

Cologne Administrative Court bolsters far-right Alternative for Germany

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In a sensational ruling delivered shortly before state elections in Baden-Württemberg and Rhineland-Palatinate, the Cologne Administrative Court has bolstered the far-right Alternative for Germany (AfD). It has ruled that the Verfassungsschutz (Office for the Protection of the Constitution, as the Secret Service is called) may not for the time being designate and treat the party as “proven right-wing extremist.” The AfD is celebrating this as a great victory.

A year ago, based on a 1,108-page report, the Verfassungsschutz concluded that the AfD was “proven right-wing extremist.” The then federal Interior Minister Nancy Faeser (Social Democratic Party, SPD) had publicly announced this on May 2, 2025, shortly before the end of her term in office. When the AfD sued against this, the Secret Service temporarily put the new assessment on ice. Now the Cologne court has ruled in favour of the AfD.

What is remarkable about the Cologne ruling is that it is not limited to declaring the evidence gathered by the Verfassungsschutz insufficient. It downplays the right-wing extremist standpoints of the AfD, its Islamophobia, its *völkisch* (ethno-nationalist) worldview and use of inflammatory terms such as “remigration”—and thereby legitimises them.

The court does not deny that there are right-wing extremist tendencies directed against the constitution within the AfD. But it declares them to be “isolated cases” that do not prove the party has a fundamentally anti-constitutional propensity. The party was “not characterised by this in a way that leads to the conclusion that, based on its overall picture, a fundamentally anti-constitutional tendency can be established,” it states.

That is as if a court in the Weimar Republic had found that the antisemitism of Hitler and numerous Nazi officials did not prove that his party actually threatened Jews.

Elsewhere, the court states that there was a suspicion that certain political demands of the AfD were incompatible with the guarantee of human dignity in the constitution. For example, its 2025 federal election programme contained the

demand for a ban on minarets and the muezzin’s call, which violated freedom of religion. However, according to the court, “not every unconstitutional demand, not every single statement” taken on its own was sufficient to establish the fundamentally anti-constitutional tendency of a party.

“A precisely measured dose of anti-constitutionalism in the election programme, not particularly harmful,” commented legal magazine LTO.

Two years ago, 2.3 million people in several hundred German cities protested against a secret meeting in a Potsdam villa where AfD officials, neo-Nazis and businessmen had discussed a “master plan for remigration.” But now the Cologne court is defending “remigration,” claiming the term was too vague to derive from it a concrete political goal “in the sense of undifferentiated deportation.” The party had never explained how it intended to implement such a policy at all, it added.

The court expressly does not share the Secret Service’s assessment that the demand for “remigration” was an expression of an “ethno-genealogical concept of the people” (*völkisch-abstammungsmässiger Volksbegriff*). Such an interpretation presupposed a “programmatically stringency” on the part of the party, which could not be inferred from the evidence presented.

The court also said it did not see “sufficient certainty to the effect that it corresponds to the political objectives of the AfD to grant German citizens with a migration background only a legally devalued status.” Yet the 2025 Verfassungsschutz report contains numerous analogous statements by AfD officials. They distinguish between Germans and “passport Germans,” or demand, like the former Member of Parliament Ulrich Oehme, “immediate remigration in order to protect and preserve our ethno-cultural identity.”

While the judges do see “more concrete evidence” of Islamophobia in the AfD, this was not sufficient to classify the entire party as right-wing extremist.

The Cologne ruling is not final, as it was issued in summary proceedings—which lasted nine months. The

decision in the main proceedings, which could take further months, is still pending. Legal experts, however, do not believe that the ruling in the main proceedings will turn out differently. In addition, an appeal against the ruling is possible at the Higher Administrative Court in Münster and the Federal Administrative Court in Leipzig. The legal dispute could therefore drag on for years. What is considered certain is that a banning procedure against the AfD has hardly any prospect of success after the Cologne ruling.

The AfD-friendly ruling confirms that resistance against fascism cannot rely on the courts and other state institutions. The ruling is part of increasing efforts to raze the so-called “firewall“ and integrate the AfD into the government. At European level, the Christian Democrats (CDU/CSU), who govern in a coalition with the SPD in Germany, have long been collaborating with neo-fascist parties, such as the Brothers of Italy (Fratelli d’Italia) of Prime Minister Giorgia Meloni.

Fascist movements are growing all over the world. They are being promoted by the ruling class to suppress resistance against war and capitalism.

This is seen most clearly in the US, where President Trump is using fascist methods to establish a dictatorship of billionaires. The “remigration” that the Cologne court has now rubber-stamped is daily practice there and serves to build a police state. Trump’s ICE Gestapo is terrorising the population and building a dense network of concentration camps.

Such efforts are also far advanced in Germany. The federal government has adopted the AfD’s inhumane migration policy, is strengthening the police and intelligence apparatus, rearming as not seen since Hitler, and escalating the war against Russia. All this is incompatible with democracy.

Despite its populist pretences, the AfD is closely linked to the state apparatus and the ruling class. Its ranks contain many police and military officers. As is now known, the then head of the Verfassungsschutz, Hans-Georg Maassen, personally advised the AfD for a long time.

“One cannot understand the growth of the AfD without examining the role of the government, the state apparatus, the parties, the media and the ideologues at the universities who are paving the way for it,” wrote Christoph Vandreier, chairman of the Sozialistische Gleichheitspartei, in his book *Why Are They Back?*, which analyses the return of fascism in Germany.

Therefore, the SGP rejects the demand for a ban on the AfD and demands the dissolution of the Verfassungsschutz. It does this not because it underestimates the fascist danger posed by the AfD, but because one cannot cast out the devil by means of Beelzebub.

An AfD ban would not stop the growth of fascism and the

rightward shift of the ruling class. It would strengthen the state apparatus of repression and create a precedent for the banning of left-wing parties. The ban on the KPD (Communist Party of Germany) in 1956 had already been preceded by the banning of the neo-Nazi Socialist Reich Party.

A comparison of the Cologne ruling in favour of the AfD with the ruling handed down by the Berlin Administrative Court against the SGP in 2021 underscores this. While the AfD was victorious, the SGP, which had sued against its classification as “left-wing extremist” by the Verfassungsschutz, was brusquely dismissed. The court stood unconditionally behind the Secret Service. It did so on the grounds that the mere “striving for an egalitarian, democratic and socialist society,” the criticism of militarism and nationalism, and the rejection of the European Union were unconstitutional.

According to these court rulings, one is therefore allowed to advocate for “remigration,” agitate against migrants and downplay the Nazi dictatorship. Advocating for an egalitarian, democratic and socialist society, on the other hand, marks one as extremist.

The growth of the AfD and other fascist parties is, as it was a century ago, a result of the desperate crisis of world capitalism. While the working class is moving to the left, those in power resort to dictatorship and oppression. In 1933, Hitler did not have to seize power by force; he was appointed chancellor by a conspiracy around Reich President Hindenburg, even though his party had only a third of the MPs. Later, with the exception of the SPD and the KPD, which had already been banned, all parties voted for the *Ermächtigungsgesetz* (Enabling Act) that made Hitler a dictator.

The fight against fascism must not be left to the courts, nor is it a question of parliamentary arithmetic. It requires the building of an independent movement of the international working class that combines the fight against dictatorship, war and social inequality with the fight against their root cause, capitalism.

This necessitates a political break with the SPD, the Left Party and the trade unions, which support the pro-war policies and social cuts, stifle resistance against them and thus create fertile ground for the right-wing demagogues of the AfD. A self-assured offensive by the working class would pull this ground out from under the AfD.



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