

RESEARCH ARTICLE

# Military refusers and the invocation of conscience: Relational subjectivities and the legitimization of liberal war

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## Abstract

During the Iraq War, some US soldiers refused (re)deployment. While liberal states appear to protect individuals' right not to fight against their moral convictions by allowing the right to conscientious objection, those whose objections do not align with the regulations have to break the law in order to follow their convictions. This article explores how the legitimization of liberal war is challenged when we listen to the stories such refusers tell. Focusing on the United States, it briefly sets out the normative context such soldiers faced, highlighting the distinction between permissible conscientious objectors and contemptible deserters. Drawing on Judith Butler, it then focuses on two refusers by reading their own accounts of themselves in their memoirs. Despite not being eligible under the regulations, both invoke their conscience to make their refusal intelligible. By listening to their detailed accounts, the article traces the production and disruption of their subjectivities in relation to the prevailing moral order. Although invoking conscience appears to provide the chance to embrace an authentic self in a bid to resist the problematic moral order, subjectivity remains fractured due to relationality. Put differently, the sovereign subjectivity required by liberal war is simultaneously undermined by it.

**Keywords:** War; Conscience; Refusing; Ethics; Responsibility; Relationality

## Introduction

During the Iraq War, a number of US soldiers<sup>1</sup> refused to (continue to) serve there. In October 2003 Army Staff Sergeant Camilo Mejía went underground while on leave to avoid returning to Iraq. When he surrendered to the military in March 2004, he became the first US veteran of the Iraq War who publicly refused to continue fighting. He was court-martialled for desertion and served nine months in military prison. In January 2004 Jeremy Hinzman became the first US soldier to seek refugee status in Canada after deserting to avoid deployment to Iraq. He had unsuccessfully attempted recognition as a conscientious objector (CO) even before the invasion of Iraq and, in connection to Iraq, had invoked his duty to disobey illegal or immoral orders.<sup>2</sup> In July 2005 Sergeant Kevin Benderman refused to deploy to Iraq after his application for CO status failed. He was court-martialled and imprisoned for 15 months, demoted, and dishonourably discharged. Benderman had previously served in Iraq and been awarded two Army Commendation

<sup>1</sup>'Soldiers' refers to military service personnel in all branches here.

<sup>2</sup>Dahr Jamail, *The Will to Resist: Soldiers Who Refuse to Fight in Iraq and Afghanistan* (Chicago: Haymarket Books, 2009), pp. 85–7; Peter Laufer, *The Soldiers Who Say No: True Stories of Soldiers Who Refuse to Serve in Iraq* (London: John Blake, 2007), pp. 56–8 and XVI; Patrick J. Glen, 'Judicial judgement of the Iraq War: United States armed forces deserters and the issue of refugee status', *Wisconsin International Law Journal*, 26 (2009), pp. 983–95.

medals.<sup>3</sup> In June 2006 First Lieutenant Ehren Watada became the first commissioned officer to refuse deployment to Iraq, declaring his belief that the war was illegal and that participation would make him complicit in war crimes. His court-martial was declared a mistrial.<sup>4</sup>

Many of us remember these refusers' names. They referred to morality and the law to explain why they could not fight in Iraq. While the law proved unaccommodating, these soldiers' actions and arguments resonate with how both supporters and critics construe war as a matter of ethics. What are often called liberal wars are only to be fought when it is right – or just – to do so, and they must only be fought in a moral way.<sup>5</sup> Refusals and the reaction to them draw attention to a limitation of this commitment to ethics: those who fight the wars are not expected to have a view, or at least to act on it. They are required to fight, even if they consider a war to be wrong.

There is an exception: those who object to all wars may claim the right to conscientious objection, seen as 'a hallmark of the liberal democratic society'.<sup>6</sup> Yet this arrangement conceals, rather than resolves, a tension within the liberal dispositif of war. Soldiers are held responsible for their conduct. 'Good war' needs soldiers willing and capable of acting in accordance with what is accepted as ethical, something that is evident in the burgeoning interest in ethics education and training in response to perceived ethical failures in contemporary wars, such as abuses and impermissible killings.<sup>7</sup> Yet while soldiers have been responsibilised,<sup>8</sup> they are only meant to take responsibility *within* their accepted role. When soldiers in contrast see their responsibility as rejecting their role entirely, the moral order is challenged and, at least in the examples above, forcefully reasserts itself.

Although war therefore continues, the challenge posed by refusers exposes a rift worth exploring: some of those who had previously agreed to serve in the military, those whom we rely on to do so within the rules of law and ethics, rejected – at great personal cost – the demand that they should fight in a war presented as good. There is much scholarship in International Studies questioning the legality and morality of the contemporary wars of the United States and its allies. Much of this has rightly focused on the effects of people living in the war zones, although there has been some research on soldiers and on dissent in the military. There is, however, little work specifically on soldiers who refused to fight in these wars.<sup>9</sup> This article examines how listening to refusers' stories problematises the legitimization of war. It does not seek to show that war

<sup>3</sup>Laufer, *The Soldiers Who Say No*, p. 71.

<sup>4</sup>Jamail, *The Will to Resist*, p. 193; Matthew Gutmann and Catherine Lutz, *Breaking Ranks: Iraq Veterans Speak Out Against the War* (Berkeley: University of California Press, 2010), p. 164.

<sup>5</sup>Maja Zehfuss, *War and the Politics of Ethics* (Oxford: Oxford University Press 2018).

<sup>6</sup>Charles C. Moskos and John Whiteclay Chambers II, 'The secularization of conscience', in Charles C. Moskos and John Whiteclay Chambers II (eds), *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), p. 3.

<sup>7</sup>Zehfuss, *War and the Politics of Ethics*, pp. 135–78.

<sup>8</sup>Alison Howell, 'Resilience as enhancement: Governmentality and political economy beyond "responsibilisation"', *Politics*, 35:1 (2015), pp. 67–71.

<sup>9</sup>The significant exception is Gutmann and Lutz, *Breaking Ranks*. Some of the research on military dissent and anti-war activism touches on refusers. See David Flores, 'From prowar soldier to antiwar activist: Change and continuity in the narratives of political conversion among Iraq War veterans', *Symbolic Interaction*, 39:2 (2016), pp. 196–212; David Flores, 'Politicization beyond politics: Narratives and mechanisms of Iraq War veterans' activism', *Armed Forces and Society*, 43:1 (2017), pp. 164–82; Lisa Leitz, *Fighting for Peace: Veterans and Military Families in the Anti-Iraq War Movement* (Minneapolis: University of Minnesota Press, 2014); Tina Managhan, 'Grieving dead soldiers, disavowing loss: Cindy Sheehan and the im/possibility of the American antiwar movement', *Geopolitics*, 16:2 (2011), pp. 438–66; Cami Rowe, *The Politics of Protest and US Foreign Policy: Performative Construction of the War on Terror* (Abingdon: Routledge, 2013); Benjamin Schrader, 'The affect of veteran activism', *Critical Military Studies*, Online (2017), pp. 1–15; Joanna Tidy, 'Gender, dissenting subjectivity and the contemporary military peace movement in body of war', *International Feminist Journal of Politics*, 17:3 (2015), pp. 454–72; Joanna Tidy, 'The gender politics of "ground truth" in the military dissent movement: the power and limits of authenticity claims regarding war', *International Political Sociology*, 10:2 (2016), pp. 99–114; Joanna Tidy, 'The operation and subversion of gendered war discourses: Soldierhood, motherhood and military dissent in the public production of Kimberly Rivera', *International Feminist Journal of Politics*, 19:4 (2017), pp. 426–40.

is wrong and refusers are right; rather, it explores how the normative order that legitimises war simultaneously requires and undermines soldiers' sovereign subjectivity, raising broader questions for arguments about the morality of war. Put differently, taking the refusers' accounts seriously does not redeem their position within the accepted normative order but rather shows this order itself to be undone.

The article starts by sketching the normative context refusers find themselves in. The right to conscientious objection, designed to negotiate the problematic intersection of individual freedom and citizens' duty to fight for their country, appears to ensure that no one has to fight against their conscience. This section highlights the legal, economic, and social costs of refusing, but also shows how doing so in the 'right' way can be valorised. It suggests that the purportedly clear distinction between ethically motivated conscientious objector and cowardly deserter is less obvious than it seems. The second section focuses on the memoirs of two soldiers, Camilo Mejía and Joshua Key, who both left the military without authorisation during the Iraq War. Drawing on Judith Butler, I argue that these refusers' memoirs may profitably be read as attempts to provide accounts of themselves so as to make their actions (morally) intelligible. Despite falling outside the legally protected space, they invoke their conscience to explain their actions. By carefully reading how they recount making their way within a world produced by powerful demands with which they found themselves unexpectedly out of kilter, we can trace the relationality of the production and disruption of their subjectivities in relation to a problematic moral order. Yet while invoking conscience appears to provide an explanation for what they have done, because subjectivities are relational, this can neither secure their personhood nor underwrite a rejection of the moral order. The attempt to escape to a more authentic self that resists must fail, because self and order are implicated in each other. The conclusion shows how refusers' predicament challenges the liberal rationalisation of war by revealing how it relies on a subjectivity it undermines.

Two points should be clarified before going further. Although there were refusers in other countries, notably the United Kingdom, the article examines the situation in the United States only, so as to avoid unhelpful overgeneralisations. Second, the article calls those who removed themselves from the military 'refusers' rather than '(war) resisters' as the latter term seems to infer the intention to resist war from the action of refusing to fight in it. While there are undoubtedly many refusers who are resisters in this sense, my interest is in anyone who withdrew participation in the military, whether or not they were aiming to resist war.

## Refusing to fight

War, as is frequently pointed out,<sup>10</sup> is an embarrassment to liberalism: there is a tension between the violence of war and the self-image of liberalism as inherently peaceful. In its contemporary configuration, the harm inflicted in the countries where wars are taking place clashes with the implicit or explicit aim of promoting freedom and democracy. Liberal war is a paradox, and the devastation of the countries in which it is conducted is its cost. While this has rightly been front and centre of a lot of critical engagement with contemporary liberal wars, there is also concern about the damage done to those who do the fighting. In light of this, the circumstances under which states are entitled to compel citizens to fight is a matter of political controversy; it is also a longstanding problem of political theory. In practice, this problem is resolved through the right to conscientious objection.<sup>11</sup> The figure of the conscientious objector, then, has a significant role in the political imagination of liberalism, namely to provide assurance that no one is forced to fight against their will.

<sup>10</sup>See especially Christopher Coker, *Humane Warfare* (London: Routledge 2001).

<sup>11</sup>For an overview of the right to conscientious objection across countries, see Hitomi Takemura, *International Human Right to Conscientious Objection to Military Service and Individual Duties to Disobey Manifestly Illegal Orders* (Berlin: Springer, 2009).

While the right to object to military service on conscientious grounds was initially open only to members of particular churches, over time it became increasingly inclusive, providing the possibility to seek exemption from military service on 'religious' grounds to a much wider range of people.<sup>12</sup> Today, claimants in the United States have to show that they have a 'firm, fixed, and sincere objection to participation in war in any form or the bearing of arms, by reason of religious training and/or belief'.<sup>13</sup> This is read to include 'solely ethical or moral beliefs' as long as they are valued with the 'strength and devotion of traditional religious conviction'.<sup>14</sup>

Refusing to serve in the military was visible and contentious in the United States during the Vietnam War, with the image of young men burning draft cards having become part of its popular memory. Conscientious objection has not been in the public eye to the same extent in the context of contemporary wars. One significant difference is that the draft has no longer been used from 1973.<sup>15</sup> Therefore, whatever pressures had led individuals deployed to Iraq to join the military, they were not compelled by the force of the law, leading some to conclude that conscientious objection to war is now an anachronism.<sup>16</sup> Conservative commentators have indeed ridiculed contemporary objectors as simply 'cowards' who should have thought about the implications of joining up before doing so.<sup>17</sup>

Whatever such commentators may think, those serving in the military are entitled to submit a claim for recognition as a conscientious objector, irrespective of how they came to join. The regulations recognise, in other words, that soldiers may develop conscientious objections during – indeed based on – their service. Given the controversy and dissent generated by the Iraq War, one might expect that large numbers of soldiers would have refused to participate. Yet the number of military personnel who applied for conscientious objector (CO) status between 2002 and 2006, the period covering the height of the Iraq War, was tiny: 425.<sup>18</sup> With the total number of armed forces personnel having been around 2.3 million at the time, it is difficult to disagree with the title of a Government Accountability Office (GAO) report: 'Number of Formally Reported Applications for Conscientious Objectors Is Small Relative to the Total Size of the Armed Forces'.<sup>19</sup> Significantly, the figure of 425 is small even compared to previous wars. During the extremely short 1991 Gulf War, which did not involve drafted soldiers either, 1,500 and 2,000 active duty military personnel and mobilised reservists filed for CO status.<sup>20</sup>

This does not mean, however, that only such a small number of soldiers objected to the Iraq War.<sup>21</sup> First of all, the figure includes only those who managed to submit a claim, a limitation acknowledged in the report. How many were discouraged from doing so or illegally told by their superior that their claim had been turned down is not known.<sup>22</sup> Second, CO regulations

<sup>12</sup>Moskos and Chambers, 'The secularization of conscience', p. 14.

<sup>13</sup>Department of Defense (DoD), Instruction 1300.06 (31 May 2007), section 3.1, available at: {<http://www.dtic.mil/whs/directives/corres/pdf/130006p.pdf>} accessed 17 April 2013.

<sup>14</sup>Ibid., section 3.2.

<sup>15</sup>Moskos and Chambers, 'The secularization of conscience', p. 15.

<sup>16</sup>Alberto Giubilini, 'Conscience', *The Stanford Encyclopedia of Philosophy* (winter 2016), ed. Edward N. Zalta, available at: {<https://plato.stanford.edu/archives/win2016/entries/conscience/>}.

<sup>17</sup>Peter Worthington and Rush Limbaugh, *Toronto Sun* (28 March 2005), quoted in Laufer, *The Soldiers Who Say No*, pp. 58, 153.

<sup>18</sup>United States Government Accountability Office (GAO), 'Military Personnel: Number of Formally Reported Applications for Conscientious Objectors Is Small Relative to the Total Size of the Armed Forces', GAO-07-1196 (2007). For a discussion of what the numbers mean, see Larry Minear, 'Conscience and carnage in Afghanistan and Iraq: US veterans ponder the experience', *Journal of Military Ethics*, 13:2 (2014), pp. 142–3.

<sup>19</sup>GAO, 'Military Personnel'.

<sup>20</sup>Moskos and Chambers, 'The secularization of conscience', pp. 4–5.

<sup>21</sup>See fn. 9.

<sup>22</sup>On CO applicants not being treated as required by policy, see Minear, 'Conscience and carnage in Afghanistan and Iraq', pp. 141–2.

exclude objections based on 'political views'.<sup>23</sup> In addition, 'the individual's objection must be to all wars rather than to a specific war'.<sup>24</sup> Only universal (as opposed to selective) objection is protected. Soldiers who objected to the Iraq War in particular were ineligible.

Some objectors may thus have concluded that there was no point in submitting an application. There is a suggestion that, in addition, some did not think of themselves as COs, simply because they did not fit the traditional image. Instead of being religiously driven, as Larry Minear points out, 'today's prototypical CO is ... the young Marine, still in his (or often her) 20s or early 30s, heavily tattooed, angry, and eloquent in struggling to make sense of the war experience. Augmenting the ranks of recognized COs were many others, often hiding in plain sight'.<sup>25</sup> They found themselves confused and challenged, but did not practice a particular religion or ethics that could be shown to require a continuous evaluation of their life in respect of a clearly formulated moral order.

While the right to conscientious objection thus found limited uptake, an increasing number of soldiers removed themselves from service without authorisation. According to the Department of Defense's figures, 5,361 active-duty military personnel deserted in 2006, making a total of almost 30,000 over five years.<sup>26</sup> Desertion increased by 80 per cent in the years following March 2003, compared to the previous five years.<sup>27</sup> The Uniform Code of Military Justice defines desertion as leaving the unit, organisation or place of work without permission 'with intent to remain away therefrom permanently' or doing so 'with intent to avoid hazardous duty or to shirk important service'.<sup>28</sup> In practice, those who remove themselves from the military without authorisation are classified as Absent Without Leave (AWOL)<sup>29</sup> but categorised as deserters if they remain absent for more than thirty days.<sup>30</sup>

Walking away from the military, especially without authorisation, carries significant penalties. Those found guilty during the Iraq War served time in military prison, although the death penalty is possible for desertion in times of war.<sup>31</sup> Even those who were discharged dishonourably, instead of being imprisoned, lost access to healthcare, including for conditions created by military service, and post-service educational benefits. As volunteers, they might also have planned a career in the military. Thus, the legal reality of having to fight once you have signed up, unless recognised as a CO, is reinforced by socioeconomic constraints. This is particularly worrying in light of claims that there is now 'economic conscription',<sup>32</sup> with the military depicted as 'a desirable profession and a pathway to enhancement'.<sup>33</sup> Those who join the armed forces due to economic pressures typically have much to lose. They also do not have access to resources to compensate or fight the withdrawal of benefits.

Finally, refusing to fight is not just legally prohibited and beyond the economic means of many soldiers. Having been socialised into a culture that valorises serving in the military, where militarism is embedded in at least parts of society,<sup>34</sup> doing so requires strength. In his book on the Vietnam War, Tim O'Brien beautifully and movingly sets out why he did not have the courage to

<sup>23</sup>DoD, Instruction 1300.06, section 3.2.

<sup>24</sup>Ibid., section 3.5.1.

<sup>25</sup>Minear, 'Conscience and carnage in Afghanistan and Iraq', p. 138. See also Marjorie Cohn and Kathleen Gilberd, *Rules of Disengagement: The Politics and Honor of Military Dissent* (Sausalito, CA: PoliPointPress, 2009), pp. 23–44.

<sup>26</sup>Iraq Veterans Against the War (IVAW) and Aaron Glantz, *Winter Soldier Iraq and Afghanistan: Eyewitness Accounts of the Occupations* (Chicago: Haymarket Books, 2008), p. 201.

<sup>27</sup>Jamail, *The Will to Resist*, pp. 17, 78.

<sup>28</sup>Uniform Code of Military Justice (UCMJ), Article 85, available at: {<http://www.ucmj.us/>}.

<sup>29</sup>Unauthorised Absence in the Navy.

<sup>30</sup>Laufer, *The Soldiers Who Say No*, pp. 148–9.

<sup>31</sup>UCMJ, Article 85.

<sup>32</sup>David Cortright, 'Conscience and war', *Peace and Change*, 35:3 (2010), p. 506; David Cortright, 'Economic conscription', *Society*, 12:4 (1975), pp. 43–7.

<sup>33</sup>Cortright, 'Conscience and war', p. 506.

<sup>34</sup>Roberto J. González, *Militarizing Culture: Essays on the Warfare State* (Walnut Creek, CA: Left Coast Press 2010).

refuse the draft. He was not, he says, a CO, since he was not ‘opposed to war as a matter of general principle’.<sup>35</sup> When he reflected on what he should do, reason ran into emotion: ‘My conscience told me to run, but some irrational and powerful force was resisting, like a weight pushing me towards war.’<sup>36</sup> Ultimately, he recognises himself as a ‘coward’ for going to war: ‘I would go to the war – I would kill and maybe die – because I was embarrassed not to.’<sup>37</sup> O’Brien draws attention to the opprobrium attached to not fighting for your country when your country requires you to do so. Despite this, refusing the *draft* is comprehensible if you have the right reasons; this is what the right to conscientious objection is for. Refusing to deploy when you have volunteered to join the military in the first place, although potentially legal, appears less understandable. It is also made even more challenging due to the affective identification that the military inculcates.<sup>38</sup>

Such cultural-normative valorisations are contested, of course. Critics of war might see refusals as courageous and even heroic. To put it a different way, conscientious objection is not just legally protected; pacifists regard it as desirable. While conscientious objectors refuse what is normally expected of soldiers, in providing reasons they appeal to shared normative understandings. That is, by putting forward a claim to legitimacy, they acknowledge and confirm the normative order that compels them to fight. Within liberal states, as noted earlier, permitting conscientious objection is considered vital. It crucially serves to accommodate individual freedom; it could ‘be viewed as a legal pressure valve, deliberately devised to relieve the tension between deeply held moral convictions and the demands of the law’.<sup>39</sup> The right is, at the same time, limited. Only certain objections are legally permissible. That is, by protecting conscience, the state also governs it. Opponents of selective objection cite, among other concerns, the potentially devastating impact such a right could have on militaries’ ability to fight.<sup>40</sup> Even while exceptions are recognised as vital for securing the liberal promise of individual freedom, CO regulations have to enable, rather than hinder, the military. These regulations are thus part of the *dispositif* of liberal war.

The objections of soldiers who refused to deploy to Iraq in particular fell outside state-sanctioned permissibility. Some withdrew their participation without authorisation, turning themselves into deserters despite the serious legal, economic, and social consequences.<sup>41</sup> Deserters, who do not have legally sanctioned moral scruples, incur contempt, even when the war they remove themselves from is considered wrong.<sup>42</sup> The legal and wider normative context thus produces refusers as either (permissible) conscientious objectors or (impermissible) deserters. These work as distinct subjectivities, to which individuals can be clearly assigned, if necessary through a court martial, and in respect of which they incur rights and punishments. This clarity is significant to the liberal promise that individuals do not have to fight against their conscience. Yet, especially inasmuch as this classification delivers a moral judgement, it is uncertain because it assumes that the contemptible deserters really do not have conscientious objections. The cases in the introduction suggest that some think they do, however.

<sup>35</sup>Tim O’Brien, *The Things They Carried* (London: Fourth Estate 2015), p. 42.

<sup>36</sup>*Ibid.*, p. 48.

<sup>37</sup>*Ibid.*, pp. 55, 54.

<sup>38</sup>See, for example, Schrader, ‘The affect of veteran activism’.

<sup>39</sup>Carl Cohen, ‘Conscientious objection’, *Ethics*, 78:4 (1968), p. 269. The question of the extent to which claims with which we disagree should gain protection has been resolved in different ways over time. See Paul Strohm, *Conscience: A Very Short Introduction* (Oxford: Oxford University Press 2011), p. 77.

<sup>40</sup>For a summary of this argument, see Paul Robinson, ‘Integrity and selective conscientious objection’, *Journal of Military Ethics*, 8:1 (2009), pp. 43–4.

<sup>41</sup>Veterans suffering from PTSD face some of the same challenges. See, for example, Brianne P. Gallagher, ‘Burdens of proof: Veteran frauds, PTSD pussies, and the spectre of the welfare queen’, *Critical Military Studies*, 2:3 (2016), pp. 139–54.

<sup>42</sup>Wehrmacht deserters remained stigmatized in the Federal Republic of Germany for a long time and were only legally rehabilitated as a group in 2002.



## Refusers' accounts

The right to conscientious objection both establishes and circumscribes permissible objections. Those whose objections do not fit the regulations have to carry on or break the rules by refusing without authorisation, or perhaps find an unrelated reason to be discharged. Refusing in breach of the law is costly in a range of ways reflected in the stories examined below. It is not just that rules are broken and punishments incurred, but that the sense of self is disrupted. Subjectivity and context are relational.

Judith Butler's *Giving an Account of Oneself* provides a way of thinking this through. Butler reflects on the vagaries of explaining yourself when the moral order fails to provide self-evident guidance. She responds to a broader anxiety, namely that if subjects are revealed not to be stable, ethics has become impossible; for if we are 'divided, ungrounded, or incoherent from the start', this ostensibly challenges accounts of responsibility.<sup>43</sup> In Butler's thinking, however, far from negating the possibility of ethics, the disruption of subjectivity instead makes it possible. Butler points out that the "I" does not stand apart from the prevailing matrix of ethical norms and conflicting moral frameworks. In an important sense, this matrix is also the condition of the emergence of the "I".<sup>44</sup> Self-making is never complete, and never wholly governed by the normative context, because subjectivity is always already fractured due to this relationality. Butler invokes Theodor Adorno who proposes that moral questions arise 'when moral norms of behaviour have ceased to be self-evident and unquestioned in the life of the community'.<sup>45</sup>

Refusers, as we will see when we listen to their stories, seem to react to a sense that their behaviour is no longer satisfactorily governed by norms. Their own understanding of morality has come to be out of kilter with the expectations of their environment, a tension exacerbated by their own investment in that environment as part of their understanding of themselves. This tension signals the inadequacy of the prevailing moral order in providing guidance for their conduct; the order is fractured. It also highlights the pressure to provide an explanation in relation to this order.

Butler's reflections provide a fruitful way to approach the refusers' predicament because they find themselves at odds with the norms governing their situation and, in responding, give an account of who they are. Such an account runs into difficulties because of the relationality of subjectivity and context, something that becomes visible in my exploration of the stories two refusers – Camilo Mejía and Joshua Key – tell about themselves and the war in their memoirs. Mejía and Key had already served in Iraq for some time when they removed themselves from the military. Both at first simply left. Both later provided an account of themselves. Reading their memoirs enables us to look beyond the immediate refusal and to listen to refusers' accounts of how they came to refuse, that is, to grasp refusing as part of a relational process of (re)making their subjectivities.

Soldiers who refuse to continue fighting are often said to have experienced an epiphany: their view of the world has changed profoundly. Gary Younge talks about 'an ill-defined but crucial moment when the psychological struggle and moral angst overwhelm their military commitment'.<sup>46</sup> Mathew Gutmann and Catherine Lutz explain that all the veterans they interviewed – who ended up 'breaking ranks' – were 'ordinary' persons 'who underwent extraordinary transformations'.<sup>47</sup> The epiphany marks the imperative to find a different way forward; it revolves around the difficulty of maintaining one's sense of self in the face of doing things one objects to. It points to the problematisation of subjectivity and therefore to the need to approach the problematic not

<sup>43</sup>Judith Butler, *Giving an Account of Oneself* (New York: Fordham University Press, 2005), p. 19.

<sup>44</sup>*Ibid.*, p. 7.

<sup>45</sup>Theodor Adorno, *Problems of Moral Philosophy*, trans. Rodney Livingstone (Stanford: Stanford University Press, 2001) quoted in Butler, *Giving an Account of Oneself*, p. 3.

<sup>46</sup>Gary Younge, 'We shall not be moved', *The Guardian Weekend* (26 August 2006).

<sup>47</sup>Gutmann and Lutz, *Breaking Ranks*, p. 2.

just from an understanding of what one might call the normative order but also by listening to the people making and (re)making themselves within it.

Refusers have talked about their experiences in a variety of contexts and media: at rallies, in oral testimony, in blogposts and so on. I am particularly interested in those who have written memoirs because the genre allows – indeed requires – a broader exploration of one's story. Reading memoirs allows us to listen to what refusers say about what they did, upon reflection and without the constraints imposed by, for example, the rules of admissibility imposed by a court martial or the exigencies of time and purpose at an anti-war rally. A memoir is never just about what someone did in a particular situation, but rather about how they came to be the person facing that challenge in the first place and about who they consider themselves to be now, retrospectively, reflecting on what appears to be a choice they made at one particular point. There has been some debate about memoirs as a resource for scholarship on war and in particular about how to work with memoirs while problematising claims to veracity.<sup>48</sup> Here, memoirs are not used to establish what the Iraq War was really like, but rather read as autobiographical reflections offered as public accounts. What K. Neil Jenkins and Rachel Woodward discuss as self-censorship will have played a role,<sup>49</sup> though this is not a constraint specific to the genre.

The following analysis gives considerable space to the refusers' accounts and thus to their published voice.<sup>50</sup> Doing so allows me to draw out how the production and disruption of their subjectivities affected events, paying attention to ambiguities that emerge when we take the time to engage beyond the moment of refusal. Of course, despite trying to maintain (some of) Mejía and Key's voices, this summary is invariably inflected by my own 'assumptions and prejudgements'.<sup>51</sup> Put differently, my reading of these memoirs is already a rewriting, my own interpretation of their account.<sup>52</sup>

### Camilo Mejía

After living underground for several months, Mejía surrendered to the military and eventually filed for CO status. Much of what he considered significant was ruled inadmissible in his court-martial for desertion. In *Road from ar Ramadi: The Private Rebellion of Staff Sergeant Camilo Mejía – An Iraq War Memoir*,<sup>53</sup> written after his release from military prison, he observes that while originally he wanted to ensure his account would be heard,<sup>54</sup> the reasons he wrote the memoir turned out to be more complex. It was something he had to do to 'begin (his) healing process',<sup>55</sup> that is, as Butler suggests, something more than a response to an external demand to justify why he broke ranks. Starting with his family history, with how he came to leave Nicaragua,<sup>56</sup> Mejía does more than merely tell the story of his service in Iraq; he gives an account of himself.

<sup>48</sup>See K. Neil Jenkins and Rachel Woodward, 'Communicating war through the contemporary British military memoir: the censorships of genre, state, and self', *Journal of War and Culture Studies*, 7:1 (2014), pp. 5–17; Rachel Woodward and K. Neil Jenkins, "'This place isn't worth the left boot of one of our boys': Geopolitics, militarism and memoirs of the Afghanistan War', *Political Geography*, 31 (2012), pp. 495–508; and Synne L. Dyvik, 'Of bats and bodies: Methods for reading and writing of embodiment', *Critical Military Studies*, 2:1–2 (2016), pp. 56–69. The issue of veracity is not unique to war memoirs. For a discussion of the significance of having been 'there' in war fiction, see Maja Zehfuss, *Wounds of Memory: The Politics of War in Germany* (Cambridge: Cambridge University Press 2007), pp. 155–61.

<sup>49</sup>Jenkins and Woodward, 'Communicating war through the contemporary British military memoir', pp. 13–16.

<sup>50</sup>As noted below, in one of the cases that voice is expressed by a journalist.

<sup>51</sup>Les Back, *The Art of Listening* (London: Bloomsbury 2013), p. 12.

<sup>52</sup>See Zehfuss, *Wounds of Memory*, pp. 20–6.

<sup>53</sup>Camilo Mejía, *Road from ar Ramadi: The Private Rebellion of Staff Sergeant Camilo Mejía – An Iraq War Memoir* (Chicago: Haymarket Books 2008).

<sup>54</sup>*Ibid.*, p. xvii.

<sup>55</sup>*Ibid.*, p. xviii.

<sup>56</sup>*Ibid.*, p. 1.



After completing his active duty service, Mejía discovered that he was committed for eight years, despite having signed up only for three.<sup>57</sup> He had to extend his time in the regular forces or join the Individual Ready Reserve (IRR) or National Guard.<sup>58</sup> Choosing the Florida National Guard enabled him to benefit from free college tuition.<sup>59</sup> Studying and having a daughter changed his outlook on life, but in January 2003, five months before the end of the eight years, his unit was activated for Operation Iraqi Freedom. Mejía was ‘extended until the year 2031’<sup>60</sup> as part of Stop Loss, ‘a force management program that involuntarily extends or retains active duty enlisted servicemembers beyond their established separation date’.<sup>61</sup> In the Army National Guard individuals were retained until ninety days after the end of their unit’s deployment without reference to their individual circumstances.<sup>62</sup> As a result, Mejía was reluctantly forced to deploy to a war that interfered with his ambition to study for a PhD and spend more time with his daughter. After six months in Iraq, he was granted leave to return to the United States because his residency was about to expire. During this time he unsuccessfully tried to leave the military legally. He was given a direct order to return to Iraq, even though as a non-US citizen he should not have been serving for more than eight years.

Mejía’s story repeatedly reflects on his reactions to events that revealed his expectations to be out of kilter with the prevailing normative order. Early in his deployment Mejía witnessed prisoner abuse, involving degrading treatment and sleep deprivation. He describes his immediate reaction: ‘My heart was racing as I witnessed all this; I found it wrong and shocking. But I didn’t want to appear upset in front of the other soldiers, who seemed okay with everything that was going on.’<sup>63</sup> He comes back to this event repeatedly; he cannot find an excuse for his failure to intervene: ‘I told myself, “When I signed a contract I agreed to follow orders” and “I’m doing this for the soldiers next to me.” But to this day I cannot find a single good answer as to why I stood by idly during the abuse of those prisoners except, of course, my own cowardice.’<sup>64</sup> He is unable to integrate this event into the narrative of himself, which is challenged by the tension that has opened up in the normative order. It is not just that he has to do what he believes is wrong, but that apparently he is on his own with his concern. The memoir returns to this event time and again, failing to satisfactorily integrate it into Mejía’s vision of himself. That is, despite his attempts to impose a narrative his subjectivity is disrupted. He should have intervened but did not, and he cannot explain it.

Another important experience was being told to set up a roadblock in the dark without marking it, and instructed to open fire on any vehicle reaching the wire. While the mission did not *require* killing civilians, Mejía observes that ‘it certainly did not leave much room for averting tragedy’. What troubles him is, again, his response. The order went unchallenged, despite the obvious risk of killing civilians: ‘not one of us said anything to point out the inherent immorality of such a command. We all just raised our eyebrows and went on with the meeting.’ As a result, ‘[w]ithout it ever being discussed, let alone challenged, we had adopted an unofficial “shoot first, ask questions later” policy.’<sup>65</sup> While on this occasion Mejía does not appear isolated by his concerns, his difficulties in accounting for himself in relation to the prevailing normative order are exacerbated by what amounts to an unchallenged shift in that order.

<sup>57</sup>The US enlistment document states: ‘If this is my initial enlistment, I must serve a total of eight (8) years.’ ‘Enlistment/Reenlistment Document Armed Forces of the United States’, DD form 4/1 (August 1998), available at: {<http://usmilitary.about.com/library/pdf/enlistment.pdf>}.

<sup>58</sup>Mejía, *Road from ar Ramadi*, p. 16. Mejía erroneously calls it the ‘Inactive’ Ready Reserve.

<sup>59</sup>*Ibid.*, p. 17.

<sup>60</sup>*Ibid.*, p. 18.

<sup>61</sup>Charles A. Henning, *U.S. Military Stop Loss Program: Key Questions and Answers* (Washington, DC: Congressional Research Service, 2009), p. 1.

<sup>62</sup>*Ibid.*, p. 5.

<sup>63</sup>Mejía, *Road from ar Ramadi*, p. 50.

<sup>64</sup>*Ibid.*, p. 56.

<sup>65</sup>*Ibid.*, p. 179.

Eventually, Mejía found it impossible to carry on. Yet while his sense of dislocation had built up in relation to moral concerns over prisoner abuse and risking civilians' lives, the event he says 'changed what had been [his] more-or-less passive acceptance of fate into rebellious protest'<sup>66</sup> does not revolve around such a concern. Operation Shutdown involved conducting the same mission for several nights. In line with military doctrine, Mejía objects to establishing a predictable pattern, which increases the chance of attack.<sup>67</sup> While others shared this assessment, 'no one dared say a word to our leadership'.<sup>68</sup> On the fourth night four soldiers were injured, one civilian decapitated in front of his child and a military vehicle destroyed. During the same night, Mejía overheard his platoon leader Sergeant First Class Demarest calling the plan to repeat the mission again 'crazy'. Their captain acknowledged this but pointed to demands from higher up.<sup>69</sup> When Mejía informed Demarest that he refused to go out on the mission again, Demarest told him that '[his] men need[ed] [him]'. Mejía insisted on his refusal, however.<sup>70</sup> He explains: 'I did not want to disobey my orders and I was terrified, but I felt like I had to do it.'<sup>71</sup> In the end, the mission was changed, however, and Mejía participated.

While Mejía insists that he did not refuse out of fear, his fear of dying played a role in his disenchantment, amplified by his objections to his superiors' leadership: 'as the missions had become more dangerous, the political and moral analyses of the war had become less important, finally giving way to a mortal fear of dying'.<sup>72</sup> In Mejía's assessment, his 'life and the lives of those in [his] unit were all part of that acceptable loss, and there was nothing [they] could do about it. [They] had signed a contract, and [they] were not in control of [their] destinies.'<sup>73</sup> Feeling at the mercy of leaders most concerned about their careers is a recurring theme. Yet Mejía stresses that the fear of being killed was so significant only because of the context: 'But what troubled me most was not the possibility of getting killed, but the possibility of getting killed *here, in Iraq*. A recurring thought was, *we have no right to be here*.'<sup>74</sup>

While Mejía's first refusal was a non-event, the second was serious: he did not return to Iraq after his leave. In trying to account for this, he reflects on the obligations that pulled him in different directions:

The fact was that I despised the war and myself in it, but I couldn't say that to the military. I had to go back to Iraq. I had to swallow my guilt, and my values, and my conscience, and I had to go back to the war and I had to find a way to survive there, not just in body but in soul. I had to find a way not to lose myself in the war, to return home still human so I could be a father to my daughter.<sup>75</sup>

He did not go back, however. Without exactly changing his mind, without exactly deciding to disobey the order to return to Iraq, he ended up not getting on the plane when he should have. Initially, he thought he would just catch a later plane.<sup>76</sup> But he did not. He failed to get out of bed, rendering himself AWOL.

Mejía presents becoming a refuser as something that somehow happened to him. It was not a direct response to being compelled to commit a particular act but is rather construed as having

<sup>66</sup>Ibid., p. 172.

<sup>67</sup>Ibid., p. 160.

<sup>68</sup>Ibid., p. 161.

<sup>69</sup>Ibid., p. 173.

<sup>70</sup>Ibid., pp. 173–4.

<sup>71</sup>Ibid., p. 174.

<sup>72</sup>Ibid., p. 206.

<sup>73</sup>Ibid., p. 77.

<sup>74</sup>Ibid.

<sup>75</sup>Ibid., p. 213.

<sup>76</sup>Ibid., p. 220.

become increasingly urgent as he lost trust in the normative order. This order not only failed to protect him but also unsettled his subjectivity, putting him in a position where he was doing things he would otherwise recognise as immoral. He was afraid of 'losing himself', suggesting that walking away was an attempt to recover himself by following his conscience, a theme that appears even more strongly in Key's memoir.

### Joshua Key

The title of Joshua Key's memoir, written by journalist Lawrence Hill, establishes the outcome of Key's desire to leave the military as the frame for the story: *The Deserter's Tale: The Story of an Ordinary Soldier Who Walked Away from the War in Iraq*. Like Mejía, Key starts his account of himself from his childhood. Born in Guthrie, Oklahoma, Key grew up in a trailer on his grandfather's farm, without a father. Key describes his childhood as impoverished and marked by brutality, especially by men's violence against his mother, with his grandparents providing some stability.<sup>77</sup> As he puts it: 'Before I could survive and escape the war in Iraq, I had to survive my own childhood.'<sup>78</sup>

Key decided to join up due to economic pressures. He initially tried to enlist with the Marines after he had fallen ill without health insurance, making his young family's situation 'desperate'.<sup>79</sup> Having struggled to support his family for a long time, Key remembered that in high school, recruiters had promised 'health insurance and higher education in return for military service'.<sup>80</sup> He was turned down, but some years later when his third child was on the way, Key successfully tried the Army.<sup>81</sup> The posters outside the recruiting station 'seemed designed for people like' him: 'If only [he] joined the military, the posters suggested, [he] would be on easy street. The armed forces were offering money for college tuition, health insurance and even a cash bonus for signing up.'<sup>82</sup>

Key's entry into the military was clearly bound up with enacting his identity as a father. When he was offered three options, with those involving combat duty attracting a bonus, his desire to be with his family nevertheless took precedence. He was promised that as a bridge builder he would serve in the continental United States.<sup>83</sup> Having joined up to pay the bills, Key unexpectedly 'loved boot camp'. Being in the military allowed him to build a new positive sense of self. He felt competent and proud: 'I was good with guns, didn't mind the exercise, and felt myself swell with patriotism and pride when our commanders told us that Americans were the only decent people on the planet and that Muslims and terrorists all deserved to die.'<sup>84</sup> He had found a place within the normative order, allowing him to embrace his subjectivity as soldier and father. When he was told that he would be sent to war, he concluded that he had to deploy, whatever he had been promised. He was persuaded by the case for war and preferred not to leave the problem of terrorism for his children.<sup>85</sup>

Key describes his deployment as involving about two hundred house raids.<sup>86</sup> High on adrenaline, his first raid was 'one of the most exciting things [he] had ever done'.<sup>87</sup> Yet even this first

<sup>77</sup> Joshua Key as told to Lawrence Hill, *The Deserter's Tale: The Story of an Ordinary Soldier Who Walked Away from the War in Iraq* (New York: Atlantic Monthly Press, 2007), pp. 12–23.

<sup>78</sup> *Ibid.*, p. 1.

<sup>79</sup> *Ibid.*, p. 33.

<sup>80</sup> *Ibid.*, p. 4.

<sup>81</sup> *Ibid.*, p. 33.

<sup>82</sup> *Ibid.*, p. 35.

<sup>83</sup> *Ibid.*, p. 40.

<sup>84</sup> *Ibid.*, p. 48.

<sup>85</sup> *Ibid.*, pp. 56–7.

<sup>86</sup> *Ibid.*, p. 134.

<sup>87</sup> *Ibid.*, pp. 69–70.

time Key was uneasy, signalling that his sense of fitting into the order was becoming unsettled. In describing the raids, he highlights that soldiers beat civilians, although no one ever resisted. While he initially participated in beatings, he claims he later stopped.<sup>88</sup> Over time, Key became increasingly uncomfortable; he says that 'it tore [him] apart to terrorize families like that'.<sup>89</sup> This discomfort was amplified by his realisation that he was 'arresting, and intimidating people who were like [him] in the most surprising ways: poor, with almost no way to escape their miserable situations'.<sup>90</sup> The raids became unbearable. While initially he expected to find terrorists,<sup>91</sup> he eventually lost 'all belief that [they] had good reason for the raids'.<sup>92</sup> Recounting one occasion when he used unjustified violence, he says: 'My own moral judgment was disintegrating under the pressure of being a soldier, feeling vulnerable, and having no clear enemy to kill in Iraq'.<sup>93</sup> Although joining up had initially helped him to develop and enact a subjectivity he took pride in, now what he experienced as the normative order was out of kilter with his own sense of morality. The conflicting moral frameworks disrupted his subjectivity.

Key was appalled at US troops playing football with the heads of decapitated Iraqis. He was so distressed that he refused orders to look for brass casings, that is, evidence of Iraqi AK-47 fire.<sup>94</sup> Key later asked to see the incident report but was told to mind his own business. He says he 'didn't raise the matter again, but the event changed the way [he] thought about [his] army in this war'.<sup>95</sup> Put differently, the event was transformational; it was his epiphany. While he did not have good knowledge of the Geneva Conventions, he was sure that what he witnessed had been 'wrong'. The US armed forces were meant to be 'a force for good in the world', but instead 'had become monsters in a residential neighborhood'.<sup>96</sup> Key was so upset that he was unable to talk about the incident.<sup>97</sup> He started having nightmares and began to realise that 'the American military had betrayed the values of [his] country. [They] had become a force for evil, and [he] could not escape the fact that [he] was part of the machine'.<sup>98</sup> His subjectivity was in tension with what presented itself as the dominant moral order. Because of his low rank, he considered himself to be in no position to resist or challenge the situation.

While on leave in the US in late 2003, his feeling that he could simply not go back to Iraq became increasingly powerful. He says his 'conscience told [him] that it was wrong to return to Iraq and to keep doing things [he] knew to be wrong'.<sup>99</sup> Yet he and his wife did not understand his options, nor did they have the financial means for Key to walk away. Therefore, Key travelled to Dallas airport as his orders required.<sup>100</sup> On arrival, he was told that his flight had been delayed by several days. It was at this point, he says, that 'in [his] mind the switch had finally clicked. [He] was not going back to Iraq'.<sup>101</sup>

When he anonymously phoned the Office of the Judge Advocate General to say that he was thinking of not returning to Iraq, he was advised to think it over and call again. In a second call, he explained that his 'conscience would not let [him] return to war', but was told that he had to choose between going to Iraq and going to jail.<sup>102</sup> When he joined up, he had signed a statement

<sup>88</sup>Ibid., p. 71.

<sup>89</sup>Ibid., p. 75.

<sup>90</sup>Ibid., p. 7.

<sup>91</sup>Ibid., p. 66.

<sup>92</sup>Ibid., p. 134.

<sup>93</sup>Ibid., p. 98.

<sup>94</sup>Ibid., p. 105.

<sup>95</sup>Ibid., p. 108.

<sup>96</sup>Ibid., p. 108.

<sup>97</sup>Ibid., p. 109.

<sup>98</sup>Ibid., p. 110.

<sup>99</sup>Ibid., pp. 187–8.

<sup>100</sup>Ibid., p. 189.

<sup>101</sup>Ibid., p. 190.

<sup>102</sup>Ibid., p. 193.

confirming that he had understood a poster: 'Desertion in the time of war means death by a firing squad.'<sup>103</sup> Despite this, Key went AWOL, going into hiding with three young children and very limited resources. Eventually, he fled to Canada with his family. He says that he 'felt that the only right choice was to move forward, and [he] did so with [his] wife and [his] children beside [him]'.<sup>104</sup> The situation had become so overwhelming that removing himself from it appeared to be the only way.

In providing his account of himself, Key starts from his youth. He drank, got into fights and trashed two cars, but he insists that even when he was very young, he 'knew right from wrong'.<sup>105</sup> He gives a list of examples, culminating in this assessment:

I can guarantee you this: if any man had told me he had deserted our army in wartime, I would have called him a coward right to his face. There were just some things you didn't do. By the time I was in high school I felt that it would be an honor to serve my country at war, and even to die for it. I couldn't imagine any circumstances in which an American soldier would walk away from his own armed forces and betray his country.<sup>106</sup>

The title of his memoir highlights that he ends up doing just that, while the first sentence of the book captures the radical unexpectedness of this outcome: 'I never thought I would lose my country and I never dreamed it would lose me.'<sup>107</sup> The story is thus set up as one of profound transformation, while also representing Key as retaining the moral competence acquired through his grandparents' influence. Key's subjectivity was challenged because moral frameworks that had been in alignment suddenly revealed themselves to be in tension. In sum, Key says, he 'broke the rules by having a conscience'.<sup>108</sup>

### Invoking conscience

The law apparently allows for following one's conscience in respect of war by suspending the requirement to fight for those it recognises as having moral scruples. This is considered crucial in liberal societies and thus constitutes a significant element of the liberal dispositif of war. In contrast, those who walk away without authorisation are threatened with significant penalties. Legally, and indeed socioculturally, there is a sharp distinction between conscientious objectors and deserters. However, the unavailability of legal protection does not stop individuals thinking about their predicament in terms of conscience, which, as we will see, is implicated in the relationality of subjectivity.

We may consider an objection 'conscientious', even if it is not legally protected. Indeed, one could say that to 'act conscientiously is to act in the honest and sincere belief that what one is doing is morally right, *even if it is illegal*'.<sup>109</sup> Mika Ojakangas highlights that the idea that 'in moral and political matters, people should rely on the inner voice of conscience, instead of external authorities, laws and regulations' – and thus assert their subjectivity – is an enduring assumption in Western thought.<sup>110</sup> Standing up for one's beliefs can accordingly induce respect. Yet Key's furtive escape to Canada with his family does not suit a heroic script. Equally, neither

<sup>103</sup>Ibid., p. 44.

<sup>104</sup>Ibid., p. 205.

<sup>105</sup>Ibid., p. 1.

<sup>106</sup>Ibid., p. 2.

<sup>107</sup>Ibid., p. 1.

<sup>108</sup>Ibid. quoted in Laufer, *The Soldiers Who Say No*, p. 4.

<sup>109</sup>Alfred J. Sciarrino and Kenneth L. Deutsch, 'Conscientious objection to war: Heroes to human shields', *Brigham Young University Journal of Public Law*, 18 (2003), p. 75, emphasis added.

<sup>110</sup>Mika Ojakangas, *The Voice of Conscience: A Political Genealogy of Western Ethical Experience* (New York: Bloomsbury 2013), p. 2.

Mejía's initial refusal to go on a poorly designed mission, nor his decision to walk away from the military, is the stuff of heroism. After recounting the reasons for thinking it was not right for him to fight in Iraq, Mejía concludes that 'the truth is that there never was a moment of complete clarity at which I made a firm decision to resist the war; I simply didn't get on the plane when I was supposed to'.<sup>111</sup>

The unedifying image of Mejía not getting out of bed should not, however, distract from noting that the tension between his conscience and the obligation to his men is a theme throughout his memoir. Despite deserting, Mejía emerges as having the courage of his convictions. He not only surrendered to the authorities but also engaged in the public debate about the Iraq War, explaining his actions at anti-war rallies, on the radio, and in his memoir after serving his sentence. His refusal was not just about him, but also about others like him, forced to serve in a war they disagreed with: 'I'm not turning my back on my comrades; I'm doing this for them.'<sup>112</sup> Mejía became Chair of the Board of Veterans against the Iraq War,<sup>113</sup> a 'war resister'.<sup>114</sup> Even if he sees himself as merely 'somewhere in the middle'<sup>115</sup> between coward and hero, he received a Courageous Resister Award from an activist group and was recognised as a prisoner of conscience by Amnesty International.<sup>116</sup>

Thus, despite not being a recognised CO, Mejía occupies a recognisable position in the discourse on war. While legally a deserter, he acted on his conscience, something that is intelligible and potentially admirable. This does not mean approval for his reasons, however. Invoking conscience highlights the perceived moral urgency to the individual; it does not add to the substantive argument about whether the action was right.<sup>117</sup> We appear to invoke conscience precisely when we cannot persuade others of the rightness of our position. Society respects, without agreeing with, certain objections to administering or receiving medical treatment, for example. Thus, we collectively accept that following one's conscience confers grounds to make choices we do not approve of. Hence, while invoking conscience signals an urgently felt moral conviction, it simultaneously reveals an inability to explain it in reference to the prevailing normative order.

Despite his best efforts, Mejía cannot even fully tell his story. He talks about his inability to even recover all his memories:

Their *missing* is not a form of absence, but rather a statement of how war can profoundly change the human soul, removing memories and banishing them into dark and inaccessible corners of the subconscious, while pain, guilt, and despair occupy center stage in our daily lives.<sup>118</sup>

Although Mejía highlights the exceptional experiences of war as the reason, Butler notes, that the 'subject is opaque to itself, not fully translucent and knowable to itself' as a general experience.<sup>119</sup> Despite this, we turn to what is considered at the heart of ourselves to explain what seems

<sup>111</sup> Mejía, *Road from ar Ramadi*, p. 222.

<sup>112</sup> *Ibid.*, p. 242.

<sup>113</sup> IAW and Glantz, *Winter Soldier Iraq and Afghanistan*.

<sup>114</sup> Patrick G. Coy, Lynne M. Woehrlé, and Gregory M. Maney, 'Discursive legacies: the U.S. Peace Movement and "Support the Troops"', *Social Problems*, 55:2 (2008), p. 180.

<sup>115</sup> Camilo Mejía, 'Regaining My Humanity' (17 February 2005), available at: {[https://www.alternet.org/story/21359/regaining\\_my\\_humanity](https://www.alternet.org/story/21359/regaining_my_humanity)} accessed 9 February 2018.

<sup>116</sup> Peter Rothberg, 'Courageous resisters', *The Nation* (23 August 2004), available at: {<https://www.thenation.com/article/courageous-resisters/>} accessed 9 February 2018; Amnesty International USA, 'Prisoner of Conscience, Camilo Mejía Castillo, Released!' (27 April 2011), available at: {<https://www.amnestyusa.org/victories/prisoner-of-conscience-camilo-mejia-castillo-released/>} accessed 9 February 2018.

<sup>117</sup> Giubilini, 'Conscience'.

<sup>118</sup> Mejía, *Road from ar Ramadi*, p. xix.

<sup>119</sup> Butler, *Giving an Account of Oneself*, pp. 19–20.



inexplicable. Like Key, Mejía invokes his conscience to navigate his inability to fully explain. He says he ‘had come to realize that individuals have to make their own decisions based on their conscience’.<sup>120</sup> The upshot is that you have to do what your conscience demands, even if you cannot explain it. You have to be true to yourself.

In offering conscience as an explanation, one’s sense of self comes to be central. This significance of subjectivity emerges clearly when Key says:

I know right from wrong. I had a conscience by the age of six. I had to suspend it for a while in Iraq. Soldiers are told that it is ‘Army first, God second, and family third.’ I am not a coward and I never flinched from danger. The easiest thing would have been to keep on doing what I was told to do. Ever so slowly, as the jets raced and the illumination rounds burned and the houses fell during the long Iraqi nights, my conscience returned. It could no longer be Army first, God second, and family third. It had to be the tiny voice inside me that would not sleep any longer. *I am not this man*, I told myself. *I cannot do these things any longer*.<sup>121</sup>

In trying to make plausible why he had to do what he knows others find contemptible, Key refers to, and indicates his approval of, society’s expectations (such as that soldiers must fight) and military values (such as courage). Indeed, he has sympathy for those who regard deserters with contempt: ‘I know that many Americans have their minds made up about people like me. They think we are cowards who just couldn’t take it. I don’t blame them. I had my own mind made up about war deserters long before I set foot in Iraq.’<sup>122</sup> But he himself had to ‘give up [his] innocent and unexamined belief that [his] country and [his] army were a force only for good in the world’.<sup>123</sup> Once this belief is shaken, it can no longer underwrite his participation in violent raids on civilians.

For Key, the price of following his conscience was losing his livelihood, his country and indeed much of his family, who were ‘scandalized’, seeing him as ‘a traitor and a coward’.<sup>124</sup> If we accept that he had conscientious reasons, then this cost is at odds with the liberal promise. Some accordingly argue for extending legal protection to selective objectors.<sup>125</sup> Indeed, if selective objection had been permissible, this might have changed Mejía and Key’s situation fundamentally. The most obvious problem for them was how the space of conscientious objection is produced and governed.

Yet while such an extension of the right would have improved some soldiers’ situation immeasurably, this proposal obscures that such objections follow a different logic. What the right to conscientious objection seeks to protect is an individual’s right to subscribe to a religion or moral code that clashes with the legal order in specific ways. The conscientious objector invokes their right to be different, based on their lived moral convictions. The liberal order promises to protect them qua persons, that is, their freedom of conscience. Yet when Key says that he ‘cannot do this’ any more, he does not do so because he has firm and fixed beliefs that set him apart from his fellow citizens. On the contrary, he is explicitly an ordinary American. The problem is that he has come to recognise that the armed forces, an institution tasked with protecting American values, are engaged in the very opposite of what he recognises as such. The issue is not,

<sup>120</sup>Mejía, *Road from ar Ramadi*, p. 222.

<sup>121</sup>Key, *The Deserter’s Tale*, p. 8.

<sup>122</sup>Ibid., p. 8.

<sup>123</sup>Ibid., p. 222.

<sup>124</sup>Ibid., pp. 31, 206.

<sup>125</sup>See, for example, Cohen, ‘Conscientious objection’, pp. 276–9; Robinson, ‘Integrity and selective conscientious objection’; Minear, ‘Conscience and carnage in Afghanistan and Iraq’, p. 150. For a detailed discussion of selective objection, see Kent Greenawalt, ‘All or nothing at all: the defeat of selective conscientious objection’, *The Supreme Court Review* (1971), pp. 31–94.

ultimately, that *he* cannot do this anymore but that Americans collectively should not, or rather that these are not separate points.

Second, while Key and Mejía, by invoking conscience, affirm their subjectivity and accept responsibility as demanded by the prevailing order, their accounts reveal that objections to fighting in Iraq are not limited to the question of the morality of the war and their role within it; they are not based on 'solely ethical or moral beliefs'.<sup>126</sup> The regulations explicitly exclude what are considered politically motivated objections. Key and Mejía's objections, though, fall outside the scope in a different way, namely because they are in part rooted in what is typically seen as personal. In this sense, they claim the right to be a person.

Key says that three things 'teemed in [his] brain: [He] wanted to hold [his] wife and children; [he] had the blood of men, women, and children on [his] hands; and [he] couldn't live with [himself] if [he] had to fight again in Iraq'.<sup>127</sup> He repeatedly cites his desire (and right) to be with his family. The question is thus not just whether he still owes allegiance to his country and military once he has recognised the violence against Iraqis as wrong or whether he should seek to protect Iraqis from his own violence by removing himself. The problematic exceeds the war. Mejía similarly articulates a critique of how the war is conducted, but also describes the fabric of life that pulled him towards not returning to Iraq. In a way, despite his eloquence, this makes it ultimately unclear why he deserted. Was it his concerns over commanders risking troops' lives that made him quit? His political objection to the war? His sense of injustice at being forced to serve beyond his contract? The desire to be with his daughter? Fear of dying? We do not know, and perhaps neither does Mejía.

Key and Mejía articulate their personal life-worlds – the ways in which they are persons rather than soldiers – as relevant to their predicament. They are entangled in the world in more than one way, and the question of what to do in response to their alienation from the normative order as embodied in the war is not, in their mind, a question simply about the war. For some, this might simply confirm that deserters and selective objectors more generally are self-interested cowards, that they are 'deficient in character',<sup>128</sup> that they do not understand their proper obligations and instead act in their personal interests. This criticism, while easily made, not only dismisses too easily that – according to its own logic – the liberal order should protect individual ability to have a family and choose a career, but also overlooks the relationality of being a person in the first place.

For both refusers the demand that their environment made – that they fight in Iraq, in this way – came to be in tension with their understanding of morality to such an extent that it affected their sense of selves. While unnecessary and possibly illegal violence – especially against civilians – contributed to their alienation, it was the daily grind of what others seem to accept as ordinary wartime violence that wore them down and provided the background for the inevitability of acting against the values they were meant to promote. Mejía says that he 'despised the war and [him]self in it'.<sup>129</sup> On his flight to the United States for his leave, Key tries 'not to think about which was worse: beating up and killing the civilians of Iraq or refusing to do it any more and becoming a criminal'.<sup>130</sup> He articulates a moral position, rendering his apparently selfish desertion morally intelligible: 'I didn't want to participate in an unjust war, and I didn't believe it was right that I should become a prisoner in my own country for refusing to act like a criminal in Iraq'.<sup>131</sup> Key says that he 'couldn't live with [him]self if he had to fight again in Iraq'.<sup>132</sup> In recognising the normative order to be fractured – to no longer provide guidance – their subjectivity comes to

<sup>126</sup>DoD, Instruction 1300.06, section 3.2.

<sup>127</sup>Key, *The Deserter's Tale*, p. 191.

<sup>128</sup>Robinson, 'Integrity and selective conscientious objection', p. 34, reports this common view with which he disagrees.

<sup>129</sup>Mejía, *Road from ar Ramadi*, p. 213.

<sup>130</sup>Key, *The Deserter's Tale*, p. 183.

<sup>131</sup>*Ibid.*, p. 205.

<sup>132</sup>*Ibid.*, p. 191.

be in question, as neither can be thought without the other, and vice versa in finding themselves uncomfortable with who they have become, the normative order comes to be in question. Butler highlights that ‘the question of ethics emerges precisely at the limits of our schemes of intelligibility’,<sup>133</sup> a predicament I describe elsewhere as being at the limit of ethics.<sup>134</sup>

Key and Mejía can only move towards attempting an ethical response by taking a risk that puts their understanding of themselves radically in question, by following their conscience in a way that runs counter to the demands of the normative order. As Butler puts it, ‘we must recognize that ethics requires us to risk ourselves precisely at moments of unknowingness, when what forms us diverges from what lies before us, when our willingness to become undone in relation to others constitutes our chance of becoming human’.<sup>135</sup> Key and Mejía seem to increasingly have felt the need to break out of having become someone they did not want to be. Mejía indeed presents himself as finding redemption in following his conscience despite being jailed: ‘Behind these bars I sit a free man because I listened to a higher power, the voice of my conscience.’<sup>136</sup> This apparent escape to a more authentic self remains incomplete, however. Although Mejía considers that he ‘failed himself’ by not refusing earlier, he notes his continued relation at the court martial: ‘I am part of the military ... I am one of you, and this is my family too.’<sup>137</sup> Key evocatively calls himself ‘part of the machine’ that was a ‘force for evil’,<sup>138</sup> similarly highlighting that he belongs to what he has rejected.

Refusers’ reflections on the complex interrelationship between demands on them, their effects on others, and implications for their self-understanding express their relationality. Their socialisation into the prevailing normative order, for example through their upbringing, popular culture, and military training, means that their self-understanding is also implicated in it. Of course, that order is itself always fractured. It is precisely because the ‘prevailing matrix of ethical norms and conflicting moral frameworks’ cannot provide adequate guidance that self-making becomes both possible and difficult.<sup>139</sup> Butler urges us to think with the insight that ‘the self has no story of its own that is not also a story of a relation’.<sup>140</sup> This relationality even haunts what we may consider most clearly a sign of our individuality: our conscience.

Ojakangas shows how what he calls the ‘Western politics of conscience’ enables, through the ideology of neoliberalism, a situation where ‘politics is reduced to ethics and collective action replaced by individual responsibility’.<sup>141</sup> Ojakangas’s analysis resonates with Butler’s in that he troubles the idea of conscience and therefore that of the sovereign subject. He notes a longstanding problem for Western theology and philosophy: if our conscience demands that we act against the prevailing normative order, then where does conscience come from? Put crudely, the upshot of Ojakangas’s analysis is that you cannot claim conscience against the normative order because this order is at the root of conscience. The voice of conscience ‘empowers us and authorizes us to rebel against all laws and authorities, but at the same time these laws and authorities maintain their power through this voice’.<sup>142</sup> Thus, refusers who invoke their conscience embrace their position as sovereign subject, apparently confronting a normative order that is, however, always already shaping, them. That the order is never a coherent whole provides, as Butler highlights, space for the ‘emergence of the “I”’.<sup>143</sup>

<sup>133</sup> Butler, *Giving an Account of Oneself*, p. 21.

<sup>134</sup> Zehfuss, *War and the Politics of Ethics*; see also Madeleine Fagan, *Ethics and Politics after Poststructuralism: Levinas, Derrida and Nancy* (Edinburgh: Edinburgh University Press, 2013).

<sup>135</sup> Butler, *Giving an Account of Oneself*, p. 136.

<sup>136</sup> Mejía, ‘Regaining My Humanity’.

<sup>137</sup> Mejía, *Road from ar Ramadi*, p. 294.

<sup>138</sup> Key, *The Deserter’s Tale*, p. 110.

<sup>139</sup> Butler, *Giving an Account of Oneself*, p. 7.

<sup>140</sup> *Ibid.*, p. 12.

<sup>141</sup> Ojakangas, *The Voice of Conscience*, p. 2.

<sup>142</sup> *Ibid.*, p. 211.

<sup>143</sup> Butler, *Giving an Account of Oneself*, p. 7.

In sum, soldiers who invoke their conscience simultaneously reject and embrace the prevailing normative order. They reject its precise demands, but they do so by accepting the wider responsibility placed upon them. Put differently, my reading of Key and Mejia's memoirs shows their subjectivity to be implicated in the order they reject and therefore always already fractured. Invoking conscience in a bid to recover an undisturbed sense of self claims a morality beyond the prevailing normative context, which, however, turns out to be already affected by that context. The refusal appears articulated as a response and challenges within the moral order that presents the war and soldiers' participation as right. Yet on closer scrutiny it reveals the logic of this order itself to be in question. Refusers do not emerge as sovereign subjects taking on the order but as marked by an inescapable relationality.

## Conclusion

Freedom of conscience is vital to liberal society. The right to conscientious objection underpins the sovereign individual central to liberalism. No one should have to fight against deeply held moral convictions. Although this was not debated as much in relation to contemporary wars, presumably because there is no draft, this is just as important to the liberal dispositif of war as are strategies for protecting civilians. Liberalism has to limit its violence against both civilians and soldiers. Hence, that some soldiers who invoked their conscience and refused to serve in the Iraq War were sent to prison should give us pause.

While the refusers make their actions intelligible by showing how the Iraq War was wrong or fought in the wrong way, their accounts of themselves reveal that the debate about which wars are ethically permissible is premised on problematic assumptions. Justifying war relies on the instrumentality of violence, whether they stress the defence of nation and territory or the rights and protection of the population in the warzone. It assumes that 'violence is an instrument that can be directed to clear goals and precise outcomes'<sup>144</sup> against which its ethicality can be assessed. Liberal war aims to limit the use of violence as much as possible, again requiring a standard for deciding what is effective as opposed to superfluous force. The onus of fighting in the right way is on the soldiers. They are held accountable if they participate in what fails to pass this test.<sup>145</sup> They must disobey manifestly illegal orders.<sup>146</sup> Indeed, a whole system of military values is designed to bring to life the code that soldiers should aspire to.<sup>147</sup> Soldiers, in other words, are responsibilised.

Thus, the reduction of politics to a matter of personal responsibility that Ojakangas highlights is experienced in a particularly serious way by soldiers in warfare. What he calls the 'Western politics of conscience' requires the possibility of sovereign subjectivity.<sup>148</sup> Kenneth T. MacLeish argues that the soldier challenges this 'fantasy of an autonomous, self-sovereign individual' at work in liberal democracies 'in an especially acute fashion, as he [*sic*] is perpetually subject to the will of others while exposed to bodily harm in ways that are utterly transparent, rationalized, and legitimate'.<sup>149</sup> Put differently, the soldier's situation 'raises broad questions about the limits of personhood',<sup>150</sup> which become particularly visible in the predicament of the refusers. Although

<sup>144</sup>Kenneth T. MacLeish, *Making War at Fort Hood: Life and Uncertainty in a Military Community* (Princeton: Princeton University Press, 2013), p. 7.

<sup>145</sup>Neta C. Crawford, *Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars* (New York: Oxford University Press, 2013).

<sup>146</sup>Mark J. Osiel, *Obedying Orders: Atrocity, Military Discipline and the Law of War* (New Brunswick: Transaction Publishers, 1999).

<sup>147</sup>Zehfuss, *War and the Politics of Ethics*; Brigadier General H. R. McMaster, 'Remaining true to our values: Reflections on military ethics training in trying times', *Journal of Military Ethics*, 9:3 (2010), pp. 183–94.

<sup>148</sup>Ojakangas, *The Voice of Conscience*, p. 2.

<sup>149</sup>MacLeish, *Making War at Fort Hood*, p. 13.

<sup>150</sup>*Ibid.*, p. 13.

they arguably aim to recover their authentic self, this strategy necessarily fails because of their relationality. They cannot be without the normative order.

Although the liberal order conjures up a sovereign subject that appears to be essential to any possibility of ethics, Butler argues in contrast that acknowledging the 'limits of self-knowledge can serve a conception of ethics and, indeed, responsibility'; for once the subject is conceived as a 'relational being', obligations to others cannot be ignored.<sup>151</sup> Giving an account of oneself 'accepts the presumption that the self has a causal relationship to the suffering of others'.<sup>152</sup> Indeed, engaging with the refusers' stories shows how this can be experienced as fundamental to the self. Their stories show not just the difficulty of figuring out what to do, but the anguish of acting against the normative order which is always already within them, part of what makes them who they are.

These stories show how rationalising violence as necessary to achieving broader outcomes can be experienced as hollow and impossible, also drawing attention to the pain generated by this failure and the impossibility of escaping. Put differently, these refusals reveal more than a disagreement with the argument that the Iraq War serves ethical ends. It shows the limit of intelligibility at which a right way forward cannot be found by way of rationalisation. Ethics appears as a question, not an answer. As noted earlier, Butler claims that risking ourselves in such a situation is our chance to become human.<sup>153</sup> The refusers have certainly risked themselves, showing the scope for embodying their shared predicament in different ways. Each one walks away in a different manner.

We need to engage with their accounts precisely because liberal rationalisations of war will not. When soldiers object to liberal war, the system is organised such that legally they are in the wrong. The point is not, however, to show that they might be right according to some morality invoked through their conscience, but rather that their predicament exposes the impossibility of the kind of subjectivity that 'good war' requires. The centrality of individual responsibility is key to the limitation of violence in war, while simultaneously underpinning the rationalisation of violence that enables war. Put differently, soldiers are held responsible for their conduct and by implication for the ethicality of war. When war turns out to be less than ethical, the soldiers, rather than the system, are seen to be at fault. The problematisation of subjectivity in refusers' accounts exposes what has to be concealed in this logic, namely that the normative order is always implicated in the disruption it must suppress.

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<sup>151</sup> Butler, *Giving an Account of Oneself*, pp. 19–20.

<sup>152</sup> *Ibid.*, p. 12.

<sup>153</sup> *Ibid.*, p. 136.