

WHO OWNS YOUR BODY: CONSCIENTIOUS OBJECTORS IN CROATIA IN THE 1990S

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Summary

The collapse of Yugoslavia in the early 1990s changed little in the relationship between male citizens and the state. In fact, ownership of men's bodies became a token of statehood, as different republics assumed and legislated their right to draft men into their smaller armies. In Croatia, men could, at least nominally, exercise their new right to conscientious objection from 1990 onwards. This article traces the adoption and implementation of the Article 47 of the Croatian Constitution in 1990, which allowed conscientious objectors to complete civilian instead of military service. I draw upon letters to the Croatian Ministry of Defence, written in the 1990s by men who claimed their right to conscientious objection, to investigate the constraints and possibilities of voicing dissent by men at this time. How men narrated their reasons and motivations portrays the dilemmas of pacifism in the context of a defensive war. Even in these narrow frames, men have found enough space to evoke their own understandings of democratisation, individual rights and European political standards, narratives which were later used in calls to abandon military conscription altogether.

Key words: Conscientious objection, conscription, military, citizenship, Croatia, masculinities

This topic brings me to that worst outcrop of the herd nature, the military system, which I abhor. That a man can take pleasure in marching in formation to the strains of a band is enough to make me despise him. He has only been given his big brain by mistake; a backbone was all he needed. This plague-spot of civilization ought to be abolished with all possible speed. Heroism by order, senseless violence, and all the pestilent nonsense that does by the name of patriotism – how I hate them! War seems to me a mean, contemptible thing:

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I would rather be hacked in pieces than take part in such an abominable business. – Einstein, 1931

When Einstein wrote and published these words in the New York-based magazine *Forum and Century*, he could hardly have anticipated that they would re-appear more than 60 years later in a very different context. And yet in April 1994, a young Croatian man used this particular quote in a letter to the Croatian Ministry of Defence to strengthen his claim to conscientious objection (CO) – requesting to complete civilian rather than military service. The strong and unwavering language may seem surprising in a letter that would ultimately decide whether its author would be sent to war or jail, would maybe kill or be killed. However, the fact that this letter exists at all is even more surprising. In 1994, a third of the Republic of Croatia was under the control of the Serbian forces and renamed as the Republic of Serbian Krajina. President Franjo Tuđman, although one of the signatories of the 1992 ceasefire that formalised this situation, never pretended that the Croatian government would reconcile itself with this situation. On the contrary, the Ministry of Defence was at this time preparing a plan to reclaim what it saw as the occupied territory. And it perceived participation in this plan as a duty of all Croatian men to their 'Homeland'.

That men should be ready to fight in a national war of liberation was already a Yugoslav construct, but it benefitted from practical implementation from the summer of 1991, as the Yugoslav People's Army (Jugoslavenska narodna armija – JNA) and Serbian paramilitaries moved in to establish control over the Republic of Croatia. Falling easily into the model as national defenders, many men found a personal sense of agency in this mobilisation. However, if in this period men saw fighting as the perfect way to regain their male dignity, how can we account for 882 requests for alternative civilian service filed in Croatia alone between 1992 and 1995?¹ Did these men simply disregard their pronounced duty to defend Croatia's territorial sovereignty? How could they narrate themselves in a time when discursive space for alternative masculinities was severely restricted? In order to answer these questions, this article investigates the stories of men who are still largely invisible in the scholarly analyses of the region: those who – despite the intense pressure from the state and society – chose not to fight and were forced to articulate their reasons for doing so. Thirty eight letters written by Croatian² conscientious objectors³ (COs) to the Croatian Ministry of Defence between 1992 and 1998 are analysed here to

¹ All numbers relating to conscientious objectors come from a study by Siniša Tatalović and Vlatko Cvrtila (2003.: p. 29).

² Of Croatian citizenship, i.e. subject to military conscription by the newly formed Croatian state.

³ The term of conscientious objector is used here for any man who claimed this legal right and not only those to whom, as in Rachel Barker's definition (1982), this status was actually granted by the state. I believe that Barker's definition obstructs the complicated negotiation about what can be classified as conscientious objection, in which men and the state engage.

provide a more nuanced vision of the types of masculinities present in Croatia in the 1990s.

The ease with which the myth of the 'Homeland War', as a purely bottom-up mobilisation against the enemy, spread, not only restricted narrative possibilities for men who did not want to serve, but it also rendered them invisible. Even Zoran Oštrić, one of the campaigners for conscientious objection, reproduced this narrative, writing in 1992 that 'Croats weren't "called up" to fight – the war has been thrust upon them' (Oštrić, 1992.: p. 6). Many years later, the story still lives on, as in Alex Bellamy's analysis of the relationship between Croatia's military and society, which claims that 'the Croatian military only recruited volunteers and was never short of such people' (Bellamy, 2003.: p. 187). Whilst this might have been true in certain areas of the country in 1991, once the ceasefire was signed in January 1992, mobilisation actually became more organised, marking the strengthening of the state prepared to reclaim the territory it lost control over. According to the Croatian Memorial and Documentation Centre of the Homeland War, 360,070 men were to be drafted between 1991 and 1995 (Croatian Memorial and Documentation Centre of the Homeland War, *Kronologija*, n.d).

In addition to exploring personal narratives and circumstances of these men, this article also embeds the concept of conscientious objection within the wider discussions of male citizenship, tensions between individuals and the community, personal and national self-determination and state sovereignty. In times of war, pressure on non-combatant men becomes quite formidable (Jones, 2006), making the usual controversies surrounding these issues into matters of life and death. And so the issue of conscientious objection highlights again and again the unresolved tensions in liberal democracy between individual and community rights, citizenship and civic duty, many of which continue to be hotly debated today.

The article of the peace activist Zoran Oštrić quoted above demanded that Croatia's specificity be taken into consideration, and that military service in an attacked country such as Croatia cannot be equated with that of the aggressor Yugoslavia/Serbia. To elucidate his case, Oštrić goes even as far as comparing the Croatian context to the situation in Poland when it was attacked by Nazi Germany (1992.: p. 6). However, it should not be forgotten that conscientious objection was most widespread in Great Britain during the First and Second World War, when the country similarly could not be considered the aggressor. If anything, this only draws attention to the continuous nature of these discussions and – where applicable – I will make references to and comparisons with conscientious objection across time and space.

MEN AS SOLDIERS

Feminist scholars have demonstrated how in this period, Croatian, Bosnian and Serbian men were mostly present in political and media discourse as soldiers, a rhetoric that was expressed with conspicuous confidence and naturalness (Sofos, 1996; Renner and Ule, 1998; Bracewell, 2000; Mostov, 2000; Kesić, 2002; Milićević, 2006). This lack of any doubt about the legitimacy of the state to require military service of men and not even the slightest consideration that they might not want to serve is striking, but perhaps unsurprising given both the tenacity of the cultural model of men as defenders and Yugoslavia's history.

The antifascist movement during the Second World War, with its mass mobilisation of both men and women, constituted one of the founding myths of Yugoslavia. Throughout the entire lifespan of Yugoslavia, this myth was reaffirmed through both partisan novels and films. In a society dominated by the pathos of the Partisan struggle, pacifism was consequently not very prevalent (Bašić, 2004a.: p. 90). On the contrary, whilst children and young people were taught in detail about the heroic actions of their Partisan forefathers (and to a lesser extent foremothers), they were also actively prepared for another potential campaign defending the socialist homeland from its enemies. Yugoslavia's defence plans were largely based on the concept of mass mobilisation, and shortly before his death, Tito still stressed how in the case of aggression, every citizen of Yugoslavia had to become a soldier (Bašić, 2004b.: pp. 138-139). To this purpose and not so differently from other socialist states, from 1970 onwards primary school children were taught first aid, whilst secondary school children attended lessons in Defence and Protection (*obranai zaštita*) (p. 147).

Military education did not finish there, as young men aged 18 and above were also liable to military service, which could be between one and three years (depending on the unit, the recruit's educational background and time period – service was shortened after 1952).⁴ Although some men resented military service, before the late 1980s, it was considered by most obvious and unquestionable, a social precondition for marriage and thus a stepping-stone to full manhood.⁵ Unsurprisingly, it was this training that would later serve to establish continuity between the old and new visions of soldiering and masculinity.

⁴ There was a short-lived attempt to introduce military service for women between 1983 and 1985, but this was voluntary and only lasted between two months and 22 days for women soldiers and six months for women officers (Gombač, in Petrović, 2011.: pp. 414-415)

⁵ I am grateful to Wendy Bracewell for bringing my attention to the latter point.

BECOMING CROATIAN SOLDIERS

The myth, the education and the training thus combined to make young Yugoslav men not just prepared to defend their homeland in times of aggression, but also willing to do so through the institution of the army.⁶ It was only the concept of what constituted the homeland that needed to be changed. However, this was achieved progressively through the nationalist rhetoric engulfing Yugoslavia, filtering through the media and the nationalist leaders, and then by the eruption of large-scale violence in Croatia in the summer of 1991. It was the brutal attacks of Serbian paramilitary units, supported by the Yugoslav People's Army and evidenced by the waves of refugees flowing from the attacked areas in the summer and autumn of 1991 that gave credence to the Croatian government's discourse about the 'Greater Serbian aggression' and the need to defend the country that completed the transition from the Yugoslav to the Croatian homeland. General mobilisation was announced on 23 November 1991. This was not only important for defence and establishing sovereignty separate from Yugoslavia, but also for reaffirming the government's authority and monopoly of violence internally. At this point, there existed military units challenging the central government, including the Croatian Defence Forces (Hrvatske obrambene snage – HOS), the paramilitary wing of the rival extreme-right Croatian Party of Rights (Hrvatska stranka prava – HSP).

Although according to Article 5 of the 1991 Croatian Defence Law, 'every citizen of the Republic of Croatia has the duty to protect and defend the independence and territorial integrity of the Republic of Croatia', only men were conscripted for military defence (*Zakon o obrani [Law on Defence]*, 1991.). Since the organisation of conscripts and reservists had resided with the republican authorities already from 1969 (through the establishment of Territorial Defence Forces), it was relatively easy to use these structures later in the war against the JNA and Serbian paramilitaries (apart from the areas already under attack in the summer 1991, where there was not enough time to organise proper mobilisation. In these areas mobilisation mostly occurred on an ad-hoc and bottom-up basis).

However, there was one significant difference from the legal framework of Yugoslavia, and that is Art. 47 in the new Constitution adopted in December 1990, which stipulates as follows:

Military service and the defence of the Republic of Croatia shall be the duty of every capable citizen of the Republic of Croatia. Conscientious objection shall be allowed to all those who for religious or moral reasons are not willing to participate in the performance of military service in the armed forces. Such persons shall be obliged to perform other duties specified by law.

⁶ Although other myths and narratives could be used to motivate men into fighting in less organised local paramilitary units, depending on the local cultural repertoire. Žanić, for instance, highlights the romanticised imagery of *hajduci* as a narrative which was used to describe the relationship between the Serbian rebels and the Croatian state (2007.: p. 115).

This provision was introduced at a time when the ruling party, the Croatian Democratic Union (HDZ), and its leader Franjo Tuđman were making maximum efforts to distance themselves from Yugoslavia and present themselves as pro-democratic, pro-Western and liberal. As Croatia was, at that time, still legally a part of Yugoslavia, adopting such a law was a snub for the authority of the Yugoslav People's Army. Not only did it shift the legal responsibility for the defence of the country from Yugoslavia to Croatia, but it also undermined JNA's basic military doctrine: to be able to draw on any citizen in the interest of the country's defence. Adopting the right to conscientious objection – completing civilian rather than military service – thus emphasised European rather than Yugoslav standards. Although Yugoslavia tolerated religion, it did not allow religious views to trump civic duties or undermine the 'holy' status of the National Liberation War. Article 47 of the new Croatian Constitution clearly demonstrates a change in the way the state is conceptualised, imposing legal limits on what it can demand from its citizens and even allowing for a difference in conscience.

This is the direction in which most European states have been going. National, centralised conscription was introduced in 1793 in France, when the First Republic theoretically gave all its citizens the duty (or the right) to become soldiers in the national army. In this way, popular sovereignty as a right was connected with the duty to protect the values of the Republic. Civic duty, whether political or military, became a part of contemporary republican tradition. However, once created as a model for military victories, (theoretically) universal conscription was replicated soon after by most European countries, democratic or not (Lucassen and Zürcher, 1998.). In countries with stronger liberal traditions (Lockean Liberalism and Thoreau's notion of civil disobedience), like the United Kingdom and the United States, conscription was introduced much later (Civil War and the First World War), and conscientious objection was from the beginning a part of it.⁷ For liberals, a state that requires its citizens to fight in an immoral war can (or even must) be disobeyed (Fiala, 2010.: pp. 141-7).⁸ Naturally, this leaves the issue of the so-called 'just wars' unresolved:⁹ if the war is deemed just (e.g. defensive), should the 'common good' take precedence over individual choices? This is where the notion of citizen duty becomes problematic, and democrats of both republican and liberal traditions continue to fiercely discuss this point, even as most Western countries have by now moved to professional armies. It is, therefore, understandable why, together with discussions on national sovereignty and democracy, this tension was also imported to Croatia.

Although conscientious objection was a constitutional right, the government did

⁷ However, the idea of conscientious objection has not only been practiced in the West. See Lawrence Klippenstein (1999.), for the history of military exemption and exemption from 'ordinary public services' granted to Mennonites in Russia back in 1789.

⁸ See Carter (1998.) for a discussion of various liberal thinkers on this topic.

⁹ The idea of 'just war' long precedes the notions of individualism and political community. In its initial form in the Middle Ages, it was connected to the concept of 'public good' (and the sovereign who decided what constituted public good) and religion, with just war often simply meaning holy war (Johnson, 2007.).

not want to encourage too many men to apply. Not only would many conscientious objectors weaken the country's military capacity, they would also give rise to a whole range of administrative issues common for conscientious objection anywhere: 'where should applicants be "tested", who should "test" them, what conditions of exemption should be allowed, to what use could the labour of genuine applicants be put, what penalties should be imposed on unsuccessful applicants who refused to "join up"', should this be treated as a civilian or military affair (Barker, 1982.: p. 114).¹⁰ These dilemmas were even more pronounced in Croatia's case, as the authorities were only just divorcing the state apparatus and the military structures from those of Yugoslavia and the Yugoslav People's Army.

Consequently, the government simply did not advertise the right to conscientious objection. Since not many people read the constitution, not many men knew they had such a right, and when they received the call-up papers, it was often too late. To complicate matters further, conscientious objection initially only applied to potential new recruits. Since most men had completed their military service with the Yugoslav People's Army, this left a huge pool of reservists who could be drafted. For anyone else, the government set up a non-announced deadline – requests for civilian service had to be submitted by 1 March 1992. Other forms of discouraging civilian service included making it longer than the military service – 15 rather than 10 months (Art. 95, *Zakon o obrani* [Law on Defence], 1991.).

What could the men who did not want to serve but were unaware of their rights do? Draft evasion and desertion were an option, although they were associated with high risks. Information on desertion is confidential, but there were only three prominent court cases between 1991 and 1993 where men openly refused to carry arms,¹¹ and as a result, all three were convicted and imprisoned for 4 months, 5 months and 15 days, respectively (ARK, 1993a.). Their sentences were still relatively short as draft evasion and desertion could be punished by imprisonment from between 6 months to 15 years (Articles 364 and 367, Chapter 26 of the Basic Criminal Code of the Republic of Croatia, Offences against the Armed Forces of the Republic of Croatia). Why did the three men mentioned above not execute their right and risk being put in jail? As mentioned before, many men simply did not know about or qualify for conscientious objection. The three sentenced men could have also been acting as 'martyrs' for their cause, as often happened in the United Kingdom (UK) during both the First World War and the Second World War (Barker, 1982.: pp. 85, 93). Moreover, both desertion and conscientious objection remained controversial in a war always narrated as purely defensive. As will be demonstrated below, this was even the case amongst the group which ultimately made the biggest contribution

¹⁰ In the United Kingdom, Armed Forces administered the provision of conscientious objection during the First World War. However, due to the Army's conflict of interest, this was later recognised as a mistake and by the Second World War, CO was passed onto the Ministry of Labour and National Services (Barker, 1982.: p. 114).

¹¹ This is not to say that there were not more men who could have been convicted but avoided the sentence by leaving the country. However, data on the exact numbers are still unavailable.

to the popularisation of the legal right to conscientious objection – the Anti-War Campaign of Croatia.

ANTI-WAR CAMPAIGN OF CROATIA POPULARISING CONSCIENTIOUS OBJECTION

When the Anti-War Campaign of Croatia (Antiratna kampanja Hrvatske – ARK) was established in Zagreb in July 1991, its main aim was to promote peace and prevent war in Yugoslavia. It was an umbrella organisation, and soon after its creation, it had a group devoted entirely to conscientious objection. This was not a new theme for these activists, as many of them had been previously active in a Zagreb-based group called Svarun, which defined itself as a working group devoted to ecological, peace, feminist and spiritual initiatives. Svarun was formed in 1986 and was indicative of its time, where limited political liberalisation went hand-in-hand with the strengthening of anti-military and, what some would call, post-materialist sentiments in the Yugoslav society.

Svarun was predated and possibly inspired by the Movement for the Culture of Peace and Non-Violence formed in 1984 in Ljubljana. The promotion of civilian service was one of the Movement's main aims, in addition to environmentalism, a critique of President Tito's personality cult and criticism of the JNA's insensitivity towards linguistic diversity in Yugoslavia (Dević, 1997.: p. 133). Slovenia's youth at the time led the way in calling for Yugoslavia's demilitarisation. Already in 1987, the Young Communist League of Slovenia proposed to allow civilian service to those Yugoslav men 'whom conscience forbids to carry arms' (Milošević, 1987.: p. n/a). In August 1988, a gathering of European pacifists was organised in Bohinj, Slovenia, where the activists of Svarun were in attendance and first links with the International Conscientious Objectors Meeting (ICOM) were established.

Promoting civilian service in Yugoslavia, thus, arose in a very specific context, where the JNA was seen as an old and obsolete structure, preventing the democratisation and liberalisation of the country. Other issues addressed by Svarun were (ironically) JNA exports of weapons to countries at war and the large amount of federal budget spent on the military. Although Svarun as a group ceased its activities, by the summer of 1991, many of its activists had re-grouped as ARK, under the ominous clouds of a violent conflict. Since JNA generals were seen as pushing towards a war, with an illegal limited mobilisation of the 1st army from 30 June, the aim of getting men out of the army easily reconciled itself with peace activities. In that summer, various groups right across Yugoslavia were actively calling for and attempting to get young men out of the JNA to prevent a civil war (Backović et al., 2001.: p. 331). The calls were also directed at republican governments for the same reason.

This situation changed as the explosion of violence in Croatia over the summer and autumn of 1991 became equated with a 'Greater Serbian aggression', put-

ting the pacifist convictions of ARK members to the test. The changed perception and tension this caused is expressed in an article published by Zoran Oštrić:

Some young Croatian men fled the country prior to that and have avoided the horrors that have become part of our everyday life. Many of those who have left could not understand how two or three months later some of their friends were in the army and had in some cases had [sic] even joined up voluntarily (...) Perhaps it was once possible to change things without offering armed resistance, but now a time has come where it's simply no longer possible (Oštrić, 1992.: p. 6).

This does not mean that ARK stopped working for the promotion of conscientious objection. On the contrary, the group continued its activities. However, these were now bounded by the borders of the new state and its legal framework, focusing on establishing democracy, the rule of law and the protection of human rights within Croatia. This included ensuring that the plurality of political, religious and moral convictions, of which the right to conscientious objection was a part, was respected. A kind of compromise was struck, therefore, in which it was agreed that 'in a situation when the Republic of Croatia is under military attack, participation in the defence is a duty of every citizen. However, this does not necessarily mean a duty to participate in a military and armed defence' (ARK, 1992a.). This stance will be later repeated in the letters of COs to the Ministry of Defence.

With an aim to ensure that individual rights were respected within Croatia's existing law provisions, the group launched a campaign to question the constitutionality of some of the laws implementing conscientious objection, lobbied the government to change the rules on their applicability and the time limit for applications, intervened on behalf of drafted individuals and spread information about conscientious objection through press conferences, radio statements, newspaper ads and a telephone information line. Nonetheless, despite the official stance which supported the efforts of the 'Homeland War', ARK suffered from societal and state hostility; it was seen to be undermining the collective effort to defend Croatia and win the war. Nor was it welcome by the HDZ, a party which saw itself as representing *all Croats* and resented any competition. However, networks established during the 1980s by some ARK members with international organisations, such as ICOM, proved very useful.

Although the group was actually very small and made up entirely of volunteers,¹² it was quite vocal and well-linked with various international non-governmental organisations (NGOs) and networks.¹³ These were indispensable in providing both

¹² Its core members were Zoran Oštrić, Roberto Spiz, Biljana Kašić, Ognjen Tus and Srđan Dvornik.

¹³ References in the ARK archive can be found to, amongst others, European Bureau For Conscientious Objection, Bund für Soziale Verteidigung, War Resisters International, Amnesty International London, International Fellowship of Reconciliation, Quaker Peace and Service, the Quaker Council for European Affairs, International Physicians for the Prevention of Nuclear War, Responding to Conflict, Forum voor Vredesaktie,

intellectual and financial support, as well as facilitating access to grants, legal documents and information on the history and philosophy of conscientious objection. With some external financial support, ARK's conscientious objection group even sent its representatives to the International Conscientious Objectors' Meetings¹⁴ held in France in 1992, Turkey in 1993, and Chad in 1996 (ARK, 1992b.). The support of bigger and stronger organisations, such as Amnesty International, combined with the government's fear of losing the support of the West in its struggle for independence, meant that ARK's group on conscientious objection was often successful in achieving its smaller, immediate aims. The law regulating conscientious objection, for instance, was changed in August 1993, when Art. 206 expanded the right to objection to reservists (*Zakon o obrani [Law on Defence]*, 1993.). The group also helped many men to secure CO status, by advising them in person and through their telephone helpline on how to draft their letters, copies of which they retained in their archive.¹⁵ As various activists of ARK moved on to different projects, the group on conscientious objection reduced its activities and on 25 February 1995 was replaced by Unija 47 – a specific organisation devoted to the matters of conscientious objection only, continuing ARK's activities until 2002 (Unija 47, n.d.). However, as priorities changed, the new group saw little activity between 1996 and 1998 (Unija 47, 1999.).

What is striking in all of ARK and Unija 47's activities is their complete focus on the legal and institutional aspects of conscientious objection. The bulk of their efforts was always directed at lobbying the government to make the laws on objection more accommodating to potential COs and at supporting COs to make full use of their constitutional rights. This clearly shows that both organisations recognised the changed legal environment (Croatian rather than Yugoslav legal space) and learned to operate within it. Whilst desertion and draft evasion were frequently the only way to avoid being mobilised in Yugoslavia, and they were very widespread,¹⁶ this was never really the case in Croatia. ARK's group on conscientious objection did sometimes help men evade the military service by advising them on the potential opportunities to obtain asylum abroad (ARK, 1993c.), providing an information sheet in Croatian on going abroad, the legal options and the places to seek help (ARK, 1992c.). However, most of the time, they tried to convince them to seek legal

Desertercenter, ARGE Wehrdienstverweigerung, International Deserters Network (ARK, 1992b.).

¹⁴ ICOM was organised every year between 1981 and 1997 by groups affiliated to War Resisters' International (Friedrich, n.d.).

¹⁵ This also shows similarity and perhaps organisational continuity in the work of groups supporting conscientious objections. The British Peace Pledge Union (PPU) – a pacifist organisation created in the UK in 1934 – was accused by the UK government of actually phrasing the letters of conscientious objectors during the Second World War (Barker, 1982.: p. 100).

¹⁶ In Serbia, in particular, it is estimated that only 50% of men responded to the draft call (Munjin, 2006.: p. n/a). Veljko Kadijević, the commander of the JNA between 1988 and 1992, identified this lack of response to mobilisation one of the greatest obstacles to him fulfilling his military plan (quoted in Špegelj, 2001.: p. 36).

redress within Croatia, later even asking them to sign a disclaimer stipulating this (ARK, 1993d.).

Securing the rights of conscientious objection seems, therefore, more a means than an end in itself, especially considering how little ARK and Unija 47 were involved in the actual plight of COs. In violent conflicts, non-combatant men often suffer from discrimination and loathing, not only on the side of the government, but also of the society. This was the case in both the First World War and Second World War (Barker, 1982; Bibbings, 2009), which made this issue a matter of concern for Western organisations working with COs. However, when filling out a survey for the Quaker Council for European Affairs, Roberto Spiz, one of the most active members of ARK's group on conscientious objection, was unable to answer the question 'Are COs disadvantaged when applying for jobs or planning their careers after they have completed the service?' due to 'lack of information' (ARK, 1994.).

By limiting themselves to Croatia, ARK members became implicated in the debate on the type of *Croatian* state they wanted to live in. It seems that the perception the ARK activists had of their role in this period was heavily influenced by the liberal tradition, in which civil society groups act as a check on the government. Indeed, ARK turned out to be a fertile ground for the training of young activists and establishing of networks that would in the future give rise to a number of NGOs. One of them – Documenta – would in 2004 take on the aim of documenting the events of the wars in the former Yugoslavia as a way of "dealing with the past". With some of the same people who were initially involved in ARK, Documenta took over the ARK archive in which 38 letters written by conscientious objectors, and forwarded to ARK and Unija 47 as a backup, were found.¹⁷

THE LETTERS

Thirty eight letters are not quite a representative sample of the total of 1,442 requests for civilian service sent to the Ministry of Defence between 1992 and 1998 (Tatalović and Cvrtić, 2003.: p. 29).¹⁸ They are, however, all I had access to, and in terms of their authors and contents, they are as versatile as they could possibly be in these circumstances. The men who wrote the letters were all born at some point between the early 1950s and late 1960s; some of them were already married and had children by the time their call-up papers arrived. The group included eight self-declared Serbs and one Bosnian, coming from and living in villages, towns and cities. They were educated to various degrees and had different jobs (a few were also unemployed). Some had no experience of the military whatsoever, others had undertaken military

¹⁷ At the time of my fieldwork in the summer of 2010, the ARK archive was still mostly composed of a number of large boxes with various documents inside them. These have not been numbered or organised, and therefore I have been unable to provide a specific reference for each document.

¹⁸ These are all the letters forwarded to ARK by COs asking for advice and assistance in their case.

service in Yugoslavia. Others, still, had even served in the Croatian Army already. This diversity is reflected in their letters, which differ in style, content and tone. Some are formal and concise, others poetic and long, with rhetorical questions and semi-philosophical digressions. Even their form is quite diverse, as the requirement to submit a biography and an explication was interpreted loosely as writing two related or unrelated paragraphs or one elaborated essay. As such, the letters represent a broad range of the men eligible for conscription in Croatian society.

Yet despite all these differences, the writers were united in one aim and purpose: the law decided that as men they were obliged to accept state authority over their bodies for at least a year. Whereas this might not have been such an issue before the eruption of violence, the price for submitting to this request increased dramatically during a time of war. As male citizens, they were now expected to kill and die for their nation. And yet, here they were, proving their inability (or maybe unwillingness?) to fight. But their 'get out of military free' card – the law on conscientious objection – came with no national tradition and no guidelines, leaving them to search for inspiration abroad, to guess and anticipate, to blunder through tensions between the individual and the community that had yet to be resolved.

Article 86 of the Law on Defence (1991) stipulated that requests for civilian service had to be 'credible' (*uvjerljivi*). And 'credible' is what their authors aimed for, weaving stories of pseudo-scientific theories, vivid childhood memories, obscure churches and philosophies and mysterious eating patterns, showing how their whole lives have inevitably led them into this final stage: an utter inability to defend the homeland with guns. In general, however, the writers seem to have been perplexed by the rules that told them that only strong moral or religious convictions – not political or philosophical ones – could be considered grounds for release from military service. This kind of distinction mirrors the Western political dichotomy of public and private spheres. Political convictions and conflicts are to be resolved in the public sphere, through existing democratic institutions. Once a rational compromise is reached, the individual has to follow it. As it is deemed impossible to reach such a compromise where morality and religious convictions are concerned, these areas are relegated to the private sphere. Although here personal moral and religious beliefs appear to trump the political compromise, this only happens within the accepted framework – individuals are able to question violence as a wider concept, but not the decision of the government on *one particular* conflict.

This very blurry distinction between morality, religiosity and political opinions raised questions which many men may not have pondered before – what is morality? What qualifies as religion, and what significance can be attached to its rules? And most importantly, where are they found? How can they be evidenced? Ante,¹⁹ for instance, argues that 'the nature of moral motives means that an action is based on the autonomous and free decision of one's own conscience, and not on a judgement by another'. Yet, judged they would be, forcing the authors to strategise and include an array of seemingly unrelated (and some legally irrelevant) reasons for why they

¹⁹ All names have been changed.

should be exempted from the military service, including bad health, the need to support the family,²⁰ personal character, specific life experience and membership in peace and faith organisations. I have decided to catalogue especially the latter stories as those of nature, nurture and enlightenment.²¹

NATURE, NURTURE, ENLIGHTENMENT

In the nature option, men implicitly recognise and are left to battle against the traditional visions of masculinity, which is often deemed decisive, aggressive and destructive. In an attempt to question the qualities they were supposed to be born with as men, they embrace the genderless vision of an individual who is born free and good. According to this image, moral and religious beliefs are an integral part of the self, its irremovable core. An example of this would be Mladen, who talks of his 'quiet, modest and peaceful' nature, which goes hand in hand with his abhorrence of guns and killing. As a result, he has 'devoted [his] whole life to the task of nourishing people and helping them survive'.

Nurture, on the other hand, is a story of becoming, of the gradual and yet inevitable development of a reasoned individual, with specific opinions and views that should be allowed and respected. This is also a different understanding of masculinity, with manhood associated with the ability to think rationally and to question authority. As Stjepan argues:

Already in my secondary school years, that is amidst the process of psycho-social maturing, I began to feel a deep animosity towards any instance of the use of force, including guns, against people, their personality, freedom of individual expression and their elementary right to live. Pacifism was born in me.

But since those surrounding Stjepan had little understanding for him, he developed a form of 'personal anti-socialisation and introvertedness [sic!]', followed by a 'clear socio-humanist orientation (studies of history and comparative literature)'.

Similarly, Boris concludes, 'I personally consider it impossible to judge the rationale of someone's consciousness, as we cannot look into anyone's "soul"'. The only proof he can give is the consistency in his behaviour in the past few years, marked by his

²⁰ The idea that single men should be drafted before married men, whose obligations towards their families come before those to the state, was prominent during the First World War, Second World War and the Vietnam War (Flynn, 2002.: p. 8) and points to some continuity in the notion of Western masculinity. However, this situation was a bit different in Croatia because women's labour participation and some economic independence were very important during Yugoslavia. Therefore, Croatian men spoke more often of having to support their young children or take care of their elderly mothers.

²¹ The categories' names were chosen to organise the stories and are not connected to the social scientific discussions of nature vs. nurture. Instead, they are recognised here as mere cultural tropes that inform the writers' narratives.

activism in Svarun and later the Green Action²² and ARK. When proof of activism was lacking, the authors had to resort to mentioning such vague merits like never having been a member of any hunting society or not possessing a gun permit – statements that would most probably be valid for the majority of society.

The nature vs. nurture line of argumentation chimes in well with the conceptions of 'traditional' and 'critical' conscience, with the former being thought of more as a gut feeling (i.e. something that a person is born with) and the latter based on reasoning. In her analysis of English COs during the Second World War, Barker notes that people who have always belonged to some registered religion or claim to have been raised in a specific moral way often refer to the former type of conscience. Others, who engage in the examination of the virtues and vices of war and military service, usually evoke the latter (Barker, 1982.: pp. 4-5). However, the Croatian context is quite different from the English and American experiences. Whereas Croatia is mostly Roman Catholic, in which case the believers should theoretically follow the dogma of the Catholic Church and its decision on whether the war is just, in the UK and the USA there are many denominations, including the Quakers, the Plymouth Brethren, Seventh Day Adventists, Christadelphians and Jehovah Witnesses, whose objections to violence can go back as far as the American Civil War (Rae, 1970.: pp. 72-81; Barker, 1982.: pp. 37-38). In a situation where many fellow Roman Catholics or Orthodox Christians saw their religion as no obstacle to fighting, it is perhaps unsurprising that so many COs decided to discuss Christianity and the Fifth Commandment, 'You shall not kill', instead of Catholicism or Orthodoxy. Their letters are mini-essays on the conditions of human existence, the distinction between good and evil, the meaning of life etc., form the third narrative option – enlightenment.

Treating their letters as pieces of evidence, a few men have chosen to enlighten the commission with regards to Buddhism, mantra yoga, the Universal Life Church and anthroposophy. Of course, in a predominantly and traditionally Catholic society, these could be seen as lifestyle choices and a luxury in times of war. To give credence to their argument, possibly anticipating scepticism, the given religion is described meticulously, with the names of gurus, stages of development, specific rituals and periods of fasting. One author, for instance, talks of his rejection of meat, including poultry and fish; when he reaches a later the stage of 'spiritual development', this will also exclude 'the majority of milk produce, eggs, potatoes, tomatoes, aubergines, sugar and some other products which make up the basis of most people's diet'. Naturally, the aim could be also to make himself sound like a tiresome potential recruit, although this would be a risky strategy as the army commission reviewing his request could find him spoiled and unmanly, in need of physical 'toughening'.

²² A non-governmental organisation founded in Zagreb in 1990. Although its main activities centre on environmental activism, in the past it has also been involved in other political campaigns working towards improved transparency in political decision-making in Croatia.

ON BEING GOOD CITIZENS

Writing a persuasive essay on their moral or religious views is only one aspect of this exercise. These men went beyond the basics. With widespread rumours that being drafted was no coincidence,²³ and that the government was secretly using the draft to remove political opposition, the writers were keen to prove their innocence and loyalty. They utilised their knowledge and understanding of the contemporary atmosphere in the society to help them select those aspects of the self and its large pool of experience which they thought the commission would approve of, thus becoming more willing to grant their request. Investigating which events writers chose to organise their life experience, therefore, tells us something about the reading of public discourse by the individual, the deciphering of its meanings and language.

Unsurprisingly, what we find is a frequent casual rejection of left wing and Marxist politics and of Yugoslavia, ardent justifications for any time spent in the Yugoslav People's Army, name dropping of public figures thought to be close to the government or approved by them and a specific vocabulary and phrases such as 'Serbian nazi movement', 'brutal aggression on Croatia', the free or temporarily occupied parts of Croatia and 'my only homeland Croatia' (this last statement is from a Serb). The need to show full support for the new Croatian state is even stronger amongst the Serbian objectors, who are quick to pronounce their awareness of both the rights and duties which arise from their new Croatian citizenship (like the defence of Croatia's sovereignty and territorial integrity). In this way, they respond to the sometimes not so silent accusations and enormous pressure on Serbian resident in the Republic of Croatia to declare their side and loyalties.

What both Serbs and non-Serbs had to be wary of, however, was striking the right balance between pacifist assertions that all conflicts should be solved using peaceful means and the myth of the 'Homeland War', being constructed and widely propagated at the time. This understanding of the public discourse on the just and fair defensive war is visible and marked by the inability of most writers to reject war as such, forcing them into a slightly awkward and seemingly opportunistic position. Although statements like this one by Ivo, 'I perceive every war as being against God and God's laws of love', do appear, all of the writers are very careful not to attack the government and the sanctity of the 'Homeland War'. This goes some way to explaining why their comments on war seem quite tame when compared to CO letters from other conflicts, who could write as boldly as this: 'All wars are futile. War does not solve anything. War breeds war. There will be a Peace Conference at the

²³ Viktor Ivančić, the editor-in-chief of the independent satirical weekly *Feral Tribune*, which was vehemently attacked by the government as anti-Croatian, was mobilised into the Croatian army on the 31st of December 1993. This was done despite the existing constitutional provisions, which defined journalists' duties in times of war as staying with their publication. Therefore, it was widely believed that the mobilisation call was aimed to weaken *Feral* and threaten its staff. Ivančić was only released from his army duties following a strong reaction coming from abroad (Balas, 1997.: p. 277, footnote 2). Members of ARK similarly accused the Croatian Army of politicisation, mentioning the frequent mobilisation of members of oppositional parties (ARK, 1993b.).

end of the war – why not now? The British Government declared war on Germany. The Treaty of Versailles is to blame. We have acquired our Empire by conquest. The German people do not support Hitler, why should we kill them? The German people are no worse than we are' (Barker, 1982.: p. 39).

Croatian COs seem to acknowledge that having a conscience, asking questions about morality can appear to be little more than a luxury, only allowed by the sacrifices of others. Especially that, following the siege and fall of Vukovar between August and November 1991, it became clear that in this war non-combatants could be equally targeted. To move away from such portrayals, they explicitly disturb this vision of conscientious objection, showing how it can also be a source of internal conflict and suffering. More importantly, they understand and are able to reproduce the republican discourse, in which citizenship is equated as much with civic duties and shared responsibilities as rights (Snyder, 2003.: pp. 186-187). According to this tradition, 'democratic societies require the existence of such institutions [the military] in order to protect themselves from those forces that would undermine the fragile ideals of liberty, equality, and self-government' (p. 188). They do this by acknowledging the contribution and sacrifice that is required of them by the homeland in times of war, thus embracing and confirming the right of the state to claim their loyalty, time and efforts. In this way, the government's jurisprudence over them is confirmed.

However, although these Croatian men accepted the discourse of civic duty, they could question the terms of their obligations:

I am aware of the fact that the Republic of Croatia is a victim of a brutal aggression, and that not a single of her citizens has a right to reject being involved in her defence. Yet I also believe that the homeland is not only defended with a gun in the hand, although of course I do not wish to diminish the sacrifices of those Croatian heroes who gave their lives on the battlefield.

In such a situation, it is the duty of every citizen to participate in the defence, though it is not necessary for everyone to participate in military and army defence. A country's defence is also civil defence, and the defence of productive capacities and cultural monuments as well as many other activities.

I am not a radical pacifist, meaning that I do not repudiate the right to use force in defence from violence. But my personal choice is different. I do not repudiate [my] moral obligation to serve my homeland in such a difficult situation, but I believe that I have served in her defence and for the general well-being in the best way I am capable of by working in the peace movement in the last two years and a half, whilst foregoing personal gain.

Although they are aware of how men's duties are narrated, they question this traditional understanding of masculinity and implicitly advocate a gender neutral and liberal vision of a citizen, who can fulfil his citizen duties based on his strengths and

preferences. And so many authors are eager to stress their agency by extolling the merits of civic contribution and demanding recognition for their work, which could include voluntary work (with the explicit comment 'without financial compensation'), humanitarian involvement and political lobbying.

By stressing the 'I' and refusing to be seen simply as indistinct men, as cannon fodder, they are both writing themselves into and challenging the most dominant narrative of the war, reminding everyone that the war is just the means – to enact the promises of liberalism, democracy, individual rights and freedom – and not the aim. Believing that their individual motivations, talents and skills will matter, that they will not be quickly sacrificed on the altar of public good, they exemplify the tension between the self and the community. As stated by Krešimir 'I believe that I will be much more useful to Croatia and her citizens through civilian service (...) than as "cannon fodder"'.²⁴

Of course, this vision differed quite dramatically from the perspective of the politicians and generals for whom war is often maps, numbers and abstract deaths. Keeping these politicians, generals and institutions in check is another way, in which citizenship is conceptualised in the letters.²⁴ Just as they are aware of their own citizen duty, COs also embrace the vision of the state as a social contract, in which both sides are equally obliged. And so any flattery in the letters can quickly be transformed with a disciplinary tone into the rebuking of Croatia. These men insist on the state's domestic and international obligations, referring to a common, European or humanist cultural heritage and refusing to accept war as any mitigating, exceptional circumstance, as demonstrated by these quotes:

The possibility of a civilian service for those obliged to complete military service – defined as a constitutional right of every citizen of the young Republic of Croatia – has pleasantly surprised me, and I welcome it as a contribution to the process of convergence and inclusion of my homeland in the Western European and particularly American civic democracy, beginning with the full respect of law and freedom of the individual when fulfilling any of his obligations towards the well-being of the society and the state in which he belongs.

I am grateful to the Republic of Croatia, who, as a basic tenet of her democracy, adopted a law with which it offers people like me the right to conscientious objection. This is just one more link in the chain of democratic changes in the country that has, through its membership in the international community, accepted its duties and obligations.

In a way, this is an unintended consequence of the HDZ's and Franjo Tuđman's discourse, which always placed the West and Europe at the centre, making it a model to emulate, a promise to which Croatia aspired. It must have seemed ironic to Tuđman that at a time when Croats served in a 'foreign' army – the JNA – few tried

²⁴ Challenging the meaning of patriotism, COs have frequently argued they knew better what was in the country's interest – peace – also during the First World War in England (Bibbings, 2009.: pp. 196-7).

to avoid the military service, or until late 1980s, even demanded a civilian service. However, when they were finally given a chance to fulfil the one-thousand-year-old dream by serving in their own army, hundreds of requests for civilian service appeared. Yet to the people who were promised a free and democratic Croatia that was going to be different from Yugoslavia, this was only a feature of their new liberal democratic citizenship, as expressed through the liberal virtue theory: 'the ability to question authority and the willingness to engage in public discourse' (Kymlicka, 1994.: p. 365).

So what is missing from the letters? What is omitted? The specific legal aspect of the writing naturally constrains the authors and limits their subject position to that of a male citizen, a claimant on the state who has to pitch his narrative to the imagined audience of his reviewers, for their judgement on his patriotism, commitment and masculinity. This leaves just enough space to negotiate the meaning of citizenship in the European context, evoking standards of liberal democratic order. Unsurprisingly, no one really talks about the fear of dying, about being pronounced a coward. And only one person speaks of the fear of blood and killing in an emotional and not rational manner (as a part of a well-defined world view). In this way, whatever the commission judging the application may think, the rational masculine self is never questioned, never put in doubt. These kinds of musings could also be judged not only as unmasculine, but also as private and, therefore, politically irrelevant.

Moreover, only a few letters are brave enough to reject war in its entirety. Therefore, most these conscientious objectors cannot be really seen as pacifists since, according to Jeff McMahan, pacifists agree that a 'strong moral presumption against the violence and killing involved in war ... cannot be overridden, that the challenge to provide a moral justification for war can never be met' (quoted in Moreno-Riaño, 2007.: p. 120). There is only one letter which openly questions the sense of the 'Homeland War' and makes accusations towards the Croatian government:

Recent events tied to the break-up of SFRJ [Socialist Federal Republic of Yugoslavia], fratricidal war, national exclusion and hatred, media propaganda with the aim of slurring individuals and groups based on their ethnic and civilisational belonging, war crimes, which have been to a smaller or larger degree committed by all of the sides involved, a total standstill in the functioning of the rule of law with regards to individual liberties and protection of human rights, the number of civilian victims of the war.

Its author is also the one who included a quote by Einstein cited at the beginning of the chapter. Everyone else shies away from rejecting the 'just war', constrained by the myth of the 'Homeland War', which is already present and set.

CONCLUSION

In this article I analysed letters of conscientious objectors as literary constructs, which create and embed the self within the larger discursive field. I argued that they expose the different types of pressures and agencies acting upon men in times of war and the ways in which men have written themselves into those dominant narratives. Wars generally trample the rights of individuals in the supposed pursuit of the 'common good'. Few, however, are able to participate in its definition. The value of the sources discussed here lies precisely in their contribution to this discussion. The letters show how tensions surrounding the idea of public good and its defence are also negotiations over the type of political community that independent Croatia was to become. Therefore, they complicate the vision of the 1990s as dominated by purely ethno-nationalist concerns.

Even in their modest form, the letters lead to the questioning of the existing law, and the extent of the state's power over an individual at a time of intense negotiation over the form and content of the political community. They do this through intertextuality, referring to Europe's or humanity's common cultural heritage, European values or even quotes by Gandhi, Havel and Einstein. Or by simply negating the state's power over men's bodies.

However, the limits within the letters are those set by the prevalent standards of masculinity and the inescapable discourse on civic duty in times of war. Especially the latter raises questions about the significance of the letters for the Croatian statehood. Although conscientious objection is sometimes discussed in the context of civil disobedience, these letters point to the contrary. Rather than abandoning their national belonging as a result of their apparent treason (being non-combatant males in times of national insecurity and defence) by leaving the country or refusing the call-up papers, these men chose to remain in the sphere of legality, negotiating the ideas of communal good and its defence, democratic participation and political and legal norms. It is perhaps for this reason that conscientious objection has been accepted in the first place and generally seems less threatening to the state.

According to ARK sources, most military exemptions were granted, establishing a tradition that would only become stronger after the war. Indeed, the number of requests for civilian service exploded and, by 2002, almost a third of potential recruits opted for the civilian service (Tatalović and Cvrtila, 2003.: p. 29). This demonstrates again how strongly the narrative of masculine duty fulfilled through soldiering dominated the 1990s, and how few men articulated something to the contrary. The relationship between men, the army and the state has since then changed again, as together with the grassroots resistance to military duty, changed perceptions of threats, requirements of NATO enlargement and cost-cutting prompted the government to abandon obligatory military service from January 2008.

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TKO JE VLASNIK TVOG TIJELA: PRIGOVARAČI SAVJESTI U HRVATSKOJ 1990-IH

Oliwia Berdak

Sažetak

Slom Jugoslavije početkom 1990-ih neznatno je promijenio odnos države i muških državljana. Zapravo, kako su različite republike prisvajale i prakticirale pravo na novačenje muškaraca u svoje vojske, raspolaganje muškim tijelima postalo je pitanje državnosti. Ovaj rad se bavi usvajanjem i primjenom članka 47 Ustava Republike Hrvatske iz 1990. Godine koji je prigovaračima savjesti dopustio civilnu umjesto vojne službe. Analizirajući pisma upućena Ministarstvu obrane Republike Hrvatske tijekom 1990-ih, u kojima se traži primjena prava na prigovor savjesti, istražujem ograničenja i mogućnosti muškaraca da izraze svoj otpor vojnoj službi. Način na koji su obrazlagali razloge i motivacije oslikava dileme pacifizma u kontekstu obrambenog rata. Čak i u tim uskim okvirima, autori pisama su našli dovoljno prostora da pokažu svoje shvaćanje demokratizacije, individualnih prava i europskih političkih standarda, koristeći neke od argumenata koji su kasnije doveli do ukidanja vojnog novačenja.

Ključne riječi: prigovor savjesti, novačenje, vojska, državljanstvo, Hrvatska, muškost

