

EXPLAINING THE ACCOMMODATION OF RELIGIOUS DIVERSITY IN THE MILITARY: THE US AND GERMANY COMPARED

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Abstract

As an organization that attaches great importance to uniformity, the military services in many Western countries are confronted with an increasing diversity of their personnel. Investigating on the accommodation of religious minorities, this essay discusses which theories account best for differences in the attribution of religious rights in the military services of Germany and the US. Theories discussed relate to organization-specific opportunity structures, minority mobilization, and country-specific opportunity structures such as citizenship regimes and models of state-church relationship. It can be concluded that even though organization-specific opportunity structures explain some of the similarities between the two cases, differences between minorities within one country as well as across countries suggest that the three theoretical approaches are complementary rather than mutually exclusive.

Over the past decades Western societies have increasingly committed themselves to recognize the diversity of their populations and this development has not bypassed the military. However, compared to other state institutions such as schools the military still attaches great importance to uniformity. Compliance with a uniformly prescribed way of doing things is considered one of the keys to military readiness. The entry of ethnic and racial minorities, women and - at least in most European countries - homosexuals, has led to numerous discussions about how the diversity of the soldiers might affect unit cohesion, how unit cohesion is produced and whether it is a necessary condition for military success (Biehl, 2010, King, 2007, Kirke, 2009, Siebold, 2007). Yet, even though the military as an organization experiences the increasing diversity of its personnel as a challenge (Soeters and van der Meulen, 2007), many new recruits still expect the military's strong focus on uniformity to guarantee them equal treatment despite any differences. This seems to be particularly true for ethnic and racial minorities. Religious minorities, however, who might also strive for equal treatment - understood as rights to practice one's religion that are similar to those of religious majorities - might *de facto* request specific accommodation. What is the substance of these requests for accommodation and how does the military react to them? And how can we explain differences and similarities observed in the German and the U.S. military?

ACCOMMODATING RELIGIOUS MINORITIES IN THE MILITARY¹

Depending on how religious rights are defined, the list of requests for religious accommodation in the military can, at least theoretically, be endless. However, a few requests are more central or more frequent than others: 1) the right to send chaplains to the military and 2) others religious rights which comprise: religious dietary rules, religious apparel, and time off (e.g. on Sabbath or religious holidays). Chaplains are central figures for the accommodation of religion and the presence of a chaplain of one's own denomination in the military also means that there is an official representative who is likely to defend the religious community's interests. Dietary rules, religious apparel and time off, on the other hand, are central requests that are frequently brought up not only in the military but also in other state institutions. Additional requests that pertain mainly to the military such as religious signs on headstones and soldiers' identifiers or special regulations for medical care are less frequent. In the following, it will become clear that the German and the U.S. military pursue different strategies of religious accommodation.

Even though there are no precise numbers on the religious groups represented in the German military, it can be assumed that Protestants (as regrouped in the Protestant Church of Germany) and Roman Catholics are the biggest denominations, followed by those who belong to no church or are atheists. Estimates for Jews in the German *Bundeswehr* range from 20 to 150 soldiers while the number of Muslims in the German military approaches 2000. This number is expected to increase in the course of the next decade because of recent changes in the German citizenship law. In preparation to that change, the German military has started to discuss the accommodation of new religious groups.

Currently, however, the German military chaplaincy is exclusively in the hands of the two Christian churches that, back in 1956, have signed contracts with the German state. Among other things, these contracts regulate that the Protestant and the Catholic Church provide chaplains for the German military and that not the military but the churches organize the 'recruitment' of military chaplains. These chaplains join the military for a period of usually six years. Contrary to the US, military chaplains in Germany do not have a military rank and do not report to a military official. During their time of service, chaplains offer

¹ I am greatly indebted to Chaplain Dr. Charlotte Hunter of the Defense Equal Opportunity Management Institute (DEOMI) in Florida for information on the US-military chaplaincy and lively discussions on religious accommodation.

spiritual care to soldiers from their own denominations and to any soldier in need of it, thereby implementing article 36 of the 1956 soldier law (*Soldatengesetz*) that stipulates: “the soldier has a right to spiritual care and to the free exercise of religion.” The article also adds that “participation in religious services is facultative.” This article implies that the point of departure for all regulations within the military is the right to the free exercise of religion. Hence, all regulations that cut down on these rights must be backed up by a specific law.

What do this historically formed organization of the military chaplaincy and the legal basis for the accommodation of religion in the German military imply for religious minorities? First of all it means that, other than in France where the military has recently employed over a dozen Muslim chaplains, the military chaplaincy in the German *Bundeswehr* remains the privilege of the two big Christian churches in Germany even though, at least in principle, the military chaplaincy is open to other religious communities. Many experts argue (Dörfler-Dierken, 2008: 91, ZINF, 2007: 19) that what is preventing Muslims in Germany from sending chaplains to the German military (a claim that has been made by the Central Council of Muslims) is the lacking juridical status of a ‘corporation under public law’. Even though the Jewish Community in Germany has such a status of a corporation under public law, the number of Jewish soldiers in the *Bundeswehr* is so low that the Jewish community itself does not claim Jewish military chaplains. This means that under the current situation, Jews and Muslims for whom article 36 of the soldier act foresees the same right to spiritual care as is granted to any other soldier have to rely on the services of the Christian chaplains.

Next to the right to spiritual care, soldiers in the German military are also granted additional religious rights. These rights are not explicitly laid down in the soldier law, leaving open many questions when it comes to the non-Christian members of the German military. This is why the Academy for Military Readiness (*Zentrum für Innere Führung, ZINF*) published a guideline on the accommodation of Muslim soldiers (ZINF, 2007). The guideline stresses that the German military, though not able to provide for meals respecting strict religious dietary rules (e.g., kosher), proposes meals without pork if not on a mission. With regard to the Muslim fasting month of Ramadan the guidelines note that Islam allows for exceptions for those who face important physical strains and underline a soldier’s obligation to stay healthy and accomplish his or her mission. However, commanding officers are asked to grant time off during religious holidays and to make a prayer room available. Contrary to the regulations in the US, the German guidelines make no exceptions from the uniform dress code when it comes to religious apparel.

Statistics for the U.S. military from March 2009 show that there were soldiers from over 90 different religious communities in the US military, some with only one follower such as the *Tioga River Christian Conference*, others, such as the Roman Catholic Church representing roughly 20% of the active personnel. Muslims and Jews are small groups who only represent 0.3% of the active personnel each and are thus smaller than the Buddhists (0.4%).

The fascinating thing about the U.S. is that sending a chaplain to the military is not a question of group size. While in Germany, as a rough rule of thumb, a military chaplain from a certain denomination is sent to a garrison with at least 1,500 service members of that denomination, the U.S. military chaplaincy is organized along totally different principles. It is not decisive either whether a faith group has managed to obtain a certain juridical status from the state. The only requirement religious communities who want to send chaplains to the military have to meet is to have the status of a charitable organization that is exempted from federal income tax by the Internal Revenue Service (IRS). Religious communities that have received the tax-exempt-status can then apply for becoming an endorsing agency to the US Department of Defense. The current list of endorsing agencies that is published by the Department of Defense encompasses some 90 different religious communities. If a person who belongs to one of these religious communities wishes to become a chaplain in the US military, the Ministry of Defense requires an endorsement from the respective endorsing agency which includes an evaluation of the candidate's religious, moral, intellectual and emotional capacity. The military itself only checks whether the candidate fulfills some formal military requirements and holds the equivalent of a Master's degree in divinity studies. The military's capacity to cancel out fundamentalists is limited in the sense that except for the background check and the support from the religious community, it can only ask the candidate to cooperate with other religions.

Even though fundamentalist Evangelicals are said to provide an important share of all chaplains in the U.S. military, there are also chaplains from religious minorities such as small protestant churches, Jews, Christian Scientists, Mormons or Buddhists as well as a dozen Muslim chaplains. Nonetheless, among the 90 endorsing agencies registered with the Department of Defense, some have not managed to send chaplains to the military. In fact, this can be a challenge for some of the small religious communities whose members have only recently immigrated to the US and whose priests have not run through a formal and recognized study program (e.g. the Hindu *Chinmaya Mission*). All in all, the US military chaplaincy is based on the principle of concurrence: thus, faith groups that manage to

motivate many of their members to join the military as chaplains will have more chaplains than faith groups that only motivate few of their members.

One important principle for the attribution of religious rights in the US military is that these rights are not only defined by official religious doctrines but also by the individual interpretations of such doctrines. Thus, at least theoretically, one could imagine as many varieties of faith in the US military as there are service members. This is why a standardized treatment of religious requests is quasi impossible. Yet, a US directive from 1988 has tempted to provide some guidelines for the accommodation of religious practices within the military services. Just like the German guidelines, the aim of this US directive is to weigh military necessities such as military readiness, unit cohesion or discipline against the granting of religious rights. The US directive stipulates that “worship services, holy days, and Sabbath observances should be accommodated, except when precluded by military necessity“. It also prescribes the provision of separate rations according to religious beliefs. Meals ready-to-eat as served during missions are available in kosher or halal form. Religious items or articles that are not visible or otherwise apparent may be worn with the uniform while religious apparel that is visible may only be worn with the uniform if it is neat and conservative and if its wearing does not interfere with the performance of military duties. Denials of requests for religious accommodation are subject to review at the service headquarters, i.e. at a high level of the military hierarchy. However, if requests for religious accommodation are not in the best interest of the unit and continue to produce tensions, administrative actions can be considered including assignment, reassignment, reclassification, or separation. This clause clearly shows that, although the US military follows the principle of religious accommodation to a larger extend than the German military does, accommodation is not without limits.

EXPLAINING DIFFERENCES AND SIMILARITIES

The comparison of the accommodation of religious diversity in the German and the US military has shown striking differences but also a few similarities. How can these be explained? Based on theoretical approaches that are frequently used to explain the accommodation of religious minorities (Chaves and Cann, 1992, Fetzer and Soper, 2005, Koenig, 2005, Koopmans et al., 2005, Tatari, 2009), three assumptions can be made:

1. If the institution-specific opportunity structure of the military is decisive, we expect the accommodation of religious minorities to differ across institutions (e.g. schools

and military) while there should be cross-national similarities in the ways military services deal with requests for religious accommodation of minorities.

2. If the migrants' mobilization of resources is decisive for the attribution of religious rights, we should not find any national consistency in the attribution of religious rights to minorities but rather diverse forms of accommodation as a result of the minorities' different capacity (or willingness) to mobilize resources.
3. If country-specific differences are decisive for the accommodation of religious minorities, there should be country-specific patterns of accommodation: countries with multicultural citizenship regimes can be expected to apply the principle of recognition and non-discrimination to all minorities and therefore to grant more rights to religious minorities than countries with citizenship regimes that favor cultural monism. Countries with a strict separation of state and church can be expected not to intervene in the rights of religious minorities and, contrary to countries with a (partial) establishment of churches, not to reserve any privileges for established churches.

How do these theories relate to our results? Even though the comparison of only two cases does not allow for any definite conclusions, the cases discussed here suggest that the three theoretical approaches are rather complementary than mutually exclusive. It could be shown that the German and the U.S. military reserve the right not to accommodate religious requests if these have a negative impact on military readiness. Thus the special task that the military fulfills as an organization plays a role for the accommodation of religion. In addition, it is generally assumed that due to self-selection there are significantly fewer religious minorities in the military than in schools because religious minorities who join the military usually expect that they will have to compromise on their religious practices. Hence, there seem to be institution-specific opportunity structures that come into play for the accommodation of religious minorities.

Second, even a quick comparison suggests that there are minority-specific forms of accommodation. In the U.S. context these differences may relate to different capacities to mobilize the members of one's faith group to join the military as a chaplain while in the German context the potential for mobilization and group coordination is needed earlier in the process, namely when it comes to obtaining the status of a corporation under public law. In addition the example of the Jewish community in Germany that has understandably reservations of joining the German military and asking for the institution of a Jewish military

chaplaincy shows that not only ability but also the willingness to mobilize may account for differences.

Finally, the comparison suggests that country-specific opportunity structures, especially the respective state-church relationship, have implications for the organization of the military chaplaincy in the two countries. The non-regulation of religion seems to lead to greater religious diversity and to greater accommodation of religious minorities than a state-church model that is (partially) based on the recognition of religious groups through the state. Partial establishment of one or more churches apparently makes access to religious rights more difficult for newcomers.

Future research on this topic should include more countries and systematize the comparison with other state institutions as well as among minorities. This could for example allow to discuss possible trade-offs between the accommodation of different minority groups since the analysis of the accommodation of religious minorities alone does not allow for a final evaluation of how a country deals with diversity. It might well be that the price to be paid for the generous accommodation of religious minorities in a society that is relatively open to religion is the discrimination of other groups that do not correspond to the moral values propagated by many religious groups.

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