

German court sanction for domestic deployment of the military

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The decision by the German Constitutional Court to allow the army to carry out domestic military operations marks a turning point in the history of the Federal Republic similar to the passage of Emergency Laws in May 1968.

At that time, the German parliament amended 28 articles of the constitution to permit the government to suspend or restrict basic democratic rights in the event of war, a domestic state of emergency or a natural disaster. The Emergency Laws also allowed the deployment of the German Army (Bundeswehr) domestically, but only “in order to avert an imminent danger to the existence or free democratic order of the Federation or a state,” or to combat “organised armed insurgents.”

The judgment by the Constitutional Court published last week (See: “German Constitutional Court legalizes use of Army inside Germany”) goes much further. It lowers the threshold for the use of the Army domestically and permits it not only to reinforce the police, but also to use weapons such as fighter jets and tanks.

Based on the ruling, the Bundeswehr can be employed inside Germany if there is a threat of “damage of catastrophic dimensions”. This criterion is so vague that it can be stretched at random and applied to every form of social or political protest. No limit is set to the inventiveness of the executive branch and the door is opened to bloody attacks by the Army on the people such as those that occurred under the German Reich and the Weimar Republic that succeeded it.

When the Emergency Laws were passed in 1968, Europe and the US were in social turmoil. On May 30, the day of the vote in the German parliament, neighboring France was on the edge of revolution. Ten million workers had been on general strike for two

weeks. The day before, President de Gaulle had fled to Baden-Baden to consult with his military leadership.

In Germany, the student revolt raged and unrest in the factories was widespread. Three weeks previously, student leader Rudi Dutschke had been seriously injured by a right-wing would-be assassin. It was obvious that the Emergency Laws were directed against insurgent youth and workers.

However, they were never fully put into effect because the ruling class was able to contain the situation by other means. In France, General de Gaulle isolated and stifled the general strike with the support of the Communist Party and its trade union federation, the General Confederation of Workers (CGT). In Germany, Social Democrat Willy Brandt took power in 1969 and used a stick and carrot policy—social concessions and the banning of left-wingers from key occupations—to extinguish the youth revolt.

This time things are different.

The social divide is much deeper than in 1968. At that time, an average of 323,000 people were unemployed in West Germany and the economy was growing at a rate of 7.2 percent. Today 2,876,000 people are out of work in the reunified country and the economy is stagnating. The official unemployment figure does not even count millions who have dropped out of the labour force or are barely surviving as casual labourers.

Unlike 1968, the international economic situation permits no concessions to ease social tensions. Social contradictions are at the breaking point, but the anger of working people finds no expression within the political establishment because the broad masses lack any real political representation.

The European Union, with Germany in the lead, is making an example of Greece, driving back working

class living standards by decades. Greece provides the benchmark for all of Europe. Similar austerity programs are in place in Portugal, Ireland, Spain, Italy and the UK, and Germany is preparing to follow suit. Despite its booming export industry, the country has developed a huge low-wage sector. Germany's dependence on exports is, moreover, the Achilles heel of its economy. The global recession will inevitably bring more attacks on incomes and jobs.

It is against this background that the ruling by the Constitutional Court must be seen. It is a preparation for coming class struggles. As was the case with the Emergency Laws of 1968, it is directed against insurgent workers and youth.

This is why the amending of the constitution was carried out quietly, without public discussion and apparently for no immediate reason. The Constitutional Court took a decision that rightfully required a two-thirds majority vote by both houses of parliament. Nevertheless, there have been no protests from the political parties.

The conservative Christian Democratic Union and Christian Social Union have predictably welcomed the judgment. The Free Democratic Party, the Social Democratic Party, the Greens and the Pirate Party have accepted it and played down its significance or distorted its meaning. The Left Party has expressed mild reservations without drawing out its far-reaching implications.

The democratic facade assumed by the German state after the crimes of the Nazi regime is showing significant cracks. It was never particularly stable. Authoritarian rule from above, a tradition that shaped the German state since the founding of the Reich under Bismarck, has repeatedly percolated to the surface.

Even the way in which the Supreme Court made its decision is deeply undemocratic.

Normally, the constitution is considered sacrosanct. Some paragraphs are subject to a "perpetuity clause" and cannot be changed even by a two-thirds majority in parliament. Whoever queries a constitutional provision, such as the guarantee of capitalist property, is regarded an "enemy of the constitution" and targeted for surveillance by the domestic intelligence service, which cynically calls itself the Federal Office for the Protection of the Constitution.

But when the ruling class is dissatisfied with a

provision of the constitution, such as the prohibition on domestic military operations, it throws parliamentary procedure overboard. In this respect, the judgment of the Constitutional Court recalls the ruling made by the same court on July 12, 1994 that paved the way for the international deployment of the German Army.

As is the case today, the 1994 ruling was hedged with all sorts of provisos declaring out-of-area military deployments a last resort to be applied only in exceptional circumstances, etc. But today all that is long forgotten. Now the deployment of the Bundeswehr in international theaters of war is a matter of routine.

At the same time the character of the German Army has been transformed. It no longer consists of conscripts who wear the uniform for only a short period. Instead it is made up of professional soldiers who have learned to kill in Afghanistan and elsewhere.

The legalization of military operations inside Germany is part of an international trend. Since the attacks of September 11, 2001 the US has built up a vast security network that spies on the entire population.

Democratic rights in Europe have been eviscerated in the course of the euro crisis. Austerity programs that destroy the livelihoods of millions are dictated by the banks and their henchmen in the European Union and the national governments without any consultation with the people. Democratic rights for immigrants and minorities, such as the Roma, are largely a thing of the past.

The judgment of the Federal Constitutional Court makes clear that the defense of democratic rights cannot be based on appeals to the state and its institutions. It requires the mobilization of the working class on the basis of an international socialist program aimed at the abolition of the source of the crisis, the capitalist system.

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