

Call to Arms: What Really Happens in Italy in Case of Conflict. Obligations, Mobilization Age, and Legal Consequences for Those Who Do Not Show Up.

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The **Italian Constitution**, in Article 11, states a fundamental principle: **«Italy repudiates war as an instrument of aggression against the freedom of other peoples and as a means of settling international disputes»**.

But what would happen if Italy were attacked instead? In that case, could the State force citizens to go to war? **The answer is yes, without particular interpretations.**

In times of international tension, a specific question arises: **in case of war, could Italy call citizens to arms? And who would be obliged to show up? And what would happen to those who do not?** The answer lies in the Italian legal framework, which **has not**

disappeared with the suspension of compulsory military service.

On the contrary, **the legal foundations for military mobilization still exist today**.

The Constitutional Principle: Defense of the Homeland

The legal basis is contained in **Article 52 of the Italian Constitution**, which states:

> *«The defense of the Homeland is a sacred duty of the citizen. Military service is compulsory within the limits and in the manner established by law.»*

The principle is clear: **the defense of the State is not only the task of professional Armed Forces but a duty that involves citizens**, within the limits established by laws.

Compulsory Military Service is Not Abolished: It is Suspended

A point often misunderstood concerns military service.

In Italy, **military service has not been abolished**, but **simply suspended** in 2005 with the transformation of the Armed Forces into an entirely professional instrument.

This means that **the legal framework has not been erased**. In case of extraordinary needs, such as a war or a severe international crisis, **the State could reactivate military service through a legislative measure**, making the procedures already provided by the military system operational again.

A little-known aspect is that **the draft lists have never been eliminated**.

Every year:

- **Municipalities compile the draft lists of citizens who turn 17**
- the data is managed **by municipal registry offices**
- the information is transmitted to the competent authorities

This is an administrative procedure that **continues to exist precisely to allow the State to have an updated picture of potential recruits**.

General Mobilization: The Real Tool in Case of War

In reality, in case of war or a serious threat to national security, **the State would not necessarily start with compulsory military service**.

The main tool provided by Italian legislation is **general mobilization**, governed by the **Military Code (D.Lgs. 66/2010)**.

Mobilization is the measure by which the State **rapidly transforms the military system from a peacetime setup to an emergency or wartime setup**, recalling personnel, resources, and capabilities necessary for national defense.

Mobilization is decided by the **Council of Ministers** and declared with a **decree of the President of the Republic**.

In this scenario, the call would not happen all at once, but **in successive phases**.

Who Could Be Called to Arms

In a national mobilization scenario, the State **would not start from scratch**. The Italian military system provides for **a progressive recall structure**, distinguishing between citizens who have never served and trained personnel belonging to the **military reserve**.

For citizens who **have never performed military service**, the age range potentially involved in case of reactivation of military service is generally between **18 and 45 years**.

This is the age range traditionally considered suitable for enlistment. In case of mobilization, citizens would first undergo **physical and psychological aptitude tests**, and subsequently be assigned to units or support roles necessary for the Armed Forces.

The situation is different for those who **have already served in the Armed Forces**. In this case, the legislation provides that discharged personnel become part of the so-called **reserve**, a pool of already trained and educated military personnel.

For this category, the recall obligation can extend longer, generally **up to 56 years of age**. For **officers**, especially those discharged or belonging to the selected reserve, the limit can be even higher, as their role is often linked **to planning, command, or specialized functions**.

Former military personnel constitute **the first operational reserve of the State**. This is because an already trained military person **can be reintegrated into units much more quickly**, reducing training times and allowing for more effective mobilization.

In a realistic operational scenario, the State would generally proceed in this order:

1. **recall of reserve ex-military personnel**
2. use of **civilian personnel with technical skills useful for defense** (doctors, engineers, technicians, IT specialists)
3. possible **reactivation of military service for new classes of citizens**

Does the Call Only Concern Male Citizens?

According to **the current legislation**, compulsory military service, if reactivated, **would concern only male citizens**.

The reference is to the **Military Code (D.Lgs. 66/2010)**, which still maintains the historical framework of military service. The **draft lists**, in fact, continue to be formed every year by Municipalities **only for male citizens who turn 17**.

This means that, **in the current legal framework**, in case of reactivation of military service or general mobilization, the obligation to show up would concern **men**, while **women would not be subject to compulsory call**.

Women can still serve in the Armed Forces, but **only on a voluntary basis**. Female access was introduced in Italy in **2000**, allowing women to enlist in all roles of the Armed Forces and military police forces.

For women to also be subject to compulsory military service, **a change in the law would be necessary**, as the current military service system continues to refer explicitly **to the male population**.

What Happens If You Do Not Show Up

Failure to comply with military obligations can lead to **very severe legal consequences**, provided by the **Military Penal Code of Peace and the Military Penal Code of War**.

Failure to Show Up for the Call

If a summoned citizen **does not show up for enlistment**, they may incur the crime historically defined as **draft evasion**.

In case of mobilization or reinstatement of military service, failure to show up can result in **prison sentences of several years**, in addition to the obligation to fulfill military service anyway.

Desertion

The situation becomes more serious if the person has already been incorporated into the Armed Forces.

Desertion occurs when a military person:

- leaves the unit without authorization
- or **does not show up at the unit after incorporation**

According to the Military Penal Code:

- **in peacetime**, desertion can be punished with military imprisonment **up to 5 years**
- **in wartime**, the penalty can reach **up to 15 years of imprisonment**, depending on the circumstances

Defection to the Enemy

The most serious crime is **defection to the enemy**, which involves behaviors such as:

- providing information or assistance to enemy forces
- collaborating with the enemy
- fighting or operating in favor of hostile forces

According to the **Military Penal Code of War**, the crime of **defection to the enemy** can be punished with **life imprisonment**. In the past, for the most serious cases, the law **also provided for the death penalty**, which remained formally in the code until **1994**, when it was definitively abolished from the Italian legal system. Today, therefore, **the maximum penalty provided is life imprisonment**.

A Fully Operational Legal System

Despite the professionalization of the Armed Forces, **Italy still retains the entire legal framework for military mobilization**.

There still exist:

- the **constitutional principle of defense of the Homeland**
- the **draft lists managed by Municipalities**
- the **laws that allow for the reactivation of military service**
- the **mobilization tools provided by the Military Code**
- the **military penal system that regulates service obligations**

This is a legislative framework designed to **ensure the State's ability to rapidly mobilize men, skills, and resources in case of conflict or severe national emergency**.