

# Germany: Bavarian police law passed—a step toward a police state

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With the votes of the ruling Christian Social Union (CSU), the Bavarian state legislature adopted a new draconic police law (PAG) last week. The law eliminates the principle of the separation of the police and intelligence services and largely abolishes individual liberties such as the inviolability of the home, the right to self-determination concerning one's own data, the right to freedom of movement and establishment, and postal secrecy. In addition, the police are to be equipped with hand grenades and heavy-duty military weapons.

Numerous demonstrations throughout Bavaria involving more than 70,000 participants have been held in recent weeks against this massive state attack on democratic rights. The largest rally, in Munich on May 10, attracted nearly 40,000 mostly young people.

The CSU and police were surprised by the size of the protest and responded with hysterical attacks in the style of the far-right Alternative for Germany (AfD). The Bavarian state interior minister and author of the new police law, Joachim Herrmann, attacked the protesters as “naïve people” who had fallen for the “lying propaganda” of left-wing extremists.

A senior official and member of the Bavarian Police Works Council (*Polizeirat*) attacked Social Democratic Party (SPD) state legislator Florian Ritter, one of the organisers of the demonstration, on Facebook with the words, “People like you should be put away,” and threatened he would “punch him in the face.”

The SPD, the Greens and the Left Party—the Free Democratic Party (FDP) is not represented in the Bavarian state legislature—had only supported the protests after much hesitation. They voted against the law in the state parliament. In other federal states, in which they themselves sit in the government, the same parties are elaborating police laws that resemble

Bavaria's in every detail.

Their “opposition” in Bavaria is determined by electoral tactics. On the one hand, state elections will take place in Bavaria in the autumn. On the other hand, it serves to blunt the protests and let them run out of steam by orienting them to a lengthy legal process in the Bavarian Supreme Court and Federal Supreme Court.

On April 18, Federal Interior Minister Horst Seehofer, who until recently was the Bavarian state premier, announced in the Interior Committee of the Bundestag (federal parliament) that he was working on the example of the Bavarian PAG to draft a so-called model police law, which should serve as a template for all other federal states.

The new PAG gives the police the following new powers:

- \* They can issue residence bans and orders for German and foreign citizens. They can order that a citizen, for example, no longer be allowed to stay in Berlin or Munich, but has to move to the Bavarian Forest.

- \* Apartments, restaurants, and offices may be secretly bugged and then spied upon indefinitely.

- \* Telephone calls can be intercepted, disrupted and interrupted.

- \* Mail (letters and parcels) can be opened, confiscated and evaluated.

- \* Computer data and stored data—whether on devices or in the cloud—can be extensively and permanently analysed and altered.

- \* Video recordings are to be massively expanded in public places, streets and central buildings such as railway stations and public authorities, and software used for facial and behavioural analysis.

- \* The police can use informants to investigate a

person's private circumstances, behaviour, friends and acquaintances without the need for a crime having been committed.

\* Preventive “indefinite detention” came into force last summer. It allows a person to be imprisoned due to vague, unproven suspicions of a “threatening danger” and to prolong this detention on a judge's order repeatedly for a further three months without a time limit.

Taking a closer look at the new police law, two aspects are striking:

Firstly, the powers that the police have had until now only for law enforcement purposes—i.e., for the prosecution of suspected offenders following a criminal offence or imminent offence—are to be extended into the area of threats to public safety. However, there is no need for a specific and immediate threat to exist. Vague assumptions of the police or their informants are sufficient to initiate measures and to have these confirmed judicially.

The threat assessment is no longer or not only based on situational but personal considerations. In other words, “It is no longer about the police becoming active because they want to prevent a concrete event. But it is about doing something, because there is a person about whom more should be learned,” according to the Mainz law professor Matthias Bäcker in the *Süddeutsche Zeitung*.

And it is not just about one person. In general, the police should be able to collect, evaluate and use all data they can get hold of about all persons. This is the reason for the massive expansion of video surveillance, the abrogation of postal secrecy, the possibility of bugging apartments, restaurants, etc., and the deployment of software for facial recognition and behavioural analysis.

The content of the new police laws shows clearly that it is not, as the Bavarian state premier, Markus Söder (CSU), claims repeatedly, to protect the population from crime, but to protect the ruling elites and their state from the people. The divergence of incomes and wealth and the return to militarism are incompatible with democratic rights.

A small foretaste of the new police powers was recently presented in a case before the Göttingen administrative court. The Göttingen police department responsible for “state protection” had collected hidden

data about people they believed to part of the “left-wing spectrum” in a huge database. In addition to name and age, the data collected included such information as religion, physical and psychological traits, illness, workplace, and group affiliation, supplemented by numerous photos of acquaintances, friends and family members.

The administrative court declared this data gathering illegal for purely formal reasons—because there was no data description for the file system, called LIMO (from the German for left-wing motivated). The police then simply claimed that they had already destroyed the data before the court case—without a written record.

The new laws mean such police activities will take on huge proportions and no longer be illegal. The law-governed state is replaced by the police state.



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