

# German politicians, media seek to criminalize opponents of war

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In recent months, President Joachim Gauck has been calling quite openly for a more robust German military presence in the world. This attempted revival of German militarism has been decisively rejected by a majority of the population. Politicians, the media and the public prosecution department are now organizing a campaign against opponents of war and preparing to launch criminal proceedings against them.

In line with this, the Facebook posting of a hitherto largely unknown Left Party politician has recently come under attack. Last Monday, 28-year-old Brandenburg state parliament deputy Norbert Müller referred to criticism of Gauck's war policies made by a number of church pastors, and wrote on his Facebook page: "Some remain true [to their faith]. Others become federal presidents and obnoxious warmongers."

The posting was seized upon by numerous media outlets and condemned for "defaming the president". Such a denigration is a criminal offence in Germany, which—under Section 90 of the Criminal Code and on authorization of the federal president—can be punished with imprisonment for a term of between three months and five years. A spokesman for the Potsdam public prosecutor told *Spiegel Online* that the authorities were reviewing the case. On Wednesday, Gauck then sent word that he had not authorised the prosecutor to initiate proceedings.

On the same day, deputies of the Christian Democratic Union [CDU], Christian Social Union [CSU] and Social Democratic Party [SPD] tabled the Facebook posting as a topic for general debate in the Bundestag [federal parliament]. They also called on Left Party faction leader Gregor Gysi to state his position on the matter.

The faction leader of the SPD, Thomas Oppermann, called Müller's remark an "incredibly abusive piece of

criticism" and accused Gysi of being personally responsible. His "incredible blunder" arose from his "demagogic twisting of the president's words", according to Oppermann, and he concluded by associating the Left Party with the National Socialists. The SPD was taking Müller's criticism seriously, "because that was the strategy the Nazis used against President Ebert in the Weimar Republic", Oppermann said.

Gysi responded by distancing himself from Müller. Müller had "expressed himself incorrectly", he said, and Gauck was not an "obnoxious warmonger". "No party can be responsible for what every one of its members ever says," Gysi declared. Left Party leader Bernd Riexinger also distanced himself from Müller, declaring that the current debate on war missions had to "be conducted completely objectively and with due respect for the dignity of the [president's] office."

The campaign for the prosecution of war opponents is not being directed against the Left Party. This party is collaborating closely with the federal government to effect the re-militarisation of German foreign policy. Only last Tuesday, its foreign policy spokesman, Stefan Liebich, said the party was ready to support Bundeswehr [German army] operations abroad in a possible coalition with the SPD and Greens.

The threats against Müller are instead being used to intimidate and criminalize all genuine opponents of war. It is an irrefutable fact that the president has for months been systematically promoting more vigorous international commitment on the part of Germany, explicitly including the use of military power.

Having calculated the probable media response, Gauck had expressed a similar view on the Day of German Unity in 2013 and at the Munich Security Conference at the beginning of the year. He declared in

Munich that Germany was regarded internationally as a “shirker”, and it therefore had to be prepared to take more risks. Both speeches had been carefully prepared and coordinated with the federal government.

In the last 15 years, Germany has been involved in the wars against Serbia and Afghanistan, and it also provided the US with logistical support in the war against Iraq. The federal government co-sponsored the coup d'état in Ukraine, which was crucially supported by the brutality of the Svoboda and Right Sector fascists. Both the Serbian and Iraq wars were pursued without the legitimacy of the United Nations and were therefore in breach of international law, according to current legal norms. One would therefore have to ask whether Gauck, who is advocating more robust military engagement, is himself breaking the law.

The idea of exploiting the legal clause proscribing “defamation of the federal president”, in order to persecute opponents of war, continues established traditions in Germany.

The law of *lèse majesté* (insulting majesty) was used during the Wilhelmine Empire to intimidate opponents of rearmament. Between 1896 and 1907 alone, the *Vorwärts* social democratic newspaper documented 907 convictions under this law. A prominent example was the socialist and anti-war activist, Rosa Luxemburg, who was imprisoned in 1904 for accusing the emperor of incompetence.

After 1908, the clause on *lèse majesté* faded into the background. However, similar clauses relating to personal convictions were used to incarcerate pacifists and anti-war protesters. Shortly before the outbreak of World War I, Luxemburg was again imprisoned. This time she was charged with “incitement to disobey laws and ordinances of the authorities”. She had called for the exercise of conscientious objection.

With the revolution of 1918, the legislation limiting rights to contentious personal views was initially abolished. However, when Foreign Minister Walther Rathenau was assassinated by the far right in June 1922, the SPD, Independent Social Democratic Party [USPD], Catholic Centre Party and German People's Party [DVP] passed the Law for the Defence of the Republic, which made denigration of the Republic, and its president, a punishable offence.

But this law was not applied against the extreme right. Instead, it was used as a political weapon against

the Communist Party [KPD] and other left-wing groups. In 1924, two-thirds of convictions relating to the Law for the Defence of the Republic were handed out to Communists; in 1925 and 1926, all such convictions were. In 1925 alone, as many as 269 Communists were sentenced under this act.

When social contradictions intensified and rearmament was stepped up, the sentences meted out by the political justice system became even more savage. One well-known victim was the pacifist Carl von Ossietzky, who in 1931 was sentenced to 18 months in prison because he had written an article exposing the illegal rearmament of the Reichswehr [armed forces of the Weimar Republic]. Not long after his release, which came shortly before Hitler came to power, the Nazis threw Ossietzky into a concentration camp. He died as a result of the abuse he suffered there.

After the war, Section 90 of the Criminal Code, which makes “defamation of the federal president” a punishable offence, was adopted as one of the superseding clauses of the Law for the Defence of the Republic. Presidents Theodor Heuss and Heinrich Lübke used it primarily to combat critics who tried to expose their role in the Third Reich. In the last 20 years, the clause has hardly ever been used.

Whenever German imperialism returns to preparation for war, legislation limiting the right to personal political views also makes a return. The fact that the prosecution of opponents of war is being openly discussed in parliament and the media is a serious warning for the population.



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