German government moves to ban neo-Nazi party

What are the consequences of banning the NPD?

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On Wednesday, November 8 the German federal government passed a resolution calling on the nation's supreme court to ban the extreme right-wing National Democratic Party of Germany (NPD). On Friday, the *Bundesrat* (the upper chamber of parliament) was scheduled to vote on its own bill to ban the NPD, and the issue will be debated in the *Bundestag* (lower chamber) around the middle of the month. The Federal Constitutional Court, Germany's supreme court, must then decide on the submitted petitions. The proceedings may take years.

The original initiative for banning the NPD came from Bavaria's interior minister, Günther Beckstein, a member of the conservative CSU (Christian Social Union, the Bavarian counterpart of the Christian Democratic Union) and Lower Saxony's premier Sigmar Gabriel of the SPD (Social Democrats). As late as early August, the federal government and most state governments still opposed the initiative. The tide has since turned and now support for banning the NPD has come from all of the parties represented in parliament. Only the premiers of Hesse, Roland Koch, and Saarland, Peter Müller (both CDU members), sectors of the liberal FDP (Free Democratic Party) and some Green Party members are still against it.

Chancellor Schröder played the key role in shifting the federal government to support the ban. Following his intervention Interior Minister Otto Schily expedited the procedure to ban the NDP. Politicians and parties have discovered the publicity value of this issue and are now vying with each other to show who is toughest on right-wing extremism. Fundamental issues and democratic objections are being left on the sidelines. The debate is centred on purely tactical considerations and expediency. Summing up the motivation for this shift of opinion, the influential daily *Süddeutsche Zeitung* wrote: “There is no way we can get around it. The formula that is now also supported by those who formerly voiced doubts is: legally [the ban is] justifiable, but politically [it is absolutely] imperative.”

The main reason for the initial doubts was that the application might not stand up in court, thus strengthening the NPD rather than weakening it. There were also fears that banning the NPD might strengthen the other two extreme right-wing parties, the Republicans and the DVU (German People's Union). The more important question, namely whether such a fundamental encroachment of democracy as a state-initiated prohibition of a party would strengthen the political right wing rather than weaken it, was not even posed, let alone discussed.

And yet the very fact that the initiative for banning the NPD came from Günther Beckstein, a state interior minister who is notorious for his brutal handling of foreigners, should have been enough to cause misgivings. In a resolution passed on October 26, the state interior ministers justified the application for banning the NPD by stating, among other things, that the NPD “pursues xenophobic goals” and promotes “an atmosphere” that encourages right-wing extremists to commit acts of violence. If one were to apply the same criteria to the immigration policies of the interior ministers, then they too would have to be included in the ban. It is sufficient to recall Beckstein's public remark that Germany needs to differentiate between “foreigners who are useful to us” and “foreigners who use us”.

Hesse's Premier Koch justifies his rejection of the ban by claiming that there are other ways of keeping the NPD suppressed, citing as an example his own notorious campaign against dual citizenship. So, while Beckstein wants to hold his right-wing competitors at bay with the aid of the state apparatus—a traditional approach in Bavaria since the dismantling of the *Bayernpartei* (a Bavarian nationalist party that was driven out of politics by the conservative CSU)—Koch pursues the same goal by adopting the political slogans of the extreme right wing. The difference between the two approaches is purely tactical.

The banning of political parties by the capitalist state, even extreme right-wing parties, constitutes a fundamental infringement on democratic rights. The Constitutional Court, whose judges are not elected and thus lack the slightest democratic legitimacy, simply usurp the population's right to decide which parties they have access to and which they don't.

The fact that Article 21/2 of the German Constitution empowers the Constitutional Court to ban parties is, in itself, a clear indication of how deeply the political elite fears and distrusts the population, and what a long history this fear and distrust has. Article 20, paragraph 2 of the Constitution states: “All executive power emanates from the people.” But in the very next Article, this principle is abrogated and the decision as to which parties are allowed and which are not is entrusted to an unelected body.

Even the liberal constitutional law expert Ingo von Münch writes in his commentary on the German Constitution: “The banning of a party is alien to the system of a free democracy. Judging the value or lack of value of political parties should be left up to the political decision of the electorate, and not to the judicial decision of a court.”

To this very day the political elite of this country have not even managed to submit the Constitution—the significance of which they constantly invoke—to the population for approval by popular vote.

As a rule, the Constitution's provision for banning parties is justified with the concept of “vigilant democracy”, meaning that never again should democracy stand by defenceless as it is destroyed by its enemies, as in Germany in the early 1930s.

Quite apart from the fact that the theory that a more resolute stance by the Weimar Republic would have prevented Hitler from coming to power is, to say the least, historically dubious, it should be clear that the practical application of the constitutional power to ban parties is profoundly undemocratic.

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Leaving aside the banning of the small extreme right-wing Socialist Reich Party (SRP) in the early 1950s, which was essentially a trial run for banning the Communist Party, the prohibition of the Communist Party of Germany (KPD) in 1956 has so far been the only precedent in the Federal Republic of Germany. Even though the KPD was not using illegal methods at the time and no proof of it committing politically motivated acts of violence could be substantiated, the West German government under Konrad Adenauer pushed through the ban and thus the dissolution of the party.

The banning of the KPD was aimed at suppressing a movement by the working class against German capitalism. Although the KPD, under the influence of Stalinism, had long since given up any revolutionary orientation, many workers hoped that, with the aid of the party, they could achieve their demand for socialisation of key industries, such as mining and steel. The KPD ban was the beginning of a state witch-hunt against socialists, which included a wave of dismissals and the setting up of a blacklist to bar left-wing professionals from the civil service, that helped secure the political control of the SPD over the labour movement.

As opposed to the KPD, the NPD is an extreme right-wing party that is regarded by the population as being all but synonymous with neo-fascism and right-wing violence. Although it is the smallest of the three right-wing extremist parties in Germany, with fewer members than the Republicans (Reps) and the German People's Union (DVU), it is also the oldest. Established in 1964 as an amalgamation of numerous right-wing mini-parties and associations, it was represented in seven state assemblies in the mid-1960s and received nearly 10 percent of the vote in the 1968 state elections in Baden-Württemberg. But as the old Nazis died out and with the anti-fascist campaigns of the student protest movement in the late 1960s and early 1970s, the NPD almost entirely lost its political influence.

Only after the reunification of Germany did the NPD re-emerge, establishing strong local branches mainly in the east of Germany. To do this, the NPD made a point of exploiting the high level of unemployment and channelling social discontent into racism. Since the mid-1990s it has gathered in its midst and on its periphery neo-Nazi thugs and skinheads who have carried out brutal and murderous attacks against immigrants. There is much evidence indicating that the NPD functions as a political cover for violent rightists, providing them with funds and logistical support.

But despite the fact that it is, for the moment, directed against the extreme right wing, an NPD ban would also set the precedent for restricting the political rights of the population and strengthening state authority and control. In the future such bans will be used to criminalise and suppress any opposition to the existing social and political conditions.

This trajectory has already become clearly evident in the course of the current debate. The speaker of Saxony's state assembly, Erich Iltgen (CDU), expressed his doubts about the effectiveness of an NPD ban to the ddp press agency, saying that the goal of the federal authorities should be to “proscribe both left-wing and right-wing extremism”. According to Iltgen, the current ban petition was not sweeping enough.

It is a basic lesson of history that any restriction of democratic rights ultimately strengthens the right-wing and conservative elements of society and weakens the workers movement.

Heribert Prantl of the *Süddeutsche Zeitung* writes, “If it were only a matter of Nazi ideology, German democracy would have to put up with the NPD. An argumentative democracy uses arguments as long as it can, not bans.” And yet Prantl is vehemently in favour of banning the NPD. He justifies this by stating that what is involved in this case is the protection of people who are beaten, hounded and killed by right-wing extremists. “The NPD must be banned to protect victims from thugs, not to protect democracy from crackpots.”

This argument doesn't hold water. For one thing, the dividing line between opinion and violence is by no means as clear-cut as Prantl would have us believe. This was amply shown by the legal disputes over whether sit-in blockades in front of nuclear power plants or missile bases were peaceful demonstrations or instances of coercion.

The German Criminal Code is quite sufficient to prosecute illegal acts of violence and physical attacks on people; banning a party is not required for this. But if a party is made liable as a whole for acts of violence committed by individual members or local branches, then this throws the door wide open for provocations and manipulation. Even in the case of the NPD, it was proved in several instances that undercover agents of the *Verfassungsschutz*, Germany's domestic intelligence service, had incited NPD members to commit such acts. These methods of provocation have been used against left-wing organisations for decades as well.

Also, there is not the slightest indication that a ban of the NPD will result in a decline of right-wing violence. Anyone who makes an effort to examine the issue more closely will discover that, in its current form, the NPD itself is the result of previous bans on organisations. In addition to the German Alternative (DA), the Viking Youth and the Free German Workers Party (FAP), no fewer than 13 extreme right-wing organisations (none of which, however, had party status) have been banned by the federal interior minister or individual state interior ministers since 1992. To a large extent, the NPD has accumulated the members of these prohibited organisations.

So the fact that the NPD has become a rallying point for violent right-wing extremists does not substantiate the necessity of banning it, but rather proves the uselessness of such a ban. This will neither intimidate the neo-Nazi thugs nor cause them to disappear. They will merely find a new political haven.

Another argument used to justify banning the NPD is that it would prevent it from getting any more money from state sources. No small amount of money is involved here. In 1998, the NPD received 587,000 marks in subsidies from the state funding system for political parties. One year later, the amount had already leaped to 1.16 million marks, despite the fact that only 0.1 percent of the electorate had voted for the NPD in the national parliamentary elections. So, while the voters had clearly rejected the NPD, the amount of subsidies it received was twice as high.

This absurd situation has its origins in the peculiarities of the German funding system for political parties. The deeper the chasm between parties and the population, the more generously the parties are financed by the state. As a result of numerous affairs and scandals, the legal requirements for the funding of parties have been changed time and time again and have assumed increasingly grotesque forms. In addition to generous payments to parliament members and factions, huge amounts of money for foundations affiliated to the parties and election expenditure subsidies based on the number of votes, the parties have also been receiving subsidies on top of donations for some time. Up to a certain maximum amount, the state adds 0.50 marks to every 1 mark received as a donation. This enabled the three extreme right-wing parties—NPD, Reps and DVU—to pocket a total of 10 million marks in state subsidies in 1998 alone, with the NPD getting the smallest amount of the three.

To claim that a ban could stop this insane financing of right-wing parties is to turn the truth upside down. Instead of banning parties to stop them being subsidised by the state, the continuously increased state subsidising of parties should be abolished. But that is the one thing the governing parties do not want to do, because it would make it even more obvious how little support they themselves enjoy amongst the population.

In summary, it is clear that banning the NPD is completely useless as a means of combating right-wing violence. Instead, it creates a dangerous precedent for the suppression of democratic rights. The growing influence of the extreme right wing and its aggressive stance have two sources: the continuing intensification of the crisis of society and the lack of a viable perspective for the future that provides a serious response to the huge social problems. It is precisely because all of the democratic parties are

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towing the same line in all essential political issues and have completely subordinated themselves to the interests of a rich elite that the extreme right wing is able to channel growing social discontent down a racist path.

The most important step towards combating the NPD and all other extreme right-wing organisations is to build a new workers party that gives priority to the interests of the broadest layers of the population, instead of the rich and influential, i.e., one that is based on a socialist perspective. It is precisely this perspective that is opposed by all those pushing for a ban of the NPD.

In conclusion, it is worth noting that the self-proclaimed crusaders for democracy and freedom in the CDU/CSU are at this very moment placing a sharp reduction in immigration at the centre of their platforms for the next national elections, as well as a demand that every foreigner who dares to settle in Germany must accept a “German guideline culture”. There is much that indicates that banning the NPD will above all serve to create more space at the right-wing outer limits of the political spectrum, because sectors of the CDU and the CSU wish to establish themselves there.

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