

IYSSE demands Humboldt University retract its defense of right-wing radical Jorg Baberowski

The IYSSE at Humboldt University
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After the defeat of Professor Jörg Baberowski's legal action against students in Bremen, the International Youth and Students for Social Equality (IYSSE) has sent an open letter to Sabine Kunst, the president of Humboldt University of Berlin, demanding she retract her statement in defence of the right-wing radical professor.

Dear Professor Kunst,

On June 1 Professor Jörg Baberowski withdrew his legal action against the General Student Committee (ASTA) at the University of Bremen. He thereby avoided an imminent defeat in the Cologne Higher Regional Court (OLG), where the ASTA had appealed a March 15 decision by the Cologne District Court that banned them making certain statements about Baberowski.

During oral arguments, the higher regional court judges clearly indicated they would reverse the lower court's ruling. By withdrawing his action, Baberowski avoided having this confirmed in a written decision that would have been devastating for him. However, he will have to cover all court costs, and the Cologne District Court's March 15 ruling is no longer valid.

The Bremen ASTA can now declare without fear of reprisal that "Baberowski spreads shockingly brutal theses which glorify violence, downplays the burning and besieging of refugee accommodation centres as a natural reaction of angry citizens, confronts people with pure hatred, and advocates racism and right-wing extremist positions," as the *Frankfurter Rundschau* and *Der Tagesspiegel* wrote.

In March, Humboldt University's presidium and the dean's office of the Faculty of Philosophy gave their backing to Prof. Baberowski in a public statement.

They portrayed him as a victim of an attack on the freedom of academic inquiry, declared criticism of him to be "unacceptable" and threatened his critics with criminal prosecution.

We expect you will respect the opinion of the Higher Regional Court by immediately repudiating this statement publicly and that you will remove it from Humboldt University's official web site. It is based on the lower court ruling, which, with the withdrawal of the complaint, has now been overturned. We also expect that you will not resort in future to the intimidation of or discrimination against students who criticise Jörg Baberowski's glorification of violence and right-wing extremist political opinions.

This is all the more necessary given that the Cologne Higher Regional Court explicitly confirmed that the ASTA's criticism was not an attack on the freedom of academic inquiry, but a legitimate dispute with Baberowski's right-wing extremist political views. The historian could "not rely on the freedom of academic inquiry, because his statements were made in discussions about debatable issues of daily politics," wrote the *Frankfurter Rundschau* in summarising the court's opinion.

The chair of the 15th Civil Court Senate of the Higher Regional Court, Margarete Reske, stated during oral arguments that Baberowski had entered an area in which one had to be prepared to accept such sharp criticism in the name of "public exchange of opinions." Baberowski must be protected against being cited incorrectly, she added, but not from criticism.

Prof. Andreas Fischer-Lescano, who leads the Centre of European Law and Policy at the University of Bremen, remarked in a guest commentary published in

the *Weser-Kurier* newspaper, “In the appeal proceedings, the court made clear that the students’ statements are self-evidently protected by the right to freedom of opinion.”

The claims made in the Humboldt University presidium’s March statement that Baberowski had been cited “falsely and in a manner which distorted the meaning” of what he wrote and had his “personal rights violated” by “citations” which were “torn out of context and therefore inaccurate” were explicitly rejected by the higher regional court. The court was of the opinion that “the omitted passages would not have fundamentally altered the statements cited,” a spokesman of the court told the *Frankfurter Rundschau*.

The court rejected the view that Baberowski distanced himself from the use of violent means when he said during a discussion panel in the German Historical Museum, “if one is not willing to take hostages, burn villages, hang people and spread fear and terror, as the terrorists do, if one is not prepared to do such things, then one can never win such a conflict.”

The court found that Baberowski advocated the idea that one would win the war on terror only by responding with terrorist methods. It also considered that the statement could not be interpreted in a different manner, because it could not see what other meaning the statement could have.

Following the outcome of the proceedings in Cologne, the presidium of the university can no longer sustain the assertion that it is protecting the freedom of academic inquiry and defending a scholar “whose integrity is beyond doubt” against groundless slanders. The higher regional court left no doubt that the criticism of Baberowski was justified and protected under the right to freedom of opinion. At stake was ensuring “that racist prejudice and xenophobic gestures can be criticised at universities,” commented professor Fischer-Lescano in the article already cited.

Under these conditions, the defence of Baberowski against criticism is equivalent to the defence of his right-wing extremist political views. We therefore expect that the presidium of the university will recognise the Cologne Higher Regional Court ruling and release a public statement repudiating its March statement.

We are sending this letter to every professor who signed the Humboldt University presidium’s statement,

calling upon all of them to withdraw their signatures. After Baberowski’s defeat in the highest court of appeal, it is no longer possible to justify his defence with ill-informed collegial solidarity.

Yours sincerely,

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Spokesman of the IYSSE club at Humboldt University and student at the Institute for Historical Sciences (IfG)



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