

# German Socialist Equality Party files constitutional complaint against criminalisation of Marxism

Sozialistische Gleichheitspartei  
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On June 2, the Socialist Equality Party of Germany (SGP) filed an official constitutional complaint with the Supreme Court against its surveillance and defamation by the German Secret Service.

The SGP is appealing to the Supreme Court after the Berlin Administrative Court ruled that the SGP's surveillance by the Secret Service is appropriate, because, it claimed, left-wing criticism of capitalism is unconstitutional in Germany.

The Berlin Administrative Court's ruling explicitly cited and built upon an authoritarian line of argumentation that echoes Bismarck's anti-socialist laws and the Nazis' criminalization of thought.

The SGP's appeal is of enormous political significance because the government and the courts want to make an example of the SGP. In the face of the proxy war that the German government is waging against Russia, the most extensive rearmament since Hitler, and ferocious attacks on workers through galloping inflation, wage theft and mass layoffs, the aim is to silence anyone who speaks out against this aggressive class policy or even calls it by its name.

If the Supreme Court follows the government and the ruling in the lower court, it will be a step towards dictatorship. Every strike by workers, every protest against rearmament and every demonstration against the far-right could be banned as anti-constitutional. The ruling against the SGP has already been applied almost verbatim in a court decision against the left-wing daily *junge Welt*.

We therefore appeal to everyone who wants to defend democratic rights and counter the right-wing danger to support the SGP's constitutional complaint. Sign our petition on [change.org](https://change.org), contact the *World Socialist Web Site* and share this statement among your friends and acquaintances.

## The actions against the SGP

The SGP was first listed as a "left-wing extremist organisation" in the *Verfassungsschutz* (Secret Service) annual report in June 2018. The naming of a party in this way goes hand in hand with its surveillance by the intelligence agencies and is a fundamental attack on its democratic rights. It is the precursor to a ban.

At no time has the SGP been charged with any criminal or violent act or with calling for such acts. In fact, the government and the courts have confirmed that the party pursues its goal of winning the majority of the population over to socialist ideas exclusively through legal means, such as participating in elections and holding public events. The actions taken against the SGP were justified exclusively on the basis of its socialist ideas and its rejection of militarism and nationalism.

This fundamental attack on the party's democratic rights came from right-wing extremist networks within the state apparatus. The then-president of the *Verfassungsschutz*, Hans-Georg Maassen, is an open right-wing extremist who not only orchestrated the attack on the SGP, but also ranted about radical left-wing forces in the Social Democratic Party (SPD), advised the far-right Alternative for Germany (AfD) and defended the witch-hunting of refugees.

While the highest authorities cover for right-wing extremist terrorist networks in the state apparatus, the fascist AfD is courted by all the establishment parties, and the Secret Service (*Verfassungsschutz*) takes action against anyone who opposes right-wing activities. The SGP has been caught in the crosshairs of this right-wing conspiracy because it is at the forefront of the struggle against the return of German militarism and provides a socialist perspective to workers' growing opposition.

In 2014, when the government announced the "end of Germany's military restraint" and supported the anti-Russian coup in Ukraine, the SGP opposed this revival of German great-power politics and waged a vigorous campaign against the trivialisation of Nazi crimes at the universities, which met with a significant response far beyond Germany. The major media outlets in Germany then unleashed an unprecedented smear campaign against the "very effective Trotskyists" (in the words of the *Frankfurter Allgemeine Zeitung*). This was followed in 2018 by the SGP's inclusion in *Verfassungsschutz* annual report.

Recent events confirm the significance of the SGP's struggle and show what the case is really about. German tanks are once again rolling against Russia, the Bundeswehr is being equipped with the third-largest military budget on the planet, the cost of the war is to be passed on to the working class and anyone who opposes this is to be silenced. The return of militarism is incompatible with democratic rights for the broader population.

That is why the government has completely supported the *Verfassungsschutz*. When the SGP filed a complaint against it being named in the *Verfassungsschutz* annual report, the Interior Ministry reacted with a 56-page brief, which was not so much a legal document as a furious diatribe against socialist ideas and could have been written in AfD party headquarters. In it, the government declares all politics to be anti-constitutional that refer to objective class antagonisms, criticise the army and secret services as undemocratic, or refer positively to Marx, Engels, Lenin or Trotsky.

On December 13, 2021, the Berlin Administrative Court fully supported this authoritarian argumentation and even went beyond it. On May 9, 2022, the Higher Administrative Court also rejected the SGP's appeal against this judgement and upheld the authoritarian and dictatorial attacks on basic democratic rights. The judgement and its confirmation lack any legal basis and are purely politically motivated.

## What the government and courts want to ban

The government and the courts are reacting extremely nervously to the growing opposition to their pro-war course, to their “profits before lives” policies in the pandemic, to rampant inflation, mass layoffs and the untenable conditions in hospitals and schools. They know that the majority rejects these policies, and they fear a social explosion. Hence the resort to the bluntest traditions of the authoritarian state and their belief they can simply ban this opposition. The pseudo-legal justification for this harks back to the worst traditions of German history.

Without further ado, the government and the courts declare the following positions to be anti-constitutional:

- According to the courts, there can be no party in Germany that refers positively to Karl Marx or Friedrich Engels. Because the SGP “does not engage in historical reflection, but pursues a political agenda based on the writings of Marx, Engels, Trotsky and Lenin,” it is directed against the free democratic basic order, according to the ruling of the Administrative Court.

- In particular, “Marxist class thinking and the propagation of class struggle” are declared incompatible with the Constitution. While workers all over the world are rebelling against desperate social inequality, wage cuts, inflation and mass layoffs, anyone who welcomes and supports such protests is to be criminalised. By this standard, only parties that stab labour struggles in the back and suppress them in the name of “social partnership” would be legal.

- Also, any “agitation against supposed ‘imperialism’ and ‘militarism’” and any “rejection of nation states and the European Union” should be put on the index of banned organisations. The Administrative Court even declared it unconstitutional to “denigrate” the Bundeswehr (Armed Forces) and the secret service “as undemocratic and directed against the population.”

- Finally, any doubting of the democratic legitimacy of the state organs is to be criminalised. When the SGP declared that there can be no democracy without socialism and no socialism without democracy, this evidenced an “understanding of democracy that deviates from the free democratic basic order,” according to the Higher Administrative Court. In this way, the courts and the government stamp anyone who raises the issue of the power of the banks and corporations over politics or calls for the democratisation of the economy as an enemy of the Constitution.

These bans would not only affect the SGP, but countless organisations and parties. Until 1989, even the programme of the SPD (Social Democratic Party) had still declared: “Socialism is only realised through democracy, democracy [is] fulfilled through socialism.” Moreover, booksellers distributing Marxist literature, workers striking for higher wages, or peace activists could be criminalised with the stroke of a pen.

## The stench of fascism

In banning Marxism and class struggle, the government and the courts are following the same reasoning that Bismarck once used to justify his anti-socialist laws against the SPD. These were directed against any organisation in which “social democratic, socialist or communist aspirations aimed at the overthrow of the existing state or social order are manifested in a way that endangers public peace, especially the harmony of the classes of the population.”

This state-imposed class harmony was also at the heart of the Nazis’ *Volksgemeinschaft*, the racially pure “community of the people.” At the book burnings in May 1933, one of the slogans shouted as the fire took hold ran: “Against class struggle and materialism, for *Volksgemeinschaft* and an idealistic attitude to life! I hand over to the flame the writings of Marx and Kautsky.”

Like their historical forebears, the government and the courts today oppose not only socialist ideas but the basic principles of a democratic society, which are incompatible with their pro-war policies and the robbery of the working class. Thus, they declare that even a majority of the population may not fundamentally change the state organs because these represent the “will of the whole people.” The SGP’s demand to create new, truly democratic organs is therefore ruled unconstitutional.

This hair-raising logic, unlike the Constitution, “places the state at the centre, and not human dignity,” as the SGP affirms in the grounds for its constitutional complaint. It follows the logic of fascism, which places the unconditional authority of the state above the democratic rights of citizens.

## Defend the SGP!

The return of these fascist traditions is directly linked to the government’s militarist great-power politics. It must be seen in the context of the international turn towards dictatorial forms of rule. In every country, the ruling elites are imposing their unpopular programme of war and social attacks and more and more openly using authoritarian measures. Donald Trump’s attempted coup and the Democrats’ refusal to act against it show how far this process has already progressed in the USA.

In Germany, the government is putting the programme of the fascist AfD into practice with its rigorous anti-refugee policies, the principle of “profits before lives” in the pandemic and the horrendous levels of rearmament spending. With the “Concerted Action” initiative, bringing together the government, corporations, and trade unions, it is creating a new version of Hitler’s German Labour Front, which is to enforce massive wage theft and comprehensive mass layoffs against the working class.

The attack on the SGP is part of this offensive. It is meant to prevent workers from turning to a socialist perspective in their struggles. The defence of the SGP is therefore a central component of the struggle against real wage cuts, against the herd immunity policy of deliberate mass infection, and, above all, against war and the return of German militarism.

Basic democratic rights have always had to be fought for in Germany against the authoritarian state—and by the very Marxist workers’ movement that is to be criminalised once again. Even the limited parliamentary order of the Weimar Republic could only be established in 1919 after the workers’ and soldiers’ councils had overthrown the Kaiser. In the end, it was only the workers’ parties that voted against Hitler’s appointment as *Reichskanzler*. At the time, the Trotskyists advocated a united front perspective, mobilising workers loyal to the SPD and KPD (Communist Party), that would have been able to stop the Nazis.

Today, too, the defence of basic democratic rights depends on a broad mobilisation. We therefore appeal once again to all those who want to defend democratic rights and confront the right-wing danger to support the SGP’s constitutional complaint. Sign our petition on [change.org](https://change.org), contact the *World Socialist Web Site* and share this statement among your friends and acquaintances.



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