

Right-wing extremist head of Germany's secret service co-authored a standard legal text on the constitution for years

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Hans-Georg Maassen, the notoriously right-wing former president of the *Verfassungsschutz* (domestic intelligence agency) co-authored a standard legal commentary on the German constitution for 13 years.

Maassen was made to take early retirement in 2018 by the then-grand coalition government of the Christian Democrats (CDU/CSU) and Social Democrats (SPD) because his defence of a far-right, xenophobic demonstration in Chemnitz had caused a storm of outrage. But since 2009, he has been responsible for Article 16 (protection against extradition) and Article 16a (right to asylum) in “Epping/Hillgruber,” the standard legal work on the German constitution.

“Epping/Hillgruber” and other standard works from the C. H. Beck publishing house are found on judges’ desks and are usually the only ones approved for use in state legal exams. They therefore essentially determine how the constitution is interpreted.

The fact that one of Germany’s leading right-wing extremists held this influential position sheds light on the rightward turn of the ruling class. Even after his dismissal as president of the *Verfassungsschutz* (Office for the Protection of the Constitution, as Germany’s domestic intelligence agency is called), Maassen remains very well connected and enjoys much influence. Despite public criticism, the publisher and editors of the legal commentary held on to him, defending him against criticism until Maassen finally resigned on January 17 of this year.

In the *Frankfurter Allgemeine Zeitung* in August last year, Stefan Huster, a professor of constitutional law who also writes in “Epping/Hillgruber,” declared that he no longer wanted to make Maassen’s positions acceptable by jointly commenting on the constitution with him. He questioned whether Maassen still stood on the foundations of the constitution at all.

He wrote of Maassen: “Whoever, as a CDU member, formulates sympathy for cooperating with a party [the far-right Alternative for Germany, AfD] that is under surveillance by the Office for the Protection of the Constitution, calls for a ‘Covid vaccination bans,’ invoking coronavirus deniers who can no longer be taken seriously by any stretch of the imagination, derides the rescue of refugees from distress at sea as a ‘shuttle service,’ accuses the federal minister of health of mental illness or drug use, seizes on the bizarre conspiracy theories surrounding the World Economic Forum, and also announces his views on questionable ‘lateral

thinker’ platforms, must expect to be questioned as to whether he can still be counted among the reliable supporters of the liberal order given the type, content and context of his statements.”

The editors of “Epping and Hillgruber,” professors in Hanover and Bonn, then accused Huster in a circular letter to the other authors of “placing the publishing house and the editors under undue political pressure and discrediting them.” C. H. Beck finally parted company—with Huster! The publisher publicly declared that Maassen’s commentary on the asylum articles in the constitution was “not objectionable from a professional point of view.”

Behind the scenes, however, C. H. Beck seems to have tried to give its long-time contributor a face-saving farewell. The public pressure was likely too great.

On January 18, the publishing house announced it had decided “to use our options to terminate the publishing contract with Dr. Maassen.” The 60-year-old then terminated the contract himself. “Irreconcilable positions had taken on a life of their own,” which were “damaging to the commentary on the constitution, its editors and the publishing house,” the statement said.

C. H. Beck is one of the largest and most traditional German publishing houses. It has been publishing legal digests and commentaries since the first half of the 20th century. This was not interrupted even by Nazi rule. On the contrary, some of its standard works bore the names of Nazi jurists well into the 21st century.

For example, from 1938 to 2021, the commentary on the German Civil Code (BGB) bore the name of Otto Palandt, a member of the Nazi Party and president of the Reich Justice Examination Office. It was not until 2021 that “Palandt” was renamed “Grüneberg.” The legal digest with the highest circulation was also called “Schönfelder” until 2021, named after the Nazi jurist Heinrich Schönfelder. It is now called “Habersack.”

Another constitutional commentary from C. H. Beck also renamed in 2021 was called “Maunz/Dürig” until then. Its founder, Theodor Maunz, had been an influential law professor during the Nazi era. After the fall of the Hitler regime, he was a member of the Constitutional Convention in Herrenchiemsee, then Bavarian minister of culture for the Christian Social Union party (CSU). In 1964, he had to resign because of his Nazi past, but then for years advised the right-wing extremist German People’s Union (DVU) of Munich-based publisher Gerhard Frey, writing under a

pseudonym for the latter's newspaper.

In an editorial on Maassen that appeared before his exit from C. H. Beck, the *Süddeutsche Zeitung* drew attention to another racist scandal. In the *Neue Zeitschrift für Arbeitsrecht (New Journal of Labour Law)*, published by C. H. Beck, 90-year-old lawyer Rüdiger Zuck declared that "it is okay to make the 'ugah ugah' monkey sounds at a black works council representative." The publishing house distanced itself and took the text off the Internet only after receiving a letter of protest signed by numerous lawyers.

A key figure in the right-wing conspiracy in the state apparatus

Born in 1962, the lawyer Hans-Georg Maassen personifies the right-wing turn of the establishment parties and the state apparatus over recent decades like no other. Beginning in 1991, Maassen enjoyed a stellar career in the Interior Ministry, having been promoted by ministers from the Christian Democratic Union (CDU), the CSU and the SPD. In 1997, he argued for an extremely restrictive refugee policy in his doctoral dissertation on "The Legal Status of Asylum Seekers in International Law."

In 2002, under SPD Interior Minister Otto Schily, Maassen provided him and the then-head of the Federal Chancellery (responsible for the secret services), now German President Frank-Walter Steinmeier, with a legal justification ensuring that Murat Kurnaz, a native of Bremen, was not allowed to return to Germany and had to spend five years in the US prison camp at Guantánamo. This was despite the fact that the German and US secret services had convinced themselves early on that Kurnaz was innocent.

Maassen argued at the time that because the Turkish citizen (taken to the torture camp and incarcerated there) had been outside of Germany for more than six months and had failed to report to the German authorities, his residence permit had "expired by law." This view did not withstand subsequent scrutiny by the Bremen Administrative Court.

In 2003, Maassen became head of the Aliens Law Department. From August 2008, he headed the Counterterrorism Staff in the Public Security Department of the Interior Ministry.

In 2012, Maassen was appointed president of the *Verfassungsschutz* in order to cover up its close ties to violent neo-Nazi networks. Shortly before his appointment, it had become known that the National Socialist Underground (NSU) had carried out 10 racist murders as well as several bombings and bank robberies between 2000 and 2007 under the eyes of the security authorities. At least two dozen of their undercover agents had been active in the NSU's immediate periphery during this period, all of whom claimed afterwards that they had not noticed anything.

As head of the *Verfassungsschutz*, Maassen cultivated relationships with all of the parties in the Bundestag (federal parliament) and was invited by the Left Party to a public discussion meeting. He regularly met with the leaders of the far-right AfD for consultations. His agenda centered on attacks on democratic rights and the systematic persecution of journalists and socialists.

Among other things, Maassen slandered whistle-blower Edward Snowden as a traitor. In 2016, he speculated that Snowden might be an agent of the Russian intelligence services, something that even senior US intelligence officials do not claim. Maassen had

shown how serious he was about prosecuting whistle-blowers a year earlier when his agency launched criminal investigations into two journalists for treason.

It was also Maassen who ensured that the Sozialistische Gleichheitspartei (Socialist Equality Party, SGP) was included in the *Verfassungsschutz* annual report and denigrated as "left-wing extremist." The *Verfassungsschutz* justified this by saying that the SGP was fighting "for a democratic, egalitarian, socialist society." The SGP filed a lawsuit against this and has since filed a constitutional complaint.

When Maassen publicly defended a far-right march in Chemnitz in the fall of 2018, Interior Minister Horst Seehofer (CSU) and then-SPD leader Andrea Nahles wanted to promote him to a higher post in the Interior Ministry. It was only when he described his own government's refugee and security policies as "left-wing" and "naive" in front of European intelligence representatives in Warsaw and complained of "radical left-wing forces" even "within the SPD" that he was made to take early retirement.

Since then, although still a member of the CDU, he has operated as a far-right agitator, whose public positions are virtually no different from those of the AfD.

In the pandemic, Maassen positioned himself as a coronavirus denier. He declared on Twitter that the "novel virus" was "comparable in danger to a flu virus," and called for an immediate end to all protective measures, including a "COVID vaccine ban," based on the crackpot theories of maverick professor Sucharit Bhakdi.

Most recently, on Twitter, using blunt Nazi rhetoric, he fantasized that the "thrust" of "driving forces in the political-media space" was "eliminatory racism against whites and the burning desire that Germany perish."

This man headed Germany's domestic intelligence service for years and, until a few days ago, co-authored a standard legal work on how the German constitution should be interpreted.

And even after Maassen's dismissal, his essentially fascist policies continue. The German government has largely adopted the demands of the extreme right in its refugee and pandemic policies, and the right-wing extremist networks in the state apparatus and the Bundeswehr (Armed Forces) are being courted and protected. They are needed to push through the return of German militarism and associated social attacks against growing resistance in the population.



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