO) which was deemed as a security guarantee.

This action can be interpreted as a precaution to the Russo-Ukrainian conflict taking place as Latvia is within close geographical proximity. Men are required to complete an eleven-year service whereas enlistment for women is at their personal discretion. Generally, the Latvians are divided when it comes to this issue, but the government intends to devote more resources for this cause.¹⁸

The United States of America (USA)

Since the French Revolution, the USA has been exemplary in the topic of conscription. The draft was primarily implemented during the American Civil War between 1861 to 1865. In the middle of the war, the Congress validated the Civil War Military Draft Act of 1863. The Act dictated that all males between the ages of 20 and 45 were to report for duty to their country. Even though this rule was to be applied to all males, the wealthier tended to pay substitutes to do their job.

Several years later, during President Wilson's term on May 8, 1917, the new Service Selective System replaced the previous act, however this system is in a "stand by" mode and used when needed. In September 1940, Congress passed the Burke-Wadsworth Act which lasted

¹⁷ ZWIGENBERG, OHAD. "Ultra-Orthodox Protest against Order to Enlist in Israeli Military Turns Violent in Jerusalem." *AP News*, 30 June 2024, apnews.com/article/israel-draft-ultraorthodox-qaza-war-5b17485638c0a3e578b179a8bbf44fe8.

¹⁸ "Mandatory Military Conscription in Europe: Addressing Past or Present Threats?" PubAffairs Bruxelles, www.pubaffairsbruxelles.eu/opinion-analysis/mandatory-military-conscription-in-europe-addressing-past-or-present-threats/.

until 1977. Currently, the USA doesn't have draft laws, but it is within the president's discretion to impose it in case of national emergency.¹⁹

European Bureau for Conscientious Objection (EBCO)

The European Bureau for Conscientious Objections (EBCO) was founded in 1979 and is based in Belgium. Its main occupation is the relishing of all imprisoned objections and the promotion of campaigns within European institutions so that they grant the objection status. It collaborates closely with national and international organizations like the UN and the EU.

It also argues in favor of the termination of conscription procedures and other conflicts taking place as well as the granting of asylum for all objectors whose rights are being violated. Moreover, it participates in the drafting of the annual report of the Committee on Civil Liberties of the European Parliament referring to objectors' services as well as provides legal expertise in the concept of human rights on behalf of the council of Europe. Lastly, in cooperation with all European states, it works for the abolishment of compulsory military service²⁰

War Resisters' International (WRI)

The War Resisters' International is a non-governmental organization which affiliates with numerous other organizations internationally. Their operation is divided into five domains, all of which operate until the concept of antimilitarism. The most important ones are the programme called "Right to refuse to kill" which refers to the right of conscientious objectors and the "Nonviolence Programme" which provides adequate training and resources on the means and methods of nonviolent social change.

Moreover, they fight against the militarization of the youth and resist the profit gained through conflicts by conducting seminars and training for activists. Since 1921, an affiliate organization has been created which goes by the name of War Resisters' League (WRL)²¹

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1750 BC	A primary form of conscription was used by the Hammurabi which goes by name "Ilkum"
5 May 1789 – 9 November 1799	The French Revolution took place. The new government introduced a conscription system

¹⁹ "The Draft." *History.com*, 13 Oct. 2017, www.history.com/topics/us-government-and-politics/conscription.

²⁰ "About EBCO | European Bureau for Conscientious Objection." *Ebco-Beoc.org*, 2023, www.ebco-beoc.org/aboutebco.

²¹ "Programmes & Projects." *War Resisters' International*, wri-irg.org/en/programmes.

12 April 1861 – 9 April 1865	The American Civil War occurred. The conscientious objector phenomenon was most prevalent during those years.
29 August - 5 September 1791	The election of the Legislative Assembly in France
3 March 1863	The Civil War Military Draft Act
18 May 1917	The Selective Service System introduced by President Wilson in the US
10 December 1948.	The signing of the Universal Declaration of Human Rights
29 April 1964 - 21 June 1973	In response to the Vietnam war the Australian government imposed military conscription, and a mass movement broke out. Eventually, the new government abolished it
23 March 1976.	The International Covenant on Civil and Political Rights enters into force
March 1979	The founding of the European Bureau for Conscientious Objection (EBCO)
29 September 2017	HRC resolution regarding the conscientious objector status
5 April 2023	Latvia reintroduces military conscription in response to the Russo-Ukrainian conflict
7 October 2023	Palestinian forces invade Israel

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Universal Declaration of Human Rights - Article 18²²

The Universal Declaration of Human Rights was created shortly after the Second World War on 10 December 1948. In the declaration all human rights are outlined, and all states are required to abide by it. The specific article outlines that everyone is entitled to free thoughts,

²² United Nations. "Universal Declaration of Human Rights." *OHCHR*, United Nations, 1948, www.ohchr.org/en/human-rights/universal-declaration/translations/english.

conscience and the choice of religion. This article goes hand in hand with the second paragraph of article 18 of the International Covenant on Civil and Political Rights which addresses the matter of coercion that would impair one's freedom to have or adopt a certain religion and/or belief. These two articles outline the right to everyone to be granted a conscientious objector status.

International Covenant on Civil and Political Rights - Paragraph 2, Article 18²³

The international Covenant on Civil and Political Rights was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. This article as a whole reaffirms the right to thought, conscience and religion whereas the second paragraph refers specifically to the prohibition of coercion that impairs freedom in regard to the above. Connected to the 18th article of the Universal Declaration of Human Rights, it acknowledges that all individuals have the right to abstain from military service due to religious affairs.

Resolution of the Human Rights Council /HRC/RES/36/18 (29 September 2017)²⁴

The resolution of the Human Rights Council regarding the Conscientious Objection to military service was adopted on September 29th, 2017, and came into force on October 4th, 2017. This resolution recalls the Universal Declaration of Human Rights applied to all individuals without any racial, sexual, religious, national, and political exemptions as well recognizes the right to life as expressed in the said Declaration and in International Covenant on Civil and Political Rights.

Furthermore, it reaffirms the 18th article of the Universal Declaration of Human Rights referring to the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion and calls for a massive report in cooperation with respective UN agencies, governmental organizations and programmes regarding application procedures in order to obtain conscientious objector status.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Legal Handbook on the Rights of Conscripts

The Legal Handbook on the Rights of Conscripts was created by the Geneva Centre for Security Sector Governance (DCAF) in 2020 and refers to all states with democratic rule of law. It outlines all the human rights and obligations of all military personnel as described in the European Convention and contains recommendations for national authorities and the international community to ensure that legal regimes, policies and practices fully protect the rights of conscripts.

The handbook is aimed at all individuals who are involved in maintaining the draftees' rights. It revolves around nations such as Armenia and Belarus that rely on a conscript -based system. However, little research has been conducted in these countries regarding the legal protection of military conscripts.

²³ United Nations. "International Covenant on Civil and Political Rights." OHCHR, United Nations, 16 Dec. 1966, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

²⁴ United Nations General Assembly. Conscientious Objection to Military Service. 27 Sept. 2017, documents.un.org/doc/undoc/gen/g17/289/16/pdf/g1728916.pdf?token=UsountFAi6XRhRRea&fe=true.

Through this handbook the authors aim to express specifically all human rights that conscripts are entitled to in an attempt to improve the conditions of compulsory military service wherever it exists as well as protect the rights for all conscripts. Even though the abolishment of conscription is the definite solution, each sovereign state is entitled to decide whether conscription should exist, but human rights are imperative.²⁵

The Anti-Conscription Movement in Australia

Australia has a long history of opposition to military conscription and the major events occurred between 1964 and 1972. The reintroduction of compulsory military service on April 29th, 1964, came in the context of the conservative federal government's support for the Vietnam War. Approximately 15,300 men were conscripted into the Australian Army for that cause, of whom more than 200 died and at least 1,200 were wounded on active duty.²⁶

Pacifists, the Australian Labor Party, Communist Party of Australia, churches, unions and other groups started protesting in response to the government's decisions in May 1970. Over the next eight years, the poorly supported movement became a mass movement. Influenced by overseas campaigns and military failures of the US led coalition, most Australians rejected the idea of war. The campaign against military service used increasingly violent tactics which led to the arrest and jailing of activists for activities including refusing to register for the draft. These encouraged more than 11,000 Australians to refuse to register for conscription by the end of 1970. They also exposed the government's inability to arrest more than a tiny minority of resisters.²⁷

Eventually On December 5th, 1972, Gough Whitlam became Australia's new prime minister. One of his government's first decisions was to end national service. The National Service Termination Act 1973 was passed on June 21st, 1973.

²⁵ Chamakh, Elizaveta, et al. Legal Handbook on the Rights of Conscripts PEER-REVIEWED PUBLICATION. 2020.

²⁶ Department of Veterans' Affairs. "Conscription and the Birthday Ballot." Anzac Portal, 2021, anzacportal.dva.gov.au/wars-and-missions/vietnam-war-1962-1975/events/conscription-and-birthday-ballot.

²⁷ Antje. "Draftmen Go Free: A History of the Anti-Conscription Movement in Australia." The Commons, 10 Oct. 2022, commonslibrary.org/draftmen-go-free-a-history-of-the-anti-conscription-movement-in-australia/.



Fig. 3: Australians protesting against the government's decision for conscription²⁸

POSSIBLE SOLUTIONS

Alternative Service Work (ASW)

The Alternative Service Work (ASW) is a policy created for those granted conscientious objector status in replacement to the normal military conscription. Even though some countries are already implementing this policy, most of the countries are facing issues with conscription due to its ethical implication. So, all nations could implement such policies.

Most specifically, instead of the normal conscription process, those not serving - justifiably- the army could enroll to other relevant activities including medical training, community service in supplementation centers and provision of military taxes. Even though sometimes conscientious objectors are treated differently and are described as cowards or slackers, such a solution could dissolve these kinds of discriminations whereas the objectors themselves could feel that they contribute to society.

Fringe Benefits for war veterans

Veterans of the war consistently report that after their time in the military they are unable to find a job due to certain war relics like physical disabilities or psychological conditions like Post Traumatic Stress Disorder (PTSD) or because of their inexperience in a word domain. Under these conditions, it is difficult for them to earn a living. This is why the government should provide

²⁸ Antje. "Draftmen Go Free: A History of the Anti-Conscription Movement in Australia." *The Commons*, 10 Oct. 2022, commonslibrary.org/draftmen-go-free-a-history-of-the-anti-conscription-movement-in-australia/.

for them fringe benefits including housing, emotional and physical care as well as allowances. Such fringe benefits could also apply to the family of the conscripted while they are at war.

It should be noted that such measures are popular among More Economically Developed Countries like the US or Scandinavian countries but are not established in other African or Asian countries. Even though such a policy may not be possible to be implemented in the said nations due to financial issues, they could receive assistance from the UN or other relevant organizations.

Transparency between the state and the people

In this day and age of wars and conflicts some nations choose to impose conscription during peacetime as a precaution. However, this measure is neither cost-efficient nor acceptable by its people. Thus, to avoid public reactions, the government could be transparent with its people so that they know their plans and intentions so that they might want to volunteer into the army so that mandatory conscription could be avoided should the number of personnel be sufficient.

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