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# Democratic Illusions: The Protestant Campaign for Conscientious Objection in the Early Federal Republic of Germany

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## Abstract

During the early-Cold-War controversy over West German rearmament, the Protestant Church emerged as a center of activism for the right of conscientious objection to military service, departing from decades of precedent. This article uses the dramatic about-face of the Protestant Church to throw new light on how West Germans reimagined democratic politics after Nazism. Building on recent challenges to paradigms of postwar liberalization, it argues that illusory narratives of the Nazi past played a key role in West Germany's transition to democracy. Protestant activists for the right of conscientious objection drew on an imagined legacy of anti-Nazi resistance to reframe the idea of "conscience," long associated with patriotic loyalties, as a uniquely Protestant contribution to democratic culture. In doing so, they came to identify their church as a pillar of West German democracy, even as they ensconced tendentious accounts of the Nazi past in postwar law and politics.

**Keywords:** ideology; political history; post-1945 Germany; religion; war

Asking "Whether Soldiers, Too, Can Be Saved," Martin Luther's 1526 treatise concluded resoundingly in the affirmative: "For the very fact that the sword has been instituted by God to punish the evil, protect the good, and preserve peace is powerful and sufficient proof that war and killing ... have been instituted by God."<sup>1</sup> Luther's contention, penned amid the confessional wars of the early Reformation, appeared equally true to German Protestant nationalists of the nineteenth century. Beginning during the Napoleonic occupations and extending beyond German unification in 1871, a chorus of pastors and lay intellectuals invoked the divine mission of the German nation in its struggle against foreign domination from without and Catholic subversion from within. The First World War radicalized church-based nationalism, with Protestant pastors emerging as early enthusiasts of the war and continuing to extol the promise of a divinely endowed victory long after the domestic mood soured. German defeat left the Protestant milieu unreconciled to the Weimar Republic, while churchgoing Protestants formed a key bloc of the Nazi electorate.<sup>2</sup> During

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<sup>1</sup> Martin Luther, "Whether Soldiers, Too, Can Be Saved," in *Luther's Works*, ed. Robert C. Schultz, vol. 46: *The Christian in Society III* (Philadelphia, PA: Fortress Press, 1967), 95.

<sup>2</sup> The literature on Protestant nationalism in modern Germany is vast. For helpful overviews, see Manfred Gailus and Hartmut Lehmann, ed., *Nationalprotestantische Mentalitäten. Konturen, Entwicklungslinien und Umbrüche eines Weltbildes* (Göttingen: Vandenhoeck & Ruprecht, 2005), and Helmut Walser Smith, *German Nationalism and Religious Conflict: Culture, Ideology, Politics, 1870-1914* (Princeton, NJ: Princeton University Press, 1995).

the Second World War, as in the First, Protestant conscientious objection was almost nonexistent. Not only did millions of church members fight at the front, but 480 Protestant pastors served as Wehrmacht chaplains, witnessing genocidal warfare and providing solace to its perpetrators.<sup>3</sup>

The years after 1945 saw a break with this heritage. During the controversy over rearmament that erupted with the founding of the West German state, the newly formed *Evangelische Kirche in Deutschland* (Protestant Church in Germany, EKD) launched a national campaign for the right of conscientious objection to military service. Following the introduction of military conscription in 1956, Protestant pastors and lay intellectuals advocated for an expansive reading of the right to conscientious objection enshrined in West Germany's Basic Law, opposing the narrow interpretation upheld by the governing Christian Democratic Union (CDU). Protestant pastors chaired the Central Office for the Rights and Protection of Conscientious Objectors during its first decade of operation, while the EKD's youth commission established a parallel advocacy center for conscientious objectors.<sup>4</sup> Even moderate church leaders who favored rearmament backed a far-reaching right of conscientious objection.

The Protestant campaign for conscientious objection marked a dramatic about-face in the post-Nazi era. Often early sympathizers with National Socialism, its leaders reinvented themselves as detractors of overreaching state authority in the Federal Republic. The Protestant Church, however, has remained underexplored in studies of West Germany's democratic reconstruction. Recent works that return religion to the foreground of the early Federal Republic focus on transformations of political Catholicism, especially the Catholic roots of the CDU.<sup>5</sup> Protestants who criticized the CDU agenda of rearmament and Western integration fit uneasily into this narrative. The smaller literature on postwar German Protestantism centers on the continuities of Protestant nationalism after 1945 rather than Protestant engagement in democratic politics.<sup>6</sup>

While Protestants have remained at the margins, scholarship on West German democracy has undergone a sea change in the past decade. Challenging models of "liberalization" or "recivilization" that portrayed a rapid transition to democracy under Allied aegis, recent works have painted a more ambivalent picture of the postwar era.<sup>7</sup> In new interpretations, gradual shifts in values and emotional regimes, which laid the foundation for a democratic

<sup>3</sup> Doris L. Bergen, "German Military Chaplains in the Second World War and the Dilemmas of Legitimacy," in *The Sword of the Lord: Military Chaplains from the First to the Twenty-First Century*, ed. Doris L. Bergen (Notre Dame, IN: University of Notre Dame Press, 2004), 165–86, and Doris L. Bergen, "Saving Christianity, Killing Jews: German Religious Campaigns and the Holocaust in the Borderlands," in *The Holocaust in the Borderlands: Interethnic Relations and the Dynamics of Violence in Occupied Eastern Europe*, ed. Gælle Fisher and Caroline Mezger (Göttingen: Wallstein Verlag, 2019), 59–84.

<sup>4</sup> Patrick Bernhard, *Zivildienst zwischen Reform und Revolte. Eine bundesdeutsche Institution im gesellschaftlichen Wandel 1961–1982* (Munich: Oldenbourg, 2005), 15; Günter Knebel, ed., *Nein zu Krieg und Militär—Ja zu Friedensdiensten. 50 Jahre evangelische Arbeit für Kriegsdienstverweigerer* (Bremen: Evangelische Arbeitsgemeinschaft zur Betreuung der Kriegsdienstverweigerer, 2007), 33.

<sup>5</sup> For an overview, see Michael E. O'Sullivan, "Religion, Modernity, and Democracy in Central Europe: Toward a Gendered History of Twentieth-Century Catholicism," *Central European History* 52, no. 4 (2019): 713–30.

<sup>6</sup> Most recently, see Benjamin Ziemann, *Martin Niemöller. Ein Leben in Opposition* (Munich: Deutsche Verlags-Anstalt, 2019). The only book-length study of the Protestant debate about conscientious objection focuses on its consequences for theology rather than democratic politics; see Hendrik Meyer-Magister, *Wehrdienst und Verweigerung als komplementäres Handeln: Individualisierungsprozesse im bundesdeutschen Protestantismus der 1950er Jahre* (Tübingen: Mohr Siebeck, 2020).

<sup>7</sup> Ulrich Herbert, "Liberalisierung als Lernprozeß. Der Bundesrepublik in der deutschen Geschichte—eine Skizze," in *Wandlungsprozesse in Westdeutschland. Belastung, Integration, Liberalisierung 1945–1980*, ed. Ulrich Herbert (Göttingen: Wallstein Verlag, 2002), 7–49; Konrad H. Jarausch, *After Hitler: Recivilizing Germans, 1945–1995*, trans. Brandon Hunziker (Oxford: Oxford University Press, 2006). On the historiographic shift, see Frank Biess and Astrid M. Eckert, "Introduction: Why Do We Need New Narratives for the History of the Federal Republic?," *Central European History* 52, no. 1 (2019): 1–18, and Lauren Stokes, "The Protagonists of Democratization in the Federal Republic," *German History* 39, no. 2 (2021): 284–96.

culture, coincided with widespread evasion of the Nazi past. Till van Rahden reinterprets democracy as a “form of life” that emerged haltingly through debates over the nature of authority and representation. Frank Biess has shown how West German democracy rested less on anti-Nazi consensus than on fears of nuclear annihilation, internal enemies, and authoritarian backsliding, which continually threatened to upend the facade of postwar stability. Such fears, as Monica Black illuminates in her study of postwar controversies around witchcraft and faith healing, penetrated to the very heart of local life.<sup>8</sup> The works of van Rahden, Biess, and Black illustrate the precarity of West German democracy, a conclusion confirmed by scholarship revealing the ongoing stigmatization of Black Germans, sexual minorities, and immigrants in the Federal Republic.<sup>9</sup>

By examining the Protestant campaign for the right of conscientious objection, this article integrates the Protestant Church into new narratives of West German democratization. Like van Rahden’s “clumsy democrats” and Black’s “wonder doctors,” the campaign’s protagonists bore ambiguous personal histories. Their struggle to reestablish a civil society on the ashes of Nazism underscores the fragility of early West German democracy. At the same time, this article suggests two revisions to the emergent picture of the postwar decades. First, it argues that postwar democratization rested not only on evasions, but on illusory narratives of the Nazi past. Protestant pastors and lay intellectuals who advocated for conscientious objectors did not simply conceal their checkered records under Nazism, but constructed distortive accounts of anti-Nazi resistance in order to assert a leading role in postwar reconstruction. Resistance narratives paradoxically fostered a reorientation toward democracy. By locating their campaign as a product of continuity rather than rupture with the recent past, Protestant activists could engage in democratic politics without repudiating longstanding nationalist ideologies.

Moreover, the Protestant campaign for the right of conscientious objection illustrates how West Germans repurposed anti-democratic symbols as a basis for democratic practice.<sup>10</sup> In accounting for their ostensible anti-Nazi opposition, the campaign’s leaders reframed the idea of conscience (*Gewissen*), a category with deep theological roots, as a locus of freedom from political authority—at odds with the term’s earlier connotation of loyalty to the state. Even as they retained the nationalist and anti-Catholic views long associated with conscience discourse in Protestant Germany, pastors and lay intellectuals deployed the term to advocate for the expansion of West Germans’ constitutional rights. The postwar debate about conscientious objection helped reconcile a nationalist milieu to democratic language and institutions, at the same time that it ensconced falsified narratives of the Nazi past in law and politics.

Following the Protestant campaign for the right of conscientious objection from theological tracts, periodicals, and church commissions to the press, parliament, and court system, this article shows how debates about conscience rights became central to the consolidation of West German democracy. The first section surveys Protestant discourses of conscience in the era of Imperial Germany and the world wars, demonstrating how conscience language was frequently deployed to support military service. I then trace how pastors and lay intellectuals after 1945 reframed the category of conscience around a narrative of anti-Nazi resistance, enabling a new defense of the right of conscientious objection. Although the initial

<sup>8</sup> Frank Biess, *German Angst: Fear and Democracy in the Federal Republic of Germany* (Oxford: Oxford University Press, 2020); Monica Black, *A Demon-Haunted Land: Witches, Wonder Doctors, and the Ghosts of the Past in Post-WWII Germany* (New York: Metropolitan Books, 2020); Till van Rahden, *Demokratie. Eine gefährdete Lebensform* (Frankfurt: Campus, 2019).

<sup>9</sup> Tiffany N. Florvil, *Mobilizing Black Germany: Afro-German Women and the Making of a Transnational Movement* (Urbana, IL: University of Illinois Press, 2020); Samuel Clowes Huneke, *States of Liberation: Gay Men between Dictatorship and Democracy in Cold War Germany* (Toronto: University of Toronto Press, 2022); Lauren Stokes, *Fear of the Family: Guest Workers and Family Migration in the Federal Republic of Germany* (Oxford: Oxford University Press, 2022).

<sup>10</sup> For another example, see Sean A. Forner, *German Intellectuals and the Challenge of Democratic Renewal: Culture and Politics After 1945* (Cambridge: Cambridge University Press, 2014), 114–48.

Protestant campaign for conscientious objection reflected less democratic convictions than opposition to Cold War rearmament, the decision for rearmament in 1955 brought a shift. Forced to appeal to West Germany's democratic institutions for revisions to conscription policy, Protestant activists moved away from resistance language to define freedom of conscience as a bedrock value of the Federal Republic. Legal victories before the Federal Constitutional Court by the early 1960s encouraged the campaign's leaders to identify their church as the very source of West German democracy, while alienating a radical wing that questioned whether law alone sufficed to protect fundamental rights. Yet both sides in the 1960s Protestant debate about conscientious objection positioned themselves as defenders of democracy—a dramatic reversal from two decades prior.

### Inwardness and Patriotism

Like other keywords of the modern political lexicon, whether democracy, nation, or human rights, the idea of conscience derives its potency from the ability to be mobilized behind disparate, often conflicting political agendas. In the postwar United States, Catholics cited the authority of conscience to oppose the Vietnam War and abortion rights in equal measure, while Evangelicals invoked conscience to defy non-discrimination laws and the separation of church and state.<sup>11</sup> The backdrop to the Protestant campaign for conscientious objection in West Germany was an iteration of conscience discourse with a long heritage in German-speaking Protestant theology, one that centered the Protestant subject's unmediated connection to God. Protestant conscience language stood in a paradoxical relationship to politics. Although its proponents claimed that judgments of conscience were distinct from—and superseded—political calculations, appeals to conscience necessarily raised political questions about the relationships among individual, church, and state.

The power of conscience discourse in postwar German Protestantism derived from a mythology of the Reformation that constructed Martin Luther as a crusader against church and state overreach alike. Luther famously defended his ninety-five theses before the Diet of Worms in “conscience bound to the word of God.” Yet for Luther, the conscience was hardly the basis for an individual right, let alone license to flout political authorities. Instead, Luther tied the judgment of conscience to the objective truths of the Bible—narrowing the definition of conscience from Scholastic sources, which obliged the individual to follow the dictates of conscience when the law remained unclear.<sup>12</sup>

Only in the late eighteenth century, under the influence of Pietist revivalism and Enlightenment challenges to church authority, did Protestant thinkers redefine conscience around a language of interiority and subjectivity. For Immanuel Kant, the conscience figured as the source of universal moral laws derived through rational self-examination. The theologian Friedrich Schleiermacher, the progenitor of nineteenth-century liberal Protestantism, retained Kant's emphasis on the subjective sources of objective moral truths while rearticulating this tenet in a theological key. Conscience, for Schleiermacher, served as the “voice of God in the mind,” the locus of the “original divine revelation.”<sup>13</sup> Liberal theology's interiorization of conscience both reflected and enabled new forms of religiosity outside institutional churches. A mid-nineteenth-century male bourgeoisie that abandoned village-centric churches could reimagine its professional and political engagement as a form of service to God. Schleiermacher's definition of piety as a “feeling of utter

<sup>11</sup> Peter Cajka, *Follow Your Conscience: The Catholic Church and the Spirit of the Sixties* (Chicago, IL: University of Chicago Press, 2021), 65–120; Micah Watson, “Obeying God Rather Than Men: Uneasy Evangelicals, Conscience, and Politics,” in *Christianity and the Laws of Conscience: An Introduction*, ed. Helen M. Alvare and Jeffrey B. Hammond (Cambridge: Cambridge University Press, 2021), 227–44.

<sup>12</sup> Cajka, *Follow Your Conscience*, 19–20; Stephan Schaede, “Gewissensproduktionstheorien. Ein Überblick über Gewissenstypen in Positionen reformatorischer und evangelischer Theologie,” in *Das Gewissen*, ed. Stephan Schaede and Thorsten Moos (Tübingen: Mohr Siebeck, 2015), 152–57.

<sup>13</sup> Quoted in Schaede, “Gewissensproduktionstheorien,” 161.

dependence” formed the theological lodestar of what Lucian Hölscher has termed this “citizen’s religion (*Religion des Bürgers*).”<sup>14</sup>

By the 1860s, Protestant liberals could mobilize conscience language for nationalist purposes. The conscience, on this view, oriented the citizen toward the good of the divinely willed nation, beyond the contingencies of everyday politics. Even before German unification in 1871, liberal politicians contrasted Protestant freedom of conscience against Catholic subservience to clerical authority—a canard repeated by Protestant National Liberals in their bid to exclude Catholic institutions from public life during the *Kulturkampf*.<sup>15</sup> By the turn of the twentieth century, with Protestants ensconced as leaders in the civil service, universities, and professions, liberal as well as conservative Protestant writers celebrated the German state’s harmonization of individual conscience and patriotic loyalty. In a 1909 address before the German Protestant Association, the liberal theologian Friedrich Naumann characterized the state as “the will of all and at the same time the will that extends to all.”<sup>16</sup> Naumann’s conservative counterpart, the Lutheran theologian Reinhold Seeberg, similarly defined the state as an “organ of the highest moral ideals.” A “mature” political culture, according to Seeberg, valued not “freedom from the state” but “freedom within the state.”<sup>17</sup>

In line with this nationalist orientation, Protestant pastors and intellectuals in Imperial Germany rarely questioned the male citizen’s obligation of military service. The two kingdoms theology that guided Luther’s own reflections on soldiering remained widespread: the Christian owed obedience to the state in the worldly sphere, while the gospel reigned only within the church as a precursor to the coming kingdom of God. But Protestant support for military service also reflected the presumed alignment between individual conscience and national duty. War did not violate the biblical commandment against murder, Seeberg wrote in 1911, because it transcended “the motive of personal egoism” to fulfill “the necessary conditions of life for the entire people.”<sup>18</sup> With the Catholic Church seeking to display its nationalist credentials after the *Kulturkampf*, the German Peace Society counted only 117 of 35,000 Protestant and Catholic clerics among its members before the First World War.<sup>19</sup>

Militarist sympathies shaped Protestant reactions to the outbreak of war in 1914. Leading theologians, including Naumann and Seeberg, numbered among the signatories of the October 1914 appeal of German intellectuals defending Germany’s invasion of Belgium.<sup>20</sup> In a 1916 address before the General German Christian Student Conference on “War and Conscience,” the Lutheran theologian Karl Heim invoked the prevailing discourse of conscience in support of the military effort. The Protestant was called by God to preserve “the life and health of the Volk”; the war was “not only a tragic necessity, but an order of God.”<sup>21</sup> Beyond theologians, Protestant pastors across Germany hailed the war as an opportunity to achieve the spiritual unity that had eluded Germans since 1871.<sup>22</sup> Protestant enthusiasm for the war fit with broader trends in World War I Germany. Whereas Britain, Canada, and the United States created tribunals that adjudicated claims to conscientious objection,

<sup>14</sup> Lucian Hölscher, “Die Religion des Bürgers: Bürgerliche Frömmigkeit und protestantische Kirche im 19. Jahrhundert,” *Historische Zeitschrift* 250 (1990): 595–630, quoted 619.

<sup>15</sup> Michael B. Gross, *The War Against Catholicism: Liberalism and the Anti-Catholic Imagination in Nineteenth-Century Germany* (Ann Arbor, MI: University of Michigan Press, 2004), 101–07, 248.

<sup>16</sup> Friedrich Naumann, “Liberalismus und Protestantismus,” in *Geist und Glaube* (Berlin: G. Reimer, 1911), 29.

<sup>17</sup> Reinhold Seeberg, *System der Ethik. Im Grundriß dargestellt* (Leipzig: Deichert, 1911), 129–30, 146 (emphasis added).

<sup>18</sup> Seeberg, *System der Ethik*, 136.

<sup>19</sup> Roger Chickering, *Imperial Germany and a World Without War: The Peace Movement and German Society, 1892–1914* (Princeton, NJ: Princeton University Press, 1975), 196–202.

<sup>20</sup> Bernhard vom Brocke, “‘Scholarship and Militarism’: The Appeal of 93 ‘to the Civilized World!’” *German History in Documents and Images* ([https://ghdi.ghi-dc.org/sub\\_document.cfm?document\\_id=938](https://ghdi.ghi-dc.org/sub_document.cfm?document_id=938)).

<sup>21</sup> Karl Heim, “Krieg und Gewissen,” in *Glaube und Leben. Gesammelte Aufsätze und Vorträge* (Berlin: Furche Verlag, 1926), 252.

<sup>22</sup> Frank Becker, “Protestantische Euphorien: 1870/71, 1914 und 1933,” in *Nationalprotestantische Mentalitäten*, 30–36.

Imperial Germany maintained no legal mechanism for the purpose.<sup>23</sup> With Mennonites' widespread abandonment of pacifism following German unification, no major religious community opposed military service.<sup>24</sup> Even against this backdrop, one survey concludes, "No sector of the population was more ardent a supporter of the war than the German Protestant Church."<sup>25</sup>

Declining membership in the Protestant churches after 1918, a product of their "enormous loss of credibility" following German defeat, reinforced the dominance of conservative nationalism among pastors and lay churchgoers.<sup>26</sup> The discourse of conscience was folded into Protestant opposition against the Weimar Republic. The Berlin church historian Karl Holl unleashed a burst of energy in Luther scholarship with a 1921 essay defining Lutheranism as a "religion of conscience" in opposition to Enlightenment individualism. Luther's conscience, according to Holl, was the locus not of rights or freedoms but of God's claim on the person, subordinating self-love to service of neighbor and community.<sup>27</sup> Following Holl, a generation of Lutheran theologians described the ideal polity as a "community of conscience" organized around divinely ordained hierarchies of family, church, and state—a foil to the pluralist democracy of the Weimar Republic, where Protestants could no longer claim to represent the nation.<sup>28</sup>

The rise of the Nazi dictatorship brought only limited shifts to the Protestant language of conscience. Longstanding nationalism and hostility to the Versailles settlement fostered widespread Protestant enthusiasm for Nazi rule. Even as church leaderships fragmented over Nazi efforts to take control of regional churches, pastors on all sides of the ensuing "church conflict" hastened to display their political reliability. Pastors and laypeople who opposed the insertion of Nazi racial dogma into church legislation established alternative seminaries, leadership councils, and declarations of faith outside the Nazi-dominated state churches, coalescing around the Confessing Church. The church opposition, however, insisted on the purely religious nature of its critique of Nazism, and most Confessing pastors retained nationalist politics.<sup>29</sup> While abandoning heady pronouncements about the alignment of conscience and state interests, Confessing Church statements continued to distinguish divine authority over conscience from state authority in the political realm. A 1936 announcement in the journal *Junge Kirche* typified this stance: The church could reconstitute itself in the "new political reality" so long as it separated "Christian conscience" from "political reason."<sup>30</sup> In a report prepared for the 1937 international ecumenical conference at Oxford, Confessing Church leaders admonished Protestants to suffer passively when the state violated biblical precepts, while otherwise continuing to "obey the state according to God's will and be responsible for its well-being."<sup>31</sup>

<sup>23</sup> Jeremy K. Kessler, "A War for Liberty: On the Law of Conscientious Objection," in *The Cambridge History of the Second World War*, ed. Michael Geyer and Adam Tooze, vol. 3: *Total War: Economy, Society and Culture* (Cambridge: Cambridge University Press, 2015), 449–54.

<sup>24</sup> Benjamin W. Goossen, *Chosen Nation: Mennonites and Germany in a Global Era* (Princeton, NJ: Princeton University Press, 2017), 90–93. Soldiers who refused military duty were frequently labeled "war neurotics" rather than conscientious objectors. See Rebecca Ayako Bennette, *Diagnosing Dissent: Hysterics, Deserters, and Conscientious Objectors in Germany during World War One* (Ithaca, NY: Cornell University Press, 2020).

<sup>25</sup> Roger Chickering, *Imperial Germany and the Great War, 1914–1918*, 3rd ed. (Cambridge: Cambridge University Press, 2014), 148–49.

<sup>26</sup> Doris L. Bergen, "'War Protestantism' in Germany, 1914–1945," in *Nationalprotestantische Mentalitäten*, 119.

<sup>27</sup> Karl Holl, *What Did Luther Understand by Religion?*, trans. Fred W. Meuser and Walter R. Wietzke (Philadelphia, PA: Fortress Press, 1977).

<sup>28</sup> For instance, Friedrich Brunstäd, *Deutschland und der Sozialismus*, 2nd ed. (Berlin: Elsner, 1927), 129. On Holl, see Klaus Tanner, *Die fromme Verstaatlichung des Gewissens. Zur Auseinandersetzung um die Legitimität der Weimarer Reichsverfassung in Staatsrechtswissenschaft und Theologie der zwanziger Jahre* (Göttingen: Vandenhoeck & Ruprecht, 1989), 213–20.

<sup>29</sup> For an overview of the Nazi-era "church conflict," see Matthew D. Hockenos, *A Church Divided: German Protestants Confront the Nazi Past* (Bloomington, IN: Indiana University Press, 2004), 15–38.

<sup>30</sup> "Vorschau auf die Oxforder Weltkirchenkonferenz 1937," *Junge Kirche* 7, no. 18 (1936): 862–63.

<sup>31</sup> Hans Böhm, *Kirche, Volk und Staat. Bericht des ökumenischen Ausschusses der Vorläufigen Leitung der Deutschen Evangelischen Kirche* (Stuttgart: Quell Verlag, 1948), 11.

During the Second World War, Protestant pastors and churchgoers again favored military service. In part, this was a matter of sheer self-preservation, after the military criminal code of August 1939 made conscientious objection a capital crime. Many of the men executed for the offense belonged to the Jehovah's Witnesses, which alone among Christian communities in Nazi Germany upheld a tradition of noncompliance to state authority.<sup>32</sup> But even Confessing Church pastors who would later advocate for conscientious objectors registered for military service out of a sense of national duty. The Confessing Church leader Martin Niemöller, a World War I submarine commander who voted for the Nazi Party in 1933, volunteered to resume his naval service from his Sachsenhausen cell after his imprisonment for denunciations of Nazi church policy.<sup>33</sup> The theologian Helmut Gollwitzer, who took over Niemöller's Berlin congregation following the senior pastor's imprisonment, later recalled that he had worn the Wehrmacht uniform "without any qualms of conscience, and not just out of weakness. No clear voice had encouraged me to take any other course."<sup>34</sup> Confessing Church pastors also joined the military chaplaincy, using field sermons to frame the war on the eastern front as a Christian struggle against godless Communism.<sup>35</sup>

Only as the certainty of German defeat came into view did small groups of devout Protestants invoke the language of conscience to deny the legitimacy of the Nazi regime. The 1943 memorandum of the Freiburg Circle, a network of conservative pastors and lay intellectuals who gathered covertly to plan for a post-Nazi constitution, listed as its first "demand" the "legally secured freedom of conscience, as much religious conscience as political convictions."<sup>36</sup> Still, wartime appeals to conscience formed a basis less for resistance than for obscuring Protestants' role under Nazism. By emphasizing violations of Christian conscience to the exclusion of genocide and mass atrocity, Protestant conservatives perpetuated the myth that Christians were the first and primary targets of Nazi aggression. The sole act of organized conservative resistance, the failed coup d'état of July 20, 1944, received no support from the churches and sought less to end Nazi terror than salvage the war against the Soviet Union.

## Resistance and the Politics of Rearmament

Allied occupation transformed the calculus of Protestant politics. Whereas resistance against Nazism was a perilous task undertaken at the margins of institutional Protestantism, after 1945 resistance narratives provided access to privileges from occupation authorities: the restoration of religious education, return of confiscated church property, permission to levy the traditional church tax, and autonomy over clerical denazification. US and British occupation authorities, in particular, looked toward the churches as moral guides of Germany's reconstruction, relying on the assurances of Anglo-American church leaders with ties to their German counterparts.<sup>37</sup> With the founding of the West German state in May 1949, resistance claims retained political currency.

<sup>32</sup> Detlef Garbe, *Between Resistance and Martyrdom: Jehovah's Witnesses in the Third Reich*, trans. Dagmar G. Grimm (Madison, WI: University of Wisconsin Press, 2008), 365–70. See also Thomas J. Kehoe, "The Reich Military Court and Its Values: Wehrmacht Treatment of Jehovah's Witness Conscientious Objectors," *Holocaust and Genocide Studies* 33, no. 3 (2019): 351–72.

<sup>33</sup> Ziemann, *Martin Niemöller*, 321–30.

<sup>34</sup> Helmut Gollwitzer, *Unwilling Journey: A Diary from Russia*, trans. E.M. Delacour (London: SCM Press, 1953), 20.

<sup>35</sup> See the entries on Karl-Heinz Becker, Gerhard Knapp, Hermann Kunst, and Johannes Rudolph in Dagmar Pöpping, *Passion und Vernichtung. Kriegspfarer an der Ostfront 1941–1945* (Göttingen: Vandenhoeck & Ruprecht, 2019), 213–31. On the example of Eberhard Müller, see Bergen, "Saving Christianity, Killing Jews," 65–66, 79.

<sup>36</sup> Helmut Thielicke, ed., *In der Stunde Null. Die Denkschrift des Freiburger "Bonhoeffer Kreises"* (Tübingen: Mohr, 1979), 78.

<sup>37</sup> JonDavid K. Wyneken, "Driving Out the Demons: German Churches, the Western Allies, and the Internationalization of the Nazi Past, 1945–1952" (PhD diss., Ohio University, 2007), 52–95. American accounts of Christian resistance in Nazi Germany included Allen Welsh Dulles, *Germany's Underground: The Anti-Nazi Resistance* (New York: Macmillan, 1947), and Stewart W. Herman, *The Rebirth of the German Church* (New York: Harper & Brothers, 1946).

The language of conscience, remolded to fit the new political imperatives, featured centrally in postwar Protestant representations of the Nazi era. Accounts of anti-Nazi resistance accentuated one element of Protestant conscience discourse—its stress on cultivated interiority—while jettisoning the presumed alignment of conscience and state interests. According to a narrative that circulated through sermons, church periodicals, and petitions to occupation authorities, Nazi incursions had rent this traditional alignment apart, with the result that Protestants turned to conscience to disobey unjust authority. As early as 1946, the Freiburg Circle jurist Erik Wolf inaugurated a book series documenting the “struggle of the Confessing Church,” whose foreword conjured the movement’s “voice of truth, of conscience, of responsibility” under Nazism.<sup>38</sup> Another Freiburg Circle veteran, the historian Gerhard Ritter, gave a series of lectures interpreting conscience as a source of responsible action in a sinful world.<sup>39</sup> Most ubiquitously, Martin Niemöller, lauded by American admirers for exemplifying the “right to live as our conscience dictates,” presented himself on tours abroad as an emblem of Christian resistance.<sup>40</sup>

While concurring that conscience had motivated reflection and resistance during the Nazi era, political divisions among Protestants prompted disagreement over the meaning of this legacy. The majority of the executive council of the *Evangelische Kirche in Deutschland* (EKD), the new national church federation formed in August 1945, sought to reconstitute the traditional proximity between church and state in order to establish the church as a partner in the postwar struggle against Communism.<sup>41</sup> Led by the Württemberg bishop, Theophil Wurm, this conservative wing required a narrative of National Socialism that distanced a heritage of anti-Nazi resistance from the exigencies of the postwar era. The Lutheran theologian Walter Künneth, whose own writings of the early Nazi years had aimed at a Christian foundation for National Socialism, presented such an account in his 1947 *The Great Decline*. Chronicling the ostensible clash between Christianity and Nazism, Künneth extolled “God-given conscience” as the foundation of anti-Nazi resistance. At the same time, Künneth invoked the longstanding distinction between matters of conscience and ordinary political judgments. The true path of conscience demanded “a readiness for martyrdom,” the total abandonment of this-worldly concerns. By situating the “resistance of conscience” within the exceptional circumstances of an anti-Christian regime, Künneth simultaneously laid the ground for the postwar return of state authority.<sup>42</sup>

Whereas the EKD’s conservative mainstream treated the Nazi years as an aberration from the norm of obedience, a minority faction around the EKD *Bruderrat* (Brethren Council), the successor to the leadership council of the Confessing Church, called for a more critical confrontation with the statist past of German Protestantism. Representing the wing of the Confessing Church that had refused all cooperation with the official state churches, the organization’s inaugural statement faulted Protestants for having “condoned and approved the development of absolute dictatorship.”<sup>43</sup> Yet far from repudiating Protestant nationalism, the *Bruderrat* represented an alternative strand, one that prioritized German unity over

<sup>38</sup> Reinhold Schneider, “Geleitwort für die Sammlung ‘Das Christliche Deutschland 1933–1945,’” in *Im Reiche dieses Königs hat man das Recht lieb. Der Kampf der Bekennenden Kirche um das Recht*, ed. Erik Wolf (Tübingen: Furche Verlag, 1946), 7.

<sup>39</sup> Gerhard Ritter, *Christentum und Selbstbehauptung* (Tübingen: Furche Verlag, 1946), and Gerhard Ritter, “Luthertum, katholisches und humanistisches Weltbild,” *Zeitwende* 18, no. 2 (1946–1947): 65–84.

<sup>40</sup> Matthew D. Hockenos, *Then They Came for Me: Martin Niemöller, The Pastor Who Defied the Nazis* (New York: Basic Books, 2018), quoted 143, 197–200.

<sup>41</sup> On the political and theological division within the EKD, see Hockenos, *A Church Divided*.

<sup>42</sup> Walter Künneth, *Der große Abfall. Eine geschichtstheologische Untersuchung der Begegnung zwischen Nationalsozialismus und Christentum* (Hamburg: Friedrich Wittig Verlag, 1947), 113–16. For Künneth’s earlier pro-Nazi writings, see Walter Künneth and Helmuth Schreiner, ed., *Die Nation vor Gott. Zur Botschaft der Kirche im dritten Reich* (Berlin: Wichern Verlag, 1933).

<sup>43</sup> “Darmstadt Statement, August 1947,” in Hockenos, *A Church Divided*, 193. On this statement, see Hockenos, *A Church Divided*, 118–30.



anti-Communism. Led disproportionately by Confessing Church pastors with ties to eastern Germany—including Martin Niemöller, who had presided over a Berlin parish, and the Silesian-born Hans Joachim Iwand—the *Bruderrat* favored a united, neutral Germany at a time when national division threatened to leave eastern Germany's Lutheran heartlands behind the Iron Curtain. Calling for the extension of wartime resistance to confront the Allied occupiers, the *Bruderrat* required an even more distorted account of its own faction. The Bielefeld pastor Wilhelm Niemöller, Martin Niemöller's brother and an early Nazi Party member, established an archive of the Confessing Church that centered its confrontations with pro-Nazi German Christians, setting the tone for postwar hagiographies. Wilhelm Niemöller's 1948 *Struggle and Witness of the Confessing Church* concluded that the organization should not "keep silent and die" but remain a "light to the world."<sup>44</sup> The conservative nationalist Hans Joachim Iwand similarly enjoined Confessing Church veterans to retain their oppositional stance in West Germany. Iwand thereby elided the gap between religious and political resistance, and between Nazi and postwar conditions.<sup>45</sup>

As a new Cold War order came into view, the question of conscientious objection would exacerbate Protestant controversy over the Nazi legacy. After four state governments introduced laws on conscientious objection—a symbolic act at a time when Allied forces had dismantled the German military—the Parliamentary Council that drafted West Germany's Basic Law took up the issue in late 1948.<sup>46</sup> While the liberal Theodor Heuss called for the statutory regulation of draft refusal on the Anglo-American model, delegates of the Social Democratic Party (SPD) proposed incorporating a right of conscientious objection in the new constitution. The SPD gained support for its position, however, by interpreting conscientious objection in a narrow sense, restricted to pacifist denominations that experienced persecution under Nazism. In light of the suffering of Jehovah's Witnesses, asked one SPD delegate, "Why should we stand behind England—why should we [not] be more ambitious here?"<sup>47</sup> Its incorporation into an article on religious freedom enabled conservative Christian Democrats to join in support of a right of conscientious objection. The final formulation, proposed by the CDU delegate Hermann von Mangoldt, was incorporated into the Basic Law as Article 4, Paragraph 3: "No person shall be compelled against his conscience to render military service involving the use of arms."<sup>48</sup> The restrictive interpretation assumed by the Parliamentary Council proved useful to the first West German government under CDU Chancellor Konrad Adenauer, whose foreign policy prioritized a military alliance with the United States.

Although the EKD remained outside the constitutional debate, the controversy over West German rearmament that erupted soon after the promulgation of the Basic Law brought conscientious objection to the fore of Protestant politics. With the outbreak of the Korean War in June 1950, which sparked fears of a Soviet invasion of West Germany, Protestant conservatives aligned with Adenauer's foreign policy of rearmament and Western integration.<sup>49</sup> Denying that conscientious objection represented a legitimate response to West German rearmament, conservatives continued to underscore the disjuncture between Nazi-era

<sup>44</sup> Wilhelm Niemöller, *Kampf und Zeugnis der Bekennenden Kirche* (Bielefeld: Ludwig Bechauf Verlag, 1948), 526–27. See also Robert P. Ericksen, "Wilhelm Niemöller and the Historiography of the *Kirchenkampf*," in *Nationalprotestantische Mentalitäten*, 433–51.

<sup>45</sup> Hans Joachim Iwand, "Die Bekennende Kirche gehört in der Opposition," *Stimme der Gemeinde* 2, no. 6 (1950): 11. On Iwand, see Friedrich Wilhelm Graf, *Der heilige Zeitgeist. Studien zur Ideengeschichte der protestantischen Theologie in der Weimarer Republik* (Tübingen: Mohr Siebeck, 2011), 461–81.

<sup>46</sup> Bernhard, *Zivildienst zwischen Reform und Revolte*, 27.

<sup>47</sup> Eberhard Pickart and Wolfram Werner, ed., *Der Parlamentarische Rat 1948–1949. Akten und Protokolle*, vol. 5: *Ausschuß für Grundsatzfragen* (Boppard/Rhein: Harald Boldt Verlag, 1993), 417–22, quoted 419.

<sup>48</sup> Pickart and Werner, *Der Parlamentarische Rat 1948–1949*, vol. 5, quoted 760–62; *Parlamentarischer Rat, Verhandlungen des Hauptausschusses* (Bonn: Bonner Universitäts-Buchdruckerei Gebr. Scheur, 1949), 209–10, 545–46.

<sup>49</sup> On the impact of the Korean War, see David Clay Large, *Germans to the Front: West German Rearmament in the Adenauer Era* (Chapel Hill, NC: University of North Carolina Press, 1996), 65–74.

resistance and postwar military discipline. Walter Künneth again emerged as the leading proponent of this position. In an August 1950 memorandum for the EKD's Commission on Public Responsibility, Künneth dismissed the constitutional right of conscientious objection altogether by emphasizing the religious, apolitical nature of conscience. Following his account in *The Great Decline*, Künneth interpreted refusal of military service as an act of witness to the final redemption of the world. Because true conscientious objection demonstrated "readiness for martyrdom," this act could not be regulated by law.<sup>50</sup>

The EKD *Bruderrat*, by contrast, maintained the immediate relevance of anti-Nazi resistance for the Cold War present. With the onset of negotiations over West German defense in the summer of 1950, the *Bruderrat* positioned itself at the forefront of a national campaign against rearmament, opposing military service until the signing of an all-German peace treaty. The conflict came to a head in late August when the lay Protestant politician Gustav Heinemann, Adenauer's Interior Minister and the president of the EKD synod, tendered his resignation following the chancellor's disclosure of secret communications with US authorities.<sup>51</sup> In response to the revelations, Martin Niemöller and his *Bruderrat* allies published a pamphlet that deepened the polarization of the church and led Adenauer to take to the radio in defense of his policies. The pastors announced their refusal of "military service in the contemporary situation of Germany, without regard to whether or not this right remains secured in the constitution."<sup>52</sup> If the right to conscientious objection were revoked, Niemöller warned in an open letter to Adenauer, "then we will again have to announce that one must obey God more than human beings."<sup>53</sup> Heinemann reasoned similarly in defense of his dissent in the *Bruderrat* monthly *Stimme der Gemeinde*: "The experiences of the Third Reich made the question of the limits of obedience toward authority immediate for German Protestants."<sup>54</sup>

As much as Protestant supporters of rearmament, Niemöller and his circle distinguished matters of conscience from mere party politics. *Bruderrat* pastors diverged, however, by presenting German division itself as an issue of existential significance. Opponents of rearmament mobilized a theological conception of conscience toward their agenda. In the course of 1951, as the EKD chancellery established communications with West German security officials over the drafting of a conscription statute, Protestant critics took umbrage with government proposals to restrict conscientious objection to absolute pacifists who refused to fight in any war.<sup>55</sup> Instead, they called for the inclusion of selective conscientious objectors, who opposed fighting in a particular war—including a war between East and West Germany. Protestant supporters of selective objectors continued to define conscience as the immediate apprehension of a divine message, rather than obedience to a fixed norm or external authority. Individuals whose "moral personality" led them to oppose a civil war among Germans, Heinemann argued at an October 1951 conference of Protestant leaders and West German politicians, deserved the support of the Protestant Church: "It is unevangelical to bind the conscience of the individual to the decision of a community."<sup>56</sup> The Nazi past continued to form the crucial reference point, as defenders of selective objection drew analogies to anti-Nazi resistance. According to the EKD administrator, Hansjürg Ranke, himself a former

<sup>50</sup> Evangelisches Zentralarchiv in Berlin (EZAB), Kirchenkanzlei der Evangelischen Kirche in Deutschland, 2/2574, Walter Künneth, "Thesen zur Frage der Kriegsdienstverweigerung," August 1950.

<sup>51</sup> Large, *Germans to the Front*, 74–77.

<sup>52</sup> "Handreichung an die Gemeinden zur Wiederaufrüstung," *Kirchliches Jahrbuch für die Evangelische Kirche in Deutschland* 77 (1950): 171. On the controversy, see also Meyer-Magister, *Wehrdienst und Verweigerung als komplementäres Handeln*, 144–56.

<sup>53</sup> "Offener Brief D. Martin Niemöllers an Bundeskanzler Dr. Adenauer," *Kirchliches Jahrbuch* 77 (1950): 175.

<sup>54</sup> Gustav W. Heinemann, "Zur theologischen Bemühung um Politik aus christlicher Verantwortung," *Stimme der Gemeinde* 3, no. 5 (1951): 5–6.

<sup>55</sup> These communications were ongoing by the summer of 1951: EZAB, 2/2574, Kunst to Dibelius, July 20, 1951.

<sup>56</sup> EZAB, 2/2575, Eberhard Müller, "Treffen des Leiterkreises der Evangelischen Akademien mit westdeutschen Politikern," October 29, 1951.

Nazi Party and SA member, “The *status confessionis* of the church during the rule of National Socialism ... was always adopted only in the face of very concrete decisions of the state.”<sup>57</sup>

The Protestant campaign for selective conscientious objection also rehearsed deep-rooted anti-Catholic tropes. Not only was the CDU dominated by a Catholic leadership, but the Vatican supported West German rearmament in response to the consolidation of Communist regimes across Eastern Europe. Beginning with the 1948 Christmas address of Pope Pius XII, official Catholic pronouncements permitted war in defense “against unjust aggression.”<sup>58</sup> West Germany’s Fulda Bishops Conference, led by the Cologne Cardinal Josef Frings, concurred with the Vatican position in a statement of November 1950. Catholics, the bishops concluded, were obliged to perform military service in a just, defensive war, a determination that the church alone could make.<sup>59</sup> For Protestant detractors, the Vatican’s just war doctrine reflected a Catholic tradition of subservience to abstract principles and clerical authority rather than the voice of conscience. His Catholic counterparts, Hansjürg Ranke quipped following a meeting of Protestant and Catholic representatives with West German defense officials, took a “reluctant” stance toward conscientious objection “after the Pope spoke out against [it] once.”<sup>60</sup> Martin Niemöller accused “so-called Protestant Academies” that provided a platform to opponents of conscientious objection of acting as “wholly Catholic Academies.”<sup>61</sup>

Catholic discussions of military service across postwar Western Europe were in fact equally contentious, as both confessions confronted the legacies of World War II and the challenges of decolonization. With the outbreak of the Algerian War in 1954, a cohort of French Catholic priests announced their opposition to military service, some in dialogue with their Protestant counterparts.<sup>62</sup> In West Germany, the Catholic theologian and war veteran Bernhard Häring, whose experience of the eastern front led him to question doctrines of military obedience, delinked decisions of conscience from the tenets of natural law in his influential *The Law of Christ*.<sup>63</sup> Similar debates about conscience rights broke out among US Catholics following the reenactment of the draft in 1948.<sup>64</sup> By reducing the Catholic debate to the pronouncements of Pius XII and Cardinal Frings, Protestant commentators in West Germany invoked a timeworn opposition between Catholic obedience and Protestant freedom of conscience. In doing so, they reasserted their own claim to national leadership.

## Democratizing Conscience

Early Protestant advocacy for conscientious objection rested less on principled support of democracy than longstanding objectives of national unity and confessional supremacy. Political developments of 1952, however, demanded a new strategy. On February 25, against staunch Social Democratic opposition, Adenauer’s government concluded negotiations for a European Defense Community (EDC) that would incorporate a West German contingent into

<sup>57</sup> EZAB, 2/2575, Ranke to Osterloh, October 2, 1951. On Ranke, see “Ranke, Hansjürg,” in *Der Protestantismus in den ethischen Debatten der Bundesrepublik Deutschland* (<https://wiki.de.dariah.eu/pages/viewpage.action?pageId=64957686>).

<sup>58</sup> Giuliana Chamedes, *A Twentieth-Century Crusade: The Vatican’s Battle to Remake Christian Europe* (Cambridge, MA: Harvard University Press, 2019), 241–48; “1948 Christmas Message of Pope Pius XII: Radio message to the world given December 23, 1948, by His Holiness, Pope Pius XII,” *CurateND* (<https://curate.nd.edu/downloads/3j333200j77>), quoted 9.

<sup>59</sup> EZAB, Bevollmächtigter des Rates der EKD am Sitz der Bundesrepublik Deutschland, 87/144, Fulda’er Bischofskonferenz, “Die christlichen Grundsätze über Krieg und Kriegsdienste” [undated]; “Sittlich erlaubt,” *Der Spiegel*, November 1, 1950.

<sup>60</sup> EZAB, 87/144, Ranke to Osterloh, October 11, 1951.

<sup>61</sup> EZAB, 2/2574, Niemöller to Osterloh, October 8, 1951.

<sup>62</sup> Rachel M. Johnston-White, “A New Primacy of Conscience? Conscientious Objection, French Catholicism, and the State during the Algerian War,” *Journal of Contemporary History* 54, no. 1 (2019): 112–38.

<sup>63</sup> James Chappel, *Catholic Modern: The Challenge of Totalitarianism and the Remaking of the Church* (Cambridge, MA: Harvard University Press, 2018), 232–33.

<sup>64</sup> Cajka, *Follow Your Conscience*, 59–63.

a common Western European military. Despite protests set off by Joseph Stalin's note proposing a neutral, demilitarized Germany, Adenauer forged ahead with the EDC treaty, signed in Paris on May 27.<sup>65</sup> As the prospect of reunification appeared ever more remote, Protestant critics of the West German government reframed conscientious objection as an alternative to, rather than expression of, resistance against the state—a means to accommodate individual dissent against the decision for rearmament. This approach required a new adaptation of conscience discourse, one that looked toward the democratic state as the protector of the inner freedom that Protestants had long associated with their confession. Although the campaign remained mired in nationalism and anti-Catholicism, pragmatic appeals to democratic values brought its leaders into alliance with institutions that boasted far more secure democratic credentials, reshaping their attitudes toward democracy itself.

Conscientious objection reemerged as a subject of national contention in July 1952, just weeks after the EDC signing ceremony. The cause was the distribution of leaflets by ten pastors in the Rhineland city of Duisburg inviting young men of conscription age to register as conscientious objectors with their local pastor's office, either as absolute pacifists or as selective objectors until the "enactment of a just, all-German peace treaty." At one level, the controversy reenacted the fault lines that followed Martin Niemöller's statements in the fall of 1950. The Duisburg pastors were members of the Rhineland *Kirchliche Bruderschaft* (Church Brethren Society), the successor organization to the regional Confessing Church leadership council, and they backed Niemöller's stance against rearmament. The Communist press celebrated the pastors' call for conscientious objection, while Bundestag President Hermann Ehlers, a Protestant delegate of the CDU, denounced the Duisburg pastors for inciting "resistance" against the Federal Republic.<sup>66</sup> Yet in a statement defending the action, sixty-five pastors affiliated with the *Kirchliche Bruderschaft* eschewed the language of resistance. Instead, the Rhineland pastors characterized the decision between military service and conscientious objection as one of Christian conscience, which "cannot be taken away from us by any political entity."<sup>67</sup> Acknowledging the likelihood of conscription, they called for a new relationship between individual and state on the basis of a Protestant notion of conscience.

The former Confessing Church pastor and Wehrmacht soldier Helmut Gollwitzer played a critical role in translating the demands of the Rhineland *Kirchliche Bruderschaft* into a language of constitutional rights. Captured by the Red Army at the end of the war, Gollwitzer served as a prisoner of war in the Soviet Union until his repatriation to West Germany in December 1949. After taking a position in systematic theology at the University of Bonn, Gollwitzer renewed his Confessing Church contacts, including the circle around Martin Niemöller, Hans Joachim Iwand, and the Rhineland *Kirchliche Bruderschaft*. Gollwitzer was unique among Protestant opponents of rearmament, however, for his commitment to democracy, in large part the product of his Soviet experience. As Gollwitzer remarked in one of his first lectures upon returning to Germany, Christians in the West could continue to fight for personal and religious freedoms, an opportunity foreclosed in the East.<sup>68</sup>

Gollwitzer's 1953 political manifesto *The Christian Community in the Political World*, published in the aftermath of the controversy over the Duisburg pastors, applied this view to the problem of conscientious objection. An ostensible legacy of anti-Nazi resistance remained central to Gollwitzer's framing of conscience. Protestant opposition to Nazism, Gollwitzer maintained, confirmed that decisions of conscience responded to concrete

<sup>65</sup> Large, *Germans to the Front*, 135–53.

<sup>66</sup> "Die Auseinandersetzungen über die politische Verantwortung der Kirche," *Kirchliches Jahrbuch* 79 (1952): 43–48; Meyer-Magister, *Wehrdienst und Verweigerung als komplementäres Handeln*, 166–68.

<sup>67</sup> "Erklärung der Kirchlichen Bruderschaft im Rheinland," in *Kirche und Kriegsdienstverweigerung. Ratschlag zur gesetzlichen Regelung des Schutzes der Kriegsdienstverweigerer*, ed. Rat der Evangelischen Kirche in Deutschland (Munich: Kaiser, 1956), 53.

<sup>68</sup> Helmut Gollwitzer, "Der Christ zwischen Ost und West," *Evangelische Theologie* 10, no. 4 (1950–1951): 154–68. For Gollwitzer's recollections of his Soviet experience, see Gollwitzer, *Unwilling Journey*.

situations, not general norms. In contemplating the ethics of disobedience, the resistance hero Dietrich Bonhoeffer “sought to free the command to truthfulness from the rigidity of principles.”<sup>69</sup> Given this approach to conscience, the Protestant Church could sooner support selective conscientious objectors than absolute pacifists—the opposite of the proposed conscription statute. Yet in a democracy, law, rather than passive suffering or active resistance, became the mediating link between individual conscience and state authority. If the government continued to discount selective objectors, then “the church will have to intervene before the state to demand legal protection, because the state is not master over conscience.”<sup>70</sup>

Gollwitzer’s call for the expanded legal recognition of conscientious objectors gained wider traction following the federal elections of September 1953, which dealt a blow to the anti-rearmament movement. The neutralist All-German People’s Party, founded by Gustav Heinemann following his departure from the CDU, failed to meet the 5 percent threshold for entry into the Bundestag, while the anti-rearmament SPD was unable to break out of its working-class base. Adenauer’s CDU expanded its share of the vote to an unprecedented 45 percent, the result of a booming economy, and quickly ushered in the necessary constitutional amendments to authorize military conscription.<sup>71</sup> The results motivated Protestant critics of rearmament to move beyond sheer denunciation of government policy, fostering a rapprochement among factions of the church. In late 1953, the conservative-dominated EKD Council adopted a proposal by the most vociferous Protestant detractor of the CDU, Martin Niemöller, calling for clarification on the scope of the right of conscientious objection. Diverging from his earlier exhortations toward resistance, Niemöller instead recommended that the government immediately present young men with the opportunity to register as conscientious objectors, “fundamentally or under particular conditions.”<sup>72</sup> Even the most stalwart Protestant conservatives could recognize the validity of selective conscientious objection when framed as a matter of Protestant ethics. Ulrich Scheuner, a constitutional law professor at Bonn whose Nazi past included membership in the SA and a stint as a Wehrmacht lieutenant, emerged as an early defender of the CDU’s position on conscription.<sup>73</sup> By 1954, however, Scheuner could cite Gollwitzer’s *The Christian Community in the Political World* to argue that “There can also be cases of true concerns of conscience against service in a particular war.” Protestant communities, Scheuner noted, were less concerned than the Catholic Church with “objective truth and tradition” as the measure for decisions of conscience.<sup>74</sup>

To be sure, calls for the expansion of conscience rights did not necessarily indicate a principled embrace of democracy. At a November 1954 meeting of the Rhineland *Kirchliche Bruderschaft*, after a French parliamentary vote against the EDC treaty catalyzed a renewed campaign against rearmament, Hans Joachim Iwand continued to speak a language of unabashed nationalism. Germany, Iwand declared, was “leaderless” (*fürherlos*). Protestants

<sup>69</sup> Helmut Gollwitzer, *Die christliche Gemeinde in der politischen Welt*, 2nd ed. (Tübingen: Mohr, 1955), 44.

<sup>70</sup> Gollwitzer, *Die christliche Gemeinde in der politischen Welt*, 49.

<sup>71</sup> Large, *Germans to the Front*, 171–72.

<sup>72</sup> “Beschluss der Kirchenleitung der Ev. Kirche in Hessen und Nassau zur Frage der Kriegsdienstverweigerung. O.O., 28. September 1953,” in *Die Protokolle des Rates der Evangelischen Kirche in Deutschland*, ed. Dagmar Pöpping and Peter Beier, vol. 7 (Göttingen: Vandenhoeck & Ruprecht, 2009), 555–56; “Niederschrift über die 40. Sitzung des Rates der Evangelischen Kirche in Deutschland am 3. und 4. Dezember 1953 in Hannover,” in *Die Protokolle des Rates der Evangelischen Kirche in Deutschland*, vol. 7, 547–48.

<sup>73</sup> EZAB, 2/2574, Ulrich Scheuner, “Zum Problem der Kriegsdienstverweigerung in der Gegenwart,” October 4, 1950. On Scheuner, see Martin Otto, “Vom ‘Evangelischen Hilfswerk’ zum ‘Institut für Staatskirchenrecht.’ Ulrich Scheuner (1903–1981) und sein Weg zum Kirchenrecht,” in *Entwicklungstendenzen des Staatskirchen- und Religionsverfassungsrechts. Ausgewählte begrifflich-systematische, historische, gegenwartsbezogene und biographische Beiträge*, ed. Thomas Holzner and Hannes Ludyga (Paderborn: Schöningh, 2013), 551–69.

<sup>74</sup> Ulrich Scheuner, “Das Recht auf Kriegsdienstverweigerung,” in *Der deutsche Soldat in der Armee von morgen. Wehrverfassung, Wehrsystem, inneres Gefüge*, ed. Institut für Staatslehre und Politik (Mainz: Isar Verlag, 1954), 265–66.

faced a fight against two fronts, “East and West.”<sup>75</sup> But in the group’s public statements, appeals to the democratic pretensions of the West German government held sway. The declaration that followed the November meeting, signed by more than 1,400 pastors, admonished that “the coming conscription legislation cannot restrict this basic right.”<sup>76</sup> A petition by a group of prominent church leaders and theologians to the Bundestag a month later, whose signatories included Gollwitzer, Iwand, Niemöller, and the Confessing Church pastor Heinz Kloppenburg, issued a similar appeal. “A free commonwealth that does not dispense with its moral grounding,” the petition pleaded, would become “impossible” if the state were to “defy such conflicts of conscience.”<sup>77</sup>

The emergent consensus around conscientious objection enabled the EKD to present a unified front to the West German government as the anti-rearmament movement waned. In early February 1955, the French parliament approved West German entry into NATO under the threat of Britain’s withdrawal of troops from the European continent. Following the Bundestag’s ratification of a new round of Paris treaties in March, a majority of the EKD synod voted against Gustav Heinemann’s reelection as president. Heinemann’s ouster was a clear bid by conservatives to signal that the church no longer stood in the way of rearmament.<sup>78</sup> At the same time, however, the synod voted unanimously to form a commission seeking the widening of the right of conscientious objection in West Germany, as well as its introduction in the East. The commission members represented a broad political spectrum: the leader of the Rhineland *Kirchliche Bruderschaft*, Joachim Beckmann; the conservative jurist Ulrich Scheuner; the theologian Helmut Gollwitzer; the EKD liaison to the Bonn government and former Wehrmacht chaplain, Hermann Kunst; as well as representatives of both West and East German regional churches.<sup>79</sup>

The commission’s discussions made plain the shared understanding that had emerged through the preceding years of debate: freedom of conscience was both a Protestant tenet, recovered in a legacy of anti-Nazi resistance, and a foundation of democratic legitimacy. Members agreed that the Protestant teaching of conscience widened the scope of individual freedom and responsibility beyond Catholic doctrine. At its final meeting in November 1955, the commission determined to support Martin Niemöller’s “evangelical” concept of conscience as “always conscience *in actu*,” against “the Catholic and moralist understanding.”<sup>80</sup> Moreover, the commission underscored that West German democracy was better suited than East German Communism to protecting conscientious objectors. Whereas the challenge in West Germany was to ensure that Article 4 of the Basic Law did not become a “false paragraph,” noted one commission member, the East German government had not addressed the issue at all.<sup>81</sup>

The commission’s concluding memorandum, approved by the EKD Council in December and distributed to both German governments, upheld these principles. Against “the widespread misunderstanding that the obligations of conscience lie only in bonds to unchanging

<sup>75</sup> Archiv der Evangelischen Kirche im Rheinland, Düsseldorf, Kirchliche Bruderschaft im Rheinland, 5WV018/60, Theodor Immer, “Bericht über die Aussprache über das Wort zur Kriegsdienstverweigerung der Kirchlichen Bruderschaft in Leverkusen,” November 15, 1954.

<sup>76</sup> “Erklärung der Kirchlichen Bruderschaft im Rheinland, Leverkusen,” in *Kirche und Kriegsdienstverweigerung*, 57–58. For the number of signatories, see EZAB, 2/2576, Immer to Kirchliche Bruderschaft im Rheinland, March 18, 1955.

<sup>77</sup> “Erklärung einer Gruppe evangelischer Persönlichkeiten an alle Abgeordneten des Bundestages vom 8.12.1954,” in *Kirche und Kriegsdienstverweigerung*, 58–59.

<sup>78</sup> Large, *Germans to the Front*, 217–34.

<sup>79</sup> Kirchenkanzlei der Evangelischen Kirche in Deutschland, ed., *Espelkamp 1955. Bericht über die erste Tagung der zweiten Synode der Evangelischen Kirche in Deutschland vom 6. bis 11. März 1955* (Hannover: Verlag des Amtsblattes der Evangelischen Kirche in Deutschland, 1955), 485–87. Although not formally a commission member, Gollwitzer participated in drafting its final memorandum: “Einleitung,” in *Kirche und Kriegsdienstverweigerung*, 7–8.

<sup>80</sup> EZAB, 2/2596, “Niederschrift über die Verhandlungen der 4. Sitzung des Ausschusses für Fragen der Kriegsdienstverweigerung am 2. November 1955 in Bonn.”

<sup>81</sup> EZAB, 2/2596, “Niederschrift über die Verhandlungen des Ausschusses für Fragen der Kriegsdienstverweigerung auf seiner 3. Tagung am 29. September 1955 in Hannover.”

principles,” the memorandum urged both German states to recognize selective conscientious objectors as well as absolute pacifists. Although the law required a universal standard applicable across religion and ideology, it should not exclude the “Protestant teaching.”<sup>82</sup> The memorandum’s positive reception by Protestant leaders, from the peace activist Friedrich Siegmund-Schultze to the Lutheran bishop Hanns Lilje, indicated the appeal of this view across political lines in the church.<sup>83</sup>

The legislative campaign that followed the memorandum’s distribution further aligned the EKD’s case for conscientious objection with struggles to expand West German democracy. Although the president of the East German *Volkskammer* refused to consider the EKD’s petition to amend the East German constitution, the church diplomat Hermann Kunst was invited to represent the church at a June 1956 hearing before the Bundestag Defense Committee.<sup>84</sup> In response to the West German government’s proposed conscription statute, which restricted conscientious objection to absolute pacifists, Kunst continued to marshal a narrative of Protestant resistance. Protestants’ support for selective objectors, Kunst asserted, followed from the 1934 Barmen Declaration of the Confessing Church, which refused to regard the state as “the single and totalitarian order of human life.” Rather than calling for the extension of resistance into the postwar era, however, Kunst sought to guarantee freedom of conscience through the expansion of a constitutional right. Although conscience might well set the individual against the expectations of government, “it is not good for a state when it does not respect the conscience of its citizens.”<sup>85</sup>

Most consequentially, EKD advocacy before the Bundestag paved the way toward an unexpected partnership with the Social Democratic Party. In the wake of West Germany’s NATO entry in May 1955, Social Democrats pivoted from opposition against rearmament to support for expanded conscientious objector rights, aligning with the Protestant Church. Moreover, a rising cohort of reformist party leaders, who sought to transform the SPD from a working-class Marxist party into a catch-all *Volkspartei*, aimed to overcome the historical adversity between the SPD and the churches as a critical means toward broadening the party’s appeal.<sup>86</sup> This newfound alliance obscured a legacy of division, as Social Democrats who had experienced exile and imprisonment found themselves working alongside former Nazi Party members and Wehrmacht chaplains. Nevertheless, the defense of democracy adumbrated by the EKD, rooted in freedom of conscience rather than class-based economic demands, resonated with the goals of SPD reformers. At the third parliamentary reading of the conscription statute on July 6, 1956, the Protestant SPD delegates Adolf Arndt, Fritz Erler, and Ludwig Metzger cited the EKD memorandum as well as Hermann Kunst’s address before the Bundestag Defense Committee to call for expanding the rights of selective objectors. Echoing the confessional tropes of the Protestant debate, Arndt warned that the government draft “aimed to replace the decision of conscience with doctrine,” at odds with Protestant principles.<sup>87</sup>

The Protestant-SPD alliance did not succeed at the legislative level. After a debate that stretched into the early hours of the morning, the CDU-led coalition voted down a final SPD amendment to acknowledge selective objectors.<sup>88</sup> The conscription statute, which

<sup>82</sup> “Ratschlag zur gesetzlichen Regelung des Schutzes der Kriegsdienstverweigerer,” in *Kirche und Kriegsdienstverweigerung*, 19, 22–23.

<sup>83</sup> “Kirche und Wehrpflicht: Das Echo des ‘Ratschlags’ der EKD,” *Evangelische Welt*, March 16, 1956.

<sup>84</sup> EZAB, 2/2577, Dieckmann to Dibelius, June 11, 1956.

<sup>85</sup> Archiv der sozialen Demokratie (AdsD) der Friedrich-Ebert-Stiftung, Bonn, Nachlass Adolf Arndt, Box 239, Deutscher Bundestag, “Stenographisches Protokoll (Sonderprotokoll) der 94. Sitzung des Ausschusses für Verteidigung,” June 1, 1956. For the Barmen Declaration, see “Theological Declaration of Barmen,” in Hockenkos, *A Church Divided*, 179–80.

<sup>86</sup> On this cohort, see Terence Renaud, *New Lefts: The Making of a Radical Tradition* (Princeton, NJ: Princeton University Press, 2021), 173–205.

<sup>87</sup> *Verhandlungen des deutschen Bundestages*, 2. Deutscher Bundestag, 159. Sitzung, 6. Juli 1956, 8838.

<sup>88</sup> *Verhandlungen des deutschen Bundestages*, 2. Deutscher Bundestag, 159. Sitzung, 6. Juli 1956, 8856.

came into effect three weeks later, retained the government's original formulation. According to paragraph 25, only individuals who opposed "any use of weapons between states" could be recognized as conscientious objectors.<sup>89</sup> Protestant reactions were decidedly negative. The Confessing Church journal *Junge Kirche* as well as Ulrich Scheuner decried the law's inconsistencies with the Protestant position.<sup>90</sup> Despite its legislative failure, however, the EKD's parliamentary campaign marked a key shift in the Protestant politics of conscience. While continuing to cite anti-Nazi resistance as a source of moral legitimacy, Protestant church leaders, politicians, and lay intellectuals now rooted their arguments for conscience rights in the Basic Law.

### From Resistance to Rights

Protestant advocacy before the West German Bundestag laid the groundwork for a far more successful legal campaign for conscience rights after the enactment of the conscription law. Conscientious objection remained a limited phenomenon in the first decade of conscription. An average of just four thousand men, less than 1 percent of West German conscripts, applied for conscientious objector status each year between 1957 and 1967. Predominately religious pacifists, 80 percent of the group had their claims recognized by local draft boards.<sup>91</sup> Nevertheless, Protestant jurists played critical roles in appealing negative decisions to local, regional, and federal courts.<sup>92</sup> Between 1956 and landmark decisions of 1960–1961, more than 270 appeals by conscientious objectors reached West Germany's Federal Constitutional Court, relying on a provision in the court's statute that enabled individual citizens to petition the court over violations of basic rights.<sup>93</sup> In petitions to the Federal Constitutional Court, Protestant SPD jurists including Adolf Arndt and Gustav Heinemann, who joined the Social Democrats following the demise of his All-German People's Party, mobilized a Protestant language of conscience toward the expansion of a basic right.<sup>94</sup> The resulting decisions embedded Protestant arguments for freedom of conscience in constitutional law, leading a growing cohort of Protestant intellectuals to identify their church with the origins of West German democracy itself.

The key architect of the legal campaign for conscientious objection was Adolf Arndt, who exemplified the reformist generation that assumed leadership of the SPD in the 1950s. Born to a middle-class family and educated in law during the 1920s, Arndt was forced from his position as a judge with the rise of Nazi dictatorship due to his father's Jewish heritage. He went on to defend trade unionists in court. Long a "believing Protestant," Arndt established a close friendship with a Berlin Confessing Church pastor before his conscription into forced labor during the final year of the war. Arndt's decision to join the SPD in the fall of 1945 reflected the party's opening to the educated bourgeoisie, as well as his identification with its legacy of anti-Nazi opposition. Elected to the Bundestag from Hesse in 1949, Arndt quickly emerged as the SPD's leading jurist.<sup>95</sup> Arndt's postwar writings aimed at a

<sup>89</sup> "Wehrpflichtgesetz vom 21. Juli 1956," *Bundesgesetzblatt*, July 24, 1956, 657 (emphasis added).

<sup>90</sup> "Aus der Evangelischen Kirche in Deutschland," *Junge Kirche* 17, no. 19–20 (1956): 515; EZAB, 2/2577, Scheuner to Kirchenkanzlei der EKD, August 23, 1956.

<sup>91</sup> Bernhard, *Zivildienst zwischen Reform und Revolte*, 50–59.

<sup>92</sup> For a selection of key cases, see Rüdiger Frank, *Wer wird als Kriegsdienstverweigerer anerkannt? Die wichtigsten Entscheidungen im Rechtsverfahren der Bundesrepublik* (Detmold: Verband der Kriegsdienstverweigerer e.V., 1965).

<sup>93</sup> Bundesarchiv (BArch) Freiburg, Bundesministerium der Verteidigung, BW 1/94601, "BVG-Urteil zum Wehrpflichtgesetz erneut verschoben," *Badische Neueste Nachrichten*, October 14, 1960. On the right of individual complaint, see Justin Collings, *Democracy's Guardians: A History of the German Federal Constitutional Court, 1951–2001* (Oxford: Oxford University Press, 2015), xxvi, 49.

<sup>94</sup> BArch Freiburg, BW 1/313599, Arndt to Bundesverfassungsgericht Erster Senat, August 10, 1956; BArch Freiburg, BW 1/94602, Heinemann and Posser to Bundesverfassungsgericht Erster Senat, November 22, 1956.

<sup>95</sup> Dieter Gosewinkel, *Adolf Arndt: Die Wiederbegründung des Rechtsstaats aus dem Geist der Sozialdemokratie (1945–1961)* (Bonn: Dietz, 1991), 53–63, quoted 62, 72–77, 164–67.



theory of law that transcended religious and ideological divides, emphasizing the law's roots in common humanity and struggles for justice that bound together democratic citizens.<sup>96</sup> Nevertheless, Arndt forged active connections to the Protestant Church. He participated in early meetings of EKD and SPD representatives, and cited Protestant theologians to criticize Catholic calls for a return to natural law.<sup>97</sup> His universalism remained compatible with the longstanding pretension of Protestant intellectuals to speak on behalf of the nation as a whole.

Arndt's synthesis of Protestant and Social Democratic legal theories informed his petitions to the Federal Constitutional Court, filed over a period of four years following the start of conscription. Representing five university students who refused military service "only in a divided Germany," one of them Martin Niemöller's son, Arndt drew liberally from both Protestant and Catholic sources in his petitions.<sup>98</sup> Not only did the EKD memorandum recognize selective conscientious objectors, Arndt noted in a petition of March 1957, but the standard work of Catholic moral theology acknowledged the individual's obligation to follow even an "errant conscience."<sup>99</sup> Yet Arndt also rehearsed the confessional polemics advanced in the Protestant campaign. Citing a Catholic CDU parliamentarian, Arndt warned that the Catholic notion of "objectively correct conscience" impermissibly narrowed the Basic Law's right of conscientious objection.<sup>100</sup> Only an expansive recognition of conscientious objectors that encompassed the "much farther reaching doctrine of faith of the Protestant Church" would realize the meaning of the Basic Law.<sup>101</sup> Like Protestant nationalists a half-century earlier, Arndt invoked conscience as a mediating link between the individual and the political community—but rather than an obedient subject, the model citizen became an engaged critic.

Arndt's petitions to the Federal Constitutional Court also reflected the trope of Christian anti-Nazi resistance. Reiterating arguments advanced over the preceding years, Arndt called for a new relation between individual and state on the basis of an anti-Nazi legacy. The Basic Law's right of conscientious objection, he pleaded to the court, was "an answer to the crisis of conscience in the years of National Socialist tyranny and total war." Even if the church could call on its members to "suffer in the fulfillment of its commands," it did not follow that "the state is also authorized to require a believer to incur suffering ... on account of his belief." Arndt conjured an ecumenical history of resistance that went beyond hagiographies of the Confessing Church, citing the suffering of Jehovah's Witnesses as well as Catholic priests who had refused military service. Nevertheless, Arndt's petitions restated the myth of West German democracy's anti-Nazi origins, prominently articulated by his Protestant contemporaries.<sup>102</sup>

The arguments of Arndt and other Protestant jurists resonated with West Germany's federal courts. During their first decade of practice, these courts sought to actualize their newfound power of judicial review over government legislation through an expansive basic rights jurisprudence.<sup>103</sup> In its first decision on conscientious objection, the Federal Administrative Court drew on the writings of Protestant jurists to rule in favor of a twenty-one-year-old locksmith who had belonged to his local Protestant youth association. Declaring himself an absolute objector to military service on the basis of his childhood experience of war, the petitioner had found his claim rejected by his local draft board for lack of

<sup>96</sup> Adolf Arndt, *Rechtsdenken in unserer Zeit. Positivismus und Naturrecht* (Tübingen: Mohr, 1955).

<sup>97</sup> Adolf Arndt, "Die Krise des Rechts," *Die Wandlung* 3 (1948): 428–30; Gosewinkel, *Adolf Arndt*, 293–96.

<sup>98</sup> BArch Freiburg, BW 1/313599, Arndt to Bundesverfassungsgericht Erster Senat, August 10, 1956.

<sup>99</sup> AdsD, Nachlass Adolf Arndt, Box 240, Arndt to Bundesverfassungsgericht Erster Senat, March 11, 1957.

<sup>100</sup> BArch Freiburg, BW 1/49163, Arndt to Bundesverfassungsgericht Erster Senat, March 16, 1959.

<sup>101</sup> Adolf Arndt, "Das Grundrecht der Kriegsdienstverweigerung," *Neue Juristische Wochenschrift* 10, no. 10 (1957): 361–63.

<sup>102</sup> BArch Freiburg, BW 1/49163, Arndt to Bundesverfassungsgericht Erster Senat, December 10, 1957, and Arndt to Bundesverfassungsgericht Erster Senat, March 16, 1959.

<sup>103</sup> Collings, *Democracy's Guardians*, 49–61.

adequate proof. In overturning the draft board's decision, the court followed Ulrich Scheuner to define conscience as "the most inward, and therefore not further justifiable experience" of the individual's "freedom and responsibility." Because they could not require "unfulfillable demands of proof," draft boards could rely only upon the "personal believability of the claimant," favoring individual petitioners in conflicts with the state. The court cited Adolf Arndt to characterize the right of conscientious objection not as a "right of exception" but a "fundamental right" that placed conscientious objection "at least on the same level as the obligation of military service." Finally, by defining conscience in expansive terms, the Federal Administrative Court extended conscientious objector status beyond religious pacifists. Political views, as well as religious or ethical convictions, could give rise to the "emotional considerations" characteristic of a decision of conscience.<sup>104</sup>

The Federal Constitutional Court soon affirmed this position. In December 1960, the court ruled on the contested paragraph 25 of the conscription statute in a case involving a twenty-two-year-old selective objector, who refused "on grounds of conscience to serve in a war with weapons in a divided Germany." Although the Federal Constitutional Court affirmed the conscription law's validity, it also accepted, following the precedent of the Federal Administrative Court, that decisions of conscience could reflect both political and religious views. The conscription statute acknowledged pacifists who "reject war itself in every historical situation." However, the law neglected another category of individuals who opposed all military service: those whose decision of conscience was "driven by experiences or considerations that are valid only for the immediate historical-political situation, without needing to be valid for every time and for every war." On the Federal Constitutional Court's reasoning, individuals who refused to fight in any war under the conditions of a divided Germany were also entitled to recognition as conscientious objectors. An April 1961 ruling addressing the petitions of forty-three conscientious objectors, including those represented by Arndt and Heinemann, upheld this decision. The court echoed Adolf Arndt in its determination to widen the scope of conscientious objector rights: the state's "protection of the free self-determination of the individual" also served as a "community-building value."<sup>105</sup>

### Contesting Democracy

The federal court decisions of 1958–1961 marked the culmination of the Protestant debate about conscientious objection. No prominent voice advocated for the older view equating conscience with military duty. The very success of the legal campaign, however, exposed new fault lines. Protestant SPD politicians, including Adolf Arndt, Fritz Erler, and Gustav Heinemann, spearheaded the Bad Godesberg party program of November 1959, which announced the SPD's abandonment of Marxism and rapprochement with the churches. The Godesberg program's section on law, drafted by Arndt, repeated the language of Protestant petitions for conscientious objectors. The Basic Law's fundamental rights represented not merely individual liberties but rights that "co-found the state and build community."<sup>106</sup> For Protestant SPD reformers, the Federal Constitutional Court rulings on conscientious objection vindicated the legalistic conception of democracy outlined in the Godesberg platform. Although the decisions did not go as far as Protestants would have

<sup>104</sup> "BVerwG, Urteil v. 3.10.1958," *JuristenZeitung* 14, no. 5–6 (1959): 159–62.

<sup>105</sup> "Beschluß vom 20. Dezember 1960," in *Entscheidungen des Bundesverfassungsgerichts*, vol. 12 (Tübingen: Mohr, 1962), 45–61, quoted 54, 60; "Urteil des Ersten Senats vom 18. April 1961," in *Entscheidungen des Bundesverfassungsgerichts*, vol. 12 (Tübingen: Mohr, 1962), 311–18. For the full list of petitions, see BArch Freiburg BW1/94601, Bundesverfassungsgericht Erster Senat to Bundesminister für Verteidigung, April 12, 1960.

<sup>106</sup> "Grundsatzprogramm der Sozialdemokratischen Partei Deutschlands, beschlossen auf dem außerordentlichen Parteitag in Bad Godesberg, 1959," in *Programmatische Dokumente der deutschen Sozialdemokratie*, ed. Dieter Dowe and Kurt Klotzbach (Berlin: JHW Dietz, 1984), 366. On the Godesberg program, see Gosewinkel, *Adolf Arndt*, 542–57, and Renaud, *New Lefts*, 193–202.

liked, Heinemann opined in *Junge Kirche*, they marked a welcome expansion of West Germans' democratic rights.<sup>107</sup>

At the same time that Protestant SPD leaders celebrated the Federal Constitutional Court decisions, more radical Protestant activists insisted that the protection of democracy required citizens' ongoing vigilance. Following the introduction of conscription in 1956, the *Kirchliche Bruderschaften* continued their advocacy against Cold War rearmament with a campaign against the NATO plan to station American nuclear missiles in West Germany. Although Adolf Arndt defended opposition to nuclear weapons as a valid basis for conscientious objection, the failure of the antinuclear campaign, and the SPD's subsequent acceptance of NATO integration, rent a cleft between the two factions.<sup>108</sup> The *Evangelische Arbeitsgemeinschaft zur Betreuung der Kriegsdienstverweigerer* (Protestant Committee for Assistance to Conscientious Objectors, EAK), a division of the EKD's youth commission formed in 1956, emerged as an outpost for pastors disaffected with the Godesberg turn. Going beyond the argument that political conditions could motivate a decision for conscientious objection, EAK pastors enjoined the state to create civilian service opportunities that promoted the aim of world peace.<sup>109</sup> Rather than praising the Federal Constitutional Court's expansion of conscientious objector rights, the left-wing Protestant press attacked the rulings for upholding the general obligation of conscription.<sup>110</sup>

The split in the Protestant conscientious objector movement deepened in the mid-1960s amid the national debate about proposed constitutional amendments authorizing the suspension of basic rights during declared emergencies. First formulated by the CDU in the mid-1950s, emergency laws served as a seismograph for renewed conflict over state power and the Nazi past, as well as a catalyst for the nascent New Left. While contesting the incursions on parliamentary prerogatives in the original draft, the SPD proposed an alternative version of emergency laws that paved the way to the party's entry into a grand coalition government in 1966.<sup>111</sup> The SPD defense of emergency laws was rooted in a narrative of West German democracy that emerged in part through the legal campaign for conscientious objector rights. In the view of Protestant SPD jurists such as Arndt and Heinemann, the development of basic rights jurisprudence had secured the West German state's democratic bona fides. By guaranteeing the institutions of democracy against external attack and internal subversion, emergency laws would safeguard the "value system" of the Federal Republic.<sup>112</sup>

The more radical strain of the Protestant campaign for conscientious objection, in contrast, became the seedbed of opposition against emergency laws, not least because a key provision involved conscription into civilian defense. Viewing emergency laws less as guarantees of democracy than as anti-democratic threats, the opposition movement again looked toward conscience as the ultimate source of resistance against unjust authority. A report of the national-level Association of Conscientious Objectors, led by the Confessing Church pastor Heinz Kloppenburg, warned against granting "a blank check to proclaim

<sup>107</sup> Gustav W. Heinemann, "Der Verfassungsstreit um die Kriegsdienstverweigerung," *Junge Kirche* 22, no. 9 (1961): 553–55.

<sup>108</sup> BArch Freiburg, BW 1/49163, Arndt to Bundesverfassungsgericht Erster Senat, March 16, 1959. On the Protestant debate about nuclear weapons, see Marc Cioc, *Pax Atomica: The Nuclear Defense Debate in West Germany During the Adenauer Era* (New York: Columbia University Press, 1988), 92–115.

<sup>109</sup> Bernhard, *Zivildienst zwischen Reform und Revolte*, 83–84; Martin Schröter, "Ziviler Ersatzdienst als politische Aufgabe," in *Kriegsdienstverweigerung als christliche Entscheidung*, ed. Martin Schröter (Munich: Kaiser, 1965), 64.

<sup>110</sup> Theodor Michaltschegg, "Die Fehlbarkeit einer unfehlbaren Entscheidung," *Stimme der Gemeinde* 13, no. 3 (1961): 81–84.

<sup>111</sup> On the debate about emergency laws, see Biess, *German Angst*, 184–94, and Karrin Hanshew, *Terror and Democracy in West Germany* (Cambridge: Cambridge University Press, 2012), 57–67.

<sup>112</sup> Adolf Arndt, "Demokratie - Wertsystem des Rechts," in Adolf Arndt and Michael Freund, *Notstandsgesetz—aber wie?* (Cologne: Verlag Wissenschaft und Politik, 1962), 7–66. See also Gustav W. Heinemann, "Notstand und Pressefreiheit," in *Unser Grundgesetz ist ein grosses Angebot. Rechtspolitische Schriften*, ed. Jürgen Schmude (Munich: Kaiser, 1989), 130–33.

the total state.” If public opposition failed to prevent the passage of emergency laws, then “resistance against the civilian service law—similar to the right of conscientious objection—will be restricted to a small circle of citizens who are ready, at least for their own person, to bear the consequences of their conscience.”<sup>113</sup> At the 1966 Frankfurt Congress on the Emergency of Democracy, whose board included Helmut Gollwitzer, Heinz Kloppenburg, and Martin Niemöller, participants in a session on “Freedom of Conscience and the Right of Resistance” called for civil disobedience, political strikes, and refusal to participate in civilian defense if the emergency laws were enacted.<sup>114</sup>

Still, the division of the Protestant conscientious objector movement during the 1960s, exemplified in the debate about emergency laws, reflected a larger transformation of Protestant political culture in the early Federal Republic. Protestant nationalists before 1945 widely associated the obligations of conscience with duty to the state. By contrast, pastors and lay intellectuals on both sides of the 1960s debate defended conscientious objection as a basic right and regarded the church as a progenitor of democratic values. Moreover, this shift was facilitated less by a reckoning with Protestant complicity under Nazism than a shared myth of resistance. For the Protestant mainstream of the 1960s, anti-Nazi resistance paved the way toward the institutionalization of Protestant values in the Basic Law. In a 1965 address before SPD jurists, Gustav Heinemann located the theological basis of West Germany’s “democratic *Rechtsstaat*” in a tradition of fundamental rights recovered by the Confessing Church. He echoed the conclusions of a conference on the *Rechtsstaat* organized by Protestant jurists and theologians the year prior.<sup>115</sup> Opponents of emergency laws presented an equally limiting narrative of the Nazi past. At a May 1968 march in Bonn, amid the final parliamentary reading of the legislation, 500 Protestant pastors carried banners comparing the emergency laws to the 1933 Enabling Act and declaring “Never Again—Throne and Altar.”<sup>116</sup> While gesturing toward the Protestant role in establishing dictatorship, these messages neglected the complicity of the churches in the years thereafter, including during the destruction of European Jewry.

The continuities between the Protestant campaign for conscientious objection and the debate about emergency laws disrupt depictions of a sharp break between the restorationist 1950s and revolutionary 1960s. Instead, a shared narrative of anti-Nazi resistance formed the backbone of Protestant politics in the Federal Republic during the entire generation after World War II. As pastors and lay intellectuals cited a legacy of resistance in their activism before West Germany’s democratic institutions, this narrative came to buttress, rather than compromise, their growing identification with West German constitutional democracy. The portrait of the Nazi past constructed by the postwar Protestant Church would take decades to dislodge. Only in the 1980s did the Holocaust assume a prominent status in West German public memory, at the same time that a new generation of scholars challenged the commonplace of Confessing Church resistance.<sup>117</sup>

<sup>113</sup> Heinrich Hannover, “Möglichkeit des Widerstandes,” in *Zum Entwurf eines “Gesetzes über den Zivildienst im Verteidigungsfall” (Zivildienstgesetz)* (Offenbach/Main: Verband der Kriegsdienstverweigerer, 1962).

<sup>114</sup> Helmut Schauer, ed., *Notstand der Demokratie: Referate, Diskussionsbeiträge und Materialien vom Kongreß am 30. Oktober 1966 in Frankfurt am Main* (Frankfurt/Main: Europäische Verlagsanstalt, 1967), 13–14, 177–81.

<sup>115</sup> Gustav W. Heinemann, “Der demokratische Rechtsstaat als theologisches Problem,” in *Der Bürger und das Recht: Dokumentation. Rechtspolitischer Kongress der SPD am 26. und 27. März 1965 in Heidelberg* (Bonn: Vorstand der SPD, 1967), 253–63, esp. 258–59; Ernst Wolf, ed. *Der Rechtsstaat. Angebot und Aufgabe. Eine Anfrage an Theologie und Christenheit heute* (Munich: Kaiser, 1964).

<sup>116</sup> Wolfgang Kraushaar, “Furcht vor einem ‘neuen 33.’ Protest gegen die Notstandsgesetzgebung,” in *Streit um den Staat. Intellektuelle Debatten in der Bundesrepublik 1960–1980*, ed. Dominik Geppert and Jens Hacke (Göttingen: Vandenhoeck & Ruprecht, 2008), 139.

<sup>117</sup> Jacob S. Eder, *Holocaust Angst: The Federal Republic of Germany and American Holocaust Memory since the 1970s* (Oxford: Oxford University Press, 2016). The foundational work in the critical literature on the Confessing Church was Wolfgang Gerlach, *Als die Zeugen schwiegen. Bekennende Kirche und die Juden* (Berlin: Institut für Kirche und Judentum, 1987).

The Protestant campaign for conscientious objection in turn invites historians to disaggregate the multiple meanings of democracy in the early Federal Republic. For all its limitations, the campaign contributed to the consolidation of democracy in important ways. In seeking to expand the political reach of their church and gain credibility for a narrative of anti-Nazi resistance, Protestant church leaders, pastors, and intellectuals shifted the logic of conscience from one of obedience to one of critical citizenship. Advocacy for conscientious objectors led longstanding conservative nationalists to frame their political interventions in the language of democratic values, forging alliances with the Social Democratic Party and Federal Constitutional Court. Yet an ideology of democracy based on individual rights conflicted with one centered on vigilant oversight of state power; neither required foregrounding the memory of Nazi atrocities. The institutional democratization toward which Protestants fundamentally contributed did not require a democratization of memory, which continued to lag decades behind.

**Acknowledgments.** Earlier versions of this article were presented at the German Studies Association, the Center for European Studies at Harvard University, and the German Studies Seminar at the Newberry Library. For their questions and feedback, I would like to thank especially Doris Bergen, Jeremy Best, Benjamin Goossen, Peter Gordon, Mark Ruff, Amy Rutenberg, Liat Spiro, and Stefanie Woodard, as well as Monica Black and the anonymous reviewers for *Central European History*. Research for the article was supported by the Berlin Program for Advanced German and European Studies at the Free University of Berlin.

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**Cite this article:** Bloch B, Democratic Illusions: The Protestant Campaign for Conscientious Objection in the Early Federal Republic of Germany. *Central European History* (March 2023): 56, 71–91. <https://doi.org/10.1017/S0008938922000309>