

# Germany: Christian Democratic leader seeks ban on political activity by asylum-seekers

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At the end of February, the xenophobic campaign being waged by Germany's Christian Democrats reached a new high point. As news reports surfaced that right-wing extremist violence had almost doubled over the past year, Friedrich Merz, leader of the Christian Democratic Union/Christian Social Union (CDU/CSU) parliamentary group in the Bundestag, called for a ban on political activity by asylum-seekers. Throughout the entire period of their asylum proceedings in Germany, which often drags on over several years, asylum-seekers would be denied the fundamental right to freely express opinions and political criticism.

Merz justified his call to muzzle asylum-seekers in a discussion with the DPA press agency. He said it was an effective measure to reduce the number of asylum-seekers. The right to asylum could be further limited, even if the individual right to asylum could not be completely abolished and struck from the constitution, as the CSU recently proposed in its policy paper on immigration.

Merz said: "I think we could leave it in the Constitution for the time being, if we include a prohibition on political activity during asylum proceedings in the asylum law. Thus one could possibly exclude a series of grounds for asylum."

Merz's logic is fascinating. By prohibiting political activity, including a ban on criticism of the asylum-seeker's native government, the political persecution of the asylum-seeker by his home country could be averted, thus eliminating the basis for the asylum claim in the first place.

Merz is the sort of conservative politician who combines right-wing, racist convictions and utter ignorance of democratic rights with a good deal of provincial narrow-mindedness and stupidity. He does seem to realise that his own suggestion undermines the

standard xenophobic propaganda. In the past, it was stressed that asylum-seekers were predominantly people who did not face political persecution, and had left their homeland only for economic reasons. Therefore, the argument went, they had no legitimate claim to political asylum.

Now Merz says that permitting asylum-seekers in Germany to protest against the policies of their homeland creates grounds for asylum. But what does this say about their mother country? How can one then say that fleeing from such a state is an "abuse" of the right to asylum? Or conversely: If their homeland were democratic, how could criticism of the regime justify a claim for asylum?

What would Thomas Mann, Kurt Tucholsky, Bertolt Brecht or any of the other refugees from Nazi Germany have said if a Merz had forbidden them from openly opposing the fascist dictatorship in their writings in their country of exile?

At that time, as today, pursuing exile politics abroad was often seen as the only means for doing something effective against dictatorial or authoritarian regimes. Not in vain, for instance, have Turkey and Iran sought to persecute opposition groups that are active in Germany.

In order to deter foreigners, Merz and his supporters do not shrink from placing themselves squarely on the side of such dictatorial regimes, and of adopting their arguments. First they claim there is no political persecution or oppression, then they forbid political opposition to the policies of the regimes in question.

Asylum-seekers and their families have for several years received only very limited social benefits—they receive far less than German social security recipients, and usually not in cash but only in the form of contributions-in-kind or vouchers. Now they now face

the removal of the right to oppose the oppressive regime that forced them to leave their homeland in the first place. Although they have escaped political oppression at home, in Germany they are to be locked up or deported for engaging in political activity.

The implementation of this proposal would mean fundamental democratic rights being denied to a section of the population. Kurds from Turkey, for example, would no longer be allowed to take part in demonstrations, vigils or other protest actions against the Turkish government and its suppression of the Kurdish population. Tamils could not protest against the civil war in Sri Lanka, or Iranian oppositionists against the regime in Teheran, or Palestinian refugees against the actions of the Israeli army in the autonomous areas.

Naturally, no asylum-seekers could participate in protest actions against the German government, whether against the use of German weapons abroad, which are supplied to Turkey and used in the war against the Kurds, or against other forms of German support and cooperation with repressive regimes, or against Germany's restrictive asylum policies and the ever harsher cutbacks in social support, the work bans and inhuman deportations.

In his discussion with the DPA, Merz made clear that he regards this measure only as an intermediate step. In his opinion, a uniform European solution to restrict the right to asylum must be found. In the long run, this would lead to a Constitutional amendment.

Before this comes about, Merz wants to set aside the legal right of asylum-seekers to test decisions rejecting their applications in the courts. Instead, a "complaints committee" is to decide on applications for asylum. In this way the legal claim to political asylum is to be further weakened, and the way opened for arbitrary actions by government officials. Federal Interior Minister Otto Schily (Social Democratic Party—SPD) has already called several times in newspaper interviews for something similar.

Merz described his conception of democratic rights to the DPA in the following words: "We must regulate immigration in such a way that it is regulated according to the interests of the state and not the interests of the immigrants." And: "There cannot be a legal claim to immigration." Instead: "There must be a clear definition of German interests, which defines what

immigration we want."

If basic constitutional principles and international law stand in the way of "German interests", then these democratic rights should be eliminated for those they are designed to protect. The repeated insistence that the interests of the state stand higher than the rights of the citizen shows how thin the democratic façade is in Germany, and has wide-ranging implications.

Today it impacts the weakest sections of society and those with the least legal protection, such as foreigners and refugees; tomorrow it can impact anyone who threatens "German interests" with protests or strikes, i.e., anyone who opposes the interests of the state and big business.

SPD politicians who have commented on Merz's demands have not rejected his suggestions in principle, but merely characterised them as insufficiently thought through or impractical. Interior Minister Schily answered Merz in the *Bild* newspaper as follows: "The suggestion does not add anything at all, because it neither simplifies asylum proceedings nor shortens them. A ban on political activities is already possible under the existing law."

Hartmuth Wrocklage, Hamburg's senator for domestic affairs, and likewise an SPD politician, rejected Merz's suggestion because it was "simply not feasible". He posed the question: "Should the police check passports at every demonstration involving foreigners?"

The wide-ranging attack on the right to asylum and the demand to restrict the political rights of asylum-seekers must be understood as an attack on the fundamental democratic rights of the entire population, and must be rejected. Where this path leads can be seen in a draft law by the CDU faction in the Berlin city government, which calls for new restrictions on the right to associate and demonstrate. "In light of neo-Nazi demonstrations in the centre of Berlin," the CDU declares, in future demonstrations should be banned if they place in question "Germany's foreign policy interests".



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