

German Interior Minister plans massive restrictions on the right of assembly

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Against a background of continuing attacks aimed at limiting democratic rights in Germany it is useful to once again review the decline of the Weimar Republic.

“The enemy is on the right!” This was the proclamation made by the Centre Party politician and German Chancellor Josef Wirth in 1922 following the assassinations of Matthias Erzberger and German Foreign Minister Walther Rathenau by extreme right-wing military officers. Wirth immediately passed a “Law for the protection of the Republic,” which contained as its first provision extensive restrictions on the right of assembly.

In practice, however, the law was principally used against left-wing political demonstrations. Regardless of their Sunday speeches, the political elite and the leaders of German social democracy, led by President Friedrich Ebert, feared above all growing popular opposition and the dangers of a socialist revolution.

Although today there is no movement comparable to the brownshirt masses of the twenties and thirties, a similar development is taking place. There was an outcry following the march made by a few hundred neo-Nazis through Berlin’s Brandenburg Gate on January 29, 2000, with loud calls made for a limitation of the right to assembly. The conference of German state interior ministers commissioned German Interior Minister Otto Schily (SPD—German Social Democratic Party) to draw up a draft law. This draft has now been completed and was presented this week to the conference of state interior ministers meeting in Kiel.

To accomplish his aim of drastically restricting the right of assembly, Schily has skilfully utilised the fact that at the beginning of next year a memorial to the Holocaust is to be completed in the German capital. He has also used the threat, which he himself has raised on many occasions, of so-called “Islamic terror” to insist on pushing ahead with his plans.

According to *Spiegel-Online*, which has a copy of the draft, Schily will be empowered to ban a gathering when it either “glorifies or plays down national socialist or other violent or tyrannical regimes or terrorist groups or terrorist attacks at home or abroad in a manner that threatens the public peace.”

According to existing law, it is possible to ban gatherings that “represent a danger for public security and order.” In the future, however, this will also be possible when there is “no threat of a criminal violation of public security.” In other words, the political orientation of a gathering is sufficient grounds for it to be banned.

On the basis of the draft, it would be possible, for example, to ban demonstrations against the Kosovo and Iraq wars by claiming that the demonstrators were “glorifying violent and tyrannical rulers” such as Slobodan Milosevic and Saddam Hussein. It would be also be possible

to ban any demonstrations organised to protest the US occupation of Iraq or the terror attacks carried out by the Israeli government against Palestinians. In the final analysis, it is the state that can decide on what is to be regarded as legitimate protest or terrorism.

In addition, it will be possible to ban gatherings when they “take place at a location that commemorates in a clear manner the victims of an organised inhumane treatment and that is regarded as a national symbol for this treatment, and when the gathering is designed to condone, deny or play down this inhumane treatment of victims.”

This definition could include right-wingers protesting their expulsion from eastern European countries at the end of the Second World War as well as demonstrations demanding social equality and justice. Such protests could be banned if they took place in front of the many buildings in Berlin associated with the former Stalinist regime of East Germany (i.e., if the demonstrations were interpreted as playing down the significance of the victims of Stalinism). In fact, based on the presence of historically significant locations strewn throughout the capital city, it would be possible to ban demonstrations in virtually all of Berlin.

In the course of the debate, the German ruling elite has used every type of argument to justify the arbitrary banning of irksome demonstrations. The interior senator for the Berlin Senate, Ehrhart Körting (SPD), declared he was no longer “prepared to sit in a traffic jam for hours because of a demonstration” and would prefer to ban protests from commercial areas because they jeopardise the business of shopkeepers and small traders.

In fact, the very nature of public protest demands that such activities take place in public in order to win attention, rather than in remote spots where demonstrators are incapable of attracting public interest.

The draft law corresponds to demands that have been raised for some time by right-wing law-and-order politicians—to be able to unceremoniously ban or break up unwelcome demonstrations. As a result, the basic right to assembly is reduced to an act of indulgence by those in power.

No one should have any illusions that the restrictions will only be imposed on protests by neo-Nazis. In the course of recently establishing a central data bank for right-wing extremism, for example, state authorities also ensured that a data bank on left-wingers would be included. Existing travel restrictions for football hooligans were quietly extended to anti-globalisation protesters in order to prevent demonstrators taking part in international political activities.

Predictably, Schily’s venture has received unreserved support from the ranks of the conservative opposition—CDU and CSU—who are eager to push the measure through parliament as quickly as possible. Wolfgang Bosbach (CDU—Christian Democratic Union) declared he

“was very pleased that after years of nudging, the interior minister has finally seen the sense of tightening up the right of assembly.”

Some members from the ranks of the SPD, the liberal FDP and the Greens have expressed their “constitutional concerns” regarding restrictions to the right of assembly, but other leading members have given thoroughly positive signals. The chairperson of the parliamentary committee for internal affairs, Cornelia Sonntag-Wolgast (SPD), declared her fundamental agreement with the proposals. According to the *Stuttgarter Zeitung*, the speaker of the SPD parliamentary fraction for internal affairs, Dieter Wiefelspütz, loudly advocates “that in the individual states, we open up the possibility in a very cautious manner of proclaiming zones, restricted areas and pacified districts.”

The Greens have declared that they will put up massive resistance to the changes in the law to the right of assembly, but they made the same declaration with regard to the recent debate over German immigration legislation, only to capitulate entirely and support the drastic tightening up of the law. It should also be recalled that it was a leading Green, Renate Künast, Germany’s current minister for consumer affairs, who in 2000 agitated to ban demonstrations held under certain themes and at certain places.

At the time, the WWS commented, “Basic rights, such as the right to demonstrate, right to assembly and right of public opinion, are not exclusive rights. They apply to everybody. Their abolition or curtailment affects everybody. They are particularly necessary where the exercise of freedom of speech in the form of a demonstration or public meeting is not acceptable to official politics, the state and its officials, or the majority of society.

The fact that this enormous attack on democratic rights is being pressed for by the SPD is especially remarkable in view of the historical experiences undergone by and through social democracy in Germany.

It was the social democratic Berlin Chief of Police Karl-Friedrich Zörgiebel who in December 1928 declared a ban on demonstrations aimed at preventing the traditional May Day gathering from taking place. When on May 1, 1929, 200,000 followed the appeal made by the German Communist Party (KPD), they were met by 13,000 police who proceeded against the demonstration in a thoroughly ruthless manner. Groups of demonstrators were battered down with clubs, and then police shot wildly into the protesting masses.

Three days later, 33 lay dead with more than 200 wounded. A total of 1,200 workers were imprisoned. The Red Front Fighter’s League, an organisation affiliated to the KPD, was banned shortly afterwards. Approval for the brutal actions of Zörgiebel’s men came from the Prussian Interior Minister Albert Grzesinski as well as from the national Interior Minister Carl Severing—both members of the SPD.

In the end, however, the state campaign against the Communists led to the collapse of the social democratic government of Prussia. In June and July of 1932, NSDAP storm troopers, backed by the police, provoked a series of increasingly bloody confrontations in working class neighbourhoods in Prussian towns. The German Chancellor von Papen sacked the Prussian state government led by Prime Minister Otto Braun (SPD,) promptly accusing it of “idleness” and so-called “partiality by the police in favour of the communists.” Grzesinski, who had put hundreds of communists behind bars, now found himself accused of abetting the Communists.

Up until 1930, SPD officials across the country had repeatedly supported or themselves introduced “Laws for the protection of the Republic.” The primary reason given for suspending or drastically

curtailing basic democratic rights was always “the struggle against the right-wing” and against “the enemies of the Republic.” After the Nazi takeover of power in January 1933, Hitler’s regime was able to ruthlessly exploit emergency laws already on the books to decimate the ranks of the social democratic and Communist parties.

The SPD, whose leadership had politically pledged their allegiance to the bourgeoisie in 1918, became a factor in the rise of fascism, only later to fall victim to the very legislation they had introduced.

It was above all the social crisis—mass unemployment, the impoverishment of broad layers of society, together with wage cutting and cuts to welfare provisions while huge subsidies were given to industry and the propertied—that paved the way for the restrictions of democratic rights.

Today, it is the social democratic government of Gerhard Schröder that is radically paring back the welfare state and provoking a growing social crisis. The gulf between rich and poor is growing continuously, and once again democratic rights are being undermined as part of the “struggle against the right-wing and against terror.”

In the name of a “vigorous democracy,” Interior Minister Schily has already introduced two packages of anti-terror laws, and has also initiated drastic changes to Germany’s laws on immigration, data protection, right to asylum and right to organise. Huge increases have been made in Germany’s security agencies, and their powers have been broadened on an extensive scale. Under the SPD-Green Party coalition, the constitutional state has increasingly come to resemble a police state.

Against a background of growing resistance to the breaking up of the German welfare state, Otto Schily has now set his sights on the right of assembly. He has been given this opportunity by those who drew up Germany’s constitution in 1949 and added the paragraph: “For gatherings in the open, this right [of assembly] can be limited through law or on the basis of a law.” The historian and political scientist Wolfgang Kraushaar described this clause in the *Frankfurter Rundschau* as a “gateway for authoritarian state restrictions.” Authorities already have broad measures at their disposal to allow the banning of demonstrations or only permit meetings under the most severe restrictions. However, with the passing of the Schily draft, the right of assembly will be watered down in such a manner as to strip it of any real democratic content.

Parallels between the current German republic and the Weimar Republic should not be taken too far, as history does not simply repeat itself. But it is necessary to draw a serious warning from the historical record. Wracked by social crisis in the twenties and thirties of the last century, bourgeois governments turned to authoritarian means of rule that opened the way for fascist dictatorship.



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