

# German court tramples on freedom of conscience to protect military advertising

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Since August 2024, a tram covered from front to back in a camouflage pattern and advertising the Bundeswehr, Germany's armed forces, has been operating in Munich. Since early 2025, several tram drivers have refused to drive the so-called "Bundeswehr tram." One of them defended his refusal in court. However, on May 20, 2026, the Munich Labour Court ruled against him, holding that the employer's "constitutionally protected business freedom," in this case that of the Munich Transit Company, MVG, outweighed the infringement of the driver's freedom of conscience.

The judgement tramples on the German constitution, which in Article 4, paragraph 1 expressly guarantees "freedom of faith and of conscience" as "inviolable." Shortly after the "Bundeswehr tram" began operating in the Bavarian capital, three MVG tram drivers declared in writing that they were not willing to drive it through Munich advertising a "career with the Bundeswehr." In a petition launched on change.org, which has so far received well over 5,000 signatures, they explained:

Even the slogan of the advertisement, "Mach, was wirklich zählt" ["Do what really counts"], is demeaning to us. What we do, namely driving trams, therefore does not count, or not really? This applies not only to us, but to all working people. We cannot seriously be expected to drive this insult to all working people through the streets as well. Moreover, many of us are pacifists and cannot reconcile it with our conscience to advertise training people to kill.

Although the three Munich drivers had submitted their written refusal to MVG headquarters, the tram was assigned to one of them on May 30, 2025. Michael Niebler, a pacifist and well-known conscientious objector, arranged with the control center to exchange the Bundeswehr tram for a replacement. MVG promptly issued him a written warning, claiming that he had unjustifiably invoked an exceptional arrangement. He challenged the warning before the Munich Labour Court.

"Driving an advert for the Bundeswehr through Munich is quite clearly war service," Niebler told Labournet.tv. "I don't

want to advertise for an organisation, namely an army, that is sooner or later involved in killing people. (...) The soldier's profession is sold as a perfectly normal occupation, as if soldiering, killing people, were a perfectly normal job. That's simply not true. Then there's the recruiting of minors – Bundeswehr officers go into school classes and recruit for the Bundeswehr there – something that is heading in the direction of militarisation." According to Niebler, one in every 13 recruits is a minor.

His case came before the Munich Labour Court a year later, on May 20, 2026. The written warning was quickly resolved through a partial settlement. MVG was unable to prove its allegations and withdrew the warning. However, it had already filed a counterclaim, arguing that ensuring a particular tram driver was not assigned to the "Bundeswehr tram" would require "disproportionate additional effort."

After a brief recess, the court delivered its ruling granting MVG's counterclaim. A press release issued on May 21, 2026, stated that MVG, in exercising its right as an employer to issue instructions, had to "weigh the plaintiff tram driver's conflicts of conscience against its own interests. In doing so, it must be considered that driving a tram advertising the Bundeswehr only tangentially infringed the constitutionally protected area of freedom of conscience. Furthermore, it was significant that this restriction of the driver's freedom of conscience had occurred only once so far and, due to the large number of trams and tram drivers in Munich, was likely to occur only extremely rarely in the future."

For this reason, the judges said, they gave greater weight in this case to the company's constitutionally guaranteed fundamental rights than to those of the plaintiff.

These arguments are misleading and dangerous. A fundamental right must not be "weighed" against the business interests of MVG, a privatised company that is 100 percent owned by the city of Munich. Fundamental rights are inviolable, regardless of whether a violation occurs only rarely or whether the constitutional right is only "tangentially infringed." Moreover, the court's suggestion that the infringement was "reasonable" because avoiding it would involve additional organisational effort cannot justify an attack on democratic fundamental rights.

Niebler's lawyer, Gabriele Heinecke, stated in her own legal submission, "The essence of fundamental rights is protection from the state, not protection of the state from its citizens." MVG, "an institution that is one hundred percent state-owned, albeit in the guise of private law," as Heinecke put it, cannot invoke the protection of the constitution. The lawyer announced that she would await the written judgment and lodge an appeal. "This case is of fundamental significance," she told *Die Welt*.

However, another argument that MVG successfully advanced was also significant: it claimed that otherwise it would "have to ensure practically every day that the plaintiff is not assigned to the Bundeswehr tram." Heinecke rejected this, saying it was not supported by any facts: "These are assertions with a strong slant in favour of MVG and are solely a gut feeling, mixed with notions of 'what would happen next' and 'anyone could come along.'"

In reality, this argument reflects MVG's main concern. Niebler is by no means the only one who has spoken out against driving the "Bundeswehr tram." Several other tram drivers co-signed his initial submission. The ruling must be seen in a broader context. Opposition to war advertising is spreading and could quickly become a serious factor. A judgment in Niebler's favour would therefore have set a precedent for future opposition to war and militarisation, affecting not only other MVG workers but also workers in other cities and sectors.

The suspension of the right to freedom of conscience for Munich tram drivers must be understood against this background. A fundamental right is being pushed aside, not simply to save MVG "disproportionate additional effort," but as part of a broader move toward criminalising opposition to war.

Germany is de facto at war with nuclear-armed Russia, and the government is pursuing the largest rearmament programme since Hitler. While Chancellor Merz is building up the Bundeswehr into the "strongest army in Europe" and preparing society to be "fit for war," targets deep inside Russia are being attacked with German weapons, guided by German logistics and strategic planning through the pro-Western government in Ukraine. For a third time, the German ruling class is attempting to bring Eastern Europe and Russia under its control.

This is also the purpose of the Bundeswehr's large-scale advertising campaign, which is omnipresent: in every Deutsche Bahn railway station, at bus and tram stops, on advertising billboards and even on public vehicles. The campaign is not only intended to supply the Bundeswehr with "cannon fodder" as conscription is gradually reintroduced. The whole of society is to be accustomed once again to the normality of war.

Since 2022, financing for massive war preparations has risen from an additional €100 billion "special fund" to ten times that amount last year. At the beginning of 2025, the governing coalition of Christian Democrats (CDU/CSU) and Social Democrats (SPD) suspended the debt brake to push through

an armaments and war infrastructure package totalling one trillion euros. These sums are being raised through cuts to wages and social provisions, including education, healthcare, care services and pensions.

Such a pro-war policy at the expense of working people cannot be imposed without massive opposition, and the ruling class is well aware of this. Resistance is already emerging: dockworkers are striking, steelworkers are protesting, hospital staff and bus drivers are taking to the streets, care workers demonstrate with placards reading "500 billion euros for us instead of for armaments." The protests against the genocide in Gaza have mobilised hundreds of thousands.

This is why the far-right Alternative for Germany (AfD) is being brought into position, while the establishment parties are already implementing its policies. Police powers are being extended, universities made to toe the official line and anti-war opposition criminalised. All the parties in parliament, including Die Linke (Left Party), already support the censorship and legal persecution of the Gaza protests.

The trade unions, too, play a key role in implementing the war plans. While activists demonstrate in Munich with Verdi flags, the service sector union has not lifted a finger to make Niebler's case known throughout Germany and internationally, or to mobilise support for him. The Verdi leadership maintains the best possible relations with the Bundeswehr. It participates in the government's "Concerted Action" and in delegations to Israel, and, together with the other mainstream unions, is committed to the switch to war production.

For this reason, it is important to build independent rank-and-file action committees in every workplace. The WSWs and the International Workers Alliance of Rank-and-File Committees (IWA-RFC) call on all drivers and MVG employees, as well as all workers, to join the action committees and become active themselves. Their allies are neither the trade union leaders of Verdi and the other unions, nor bourgeois politicians, judges and representatives of the capitalist state. Their allies are bus, tram and light rail drivers throughout the country and internationally, as well as workers in every sector. They confront the same problems as the Munich tram drivers.

Only through the organised strength of the international working class can democratic rights be defended, and war prevented and stopped.



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