

German government seeks to ban neo-fascist NPD

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Late last week, the German government declared its intention to seek a new ban of the neo-fascist *Nationaldemokratische Partei Deutschlands* (National Democratic Party of Germany—NPD). The NPD can only be prohibited by the Supreme Court, and such a ban must be requested by the Bundestag (federal parliament), the Bundesrat (upper chamber of parliament), or the federal government.

A similar request failed in 2003. At that time, the Supreme Court threw out the case when it became clear that a large number of the party's functionaries were undercover secret service agents. Many of the statements used to justify the ban came from people who were on the payroll of the intelligence services. The court explained its decision to stay the proceedings by saying the matter was “an affair of state”.

Calls to prohibit the NPD have become more vocal, however, especially since the series of murders by the far-right terrorist *Nationalsozialistischen Untergrund* (Nazi Underground, NSU) was uncovered. At least 10 immigrants living in Germany and a policewoman were murdered over a period of years, under the noses of the security agencies. The number of undercover agents still active in the leadership and membership of the NPD has not diminished since 2003, but increased to 130.

Many people are justifiably outraged and concerned about the extent and brutality of this far-right terror. But the prohibition of a party, even if it is a right-wing party, invariably entails a radical curtailment of democratic rights. Government agencies have taken it upon themselves to decide which parties citizens can and cannot establish.

The Supreme Court judges, who are not elected by the people and have no democratic legitimacy, will decide whether a party is constitutional and is permitted, or is unconstitutional and therefore prohibited. Such a restriction of civil rights always strengthens the right-wing, authoritarian tendencies within the state apparatus.

Heribert Prantl, currently head of domestic policy at the liberal daily *Süddeutsche Zeitung*, is one of those loudly calling for such a drastic infringement of the fundamental rights to freedom of expression and association. He admits frankly that such a ban would not change anything with regard to racism and xenophobia. He fails, however, to elaborate why racism, especially if it is directed against Muslims, has long been

socially acceptable in the German establishment.

The name of Thilo Sarrazin—the Social Democratic former Berlin city government finance minister and board member of the Bundesbank (German Federal Reserve), who has publicly stated that Muslim immigrants have a long tradition of inbreeding and a genetic deficiency of intelligence—does not appear once in Prantl's comments.

In fact, racism and nationalism, which sections of the ruling elite are encouraging, and restrictions on democratic rights, as expressed in party bans, are two sides of the same coin. The same state that stigmatises and discriminates against immigrants is closely associated with right-wing organisations through its undercover agents. It is now using the NPD to create a precedent that will later be directed against the left and opponents of capitalism.

It is a fundamental historical experience that a restriction of democratic rights always ends up strengthening the right-wing and conservative sections of society, and weakens the working class, which needs freedom and democracy like the air to breathe. Both the history of the Weimar Republic in the 1920s and of postwar Germany make that clear.

Prantl rejects this historical experience. He quotes the jurist Hans Kelsen, who at the time of the Weimar Republic put forward the thesis that democracy would “also tolerate a movement directed at the destruction of democracy”. One must remain faithful to one's colours, even if the ship was sinking, Kelsen argued, adding that even at the lowest point one could only hope that “the ideal of liberty is indestructible and will be passionately revived again”.

Prantl refers to this as “hara-kiri democracy”, and praises the German constitution, which he claims has strengthened democracy by means of party bans and a supposed defence of human dignity.

The dishonesty of these lines is enormous. The Weimar Republic did not fall because it was too liberal and democratic, nor because well-meaning liberals and leftists prevented the suppression of anti-democratic tendencies.

In fact, since 1922, there has existed the so-called Protection of the Republic Act, which enables the banning and dissolution of organisations hostile to the state, and the prosecution of seditious statements. The trigger for the introduction of this act

was the assassination of the then foreign minister Walther Rathenau by a right-wing assassin. The assassination resulted in mass demonstrations and even a one-day general strike called by the Social Democratic Party (SPD) and Communist Party (KPD). In a famous speech, Chancellor Joseph Wirth (a member of the conservative Centre Party) said of his time in parliament: “There is the enemy who is pouring poison into the wounds of a nation.... And there is no doubt about it: the enemy is on the right”.

The Protection of the Republic Act was then used, however, in exactly the opposite direction. For the judges, prosecutors, police officers and most of the political, military and economic elites, the enemy stood mainly in the labour movement. The countless pogroms, beatings and murders carried out by the growing Nazi movement were rarely punished, and if then, only mildly, unlike left-wingers and socialists whose unpopular utterances (in the eyes of the establishment) were met with prison sentences.

The state apparatus, which aided Hitler’s rise in his struggle against the working class and democratic forms—with the help of the Protection of the Republic Act—served his reign of terror for 12 years, and was subsequently taken over largely unchanged by the postwar Federal Republic of Germany.

The opponent of the state also remained the working class. From 1950, the new West German government moved vehemently against so-called “communist tendencies”. In 1952, the government of Konrad Adenauer (Christian Democratic Union—CDU) requested a ban on the Nazi “Socialist Reich Party” (SRP), which was then imposed later that year. Just three days after the request to ban the SRP, there followed a request to ban the KPD (Communist Party). Here, the proceedings dragged on until 1956, when the Supreme Court finally bowed to Adenauer’s will.

The prohibition legitimised imprisonment, loss of employment and a ban on political activity not only against thousands of real and alleged KPD members, but against anyone who stood up for Marxist and socialist politics. In some cases, prison sentences were imposed by the very judges who had done the same under the Hitler regime, but this time officially to “protect democracy”.

The claim that the KPD ban was imposed because the West German “democracy of the early 1950s was young and inexperienced”, as Prantl says, is false. What was young, or more precisely, newly renovated, was merely the façade. Behind this stood a ruling class very experienced and ready to go to extreme lengths against the working class. The ban on the Nazi SRP was only the prelude to once again pulling out all the stops against “left-wing extremism”.

References to “protecting victims” and “drying out the intellectual environment” are unacceptable arguments to justify banning a political party. It has not been the freedom of political parties that has held back the law enforcement authorities from arresting the murderers of the NSU. It is now

known that the fascist terror group had an extensive network of supporters in a right-wing scene that is massively infiltrated and monitored by police and domestic intelligence agencies. Nevertheless, it was able to carry on for years. Whether and to what extent the security agencies had direct links to the right-wing terrorists remains so far unclear.

As for the intellectual arsonists, they are not just to be found in NPD headquarters. The state attorneys have refused to prosecute Thilo Sarrazin—who is admired by the NPD—for inciting racism. Chancellor Angela Merkel has publicly stated, “Multiculturalism has failed”. Journalist Henryk Broder, who has accused Europe of “surrendering” to Islam and who was quoted approvingly several times by the Norwegian right-wing terrorist Anders Breivik in his manifesto, is also constantly given a platform, even on public television. The “intellectual environment” of inhuman racism is not only created by the NPD, but to a far more dangerous extent by representatives of the establishment in the media and politics.

And the constant emphasis on a link between the NPD and NSU, with which the party ban is now being justified, is only an excuse. By the standards of the Supreme Court, acts of violence could only justify a ban if it can be proved that they were prepared or planned by the party as a whole, and not “just” by individual officials.

Former supreme court judge Siegfried Bross, who was involved in the earlier proceedings against the NPD, has been even more forthright. Talking to the *taz* newspaper, he said the real reason for a ban was purely political: “According to the Supreme Court in the 1950s, a party is to be prohibited if it adopts a ‘militant aggressive attitude towards the existing order’.”

In other words, it is not Turkish workers or businessmen who should be protected against racism and violence—that does not require the banning of the NPD. What should be established—as in 1922 and 1952—is a precedent to defend “the existing order” against “militant agitation”. The prohibition of the NPD could thus quickly be followed by the banning of a socialist party.



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