

DRAFTING A NEW CONSENSUS ON CONSCRIPTION

GERMANY DEBATES THE FUTURE OF COMPULSORY
MILITARY SERVICE

Master of Arts in Law and Diplomacy Thesis

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ABSTRACT

In 1956, the Federal Republic of Germany (FRG) reinstated compulsory military service. Despite the disappearance after 1990 of the rationale that sustained conscription, a reunited Germany has thus far opted to retain a reduced draft. A plummeting demand for draftees, however, is eroding the public perceptions that conscription is still “universal.” Opponents of the draft have seized upon Germany’s “defense equity” (*Wehrgerechtigkeit*) problem as an issue around which to mobilize. Their efforts to end the draft have been assisted by a brief demographic spike in the size of draft age cohorts that amplifies the *Wehrgerechtigkeit* quandary just as a brief window of political opportunity is opening to reevaluate current conscription policy.

This thesis assesses the viability of the FRG retaining the draft in an “adapted form” and the likelihood for future policy change. It surveys the origins of universal conscription in Germany and its trajectory since reintroduction in 1956/57. Multiple-streams theory provides the overarching framework for analyzing the debate. The final section concludes that while social pressure to end the draft remains low, the possibility for top-down change may be increasing. A growing rift within the Social Democratic Party (SPD) on the future of conscription is the key unknown variable that may ultimately alter the calculus that has thus far sustained compulsory military service in Germany.

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CHAPTER I: INTRODUCTION

In 1973, in the midst of the East-West conflict, a West German appointed Force Structure Commission recommended reexamining the question of transitioning the federal armed forces (*Bundeswehr*) to an all-volunteer model "...if the security situation changed so drastically as to allow a considerable reduction of operationally ready forces."¹ Among the many benefits that would accrue from an end of the draft, the Commission's report included the issue of "defense equity" (*Wehrgerechtigkeit*). Specifically, it stated: "There is no inequity in induction, and the right of conscientious objection is no longer relevant."²

The criterion set forth by the Force Structure Commission for a reevaluation of the draft has been satisfied. The twelve-year span encompassed by the fall of the Berlin Wall on November 9, 1989 and the collapse of the Twin Towers on September 11, 2001 was a transitional period in world affairs. German reunification, the collapse of the Soviet Union, the eastward expansion of transatlantic security structures, the disintegration of Yugoslavia, and the emergence of terrorism as a strategic threat to the nation-state, have all contributed to a fundamental restructuring of the geopolitical order within a broader concept of security.

¹ As cited in Jürgen Kuhlmann and Ekkehard Lippert, *About the Decline of Conscription in Post-Modern Germany* (Garmisch-Partenkirchen/Munich: 1995), 15.

² *Ibid.*

As the bipolar strategic confrontation between NATO and the Warsaw Pact faded, the one truly existential threat to the Western allies—the threat of a military invasion emanating from Eastern Europe—evaporated, leaving Germany in a vastly improved geo-strategic position. Today, the external justification that sustained mass European armies has vanished. Since the end of the Cold War, Western liberal democracies have increasingly embraced a trend of abandoning large, conscript based forces in favor of smaller all-volunteer forces. In contrast to their heavier Cold War counterparts, these lighter forces can rapidly deploy in support of multinational humanitarian interventions and peacekeeping operations.

While the trend towards smaller forces has been unquestionable, acceptance of the all-volunteer force model has not been universal. Many states that formerly fielded large conscript-based armies including Germany have chosen to retain conscription in a form better suited to the current strategic environment. They have downsized and restructured their forces to significantly reduce the numbers of short-term conscripts while increasing the “volunteer” and career cadre component. This so-called “mixed model” purports to retain the social and economic benefits of conscription, while building the capacity of the armed forces to actively support multinational missions. The new military missions and tasks that have emerged in the post-Cold War and post-9/11 periods constitute the impetus driving the reduced size and increasingly interventionist character of Germany’s armed forces. Since unification the overall troop strength of the *Bundeswehr* has been reduced from a high of 667,000 to its current level of approximately 266,700. That

number will further decrease to a low of 252,500 by the year 2010.³ Yet, the decision to finally abandon conscription and transition to an all-volunteer model remains a difficult and controversial one for German legislators.

Compulsory military service in Germany has weathered many challenges since its introduction in 1956/57 yet continues to enjoy broad popular support. The annually decreasing number of young men that perform military service, however, poses a challenge for those committed to maintaining a system of “universal conscription.” The reduced need for conscripts has fostered the perception of a significant “free rider” problem. As fewer conscripts are called up, more young men escape the burden of having to perform military or a substitute form of service. In April 2004, advocates of conscription suffered a setback when the Cologne Administrative Court ruled that the Ministry of Defense’s revised “selection criteria,” introduced in July 2003 were illegal. The Cologne Court ruled that conscription had become arbitrary and violated the constitutional principle of *Wehrgerechtigkeit*. Notwithstanding recent attempts to contain the ramifications of the Cologne judgment, the mounting perception that Germany has a “defense equity” problem provides an issue around which opponents of the draft hope to effectively mobilize resistance.

This thesis assesses the viability of the FRG’s policy of retaining the draft in an “adapted form” and the likelihood for future policy change. It surveys the origins of universal conscription in Germany and its trajectory since reintroduction in 1956/57.

³ These figures are publicly available from the *Bundeswehr's* official website (www.Bundeswehr.de). The target figure of 250,000 (without reserve training slots) is cited in Dr. Struck Peter, *Weisung für die Weiterentwicklung der Bundeswehr* (Bonn: Bundesministerium der Verteidigung, 2003), 7, Section 13.

Multiple-streams theory constructs the notional lens through which this study approaches the current debate.

The analysis section applies the ‘multiple streams model’ to the subject under investigation to clarify the core issues in the problem, politics and policy streams. It posits the existence of windows of opportunity in both the politics and problem streams resulting from a recent intensification of the *Wehrgerechtigkeit* issue. The final section concludes that while social pressure to end the draft remains low, the possibility for “top-down” change may be increasing. A growing rift within the Social Democratic Party (SPD) on the future of conscription is the key unknown variable that may ultimately alter the calculus that has thus far sustained compulsory military service in Germany. Whatever the outcome of the future debate, the maintenance of a “selective draft” in Germany appears unviable in the long-term. Therefore, if the draft is to be maintained in an “adapted form” a new socio-political consensus on conscription will have to be forged.

Research Design and Methodology

The format of my thesis is the single case study and its purpose is to illuminate the policymaking process surrounding the future of German compulsory military service. As noted by Yin, single-case studies are particularly well suited to addressing “How” and “Why” questions regarding contemporary events, particularly those in which there are multiple variables of interest.⁴ The primary goal of my research has been to analyze and

⁴ Robert K. Yin, *Case Study Research: Design and Methods, Third Edition* (Thousand Oaks: Applied Social Research Methods Series, Volume 5, Sage Publications, Inc, 2003), 5-9.

present data derived from a broad spectrum of sources. Quantitative data cited in this thesis derive principally from official German government sources.

Literature Survey

Primary Sources

Primary sources consulted in the course of this research include: legal statutes, high court opinions, and the German Constitution (The Basic Law). Most are readily accessible via the internet. Security policy planning documents and data pertaining to military personnel structures were accessed via the Ministry of Defense's official web page (www.bmvg.de) or provided by members of the Planning staff (*Planungsstab*). I also benefited from access to political information obtained via the German Parliament's internal "intranet." Additional documents were generously provided by members and staff of the parliamentary Defense Committee (*Verteidigungsausschuss*), and by the office of Rudolf Scharping, Parliamentary Representative for the State of Rheinland-Palatinate and former Federal Defense Minister (1998-2002).

Secondary Sources

There is an extensive and growing literature on the topic of conscription in the light of the recent trend of European militaries towards the all-volunteer model. I tried to review anything that contributed to my study of the German debate. Policy groups, the media, and academic journals provided ample commentary and analysis on the topic.

Personal Interviews

I was fortunate to be able to gather information through a series of personal interviews I conducted on the topic of conscription with German military planners, social scientists, and politicians during a research trip to Berlin in June 2004. Among those interviewed were: Rudolf Scharping (SPD), Member of Parliament (MdB) and Federal Defense Minister (1998-2002); Mr. Reinhold Robbe (SPD), Chairman of the Defense Committee and MdB; Mr. Rainer Arnold (SPD), Member of the Defense Committee and MdB; Mr. Jürgen Schnappertz and Commander Rainer Preuß of the Ministry of Defense Planning Staff; Director Jörn Thießen, Dr. Thomas Bulmahn, and Dr. Ines-Jacqueline Werkner of the *Bundeswehr's* Social Science Research Institute (*Sozialwissenschaftliches Institut der Bundeswehr*); and Mr. Axel Schneider, Personal Assistant to the Director of the SPDs Working Group on Security Issues (*Arbeitsgruppe Sicherheitsfragen*).

Suggestions for Additional Research

A proposal for a questionnaire crafted to survey the opinions of lawmakers on the topic: 'the future of conscription' is contained in the Appendix. It is my intention to conduct this survey in the German Parliament before the convocation of the SPD's special congress on the future of conscription in November 2004. I believe that the information generated from such an instrument would enhance the prognostic capabilities of researchers seeking to determine the ultimate trajectory of the current debate.

CHAPTER 2: HISTORICAL BACKGROUND

This section provides contextual background information essential for an appreciation of the core issues that lie behind the contemporary debate on the future of compulsory military service in Germany. It begins with an overview of the origins of conscription in Prussia as an instrument of both liberation and liberalization. After discussing the foundations of the draft, a section is devoted to the enduring negative precedent set by Germany's first "professional" army, the *Reichswehr*. Additional sections survey the reintroduction of the draft after the Second World War in West Germany, the persistence of the draft in the period following German unification, and the path of Red-Green military reform since 1998.

The Origins of German Conscription: A Dangerous French Idea

The cornerstone of the "social bargain" that supports the practice of universal conscription and the concept of the "citizen in uniform" in Germany today has its origins in the aftermath of the French Revolution and the period of the Napoleonic Wars. The French *levée en masse*, first introduced in August 1793, created the concept of the "nation in arms." Its effect was to temporarily recruit the entire French population to the task of defending national territory and the political achievements of the Revolution from invading absolutist armies. The French Revolution forged a close bond between citizen and state and created the now familiar idiom of national service. Militarily, it challenged

the prevailing wisdom of basing national defence on elite professional and hired mercenary troops.⁵

Although the French model of universal conscription is the one that stands out most in the popular imagination, the influence of the victories of the American Colonial militias over British and Hessian professionals may have been of equal importance.⁶ In the American war of independence, citizen soldiers “inspired by popular sentiment and loyalty to a common fatherland” first demonstrated the superiority of patriot over mercenary forces.⁷ The Prussian military reformer, Gerhard Scharnhorst, was convinced that “if the traditional soldierly training and discipline of the Prussian military machine could be preserved and harmonized with the new patriotism, the military might of the new Prussia would become impregnable.”⁸

Following Prussia’s capitulation to Napoleon Bonaparte in 1807, a small group of Prussian army officers led by Scharnhorst spearheaded an effort to democratize both the armed forces and society. Today, these Prussian reformers are regarded as the pioneers of German liberal social and political reform. As such they are justifiably considered the

⁵ Alan Forrest, "Conscription as Ideology: Revolutionary France and the Nation in Arms," in *The Comparative Study of Conscription in the Armed Forces*, ed. Lars Mjøset and Stephen Van Holde (Oxford: Elsevier Science, Ltd, 2002), 95.

⁶ Meyer Kestnbaum, "Citizen-Soldiers, National Service and the Mass Army: The Birth of Conscription in Revolutionary Europe and North America," in *The Comparative Study of Conscription in the Armed Forces*, ed. Lars Mjøset and Stephen Van Holde (Oxford: Elsevier Science, Ltd, 2002), 117-121.

⁷ Kurt F. Reinhardt, *Germany: 2000 Years, The Second Empire and the Weimar Republic* (New York: Continuum Publishing Company, 1998), 436-439.

⁸ *Ibid.*, 437.

spiritual fathers of the *Bundeswehr*, the first armed forces in German history that are both “democratic” and tightly woven into the fabric of society.

In July 1807, King Frederick William III appointed a Military Reform Commission to investigate the underlying causes of Prussian military collapse. Fortunately for Prussia, Scharnhorst and the other members of the Commission were less interested in assigning blame than in discovering what truly lay at the heart of Prussia’s defeat. To the reformers—including Stein, Boyen, Grolman, and Gneisenau--the most disturbing aspect of Prussia’s defeat and occupation by French revolutionary forces was the general apathy of the public. The Commission believed the true cause of Prussia’s crushing defeat lay in the estrangement of society from the apparatus of the state in general and from the army in particular. The reformers concluded therefore that any reform that failed to squarely address the problem of closing the wide gulf between the armed forces and the rest of society would be superficial.⁹

The birth hour of conscription in Germany is generally seen as 1808 and closely associated with a quote attributed to Scharnhorst stating that “All inhabitants of the nation-state are the born defenders of the same.”¹⁰ The objective of the Prussian reformers was to promote a shared sense of responsibility among all societal classes for the defense of the country. Henceforth, all inhabitants of Prussia were to be considered defenders of the nation. The Commission members realized that they could not achieve

⁹ Gordon A. Craig, *The Politics of the Prussian Army: 1640-1945* (London: Oxford University Press, 1964), 38-53.

¹⁰ Hans-Joachim Schaprian, Oberst a.D, *Zur Transformation der Bundeswehr: Die Zukunft der Allgemeinen Wehrpflicht in der Bundesrepublik Deutschland* (Bonn: Friedrich Ebert Stiftung, 2004), 16.

this goal without instituting significant reform that would liberalize and civilize life in the military and in society. Both the abolition of serfdom and the introduction of local government in Prussia were outcomes of their labor.¹¹

Whatever the philosophical leanings of the reformers, after Napoleon forbid Prussia from hiring mercenaries or raising a militia in 1807, the Prussian leadership was left with no alternative other than to rely on the native population as the source of manpower for a reformed army.¹² The reformers began their program to transform the military by making education the sole criterion for receiving a commission as an officer. They were also successful in opening the officer corps to the middle class and introducing a system of universal conscription for all German men that permitted no exceptions. These changes were hard fought. The proposal to make education the sole criterion for acceptance into the officer corps was obstructed by the entrenched aristocratic *Junker* class. The introduction of universal conscription was demeaned as “a dangerous French idea” that would undermine the monarchy.¹³

The military and societal reforms introduced by Scharnhorst et al. played a significant role in forging the Prussian army that managed to dislodge and eventually defeat the occupying French forces. The efforts of the reformers to liberalize the military and Prussian society, however, were quickly rolled back by the monarchy following Napoleon’s defeat. During the Restoration, the army quickly reasserted itself in its

¹¹ Craig, 41.

¹² Ibid., 46.

¹³ Ibid., 48-49.

traditional role as “the most effective and inveterate opponent of political change.”¹⁴

While conscripts continued to make up the bulk of the national militia (*Landwehr*), the standing army was composed primarily of volunteer soldiers and a professional officer corps.

During the course of the 19th Century conscription, nationalism, and the industrial revolution combined to form the basis for the creation and maintenance of the mass armies that would ultimately lead to a war of attrition between the Great Powers in 1914. In the interim, the Imperial German army proved to be a significant obstacle to the introduction of liberal and democratic forms in a newly united Germany created on the basis of a “greater Prussia.” From 1848 until 1919, the army successfully managed to resist parliamentary control and increasingly became an independent factor in the political life of the country.¹⁵

The *Reichswehr*: A Potent and Enduring Negative Symbol

In the aftermath of the First World War, fear of “Bolshevism” compelled Germany’s new Republican leadership under Chancellor Friedrich Ebert to rely on the military for legitimacy and protection during the chaos of the revolution.¹⁶ The Provisional

¹⁴ *Ibid.*, xv.

¹⁵ *Ibid.*, xv-xvii.

¹⁶ *Ibid.*, 338-340.

Reichswehr was created in March 1919 and loyally fulfilled its role as “protector of the new regime” and “guarantor of the unity of the Reich.”¹⁷

During the Paris Peace Talks in spring 1919, the British and French leadership negotiated the course of German disarmament and the shape of Germany’s future army. The British favored a small, professional military similar to their own, while the French lobbied for a conscript army of approximately 200,000.¹⁸ Both sides believed that their proposal would foster a decrease in the degree of militarism in Germany society. Responding to French concerns that such a force could potentially serve as a “haven” for the entire imperial officer corps, the size of the military was subsequently reduced to 100,000 of which 4,000 were to be officers.¹⁹ The remaining enlisted and non-commissioned officers were required to serve for 12 years without the possibility for early discharge. This was seen as a way to prevent the rapid training and release of men to circumvent the numerical limitation on the force. Conscription was forbidden, but the Versailles plan for Germany’s future armed forces did not stipulate how new volunteer members of the armed forces were to be recruited. The British proposal for a professional army was adopted by the Council in March and presented to the German delegation on May 7, 1919. The military conditions were promulgated as German law on July 16,

¹⁷ Donald Abenheim, *Reforging the Iron Cross: The Search for Tradition in the West German Armed Forces* (Princeton, NJ: Princeton University Press, 1988), 290.

¹⁸ Martin Shuster, "Eine Schule der Nation: Die Reichswehr als Berufsarmee 1919-1933," *Illoyal - Journal für Antimilitarismus*, no. 17 (Fall 2001), <http://www.illoyal.kampagne.de/nr17/seite15.html>. (accessed June 12, 2004).

¹⁹ Hajo Holborn, *A History of Modern Germany 1840-1945* (Princeton, NJ: Princeton University Press, 1969), 567.

1919.²⁰ The “provisional” *Reichswehr* was given until January 1, 1921 to “downsize” to the mandated force level.²¹

The leadership of the downsized professional German army never accepted the loss of the “nation in arms” as a permanent condition. The new military contained a high concentration of the existing Imperial German officer corps who dedicated themselves to preparing for the day when conscription would be reintroduced. Virtually from the outset, the *Reichswehr* prepared itself as the leadership and training cadre for a new national army that would better reflect Germany’s size, power, and continental ambitions. Although the army was forced to accept a civilian Minister of War and swear an oath of obedience to the constitution of the Weimar Republic, it never recognized the legitimacy of the government nor forgave its political leaders for accepting the peace terms that had robbed the military of its cherished conscripts. Historian Gordon A. Craig aptly described the dilemma in which the Weimar Republic’s political leaders found themselves. “The republican government was in fact in the impossible position of relying for protection against dissident groups upon an army which was itself potentially the most dangerous dissident group in Germany.”²²

Critically, the army was able to maintain absolute control over the process through which new recruits were accepted into the armed forces. This guaranteed that only those candidates with the appropriate political views and connections gained access. Given the high number of capable applicants for each available slot, the army was also

²⁰ Shuster, 15.

²¹ Craig, 391.

²² Craig, xviii.

able to insure that new recruits were of the highest possible quality. Political efforts to reform the military's selection process were defeated by intense lobbying by the armed forces.²³

Over the long term, the *Reichswehr* became increasingly alienated from society and hostile to the government to which it supposedly owed obedience. It became a sort of "praetorian guard" or "state within a state," refusing to subordinate itself to the democratically elected political authority. It is broadly acknowledged that the complicity of the *Reichswehr* was partially responsible for delivering Germany into the hands of the dictatorship. Ironically, it was Adolf Hitler's repudiation of the terms of the Versailles Treaty in March 1935 and the reintroduction of conscription that ultimately destroyed the "inner homogeneity" of the armed forces.²⁴ Only Hitler possessed the political skill to finally subordinate the German military to civilian authority and neutralize it as an independent force in Germany politics and foreign policy.

Consequently, Germany's harmful experience with a small, professional force has provided an enduring negative precedent for those who supported the introduction of conscription in 1956 and those who advocate its retention today. Without the tight linkage between society and the military provided by conscription, they say, parliamentary control will prove insufficient to prevent the reappearance of a civil-military gap. There seems a vast difference, however, between the *Reichswehr* as it historically existed and the subsequent development of the *Bundeswehr*, Germany's first truly democratic military.

²³ Holborn, 584-589.

²⁴ Craig, 483.

Formation of the *Bundeswehr* and the Reintroduction of the Draft

From 1945 until reunification in 1990, a period stained by Germany's utter defeat, occupation, and division, the leaders of the western-oriented zone, later to become the Federal Republic of Germany, cultivated what American scholar Scott Erb refers to as a "post-sovereign" foreign policy identity.²⁵ West Germany's Chancellor, Konrad Adenauer (1949–1963) actively pursued a foreign policy that integrated the country into western security and economic institutions. The aim was to "anchor" Germany firmly into the Atlantic community of nations and construct a new German identity based on liberal democratic values and norms embracing free trade and human rights.²⁶

The prevailing consensus in the post-war period that the *Reichswehr* bore responsibility for the demise of the Weimar Republic and had assisted Hitler's rise to power shaped the process of creating a new national army.²⁷ Consequently, West Germany's new military would be equipped and oriented solely for territorial defense and tightly integrated into multilateral security structures. A purely multilateral and defensive orientation would distinguish the mission and character of the *Bundeswehr* from the illiberal and militaristic structures of Germany's past. To prevent the armed forces from ever again becoming a praetorian threat to the civilian government, West Germany's leaders sought to integrate them firmly into society. As early as 1949, Theodor Heuss, the Chairman (*Vorsitzender*) of the Free Democratic Party (FDP) spoke in support of

²⁵ Scott Erb, *German Foreign Policy: Navigating a New Era* (Boulder, CO: Lynne Rienner Publishers, Inc., 2003), 9-11.

²⁶ Abenheim, 65.

²⁷ *Ibid.*, 290.

universal conscription calling it the “legitimate child of democracy.” (*das legitime Kind der Demokratie*).²⁸

French Minister President René Pleven first advocated the creation of a common European Defence force as a prerequisite for a Germany contribution to NATO.²⁹ His concept was to create an integrated, standardized European force that would serve under NATO command in wartime.³⁰ Negotiations on the EDC were held in Paris in 1951-52 and West Germany’s contribution of forces was agreed in early 1952. Its contribution to the EDC was to be an army of twelve divisions (armor and mechanized infantry) of 310,000 men, an air force of 1,350 aircraft and 85,000 men, and a small coastal navy.³¹ The EDC negotiations lasted for three and a half years before collapsing in failure.

A key element in the formation of the new liberal democratic *Bundeswehr* was the appointment of Theodor Blank as Chancellor Adenauer’s Advisor on security matters. Blank was a parliamentarian, a trade unionist, a practicing Catholic, and had served as a reserve officer.³² Blank’s approach to solving the “German problem” was to resurrect the republican ideal of a close link between citizen and defense of the fatherland. He saw the new West German soldier as a “citizen in uniform” (*Staatsbürger in Uniform*). He

²⁸ Schaprian, 17.

²⁹ Ibid.

³⁰ Abenheim, 105.

³¹ Ibid., 105-106.

³² Ibid., 80.

considered his task as analogous to the challenge that had once confronted the Prussian reformers.³³

In 1956, the Adenauer government spearheaded the formal creation of national armed forces and the reintroduction of compulsory military service. The debate within the Parliament (*Bundestag*) around reinstating the draft was intense. The necessity of introducing conscription was justified on the grounds that there was no other way to raise the 500,000 man force that Germany had obligated itself to provide to the NATO Alliance.³⁴ The Social Democratic Party (SPD) led the parliamentary opposition, advocating for a smaller all-volunteer force. In contrast to Adenauer's policy preference for anchoring the Federal Republic firmly in the West, SPD leaders Fritz Erler and Kurt Schumacher advocated a neutral "third way" (*Sonderweg*) for West Germany that lay between the superpowers. After the Bad Godesberg decision of 1959, the SPD altered its platform and shifted its position to support conscription.³⁵ This shift reflected a growing political and societal consensus that conscription was well-suited to the challenges generated by the unique geo-strategic, political, and historical realities of a defeated and divided Germany located on the frontline of the East West conflict. The Cold War's dual logic of territorial defense and deterrence required the creation and maintenance of mass armies that could only be sustained through a policy of universal conscription.

The proponents of conscription in the 1950s were driven by a complex set of challenges. The negative precedent set by the *Reichswehr* and the *Wehrmacht* demanded

³³ *Ibid.*, 83.

³⁴ Schaprian, 17.

³⁵ *Ibid.*

nothing short of a complete reconceptualization of the armed forces. Ensuring effective parliamentary control of the *Bundeswehr* and preventing its alienation from society at large were deemed crucial measures of success. The experiences of the Prussian reformers proved an inspiration to Blank and his colleagues in addressing the gap between the military and civilian spheres. In the past bridging this gap had generally been accomplished through the militarization of German society; now it was to be done by a democratization and civilization of the armed forces. The imperative of regaining a measure of national sovereignty led Adenauer to integrate the FRG into NATO by contributing a sizeable military force to the defense of the alliance. Because conscription was the only feasible way to raise such a large force, its introduction became a prerequisite for foreign policy success.³⁶

The *Bundeswehr* represents the final victory of liberal civilian forces to control the German military that began in the 19th century.³⁷ Universal conscription has played a key role in that story of success. Given how integral the interwoven concepts of territorial defense and universal conscription are to the core identity of the *Bundeswehr* as a liberal democratic institution, one begins to understand how difficult it has been for its leaders to consider abandoning them. Even at a reduced level, compulsory military service exemplifies the republican notion of the citizen's shared responsibility for defense of democratic rights, values, and law.

³⁶ John Ardagh, *Germany and the Germans: An Anatomy of Society Today* (New York: Harper & Row, 1987), 447-448.

³⁷ Abenheim, 290.

The Persistence of Conscription after German Reunification

During the period from unification in October 1990 until the formation of a Red-Green governing coalition in autumn 1998, the lion's share of the *Bundeswehr's* reform efforts was devoted to downsizing the force.³⁸ Little progress had been made in transforming the *Bundeswehr* into the post-modern expeditionary force that the new strategic environment demands. While German reform efforts in terms of force modernization had indeed lagged behind those of her allies, Germany also had slightly farther to go. Notably, following unification, the *Bundeswehr* had to absorb the military forces of the German Democratic Republic (GDR) and destroy vast quantities of weapons and equipment as mandated by treaty agreements. In the late 1980s, the *Bundeswehr* had begun implementing the preliminary stage of a new organizational configuration comprising ten heavy divisions (armor and mechanized infantry) called Army Structure (*Heeresstruktur*) 2000.³⁹ This structure was necessary due to an impending demographic drop-off in West German society that would create a 30% shortfall in the young men eligible for compulsory military service.⁴⁰ An important component of the reorganization was a planned increase in the term of conscription from 15 to 18 months.⁴¹ In autumn 1989, the Federal Republic of Germany had a total of 494,300 men on active duty of which 222,300 were conscripts. An additional 850,000 trained reservists were available for

³⁸ Rudolf Scharping, interview by author, May 3, 2004, In his Office, Fletcher School of Law & Diplomacy, Tufts University, Medford, MA.

³⁹ *The Military Balance 1988-1989* (London: IISS, 1989), 55-56.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

mobilization.⁴² A distinguishing characteristic of the *Bundeswehr*'s territorial defense orientation was its concentration on "heavy metal," particularly the large number of Main Battle Tanks (over 5,000) in service.⁴³ With the integration of East Germany's National People's Army (NVA) into the *Bundeswehr*, a united Germany had a combined total of 667,000 men under arms.⁴⁴ Germany's maintenance of such a large force was clearly unacceptable to the Soviet Union. During the 'Two plus Four' negotiations on German unification, Chancellor Kohl accepted a proposal made by Soviet President Mikhail Gorbachev that would limit the size of the *Bundeswehr* to 370,000. The 'Two plus Four' treaty was signed on 12 September 1990 in Moscow.⁴⁵ According to its terms, Germany would be free to remain within NATO but could not station or deploy foreign troops or nuclear weapons on the territory of the former GDR.⁴⁶ In accordance with Germany's obligations, the *Bundeswehr* began reducing its manpower and condensed the period of service performed by conscripts from 15 to 12 months.⁴⁷

In addition to the "Two plus Four" treaty, on November 19, 1990 Germany joined 21 other states in signing the Treaty on Conventional Armed Forces in Europe (CFE). The CFE covered all of the territory of the NATO and former Warsaw Pact states from the Atlantic Ocean to the Ural Mountains and mandated reductions in the number of

⁴² Ibid.

⁴³ Ibid.

⁴⁴ *The Military Balance 1990-1991* (London: IISS, 1990), 56.

⁴⁵ *Strategic Survey 1990-1991* (London: IISS, 1991), 174.

⁴⁶ Ibid., 174-176.

⁴⁷ *The Military Balance 1990-1991*, 56.

artillery, tanks, armored vehicles, helicopters, and combat aircraft states could possess and have stationed within their territorial borders. As a result of the CFE, over 50,000 pieces of Cold War military hardware were designated for destruction.⁴⁸ Germany alone destroyed thousands of older tanks and armored infantry fighting vehicles (AIFV) and all of the equipment of the NVA with the exception of 45 Mi-24 attack helicopters.⁴⁹ Thus, while the CDU/FDP ruling coalition recognized the need for military reform, its efforts and funding prior to 1998 were geared to the short-term treaty-mandated necessities of downsizing the armed forces and destroying excess weapons. The 1992 Defense Policy Guidelines promulgated by Defense Minister Volker R  he clearly recognized the emergence of a broader concept of security that had been reflected in the decision to restructure the *Bundeswehr* into “crisis reaction” and “main defense” forces. As noted in the following quote from the Defense Policy Guidelines, territorial defense continued to provide the legitimacy for both the maintenance of armed forces and the retention of conscription.

The protection of our country from external danger remains the future task of all citizens. Universal conscription is the linchpin between the *Bundeswehr* and society. The draft has proven a reliable institution for our democratic state and will continue to remain a central element of our security provisions.⁵⁰

⁴⁸ Bureau of Arms Control, "Conventional Armed Forces in Europe (CFE) Treaty Factsheet," [online] U.S. Department of State, 2002, cited 23 April 2004, available from <<http://www.state.gov/t/ac/rls/fs/11243.htm>>.

⁴⁹ *The Military Balance 1995-1996* (London: IISS, 1995), 36.

⁵⁰ Volker R  he, *Verteidigungspolitischen Richtlinien f  r den Gesch  ftsbereich des Bundesministers der Verteidigung* (Bonn: Der Bundesministerium der Verteidigung, 1992), Section 38.

Although the decision to maintain conscription in a period of rapid military downsizing seems counterintuitive, there were at least four compelling reasons for Germany to retain the draft in the period following national unity. First, conscription functioned as a powerful mechanism of national reconciliation and integration, bringing large numbers of young men from diverse political, social, and regional backgrounds together for a common purpose. Second, low cost conscripts helped offset some of the financial burdens of reunification and military restructuring. Third, conscription fostered a sense of stability in an organization undergoing rapid downsizing and profound change. And fourth, territorial defense initially remained the sole legitimate justification for Germany's maintenance of armed forces. An enduring emphasis on territorial defense as the primary mission of the *Bundeswehr* and a slowly evolving consensus on the use of military force beyond German borders retarded the pace of military reform and muffled the debate on the future of conscription.

Red-Green Military Reform and the Maintenance of Reduced Conscription

The demands of peacekeeping and other military missions that emerged throughout the 1990's, on the other hand, could clearly not be met by a military organization designed for territorial defense. In 1998, a "Red-Green" governing coalition was formed following national elections. Rudolf Scharping, (SPD) assumed the post of Germany's Defense Minister. Beginning in 1999, Minister Scharping commissioned a blue ribbon panel of experts to study Germany's strategic situation and make recommendations concerning the future needs of its military. The panel, headed by former German President Richard von Weizsäcker, advocated a sweeping transformation of Germany's military capabilities in response to the radically changed security landscape. While the Weizsäcker Commission

was still ongoing, Minister Scharping also requested the *Bundeswehr* Inspector General Hans Peter von Kirchbach to prepare his own report on defense reform. The Weizsäcker and Kirchbach reports were both published on May 23, 2000.⁵¹

On June 14, 2000 the German government broadly accepted a third report prepared under the direction of Minister Scharping that attempted to strike a balance between the recommendations contained within the Kirchbach and Weizsäcker Commission reports.⁵² Although some deemed the Kirchbach report too conservative, others considered the Weizsäcker Commission report too radical. Strikingly, in contrast to a broad European trend away from conscription and toward professional military forces, all three programs advocated the retention of conscription. The Weizsäcker Commission report cited future uncertainty and the need for Germany to maintain the flexibility to react to unexpected developments as rationales for retaining conscription.⁵³ The Commission not only advocated a smaller overall structure (between 220,000 and 240,000 troops, 140,000 of which would constitute the deployable segment of the force), it openly advocated the retention of a “selective” draft of only 30,000 conscripts each year.⁵⁴ The number of conscripts called up were no longer be determined by the size of draft age cohorts but by the personnel needs of the *Bundeswehr*. To offset the issue of

⁵¹ Mary Elise Sarotte, *German Military Reform and European Security*, Adelphi Paper 340. (London: The International Institute for Strategic Studies, 2001), 39-42.

⁵² *Ibid.*, 40.

⁵³ *Gemeinsame Sicherheit und Zukunft der Bundeswehr, Bericht der Weizsäcker Commission an die Bundesregierung*, by Richard Weizsäcker, Bundespräsident a.D, Vorsitzender (Chairman), et al. (Berlin, May 2000), Section 84, 59.

⁵⁴ *Ibid.*

Wehrgerechtigkeit, inducted conscripts would receive a non-specified compensatory benefit.⁵⁵ The recommendation for a “selective” draft was eloquently disputed by six of the Commission’s members who advocated a transition to an all-volunteer force.⁵⁶ Dr. Knut Ipsen, a law professor and President of the German Red Cross also lodged a dissenting vote and characterized the proposed implementation of a selective draft as unconstitutional.⁵⁷ His interpretation has been supported by others in the German legal community and will be further examined within the context of the *Wehrgerechtigkeit* issue in Chapter Four of this paper.

The 2003 Defense Policy Guidelines and the “Reform of the Reform”

On May 21, 2003, Dr. Peter Struck, Germany’s Defense Minister since July 2002, released a landmark document in the on-going process of *Bundeswehr* reform. The new Defense Policy Guidelines (*Verteidigungspolitische Richtlinien*) promulgate the government’s latest conception of the profoundly altered European and global security landscape.⁵⁸ Most importantly, the guidelines illustrate a particular set of German responses dictated by a world of fundamentally changed circumstances. “Our security,” wrote Minister Struck, “will be defended in Germany, in Europe, and also more and more

⁵⁵ Ibid.

⁵⁶ Ibid., Appendix One, 147-149.

⁵⁷ Ibid., 150-151.

⁵⁸ Dr. Peter Struck, *Verteidigungspolitischen Richtlinien für den Geschäftsbereich des Bundesministers der Verteidigung* (Berlin: Der Bundesministerium der Verteidigung, May 2003). Available online in pdf format from the German Federal Ministry of Defense website (www.bmvg.de).

in other places across the globe.”⁵⁹ In just a few words, Minister Struck’s statement sums up the increasingly broad interpretation of the concepts of “defense” and “security” that has emerged in the minds of policy makers. This broader interpretation of defense has been a hallmark of a more comprehensive approach to the notional field of security. During the post-Cold War period, it was an approach that increasingly found expression in strategic allied planning documents such as NATO’s 1999 New Strategic Concept and in the policy statements of allied Heads of State, Foreign and Defense Ministers.

A new paradigm of defense through force projection (*Landesverteidigung auf Distanz*) has gained prominence. Correspondingly, the Cold War strategic logic of nuclear deterrence and static defense of national territory against external military aggression has lost its relevance. In addition to preempting and disrupting territorially dispersed networks of state-supported or non-state armed groups, a broad spectrum of specialized military tasks, including crisis management and prevention, humanitarian intervention, peacekeeping and peace enforcement operations, have replaced “territorial defense” as the primary tasks of Germany’s armed forces.

Since assuming office in July 2002, Minister Struck has further developed the military reforms initiated by his predecessors. All three Ministers confronted hard choices in the face of insufficient budgetary funding and escalating demands for the participation of German troops in deployments abroad in support of UN, EU, OSCE and NATO missions. In light of the decisions taken, the situation is unlikely to improve in the short- to mid-term. In broad strokes, fiscal austerity programs have left little possibility of increased funding for modernization while the operational costs of deployments are

⁵⁹ Ibid., 2.

increasing. Dr. Struck's decision to further reduce the force to 252,500 service members by 2010 may help offset rising personnel costs that are creating serious shortfalls in other areas of the budget, notably acquisition of modern equipment.⁶⁰

Like his predecessors, Minister Struck advocates the retention of military conscription on a number of grounds and has resisted suggestions to dramatically downsize the *Bundeswehr*. The force emerging from the "reform of the reform" is somewhat smaller but its size is driven by Germany's international obligations. Specifically, Germany is obligated to contribute 18,000 troops to the new EU Rapid Reaction Force and approximately 15,000 to the new NATO Response Force.⁶¹ A new triadic force structure announced in January 2004 should enhance the capability of the *Bundeswehr* to meet its international commitments to multilateral institutions and sustain long term deployments in the Balkans and Afghanistan. The proposed force structure will comprise intervention forces, stabilization forces, and the basic military organization. The top tier intervention force (*Eingreifkräfte*) will number approximately 35,000 and constitute the "core" of the *Bundeswehr's* transformation efforts.⁶² The intervention force will be capable of sustained combat operations and will receive the most advanced technical equipment and training in order to be able to function capably alongside

⁶⁰ Dr. Peter Struck, *Weisung für die Weiterentwicklung der Bundeswehr* (Berlin: Der Bundesministerium der Verteidigung, October 2003), Section 13, 6. Available online in pdf format from the German Federal Ministry of Defense website (www.bmvg.de).

⁶¹ General Wolfgang Schneiderhan, Generalinspekteur der *Bundeswehr*, "Die *Bundeswehr* im sicherheitspolitischen Umfeld des 21. Jahrhunderts," [online] Bundesverteidigungsministerium, 2003, cited 15 April 2004, available from <http://www.bmvg.de/archiv/reden/inspekteure/print/031104_schneiderhan_wams.php>.

⁶² *Ibid.*

military units from the United States and other allies. Augmenting the intervention force will be a second tier stabilization force (*Stabilisationskräfte*) of approximately 70,000.⁶³ These troops will specialize in peacekeeping, crisis prevention, and management missions. Given the dramatic need for post-conflict reconstruction and policing, the stabilization forces are likely to see far more action than their combat capable cousins. Finally, a third layer of support troops consisting of conscripts and territorial defense forces rounds out the organizational structure.

The practice of universal conscription has endured many challenges since its reintroduction by the Adenauer government. It has persisted in spite of fundamentally changed strategic circumstances that should have spelled its demise. Why then has the draft survived into the 21st century? Several explanations have been advanced. Dr. Harald Müller, a member of the Weizsäcker Commission and acknowledged expert on security matters, has suggested that a constellation of vested powerful interests at the national and sub-national levels obstructs efforts to modernize the *Bundeswehr*.⁶⁴ Ending conscription and reducing the size of the force to 200,000 or less would inevitably accelerate the closing of hundreds of small local and regional military posts. Closures would inevitably produce a significant degree of economic dislocation in the areas where the posts are situated. Lieutenant General Hans-Otto Budde, Inspector General of the Army, has

⁶³ Constanze Stelzenmueller, "Kleiner und Kraeftiger: Die *Bundeswehr* vor dem radikalsten Umbau ihrer Geschichte," *Die Zeit*, 8 January 2004, p. 1.

⁶⁴ Dr. Prof. Harald Müller, "Reformziel verfehlt, aber Exekutive gestärkt, Zu den neuen Verteidigungspolitischen Richtlinien," *HSFK Standpunkt*, no. 4 (2003), 12, Available in pdf format [http://www.hsfk.de/downloads/Standpunkte-4-2003\(druckfrei\).pdf](http://www.hsfk.de/downloads/Standpunkte-4-2003(druckfrei).pdf). (accessed August 2, 2004).

referred to the friction produced by such vested interests as a real obstacle for *Bundeswehr* transformation.⁶⁵

This chapter has endeavored to provide the general historical context necessary to comprehend the current debate on the future of compulsory military service in Germany. The following chapter introduces the theoretical model that provides the framework for subsequent analysis in the remaining portion of this thesis.

⁶⁵ Lieutenant General Hans-Otto Budde, Inspector General of the Army, "Das "Neue Heer" Grobstruktur," testimony delivered to SPD Arbeitsgruppe Sicherheitsfragen, June 29, 2004, Berlin, Germany.

CHAPTER 3: THEORETICAL FRAMEWORK

Multiple-Streams Theory

Multiple-streams theory is well-suited to analyzing domestic and foreign policymaking under conditions of ambiguity.⁶⁶ Decision makers often experience difficulty defining a problem confronting them and formulating a clear set of preferences for a solution.

Individuals will differ in how they perceive “objects, conditions, other actors, [and]...the goals of their own government.”⁶⁷ In the context of the present study, they disagree as to whether conscription is primarily a political, economic, military, social, or historical issue.⁶⁸ As a result, they dispute how best to formulate and select policy alternatives. The multiple-streams model employed in this study is an extension of the original version developed by Kingdon (1995). Professor Nikolaos Zahariadis has adapted Kingdon’s original work, developed to explain agenda setting in the United States, to examine policy formation (agenda setting and decision making) in more “orderly” European

⁶⁶ Nikolaos Zahariadis, *Ambiguity & Choice in Public Policy: Political Decision Making in Modern Democracies* (Washington, DC: Georgetown University Press, 2003), 1-2.

⁶⁷ James E. Dougherty and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*, Fifth Edition (New York: Addison Wesley Longman, 2001), 555-556.

⁶⁸ Bjørn Møller, "Conscription and its Alternatives," in *The Comparative Study of Conscription in the Armed Forces*, ed. Lars Mjøset and Stephen Van Holde (Oxford: Elsevier Science, Ltd., 2002), 284-294.

parliamentary systems.⁶⁹ The core argument of multiple streams theory is that “policies are the result of problems, solutions, and politics coupled or joined together by policy entrepreneurs during open windows of opportunity.”⁷⁰

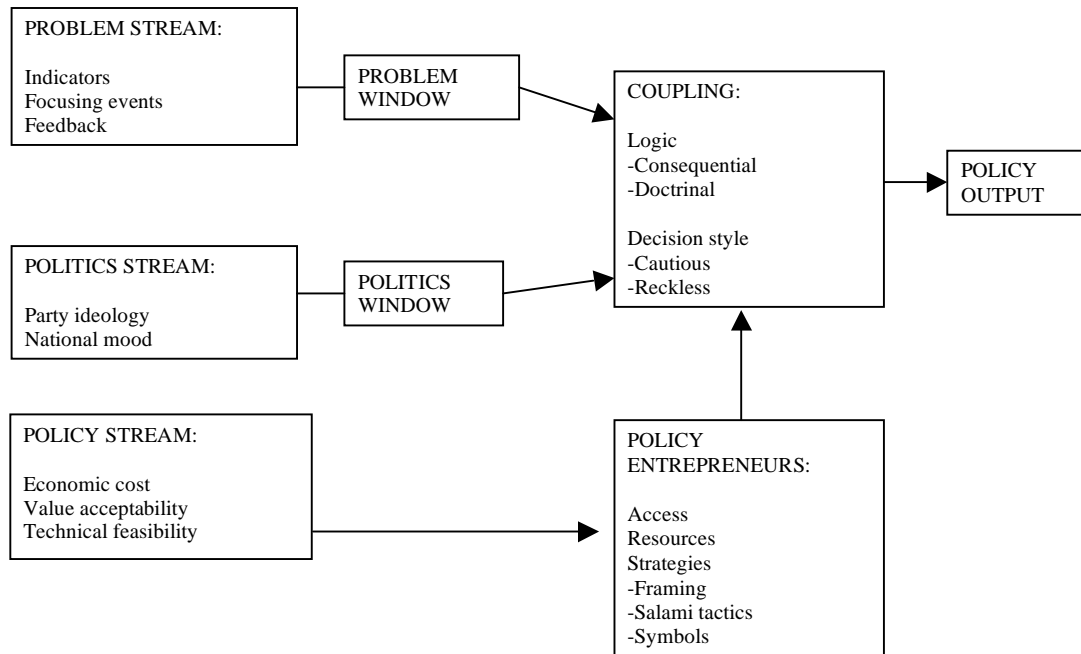


Figure 1. Representation of Multiple Streams Theoretical Model⁷¹

Policy Windows of Opportunity

Windows of opportunity are the necessary but not sufficient requirement for existing policy to change. They provide the context in which problems are defined, potential solutions are crafted, and alternatives are selected. An opportunity may arise within the

⁶⁹ Zahariadis, 1.

⁷⁰ Ibid.

⁷¹ This diagram is a recreation of the original found in Zahariadis, 153.

problem stream, driven by a crisis or a change in conditions dramatic enough to demand attention. A window can also emerge in the *politics stream* in response to shifts in national mood or in the redistribution of political power following an election.⁷² This thesis will posit the emergence of windows of opportunity in both the politics and the problem streams that shape the current discussion about the future of the draft. The confluence of these two opportunities has generated a sense of momentum and “ripeness” in the policy debate that accrues to the general benefit of those dedicated to ending German compulsory military service.

Ambiguity in the Policymaking Process

Ambiguity in the context of multiple-streams theory refers to an individual possessing potentially irreconcilable ways of thinking about the same “problem.” The multi-dimensionality of problems, such as those generated by retaining conscription, complicates rational approaches to decision making and may foster conflicting, ambivalent feelings towards potential solutions. More information does not necessarily reduce ambiguity.⁷³ Conflicting information and opinions emanate from manifold sources and can complicate efforts to arrive at an accurate assessment of the dynamics of policy formation.⁷⁴ The decision to retain or end conscription will be made within a context of divergent criteria, including strategic, economic, social, and political considerations.⁷⁵ In

⁷² Zahariadis, 7-9.

⁷³ Zahariadis, 2-4.

⁷⁴ Dougherty and Pfaltzgraff, 555.

⁷⁵ Møller, 284-294.

Germany's case the strategic and (potential) economic benefits of an all-volunteer force must be balanced against budgetary, demographic, cultural, and historical factors.

Ideology in the Policymaking Process

Decision makers must decide which values are most important when confronting problematic conditions and weighing the selection of potential alternatives. A strongly held set of values can incline decision makers to focus on particular aspects of a problem that bias selection of perceived solutions. Zahariadis goes even further and suggests that "...people generate solutions, not necessarily because they have identified a particular problem but because the solution happens to answer a problem that fits their values, beliefs, or material well-being."⁷⁶ One can hypothesize that proponents of retaining conscription will construct new rationales to support their preferred policy, given the disappearance of the underlying "problem" it was originally implemented to "solve." I contend that ideology plays a disproportionate role in the debate over conscription. Each of the two basic alternatives, retaining the draft or transitioning to an all-volunteer force model, appeals to a particular set of ideological preferences. Those who embrace a communitarian worldview will inevitably champion the civic republican virtues of conscription. Conversely, those of a libertarian or "free market" bent advocate for an all-volunteer model.

⁷⁶ Zahariadis, 6.

Unit and Level of Analysis

The “unit of analysis” in this study is the entire “decision situation” encompassing the policy debate over the future of conscription.⁷⁷ All elements related to or impinging on the policy process are considered for the purposes of this thesis to constitute a “system.” That system is not confined to any particular level of analysis and includes structures and variables at the international, national, and sub-national layers.

At the international level, collective security structures and the objective security environment constitute the *independent variables* that will dictate and constrain the potential spectrum of acceptable policy alternatives. Factors located at the international level are complemented and mediated by the *intervening variable* of domestic context and structures in which policy alternatives will be proposed, debated, and ultimately selected. Key variables that influence lawmakers’ preferences and the viability of proposed policy alternatives reside beneath the national level within the parallel streams of problems, politics, and policy where they are exposed to manipulation by policy elites. The future policy output in the form of a decision to retain a mixed model or to introduce an all-volunteer concept for the *Bundeswehr* constitutes the *dependent variable*.

Elements at the international level that can impinge on national-level domestic and foreign policymaking communities currently examining conscription policy include: German obligations deriving from international and regional collective security structures including the UN, OSCE, NATO and the EU; objective security risks to German economic and political interests beyond national borders; the experiences of Allies who are in the process of transitioning from a conscript-based to an all-volunteer force model;

⁷⁷ Zahariadis, 2.

and military peer pressure from Germany's partners for it to adopt an all-volunteer force model for the sake of inter-operability and maximizing the utility of scarce defense resources. National-level elements shaping the policy process include the platforms of the individual national parties, budgetary constraints on defense spending, the graying of the population due to a falling birthrate, low public support for an activist foreign policy, and fragmented public opinion on the future structure of the *Bundeswehr*. Finally, sub-national elements include the work of think tanks, lower courts, and pressure groups who are attempting to influence the trajectory of the debate.

Applying the Multiple-Streams Theoretical Model to the Debate

I employ the multiple-streams model to the subject under investigation for three purposes. First, I employ the model as an organizing schema to map the complex contextual elements of the debate. Second, I use the diagram to identify subordinate elements in problem, politics, and policy streams. Third, I consider the most commonly discussed policy alternatives on the basis of the three criteria of technical feasibility, value acceptability, and economic cost.

CHAPTER 4: CONTOURS OF THE DEBATE OVER CONSCRIPTION

Ambiguity and Uncertainty in the Policymaking Process

Multiple streams theory is only applicable under conditions of ambiguity. Ambiguity refers to a sense of ambivalence a policymaker feels regarding possible alternative solutions to a problem. The national conversation on the future of compulsory military service in Germany is characterized by a high level of ambiguity due to the multidimensionality of the issue. The sheer number of variables and the indeterminacy of crucial data enhance the difficulty of employing utility maximizing approaches to problem solving. Values, furthermore, play a key role in determining which of the various criteria will receive the most attention from decision makers. This next section focuses on some of the sources of ambiguity in the debate over the draft.

The two outcomes that could potentially emerge from the current policy cycle are: the transition of the *Bundeswehr* to an all-volunteer military format or a continuation of the *status quo* policy of maintaining a conscript-augmented force. Each alternative possesses advantages and shortcomings. One system of structuring Germany's armed forces is not inherently superior to the other. Military personnel management systems are highly context dependent and each will appeal to policymakers on the basis of divergent criteria used to evaluate the relative value of each.⁷⁸ These underlying conditions are

⁷⁸ Bjørn Møller, "Conscription and its Alternatives," in *The Comparative Study of Conscription in the Armed Forces*, ed. Lars Mjøset and Stephen Van Holde (Oxford: Elsevier Science, Ltd., 2002), 294.

generally grouped by defense experts under the rubrics of strategic, economic, political, and social factors. This section adopts a similar approach in exploring the complexity of the “decision unit.” In determining an appropriate format and size for Germany’s armed forces, policymakers must consider and balance a range of diverging criteria. The criteria include but are not limited to: the conditions dictated by the external security situation, the military tasks and missions that the force will be required to perform, the level of political and social will to sustain the burden of requisite defense spending, the system’s efficacy in addressing potential civil-military issues, and the best practices of recruiting, training, equipping, and deploying soldiers.

Two models of organizing national armed forces are possible for the *Bundeswehr*: the all-volunteer force (AVF) model and a mixed model consisting of longer-term volunteers, lifetime career professionals, and shorter-term draftees. Each of the two models purports to provide an adequate solution to the current set of geo-strategic challenges. At the heart of the German debate over conscription lies the question, “Which of the two personnel structures best suits Germany’s unique and complex set of historical, strategic, civil-military, economic, sociological, and political factors?” Assuming that both “mixed” and AVF structures represent satisfactory solutions to the externally-imposed security challenges currently facing Germany, which factors will lead defense policymakers to express a preference for one over the other?

Multiple streams theory hypothesizes that for alternatives to gain acceptance within a policy community, they must first meet the minimum conditions of technical feasibility, value acceptability, and affordability. Policy entrepreneurs act as agents of change by linking their preferred solution to a set of conditions framed as a “problem”

via *strategies* designed to influence decision makers. These strategies include *framing* solutions as losses or gains, the effective use of *images* and *symbols* to evoke an emotional response, and so-called *salami tactics*—the incremental segmentation of a proposed solution over time, in order to gain decision maker acceptance piecemeal. Because decision makers may not have adequate time or enjoy sufficient access to unambiguous information that permits them to engage in rational cost/benefit calculations, ideology may bias decision maker selection among possible alternatives. As information asymmetries arise, ideas and values assume a more dominant role in the process.

In Germany's case, the course of weighing alternatives is complicated by a lack of substantive research on the comparative economic costs and benefits of transitioning to an AVF rapidly rather than proceeding slowly along the same path by retaining reduced conscription. Since the beginning of reform in 2000, the *Bundeswehr* has steadily and quietly phased out compulsory military service while loudly advocating its *de jure* retention. As the volunteer component continues to increase, the demand for conscripts correspondingly declines. This cautious approach reflects a high level of uncertainty about the ability of the *Bundeswehr* to meet its future manning goals. Some German security experts believe that ending conscription prematurely could result in an irreversible loss of flexibility. A loss of the draft could make it more difficult for them to respond to the changing demands of the security environment.⁷⁹ The Defense Ministry has chosen therefore to “satisfice” rather than to maximize utility. In matters of national

⁷⁹ Weizsäcker Commission Report, Sections 105-109, 68-69.

defense, planners often rate the stakes of a potential misstep as high. Dr. Bjørn Møller regards such behavior as common in defense planning.

Because of the complexity of the issue, most countries tend to ‘satisfice’ rather than optimizing, also with regard to their defense planning. Moreover, because of the uncertainties inherent in even the best assumptions..., states have an understandable preference for “flexibility” and for being “on the sure side”. Rather too much defence than too little, and the more flexible and all-purpose the better.⁸⁰

Once the draft has been eliminated, or even suspended, subsequent changes to recruiting structures and the formation of new social norms could make it exceptionally difficult for the government to later reverse course. Such an appraisal acknowledges the inertial factor of “path dependency.” Path dependency theorizes that once a policy has been successfully implemented, the economic and political price of deviating from that policy, the “switching costs” to change, continues to increase.⁸¹ Thomas Banchoff attributes this bureaucratic sluggishness to “the tendency of coalitions to form around existing institutions, reinforcing their effects through time.”⁸² Keeping conscription, even if it has high political and economic costs, provides a “safety net” for the *Bundeswehr* should it prove unable in the future to recruit an adequate quantity and quality of volunteer soldiers for the armed forces.

Given the difficulty of applying a rational problem solving approach to the debate over conscription, decision makers are more likely to bias their selection toward the alternative that best represents their personal value system. While this personal bias may

⁸⁰ Møller, 286.

⁸¹ Zahariadis, 93-94.

⁸² Thomas Banchoff, *The German Problem Transformed: Institutions, Politics, and Foreign Policy* (Ann Arbor: The University of Michigan, 1999), 174.

sway, it may prove insufficient to overcome decision maker ambivalence. German defense planners and lawmakers expressed both their ideological preferences and persisting ambivalence in interviews I conducted in Berlin. Those who advocated a solution consonant with their personal value system nevertheless expressed doubt whether that option could be sustained over the long-term. Several of those I interviewed were absolutely convinced that retaining the draft in some form was the better solution for the German armed forces. They based this conclusion on the fiscal realities of low German defense spending and civil-military concerns about the future relationship between society and the *Bundeswehr*. Nevertheless, they questioned whether retaining a reduced draft was feasible on legal and socio-political grounds. Conversely, those who strongly advocated Germany joining the “trend” towards all-volunteer forces were apprehensive about adequate funding and future recruiting challenges.

Balancing Multidimensional Criteria

This section provides a brief overview of the main dimensions weighed by the policy community in determining an appropriate military format for the future *Bundeswehr*.

Strategic Criteria:

This thesis uses the Ministry of Defense’s 2003 Defense Policy Guidelines and follow on Planning Guidance as providing an updated and accurate assessment of the strategic criteria underlying Germany’s defense policymaking process. The strategic criteria used to determine the size and character of the *Bundeswehr* are:

- Germany’s obligations to provide military resources to multinational security structures, including NATO, EU, and the UN. The obligations derive from

agreements reached by NATO member states to improve the alliance's capabilities (Prague Capabilities Commitment) and to stand up a NATO Response Force (NRF) at the Prague Summit in November 2002, as well as the further development of a European Security and Defense Policy that foresees EU operational deployments. Meeting these collective responsibilities presents a major challenge for the *Bundeswehr*.⁸³

- A continuing shift in the security environment, particularly since the September 11, 2001 attacks on the United States. International terrorism now occupies a central role in the military planning of the armed forces.⁸⁴
- The conditions of “out of area” deployments have changed considerably with respect to their number, type, and length. The *Bundeswehr's* current capability profile is severely strained in deploying approximately 10,000 soldiers in eight different multinational operations. Correspondingly, the German Federal Defense Minister, Dr. Peter Struck, has introduced further structural reforms and manpower reductions intended to enhance the *Bundeswehr's* capacity to sustain long-term “out of area” deployments.⁸⁵
- The mission, tasks, and capabilities of the *Bundeswehr* will hereinafter be oriented towards only the most likely defense scenarios. There is no longer any threat to German territory from conventional attack and forces dedicated solely to that purpose

⁸³ Dr. Peter Struck, *Weisung für die Weiterentwicklung der Bundeswehr* (Berlin: Der Bundesministerium der Verteidigung, October 2003), Section 2, 1. Available online in pdf format from the German Federal Ministry of Defense website (www.bmvg.de).

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, section 3, 1.

are no longer required. Nevertheless, the ability to reconstitute a territorial defense capability within a reasonable amount of time remains a fundamental responsibility of the government.⁸⁶ Accordingly, units must be flexible enough to perform any of the myriad tasks within the *Bundeswehr*'s mission spectrum.

Economic Criteria:

Ongoing efforts to reform Germany's military since the end of the Cold War have been a series of unavoidable domestic policy responses to conditions emerging from the economic, political, and territorial reorganization of international power structures. In place of a single military threat from the East, Germany and its alliance partners now face a broad spectrum of security challenges. While these non-territorial threats—particularly the peril posed by the nexus of international terrorism and the proliferation of weapons of mass destruction—require serious attention and must not be miscalculated, German perceptions of risk are inevitably colored by this unique moment in its history. Never has Germany seemed more secure from the menace of military conflict. This level of comfort is manifest in the reduced level of defense spending that retards the pace of *Bundeswehr* reform. Persistently low annual defense spending provides a powerful economic incentive for the Ministry of Defense to sustain an institutional preference for the armed forces model having the lowest relative personnel costs.

⁸⁶ Dr. Peter Struck, *Verteidigungspolitischen Richtlinien für den Geschäftsbereich des Bundesministers der Verteidigung* (Berlin: Der Bundesministerium der Verteidigung, May 2003), sections 9-12. Available online in pdf format from the German Federal Ministry of Defense website (www.bmvg.de).

Einzelplan 14/2004 im Vergleich zum Haushalt 2003 (in Mio. €)					Stand 13.11.2003	
Ausgabenbereich	2003		2004		Veränderung	
	Haushalts-soll	Anteil am Plafond	Haushalts-soll	Anteil am Plafond		
I. Betriebsausgaben						
Personalausgaben	12.401,1	51,2 %	12.309,5	51,2 %	-91,6	-0,74%
Materielerhaltung	2.228,3	9,2 %	2.149,4	8,9 %	-78,9	-3,54%
Sonstige Betriebsausgaben (z.B. Verpflegung, Betriebsstoff, Bewirtschaftung der Liegenschaften)	3.594,5	14,8 %	3.589,1	14,9 %	-5,4	-0,15%
Summe Betriebsausgaben:	18.223,9	75,2 %	18.048,0	75,0 %	-175,9	-0,97%
II. Betreiberverträge zur Weiterentwicklung der Bw	125,0	0,5 %	244,8	1,0 %	119,8	95,84%
III. Verteidigungsinvestive Ausgaben						
Forschung, Entwicklung und Erprobung (einschl. Zuwendungen Forschungsinstitute)	1.076,6	4,4 %	952,8	4,0 %	-123,8	-11,50%
Militärische Beschaffungen	3.888,4	16,0 %	3.998,8	16,6 %	110,4	2,84%
Militärische Anlagen (einschließlich NATO-Infrastruktur)	846,5	3,5 %	786,9	3,3 %	-59,6	-7,04%
Sonstige Investitionen (z.B. Erwerb Geräte, IT)	218,4	0,9 %	180,9	0,8 %	-37,5	-17,16%
Summe verteidigungsintensive Ausgaben:	6.029,9	24,9 %	5.919,4	24,6 %	-110,5	-1,83%
Plafond	24.378,8	100,6 %	24.212,2	100,6 %	-166,6	-0,68%
globale Minderausgabe (2003 im Epl. 60)	-151,5	-0,6 %	-151,5	-0,6 %		
verfügbarer Plafond	24.227,3	100 %	24.060,7	100 %	-166,6	-0,68%
globale Minderausgabe (im Epl. 60)						
			248,2			

Table 1: 2003-2004 Annual Defense Budgets

As depicted in the table above, personnel costs (*Personalausgaben*) currently account for more than 50% of the annual federal defense budget, leaving only approximately 24-25% of resources available for the “investment” portion of the budget (*Verteidigungsinvestive Ausgaben*) that includes research and development (*Forschung, Entwicklung, und Erprobung*) and the acquisition of advanced weapons and equipment (*Militärische Beschaffungen, Sonstige Investitionen*) crucial for successful modernization.⁸⁷

⁸⁷ *Bundesministerium Der Verteidigung*, 2004, "Einzelplan 14 (2004 Annual Defense Budget)," www.bmvg.de/ (accessed July 30, 2004).

In the context of the current debate over conscription, however, economic criteria must be viewed as essentially indeterminate due to a lack of substantive research on the comparative costs of the contending models. There appears to be no consensus on how to measure such essential elements as the comparative utility of conscripts and volunteers and how to account for opportunity costs.⁸⁸ As a result, the data cited by the advocates of diverging models seem largely conjectural. Defense Minister Struck, in a speech delivered in Berlin on May 25, 2004, described his belief that a transition to an all-volunteer model would compel a choice between two fundamentally unacceptable options.⁸⁹ In his view, ending conscription will lead either to an increase in personnel management costs or a drastic reduction of the size of the *Bundeswehr*. Without additional funding, the added short-term costs of recruiting and retaining additional volunteers must inevitably impinge on the operational and investment portions of the budget. Further decreases in funding for the acquisition of modern equipment, essential for the safety and effectiveness of troops deployed abroad, may impede transformation and reduce the capacity of the *Bundeswehr* to sustain its current level of participation in multilateral deployments. To make his case, Dr. Struck cites the higher per capita costs of Germany's neighbors who have recently transitioned to an AVF. In his worst case scenario, Germany would either have to reduce the *Bundeswehr* to 125,000 troops or increase annual defense spending by 7.2 billion Euros to afford a force of 250,000.⁹⁰

⁸⁸ Møller, 287.

⁸⁹ Dr. Peter Struck, "Rede des Bundesministers der Verteidigung anlässlich der Wehrpflichttagung des 11. Beirats für Fragen der Inneren Führung," May 25, 2004, Berlin.

⁹⁰ Ibid.

Such comparisons are disingenuous if not dishonest. They ignore fundamental social, political, and economic differences among the European states that render comparison difficult at best. The accuracy of such statements aside, the belief that a “mixed model” costs less than a comparably sized AVF is widely acknowledged and almost universally cited as one compelling reason for Germany to retain a reduced draft.

A report published in February 2004 by the German Institute for Economic Research in Berlin challenges the notion that conscript-augmented armies cost less than all-volunteer models of an equivalent size, referring to conscription in its title as the “economically illogical alternative.”⁹¹ The report begins by citing the putative efficiency gains of specialization and the high organizational and training costs associated with the intake of new conscripts every 9 months. Regrettably, the analysis rapidly devolves thereafter into a series of unsupported assertions about decreasing motivation, efficiency, etc. To prove that professional armies are less expensive, the economists are forced to ‘externalize’ a series of costs that are ‘hidden’ by conscript-augmented forces. Such hidden costs include so-called “opportunity costs.” Opportunity costs are the missed benefits that might otherwise accrue to draftees who could hypothetically be earning more money and providing more value to society than they do during the nine months spent in the military or providing alternate service. The economists also note that in conscript armies, the government enjoys access to the ‘factor of labor’ at below market prices. Conscription, in their view, constitutes a non-monetary tax. Labor is extracted from a small segment of the national population and used to subsidize the personnel costs

of the military. The armed forces in turn have no incentive to employ the abundant supply of “undervalued” labor efficiently.

Despite the persuasiveness of the economic logic, this report is long on theory and short on empirical data. As Germany proceeds to further reduce the number of conscripts as a percentage of the overall force, the actual savings that might be realized through a reduction in training sites, equipment, and cadre become increasingly difficult to estimate on the basis of existing publicly available data. The “work” of producing comparative cost data on the all-volunteer and mixed models can best be done by the sole government agency with access to all necessary data, the Defense Ministry. Members of the Ministry of Defense planning staff claim, however, that under the current system disentangling the costs of conscripts from volunteers is virtually impossible.

Social Criteria:

Demographic factors are important in determining the size of draft age cohorts, the applicant potential for the armed forces, and the level of employment in a society. Fluctuations in the size of age cohorts have historically led to flexibility in the length of service served by conscripts. Low birthrates generally indicate periods of high employment, which can in turn lead to intensified competition for scarce manpower. In good economic times, that should result in the Defense Ministry having to spend more to recruit and retain volunteers and higher opportunity costs for conscripts.⁹²

⁹¹ Hans Trabald, Thorsten Schneider, and Philipp Vogel, *Wehrpflicht statt Berufsarmee: Eine Alternative wider die ökonomische Vernunft* (Berlin: Deutsches Institut für Wirtschaftsforschung), 9-11, DIW, 35.

⁹² Møller, 286-289.

Social norms regarding the fairness of conscription practice are obviously an important criterion and will be considered within the context of a detailed analysis of the *Wehrgerechtigkeit* problem. In addition to notions of “equality of sacrifice,” equality of opportunity based on gender may affect the contours of conscription policy. The opening of all military career tracks to women in 2001 may help the *Bundeswehr* to meet its volunteer recruiting targets, but could further erode support for a male-only conscription policy that discriminates on the basis of gender.

Perhaps the most important social criterion relating to ending the draft concerns the institutionalization of “substitute service” over the last four decades. Since 1961, those recognized as conscientious objectors have performed an alternative form of service that benefits society.⁹³ This service has become known as *Zivildienst* and those who perform it as *Zivis*. “Zivildienst according to the German Federal Constitutional Court is a different way of doing compulsory military service. It shall balance the burden of those doing military service under arms and those objecting to do so on the grounds of conscience.”⁹⁴ *Zivis* typically work in nursing homes and hospitals, but may also coach youngsters or deliver meals to the disabled. Over time, society has come to rely heavily on the inexpensive provision of these vital services that improve the quality of life for the country’s most vulnerable citizens. Suspending or ending conscription would naturally

⁹³ Schaprian, 19.

⁹⁴ This English translation of the statement presented by the 7th Senate of the Federal Supreme Administrative Court, dated October 3, 1958 is from a paper presented by Jürgen Kuhlmann, “Zivildienst in Germany: A Clever Deal for Both the Government and Welfare NGOs,” at the *Biennial Conference of the Inter-University Seminar on Armed Forces and Society (IUS) held in Baltimore, USA, October 20-22, 1995*, Panel: “National Service: An Alternative Military Service” (Garmisch-Partenkirchen: August 1995).

spell the end of *Zivildienst*. Those in favor of conscription frame the loss of *Zivildienst* as one that will be difficult to replace given a lack of adequate funding. Those who oppose the draft believe that *Zivis* can be replaced by promoting cross-generational volunteerism and that eliminating the distorting effect of low-cost *Zivis* may foster job creation in the social services sector.

Political Criteria:

A perceived lack of societal integration may bias a government in favor of conscription as a mechanism of political assimilation. Throughout history the military draft has repeatedly served as a “school of the nation” performing the non-military task of national formation. Conscription clearly served this function for Germany in the period immediately following unification. Conscription, even in reduced form, is still regarded by its advocates as a better way to keep society and the armed forces as closely integrated as possible.

After strategic concerns, the positions of the individual political parties are arguably the most influential aspect of the debate on conscription. High Court opinions have repeatedly affirmed that the decision to retain or end conscription must be a political one. The responsibility for national defense properly accrues to the parliament and the appropriate organs of government and cannot be adjudged by the courts on jurisprudential principles. Consequently, the relative power distribution among political parties is a key determining factor in whether the draft stands or falls. The positions of the individual parties are presented below in the section devoted to aspects of the “politics stream.” In a nutshell, the smaller parties have all made ending the draft a central plank in their national policy platforms, while the two major parties, the

CDU/CSU and the SPD, have thus far continued their support for the maintenance of conscription.

Two Contending Force Models for Structuring the *Bundeswehr*

Since the end of the East West conflict, several of Germany's main security partners have recently opted to transition towards an AVF model. These states include France, Belgium, the Netherlands, Spain, Portugal, and Italy.⁹⁵ Nevertheless, many European states intend to maintain conscription at some level. States favoring "mixed" or militia models that continue to rely on a draft include Norway, Denmark, Greece, Turkey, Sweden, Finland, Poland, Austria, and Switzerland.⁹⁶ Approaches to organizing Europe's armed forces remain heterogeneous, reflecting a diversity of national preferences and the relative availability of resources. Despite the coexistence of diverse models, the trends toward smaller, more deployable forces and appreciably reduced defense spending are undeniable.⁹⁷ A third trend has been the reduction in conscripts as a percentage of the armed forces. In the words of political scientist Rafael Ajangiz, "The central vector of the restructuring of the European armed forces, aside from the technological component and

⁹⁵ Ines-Jacqueline Werkner, *Allgemeine Trends und Entwicklungslinien in den europäischen Wehrsystemen*, SOWI-Arbeitspapier no.134 (Strausberg: Sozialwissenschaftliches Institut der *Bundeswehr*, 2003), 28.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, 42.

advances in the strategic field, [has been] the replacement of conscripted soldiers by volunteer forces.”⁹⁸

In contrast to a “mixed model” that relies to varying degrees on conscripts to augment the armed forces, an AVF model maximizes a state’s capability to deploy and sustain military power in a regional or global context. In the 1990’s, Desert Storm and the Balkan interventions demonstrated Europe’s feeble capacity to project military power. The lessons of those deployments served as the catalyst for the subsequent transformation of European militaries from static territorial defense structures to light, lethal and agile expeditionary forces capable of projecting and sustaining military operations over long distances.

Proponents of the AVF see their model as far better suited to the missions that have become increasingly prevalent in the new millennium. Transitioning from conscription-based armed forces to an AVF often carries significant short-term costs that are in turn recouped in savings over the long-term. Experience suggests that recruiting and retention are a perennial challenge for states maintaining AVF, especially in “good” economic times. Supply side factors that may decrease the pool of potential applicants for AVF include: a disparity between military and civilian pay, a low overall unemployment rate, and an increase in the rate of college attendance.⁹⁹ Because the military is forced to

⁹⁸ Rafael Ajangiz, "The European Farewell to Conscription," in *The Comparative Study of Conscription in the Armed Forces*, ed. Mjøset, Lars and Stephen Van Holde (Oxford: Elsevier Science, Ltd., 2002), 326.

⁹⁹ Consider for example Beth Asch, James R. Hosek, Jeremy Arkes, C. Christine Fair, Jennifer Sharp, and Mark Totten, *Military Recruiting and Retention After the Fiscal Year 2000 Military Pay Legislation* (Santa Monica, CA: RAND, National Defense Research Institute, 2002), xiv.

compete with the private sector for the available pool of labor, it must position itself as an attractive employer to entice a sufficient number of volunteers. States with AVF's must offset critical recruiting and retention shortfalls during economic up ticks through reliance on a multi-pronged strategy. Such a strategy would include increased monetary and educational incentives, reduced fitness and education requirements for potential applicants, and, where possible, an increased reliance on socially marginalized groups. An AVF model should therefore enjoy an advantage in states with the political will and economic capacity to provide adequate budgetary resources to the military during periods of high employment and in heterogeneous societies that lack adequate parallel opportunities for social mobility and professional advancement. One creative non-monetary incentive has been for states to offer "citizen status" to non-nationals in return for military service.¹⁰⁰ Thus the cost, quality, and homogeneity of AVF are determined to a significant degree by prevailing economic and demographic factors.

Germany's defense policy community acknowledges the recruiting challenges confronting the *Bundeswehr*.¹⁰¹ A long, downward demographic trend marked by a dwindling draft age cohort is likely to intensify the competition for skilled labor.¹⁰² The homogeneity of German society and the plethora of educational opportunities afforded by

¹⁰⁰ The Spanish case is the one most widely cited. *Agence France Press*, December 2, 2002, "Spain's Armed Forces To Open Up To Immigrants From Former Colonies," <http://www.spacedaily.com/2002/021202165843.c013p66f.html>. (Accessed July 30, 2004).

¹⁰¹ Weizsäcker Commission Report, Section 91, 63.

¹⁰² Thomas Bulmahn, *Ergebnisbericht 2004: Bevölkerungsbefragung zum sicherheits- und verteidigungspolitischen Meinungsbild in Deutschland* (Strausberg: Sozialwissenschaftliches Institut der *Bundeswehr*-SOWI, 2004), 76-77.

the social welfare state also do not allow the *Bundeswehr* to exert the leverage enjoyed by armed forces in societies where military service constitutes potentially the sole ladder of social mobility and professional advancement. The eroding willingness of young men to serve in the armed forces poses an additional obstacle for recruiters.¹⁰³ Moreover, the two primary advantages of AVF, effectiveness and deployability, are not unproblematic for Germany. It bears repeating that Germany's militaristic past casts a long shadow on the current debate over conscription. While Germany surely needs effective and deployable armed forces, its illiberal history, enduring public mistrust of interventionism, and preference for non-military solutions create a unique set of social and political conditions that must be taken into account.

The "Mixed Model": A Better Alternative for the *Bundeswehr*?

A contending system for organizing armed forces that coexists in Europe with the AVF format is the so-called "mixed model." While states opting for this model continue the practice of calling up conscripts, their numbers are drastically reduced from Cold War levels. In a mixed model consisting of career professionals, longer-term service volunteers, and short-term service conscripts, draftees are used principally to augment the "volunteer" and career component of the force. In Germany, although nine month basic service conscripts are not generally suited--nor are they subject--to deployment abroad, they are encouraged to extend their initial obligation by as much as 14 months and to participate in "out of area" missions. Minister Struck's forecast anticipates as many as

¹⁰³ Werkner, 41-42.

25,000 longer-serving draftees averaging 21 months of service and participating in multinational deployments abroad.¹⁰⁴

When considering which of the two models they ought to recommend to Defense Minister Rudolf Scharping in May 2000, the members of the Weizsäcker Commission considered the flexibility inherent in the “mixed model” to constitute its main advantage.¹⁰⁵ This flexibility was considered a crucial advantage of conscription that the *Bundeswehr* should not so easily yield. Although the recommendation was contested by a third of the panel’s members (7 of 21) for reasons that will be considered further, the majority saw enduring *uncertainty* as favoring retention of a “conscript-augmented” approach. The *external variable* cited by the Commission was the level of uncertainty inherent in the post-Cold War security environment.¹⁰⁶ Retaining conscription provided a hedging strategy; it allowed the *Bundeswehr* to rapidly reconstitute its manpower if necessary. Suspending or eliminating the draft would raise the domestic political costs if reintroduction was later deemed inevitable. Reintroducing the draft in the midst of a crisis also had the potential downside of producing an unintended external escalatory effect. The *domestic variable* cited by the Commission was the uncertainty as to whether the *Bundeswehr* would be able to recruit and sustain even a drastically reduced force without some form of military draft.¹⁰⁷

¹⁰⁴ Struck, speech given May 25, 2004, in Berlin.

¹⁰⁵ Weizsäcker Commission Report, Section 104, 68.

¹⁰⁶ *Ibid.*, Section 105, 68.

¹⁰⁷ *Ibid.*, Sections 106-108, 68-69.

Size Matters

The political parties advocating an AVF for Germany tend to see armed forces of 200,000 troops as sufficient to meet the country's defense requirements. Indeed, this size is equal to or larger than the armed forces of many of Germany's main European security partners. The parties favoring the retention of conscription argue, however, that this number does not adequately cover Germany's foreign policy needs and preferences. Thus, in a manner consistent with historical practice, exogenous security obligations once again serve as the primary justification for maintaining compulsory military service. As in the past, participation in multilateral security organizations is said to require the maintenance of a force, the quantity and quality of which can only be sustained through a military draft.

One must question, however, whether a *Bundeswehr* based upon a "mixed model" constitutes a sustainable force structure or if it is merely an interim transitional step along the path to an all-volunteer force format. The Weizsäcker Commission considered its recommendation for a mixed model as a better *interim* solution, foreseeing an AVF as a potential outcome of *Bundeswehr* transformation. The Commission proposed that volunteers represent 90% of an overall force of 240,000 troops. Correspondingly, only 25,000 slots would be retained for conscripts serving 10 months. Although shorter periods of conscription were considered (4 and 6 months), the Commission concluded that 10 months was the shortest period in which conscripts could be adequately trained and subsequently utilized by the *Bundeswehr* in a manner that justified retaining the draft.¹⁰⁸ The Commission also recommended that the Ministry of Defense abandon its

¹⁰⁸ Weizsäcker Commission Report, Sections 101, 66.

historical practice of calibrating the supply of potential inductees with the sinking military demand for conscripts.¹⁰⁹ In response to concerns about *Wehrgerechtigkeit* expressed within the Force Structure Commission's report of the early seventies, the Defense Ministry had periodically resorted to shortening the length of conscript service and raising quality and fitness standards as a way to keep conscription as "universal" as possible.¹¹⁰ Today, despite historically high numbers of young men opting for conscientious objector status and the introduction of new selection criteria, the supply still far exceeds the needs of the military under the current conditions. There are limits beyond which the "flexibility" of conscription may not bend. The number of conscripts called up and their length of service needs to correspond to needs of the military for manpower. The related activities of training, equipping, housing, and sustaining conscripts have opportunity costs for the military; it could invest those resources elsewhere. There is an imperative therefore to periodically weigh the economic costs of conscription in relation to the "value" derived from maintaining the practice. The majority of the Commission's members recommended therefore that the Defense Ministry forge a new socio-political consensus by abandoning a "universal conscription" that was based on the annual size of draft age cohorts. In its place, they advocated a "selective" system of conscription that would serve the actual needs of the armed forces. The legal contours of the disagreement over this proposal are presented below within the context of the "problem stream."

¹⁰⁹ Ibid., Sections 97, 65.

¹¹⁰ Ibid., Sections 97-98, 65.

The Role of Ideas and Values: Ideology Biases Policy Selection

In the case under investigation, diverging ideological orientations further contribute to the level of ambiguity in the policy process. Contending communitarian and libertarian value systems are linked to each of the competing models. Communitarians generally favor the draft because it evokes the ideals of citizen service and shared sacrifice. The “nation in arms” motif represents a social contract between government and the governed that assigns to each a shared responsibility for the defense of the nation. Forging this sense of patriotism and shared responsibility finds its precedent in the work of the Prussian reformers who sought to counter the “apathy” of the middle and lower classes and bridge the “gulf” between the state apparatus and society. Conversely, libertarians and postmodernists embrace the values of antiauthoritarianism, individual choice, and volunteerism. They oppose the coercive nature of the draft and the unfairness of a tax that falls squarely on the backs of a small segment of society. While some do acknowledge the legitimacy of a draft in times of extraordinary peril, they view the prevailing, vastly improved security environment and the transformed nature of warfare as sufficient causes to suspend if not eliminate the draft altogether. Such views and values are bolstered by the development of a divergent norm represented by the general trend away from conscripts towards professionalization of the armed forces.

The Role of Germany’s Problematic Past in Shaping Policymaker Preferences

Given Germany’s historical experience with both conscription and small, professional militaries, opposing policy elites selectively employ negative examples from the past to diminish the “value acceptability” of the contending alternative. Proponents of conscription tend to emphasize the past when considering issues such as civil-military

integration and democratic control of the armed forces. The liberalizing efforts of the Prussian reformers and the complicity of the *Reichswehr* in delivering the first republic into the hands of the dictatorship are powerful images that resonate broadly. Scharnhorst and his fellow patriots clearly identified the “gulf” between the state and society as the issue that lay at the heart of an autocratic Prussia and the main impetus for liberal reform. Opponents of the all-volunteer model also raise the specter of the “state within a state” based on Germany’s first-hand experience with the praetorian tendency of the *Reichswehr*. Another potential civil-military concern now commonly espoused by security experts is that the suspension or elimination of conscription could spell the end of the concept of the “citizen in uniform” and the *Bundeswehr*’s special status as a respected democratic institution within German society. They speculate that an already high level of public apathy towards security issues and the military will intensify with the end of compulsory military service, leading to the disparagement of the armed forces as a sort of “rent a cop” security guard agency. In the words of journalist Constanze Stelzenmueller, the public could well come to regard the *Bundeswehr* as the “garbage men of security,” uniformed public service providers who are hired by the government to perform an unpleasant yet necessary task.¹¹¹

Opponents of the all-volunteer force model also express concern about the potential negative effects of a creeping privatization of military forces.¹¹² Indeed, the United States’ military is commonly held up as a negative example by those opposed to

¹¹¹ Constanze Stelzenmüller, “Kleiner und Kräftiger: Die *Bundeswehr* vor dem radikalsten Umbau ihrer Geschichte,” *Die Zeit*, January 3, 2004, 1, <http://www.zeus.zeit.de/text/2004/03/01> (accessed May 15, 2004).

¹¹² Struck, speech given May 25, 2004, in Berlin.

ending conscription. Deficiencies commonly cited include: under representation of the upper end of the societal spectrum, over representation of minorities, low overall quality of recruits, and the expensive system of incentives necessary to sustain recruiting and retention.

Civil-military issues are not ignored by those who favor the all-volunteer model. They point to the existence of a civil-military gap that already exists on the basis of drastically reduced conscription and the creation of a *de facto* choice for young German men between military and alternate service. Social science research shows a high correlation between education, social background and a preference for or against military service. Better educated, urban, and liberal youth tend to object to service under arms, while their less well educated, rural, more conservative counterparts prefer military service. Conscription can also be demonstrated to have been a contributing factor in Germany's past wars of aggression. For advocates of an all-volunteer model, the experiences of other liberal democracies with professional militaries adequately lay to rest concerns about a civil-military gap. They consider the continued political training of officers and enlisted personnel (*Innere Führung*), enhanced scrutiny of potential applicants, and parliamentary control as sufficient obstacles to any future praetorian tendencies.

A Shaky Societal Consensus on the Projection of Military Force

One of the main arguments in favor of all-volunteer forces is that they are easily deployable and more militarily effective. Given the complexity of German attitudes towards projecting force, arguments based on enhanced interventionist capabilities are likely to prove less persuasive than in the case of other European states, such as France,

that do not bear the historical onus of a broken military tradition. In the deliberations of German lawmakers, a highly effective military may be valued less than a corresponding high degree of civil-military integration. In short, German policymakers have problematic preferences; they are not entirely sure what they want. Some want Germany to behave as a normal state again, chastened surely by its past experiences, but nonetheless possessing military power commensurate with its strategic position, population size, and economic significance. Others prefer to see Germany structurally hobbled and incapable of projecting military force beyond its national boundaries. Public polling reveals that Germans feel generally uninformed about the *Bundeswehr's* missions abroad¹¹³ and that, overall, public support for a foreign policy characterized by interventionism and activism remains low.¹¹⁴

Defense Equity: A Policy Window in the *Problem Stream*

Multiple-streams theory conceives of the *problem stream* as the context in which circumstances emerge that arouse citizen concern and demand policymaker responses. Dramatic shifts in conditions occur and crises rise and fall on the political agenda. These shifts attract and focus policymaker attention and come to be defined as problems.¹¹⁵ Problems may be confined to narrow policy areas or amount to “broad systemic deficiencies.”¹¹⁶ Policymakers become aware of the changes in conditions that come to

¹¹³ Bulmahn, 31.

¹¹⁴ *Ibid.*, 21-25.

¹¹⁵ Zahariadis, 7.

¹¹⁶ *Ibid.*

be defined as problems through *indicators, focusing events, and feedback.*¹¹⁷ *Indicators* reveal the magnitude of change in conditions over time that draw policymaker attention and provoke a reaction. *Focusing events* promote awareness of the recognized problem, particularly through media coverage and the activities of pressure groups. *Feedback* refers to knowledge that policymakers possess from prior experience in addressing analogous problems.¹¹⁸ Prior experience shapes and limits the range of responses a policy community deems appropriate to address a problem. Particularly compelling problems create fleeting opportunities for advocates of proposals to push their pet solutions or call attention to their special needs. These fleeting opportunities are referred to, in the parlance of multiple-streams theory, as policy windows.¹¹⁹ The sense that conditions warrant immediate attention can lead policymakers to satisfy public demands to “do something” by engaging in *satisficing* behavior or by taking symbolic action.¹²⁰ The following section explores a shift in the magnitude of conditions in the *problem stream* that have subsequently come to be regarded as the central challenge for those advocating retention of the draft and the main opportunity for those dedicated to its demise. Recent events have focused attention on the falling level of defense equity creating an impetus for policy change. Consistent with multiple-streams theory, policymakers have thus far engaged in satisficing behavior that attempts to manage perception of the underlying problem.

¹¹⁷ Ibid., 153.

¹¹⁸ Ibid.

¹¹⁹ Ibid, 9.

¹²⁰ Ibid., 71.

The Fundamental Dilemma: Diverging Bases for Conscription

Since unification, the challenge of balancing the two increasingly divergent requirements, the principle of universality and the manpower demands of the armed forces, has intensified. As the number of draftees inducted into the armed forces continues to decline, the notion that “justice” and “fairness” must prevail in the selective service system nevertheless endures. Democratic norms of equal protection before the law and “equality of sacrifice” seemingly demand that conscription practice utilize as high a percentage of an annual draft-age cohort as possible (a cohort-based approach). In equity theory this approach is referred to as “forced equality.”¹²¹ Given that notions of equity are determined largely on the basis of cultural values, a “forced equality” approach does not necessarily exclude the possibility of limited exemptions from service on the basis of gender, age, fitness, hardship, or conscience. Every society has apportioning rules. What is equitable is what “...a given society considers to be appropriate....”¹²² In general, however, the principle of impartiality requires that those “who look alike should be treated alike.”¹²³ *Universal* conscription establishes a principle of “forced equality” among all draft-age men. Each male citizen’s legal obligation to help defend the nation is closely tied to the preservation of fundamental rights guaranteed by the constitution. During the Cold War there was no significant conflict between the imperatives of “forced equality” and military need. The *Bundeswehr* was large enough to absorb the

¹²¹ H. Peyton Young, *Equity: In Theory and Practice* (Princeton, NJ: Princeton University Press, 1994), 20.

¹²² *Ibid.*, 3.

¹²³ *Ibid.*, 163.

“overwhelming majority” of draft age young men and the constitutional principle of “defense equity” was satisfied. In the post-Cold War environment, there is no longer a compelling justification for a mass, conscript-based army. Today, a dwindling number of conscripts are used to augment the volunteer and career components of the force. The main advantages of retaining conscription are to offset recruiting shortfalls and to free up volunteers for deployment abroad. Conscription practice today therefore faces a fundamental dilemma. It is predicated on two increasingly diverging principles that are proving more and more difficult to reconcile in the context of the current security environment. And opponents of the draft have seized upon this dilemma as a way to force the end of conscription. They espouse an “all or nothing” philosophy that elevates the principle of “forced equality” over the needs of the armed forces. Conversely, the Ministry of Defense (MoD) under Ministers Scharping and Struck has attempted to balance equitable principles with the manpower requirements of the *Bundeswehr*. This balancing approach is evident in the statement below.

Our principle is that the period of compulsory military service should be no longer than absolutely necessary, and the number of conscripts called up for military service should be no higher than necessary to ensure the security of the country. At the same time, however, we must make sure that justice prevails in the selective service system.¹²⁴

The Defense Ministry has sustained a precarious balance between military need and defense equity through two major policy adjustments. In January 2001, the MoD under Minister Scharping reduced the length of conscript service from ten to nine months thereby increasing the number of draftees inducted annually. While shortening the draft

¹²⁴ *The Bundeswehr in 2002: The Current Situation and Perspectives*, Rudolf Scharping, Minister of Defense (Berlin, April 2002), 54.

spread the burden of service among slightly more men, it reduced the length of conscript service below the minimum recommended by the Weizsäcker Commission.¹²⁵ Broader participation was paid for by further depleting the utility of draftees.

More significantly, however, for the intensification of the *Wehrgerechtigkeit* issue, was the introduction of new selection criteria for draftees. The new criteria created broad categories of exemptions for young German men who would otherwise have been considered liable to perform compulsory military or alternative service. Beginning in July 2003, men who were married, over the age of 23, or who were classified as fitness level T-3 were no longer considered as liable for call up.¹²⁶ One estimate places the number of those released from liability as 15% of all potential draftees.¹²⁷ As many as 70,000 men over the age of 23 and 35,000 classified as fitness category T-3 will no longer be subject to induction. Although the MoD claimed that the reasons for loosening the criteria were the new orientation of the armed forces and the transformed security tasks of the *Bundeswehr*, defense expert Christian Schmidt of the Christian Social Union (CSU) saw the action as an attempt to manage the *Wehrgerechtigkeit* issue.¹²⁸ Budgetary cutbacks

¹²⁵ Weizsäcker Commission Report, Sections 101, 66.

¹²⁶ According to the *Bundeswehr's* website, conscripts with a fitness rating of T-3 have existing medical conditions that limit their physical activity in basic military training and subsequent assignment in the armed forces. Examples of conditions that may lead to a conscript being classified as T-3 include: spinal problems, knee injuries, and hearing loss. *Bundeswehr Website*, 2004, "Tauglichkeit," available at http://www.Bundeswehr.de/forces/grundlagen/wehrpflicht/print/030528_tauglichkeit.php / (accessed June 10, 2004).

¹²⁷ Regina Kerner, "Verheirateten und Älteren bleiben der Wehrdienst erspart," *Berlin Online*, April 15 2003, sec. Politik, <http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2003/0415/politik/0015/> (accessed June 12, 2004).

¹²⁸ *Ibid.*

introduced by SPD Social Minister Renate Schmidt had reduced the number of available slots for *Zivis* even as the high number of annual applicants continued unabated. In the year 2003, slots for only 100,000 *Zivis* were available for 130,000 recognized conscientious objectors.¹²⁹ As a result, a significant percentage of young men were unable to perform their compulsory service commitment.

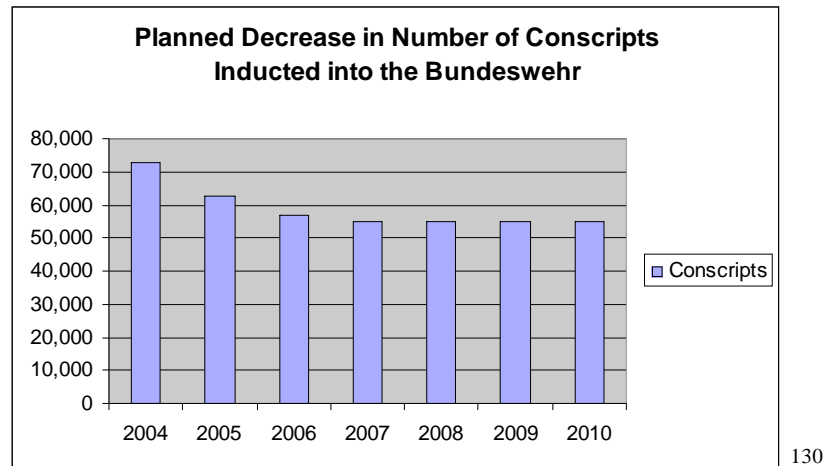
Intensification of the Wehrgerechtigkeit Issue

Despite MoD efforts to manage the *Wehrgerechtigkeit* issue by shortening conscript service and increasing exemptions, two diverging trends intensify the problem. To opponents of the draft these two trends signify a fundamental discrepancy between the supply of eligible draftees and the government demand for military and alternative labor. By some estimates less than half of all eligible males now perform compulsory service. The appearance of universality can no longer be effectively managed, say opponents. Equality can only be reestablished, in their view, by suspending or eliminating conscription.

The first trend, the continuing decrease in the military demand for conscripts, correspondingly reduces the overall participation rate of draft age males. Defense Minister Struck announced on January 13, 2004 that after 2007 only 55,000 slots will remain for both basic service conscripts and those who volunteer to extend their terms of service by as much as 14 months. As a result, only about 16% of an average annual draft-age cohort can be inducted into the *Bundeswehr*. The chart below shows the projected

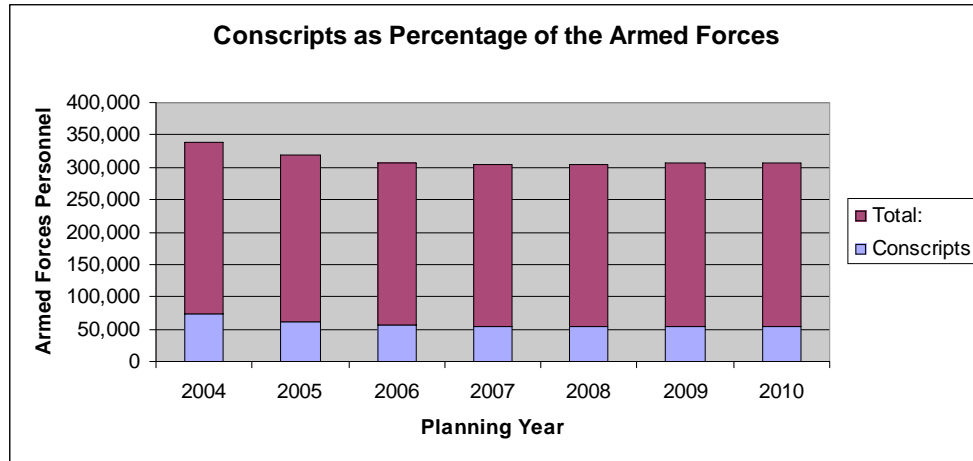
¹²⁹ Ibid.

annual decrease in military demand for nine-month conscripts as described by the MoD's Personnel Structure Model.



Between 2004 and 2007, the number of nine-month conscripts will decline by almost 24.66%. In 2007, conscripts will compose just over 22% over the total personnel strength of the armed forces. Reducing the number of conscripts should allow the Ministry to close additional military bases and thereby reduce infrastructure and personnel costs. Savings derived from these measures can then be directed to investment in new equipment, technology, and weapons for deploying units. Continuing personnel reductions may also jeopardize the viability of conscription. The chart below depicts the ratio of conscripts to “professionals” for the years 2004-2010.

¹³⁰ This chart was created from data derived from the MoD's Personnel Structure Model. *Bundeswehr Website*, March 3, 2004, 2004, "Personalstrukturmodell," http://www.Bundeswehr.de/pic/forces/040308_anpassung_persstrukt.gif/ (accessed July 14, 2004).



After subtracting those eligible for exemption, deferment, or alternative service, approximately 34% of a draft age cohort, around 143,500 young men, will be available each year for military service. Thus, according to the Defense Ministry's own estimates, less than 50% of those men eligible to perform military service will actually be able to do so in any given year. The numbers may in fact be even higher. Estimates of the number of young men eligible for exemptions, in particular the number of annual applicants for conscientious objection, vary significantly. The Defense Ministry places their average annual number as high as 38% of the overall draft-age cohort, approximately 160,500 young men.¹³² The Campaign against the Draft, Compulsory Service, and the Military (*Kampagne gegen Wehrpflicht, Zwangsdienste und Militär*), a pressure group dedicated to ending the draft, estimates the average annual number of conscientious objectors as

¹³¹ Ibid.

¹³² The figures presented above are included in a document provided by the Planning Staff of the German Federal Ministry of Defense on June 14, 2004. "Die voraussichtliche Ausschöpfung im Planungszeitraum 2002-2012" (Berlin: Bundesministerium der Verteidigung - Fü S I 2, April 7, 2003), 1.

significantly lower at 28.4%.¹³³ In the year 2005, for example, the Defense Ministry forecasts that 155,623 or 35% of draft-eligible men will be granted exemptions from military service on the basis of conscience.¹³⁴ The “Campaign” predicts that number to be only 128,822.¹³⁵ It should also be noted that estimates invariably support the agendas of the organizations that produce them. The Ministry of Defense estimates consistently downplay the diminishment of “defense equity,” while pressure groups dedicated to ending the draft dramatize the problem.

The second trend helping to exacerbate the *Wehrgerechtigkeit* issue is a transitory upward spike in the size of annual draft-age cohorts. Between 2004 and 2006 the size of draft-age cohorts will increase by almost 4%, attaining a peak number of 453,600 in the years 2006 and 2007.¹³⁶ Thereafter, the size of annual draft-age cohorts is predicted to dwindle by as much as 30% over the next 35 years.¹³⁷ The convergence of the two trend lines will be approaching a moment of peak “pressure” during the period of national elections in fall 2006. The chart below depicts the temporary increase in the annual size of draft-age cohorts.

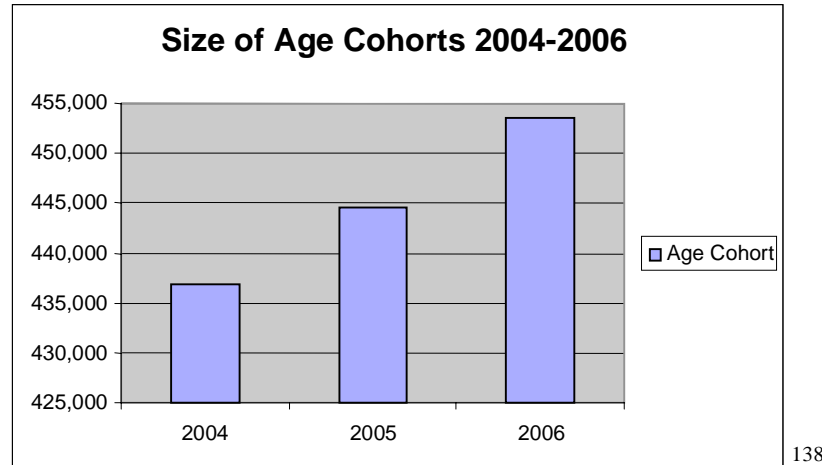
¹³³ Ralf Siemens, "Prognose Der Wehrungerechtigkeit," *Kampagne Gegen Wehrpflicht, Zwangsdienste, Und Militaer*, April, 2004, http://www.kampagne.de/media/pdf/wehrungerechtigkeit_tabelle.pdf. (accessed June 12, 2004).

¹³⁴ Bundesministerium der Verteidigung, "Durchschnittliche Ausschöpfung der Geburtsjahrgänge 1986 bis 1996, Planungsjahre 2004-2014," Berlin, 2004.

¹³⁵ Siemens, "Prognose Der Wehrungerechtigkeit."

¹³⁶ Die voraussichtliche Ausschöpfung im Planungszeitraum 2002-2012, *Wehrersatzwesen*, 2.

¹³⁷ Bulmahn, 76-78.



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Feedback: The Debate over the Equity of Selective Conscription

In May 2000, a majority of the Weizsäcker Commission, 14 of the 21 members, recommended that the Defense Ministry abandon the customary practices of shortening service periods and broadening exemptions to achieve defense equity.¹³⁹ The government, they stated, bore no legal obligation to provide positions for all eligible men in an annual draft-age cohort.¹⁴⁰ Rather than striving to utilize all available draftees, the Commission advocated implementing a system of “selective” conscription as an interim solution. Given past practice and prevailing notions of equity, they recognized that a selective, as opposed to a universal system, would require the formation of a new socio-

¹³⁸ This chart was created from data derived from MoD estimates of annual cohorts of 18 year old males eligible for compulsory service, 2004-2014. *Bundeswehr Website*, 2004, "Voraussichtlichen Aufkommen der 18 jährigen, erstmalig zum Wehrdienst heranziehbaren Wehrpflichtigen, in den Planungsjahren 2004-2014" http://www.Bundeswehr.de/pic/forces/040308_aufkommen_18jaer.gif (accessed July 14, 2004).

¹³⁹ Weizsäcker Commission Report, Section 97, 65.

¹⁴⁰ *Ibid.*, Section 98, 65.

political norm. A selective system need not, however, injure the principle of “defense equity.” All young men would still be obligated to obey an induction notice if called and perform military or alternative service in conformance with the law.¹⁴¹ Although only a small number of men (30,000) would actually be inducted into the armed forces, because all men were liable and subject to random induction, the principle of equity “before the fact” would be upheld. The majority further recommended that compensation in the form of better pay, educational benefits, and occupational incentives be awarded to those who were selected. This would help to restore equity “after the fact.” Under a selective system, the equitable principles of *randomization* and *compensation* would replace the impartial rule of “forced equality” that had existed under universal conscription.

Confronted with a problem of applied distributive justice—too few slots for too many eligible men--the Commission recommended subdividing an indivisible burden through *conversion*. Positions for conscripts and conscientious objectors are a “lumpy good;” they cannot be subdivided among eligible men. Customarily, more slots had been created by adjusting the “term of service.” Shorter service periods had allowed more eligible men to bear the burden of conscription. Given the already drastically shortened length of conscript service, the Commission determined that this strategy could no longer be pursued without impacting the military utility of conscription. Theoretically, the Commission could have considered three methods of converting an indivisible burden into a divisible one. One appropriate method of *conversion* in the case of a military draft is *randomization* through the mechanism of a lottery. With *randomization* each eligible draftee has an equal probability of bearing the burden, but only a certain segment actually

¹⁴¹ Ibid., Sections 97-100, 65-66.

will bear it. Lotteries have been used historically in many countries including the United States; Denmark still employs a lottery system of selective service. Lotteries avoid the inefficiency of “forced equality.” The other common approach to reestablishing equity in cases where a selected few bear a burden that can not be effectively divided among all members of a group is *compensation*. In theory, an appropriate level of compensation would have to render draftees “envy free.”¹⁴² That is, young men would have to demonstrate no preference for either performing service or foregoing the compensation awarded to those selected to serve in the military. In economic terms, their utility would have to be equally distributed across the two domains of service and non-service. Finally, the Commission could have adopted a *progressivity principle* that would allocate the burden to those most able to bear the burden of service. This is the principle commonly used in systems of progressive income tax. It acknowledges the relative advantages enjoyed by some segments of society in terms of wealth. A *progressive* system would undoubtedly require the construction of some form of “point system” to determine which young men could best afford to bear the burden of conscription. In truth, such a system already exists. Every 18-year old German male registers with his local draft office and points are assigned on the basis of education, aptitude tests, fitness, career interests, etc. The system has become even more *progressive* as the military has endeavored to enhance the efficiency and rationality of employing conscripts. Increasingly, consideration is given to the career interests and training desires of the individual conscript. Of the three potential methods of *conversion*, an approach based on the *progressive principle* would be the least like “forced equality” in that it actively identifies and acts upon the

¹⁴² Ibid., 22.

differences inherent in each individual conscript rather than treating every draftee impartially.

A minority of the Commission's members (7 of 21) flatly rejected to recommend the implementation of selective conscription. Compulsory military service, they argued, could no longer be justified in any form. The supply of men generated by universal conscription far exceeded the military's need for fewer conscripts. Most men would wind up serving simply to sustain a theoretical principle of equality and the draft would be robbed of its logical essence. Nor was a selective form of conscription an acceptable alternative. Deviating from the ideal of universal conscription that all men serve, an ideal founded on both democratic reason and historical precedent, would violate legitimate expectations and this would be inequitable.¹⁴³ The introduction of a selective draft would fall far short of legal and socio-political norms of fairness. Its political sustainability therefore over the long-term was uncertain. In the minority's opinion, selective conscription could only be conceived as an unavoidable interim component of a transition to an all-volunteer force.

Current Conscription Practice is De Facto Selective and De Jure Universal

The Defense Ministry rejected the Commission's recommendation to implement selective conscription, opting, instead, to pursue a satisficing strategy. Elements of this strategy have already been noted. They include decreasing the length of conscript service from ten to nine months in January 2001, and the introduction of new selection criteria in July 2003. The effects of those efforts to redistribute the burden of conscription more

¹⁴³ Young, 3.

equitably have been undermined by ongoing military reductions. While draftee numbers are increasingly too low to meet a cohort-based notion of equity (universality), no effort is being made to “compensate” the shrinking number of young men affected.

The legal *feedback* emerging from the Weizsäcker debate over the viability of selective conscription may have convinced the Defense Ministry that a satisficing strategy was the only feasible alternative to ending conscription. Subsequent legal and political opinion has rejected the Commission’s assertion that *compensation* can adequately satisfy stakeholder expectations of fairness. Accordingly, the Defense Ministry has continued to employ customary containment strategies to maintain a semblance of fairness in the system. Additional reductions in the length of conscript service will only deplete the military utility of conscripts, perhaps beyond the point of logic. Moreover, the introduction of new exemptions is already provoking legal challenges. Further adjustment of these constraints could potentially boomerang and undermine trust in government and the reputation of the *Bundeswehr*.

The Legal Basis for Conscription in Germany

Constitutional and Statutory Underpinnings

Germany’s Federal Constitution, the Basic Law (*Grundgesetz*), was adopted in May 1949. The Constitutional articles that describe the national system of compulsory military service were not part of the original document. They were added later, following parliamentary debate over rearmament and the integration of the new German military into NATO. The Articles pertinent to conscription (Articles 12 and 12a) were amended and inserted under the Seventh and Seventeenth Amendments to the Basic Law. These

changes were adopted on March 22, 1956 and June 28, 1968 respectively.¹⁴⁴ Additional aspects of compulsory military service are more closely regulated by a series of statutes. These regulatory statutes include: the “Conscription Law” (*Wehrpflichtgesetz*); the “Soldiers’ Law” (*Soldatengesetz*); the “Conscientious Objector Law” (*Kriegsdienstverweigerungsgesetz*); and the “Civic Service Law” (*Zivildienstgesetz*).

The German constitution does not stipulate a particular form for the armed services. Article 87a simply states that the Federal Government raises and maintains armed forces for “defense.”¹⁴⁵ Article 12a of the Basic Law, titled “Military and Other Service,” provides the fundamental legal basis for the draft. It describes the capacity of lawmakers to require compulsory military and other forms of service from the citizenry. In addition to describing a basic military service for German men and a parallel substitute obligation for conscientious objectors, Article 12a contains provisions for mobilizing women and other members of the population to serve in non-military roles in the event of a “state of defense.” In setting forth the basic power of the government to draft able-bodied males for military and other service, Article 12a, paragraph 1 states the following. “Males who have attained the age of eighteen years can be required to serve in the Armed Forces, in the Federal Border Guard, or in a civil defence organization.”¹⁴⁶

¹⁴⁴ *The Basic Law (Grundgesetz): The Constitution of the Federal Republic of Germany (May 23rd, 1949)*, trans. Axel Tschentscher (Würzburg/Bern: Jurisprudencia, 2002-2003), available in pdf format <http://www.jurisprudencia.de/> (accessed February 13, 2004).

¹⁴⁵ Schaprian, 18.

¹⁴⁶ *Ibid.*, 22.

There are only three significant restrictions on the power of the federal government to draft: age, gender, and conscience. Paragraph one of Article 12a clearly stipulates that “Males” must be over eighteen years of age to be liable for compulsory government service. While women are clearly exempt from basic service in the military, border guard, or civil defense organizations, Article 12a, paragraph 4 allows the government to utilize women between the ages of eighteen and forty five during a state of defense. Although they cannot be obligated to carry a weapon, they can be required to render service to “the civilian health system or in the stationary military hospital organization.”¹⁴⁷

Due to the excesses of the National Socialist period, the German Constitution makes generous provisions for those who object to military service as a matter of conscience. Article 12a, Paragraph 2 states that those objecting to “war service” can be made to serve a substitute form of service unrelated to the military or the border guards. Again, the operative word here is “can.” Lawmakers have discretion to require those objecting to military service to provide substitute social services and—given the large numbers of young men opting to oppose military service—they have done so as a way to sustain “equity” in the system. This has led to the creation of a parallel system of conscription—so-called *Zivildienst*--for the provision of social services to the elderly, infirm, and disabled. The most vulnerable members of German society benefit a great deal from this *modus vivendi* that has grown up between the government and the large segment of young male population that oppose military service. Suspending or eliminating conscription will dry up a vast pool of inexpensive *Zivi* labor and place the

¹⁴⁷ The Basic Law, p. 23.

provision of these services in question. Addressing the issue of how these services will be provided unavoidably becomes part of the core debate on the future of conscription.

The third Paragraph of Article 12a relates indirectly to the issue of *Wehrgerechtigkeit* or “defense equity.” Paragraph 3 states in part that: “Persons liable to military service who are not required to render service pursuant to Paragraph I or II can, during a state of defence, be assigned...to an employment involving civilian services for defence purposes...” This paragraph seems to clearly anticipate that some segment of the male population normally subject to the draft will, for reasons other than an exemption on the basis of conscience, not perform military service. They remain, however, potentially liable for duty in some capacity at an undetermined future date.

Article 12a, paragraph 1 clearly indicates that the draft is an option for lawmakers; “can” is the operative word. Nor is maintenance, suspension, or elimination of the draft contingent upon any specified external security situation. There exists no legal linkage between a given set of circumstances and the practice of conscription. The decision to maintain, suspend, or eliminate the draft is left entirely to the discretion of the federal legislature. The Federal Constitutional Court, Germany’s highest judicial body, ruled in April 1978, that the decision between a volunteer or conscript army is a political one.¹⁴⁸ The legislature and the responsible organs of government, not the Courts, can best weigh the myriad strategic, economic, political, and social dimensions relating to national security policy. Any future decision to alter the current practice of conscription must therefore result from a legislative act either suspending conscription--by altering the conscription statute--or permanently eliminating the government’s power to draft through

amendment of Article 12a of the Basic Law. Conscription policy will not to be decided solely on the basis of legal principles. Strategic and economic considerations loom large in the decisions of lawmakers. While opponents of the draft have recurrently attempted to pressure legislators to abandon conscription on the grounds of military and budgetary necessity, they also continue to challenge the constitutionality of conscription in the courts. Even under the vastly altered security conditions of the present day, conscription is still “constitutional” and the question of a conscript or volunteer army is to be determined through the political process.¹⁴⁹

Legal Custom: The Legacy of High Court Opinion

There is no stipulation contained within Article 12a mandating that conscription be universal in nature to remain legally viable—as the language in Paragraph 3 clearly suggests. German legal construction has, however, sought to balance the rights of government and the individual, concluding that conscription must apply “generally and equally” to all males who do not oppose such service on the basis of conscience.

The Federal Constitutional Court (*Bundesverfassungsgericht*) has concerned itself with the matter of conscription in a series of landmark rulings. The Court has consistently ruled that the principle of equality expressed in Article 3, Paragraph 1 of the Basic Law is controlling (All humans are equal before the law.);¹⁵⁰ only a *universal* form of conscription can adequately express the principle of equality. And an implementation of

¹⁴⁸ Schaprian, 18.

¹⁴⁹ *Ibid.*

¹⁵⁰ The Basic Law, p. 18.

universal conscription can only be spoken of when nearly all eligible men perform their service obligation.

Increasingly, those seeking to end the draft have attempted to do so through the courts on the basis of defense inequity. In recent cases, the *Bundesverfassungsgericht* has dismissed as inadmissible several appeals challenging the constitutionality of conscription. On February 20, 2002, the Court rejected as inadmissible an appeal lodged by the State Court of Potsdam. The appeal asserted that universal conscription intrudes upon the basic rights of draftees and is no longer required for territorial defense. It therefore violates the principle of proportionality.¹⁵¹ In its dismissal of the appeal, the Court noted that a system of universal conscription is not contingent upon any particular security situation.¹⁵² The court also stated unequivocally that the multidimensional complexity of issues relating to conscription is of a highly political nature and cannot be “reduced to a constitutional question.”¹⁵³ In another case dismissed as inadmissible on March 27, 2003, the plaintiff claimed that Article 12a violated, without adequate justification, the prohibition against discrimination incorporated in Article 3, paragraphs 2 and 3 of the Basic Law because it treated men and women differently. In view of the altered military and geopolitical situation, the plaintiff argued further that Article 12a violated the principle of proportionality. In its dismissal of the appeal on the grounds of inadmissibility, the court reasserted its earlier ruling that restriction of conscription to

¹⁵¹ This opinion is available on the website of the Federal Constitutional Court (www.bundesverfassungsgericht.de/entscheidungen). *Bundesverfassungsgericht - 2 BvL 5/99*, Zweiter Senat, 20.02.2002, paragraph 20.

¹⁵² *Ibid.*, paragraph 45.

¹⁵³ *Ibid.*, paragraph 47.

men does not violate constitutional principles of equality.¹⁵⁴ Most recently, the Court declined to hear an appeal from a plaintiff who claimed that his induction notice violated the principle of *Wehrgerechtigkeit*. The introduction of the new selection criteria in July 2003 formed the basis of his claim. According to the plaintiff, the new practice violated the principle of equality of sacrifice and his basic right to equal treatment under Article 3, paragraph 1 of the Basic Law. Statistically, only one in four draft-eligible men was called up for military service. Consequently, one can no longer speak of a uniform and equal burden of conscription.¹⁵⁵ The Administrative Court of Chemnitz (*Verwaltungsgericht*) had ruled on March 30, 2004 against the plaintiff, arguing that the local induction center had acted appropriately in selecting him for military service. “Optimally covering the personnel demands of the *Bundeswehr* serves the public interest and not the private interests of the individual draftee.”¹⁵⁶ Although the Federal Constitutional Court declined to accept the case for decision, it noted in its review that the plaintiff had no standing to challenge the induction notice because he could prove no individuated injury, nor could he rest his claim for relief on any demonstrable legal exemption. The Court opined that the *Bundeswehr*’s functional capability relied on the regular induction of eligible draftees. Allowing draftees to opt out of service on the basis of supposedly “unfair” selection criteria would endanger the defense capability of Germany to a high degree. Therefore,

¹⁵⁴ *Bundesverfassungsgericht - 2 BvL 2/02*, 4. Kammer des Zweiten Senats, 27.03.2002, paragraph 27.

¹⁵⁵ *Bundesverfassungsgericht - 2 BvR 821/04*, 3. Kammer des Zweiten Senats, 17.05.2004, paragraph 2.

¹⁵⁶ *Ibid.*, paragraph 3.

the individual interests of the plaintiff must take second place to national interest.¹⁵⁷ On March 11, 2003, a plaintiff argued unsuccessfully before an EU Court that gender-based, male-only conscription violated European Union law.¹⁵⁸ Most recently, a Cologne Administrative Court invalidated a draft notice on the grounds that the Defense Ministry's new selection criteria created too large a pool of young men exempt from the liability of military or alternate service. The resulting lack of defense equity made the subsequent practice of induction arbitrary in nature and therefore illegal. This decision is being appealed by the Defense Ministry but could unleash a wave of new legal challenges to conscription on the grounds that the new selection criteria have created a degree of inequity that cannot be constitutionally tolerated by the courts.

Constitutional challenges to conscription have increased as practice has become more selective and the burden of sacrifice borne by a smaller segment of the overall pool of eligible draftees. Nevertheless, the Federal Constitutional Court has thus far remained steadfast in its determination not to decide "defense equity" appeals on their merits, dismissing them as inadmissible or choosing not to select them for a ruling. Thus far the Courts have constituted a "blocked avenue" for ending conscription from below.

This section has attempted to demonstrate the existence of a policy window in the problem stream. An intensification in the magnitude of conditions has produced indicators and events that focus policymaker attention and provoke citizen demands to take action. The intensification is driven by Defense Ministry "supply decisions" that have dramatically reduced the demand for conscripts as the size of draft-age cohorts have

¹⁵⁷ Ibid., paragraph 27-28.

¹⁵⁸ Schaprian, 18.

increased. The following section demonstrates the existence of a complementing policy window in the politics stream.

The 2002 Coalition Agreement: A Policy Opportunity in the *Politics Stream*

Legislative change or swings in national mood can also provide an impetus for policy change. Similar to changes in conditions or crises that occur in the *problem stream*, a redistribution of the balance of political power can generate a policy window in the *politics stream*. Shifts in political ideology occur independently of events in the *problem stream* and can open policy windows of opportunity.¹⁵⁹ Zahariadis includes in his definition of the *politics stream* “... political parties or coalitions that compete for a chance to govern and thus directly affect the policy process. They comprise the policymakers who will ultimately make the decision of whether to adopt a specific proposal.”¹⁶⁰ According to the multiple-streams model, the *politics stream* encompasses: political parties, pressure groups and the general national mood. Political parties and pressure groups inevitably possess a particular set of values predisposing them to favor certain policy alternatives. Swings in national mood can also influence policymaking. Elected officials may respond to citizen preferences by adopting vote attractive measures, such as ending compulsory military service.

This section argues that the 2002 Compromise Agreement between the SPD and Alliance 90/Greens created a policy window of opportunity in the *politics stream*. The agreement compels the senior partner in the governing coalition, the SPD, to revisit the

¹⁵⁹ Zahariadis, 6.

¹⁶⁰ *Ibid.*, 154.

future of compulsory military service. The section below also describes the basic orientations of the parties toward conscription, summarizing where they stand on the defense equity issue. Finally, it considers recent polling data on public attitudes towards the draft and a potential future transition of the *Bundeswehr* to an all-volunteer force.

The 2002 Coalition Agreement

The distribution of 601 Parliamentary seats for the 15th Legislative Period (2002-2006) by political party is as follows: SPD (249), CDU/CSU (247), Alliance90/Greens (55), FDP (47), PDS (2), and Independent (1).¹⁶¹ In October 2002, following national elections, the leadership of the Social Democratic Party and the Alliance 90/Greens formed a governing coalition. A coalition agreement (*Koalitionsvereinbarung*) documenting their governing program was published on October 16, 2002. The agreement mandates that the coalition must revisit the future trajectory of the *Bundeswehr's* personnel structure and modernization efforts prior to 2006. Specifically, it states that "...before the end of the 15th Legislative Period, we must examine whether defense structures require additional modifications..."¹⁶² This reexamination includes revisiting the future of compulsory military service. As will be explained below, the Green and Social Democratic Parties have thus far embraced contending platforms with

¹⁶¹ *Deutscher Bundestag*, July, 2004, "Sitzverteilung, 15. Wahlperiode," http://www.bundestag.de/parlament/wahlen/sitzverteilung/1541_15.html. (accessed July 20, 2004).

¹⁶² "Koalitionsvereinbarung 2002-2006, SPD-Bündnis 90/Die Grünen: Erneuerung-Gerechtigkeit-Nachhaltigkeit. Für ein wirtschaftlich starkes, soziales und ökologisches Deutschland. Für eine lebendige Demokratie." (Berlin, October 16, 2002), 62.

respect to conscription. The compromise represented in the Coalition Agreement therefore opens a window in the *politics stream*. It forces the senior coalition partner, the SPD, to reconsider its position of support for conscription policy. Accordingly, the SPD has determined to take a comprehensive, open-ended approach to the question of the future of compulsory military service. First, a special conference will be held in November 2004 on the future of conscription. Second, a unified party position will be hammered out the following year at their national political convention in November 2005. Finally, the mandated defense review will be conducted during 2006 prior to national elections. The policy opportunity to end the draft created by the Coalition Agreement should persist at least until the SPD's party Congress of November 2005, providing a lengthy period of uncertainty in which advocates of competing proposals can maneuver.

Platforms of the Major Political Parties

All Those Opposed?

Bündnis 90/Die Grünen (Alliance 90/Greens)

Alliance 90/the Greens have been the junior partner in the governing coalition since 1998. The party embraces a political platform that is dedicated to ending compulsory military service in Germany. In April 2004, the Greens welcomed the decision handed down by the Cologne Administrative Court upholding the appeal of a 21-year old draftee on the basis of defense inequity. A Green press release published the same day called the decision the “beginning of the end of compulsory military service in

Germany.”¹⁶³ In a parliamentary speech on April 30, 2004, Green Parliamentary Defense Speaker, Mr. Winfried Nachtwei, called attention to the “quiet departure” from conscription that had been ongoing ever since the central justification for the draft, territorial defense, had ceased to be the principle factor determining the size and character of the armed forces.¹⁶⁴ Efforts to rescue conscription, he noted, were understandable, but both the suggestion to allow conscripts to participate voluntarily in foreign deployments as well as the recommendation to employ them within the country for the purpose of homeland security were irresponsible. In any event, he concluded, conscription is no longer indispensable and its days are numbered. The debate should no longer be about whether the draft should be ended, but about how the transition to a new all-volunteer force structure will be implemented.¹⁶⁵

The Party of Democratic Socialism (PDS)

The PDS leadership is opposed to maintaining compulsory military service. It also rejects the use of the *Bundeswehr* beyond Germany’s borders and therefore opposes major defense acquisition programs such as the Airbus A-400 military transport and the

¹⁶³ *Bundestagfraktion Bündnis 90 Die Grünen*, April 21, 2004, "Kölner Urteil Beschleunigt Ende der Wehrpflicht," http://www.gruene-fraktion.de/rsvgn/rs_dok/0,,58276-print,00.htm (accessed May 15, 2004).

¹⁶⁴ *Bundestagfraktion Bündnis 90 Die Grünen*, April 30, 2004, "Wehrpflicht/Soziales Pflichtjahr" http://www.gruene-fraktion.de/rsvgn/rs_dok/0,,59199-print,00.htm. (accessed May 15, 2004).

¹⁶⁵ *Ibid.*

Eurofighter.¹⁶⁶ The party also opposes any use of the armed forces within the country as part of a homeland defense strategy. The PDS would like to see the armed forces reduced to 100,000 career and volunteer soldiers. They advocate the suspension of both conscription and *Zivildienst* by 2005.¹⁶⁷

The Free Democratic Party (FDP)

At their party convention of September 17, 2000, the Free Democrats voted to support the suspension of conscription.¹⁶⁸ While the FDP platform acknowledges that conscription has clear advantages for society under certain security conditions, it considers compulsory military service to be such a deep intrusion into the individual freedom of young male citizens that it should be required by the government only when the external security of the state truly demands it.¹⁶⁹ For the FDP, the external conditions are the controlling variable and constitute the principle determination for keeping or suspending conscription. Conscription is not an immutable principle but is contingent on the concrete external security situation. In their assessment, NATO is far superior to any

¹⁶⁶ *Party of Democratic Socialism*, January 13, 2004, "Wehrpflicht und Zivildienst ab 2005 Aussetzen," http://sozialisten.de/presse/presseerklaerungen/view_html?zid=15208/ (accessed June 10, 2004).

¹⁶⁷ *Ibid.*

¹⁶⁸ *FDP im Deutschen Bundestag*, January 2004, *Liberale Argumente*, Nr. 17/19. Januar 2004/15. WP, „Alternativlos: Die Wehrpflicht Muss Ausgesetzt Werden!," <http://www.fdp.de/> (accessed June 10, 2004).

¹⁶⁹ *Ibid.*

potential adversary.¹⁷⁰ There is no conceivable scenario that would require a large scale mobilization of reserves, a frequently cited rationale for preserving conscription. Moreover, conscripts are superfluous in the current environment. Even if their deployment were not prohibited by Parliament, it would be irresponsible given the short period of their training. The FDP cites the arbitrary nature of current conscription practice as problematic. The party supports the new triadic structure of the *Bundeswehr* as reflecting the realities of the current security situation and the reduction of manpower to a level of 250,000 troops as a “step in the right direction.”¹⁷¹ They maintain, however, that an inadequate portion of the overall force will be rapidly deployable (only 105,000 of 250,000). Their platform states that a minimum of 150,000 deployable troops are required to meet Germany’s obligations.¹⁷² The FDP attributes the lack of deployability to an effort to maintain conscription. “This is the price to be paid for maintaining a draft that can no longer be justified.”¹⁷³ In place of nine month conscripts, the FDP recommends recruiting “short term” volunteers for duty periods of 12-24 months.¹⁷⁴ The short-term volunteers would take over many of the tasks conscripts now perform. They would also provide a pool of potential applicants for refreshing the longer-term volunteer

¹⁷⁰ *FDP im Deutschen Bundestag*, January 2004, Liberale Argumente, Nr. 18/19. Januar 2004/15. WP, „Scharpings *Bundeswehr*reform restlos gescheitert - nun versucht sich Struck. Der notwendige mutige Schnitt bleibt jedoch wieder aus!“ <http://www.fdp.de/> (Accessed June 10, 2004).

¹⁷¹ *Ibid.*

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

¹⁷⁴ *Ibid.*

and career forces. To accomplish the transition to an all-volunteer force, the FDP advocates raising defense spending. A true and durable reform of the *Bundeswehr*, in the view of the FDP, cannot be accomplished without suspending conscription.

All Those in Favor?

Christian Democratic Union/Christian Social Union (CDU/CSU)

Of all the political parties, the Union is the most closely associated with the introduction and maintenance of compulsory military service. And support for conscription among Union voters and politicians remains unambiguously strong. The Union has been outspoken regarding what it considers the “chaos” in the Defense Ministry regarding the future of conscription.¹⁷⁵ It harshly criticized the introduction of new selection criteria as threatening the survival of conscription by exacerbating the defense equity issue. The CDU/CSU has also championed homeland security (*Heimatschutz*) as the potential future justification for compulsory military service. As noted by Parliamentary Representative, Anita Schäfer, the *Bundeswehr* has a mission beyond peace enforcement and stability operations. It is still responsible for the protection of national territory. In the post-9/11 environment this can only be accomplished by providing a functioning homeland security capability.¹⁷⁶ Defense of national territory and universal conscription are clearer expressions of the security imperatives enshrined in the German constitution than

¹⁷⁵ Christian Schmidt, "*Bundeswehr: Chaos Im Verteidigungsministerium*," *CDU Deutschland*, May 6, 2004, www.cdu.de/archiv/2370_2656.htm. (accessed May 15, 2004).

¹⁷⁶ Anita Schäfer, "Sicherheitspolitik: 2004 Darf Kein Verlorenes Jahr Werden," *CDU Deutschland*, February 7, 2004, www.cdu.de/archiv/2370_61.htm. (accessed May 15, 2004).

participation in multilateral peace support operations. Therefore, the Union calls for continued support of compulsory military service and a restoration of defense equity.¹⁷⁷ Following the terror attacks in Madrid on March 11, 2004, the Union called for a comprehensive view of security that dissolves the former artificial division between domestic and external security. They also called on the *Bundeswehr* to create a new organizational capacity to provide territorial defense against asymmetric terrorist attacks and to develop new tasks for conscripts.¹⁷⁸ As part of their proposal, the Union recommended altering Articles 35 and 87a of the Basic Law to allow the *Bundeswehr* to preemptively deploy assets domestically to deter threatening attacks and proactively manage governmental response to natural and manmade catastrophes.¹⁷⁹ The Union also advocates the creation of a Homeland Security Unit that would consist of 50 networked bases dispersed through out the country. The units would be manned by 80% conscripts and 20% career and volunteer cadre.¹⁸⁰ The CDU/CSU estimates that overall an additional 25,000 soldiers will be required (20,000 conscripts and 5,000 career and volunteer soldiers) at an additional annual cost of approximately 500 Million €. ¹⁸¹

¹⁷⁷ Antrag der Fraktion der CDU/CSU, "Für eine moderne *Bundeswehr* als Pfeiler einer verlässlichen Sicherheits- und Verteidigungspolitik Deutschlands" (Berlin: Deutscher Bundestag, 15. Wahlperiode, January 27, 2004), 4.

¹⁷⁸ *CDU/CSU Fraktion Im Deutschen Bundestag*, March 31, 2004, "Landesverteidigung und Heimatschutz als Teil des Gesamtkonzepts Sicherheit," <http://www.cdu.csu.de/> (accessed May 15, 2004).

¹⁷⁹ *Ibid.*, 2.

¹⁸⁰ *Ibid.*, 3.

¹⁸¹ *Ibid.*, 4.

Social Democratic Party of Germany (SPD)

The Social Democrats decided at their party convention on June 2, 2002 to maintain their historical support for compulsory military service during the legislative period 2002-2006. One of the major reasons cited was to ensure that the *Bundeswehr* remains anchored in German society.¹⁸² Defense Minister Struck has repeatedly expressed his steadfast support of the draft in virtually every public statement on *Bundeswehr* transformation. Nevertheless, as a result of growing dissatisfaction within the SPD, particularly among younger members, the party leadership decided at its national convention in Bochum in November 2003 to convene a special conference on the future of compulsory military service in November 2004.¹⁸³ A working group has recommended November 13, 2004 as the date for the one day conference. The SPD anticipates the participation of local, state, and national-level political leaders as well as unions, employers, pro- and anti-draft pressure groups, and acknowledged legal and security experts.¹⁸⁴ The special conference will mark the beginning of a discussion process, the end of which is to formulate a petition to be presented at the SPD's national party congress in autumn 2005.¹⁸⁵

¹⁸² Quoted in Schaprian, 26.

¹⁸³ Ibid.

¹⁸⁴ The following memo was generously provided to the author by Mr. Axel Schneider, Special Assistant for the SPD's Working Group on Security Issues. Protocol of preparatory meeting attended by Franz Borkenhagen, Dirk Engelmann Uwe Gehlen, Achim Post, Peter Ruhestroth-Bauer, Joachim Schaprian, Frank Schauff, Jürgen Schnappertz, and Axel Schneider, "Zukunft der Wehrverfassung" (Berlin: Working group, Special Conference on the Future of Conscription, April 21, 2004).

¹⁸⁵ Ibid.

While the Chairman of the Parliamentary Defense Committee, SPD Representative Reinhold Robbe, has openly discussed the possibility of further reductions in the length of conscript service so that the *Bundeswehr* can draft more men, other members of the SPD are calling for an end to the draft in the wake of the Cologne ruling on defense equity.¹⁸⁶ The document recording the results of the SPD Party convention in Bochum in November 2003 contains eight petitions against a continuation of compulsory military service. These petitions: 434, 435, 436, 437, 438, 439, 440, and 442, were filed by state and local level organizations of the SPD.¹⁸⁷ The petitions present a clear challenge to the national leadership's ongoing support for conscription.

Public Opinion Regarding Conscription

Despite the efforts of pressure groups to mobilize resistance against the draft, recent polling indicates that support for conscription remains high, particularly among older citizens and political supporters of the FDP and the CDU/CSU. An annual poll conducted by the *Sozialwissenschaftliches Institut der Bundeswehr* (SOWI) reveals no significant erosion of public support for the draft. In the period 1997-2003, the percentage of respondents claiming to have a "positive" attitude towards compulsory military service hovered consistently around or above 70%.¹⁸⁸ Those who opposed the draft were overwhelmingly young men or political supporters of the Green Party or PDS.

¹⁸⁶ Ute Mahler, "SPD stellt Wehrpflicht in Frage," *Financial Times Deutschland*, April 26, 2004, <http://www.ftd.de/> (accessed June 9, 2004).

¹⁸⁷ *Parteitag der SPD in Bochum, 17. bis 19. November 2003, Beschlüsse*, (Berlin: Parteivorstand der SPD, 2004), 265-274.

¹⁸⁸ Bulmahn, 64.

The public appears evenly split on the question of whether the draft should be retained or if the *Bundeswehr* should transition to an all-volunteer force model. In 2003, 46% of respondents agreed with the statement that the draft should be eliminated, while 40% disagreed.¹⁸⁹ Significantly, there is relatively broad support for the introduction of a “universal duty obligation” that would include women as well as men. 52% percent of respondents supported the transition of the current system of conscription into a form of universal service for all young men and women.¹⁹⁰

Support for an activist foreign policy role for Germany, however, remains shaky and may be further weakening. There is a lack of support for active participation in the “war on terrorism.” The *Bundeswehr* missions that affect Germans least directly, foreign deployments, receive the lowest amounts of media coverage and correspondingly the lowest public support.¹⁹¹ The converse is true as well. The *Bundeswehr*’s participation in domestic roles such as disaster relief receives high levels of media coverage and wide public support.¹⁹²

Viable Alternatives in the Policy Stream

Multiple-streams theory defines policies as “...ideas or solutions developed by specialists in narrow policy communities.”¹⁹³ This is especially true in the realm of “defense

¹⁸⁹ Ibid., 65.

¹⁹⁰ Ibid.

¹⁹¹ Ibid., 3.

¹⁹² Ibid.

¹⁹³ Zahariadis, 8.

“policymaking” where solutions are typically developed within military planning staffs or by legislative committees in which participation is limited by a requisite level of expertise in security matters. Ideas that may eventually become policy contend within the defense community for acceptance and implementation by lawmakers. According to Zahariadis, such policies “...are not always used by national policymakers to solve the problem of the day.”¹⁹⁴ A solution, developed at a particular point in time to address one problem, may later be successfully *coupled* to a completely different one. In this respect, conscription policy was successfully linked as a solution to the problem of national integration following German reunification. Policymakers also tend to favor solutions that correspond with “...their values, beliefs, or material well-being.”¹⁹⁵

There are three criteria for judging the viability of competing policy alternatives. They are *technical feasibility*, *value acceptability*, and direct and indirect *economic costs*. *Technical feasibility* refers to the potential administrative burdens and political costs of implementing a policy. Implementation may require major political or economic trade offs. As an example, a policy that advocated eliminating conscription would require higher implementation costs than an alternative that proposed merely suspending it. Elimination of the draft will require amending the constitution, always a risky and politically costly proposition, whereas suspension requires a simple parliamentary majority to amend the “Conscription Law. “ Given the current political balance of power in the Parliament, garnering the two-thirds majority required to amend the Constitution may not be possible. A policy that proposes to eliminate the draft must therefore be rated

¹⁹⁴ Ibid., 6.

¹⁹⁵ Ibid., 6.

lower on a scale of *technical feasibility* than an alternative that merely proposes to suspend it. Significant sequelae of eliminating or suspending the draft may include an intensification in the process of closing military installations, increased defense spending, and a decrease in the government's capacity to mobilize manpower in response to domestic crises. All of these elements would have to be weighed in determining the *technical feasibility* of policy alternatives. *Value acceptability* refers to the congruence of a proposed policy solution with societal norms. "Ideas that do not conform to the values of many specialists in a policy network ...stand a lesser chance of receiving attention by national policymakers."¹⁹⁶ Some proposed changes in policy, such as the introduction of selective conscription, may possibly diverge from long-standing practice and contravene societal notions of fairness. Accordingly, they are less likely to enjoy success in competition with alternatives that are perceived as harmonious with national values and that reinforce aspects of cultural identity. Finally, economic cost plays a significant role in determining which alternatives will survive in the *policy stream*. Defense policy must always compete with domestic imperatives for scarce economic resources. The solution with the lowest economic costs has a better chance of rising to the top of a policymaker's preferred list of policy alternatives. In short, solutions that are easiest to implement, enjoy broad acceptance, and cost the least, stand the best chance of receiving policymaker endorsement.

¹⁹⁶ Zahariadis, 155.

Commonly Voiced Alternatives

The following section describes the most commonly discussed alternatives to the current policy of compulsory military service and assesses them on the bases of their relative technical feasibility, value acceptance, and economic cost.

Introduction of Selective Conscription

One of the thorniest aspects of introducing a selective form of conscription is the dispute regarding the feasibility of implementation. Opponents say that conscription in a democratic republic must be universal. No conceivable legal change to the Constitution or Conscription Law would permit the introduction of a practice of selective conscription. Democratic egalitarian norms of *equality before the law* and *equality of sacrifice* demand an equitable standard of “forced equality” in conscription practice. High Court opinion has upheld this principle, repeatedly stating that practice must strive to be as near universal as possible. An overwhelming majority of young men must serve for the principle of defense equity to be upheld.

Advocates disagree. They believe that calling up a small number of draftees does no harm to the principle of *Wehrgerechtigkeit*. In the opinion of the Weizsäcker Commission majority, the obligation of all draft-eligible men to obey an induction notice and to serve when called remains intact.¹⁹⁷ Thus, the two sides differ critically on the basis of different theories of equity. Opponents maintain that implementation is technically impossible; advocates believe that no change is even required.

¹⁹⁷ Weizsäcker Commission Report, Section 98, 65.

The dispute over the technical feasibility of implementing selective conscription makes determining the level of value acceptance more difficult. Opponents see historical practice and a social norm of equal sacrifice as dispositive. Advocates consider the imperatives of national defense as paramount. Both sides rely on precedent to support their respective policy preference. While a two-thirds majority of the Weizsäcker Commission recognized that the introduction of a new policy would contravene existing norms, they stated their belief that over time a new socio-political consensus supporting selective conscription could be forged.¹⁹⁸ Nevertheless, no political party has embraced the proposal for a selective draft. All of the political parties have argued for a restoration of equity on the basis of “forced equality,” either through a complete elimination of the compulsory service obligation or via a re-expansion of the draft. The lack of political support indicates an assessment by the political parties that social norms regarding conscription practice are insufficiently malleable to sustain so dramatic a policy change. Nor has the Ministry of Defense embraced this policy recommendation. Defense Ministry practice has, however, incrementally probed the limits of social tolerance for selectivity in conscription practice even while balancing its shrinking demand for conscripts with the principle of universality. Finally, the economic costs of implementing a policy of selective conscription must be rated as marginal or non-existent.

Selective conscription presents, at best, an interim solution for phasing out conscription. Adopting selective conscription over the long-term would require forging a new socio-political consensus on the draft that deviates significantly from prevailing social expectations and legal interpretation. Selective conscription has low economic

¹⁹⁸ Ibid., Section 110, 69.

costs but enjoys almost no political support and is potentially vulnerable to legal challenge. One must therefore assess its probability of survival in the *policy stream* as low and its odds of implementation by lawmakers as virtually nil.

Introduction of a Universal Service Obligation

A commonly discussed alternative to the current gender-biased system of compulsory military service is the introduction of a universal service obligation for all young men and women. Such a proposal, however, has potentially staggering administrative costs. It would require the creation of between 500,000 – 700,000 positions from which young people could choose according to their occupational interests and social preferences. A universal service program would require legal changes to the Constitution and a new system of legal sanctions would have to be created for those who refused to comply with the mandated year of service. Opponents of universal service say that implementation is not legally possible. They contend that “compulsory labor” violates key basic rights guaranteed by the Constitution as well as by a number of international human rights treaties to which Germany is a signatory.

While this policy option receives relatively high support from the public, especially from older voters,¹⁹⁹ it has received little support from any political party. It has, in fact, been explicitly rejected by all parties but the SPD. This should not, however, be construed as a sign of political endorsement. The SPD has thus far been willing to discuss all alternatives as part of its current review process. Obviously, those who are sensitive to government intrusion into the private sphere oppose the introduction of a

¹⁹⁹ Bulmahn, 64.

universal service obligation for ideological reasons. As a final point, the direct and indirect costs of implementing a policy of universal compulsory service would be staggering. Commonly stated estimates range from 7-11 billion € in annual expenditure.²⁰⁰ Compulsory service would represent significant opportunity costs for young people who defer their studies or entrance into the working world. These opportunity costs would come in the form of delayed graduation and lost income. Finally, the delayed entrance into the workforce of approximately 700,000 young taxpayers each year would generate a significant loss of tax revenue. Instead of collecting taxes on young people's wages the government will wind up paying them instead. Consequently, while this alternative receives high marks from older voters; political support for it is almost non-existent. Legal challenges and high economic costs combine to make this an option that offers an unlikely alternative to current conscription policy.

Expanding the Draft in Support of Homeland Security

The German Constitution stipulates that maintenance of the armed forces is required for national defense and to support collective security structures. Recently, CDU/CSU defense experts have advocated altering the Constitution to erase the "obsolete" notional division between internal and external security. Conscripts could then be used to provide a deterrent and response mechanism to emerging asymmetric threats. In response,

²⁰⁰ This estimate was provided in a speech given by FDP Representative, Ina Lenke, before the German Parliament. "Deutscher Bundestag - 15. Wahlperiode - 106. Sitzung," Freitag, den, 30. April, 2004, Berlin, 9638, section C. An almost identical estimate of the annual cost of a universal social obligation is stated in a presentation by Green Representative, Jutta Dümpe-Krüger. "Deutscher Bundestag - 15. Wahlperiode - 106. Sitzung," Freitag, den, 30. April, 2004, Berlin, 9641, section D.

members of the SPD have suggested that the Constitution allows the government to draft for internal security purposes (border guards and civil defense) as well as for the armed forces. Amending the Constitution carries high political costs and may not be possible given the distribution of Parliamentary power. While eradicating the division between external and internal security may better express the *Zeitgeist* of the post-9/11 security environment, it also contradicts prevailing social norms. I therefore rate the SPD's recommendation as higher on the scale of technical feasibility. Expanding the draft to cover the manpower needs of a more robust internal security capacity requires no amendment to the Constitution and leaves the notional division between internal and external security unmolested.

The 9/11 and 3/11 terrorist attacks make the option of expanding conscription to cover homeland security increasingly more acceptable. A catastrophic attack in Germany or close by (e.g. within France) would further increase the appeal of this option. Moreover, the draft is typically associated with "national defense," and it is perfectly congruent with social norms to employ conscripts in this role. Naturally, the smaller parties are opposed to this alternative because it neither eliminates nor suspends the draft.

This policy could founder on the shoals of budgetary constraints. The Defense Ministry is downsizing the armed forces in general, and conscripts in particular, to free up funding for modernization. Any re-expansion of the draft for the purpose of creating a homeland security structure will require significant additional funding to cover training, equipment, and personnel costs. Advocates of this approach have thus far failed to indicate whence those funds would derive. Nevertheless, I rate the chances that this alternative will be adopted as high. It is the most feasible, acceptable, and has the lowest

economic costs of the alternatives for restoring equity while still maintaining the practice of conscription. It is strategically relevant and relatively compatible with social norms.

The economic costs of this alternative can hardly exceed the option of transitioning to an all-volunteer force.

Further Reducing the Length of Compulsory Military and Alternate Service

The technical feasibility of adjusting current policy by once again shortening the length of compulsory service is high as it only requires a modification of the Conscription Law.

Moreover, it corresponds with a long practice of reducing the length of conscript service on the basis of military need and the overall security situation. Altering current policy

will reduce the temporal burden on conscripts but further depletes the utility of draftees

and *Zivis*. The horizon of diminishing returns may soon be reached where the costs of

retaining conscription outweigh its benefits. Decreasing service by as much as five

months may help reduce the service equity issue. It is unlikely, however, to solve it.

Shortened conscription can also be challenged on the basis of suitability. Are the

conscripts who serve tours of duty of only four or six months doing so simply to uphold

an abstract legal principle or can they actually provide some benefit to society within

such a short period of time? In economic terms, the savings realized from reducing the

overall number of slots will be lost through the increased need to train and equip more

men annually. In the end, shortening the length of conscript service to four or six months

achieves little at far too high of a cost.

Suspend Conscription and Replace Conscripts with Short-Term Volunteers

The technical feasibility of this proposed solution is high; it requires a simple parliamentary majority to alter the draft law and “suspend” conscription. Suspending rather than eliminating the draft would require retention of the existing selective service system. This system can be leveraged to identify those young men most likely to consider serving in the *Bundeswehr*. Such a policy would allow the Defense Ministry to enhance the efficiency of its recruiting efforts. In terms of value acceptability, suspension of the draft could potentially be framed as an acceptable alternative for both communitarians and libertarians. Technically, suspension preserves conscription so that it can be reinstated if necessary. The political and monetary costs of reintroducing conscription, however, may be high. The replacement of short-term conscripts with short-term volunteers would preserve many of the benefits of conscription; the volunteers would fulfill the same functions as conscripts. As noted in the Force Structure Commission report of 1972/73, suspending conscription eliminates the issues associated with *Wehrgerechtigkeit* and conscientious objection. Economically speaking, suspending conscription and retaining the necessary administrative structure does not allow for maximum savings. It does, however, assist targeted recruitment of those young men most likely to consider a career in the military. Keeping the size of the military around 240,000 also does not allow for aggressive base closings or savings in personnel costs. Salaries and incentives necessary to recruit short-term volunteers will undoubtedly cause personnel costs to rise. If no additional funds are forthcoming, for example from funding freed up from *Zivildienst* budget, then the operations and acquisitions portions of the defense budget may suffer as a result. As with all of the options considered, it remains unclear how this alternative might be funded. This option preserves many of the indirect

benefits of conscription at a slightly higher cost. Shorter term volunteers should at least receive training adequate to deploy them abroad as part of the stabilization forces. It also keeps the *Bundeswehr* large enough to meet Germany's myriad international obligations. I rate this policy option as on par with the alternative of retaining and expanding conscription on the basis of homeland security.

Transition to a smaller All-Volunteer Force

The final option considered by this thesis is the one recommended by the dissenting minority of the Weizsäcker Commission. The dissenting panel members recommended phasing out conscription in stages over a period of six years, suspending and finally eliminating conscription once the transitional process had been successfully completed. During the transitional period, a selective draft would be permitted to offset manpower shortages. The most significant long-term challenge to this policy alternative is the difficulty that the *Bundeswehr* may encounter in attracting a sufficient number of applicants of adequate quality to the armed forces. In terms of value acceptance, support for this alternative tends to be determined by ideology with libertarians clearly in favor and communitarians opposed. A smaller, all-volunteer force may erode the tight civil-military link forged by the citizen in uniform and the broad geographic dispersal of the armed forces through out the country. Therefore, if this policy option is selected, the Defense Ministry will need to aggressively address integration and civilian control issues, while working to counteract public apathy towards an all-volunteer *Bundeswehr*. In economic terms, the higher personnel costs of an AVF are partially offset by a significant reduction in the size of the force (200,000 or less). Lower numbers of troops provide the logic for an aggressive round of base closing. Even with the end of conscription,

however, base closings are still likely to be contentious. The need to create a system of monetary incentives for recruiting and retention of personnel may make an increase in defense spending unavoidable. On the bases of the three criteria of technical feasibility, value acceptability, and economic cost, the changes demanded by a transition to an all-volunteer *Bundeswehr* may simply prove too dramatic, too rapid, and too expensive for lawmakers to contemplate.

This section has attempted to provide a brief overview of the most commonly discussed alternatives to the current conscription policy. Some propose only minor changes or further adjustments to existing policy. Others advocate far more dramatic change. Virtually all are mute on the crucial issue of how additional funding can be wrung from the current budgetary structures. The following section considers some of the strategies used by policy elites to advocate for their pet solutions.

Coupling the Streams: Strategies for Policy Entrepreneurs

Multiple streams theory highlights the role played by so-called *policy entrepreneurs* in focusing decision maker attention on particular problems and pushing their favored solutions. According to Zahariadis, “An issue’s chances of receiving attention dramatically increase when all three streams—problems, policies, and politics—are coupled in a single package during an open policy window.”²⁰¹ Specialists in elite policy communities employ manipulating strategies to link problems, politics, and their

²⁰¹ Zahariadis, 9.

preferred policies together. The strategies include *framing*, *salami tactics*, and the use of *symbols*.²⁰²

Framing refers to the way in which a set of conditions are initially represented as a problem. When certain aspects or dimensions of a problem are emphasized, particular solutions will appear more suitable. *Framing* also refers to the representation of proposed policy alternatives as gains or losses. “Entrepreneurs seek to capitalize on people’s tendency to hate to lose more than they like to win.”²⁰³ The notion that decision makers are more likely to fear losses than to seek gains derives from *prospect theory*. Prospect theory argues that, “People are generally loss averse, in the sense that losses loom larger than gains.”²⁰⁴ Representing problems and potential solutions as losses or gains therefore can influence decision makers’ perceptions of the problem and may bias their selection of proffered solutions. Multiple-streams theory hypothesizes that “...coupling is more likely to be effective if the proposed solution is presented as a large deviation from the status quo and the problem is represented as a loss.”²⁰⁵ Because policymakers are more likely to alter policy to prevent or recoup losses than to seek gains, opponents of the draft will be more likely to achieve success if they can successfully frame current conscription policy as an irredeemable “loss of equity.” Their recommendation to end the draft may also be represented as a large deviation from current policy that offers to restore that loss.

²⁰² Ibid., 14.

²⁰³ Ibid., 156.

²⁰⁴ Ibid., 14.

²⁰⁵ Ibid., 15.

Salami tactics refers to the “strategic manipulation of sequential decision making.”²⁰⁶ The goal of this strategy is to gain policymaker acquiescence in small increments rather than jeopardize support by pushing for rapid and dramatic policy change. Having invested in a particular approach, the costs involved in switching and bureaucratic inertia will combine to make policymakers less likely to reverse their position. Finally, entrepreneurs attempt to influence decision makers and policy communities by manipulating *symbols*. Symbols attract policymaker attention and evoke cognitive and emotional responses.²⁰⁷ Symbols are especially potent when they are historically rooted in the cultural identity of a group. If entrepreneurs can manipulate them effectively, a symbol can convey a simple message to a broad and receptive audience. The current debate over conscription is replete with symbolism that can be manipulated by advocates and opponents of the draft.

The main challenge for those advocating the retention of conscription in some adapted form will be to survive the present confluence of events that are intensifying the debate over compulsory military service. In support of that challenge they will need to accomplish two tasks. First, they must effectively manage a perception that the current system of conscription is increasingly unfair in order to neutralize the one issue—*Wehrgerechtigkeit*--around which opposition can successfully mobilize. And second, they will have to prevent the SPD leadership from reversing its platform of support for retaining conscription. Conversely, policy entrepreneurs dedicated to ending the draft in Germany need to exploit, to the greatest degree possible, the current policy windows of

²⁰⁶ Zahariadis, 156.

²⁰⁷ *Ibid.*, 12.

opportunity in the problem and politics streams. Although the *Wehrgerechtigkeit* issue may moderate as demographic pressure recedes after 2007, it should intensify in the run up to the 2006 election. Opponents of the draft will need to persuade the SPD leadership to abandon its support for conscription and work to ensure another Red-Green Coalition electoral victory in 2006.

CHAPTER 5: CONCLUSION

This thesis has assessed the contemporary German debate over the future of compulsory military service and the likelihood for future policy change. It has surveyed the origins of universal conscription in Germany and its trajectory since reintroduction in 1956/57. The study approached the current debate surrounding the future of conscription by employing multiple-streams as a theoretical model. Specifically, multiple-streams served as an organizing schema to identify the existence of policy windows of opportunity in the problem and politics streams. Finally, this thesis assessed the most commonly discussed alternatives to current conscription policy on the basis of technical feasibility, value acceptability, and economic cost.

Thus far, a communitarian ideology that celebrates the societal value of shared sacrifice has conspired with economic structural constraints to make the maintenance of conscription seem an attractive option to military planners and policymakers despite fundamental changes in the post-Cold War security environment. The retention of conscription in an adapted form continues to provide a partial low-cost solution to the *Bundeswehr's* funding and manning concerns while sustaining myriad additional social benefits. Conscription and the concept of the “citizen in uniform” also remain symbols that derive from the core identity of the *Bundeswehr*. Two contemporaneous trends, however, a falling military demand for conscripts and a transient rise in the annual number of draft-eligible young men, have combined to intensify the *Wehrgerechtigkeit* issue during a policy window created by the 2002 Coalition Agreement. The confluence

of these events has forced the SPD leadership to reexamine its historical policy of support for compulsory military service.

This thesis infers that *Wehrgerechtigkeit* constitutes the key vulnerability for maintaining conscription in Germany. Even though the courts have thus far proved a blocked avenue for directly altering conscription policy, legal challenges create *focusing events* that can exert pressure on lawmakers to restore “defense equity.” After the controversial ruling of the Cologne Administrative Court on the illegality of the Defense Ministry’s more restrictive selection process, draft resisters will continue to focus public attention on the “equity” issue. While government containment strategies have thus far proven effective as a way to mitigate bottom-up social pressure to end the draft, further adjustment of selection criteria and length of conscript service could provoke a boomerang effect.

Given prevailing budgetary imperatives and lack of political will to increase defense spending, ending conscription may lead to one of two likely outcomes. Rising personnel costs and fixed budgets mean that funds assigned to other portions of the budget would have to be reallocated to fund incentive programs necessary to recruit, train, and retain necessary personnel in the required skill categories. This would lead to shortfalls in operations and acquisitions areas of the budget. The other alternative would be to significantly reduce the number of military and civilian personnel. Ending conscription may therefore have the perverse effect of depleting Germany’s military capacity rather than enhancing it.

The smaller political parties oppose conscription but lack the necessary clout to end the draft. The CDU/CSU, as the party most closely identified with the introduction

and maintenance of the draft, will be the last political party to waver in its support. The SPD, however, is showing signs of dissension in the ranks. The events of the next year could prove pivotal in determining whether the party leadership is able to sustain its preference for maintaining the draft. Ultimately, ending the draft may be viewed as a vote attractive measure that could allow the SPD to eke out an electoral victory in 2006.

This thesis concludes that while social pressure to end the draft remains low, the possibility for top-down change may be increasing. A growing rift within the Social Democratic Party (SPD) on the future of conscription is the key unknown variable that may ultimately alter the calculus that has thus far sustained compulsory military service in Germany.

APPENDIX A

PARLIAMENTARY QUESTIONNAIRE

Fragebogen zur Überprüfung der Frage über die Zukunft der
allgemeinen Wehrpflicht in Deutschland

Sehr geehrte Damen und Herren,

Ich möchte Sie ganz herzlich bitten, diesen Fragebogen auszufüllen. Ich versichere Ihnen, daß die Daten anonym und vertraulich behandelt und nur im Rahmen meiner Doktorarbeit ausgewertet werden. Bitte schicken Sie Ihren ausgefüllten Fragebogen ins Büro von Rudolf Scharping, UdL 50, Zi. 4.119, -im Hause - zurück. Das Büro wird mir die Fragebögen ohne Absender (anonym) gesammelt zuschicken. Für Ihre Mitarbeit möchte ich mich sehr herzlich bedanken.

Hochachtungsvoll

Charles M. Interrante, Doktorand

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Tufts University, Medford, MA 02115

Grundkategorien:

1. Welches Geschlecht haben Sie?
Männlich
Weiblich

2. In welchem Jahr sind Sie geboren?

3. Wo sind Sie aufgewachsen?
In den alten Bundesländern
In den neuen Bundesländern
4. In welcher politischen Partei sind Sie Mitglied?
CDU/CSU
FDP
SPD
B90/Grüne
PDS
5. Haben Sie gedient?
Ja
Nein
Freigestellt
6. Wenn ja, welchen Dienst haben Sie geleistet?
Wehrdienst
Zivildienst
7. Welchen Abschluss haben Sie?
Hauptschule
Realschule
Gymnasium
Hochschule

Wichtigkeit des Themenbereiches: Debatte um die Zukunft der Wehrpflicht

8. Für wie wichtig halten Sie persönlich das Thema „die Zukunft der Wehrpflicht“?
(Bitte nur eine Angabe)
ganz wichtig
wichtig
eher wichtig
Kann ich nicht sagen
eher unwichtig

unwichtig
ganz unwichtig

Allgemeine persönliche Einstellung zur Wehrpflicht

9. Wie würden Sie Ihre persönliche Einstellung zur Wehrpflicht beschreiben?
(Bitte nur eine Angabe)
- Sehr positiv
 - positiv
 - eher positiv
 - eher negativ
 - negativ
 - sehr negativ

Wehrstruktur: Zur Zukunft der Wehrpflicht

10. In der folgenden Liste finden Sie mehrere Beispiele, wie die *Bundeswehr* der Zukunft gestaltet werden könnte. Bitte deuten Sie an, welches Modell Sie persönlich bevorzugen. (Bitte nur eine Angabe)
- Ein „gemischtes Modell“ aus Wehrpflichtigen sowie Berufs- und Zeitsoldaten sollte beibehalten werden.
 - Die *Bundeswehr* sollte eine reine Freiwilligenarmee werden.
 - Sonstige Empfehlung mit Begründung.

Personalumfang der *Bundeswehr*: Wie groß sollte die *Bundeswehr* sein?

11. Über wie viele Soldatinnen und Soldaten sollte die *Bundeswehr* der Zukunft verfügen? Deuten Sie bitte an, welche von den unten angegebenen Zahlen Sie persönlich bevorzugen. (Bitte nur eine Angabe)
- Mehr als 300,000
 - Ca. 300,000
 - Ca. 275,000
 - Ca. 250,000
 - Ca. 225,000

Ca. 200,000

Weniger als 200,000 Wenn ja, wie viele? _____

Verteidigungshaushalt: Kosten der Wehrpflicht

12. Wie würde sich der Personalanteil des Verteidigungshaushaltes bei der Aussetzung bzw. Abschaffung der Wehrpflicht entwickeln?
(Bitte nur eine Angabe)

stark zunehmen
etwas zunehmen
ungefähr gleich bleiben
etwas abnehmen
stark abnehmen

13. Wenn die Aussetzung bzw. Abschaffung der Wehrpflicht zu einer wesentlichen Erhöhung des Personalkostenanteils des künftigen Verteidigungshaushaltes führen würde, welche von den unten angegebenen Lösungen würden Sie wahrscheinlich empfehlen? (Bitte nur eine Angabe)

Der Personalumfang der *Bundeswehr* sollte auch im Falle der Aussetzung bzw. Abschaffung der Wehrpflicht bei ca. 250,000 bleiben und der Verteidigungshaushalt müsste entsprechend erhöht werden.

Der Verteidigungshaushalt sollte gleich bleiben und der Personalumfang müsste entsprechend verringert werden.

Der Personalumfang der *Bundeswehr* sollte auch im Falle der Aussetzung bzw. Abschaffung der Wehrpflicht bei ca. 250,000 bleiben und der Verteidigungshaushalt sollte gleich bleiben. Die Erhöhung des Personalkostenanteils fällt zu Lasten der Investition- und Betriebsanteilen des künftigen Verteidigungshaushalts.

Sonstige Empfehlung mit Begründung.

Wehrgerechtigkeit

14. Was müsste Ihres Erachtens getan, um die Wehrgerechtigkeit aufrechtzuerhalten bzw. zu gewährleisten? (Bitte nur eine Angabe)

Die Wehrpflicht sollte auf vier Monate verkürzt werden.

Es sollte eine allgemeine Dienstpflicht eingeführt werden, bei der zwischen Wehrdienst und anderen Diensten für die Gesellschaft gewählt werden kann.

Die Wehrgerechtigkeit ist nicht unter den aktuellen Umständen aufrechtzuerhalten. Die Wehrpflicht ist deshalb auszusetzen bzw. abzuschaffen.

Nichts. Die aktuelle Berufungspraxis ist meines Erachtens völlig Verfassungsgemäß in ihrer heutigen Form.

Sonstige Empfehlung mit Begründung.

Legitimation: Was sind die wesentlichen Gründe dafür, die Wehrpflicht beizubehalten oder auszusetzen bzw. abzuschaffen

Bitte geben Sie Ihre Meinung zu den folgenden Äußerungen an. (Bitte nur eine Angabe)

15. Die allgemeine Wehrpflicht ist ein für Deutschland immer noch unverzichtbares Instrument für die Nachwuchsrekrutierung.

voll und ganz einverstanden

eher einverstanden

eher nicht einverstanden

überhaupt nicht einverstanden

16. Nachwuchs wird am Sinnvollsten durch eine Verbesserung der Besoldung und der zivilen Aufstiegsmöglichkeiten von Berufs- und ZeitsoldatInnen gewonnen. (Bitte nur eine Angabe)

voll und ganz einverstanden

eher einverstanden

eher nicht einverstanden

überhaupt nicht einverstanden

17. Die Wehrpflicht ist sinnvoll für die Integration der Truppe in die Gesellschaft.
(Bitte nur eine Angabe)
- voll und ganz einverstanden
 - eher einverstanden
 - eher nicht einverstanden
 - überhaupt nicht einverstanden
18. Die Wehrpflicht ist sinnvoll für das Interesse der Gesellschaft an der *Bundeswehr*.
(Bitte nur eine Angabe)
- voll und ganz einverstanden
 - eher einverstanden
 - eher nicht einverstanden
 - überhaupt nicht einverstanden
19. Im Vergleich zur Wehrpflicht ist die innere Führung viel wichtiger, um die enge Verbindung zwischen *Bundeswehr* und der Gesellschaft aufrechtzuerhalten.
(Bitte nur eine Angabe)
- voll und ganz einverstanden
 - eher einverstanden
 - eher nicht einverstanden
 - überhaupt nicht einverstanden
20. Deutschland kann ohne die Wehrpflicht die eingegangenen Verpflichtungen gegenüber seinen Partnern in NATO, EU, und VN nicht decken.
(Bitte nur eine Angabe)
- voll und ganz einverstanden
 - eher einverstanden
 - eher nicht einverstanden
 - überhaupt nicht einverstanden
21. Unter den aktuellen Umständen sind die wesentlichsten Gründe für die Wehrpflicht entfallen. (Bitte nur eine Angabe)
- voll und ganz einverstanden
 - eher einverstanden
 - eher nicht einverstanden
 - überhaupt nicht einverstanden
22. Seit dem 11. September sind die neuen Schutzaufgaben im Inland, die von Grundwehrdienstleistenden vollzogen werden könnten, noch wichtiger geworden.
(Bitte nur eine Angabe)

voll und ganz einverstanden
eher einverstanden
eher nicht einverstanden
überhaupt nicht einverstanden

23. Grundwehrdienstleistende sollten künftig auf freiwilliger Basis auch bei Einsätzen im Ausland teilnehmen dürfen. (Bitte nur eine Angabe)

voll und ganz einverstanden
eher einverstanden
eher nicht einverstanden
überhaupt nicht einverstanden

24. Eine reine Berufsarmee könnte eine Gefahr für die demokratische Gesellschaft sein (Das so genannte „Staat im Staate“ Problem). (Bitte nur eine Angabe)

voll und ganz einverstanden
eher einverstanden
eher nicht einverstanden
überhaupt nicht einverstanden

Herzlichen Dank für Ihre Mithilfe!

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