

Book Review: When Soldiers Say No: Selective Conscientious Objection in the Modern Military, edited by Andrea Ellner et al.

When Soldiers Say No brings together arguments for and against selective conscientious objection, as well as case studies examining how different countries deal with those who claim the status of selective conscientious objectors. This collection adds considerably to the literature by bringing together a range of perspectives on the merits of selective conscientious objection, as well as consideration of its application (or lack thereof) in a number of states, writes **Gary Wilson**.

When Soldiers Say No: Selective Conscientious Objection in the Modern Military. Andrea Ellner, Paul Robinson and David Whetham (eds.)
Ashgate. January 2014.

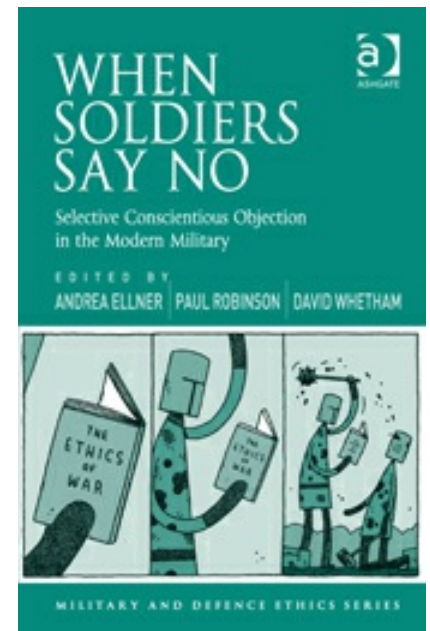
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This edited collection comprises fourteen contributions from a range of perspectives – military, philosophy, international relations, and law – upon the controversial topic of selective conscientious objection in the military. Put simply, this doctrine concerns the process whereby military personnel object outright opposition to all military action, for example on pacifist grounds. The collection aims to provide a “fresh and thorough evaluation of the topic” and broadly comprises of efforts which evaluate the relative merits of affording recognition of selective conscientious objection and case studies of the doctrine’s treatment in selected countries.

In light of recent controversial military episodes, such as the 2003 US/UK led invasion of Iraq, and instances of selective conscientious objection which they have given rise to, the book is clearly of timely relevance. More generally, the end of conscription in many states and the transition to volunteer armed forces means that the overwhelming number of claims of conscientious objection come from existing military servicemen and are selective in nature.

The first six chapters of the book are concerned with the arguments for and against acceptance of selective conscientious objection. The reasoning employed by the various contributors takes the form of a mixture of perspectives grounded largely in moral philosophy, but also tactical military considerations and political practicalities. A key tension exposed in these contributions is that which exists between permitting individuals to follow the demands of their own consciences with the importance of ensuring obedience to the collective needs of the state as embodied in the manner in which its institutions opt to exercise its sovereign powers.

The argument employed in the first chapter by Imiola is particularly interesting. He describes the traditional perception of soldiers as servants of the state, not best placed to make decisions concerning military operations undertaken by the state. However, as he goes on to demonstrate, soldiers are nonetheless moral agents possessed of an individual responsibility which entails a moral obligation on their part to refuse to perform immoral acts. By contrast, some of the other contributions (for example, those by Bergeron and Fisher) highlight the extent to which recognition of selective conscientious objection undermines sovereign powers, the individual will of soldiers having to be negated to the collective will of the state.





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Chapters seven to eleven provide case studies of the approaches taken towards selective conscientious objection in five states: Australia, Britain, Israel, Canada and Germany. The examples of Britain and Israel provide for an interesting contrast. In considering the former in chapter eight, Deakin shows that Britain has encountered very few cases of selective conscientious objection in practice. However, although a low key approach is evident towards their treatment, such claims have been dealt with “through an approach characterized by common sense administrative leniency”. Nehustan surveys Israeli case law in chapter nine. While arguing that there is no justification for only recognising claims of “absolute” conscientious objection, he illustrates that the Israeli Supreme Court has failed to deal with claims of selective conscientious objection fairly. The final three chapters of the collection attempt to draw out some conclusions from the discussion provided in the preceding eleven contributions.

Being an edited collection, and one grounded in varying disciplinary perspectives, there is no singular uniform argument flowing through the work. This is to be expected. The arguments advanced on the merits of selective conscientious objection, however, are nonetheless logical and advanced coherently. The case studies likewise are well researched and presented within the contexts of the dynamics of the relevant states’ military, legal and political structures.

A major strength of the book lies in its plugging a gap within the existing literature on the subject. Discussion of selective conscientious objection has been relatively limited and consists for the most part of shorter pieces and/or treatment of narrow or specific aspects of the doctrine or instances of its invocation. This collection thus adds considerably to the literature by bringing together a range of perspectives on the merits of selective conscientious objection, as well as consideration of its application (or lack thereof) in a number of states. Its interdisciplinary nature is particularly attractive.

The shortcomings of the book are few, but it is unfortunate that the chapters which address the arguments for and against selective conscientious objection appear to be almost exclusively grounded in considerations of a philosophical nature. While clearly at the very core of debates over the merits of selective conscientious objection, there are also various practical considerations applicable to the doctrine – for example, its effects on military

discipline, the question of its effective administration, and development of criteria to govern its recognition – which might perhaps have been afforded greater consideration at some point. While the case studies utilised are perfectly reasonable enough, the absence of the US might be questioned given its status as the biggest military power and the instances of selective conscientious objection which its involvement in Vietnam gave rise to. These criticisms should not, however, detract from the book's general utility and valuable contribution to the literature in this area.

The book will obviously be of great appeal to anyone with an interest in selective conscientious objection in the military, but is also, more broadly, likely to be of interest to those engaged in military ethics, defence studies, international relations, international law, human rights, and moral philosophy.

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