

Jürgen Kuhlmann, Ekkehard Lippert

**CONSCRIPTION ON ITS WAY TO
NATIONAL SERVICE**

Paper prepared for the IIMS-Seminar
"Conscientious Objection: From Religious
Pacifism to Political Protest" Caesarea, Is-
rael, Nov. 18-20, 1992.

München, Februar 1994

Compulsory military service and conscientious objection (Co) are in Germany highly correlated. Since 1984 young men who are fit for military service have a *de facto*, though not *de jure* choice between military service and civilian alternative service. The right of CO legally even takes precedence over compulsory military service, since this right was firmly established by the Basic Law in 1949, whereas compulsory military service was put on a legal basis in 1956 with the Compulsory Military Service Act.

CO has become an increasingly aggravating problem in Germany. Up until the mid-1960s, the number of applications for recognition as a conscientious objector per year was markedly below 6,000. As a result of the widespread discussion on the Vietnam War in the German public and of the activities of the so-called extraparliamentary opposition, the number of applications increased steeply later on. In 1973, the first "mass attrition of the conscience" was reached when about 35,200 applications were recorded. The figures for the period of time from 1984 - 1987 (about 55,000 per year) were affected by the discussion about arms race, the stationing of cruise missiles and the arguments of the peace movement. Whilst the number of applications then kept steady at an annual level of about 77,000 until 1990 it nearly doubled in 1991 to the so far record level of 151,000 applicants (citizens of former GDR included) - about 4,500 of them being active soldiers.¹ Obviously the unification of both Germanies, the dissolution of the East-West confrontation and especially the 1991 Gulf War were of great influence. Hopes that after the end of the Gulf War the number of conscientious objectors would markedly decrease have not been fulfilled. During 1992 already again 133,868 men refused to do military service. The figures for 1993 are at present not fully available but roughly will reach the same level or will even exceed it.

Everybody who objects to military service under arms has to undergo civilian alternative service, since 1973 called *Zivildienst*.² *Zivildienst*, however, cannot exist by itself but remains "a compulsory military service done with other means and without the use of weapons" according to a decision of the Federal Constitutional Court which is the Supreme Court in Germany.³ It is meant to create more justice, i.e. to balance the burden between those doing military service under arms and those objecting on grounds of conscience.

Already now, a lot of associations of private welfare work cannot cope without these young men doing their civilian alternative service as male nurses. In some associations their number already exceeds the number of full-time employees. In general the social functions performed by young men doing *Zivildienst* would only be fulfilled inadequately or even totally dropped if they were left to the laws of competition even in a social market economy. Where the profit remains low or cannot be financed by fringe groups of society, the obvious, because comparatively cheap solution is to call for social assistance through common welfare and enforce it by the state.

¹ According to the Federal Constitutional Court anyone can cite the constitutional right to conscientious objection even if he already is or was a soldier.

² For further alternatives see Jürgen Kuhlmann, West Germany: The right not to bear arms. In: Donald Eberly/Michael Sherraden (Eds.), *The moral equivalent of war?* N.Y. 1990.

³ Decision of the Federal Constitutional Court, Vol. 48, p. 165 f.

In autumn 1993 about 134,000 young men were doing *Zivildienst*. About 49 percent of them served in hospitals and nursery homes, about 13 percent worked for outpatient services thus enabling elderly people to stay and be cared for in their familiar environment. Approximately 8 percent of the COs were employed in rescue squads; about 7 percent cared for severely handicapped persons, helping them to get along in everyday life (individual care for the severely handicapped). A total of 12 percent carried out administrative tasks or crafts jobs in social institutions. Moreover, another 3 percent worked in the field of environmental protection, particularly in natural reserve or national parks.⁴

For the 134,000 young men undergoing *Zivildienst* about 165,000 officially acknowledged and institutionalized slots are available. Thus, at least within certain limits, the *Zivildienst*-people are in a position to choose the kind of work that suits them most.

Beginning with January 1995 a maximum of about 155,000 conscripts will be drafted per annum, contributing to a total manpower strength of 370,000 soldiers. Contrary to military service there is no fixed minimum nor maximum limit for the number of youngsters doing *Zivildienst*. Rather the number of *Zivildienst*-personnel corresponds to the number of *Cos* (assuming a utilization rate of 96 percent).⁵

Conscripts and young men doing *Zivildienst* share the fate of not being paid in line with market conditions: both receive the same modest pay. Young men doing *Zivildienst* "are a low-waged and cheap work force for the social sector. All work that is not done by professionals, for which they seem to be too expensive, can be carried out by young men doing *Zivildienst*. They can be employed anywhere according to need and ability without any restrictions imposed by labor law, and they have to work by order. Where certain activities become unattractive because no civilian workers can be found and where shortages are being felt, young men doing *Zivildienst* can rapidly be employed".⁶ This means also that young men doing *Zivildienst* are not trained experts. They cannot compete with professional personnel.

Contrary to the conscripts' work the work of young men doing *Zivil dienst* is paid by the recipients of such services in line with market conditions. In 1987, approximately DM 1.8 billion were paid at so-called cost reimbursements. These payments, however, did not result in real income for those rendering the service, but went into the budgets of public welfare associations. Every man doing *Zivildienst* brought the associations an average net profit of DM 33,000 in 1987.⁷

⁴ Cf. Dieter Hackler, Gesellschaftspolitischer Faktor. In: Das Parlament, 09.04.1992.

⁵ See: Gadox, Wehrgerechtigkeit. Bonn 199J (Wiss. Dienste des Dt. Bundestages)

⁶ R.Becker/G.A.Hofmann, Ein Anlaß zum Jubeln? In: EAK (Ed.), Sozialer Friedensdienst im *Zivildienst*. Bremen .1989, p. 77.

⁷ Data in: Jürgen Kuhlmann/Ekkehard Lippert, Kriegsdienstverweigerung und *Zivildienst* in der Bundesrepublik Deutschland. München 1991 (SOWI-Arbeitspapier No. 49).

It is easy to imagine what troubles private and public welfare associations in Germany would run into if, together with compulsory military service, *Zivildienst* was given up. The persons entrusted to the care of young men doing *Zivildienst* would have to do without the previously rendered services. The budgets of the private social associations would show an *annual deficit* of approximately DM 2 billion. "You may get the impression that compulsory military service must be maintained to supply an adequate number of young men doing *Zivildienst* in order to make up for the emergency situation .in nursing and welfare work. But this would be an opposite effect of the actual legal context considering *Zivildienst* a substitute for military service. This grievance requires a political solution; by no means, however, can *Zivildienst* be used to legitimize compulsory military service in future".⁸

The present situation in Germany discloses two major trends. First Germany is facing a reduced willingness of the youth to follow the military call up. Second the social acceptance of CO and of alternative service keeps growing largely. These developments are reinforced by the growing ageing and grading of German population resulting in a greater need for social i.e. nursing services. They were also boosted by the very emotional public anti-reactions to the Gulf War and the changing perceptions of military threats in Europe.

Empirical data prove the increase of public acceptance of *Zivildienst*. A comparative assessment of the societal importance of military compulsory service and *Zivildienst* in 1981 revealed both valued about equally.⁹ 24 percent of a representative sample of the German population considered military service more important for society. 13 percent attributed more significance to the *Zivildienst*, 96 percent, considered them "equally Important" (7 percent undecided.). Only nine years later, the situation had changed dramatically.¹⁰ Now only 10 percent of the population considered military service important, whereas 48 percent valued alternative services to be of greater importance. 39 percent voted for equal importance. 3 percent were undecided.

Whereas in 1971, 39 percent felt "great respect" for a young man refusing military service for ethical reasons; in 1991, twenty years later, this number increased to 70 percent.¹¹ Particularly young women are inclined to advise a young man to do *Zivildienst* rather than military service (50 percent in the old German Laender, 60 percent in the new ones).¹²

Germans assume the following reasons for CO (multiple ratings possible): 27 percent believe that religious reasons influenced the decision; 48 percent assume human motives in general, such as "respect for life"; 24 percent name "political reasons", 28 percent private reasons and 49 percent agree that the time "lost" in military service make young men to object to the draft.¹³

⁸ Waldemar Ruez, Hearing der KAK "Wehrpflicht ohne Zukunft? Alternativen in der Diskussion". In: KAK-Rundbrief IV, 1990, p. 3.

⁹ IFD Poll No. 3098.

¹⁰ IFD Poll No. 5041/1.

¹¹ IFD Polls No. 2068 and 5048.

¹² IFD Poll No. 5057.

¹³ Hans Viktor Hoffmann, Demoskopisches Meinungsbild in Deutschland zur Sicherheits- und Verteidigungspolitik 1991, Waldbröl 1992, p. 145.

The question, whether certain psychological traits characterize a "typical" CO gave rise to the problem how to define "conscience". Systematic scholarly studies came up with a kind of an "average personality" of an CO. However, it also became clear that not only the kind of conviction, but also its intensity were of great importance.

The findings show that the "typical CO" is rather an inner-directed personality who rejects principles of military order and who is alienated from politics. In many cases, CO results from ethical and moral considerations. There is, however, evidence that the decision to object to compulsory military service goes closely together with a very personal and pragmatic utilitarian calculation.¹⁴

If, in recent times, it has been increasingly suggested to replace compulsory military service, and thus *Zivildienst*, by a "general service to society", then the point in question is not so much "the personal involvement which our society may also expect from young citizens".¹⁵ It is rather the reaction to the sobering insight that German society to an ever greater extent will depend on the social services so far rendered by the *Zivildienst* on the one hand, while on the other hand such services can only be provided in an organizational setting which is acceptable from an economic point of view.

A general service to society could indeed offer appealing advantages if it was arranged appropriately. Social work performed as a general service to society could be defined on its own and need not be an alternative way to fulfil one's duties, like the current *Zivildienst*, for those who refuse to do military service under arms. The decoupling of compulsory military service and civilian social service could also further rational decisions with regard to maintaining compulsory military service. A political vote against the draft and in favour of all-volunteer forces would not be overladen with the inevitable consequence to abolish the *Zivildienst* and with it the still needed social services.

It would be an issue of social and democratic consent to determine which options a general social service should offer in addition to the tasks performed by the *Zivildienst* and other public services which qualify for an exemption from compulsory military service. Like the constabulary service of the police, the civil defense and disaster control service and the Third World development aid service, nursing professions could be rated as a contribution to social service. It would be similarly justified to discuss to what extent other social services which do not show up in the national account and which are not being paid for, such as housekeeping, raising children, caring for dependents, could be considered a service to society which is actually rendered on the spot. Military service done on a voluntary basis - should become one of several possible options.

As such, the compulsory aspect of military service would no longer have to be justified by arguments overemphasizing the normative character as has been

¹⁴ See Jürgen Kuhlmann/Ekkehard Lippert, op.cit. pp. 22 f.

¹⁵ Dieter Julius Cronenberg, Pflicht zum sozialen Jahr für Jungen und Mädchen? DIE WELT 24.09.1990, p. 4.

frequently done in the past. It would be left to those concerned to follow their own convictions and attitudes.

It would benefit a democratic society not to enforce social service -as it is described here -, but to leave it to the active solidarity or voluntarily committed citizens.¹⁶ In a society where material wealth comes first, a voluntary social service would have to offer a well-planned system of encouraging positive incentives.

Whether a voluntary service will gain acceptance ultimately depends on how strong the incentives need to be in order to keep those concerned from choosing "undesired" alternatives like, for example, a professional vocational training of their own.

When considering recent empirical findings, a general social service of men and women would certainly not fail because of the disapproval of the population. In December 1990, two representative samples of the young (16 - 25 years, total n about 900) were drawn in former West-Germany and in former GDR.

Among other items, the poll included questions concerning the acceptance of a general civic service (compulsory for all young men and women between 18 and 20 years old) with seven options.¹⁷ In summary the results show that a substantial part of the young population tends to accept the (hypothetic) concept of an optional civic service, even if it should be obligatory. There is no large difference in the overall acceptance of the idea between young men and young women.

A replication of this study (as panel) in July 1991 led to comparable results.¹⁸ Both polls disclosed the evidence that there is a potential interest of the young to engage in a societal service (Environmental protection, Third World development assistance, caring for children or the old and the handicapped), dealing with an attempt to minimize the risks of modernization. The traditional societal service i.e. compulsory service as a conscript, is attractive for a minority, of young men only (about 20 percent). Considering the expected further reduction of the *Bundeswehr* that is under discussion now (a draw possibly down to 250,000 soldiers)¹⁹ this minority would probably be sufficient to man the future German armed forces.

¹⁶ See Heinz-Ulrich Kohr, Military service as a part of a general optional civic service? München 1990 (SOWI working paper). Kohr justifies this point by referring to the change of values accepted by the German youth.

¹⁷ Cf. Heinz-Ulrich Kohr, op.cit.

¹⁸ See Jürgen Kuhlmann, National Service options in Germany. Paper presented at the International Conference "National Service: A Global Perspective" Racine, Wisc. 1992.

¹⁹ Statement General Naumann. In: Plädoyer für Wehrpflichtarmee. In: Bundeswehr aktuell 10.01.92, p. 1.