Université de Montréal

Political Conflict as Moral Conflict:
Multiculturalism and the Nation in Germany (2015-2017)

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Thèse présentée en vue de l'obtention du grade de Philosophiae doctor (Ph.D)
en science politique

Septembre 2019

Université de Montréal
Faculté des arts et des sciences : science politique

Cette thèse intitulée

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Abstract

This dissertation examines, from a Durkheimian perspective, political conflict in Germany around the issues of multiculturalism, immigration, and national identity within the context of the Refugee Crisis beginning in 2015 and ending roughly with the German Federal Election in September 2017. It identifies four moral ideals, or ideal visions of the German community, that motivated political actors during this period: the *Autonomen* ideal that rejects all forms of power and domination; the ideal of *Verfassungspatriotismus* (Constitutional Patriotism) of the SPD (and parts of the CDU); the ideal of the cultural or ethnocultural nation of much of the AfD (and the CSU and *WerteUnion*); and the ideal of the biological nation on the far-right. At the heart of each moral ideal is a sacred object that serves as a moral authority that legitimates certain moral prescriptions, and leads to a set of moral truths and moral judgments, the totality of which Émile Durkheim identifies as a moral fact. For the *Autonomen* and adherents of *Verfassungspatriotismus* the sacred object is the individual understood through the concept of human dignity. For others the sacred object is the German nation, understood either in an (ethno)cultural sense or a biological sense. As the dissertation argues, these different moral ideals are inherently profanatory to each other, such that the moral prescriptions inspired by one sacred object (human dignity) directly violate the sacred object of the other (the nation), and vice-versa.

These ideals all compete with each other for power and influence within the German political sphere as a means to gain access to (or to dismantle) state power. The result is political conflict that takes place essentially within a moral framework. These conflicts occur in the legal domain, in battles over party leadership and membership, and through political violence; they touch on a number of key issues such as free speech, multiculturalism, and political extremism. This dissertation seeks to understand these conflicts through the prism of Durkheim's concept of the moral fact and to develop a Durkheimian sociology of moral conflict. In this analysis, the dissertation draws on Randall Collins' conflict theory, which Durkheim's work also largely inspires.

Key Words: Émile Durkheim, moral truth, moral fact, legitimation of authority, right-wing populism, extremism, free speech, hate speech, *Verfassungspatriotismus*

Résumé

Cette thèse examine, depuis une perspective durkheimienne, le conflit politique en Allemagne sur le multiculturalisme, l'immigration, et l'identité nationale. L'analyse se fait dans la période entre le début de la crise des réfugiés en 2015 et l'élection fédérale allemande de septembre 2017. J'identifie quatre idéaux moraux, soit des visions idéales de la communauté allemande qui motivent les acteurs politique : l'idéal des *Autonomen* qui rejettent tout forme de pouvoir et de domination, l'idéal du *Verfassungspatriotismus* (le patriotisme constitutionnel) de la SPD (et une partie de la CDU), l'idéal de la nation (ethno)culturelle de la plupart de l'AfD (et la CSU et la *WerteUnion*), et l'idéal de la nation biologique de l'extrême droite. Au cœur de chaque idéal est un objet sacré qui sert d'autorité morale qui légitimant des prescriptions morales et qui amène à une série de vérités morales et de jugements moraux, la totalité duquel Émile Durkheim identifie comme un fait moral. Pour les *Autonomen* et les adhérents du *Verfassungspatriotismus*, l'objet sacré est l'individu conçu à travers le concept de la dignité humaine. Pour les autres, l'objet sacré est la nation allemande, conçue en termes (ethno)culturels ou en termes biologiques. Cette thèse argumente que ces idéaux moraux sont intrinsèquement profanatoires, dans le sens que les prescriptions morales d'un objet sacré (la dignité humaine) violent directement l'objet sacré de l'autre (la nation), et vice-versa.

Ces idéaux sont tous en concurrence pour le pouvoir et l'influence, avec comme but d'avoir accès au pouvoir étatique allemand. Le résultat est un conflit politique qui traduit essentiellement un conflit moral. Ces conflits ont lieu dans le domaine légal, au sein des partis politique, et à travers la violence politique. Ces conflits touchent un nombre de sujets clés comme la liberté d'expression, le multiculturalisme, et l'extrémisme politique. La présente thèse cherche à comprendre ces conflits à travers le prisme du concept durkheimien du fait moral, et développe une sociologie du conflit moral durkheimien. Cette thèse s'inspire également de la théorie de conflit de Randall Collins, qui s'inspire elle aussi de l'œuvre de Durkheim.

Mots clés : Durkheim, vérité morale, fait moral, légitimation de l'autorité, populisme de droite, extrémisme, liberté d'expression, discours de haine, *Verfassungspatriotismus*

Table of Contents

Acknowledgements/Remerciements

I would like to first of all thank my thesis advisors, Laurence McFalls and Marcel Fournier, for all of the work they have put in to making my thesis what it is. I don't think I could have asked for better advisors. They were always gracious with their time, provided me with quality feedback, and pointed me in the right direction; the end product has been much improved as a result. Charles Blattberg originally helped guide me through the application process that landed me in the political science department. He has always been gracious with his time and given me much helpful feedback on my work, which has forced me to rethink and refine a number of my positions. Ursula Lehmkuhl, who gave me valuable feedback at important points in the development of my thesis project, also contributed in important ways to the final product.

All four of these distinguished scholars stuck by me when the going got tough, especially Laurence, even though it might not have been the easiest thing to do. For that I will be eternally grateful.

I would also like to thank my parents. They have helped me in innumerable ways over the past five years as good parents do, and without their support I would not be where I am today. My father also read through the entire text, fixing typos and making editorial and stylistic suggestions that have greatly improved the readability of the final product. My brother Philip and sister Elizabeth, along with their families, including Rick, Ginger, Clara, and Alex, offered thoughtful life advice or gave me opportunities to think about something other than academic work.

Ich möchte auch gerne all jenen danken, die mir ein Interview gegeben haben. Sie waren hilfsbereit, großzügig mit ihrer Zeit und haben mir geholfen, den politischen Zustand Deutschlands zu verstehen.

Zuletzt möchte ich mich bei den Veranstaltern und Teilnehmern der deutschen Stammtische Montreals bedanken. Dort habe ich mehrere langjährigere Freundschaften entwickelt, dort konnte ich endlich meinen Computer für einige Stunden bei Seite legen, und dort natürlich konnte ich Deutsch sprechen. Weil meine Dissertation über Deutschland handelt, waren diese Sprach- und Kulturkreise von unschätzbarem Wert. Ich danke euch alle!

"Not only are these types of behaviour and thinking, external to the individual, but they are endued with a compelling and coercive power by virtue of which, whether he wishes it or not, they impose themselves upon him. Undoubtedly when I conform to them of my own free will, this coercion is not felt or felt hardly at all, since it is unnecessary. None the less it is intrinsically a characteristic of these facts; the proof of this is that it asserts itself as soon as I try to resist."

– Emile Durkheim

Chapter 1

Method and Theory

I-Object of Investigation

Introduction

In the summer of 2015, increasing numbers of migrants from Africa and the Middle East were making their way to Europe, with most claiming asylum, a trend that had already begun in 2014. In the context of a growing sense of urgency and crisis, on September 4, 2015, German Chancellor Angela Merkel decided that Germany would open its borders and allow the migrants free entry into Germany, resulting in a large influx of migrants in the final months of 2015. They continued to enter Europe and Germany in 2016 and 2017, although in lower numbers compared to 2015. In the end, between 2014 and 2017 a total of 1,589,786 individuals applied for asylum in Germany (BAMF, 2018). Many people in Germany celebrated Merkel's decision, but many also contested it. Those criticizing her included members of her own CDU-CSU caucus, but especially the upstart *Alternative für Deutschland* (AfD, Alternative for Germany). The AfD was founded in 2013 to protest the European Union's fiscal policy, in particular that concerning Greek debt. In May 2015, Frauke Petry replaced Bernd Lucke as AfD party leader, resulting in Lucke's departure from the party and a rightward shift in the AfD's politics. With this shift in approach, combined with Merkel's decision to open Germany's borders, the AfD became the leading critic of multiculturalism and mass migration in Germany. In the end, the 2015 Refugee Crisis set the stage for other important developments in German society, including the rise in popular support for the AfD and a number of political conflicts between different political actors in the country leading up to the German federal election in September 2017.

These developments and conflicts that took place in Germany between 2015 and 2017 are tied to broader historical trends in postwar Germany and across the Western world. After World War II, human rights came to occupy a predominant place in political discourse in the West, in contradistinction to the nationalism that preceded it. An important reason for the development of this discourse is World War II and the Holocaust. After these catastrophic events, Western society was determined to ensure that such horrors would never again take place in Europe. As part of this effort, the United Nations adopted the Universal Declaration of Human Rights in 1948. In the same spirit, in 1951, the United Nations adopted the Refugee Convention, creating a special legal status for those fleeing persecution, an agreement that was expanded to include refugees without geographic limitation in 1967. In postwar West Germany, the new Constitution, adopted in 1949, laid the foundations for the new democratic Federal Republic in line with much of the prevailing thought on human rights at the time. Its first article states that human dignity is inviolable, and in this way the German Federal Republic's main duty is to protect human dignity as a primary value.

These documents to a large extent framed thought on political questions of morality and placed both a legal and a moral obligation on the most powerful countries to take care of and defend those unable to defend themselves. They have strong universalistic foundations, and to the extent that they promote universalism and encourage the welcoming of refugees from all over the world, they imply a normative stance in favor of ethnic and cultural diversity. As a result, the human rights discourse represents a challenge to national identity, understood as a people's or a nation's sharing a more or less homogeneous history, language, and culture. Beginning especially in the 1960s, broad sections of Western society picked up on this new culture of human rights. Many people reacted against a number of historical events, such as the legacies of slavery, colonialism, the Vietnam War, and the Holocaust. They equated national identity and nationalism with the violence of racism, slavery, imperialism, discrimination, or totalitarianism. For this reason, many people came to see nationalism as a threat to human dignity and human rights, and the nation became discredited on these grounds. But nationalist sentiments never went away and reemerged in different forms. In Germany, nationalism reemerged in the 1980s and 1990s under Helmut Kohl and with the

reunification of East and West Germany in 1990. It emerged once again in 2015 in the context of the Refugee Crisis in the form of the AfD.

This dissertation proposes to study the political conflicts between proponents of ethnic and cultural diversity, also known as multiculturalism, and those who defend national identity or nationalism. These conflicts, I argue, are ultimately moral conflicts, and should be understood in these terms. The refugee crisis in Germany offers an ideal opportunity to study the moral dimension of the political conflicts that came to a head between 2015 and 2017. Germany is unique for several reasons. First, the 2015 Refugee Crisis has impacted it more than any other country since it has taken in more asylum seekers than any other country. Secondly, Germany's political culture has been deeply marked by perhaps the defining event of the 20th century, the Holocaust. This deeply traumatic event has had widespread repercussions both in Germany and beyond. The uniqueness and scale of importance of German history and Germany's response to the Refugee Crisis in 2015 can thus offer a deeper look into the moral psyche of Western Civilization as a whole. This dissertation does not explore the specifics of the Holocaust as a historical event or go into great detail concerning debates over Germany's *Erinnerungskultur* (Remembrance Culture). These topics are significant, as debates about the Holocaust's historical details and importance to German identity have spanned many decades and have a unique importance to German political culture. The dissertation likewise does not deal with refugee policy or the experience of refugees in Germany. Rather, these issues provide the framework for the symbolic moral battle taking place in Germany concerning the issues of multiculturalism and the nation. These are clearly vast and hugely important topics in their own right and by referring to them as establishing a broader context within which to understand political conflict, I in no way seek to downplay or ignore their significance.

While the conflicts are in a continuous state of evolution, the period between 2015, the year of the Refugee Crisis, and the German federal election in September 2017 provides a suitable timeframe to observe these conflicts. During this time the German government initiated programs to combat hate speech, while the run-up to the federal election provided an opportunity for political actors to engage with one another over political issues, leading to a number of conflicts. Importantly, while my study takes place

within the context of the Refugee Crisis, I will not, as already mentioned, discuss refugee policy or the situation of refugees in Germany. Instead, I am looking at actors within the German political field as they struggle against each other over questions related to multiculturalism and the nation. The Refugee Crisis frames many of these struggles, but these struggles do not directly involve the refugees themselves.

In order to study these conflicts, I will adopt a sociological approach that is strongly informed by Émile Durkheim. There are three main concepts from his work that are important here. The first of these is the moral fact. Moral facts are a type of social fact, which Durkheim defines preliminarily as a "way of acting […] capable of exerting over the individual an external constraint," that exists "independent of its individual manifestations" (1982a [1895], 59). Later he would also emphasize the social fact's positive, or attracting, dimensions (1982c [1901], 47). Accordingly, the moral fact is characterized by feelings of both obligation *and* desire with respect to specific social rules and norms that a specific moral/religious authority legitimates. In other words, through the moral fact it is possible to identify and analyze different sets of socially binding moral obligations, as these obligations relate to a legitimate authority. This concept will allow me to identify the moral structure of the ideologies on both the multicultural and the nationalist sides of the debate. In other words, I will be able to identify their respective moral obligations, the moral authority that legitimates these obligations, and the different ways this moral legitimacy spurs individuals to action. A second concept from Durkheim that is relevant to this project is his notion of the 'cult of the individual.' In his work in the early 20th century, Durkheim identifies a new religion that replaces the Christianity that was in the process of dying out. This religion has as its source of moral authority and holds as its sacred object the individual person; its moral commands are closely tied to human rights and respect for human dignity. A third concept from Durkheim is his notion of *représentations collectives*. For Durkheim, society is a system of representations that indicates a group's relationship with the world. Symbols and signifiers, such as language, are the carriers of social forces and can be used to study society. Because Durkheim's work does not focus much on conflict, I will also draw on the work of Randall Collins, who follows strongly in the Durkheimian tradition and has used Durkheimian sociology to formulate a theory of conflict.

Using these methodological tools, I propose to analyze the political conflicts in Germany beginning in the summer of 2015 and ending roughly with the German federal election in September 2017. To do this I will identify different moral facts in German society, determine their ideational components, and then see how the moral fact is externalized through material manifestations, such as laws or extra-legal violence. Specifically, I will look at how these moral facts conflict with each other on the issues of ethnic and cultural diversity and national identity.

Research Questions

My research is guided by the following questions:
1) What are the salient moral facts present in German society relating to ethnic and cultural diversity on the one hand and the nation and national identity on the other?
2) How do individuals come to perceive certain politicians, policies, or political actions as morally legitimate?
3) How do competing groups represent their opponents in their discourse?
4) What historical allusions give form to these moral facts?
5) How can we establish a connection between discourse and political and social actors?

In response to these questions, it is possible to identify opposing sides in the debate over multiculturalism, each of which makes reference to competing understandings of collective identity or to what it means to be a part of a larger political community. The debates over multiculturalism are also often highly moral. It makes sense then to identify what ideal community individuals are defending in these debates, and how they use these ideals to justify or legitimate certain policy recommendations or other actions of a political nature. Durkheim's concept of the moral fact, as we shall see, is perfectly suited for this kind of analysis. Because the debate over multiculturalism is moral, it is not surprising to find advocates on both sides framing the debate in terms of good and evil. Considering Germany's fraught political history, it is therefore not surprising to see

individuals in this context allude to Germany's National Socialist or Communist pasts as a way to discredit or render immoral their opponents. Lastly, it is possible to link discourse with individual actors through Durkheim's concept of the social fact. The social fact is an aspect of social life that individuals incorporate and that motivates them to act in specific ways. As Durkheim argues, a key component of social facts are *représentations collectives*, which along with the actions themselves express the content of social facts. Language is among the most important *représentations collectives*, and studying the concepts present in different discourses should allow a researcher to understand the motivations that propel individuals to action.

In answering these questions, my research will thus rely on a number of tools stemming from Durkheim's work. It is also related to research on different topics in political science and sociology, including the sociology of morality, multiculturalism, the nation, populism, and extremism. In the following, I will discuss in detail the relevant concepts that I will use in my analysis and the methodological questions that my research will inevitably raise. I will then discuss literature relevant to my dissertation topic and show where I am making contributions to that literature. While Durkheim might not be the first author one would think of when attempting to understand conflict, I hope to demonstrate in the following that his work provides the tools necessary to do so, and precisely because it concerns moral conflict, to show that his work is perhaps best suited for these purposes.

II-Durkheimian Sociology and Method

Emotional Energy and Sacred Symbols

Durkheim does not see a society as a group of individuals living in one specific geographical location. Rather, in a *sui generis* fashion, a society is the collection of individual consciences that combine to form something wholly new and different from the parts that make it up, and that supercedes in complexity and depth the life of any one particular individual (Durkheim 1995 [1912], 425). Subsequently, a society is not reducible to its composing parts and must be studied as a distinct, *sui generis* entity.

Following Collins, one should not take Durkheim's concept of 'society' to necessarily refer to a monolithic, all-encompassing entity, as too many scholars do. Rather, as Collins argues, "we should take 'society' in its generic sense, as any instance of prolonged sociation, whatever its boundaries in space or in time" (1988, 109). As this dissertation will make clear, 'societies' in Durkheim's sense can exist on many different levels, leading at times to complex social stratifications.

The reality of society is constituted or represented by the idea a group of individuals creates of and for itself, an idea that both transcends and unifies individuals (Durkheim 1995 [1912], 425; 1961 [1925], 71). At its highest level, the idea that a group creates of itself is associated with religion and is the locus of group solidarity. We must not, however, confuse this form of religious solidarity with the vision of mechanic or organic solidarity put forward in *The Division of Labor in Society*. Durkheim's work on religion evolved over his life, and in his late work he came to see religion as the most important product of social life (Lukes 1973, 237-244). His later work, thus, differs dramatically from his early work in its conception of solidarity.

At the core of religion is the way in which ritual and collective effervescence work to create and maintain an individual's emotional attachment to society. Collective effervescence refers to the emotional energy[1] released when the group of individuals that makes up a society comes together and performs a ritual. In the aboriginal groups that Durkheim analyses in *The Elementary Forms of Religious Life* (hereafter *Forms*), he observes that these moments are characterized by high degrees of excitement and energy: "Once the individuals are gathered together, a sort of electricity is generated from their closeness and quickly launches them to an extraordinary height of exaltation" (1995 [1912], 217). This collective energy projects onto an external symbol that thereby becomes a sacred object. Through this object, society becomes conscious of itself, albeit in a displaced way: "Religious force is none other than the feeling that the collectivity inspires in its members, but projected outside the minds that experience them, and objectified. To become objectified, it fixes on a thing that thereby becomes sacred" (Durkheim 1995 [1912], 230). Due to the emotional attachment individuals feel to a

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[1] I use this term following Collins (2004), who places emphasis on the emotional attachments formed in collective ritual.

sacred object as a result of ritual, a sacred object, as Collins observes, represents "the emotionally unified group" (Collins 2001, 33). Of great importance is that the collective energy created in ritual exists in reality and is really felt by the participants (1995 [1912], 227). While it is a mistake to think that this power emanates directly from the symbol onto which this energy is projected, behind the symbol is the concrete and living reality of society (Durkheim 1995 [1912], 227). As a corollary, one can say that all religions are true, at least symbolically, for they represent a power that *does* exist: the power of society.

Religious rituals therefore lay the foundations for group solidarity. But they are also instrumental in maintaining this solidarity. Rituals are the means through which individuals reaffirm their bonds to each other and reawaken the collective energy at the heart of religion. It is thus imperative that rituals be performed and repeated; otherwise a society risks death (Durkheim 1995 [1912], 350-351). Regardless, solidarity with society is not merely expressed through a single representation of that society. It entails an entire doctrine, including elements of morality and truth, which I will discuss shortly.

A final dimension of religion is the integration of individuals into the group. As Durkheim explains, rituals create links between the individual and the sacred object of society. These rituals serve "the manifest purpose of strengthening the ties between the faithful and their god—the god being only a figurative representation of the society— they at the same time strengthen the ties between the individual and the society of which he is a member" (Durkheim 1995 [1912], 227). They create an important loyalty and attachment to the sacred object, which it is possible to associate with authority. Thus, through the sacred object, society is able to impose norms on the individual.

What is important to take away from Durkheim's analysis is that one should not see it as solely limited to a traditionally religious setting. As Collins agues, Durkheim's insights about the nature of social interactions and the formation of social bonds can be applied to any form of prolonged sociation or group formation. Extracting Durkheim's analysis from a strictly traditional religious setting opens the door to a much broader field of application and a much more dynamic theoretical approach.

Social Facts, *Représentations Collectives*, and the Notion of Constraint

What is *a social fact?*

      Durkheim elaborated his methodology in a variety of texts, including most importantly his 1895 *The Rules of Sociological Method* (hereafter *The Rules*), to which he added an important "Preface to the Second Edition" in 1901. The central focus of the sociological method is the social fact. Strictly speaking, what the social fact *is*, is the "*sui generis* synthesis" of individual minds, "which constitutes every society" and "gives rise to new phenomena" (1982c [1901], 39). Social facts are different from individual or "psychological facts; *they have a different substratum*, they do not evolve in the same environment or depend on the same conditions" (1982c [1901], 40). Consequently, one cannot use psychology, biology, or any other science to understand it (1982c [1901], 44).[2] The 'different substratum' that Durkheim refers to is of course found within the individual psyche, "[b]ut the states of the collective consciousness are of a different nature from the states of the individual" (1982c [1901], 40). Hence, the social fact resides in a special substratum of the *individual* mind, and yet it is decidedly *social*.

      Social facts, thus, are not physical properties; they are fundamentally a dimension of "consciousness" and do not "signify […] anything substantial" (1982c [1901], 34). Durkheim thus points to a reality that is wholly ideal, and that expresses itself in concrete actions:

> The organisation of the family, of contracts, or repression, of the state and of society seems
> therefore to be a simple development of the ideas we have about society, the state, justice,
> etc. Consequently these and similar facts seem to lack any reality save in and through the

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[2] Lukes argues that on this point Durkheim overstates his case by separating sociology so strongly from other disciplines. As Lukes (1973, 20) argues Durkheim "need only have claimed that 'social' facts cannot be wholly explained in terms of 'individual' facts," and that "it would have been enough to have claimed that no social phenomenon, indeed few human activities, can be either identified or satisfactorily explained without reference, explicit or implicit, to social factors." I disagree. I do not discount the importance of biological or psychological factors in influencing social behavior, but it is important to distinguish what exactly about a phenomenon is social. In particular, Durkheim's point is ontological; the very nature of the being of social facts separates them from other factors such as genetics and hormones (biology) or personality (psychological). Social facts operate in a completely different way and have a radically different origin. One must thus seek to understand them in their own unique terms before understanding how they react with other causal factors. As a corollary to Durkheim's statement, one could say that one should not use sociology to try to understand psychological or biological phenomenon.

ideas which engender them and which, from then on, become the subject matter proper of sociology. (1982a [1895], 62-63)

Nevertheless, while Durkheim says that social facts are not "material things," he says that "they are things just as are material things, although in a different way" (1982c [1901], 35). Hence, "the first and most basic rule" of the sociological method "is *to consider social facts as things*" (1982a [1895], 60). In his 1901 preface to the second edition of *The Rules*, Durkheim elaborates, saying:

A thing is any object of knowledge which is not naturally penetrable by the understanding. It is all that which we cannot conceptualise adequately as an idea by the simple process of intellectual analysis. It is all that which the mind cannot understand without going outside itself, proceeding progressively by way of observation and experimentation from those features which are the most external and the most immediately accessible to those which are the least visible and the most profound. (1982c [1901], 36)

Durkheim thus points to the idea that a social fact, despite its non-substantial, or ideal nature, is nevertheless an entity with ontological features that make it not entirely ideal. Durkheim is perhaps most explicit on this point in his 1911 text, "Value Judgments and Judgments of Reality." He repeats the idea, found in *The Rules*, that society is essentially a set of ideas, or representations, saying: "A society cannot be constituted without creating ideals. These ideals are simply the ideas in terms of which society sees itself and exists at a culminating point in its development" (2010d [1911], 93). To this he adds:

Ideals are not abstractions, cold intellectual concepts lacking efficient power. They are essentially dynamic, for behind them are the powerful forces of the collective. They are collective forces— that is, natural but at the same time moral forces, comparable to the other forces of the universe. The ideal itself is a force of this nature and therefore subject to scientific investigation. The reason why the ideal can partake of reality is that it derives from it while transcending it. (2010d [1911], 93)

The ideal is thus "*of* and *in* nature," even though it is non-substantial (2010d [1911], 94). It furthermore is causally efficacious and exerts a truly existing force on the individual that is independent of the individual. This idea echoes Durkheim's statement from *The Rules* that the social fact, as a thing, "is principally recognisable by virtue of not being capable of modification through a mere act of the will (1982a [1895], 70; see also 1982c [1901], 45). In "Value Judgments and Judgments of Reality" Durkheim also seems to equate ideals with social facts, stating:

> The principal social phenomena, religion, morality, law, economics and aesthetics, are nothing more than systems of values and hence of ideals. Sociology moves from the beginning in the field of ideals—that is its starting-point and not the gradually attained end of its researches. The ideal is in fact its peculiar field of study. (2010d [1911], 96)

Here 'ideals' occupy the place that 'social facts' do in *The Rules*, indicating further that according to Durkheim social facts are essentially states of consciousness, and therefore non-substantial. It is thus tempting to consider them a Kantian "noumenal reality," a "purely intellectual apprehension of a reality situated outside all possible experience" (Karsenti 2012, 33). This would be a false conclusion, however, since as Durkheim points out social facts are products of the natural world whose 'transcendence' is illusory. Durkheim's method thus "integrate[s] the ideal into natural phenomena as the force that moves them" and thus as an object of scientific enquiry (Karsenti 2012, 33).

When looking at Durkheim's position on the nature of social facts in the three texts above, one finds a consistency that spans most of his career (1895, 1901, 1911). Following Paoletti (2012, 321), it would thus be erroneous to conclude, as some scholars do, that there is an opposition between a "positivist 'first Durkheim'" from the *Rules* and an "idealist 'second Durkheim,'" who denies that there is a reality independent of *représentations collectives*.[3] By making the ideal an observable natural phenomenon Durkheim makes the realm of ideals the object of a positive methodology, one characterized by his social realism that treats social facts as truly and objectively existing properties of the natural world. The positivism of Durkheim's position in this regard, of course, comes with important limitations, which I will discuss in a later section on "Objectivity in the Social Sciences." Regardless, Durkheim's position is unique in its sophistication, and cuts across and combines seemingly opposed and incompatible epistemological approaches, such as empiricism and *a priori* rationalism, materialism and idealism, naturalism and spiritiualism, etc. (Gane 2011, 79-81). These features of Durkheim's methodology were often prone to misunderstanding, as evidenced by Durkheim's repeated defense and clarification of his position.

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[3] Durkheim himself makes remarks that go in this direction in "Value Judgments and Judgments of Reality" saying: "Positive sociology has been accused of having a fetish for fact and a systematic indifference to the ideal. We can see now the injustice of such an accusation" (2010d [1911], 96).

One might wonder though, as does Raquel Weiss (2012), how ideas become 'ideals,' to use Durkheim later term. There is an obvious difference between the two and Durkheim's criticism of philosophers on this point is well known: the idea remains the product of theoretical conjecture and speculation-it is wholly the product of the mind, whereas the ideal has the living force of society behind it and importantly motivates individuals to behave in particular ways, i.e. *to act*. To answer this question one must return, as Weiss notes, to collective ritual, which produces collective effervescence and the social forces that animate society. These moments, as seen above, create *sui generis* 'electricity,' bring individuals outside of themselves and create emotional attachments to certain ideas that then make these ideas efficacious or embodied in social life. As I will discuss below, one can, following Randall Collins, have an expansive understanding of what constitutes an interaction ritual in the Durkheimian sense, an understanding I also share. It is through these rituals, where one finds the *sui generis* synthesis of individual consciences, that ideas enter the special substratum of the individual mind as a social fact.

On this point, one touches on another fundamental aspect of Durkheimian sociology, one elaborated on especially by the Strong Program of cultural sociology as outlined by Yale School representatives Jeffrey Alexander and Philip Smith (2002). Drawing especially on the late work of Durkheim, these authors identify three criteria to the Strong Program: 1) the autonomy of culture from other social structural factors; 2) the importance of a Geerztian kind of "thick description," which demonstrates a "commitment to hermeneutically reconstructing social texts in a rich and persuasive way" (137); and 3) the idea of culture as a causal force, or exploring the way that "culture interferes with and directs what really happens" (138). By identifying 'ideals' (social facts) as the drivers of social behavior, Durkheim fills all three of the criteria. Especially in his later work, which focuses on religion, morality, and language, Durkheim performs rich hermeneutical readings of social meaning. By locating the driving force of this meaning in ideals (social facts), which are in turn animated by the social energy produced in ritual, he also shows how ideals are autonomous of any underlying material structures (see also Durkheim 1982c [1901], 41-42; Durkheim 1995 [1912], 325-326) and causally efficacious in determining individual behavior. My own research, in following Durkheim on these points, also fills all three criteria. There are of course caveats in imputing causal

efficacy to social forces in this way, the limits of which I discuss below in the section "Objectivity in the Social Sciences."

Determining the Social Fact

After having explored what social facts *are*, the next question becomes how do we determine the social fact? In other words, how do we identify and study social facts? In looking at Durkheim's texts, there are two ways to do this: one is through group symbols, concepts, or language, what Durkheim calls *représentations collectives*[4]; the other is through lived behavior. Both are tied to Durkheim's notion of external constraint, which he identifies as the defining element of the social fact. Durkheim's full definition of the social fact is as follows: "any way of acting, whether fixed or not, capable of exerting over the individual an external constraint," or "which is general over the whole of a given society whilst having an existence of its own, independent of its individual manifestations" (1982a [1895], 59). One might wonder about the two different definitions. Durkheim explains, however, that "this second definition is simply another formulation of the first one: if a mode of behavior existing outside the consciousnesses of individuals becomes general, it can only do so by exerting pressure on them" (1982a [1895], 57). Hence, even if the constraint is not immediately evident due to a lack of resistance against it, this does not mean that the constraint does not exist.

Steven Lukes (1973, 12) identifies five different notions of constraint for Durkheim: "(1) the authority of legal rules, moral maxims and conventions or customs" that is reinforced by sanctions; "(2) the need to follow certain rules" in order to successfully perform a specific activity; "(3) the causal influence of ecological, or 'morphological,' factors" such as population density or means of communication; "(4) psychological compulsion in a crowd situation" particularly during collective effervescence; and "(5) cultural determination and the influence of socialization" in which individuals internalize certain ideas, beliefs, or behaviors. While it is important to

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[4] The French word *représentation* means both a general idea about something as well as a re-presentation of an object of reality in the mind. The English word only refers to the second definition. Thus, I will not translate the French *représentations collectives*. See Lukes' (1973, 3, 7) and Giddens' (1971, viii) comments.

distinguish these different types of constraint from each other and study their specific influence, in important ways the different types are closely related. For example, individuals can internalize certain norms and ideas following type 5, leading to type 1, which can impose itself with force upon those who have not internalized the same norms. Types 4 and 5 are also closely linked, as ritual is a primary way in which individuals internalize certain ideas and values. Durkheim's early work focuses on types 1 and 3. His later work, as reflected in his 1901 preface, focuses especially on types 1, 4, and 5, although his approach to type 1 is substantially different to that seen in his early work. This later approach sees *représentations collectives* as the main drivers of social action, is strongly hermeneutical (without relinquishing its positivism), and requires detailed interpretations of social meaning via the social fact. This later understanding of causality is substantially different from the "mechanical, non-teleological causation" that one sees, for example, in *The Division of Labor* and that is related to type 3 of constraint (Gane 2012, 116).[5] The discussion that follows reflects this later focus.

In Durkheim's 1901 "Preface to the Second Edition" of *The Rules* he writes: "social life [is] made up entirely of representations" (1982c [1901], 34). In order to understand how social facts operate it is thus necessary to understand in more detail what *représentations collectives* are. Durkheim rejects the Kantian notion that there exists a *Ding an Sich* (thing in itself); for Durkheim reality exists only in so far as it is represented (Stedman-Jones 2007, 52-57). *Représentations collectives* are the body of *représentations* that a society uses to understand the world. They are not simple reflections of the world projected onto the intellect, but rather are the result of an interaction between the world and society. Durkheim makes this clear in his 1901 preface to the second edition of *The Rules*, saying: "Indeed what collective representations express is the way in which the group thinks of itself in its relationships with the objects which affect it" (1982c [1901], 40). Later in his career in *Forms*, Durkheim echoes this sentiment, placing an emphasis on the power of society to create particular perceptions of reality: "the world of representations in which social life unfolds is added to its material substrate, far indeed from originating there" (Durkheim 1995 [1912], 274). In other

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[5] Gane also argues that Durkheim never abandoned the 'mechanical' notion of causation in his late works, even though Durkheim's emphasis was on other factors.

words, when a society represents things, a society's collective experience infuses them with a meaning and value. *Représentations collectives* should thus be understood as the repositories and transmitters of collective experience and social forces. They are mental states incorporated by individuals that in various ways express collective experience.

The relationship between *représentations collectives* and rituals is also of vital importance. As Durkheim argues about *représentations*: "In fact, they are inseparable from the rites, not only because the representations appear in the rites but also because the rites influence them" (1995 [1912], 299). Rituals are the place where *représentations collectives* are infused by the *sui generis* collective energy that ritual produce and that animate society. It is rituals that grant *représentations collectives* their authority and their socially binding properties. By focusing on rituals, the sociologist can study the ways in which this process unfolds.

In the 1901 Second Preface to *The Rules*, Durkheim identifies two related varieties of constraint, both tied ultimately to *représentations collectives*. In the preface Durkheim states that "[w]hat is exclusively peculiar to social constraint is that it stems not from the unyieldingness of certain patterns of molecules, but from the prestige with which certain representations are endowed" (1982c [1901], 44). The reason *représentations collectives* are constraining (and attracting) is not due to some brute, physical constraint external to the individual but to the collective forces invested in them by society that are produced in ritual. The constraint is thus of a very different nature than one of physical force, and this in two ways: 1) it is the product of prestige; individuals respect, want, love, fear etc. the *représentation*, indicating both the reverence for, and attracting aspect of, the social fact that obviate the need for the use of physical force, and 2) as discussed above, it is psychical, since individuals have incorporated the *représentation collectives* into their own personality. This form of constraint is located in the 'different substratum' of the mind where one finds the social fact (1982c [1901], 40). This form of symbolic constraint leads to the other form of constraint that is more readily visible, that of physical constraint. Individuals incorporate the social fact and can then act independently of a particular individual and in turn exert a pressure on that individual to behave in a certain way. This pressure can indeed become brute physical force, such as

the fight against criminality, although it typically relates to "social beliefs and practices" that "act upon us from the outside" (Durkheim 1982c [1901], 44).

Language is perhaps the best way to illustrate Durkheim's point. Words and concepts are the result of the *sui generis* fusion of individual consciences when two or more individuals attempt to communicate with each other the objects of their experience; the formation of concepts necessarily implies a transcendence of the individual into the 'other,' an abstraction from individual experience, the result of which is then incorporated by the individual as a tool of communication. Hence, language is somehow outside the individual, but at the same time incorporated by the individual. It is not the result of individual initiative or psychological mechanisms; it is the work of society but at the same time found in each individual's psyche. Accordingly, individuals experience a constraint imposed on them from the outside to learn and use words with particular significations that assign specific valuations to objects of experience, and because they incorporate these concepts, they in turn exert pressure on other individuals to do the same.[6] Meanings of words can change over time, through collective or even individual initiative, but the process is slow and piecemeal, and the resistance to these changes demonstrates the reality of the social forces behind particular meanings and valuations (Durkheim 1995 [1912], 433-440).

Like language, social facts are the product of the *sui generis* fusion of individual consciences. When the individual incorporates them, they reside in the individual psyche in a particular substratum as a product of the collective; they are thus both inside and yet somehow outside of the individual, something both uniquely personal and impersonal at the same time.[7] This form of external constraint one might call internal externality, or internalized external constraint. Importantly, incorporated social facts in turn motivate actors to exert pressure on other actors, by which the social fact reproduces itself through a process of socialization.

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[6] Like one must learn linguistic rules to be able to participate in society, one must also learn how to perform customs and to respect moral rules in order to be a functioning member of a society.

[7] Durkheim's ultimate elaboration of this principle comes in his model of humanity as *homo duplex*, formulated in 1914, which argues that the individual is torn between the individual desires and impulses and the incorporated social norms and mores restraining or otherwise directing the individual (Durkheim 2005b [1914]).

This understanding of constraint is different than the one found in the initial 1895 elaboration in *The Rules*. As Lukes (1973, 14) notes, Durkheim's initial notion of 'constraint' is essentially negative and does not do justice to the way Durkheim uses the term in the totality of his work. By 1901 at least, Durkheim (1982c [1901], 47) was himself aware of the limits of this initial definition. He states that "[t]he coercive power that we attribute to the social fact represents so small a part of its totality that it can equally display the opposite characteristic." In other words, social facts attract and are desired by individuals, and include positive notions such as the good. Social facts thus influence individuals in a variety of different ways and the notion of 'constraint' has multiple meanings depending on the context. The above 1901 elaboration of constraint reflects this recognition.

What Durkheim describes in this notion of constraint is a feedback loop: action (ritual) leads to *représentations collectives*, which in turn lead to action etc. When determining the social fact then, one should look at both *représentations collectives* and how a society acts since both are expressions or externalizations of the social fact. Durkheim makes this clear from the time of *The Rules* until the end of his career. In 1901 he states that *représentations collectives* express "the *content* of social life" (1982c [1901], 40). Durkheim reiterates this point later when he says: "Collective ideals can only constitute themselves and become conscious of themselves by projecting themselves onto things that can be seen by all, understood by all, represented to all minds: i.e. drawings, all sorts of symbols, written or spoken formulae, inanimate or animate beings" (2004 [1911], 137).[8] However, lived behavior also expresses 'the *content* of social life:' "What is given is not the idea that men conceive of value, because that is unattainable; rather is it the values actually exchanged in economic transactions. It is also not some conception or other of the moral ideal; it is the sum total of rules that in effect determine behaviour"

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[8] "Les idéaux collectifs ne peuvent se constituer et prendre conscience d'eux-mêmes qu'à condition de se fixer sur des choses qui puissent être vues par tous, comprises de tous, représentées à tous les esprits : dessins figurés, emblèmes de toute sorte, formules écrites ou parlées, êtres animés, ou inanimés." My translation. The English translation by Pocock is rather poor and speaks of the "concrete realization" of collective ideals and of collective ideals being "concretely realized" (2010d [1911], 94). Because I use the word realization in a different context below it is important to avoid confusion of the term here. The translation is furthermore poor because Durkheim uses the term "se fixer," which implies a kind of projection onto objects. Here he is anticipating the phenomenology of ritual he performs in *Forms* in which collective forces are projected onto an item and thereby become sacred.

(1982a [1895], 69). Durkheim reiterates this idea, expressed initially in *The Rules*, in a footnote in *Forms*:

> Because I have made constraint the *external feature* by which social facts can be most easily recognized and distinguished from individual psychological ones, some have believed that I consider physical constraint to be the entire essence of social life. In reality, I have never regarded constraint as anything more than the visible, tangible expression of an underlying, inner fact that is wholly ideal: *moral authority*. (1995 [1912], 210)

It is only possible to grasp social facts via the intermediary of their external manifestations. As Karsenti puts it, "we cannot locate or anchor [social facts] anywhere but within phenomenal reality, reality composed of the subjective actions that weave the fabric of social life" (2012, 33).

The above citation from the footnote in *Forms* introduces a further set of issues related to determining a social fact. Notably, it points to the danger of mistaking the signifier as the signified when looking at *représentations collectives* or social actions. As Mike Gane suggests, this mistake stems from Durkheim's definition of the social fact, which defines the social fact in terms of its external manifestations, notably external constraint (Gane 2011, 108). In this sense, one might take a sanction *as* the social fact, or a particular symbol *as* the social fact, which is an erroneous interpretation. As shown above, *représentations collectives* and acts merely express the content of the social fact, whose true being remains a specific state of consciousness. Strictly speaking the social fact is the *sui generis* 'prestige' that a society invests in particular *représentations collectives*, thereby making them ideals, and that individuals incorporate into the special substratum of the mind. This *sui generis* prestige, or the collective forces a society invests in a *représentation*, is what gives particular *représentations collectives* their constraining features; it is the collective forces, and not the idea itself, that make an idea causally efficacious, that make an idea an 'ideal'. The ideas at the heart of the ideal serve as an expression of these collective forces, and, following Durkheim's phenomenology of ritual, it is the way through which a group becomes conscious of these forces.

When it comes to understanding social facts then one must pay special attention to their ideational dimension. Hence *représentations collectives*, including group symbols, or specific concepts and ideas and the texts that describe them, perhaps best express the *content* of the social fact. One must not, however, neglect the importance of

behavior: it too expresses the content of the moral fact, and it is only through individual actions that the ideal social fact takes on an embodied existence and that an idea ceases to be merely an idea but rather a "living reality" (2010d [1911], 89). Hence, by reading texts, such as speeches, criminal codes, or group manifestos and examining the symbolic network of a group one can study the ideational dimension of the social fact to identify specific sets of values or ideas. By examining different sanctioning mechanisms, or rituals involving group symbols or certain moral values, one can study how a group produces and concretely lives the moral fact. To the extent that a specific action is a ritual, if it is a successful ritual, it can in turn generate the social forces that give *représentations collectives* their causal efficacy and be a part of the causal chain. Ultimately, these different types of enactment or externalization, both discursive and behavioral, provides the observable data that "show clearly to the scientist the path that he must follow in order to penetrate more deeply into the things under consideration" (1982a [1895], 81).

To illustrate this process of observation I will take an example from my dissertation, where I explore the moral fact of *Verfassungspatriotismus*. As a moral fact *Verfassungspatriotismus* should be understood as the sui generis collective forces, i.e. the prestige, a large segment of German society has invested into a particular set of ideas and values. As I argue, these forces are largely informed by Germany's collective experience in WWII. This event informed social movements in the 1960s, a period which Durkheim might describe as one of those "revolutionary epoch[s]" characterized by high levels of collective ritual that give birth to ideals and that is highly informative for *Verfassungspatriotismus* (2010d [1911], 92). As Durkheim would put it, the ideas and symbols representing the moral fact of *Verfassungspatriotismus*, among which include the German Basic Law, express 'the way in which the group thinks of itself in its relationships with the objects which affect it.' Individuals incorporate these particular *représentations collectives*, invested as they are by collective forces, which then influence individuals to act in particular ways. Examples include politicians giving speeches denouncing racism, the performance of other anti-racist rituals, or the passage of laws punishing hate speech.

In order to determine the moral fact of *Verfassungspatriotismus* I began by looking at those forms of moral life in Germany that were most salient, or that had clear sanctioning power, i.e. through the German state. I then examined the ideas, values, and symbols that actors associated with these sanctioning powers, including especially speeches by politicians, and statements made by governmental agencies and other political actors. Both of these sets of data serve to express the content of the moral fact. I then looked at how segments of German society have invested these particular *représentations collectives* with prestige, both in the present and, perhaps more importantly, historically. The *Lichterkette* demonstrations in 1992-1993, which I examine in chapter 2, are an example of such a ritual linked to *Verfassungspatriotismus*. Importantly, these rituals are part of a feedback loop in which the rituals are the product of prestige, i.e. they express the moral fact, and at the same time are productive of the collective energy that animates the moral fact. In different situations different kinds of observation are required, but the essential nature of the social fact in each case remains the same.

In order to study the moral fact of *Verfassungspatriotismus*, as well as the other moral facts, I have made a distinction between the moral fact's ideational dimension, or the ideas and values that make up its content, and other aspects of its externalization/enactment, including the sanctions and other ritualistic activity produced by the moral fact. This distinction is a central aspect of my dissertation and one I will elaborate more when I discuss more in detail Durkheim's notion of the moral fact.

We are now in a position to address Durkheim's claims about sociology being the study of institutions. In his 1901 preface, Durkheim's defines sociology as "the science of institutions, their genesis and their functioning," with institutions being "all the beliefs and modes of behavior instituted by the collectivity" (Durkheim 1982c [1901], 45). As Durkheim states, institutions are the *sui generis* synthesis of individual consciences into a social fact that "has necessarily the effect of crystallising, of instituting outside ourselves certain modes of action and certain ways of judging which are independent of the particular individual will considered separately" (Durkheim 1982c [1901], 45). As we have seen, however, the external nature of a social fact is merely the expression of something wholly ideal. An institution is thus to be understood as residing ultimately in

the special substratum of the psyche, and not in any material manifestation; any material manifestation of an institution ultimately depends on the individual actor being motivated to act in a certain way, a motivation that in one way or another returns to the substratum of the psyche. Consequently, institutions exist essentially in the ideal realm, although the sociologist can study them through their more or less systematized expressions in symbols, laws, statistics, or discourse, which ultimately makes up the object of study for the sociologist (Durkheim 1982c [1901], 34; Lukes 1982, 3). The 'chrystalization' of the social fact of course takes place to varying degrees of formality, depending on the context; the levels of formality can range from a loose set of rules of conduct among friends and family, to systems of law, including legislators, a police force, and a court system, who determine the content of the law and how to punish those who break the laws.

Importantly, as Lukes notes (1973, 14-15), this notion of institutions conforms especially only to certain elements of constraint, while leaving out others. Other forms of external constraint not necessarily linked to social norms, but rather to morphological elements of society, include those detected by birth, marriage, or suicide rate statistics. The definition Durkheim provides in his 1901 preface of *The Rules* thus reflects Durkheim's later research interests. For the purposes of my dissertation, which concentrates on constraints of type 1, 4, and 5, Durkheim's focus on institutions in the 1901 preface is completely satisfactory, since I am not focused on a society's morphological elements, but rather precisely on its norms and beliefs, and how a group formalizes these into externalized and observable phenomena.

Lastly, one might wonder about the place of the individual in the social fact. A charge that critics often level against Durkheim is the inability of his theoretical model to address individual subjectivity. Yet, as seen above, the social fact exists only as incorporated by individuals. Because it is internal to a number of individuals, this means necessarily external to any one individual taken in isolation. Thus, as Durkheim often repeats the social fact is both external and internal to individuals. This explains how external constraint operates and can exert a force on the individual independent of their volition and dispels the absurd notion that would have Durkheim arguing that social facts exist independently of *any* individual. Similarly, the electricity released during ritual that

Durkheim describes should not be understood as an energy floating above individuals in a non-corporeal form (although this is perhaps how participants experience it). Rather, it is an energy that each individual produces and that contributes to the whole; individuals are experiencing the excitement and energy of each other, and the energy always remains embodied in individuals.

Understanding this aspect of the social fact also dispels another myth that Durkheim's sociology has no place for the individual. On the contrary, Durkheim allows a degree of subjectivity concerning the incorporation of social facts. In footnote 6 of the 1901 preface he writes:

> In thinking about collective institutions, in assimilating ourselves to them, we individualise them, we more or less impart to them our own personal stamp. Thus in thinking about the world of the senses each one of us colours it in his own way, and different people adapt themselves differently to an identical physical environment. This is why each one of us creates to a certain extent *his own* morality, *his own* religion, *his own* techniques. (1982c [1901], 47)

Durkheim is quick to add, however, that "the sphere of permitted variations is limited," indicating that some degree of conformity is required (1982c [1901], 47). In his replies to objections to his essay "Determination of Moral Facts," Durkheim (2010c [1906], 78-79) addresses the issue of individualization of social facts in a similar way, although with regards only to morality, and in the conclusion to *Forms* he does the same with language (1995 [1912], 437). Basically, one can say on this issue that the higher the expression of a particular social or moral fact, i.e. the more 'prestige' a society invests in it, the more authoritative and influential that expression of the social or moral fact will be, and the more representative it will be of a particular social fact. One can see such expressions in a bill of rights and criminal code, or a prominent artist, politician, or philosopher who is deemed representative of a distinct style or mode of thought. Individuals perceive the *représentations collecives* produced by these institutions or actors and interpret and incorporate them in their own way, possibly in combination with a number of other, at times conflicting or competing, *représentations collectives*. One must therefore not conclude that individuals incorporate the social or moral fact in a uniform or homogeneous way, nor that the social fact is a homogeneous entity. Durkheim does point out, though, that to understand a social fact it is important to study its highest, most

formalized form of expression, in a moral ideal, for example, and that the imperfect subjective and everyday lived realities of the ideal are a different issue (Durkheim 1979b [1920]).

Also, one must not assume that *représentations collectives* are unanimously accepted. In an interesting line in the conclusion of *Forms*, Durkheim writes about how a group can maintain different conceptions of reality that go against the grain: "If they are not in harmony with other beliefs and other opinions—in short, with the whole set of collective representations—they will be denied; minds will be closed to them; as a result, they will be and yet not be" (1995 [1912], 439). In this passage, Durkheim is speaking about scientific truths, but were one to apply this passage to moral values, one can imagine that not only would these values be looked on with indifference, in some cases there would be a passionate rejection and antagonism between two sets of moral claims, as this dissertation demonstrates. One can detect herein the foundations of a Durkheimian conflict theory, a theory that Randall Collins has developed further.

The Moral Fact

The most developed analysis of morality in Durkheim's work comes in his 1906 article "The Determination of Moral Facts." In this article, Durkheim describes what a moral fact is, a concept intimately tied to the question of authority and the analysis of religion described above. The moral fact is a subset of social facts and reflects a more developed analysis on the part of Durkheim in line with his clarifications in the 1901 preface to the second edition of *The Rules*. While his articulation of morality differs at times, the concept he develops the most is morality as a system of rules and values that guide individual behavior and that a moral authority legitimates (Lukes 1973, 417-420). This is especially evident in his essay "The Determination of Moral Facts" in which he defines morality as "a system of rules of conduct" (2010b [1906], 35; see also Durkheim 1961 [1925], 23).

Following Durkheim, morality is characterized by a double movement. There is first an obligatory element to morality. Taking a cue from the Kantian notion of duty, moral rules dictate that individuals act in accordance with a specific pre-conceived norm,

with Durkheim (2010b [1906], 35-36) identifying obligation as "one of the primary characteristics of the moral rule." This repressive element of morality is complemented by a positive element, the equally important desirability of morality. A moral obligation is desirable because the obligation is seen as acting towards some higher end; it is considered "*good*" (16). This double movement of obligation and desire is anchored in an authority that transcends individuals and that they see as legitimate. Durkheim locates this moral authority in a society's sacred object (23). For Durkheim, the *sui generis* dimension of the moral fact is fundamental, as this is what grounds the authoritative character of the moral authority:

> Further, the collective personality must be thought of as something other than the totality of individuals that compose it. If it were only the sum it could have no greater moral value than its component parts, which in themselves have none. We arrive then at the conclusion that if a morality, or system of obligations and duties, exists, society is a moral being qualitatively different from the individuals it comprises and from the aggregation from which it derives. (51)

This 'moral being' that is society becomes an authority of which one is conscious precisely through the sacred object, and it is for this reason that Durkheim connects the notion of the sacred with that of morality so closely.

An essential element to this *sui generis* moral authority is the moral ideal. Indeed, Durkheim contends that the moral ideal is one of the most important ideas in a society: "Foremost of these ideas is the moral ideal which is its principal *raison d'être*. To love one's society is to love this ideal, and one loves it so that one would rather see society disappear as a material entity than renounce the ideal which it embodies" (2010b [1906], 59). Durkheim's moral ideal is not to be confused with the Weberian ideal type, which is a theoretical construction and a methodological tool used by the sociologist to prevent value judgments from effecting the study of social phenomena. Rather, it is a normative concept that society "produces in the way of a purpose" (Karsenti 2012, 29). The moral ideal orients the actions of a society in the sense that the moral obligations of a society in some way serve the moral ideal. In "The Determination of Moral Facts," Durkheim refers to the moral ideal in the singular, but in *Forms* he speaks of a "set of ideal conceptions" that expresses the moral life of a society (1995 [1912], 424). Included in this set of ideal conceptions are the sacred objects of a group as well as visions of good triumphing over evil. Another important part of this 'set of ideal conceptions' is the "perfect society," or

an idealized vision of one's community (1995 [1912], 422-423). Realizing this idealized community would be the goal of society, always with reference to the moral authority/sacred object lying at the heart of this idealized community.

Interestingly, Durkheim claims that an idealized version of society reflects reality. The triumph of good over evil is a logical precondition for the existence of society, since otherwise a society would not exist (1995 [1912], 423). In a situation of political conflict, however, the ways in which a group conceives of its ideal society and exactly who represents the good and the evil become important questions. In particular, the definition of good and evil is the result of a real-life struggle. As concerns modern Germany, the struggle of reference between good and evil stems largely from WWII, and to a lesser extent the Cold War.

The effect on the individual is important to note as well. Durkheim writes that when individuals participate in a religious ritual, they leave the realm of everyday life and experience something transcendent and extra-ordinary. Through this process they feel themselves strengthened, invigorated, and more alive. Of course, Durkheim argues that the religious ritual is merely a process whereby social forces are transformed into symbolic form, so this invigorating, transcendent realm is merely the realm of social forces that the individual experiences. This experience is part of the motivating desire for individuals to participate in society and obey its moral obligations, for by obeying a moral obligation, individuals come into touch with society, and they express their solidarity with that society. Because the moral person that is society imposes ways of acting as obligations, when individuals accomplish a 'moral' act, they go beyond their individuality, they feel themselves dominated, they feel as if they take themselves out of their natural state and go beyond their individuality. In this way, an individual is put into contact with the reality of society, which transcends the individual morally, intellectually, and spiritually. Hence, by performing a moral act and expressing their solidarity with society, an individual receives an invigorating boost of energy that comes from social forces that approve of and encourage the act. Due to this, individuals feel as if they are doing something 'good,' and this is why, according to Durkheim, "[t]he notion of good enters into those of duty and obligation just as they in turn enter into the notion of good"

(2010b [1906], 45). One can call this feeling of 'good' a particular moral pleasure that one experiences upon performing a moral act.

A final aspect of the moral fact that must be mentioned is that of sanction. Durkheim gives the following definition of sanction: "A sanction is the consequence of an act that does not result from the content of that act, but from the violation by that act of a pre-established rule" (2010b [1906], 43). Sanctions are consequences that do not result directly from the act but are those that society superimposes onto the act; sanctions therefore constitute a field of study for sociology. There are two types of sanction, those that are negative and those that are positive. If, for example, individuals break a rule, they will be punished more or less formally. But if individuals accomplish an action in accordance with a rule, they will be praised and honored. In both cases the moral authority legitimates the sanctions, whether they be positive or negative. The notion of sanction will be quite important, since in situations of conflict, those who do not conform to the expectations of a specific moral ideal are punished for 'breaking the rules' so to speak. The punishing of these individuals in the process becomes a second source of moral pleasure that works towards the 'good.' While Durkheim himself does not identify this second source of moral pleasure, I do in my chapter on *Autonomen* violence.

There are three additional aspects of the moral fact that I need to lay out here, since they are fundamental to my analysis.

Legitimacy and Authority

One of the most important questions this dissertation seeks to answer is why are certain forms of political force legitimate? This brings us to the heart of the question of authority and the legitimation of authority. Hannah Arendt (1954) retraces the word authority to its Greek and Roman origins and notes that it signifies a lack of coercion and a lack of a need for persuasion. Otherwise said, obedience is given voluntarily and spontaneously, and orders are accepted as self-evident. According to her, the legitimation of authority furthermore comes from a transcendent origin. Often this comes from traditional religion, but can also have secular roots in great foundational heroes of the past, which constitute a "sacred beginning" (1954, 123). Linked to this authority are

"standards of behavior," which guide "human living-together" and establish a social order (1954, 141). As might be expected, Arendt does not mention Durkheim, although she certainly should have due to the considerable overlap in their analysis. Other sociologists, such as Frank Furedi (2013) and David Beetham (1991) have also noted the normative and moral dimension of authority, which can be considered necessary aspects of authority.

In sociology and political science, Max Weber's sociology of domination often dominates discussions of authority and the legitimation of authority (Furedi 2010, 5). A common critique to Weber's approach, as Furedi points out, is that Weber confuses the way in which power manifests itself with the source of its legitimacy (2013, 7; See also Grafstein 1981). Thus, the source of legitimation of a charismatic leader is their charisma, but it is also through charisma that the leader dominates a population. Basically, Weber is not able to conceive of a source of legitimacy that would transcend the authority, and consequently unable to conceptualize the true sources of legitimacy. As a corollary, Weber is not able to grasp the normative nature of authority. As Grafstein (1981, 456) notes, legitimacy is not based on an evaluation of an authority as good or bad, but simply as a tautological "routine submission of power." Lukes (1991, 144-145) also remarks that Weber is not interested in the perspective of those who obey authority, or the "when and why" of authority, and is pricinpally focused instead on the "prevailing rationales for obedience." As McFalls (2007, 353) points out, however, Weber is indifferent to the substantive source and content of legitimation and is only interested in understanding the social consequences of the particular forms of legitimation, or how they operate. Although, in this case too, Weber does not allow us to understand the motivations of individuals, or specifically why they feel as if a source of power is legitimate, only that they act *as if* they consider it legitimate.

Durkheim's analysis of authority does not suffer from these drawbacks, and indeed remedies them. As already seen, the moral authority that Durkheim describes is normative, and while the authority has immanent origins in human ritual, individuals experience it as a transcendent force. Individuals see the moral authority as good, and for that reason they see it as a legitimate source of power (Durkheim 2010b [1906], 47). In this conceptualization of authority, power is derivative from authority. As Lukes (1991,

108-109) explains, "[u]nder consensual conditions, power tends to assume a non-asymmetric, non-conflictual form, at least internal to the society in question" while "[i]ndividuals are seen as moulded, even constituted, by the authority relation." Due to this position on authority and power, Lukes (1991, 106) contends that Durkheim "had nothing to say about power as an asymmetric relation between individuals and groups." It is true that Durkheim does not speak of this form of moral authority in terms of domination, but borrowing from Weber, one can say that moral authority is instrumental in the domination of the ruler over the ruled, and this in two senses. First, it involves the domination of individuals who adhere to a particular moral code by a politician espousing that moral code—in this sense one can say that the politician instrumentalizes moral codes to drum up support for particular policies or actions. This form of domination is related to what Mehta and Winship (2010, 426) call "moral power," which they define as "the degree to which an actor, by virtue of his or her perceived moral stature, is able to persuade others to adopt a particular belief or take a particular course of action." Durkheim himself discusses this kind of power in a footnote to *The Rules*, saying: "a public official is a social force, but at the same time he is an individual. The result is that he can employ the social force he commands in a way determined by his individual nature and thereby exert an influence on the constitution of society." A politician, thus, draws "from the collective sentiments of which they are the object an authority which is itself a social force, one which they can to a certain extent place at the service of their personal ideas" (1982a [1895], 145). Secondly, moral authority can be instrumental in the domination of one group over another within the same polity.

As I will show in my analysis of German politics, the moral legitimation of authority and power and the forms of domination that these enables is a fundamental part of political conflict. In this dissertation, power, understood as "the capacity to bring about consequences, with no restriction on what the consequences might be or what brings them about" (Lukes 1991, 85), is a derivative of moral authority; in this sense it works in the 'non-asymmetric, non-conflictual' way that Lukes describes, at least *internal to* the groups I study (i.e. for the adherents of *Verfassungspatriotismus*). This power then assumes an asymmetrical form of inequality and domination when the moral precepts of one group are implemented against those who do not conform to them, in the passing of

the NetzDG, for example, or in the political violence of the *Autonomen* or the far right. By looking at power in this conflictual way, I am going beyond Durkheim's initial insights into the nature of authority and power.

Ideals and the Enactment of the Moral Fact

In Durkheim's analysis of the moral fact, there is an important distinction to make between its ideational dimension and its enactment or externalization. The sacred object, or at least the idea of the sacred object, and the moral ideals, beliefs, and values of a group are part of the ideational dimension. One could also consider them the metaphysical dimension (in the sense of onto-theology) of a society. In stating this I do not mean to say that the ideational realm is somehow actually *meta*physical; as seen for Durkheim ideals have an imminent origin in social forces. Nevertheless, sacred objects and moral truths present themselves to adherents in this way: they present themselves to adherents *as* transcendence, *as* definitive truth, *as* metaphysical. Following Durkheim's methodological dictums, we should seek to understand this aspect of the moral fact in this way, as it presents itself to the individual (1982a [1895], 70). Along with this ideational dimension of the moral fact come external manifestations in the form of individual actions, written laws and other texts, physical tokens or iconographical representations of a sacred object, rituals, and sanctioning mechanisms, including prisons or awards ceremonies. There is clearly an important relationship here between the ideational dimension of the moral fact and its externalization. I have already analyzed this relationship in my previous section on social facts.

Following this distinction between the ideational dimension of the moral fact and its externalization, one finds in this dissertation pairs of chapters that examine moral facts embodied by different spheres of German politics. Each set of chapters: 1) describes the content of the moral fact, especially its moral ideal and moral valuations, and 2) explores specific ways these ideals are externalized or enacted, either via the legal code, sanctioning mechanisms, criminal violence, group ritual, or intra-party conflict.

In making this distinction I do not mean that the forms of enactment I discuss in the second set of chapters are the only kinds of enactment/externalization possible for the

moral fact. As I discuss above, *représentations collectives* also express the moral fact. The creation of group symbols, such as the German Basic Law or a national flag, should also be understood as forms of enactment. Likewise, a politician giving a speech is a highly symbolic ritual that also is an enactment/externalization of a moral fact, as is ultimately any speech act made in a social situation. All of the texts I study can therefore be considered discursive forms of enactment/externalization of a particular moral fact. In my chapters on the ideational dimension of the moral facts, I use these texts to explore the content of the moral fact in question, i.e. the specific ideas and values animating it, and focus solely on this aspect of the moral fact. The forms of enactment/externalization I concentrate on in the following chapters involve acts related especially to moral rules, including forms of legal and extra-legal sanction. I do so because the sanction is one of the defining characteristics of the moral fact. Thus, the examples of enactment that I discuss in these chapters should be considered rightly as only key *parts* of the externalization/enactment of the moral fact, which are complemented by the moral facts' discursive forms of externalization.

Making this distinction also allows me to draw attention to what exactly motivates actors to act in the way they do—to explain why they do what they do. In this sense, I am drawing off of the Strong Program and am imputing causal efficacy to the *représentations collectives*. Specifically, a group's moral ideals, concepts, and valuations directly lead to specific kinds of documented behavior due precisely to the social forces each group infuses into its set of *représentations collectives*, i.e. the prestige it endows them with. By focusing on the ideas that make up particular moral facts I identify those *représentations* into which a group has invested a significant amount of prestige and that are the most responsible for influencing behavior.

Also, in line with the Durkheimian prescription to focus on the genesis and functioning of institutions, I pay special attention to the historical development of moral facts in Germany related to multiculturalism and the nation. I do this specifically in the first main chapter of my dissertation where I study the historical events that influence postwar German morality. There, I especially pay attention to the *représentations collectives* that resulted from the Holocaust, postwar immigration to Germany, and reunification in 1990 that strongly inform German politics today.

Moral Truths

Durkheim discusses the nature of truth in his late works, especially *Forms* and *Pragmatism and Sociology*, and treats truth as a category of *représentations collectives*. In the conclusion to *Forms*, Durkheim discusses the 'concept' as one of the most important *représentations collectives*. Concepts result from the *sui generis* fusion of individual consciences. Unlike individual sensations or perceptions, which are in a perpetual flux and do not provide a stable framework for thought, "[t]he concept, on the other hand, is somehow outside time and change" (Durkheim 1995 [1912], 434). By being extracted from the flux of time and subjective experience, concepts have the qualities of impersonality and stability, which Durkheim establishes as the two criteria for truth (437). As Durkheim contends, concepts are endowed with a special authority due to their social origins and ability to convey the idea of truth. When confronted with a conceptual system of thought, "the individual intellect is in the same situation as the *nous* of Plato before the world of Ideas. He strives to assimilate them, for he needs them in order to deal with his fellow man" (437). In a way comparable to moral obligations concepts are incorporated by other individuals and, as a result exist outside the individual; they impose themselves on individuals, but at the same time individuals desire them as good.

There are different types of truth. In *Pragmatism and Sociology* Durkheim makes a difference between mythological truths and scientific truths. Mythological truths, such as claiming the world was created 6,000 years ago, project social forces onto reality and in that way 'falsify' it, while scientific truths, due to science's stringent methodological checks, express reality in an accurate, albeit approximated, way (Durkheim 1983 [1955], 86-88; 1995 [1212], 439). Due to the reality of social forces underlying these different sets of truths, however, both sets of truths benefit from the same form of socially constituted social authority and play the same role in promoting social solidarity; adherents of each will thus perceive their truths as real. Ultimately, Durkheim's position can be described as that of a "multi-realist," who contends that "[n]ot only is reality complex, but it is of many kinds" (Pickering 2007, 106). This allows Durkheim to claim that mythological representations reflect reality, to the extent that the reality perceived is

held to be true, while also arguing that modern science provides a more correct representation of the world. According to Durkheim, in modern society scientific truths have managed to displace mythological ones, although pockets of resistance remain, among creationists for example (See Carls 2019a for more on these subjects).

Durkheim's work also addresses the existence of moral truths. Moral truths are ideas or beliefs related to morality and objects of morality that individuals hold as true. A first category of moral truth can concern the very existence of a sacred object as an object of moral devotion. An example would be the existence of human dignity (as something in obvious need of protection). A second category concerns statements of fact of a moral nature concerning abstract principles or ideas. Examples include "meat is murder," "hate speech is not free speech," or "abortion is murder." These moral truths are types of moral judgments, which evaluate the rightness or wrongness of particular actions, but the judgment remains abstract and broadly applicable. A third category of moral truths is moral obligations. These truths can be both declarative ("it is morally permissible/right for A to Φ") and imperative ("Φ!/You must/ought to Φ!") (Abend 2011, 164). A fourth category of moral truths is also a moral judgment, except instead of dealing with abstract principles or ideas, this category deals with concrete actors and events. Such moral truths take the form of statements such as "politician X is a racist" or "historical event Y is wrong." These moral truths project a particular moral valuation onto a specific action or event and interpret it as good or bad, permissible, obligatory, or forbidden. These interpretations of concrete events and actors are not active in forming the moral valuation, although they can reinforce it. In other words, an action itself has no inherent moral value; this valuation can only come from a moral interpretation, one that I argue individuals perform within the framework of a moral fact.

Much like concepts in the conclusion to *Forms*, in *Pragmatism and Sociology* Durkheim describes moral truths as being characterized by "fixity and impersonality" (1983 [1955], 13). They have the same sociological properties as scientific or mythological truths. Unlike scientific truths, however, there is on the whole no epistemic reference in reality for moral truths, against which one can verify their truth.[9] This is

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[9] Durkheim's project of a *physique des moeurs* can be considered an attempt to create a scientific understanding of morality and provide morality with an empirical foundation. The idea is that by looking at

the historical development and empirical practice of the moral institutions of a society, one would be able to determine which moral principle would be best adapted for a particular society (Durkheim 1979a [1904]; see also Karsenti 2012; Cladis 2019; Müller 2013). Durkheim's own work proposed to deduce from a study of the historical division of labor in Western society the normative claim that moral individualism grounded in individual democratic rights is the appropriate moral form for complex, multilayered Western societies (Carls 2019a; Cladis 1992; Cladis 2005; Lukes 1973, 272; Cotterrell 1999, 201-202). Importantly, the empirical referent here is not a specific historical event, but rather the *type* of society the division of labor produces (See also Abend's [2008] discussion of the link between social morphology and moral truth in Durkheim's work). As Durkheim argues, the division of labor results in a morphological transformation of society that changes the way individuals interact with each other in a material way, leading to the creation of *représentations* that emphasize individualism. The empirical reference for moral individualism is thus the resulting morphological structure of a complex, multi-faceted, individualized society, one that a sociologist can study in an objective manner. The moral *représentations* that emerge as a result of these social structures provide the normative framework through which individuals assess a number of the moral issues of our time, including abortion, gay marriage, or even the consequences of the Holocaust.

One issue with Durkheim's claim is that, while one can argue that the division of labor is a matter of fact, the moral individualism that it supposedly brings with it is not immediately evident or accepted in those complex, multifaceted societies. As Durkheim well knew in the fragile French Third Republic, moral individualism was far from a foregone conclusion in 19th and early 20th century France. Nor was it evident in Germany until after World War II, nor in other Communist totalitarian regimes across the world in the 20th and 21st centuries. Durkheim's move is to point out the anormality of such regimes that deny moral individualism, or rather the incongruence between their social morphology and moral structure (Fournier 2013, 488, see also Carls 2019a). But it does raise the point: does moral individualism in turn not also rely on the axiomatic truth-making processes found in ritual? In such a situation, what can one say about the importance of the epistemic referent? Is it self-evident only for the Durkheimian sociologist? What conclusive scientific evidence can one offer akin to the law of gravity to prove one's point? Does the idea of the 'normal' moral order then not itself risk totalitarian temptations? Lacking such proof, are we not forced to admit Durkheim's assertions about the 'normal' moral order as non-scientific, normative valuations, regardless of how well-informed they are, as Abend (2008, 116) also suggests?

This line of questioning extends to more quotidian forms of politics. In line with Durkheim's thoughts about the 'normalcy' of moral orders, he claims that "[t]here is only one particular morality that a society can have, given the way it is constituted" (1979a [1904], 32). As a statement about moral individualism in the modern West, such a statement might not be so problematic. However, it is hard to see how such a statement can apply to intensely debated moral issues, such as abortion or free speech. Durkheim's approach in this respect seems strangely unaware of the conclusions one can draw from his own sociology of morality, which recognizes the existence and legitimacy of a variety of moralities, albeit ones that exist separate from one another in different societies or across time. The reality of political conflict is very far from Durkheim's above-cited claim, and using Durkheim's own sociological analysis one can examine moral conflict and the moral legitimation of each side of a conflict. Each side would thus claim moral truths, but how could an empirically informed sociology ever help decide which side of the abortion debate is correct, which side of the free speech debate is correct, which side of the social justice-free market debate is correct, especially when both sides in these debates make appeals in some way to moral individualism, to say nothing of the above questions concerning moral individualism itself? (see Carls 2019a and Carls 2019b for a detailed account of such debates).

Any such conclusions drawn would ultimately remain the subjective prerogative of the researcher and should be recognized as such. The *physique des moeurs* Durkheim advocates can inform a normative argument, but ultimately has great difficultly in providing a definitive empirical foundation to support something like an empirically founded, or correspondence type, moral truth. Fortunately, Durkheim (1979a [1904]) recognizes these limits to a *physique des moeurs*, noting the incomplete and uncertain nature of the results of scientific inquiry. As a result, he makes an important distinction between the empirical study of society and the normative recommendations that the sociologist makes based on this empirical study. Rather than establishing a scientifically informed study of morality that would be able to establish 'hard' moral truths, his goal seems to be to establish his approach as a valuable alternative to the utilitarian and the Kantian *a priori* approach to the normative study of morality (1979a [1904], 32).

clear from Durkheim's distinction between an analytic consequence and a synthetic consequence of an action (2010b [1906], 42-43). An analytic consequence comes directly from the action, i.e. drinking poison will kill a person. A synthetic consequence is not inherent in the action but is added to it by a particular moral valuation. As Durkheim argues, killing a person does not result mechanically in blame or punishment: "an analysis of my act will tell me nothing." Rather, a moral fact projects the blame and punishment onto the act.[10] Thus, one can test the veracity of the laws of gravity by performing scientific experiments as validation, but no such verification exists for moral actions.

Because moral truths lack the ability for epistemic verification, much like mythological truths, they are axiomatic in nature, an idea to which Durkheim alludes at different points (1995 [1912], 371; 1951 [1897], 316; 1958 [1950], 172). This is to say that their truths are presented and accepted by adherents more or less at face value; the truth of the claims is self-reflexive and no justification is required for these statements of fact to be taken as true; any rationalization of the position comes after the fact (Durkheim 1951 [1897], 169). The power of these truths comes from their association with the sacred object and moral authority, to which individuals have emotional attachments that are created in collective ritual and which present themselves in an onto-theological way to adherents *as* transcendence, *as* presence, *as* fundamental grounds. The acceptance of moral truths as true ultimately lies, as with the legitimacy of the moral authority, in the social forces that animate them, of which the individual is not conscious. But if moral truths do not have an empirical reference as scientific truths do, how does one study them or propose to say anything objectively true about them?

Because moral truths are evaluative, they can be considered value judgments, which are opposed to judgments of reality, which deal with the issue of 'what is' and are the object of scientific inquiry. Durkheim (2010d [1911]) explains the differences between these types of judgments in his article "Value Judgments and Judgments of Reality," originally published in 1911. As Durkheim explains in this article, echoing his later arguments in *Sociology and Pragmatism*, judgments of reality have an epistemic

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[10] Nietzsche draws a similar conclusion, saying in *Beyond Good and Evil*: "There is no moral phenomenon at all, but only a moral interpretation of phenomena….." (Es gibt keine moralischen Phänomene, sondern nur eine moralische Ausdeutung von Phänomenen….. Nietzsche 1999a [1886], 92). My translation.

referent in reality, while value judgments involve the projection of social forces onto reality through social and moral *représentations* and ideals, thereby coloring one's interpretation of it. Importantly, these *représentations*, ideals, and social forces are "*of* and *in* nature," and hence have the same ontological properties as objects of the physical world (2010d [1911], 94). The epistemic reference for understanding these value judgments lies in the ideals and *représentations collectives* of a group, which in turn are animated by social forces. Durkheim argues that these collectives forces "superadd" (*surajouter*) (2010d [1911], 88; see also 1995 [1912], 327) or "superimpose" (*superposer*) (Durkheim 1995 [1912], 230) meaning and value onto reality.[11] For this reason, the subject matter of the sociologist is precisely a group's social and moral ideals, the *représentations* a society produces, and the social forces that give them their force. The social scientist can study moral truths empirically, since they really exist in specific institutions and have real effects (Durkheim 2010d [1911], 94; see also Karsenti 2012, 34). On this point, it is important to make a clear distinction between these types of socially contextual moral truths and the normative moral truths that the sociologist or philosopher establishes, at times based on the study of the socially contextual moral truths (Durkheim 1979a [1904]).

Ultimately, one might want to appeal to a particular action or event as providing an empirical reference for a moral truth in the first or second category I identify above. The historical fact of these statements, however, cannot be seen as empirical justification for the veracity of any kind of moral truth. Of course, actions or events, such as the Holocaust, can change how a group perceives the world morally, which actions or ideas to perceive as good and which as evil. Nevertheless, this moral (re)valuation again comes from a perspective located in an interpreting subject, whether it be individual, or as I argue collective. By stating the existence of a collective subject, I do not mean to hypostasize some 'metaphysical group mind' that interprets an event for a group of

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[11] Pocock (2010d [1911], 88) translates *surajouter* (Durkheim 2004 [1911], 129) as "imposing upon." This is a poor translation I would argue, since the term *surajouter* has a special significance in Durkheim's work, especially in *Forms*, and the translation should retain the uniqueness of this word, and do so consistently so that the English reader can take note of Durkheim's use of it. Karen Fields (1995 [1912], 327; Durkheim 2005a [1912], 328) translates it correctly as "superadded." Fields, however, does not do so with consistency. In another instance she translates "*se surajoute*" (Durkheim 2005a [1912], 389) as "adds to" (1995 [1912], 274). In *Forms* Durkheim (2005a [1912], 328) also uses the word "*superposé*," which Fields (1995 [1912], 230) correctly translates as "superimposed."

people. Rather, individuals in a group will react to an event, and then interact with each other regarding the event. During this interaction the individual reactions will combine with each other into a *sui generis représentation collective* that provides an interpretative moral framework for the event in question. This process can likewise take place for large-scale events such as the Holocaust, as well as local events or even those effecting a small group of individuals, such as a family or group of friends. Therefore, again, the (re)interpretation is not inherent to the action or event itself, and one cannot deduce from specific actions or events the content of first and second category moral truths.

The Moral Background

What one finds in Durkheim's work is an epistemological network that makes moral judgment and truth possible. This moral system operates on three different levels. First, there are individuals' pronounced foundational values, truths, and ideals, which are in categories 1 and 2 that I identify above. Second, these truths, values, and ideals lead to and justify rules about how one should act, as well as to judgments concerning those who do act, which concern categories 3 and 4 from above. Finally, there are people's concrete actions. While Durkheim was aware of all three of these levels of morality, he does not frame his discussion in this explicit way. In making these distinctions, I follow those made by Gabriel Abend in his book *The Moral Background*. Abend (2014) separates morality into first and second ordered, and subsequently into three levels. He separates first-order morality into two levels: level 1 is people's actual behavior and practices and level 2 is "people's moral judgments and beliefs, and societies' and social groups' moral norms and institutions" (Abend 2014, 16). Level 2 morality deals with moral permissibility and obligations, and what social institutions are in place to enforce these rules. As for second-order morality, Abend, influenced by Thomas Kuhn, classifies this kind of morality as level 3 and calls it "the moral background" of a group, or a deeper realm of morality that makes levels 1 and 2 possible.

There are six features of the moral background according to Abend: grounding: a repertoire of moral concepts; object of moral evaluation; method and argument; metaethical objectivity; and metaphysics. Many of these elements have a direct

correlation to Durkheim's work. For example, a group's conceptual repertoire includes "how things are classified and grouped, what things are generally perceived and noticed and what things are generally missed, how things are perceived and noticed, and the institutions that rubberstamp systems of perception and classification" (Abend 2014, 36-37). The existence of this repertoire raises a series of epistemic questions related to the object of moral evaluation: "what concepts are on the menu; which ones are ordered most often, when, and by whom; and how the conceptual menu got historically constituted" (39). Durkheim's analysis of concepts addresses this issue. As Durkheim states of concepts:

> If they are collective representations, first and foremost, they add to what our personal experience can teach us all the wisdom and science that they collectivity has amassed over centuries. To think with concepts is not merely to see the real in its most general characteristics but to turn upon sensation a beam that lights, penetrates, and transforms it. To conceptualize a thing is to apprehend its essential elements better and to place it in the group to which it belongs. (1995 [1912], 437)

A group invests *représentations collectives* with social forces and collective experience, making them the carriers of collective knowledge and emotion. The way this energy is invested into particular concepts, and indeed which concepts even come into being, is a collective process that is the condition of possibility for the recognition, interpretation, and evaluation of moral experience.

Concerning metaphysics, metaphysical assumptions are those "about being, reality, space, or time […] about human beings, what they are like, what they are capable of, what they are for, and what is their essence" (Abend 2014, 50-51). Durkheim's work on religion corresponds to this metaphysical component. As Durkheim states: "[t]o a greater or lesser degree, all known religions have been systems of ideas that tend to embrace the universality of things and to give us a representation of the world as a whole" (1995 [1912], 141). Religions are essential in providing a foundational framework of integrated concepts and knowledge that situate individuals and make both moral and empirical sense of the world. Metaphysical concepts such as God, human dignity, or even the nation can be the lynchpins of these frameworks. These concepts provide foundational principles or ideas that form an epistemic base for further claims. These claims take the form of foundational truths about right and wrong, and provide

rationalized justifications for moral beliefs, which is what Abend calls grounding (2014, 34). According to Abend, these claims can range from very short sentences to developed philosophical or theological theories and correspond to the second category of moral truth I identify.

The metaethical component deals with the objectivity of the moral truth individuals believe. Abend (2014, 47-48) identifies different metaethical schools: moral realism, relativism and skepticism. Moral realists state that objective and/or universal moral truths exist, relativists argue that moral truths are not universal but can be true for particular groups, cultures, or even individuals, while skeptics argue that morality is a question of personal preference in the same way that one would prefer donuts to croissants. Following Durkheim, I would say that because of the 'fixed and impersonal' nature of moral truth and the way groups constitute moral authorities, there is a tendency for individuals to treat their truths in a realist way. Moral relativism as an idea can exist, but likely only within a sub-group that is integrated into the moral framework of a broader society that will have realist properties, a point that Abend himself seems to concede (Abend 2014, 48; see also Lukes 2008, 28).[12] And yet, whether or not moral relativism can even exist as an instituted practice is a different question, which I address below. Lastly, methods and arguments refer to how a group engages in moral argument and resolves moral issues (Abend 2014, 43). For instance, do they appeal to scientific fact, make appeals to emotion, argue from analogy, or argue from self-evidence?

Concerning these last two elements, I do not find them so useful. In my opinion, it is less important how people argue and whether they think it is a universal truth, than it is what exactly they are arguing for and how strongly they do so. It seems as if Abend is essentially concerned only with the cognitive or philosophical *form* of the morality, i.e. what kinds of moral arguments are possible or intelligible in a given group at a given time. As he explains, his approach is well suited to creating typologies of morality, which is his goal (Abend 2014, 261-264). Yet this point brings attention to one element missing from Abend's analysis of the moral background, and arguably the most important, which is the social forces animating the conceptual sphere, or the metaphysical assumptions, the

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[12] Durkheim's analysis of sub-groups is not well-known at the time of writing, although it does exist. There are studies that explore a Durkheimian approach the issue of sub-groups and how they interact with the dominant society (Cladis 2005; Carls 2019a).

sacred objects, and the fundamental truths, all of which lead to moral rules, moral judgments, and the social institutions that sanction them. These social forces are the network of social actors interacting with each other, carrying with them the moral truths and *représentations collectives*, creating and reinforcing emotional affect in each other. These forces ultimately determine not only the content of a truth, but also *the very fact that* an individual believes a truth at all.

The question of social forces is important because, unlike Foucault's épistémè or Kuhn's paradigms, morality is not merely a question of thought but directly implies action. How strongly an individual believes a truth and how a group institutes a truth then become vitally important questions. For example, as I discuss in the dissertation, the *Autonomen* would in accordance with the principle of non-domination, embrace moral relativism or even moral skepticism. But because their moral truth becomes formally institutionalized, they treat their truth in a realist way. On a broader point, regardless of professed content, a moral truth will, when institutionalized, serve as a guiding foundation for a set of obligatory rules and practices, and thereby maintain inherent realist properties.[13] This observation renders the moral precepts of non-domination, moral skepticism, and perhaps even moral relativism practically impossible as a social institution. Abend's approach remains blind to this point.

What is more, even though the *Autonomen* profess a morality of non-domination, they believe in this truth in an absolute, fanatical way, to the point they are ready to commit acts of violence against those they oppose. This fact brings the question back to moral legitimacy, a concept related to truth. Why do people feel as if their position is morally legitimate? Why are people ready and willing to support measures that a state will impose on those who protest them? In these instances, metaethical details and questions about mode of argument become secondary to how strongly people believe what they do. One can only understand this fervor of belief by looking at the social forces in the moral background.

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[13] This is the same for utilitarian moral truths, which claim to be void of deontological elements. Nevertheless, if instituted socially, the principle would still serve as a moral authority or principle in Durkheim's sense, acting within a particular institution to guide the decision making-processes. As a social or moral authority, utility then commands at least one obligation that must be respected, namely the obligation to maximize utility (or happiness).

In this dissertation, I will concentrate on the role that social forces play in constituting moral truths and judgments. The advantage of focusing on social forces is that doing so will allow me to focus on the question of power, legitimacy, and conflict between groups in a more comprehensive way, i.e. as not simply a philosophical disagreement. I will also look at other key elements of the moral background. In chapter 2, for example, I do a moral genealogy and look at how *représentations collectives* related to racism, xenophobia, the nation, etc., changed in postwar Germany. These changes frame the perception of moral objects in Germany today and play a large role in determining what people believe is right and wrong and how people should act. In so doing, I also address metaphysical notions present in Germany, particularly as they relate to human dignity and the nation. I do not preoccupy myself with morality at level 1, but rather at levels 2 and 3. I am not interested if individuals in their daily life actually live up to their ideals. Rather, I am interested in the existence and functioning of moral institutions and the moral epistemologies that make them possible.

Durkheim and Punishment

Since an important part of morality is punishing, it is important to examine this part of Durkheim's work closer. In the *Division of Labor*, Durkheim famously focuses on the positive effect punishing a criminal has on group solidarity. In this work, Durkheim situates punishment within a sociological and moral context. In so doing, he separates this analysis from a conventional one that sees the punishment of crime as a result of the straightforward need to combat and control criminality. For Durkheim, the effects of punishment are not to be found with the criminal, but rather with the rest of society (Durkheim 1984 [1893], 62-63; Garland 2013, 23-24). In this view, punishment is done to expiate an "outrage to morality" (Durkheim 1984 [1893], 47). Because a crime takes place against collective beliefs and morals, the response must also be collective. Punishment is also a rather intense affair, one that involves "passionate emotion" (1984 [1893], 62) and collective "vengeance for something sacred which we vaguely feel is more or less outside and above us" (1984 [1893], 56). Such passion is necessary and much go beyond a "mere re-establishment of the order that has been disturbed" and

requires "a more violent form of satisfaction" (1984 [1893], 55). When a group punishes criminality in the proper way, the result will be greater social solidarity, since punishing "is a sign indicating that the sentiments of the collectivity are still unchanged, that the communion of minds sharing the same beliefs remains absolute, and in this way the injury that the crime has inflicted upon society is made good" (1984 [1893], 63). As Smith (2008, 21) notes, this "primitive desire for vengeance in the popular will" is a constant feature of punishment, expressing itself differently according to the socio-cultural-legal context, even in our supposedly "rational" and "modern" societies.

While scholars recognize the role that punishment has on social solidarity, there are many critiques of Durkheim's work. For the purposes of this dissertation, the critiques that are the most relevant concern the vague, abstract, and presumed homogeneous nature of public sentiment or the collective conscience. This vagueness results in an inability to elaborate the causal mechanisms that would lead punishment to increase social solidarity, assumes unproblematic relationships between these sentiments and the act of punishing, and is blind to issues of power in which one group might use punishment to dominate another (Burkhardt and Connor 2016, 86; Garland 1990; Garland 2013, 29-30; Smith 2008, 17; Smith 2013, 116-118).[14] There are elements of Durkheim's argument that point at ways to remedy these drawbacks. For example, when Durkheim mentions 'a violent form of satisfaction' that is derived from a defense of 'something sacred,' he hints at the possibility of a causal mechanism through the emotive affirmation that punishment would bring. The idea that punishment is related to group action also opens the door to the possibility of framing these ideas in a sociology of conflict. His reference to 'something sacred' presages his later work on religion and morality, which is

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[14] Cotterrell (1999), Garland (2013), Smith (2013), and Burkhardt and Connor (2016) all discuss criticisms of this element of Durkheim's work. They point out other problems as well, including that punishment does not automatically lead to increased solidarity, that it can have no effect, or even backfire and create social divisions in certain instances. Thus, it is important to take into consideration cultural narratives and meaning attributed to punishment in order to understand it. In particular, Garland (2013) points out that many scholars criticize Durkheim's argument about the evolution of penal punishment, which states that more complex forms of societies are less harsh and repressive than pre-modern or less complex ones due to their increased care about individuals. In particular, he points to studies that show that societies marked by higher rates of punishment do not experience greater solidarity; on the contrary they have lower social solidarity. This critique is related to Durkheim's assumption that the conscience collective is homogeneous and has un-problematically embraced moral individualism. A remedy that Garland proposes, and that I discuss further, is to look at such instances of punishment as inter-group conflict, as opposed to intra-group punishment.

amenable to a sociology of conflict and an approach capable of interpreting the meanings of punishment in a setting of conflict. These ideas, however, remain undeveloped, requiring theoretical extrapolation on the part of the scholar to bring together Durkheim's early and late works (Smith 2013, 118).

Part of reworking these aspects of Durkheim's early work on punishment requires an abandonment or modification of Durkheim's early functionalist theories related to social development, mechanic and organic solidarity, the collective conscience, and penal evolution. They argue that the transition to organic solidarity results in less punishment and more humane forms of punishment. In modifying or leaving these theories aside, one can instead focus on inter-group conflict, as opposed to intra-group conflict, to see how social solidarity among different groups can play a role in inter-group conflict where one group punishes another (Garland 1990, 51-52; 2013, 33-34).[15] One can also, as Garland (1990, 52-53) suggests, replace the collective conscience with the idea of a dominant or ruling morality, which other social groups might not share completely or at all and which they can contest. In modifying or leaving these theories aside, one can also, as Smith does, focus on the symbolic nature of punishment, or Durkheim's idea that "punishment was meaningful and communicative," and seek to understand the (moral) message(s) such punishment conveys (Smith 2008, 21-23). Doing so goes in the direction that Durkheim did in *Moral Education*, where he calls punishment a "meaningful demonstration" (1961 [1925], 166) in which an instituted moral authority demonstrates to a group that the rules are still to be respected (1961 [1925], 200-201; see also Smith 2008, 19-20; Cotterrell, 1999, 77). I propose to perform both reworkings in this dissertation.

Specifically, I will treat punishment as part of the externalization/enactment of a moral fact and situate this in the framework of a sociology of conflict. Obviously, I do

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[15] Interestingly, Garland proposes that such conflicts amid complex societies reveal the lack of organic solidarity, or "the solidarity of individualism, intra-group cooperation and a tolerance of diversity," and rather reveal a series of competing groups characterized by mechanical solidarity (2013, 34). Building on Durkheim's insight about punishment in mechanical solidarity, he argues that "the presence of tightly knit groups exhibiting mechanical solidarity leads to intense punishment where a group member is wronged by an outsider" (34). This insight would certainly apply to the *Autonomen*, but I find the use of the terms mechanical and organic solidarity anachronistic and maladapted to an approach grounded in Durkheim's later work. It is better to abandon Durkheim's early evolutionary impulses and use his work in the context of a sociology of conflict à la Collins.

not see a society homogeneously embracing a moral fact. Instead, I identify what would be considered the dominant or ruling morality in *Verfassungspatriotismus*, which during the Refugee Crisis controlled the German legal system on its way to implementing the *Fair im Netz* program and the NetzDG. Numerous elements of German society contested this moral institution, particularly on the political right. The punishing of online hate speech certainly was related to the defense of 'something sacred' and served to reassure those who shared its tenets that "the sentiments of the collectivity are still unchanged, that the communion of minds sharing the same beliefs remains absolute, and in this way the injury that the crime has inflicted upon society is made good" (Durkheim 1984 [1893], 63). I do not look at the ritual element of punishment in this context. Rather I do so in detail with regards to the *Autonomen*, who violently attack those who violate their moral principles. The punishment in this case also reassures adherents that the group is still resolute in its beliefs. Yet I go farther in my analysis, however, and attempt to identify the causal mechanism linking the punishment with social solidarity, and do so by identifying the moral pleasure one derives from punishing, a pleasure produced in ritual and that creates a shared emotional affect that reinforces the group.

Lastly, it should be noted that Durkheim's work can be critiqued from the approach of legal positivism. This approach maintains a sharp distinction between the law and morality. Although the two are often intertwined, one should not necessarily confuse the two. Durkheim, however, sees the law as a simple manifestation of morality, leading him to unproblematically treat legal obligations as if they were moral obligations (Cotterrell 1999, 216). In my dissertation I do not go into detail about this distinction, although I do recognize it. I do not maintain that all laws have a salient moral nature, and many are simple rational procedural rules. Yet the law that I focus on in my dissertation, the NetzDG (and the related Criminal Code §130), which fights against online hate speech, is obviously of a moral nature. In this instance, at least, legal and moral obligation do coincide, and the law is a manifestation of a particular morality.

The Cult of the Individual

Importantly, Durkheim observed at the beginning of the 20th century that Christianity was no longer the religion of the West. In its place he observed the beginnings of a new religion that would come to dominate the West, a religion he calls the 'cult of the individual.' He saw evidence of this in the French Revolution but believed that the democratic project the Revolution began had not yet fully developed by the time he was writing. He nevertheless remained optimistic that Western society would once again find cohesion in democratic values through the cult of the individual (Durkheim 1995 [1912], 215-216, 429-430; see also 1958 [1950], 56-57; 1973 [1898], 50-52; 2010b [1906], 58-59).

First, Durkheim's concept of the individual should not be confused with the narrow utilitarian self-interest he criticizes. Rather, the individualism of the cult of the individual "is the individualism of Kant and Rousseau, of the idealists—the one which the Declaration of the Rights of Man attempted, more or less happily, to formulate" (Durkheim 1973 [1898], 45). Like Kant, who bases moral rules on "humanity in the abstract," and Rousseau, who appeals to the impersonal general will, the cult of the individual is based not on egoism, but on a "general notion of 'man'" (45). It presupposes a universal concept of the individual, namely an autonomous individual endowed with rationality, born both free and equal to all other individuals in these respects. This abstract conception of individual creates the ideal around which the cult revolves and is its the sacred object. It lays the foundation for a society's constitutional essentials and basic notions of justice, which center on the ideas of freedom, equality, and rationality.

The society that the cult of the individual creates is centered on the ideals of equality, freedom, and rationality, with freedom of thought the first and most important freedom: "freedom of thought is the first of the freedoms" (Durkheim 1973 [1898], 49).[16] Authority can and must be rationally grounded in order for the critically rational individual to have respect for social institutions (49). Moral actions are not made on the basis of the demands or interests of particular individuals or special interest groups, but are "those which can be applied to all men indiscriminately" and are guided by a general

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[16] Durkheim elaborates, saying, "This cult of man has as its primary dogma the autonomy of reason and as its primary rite the doctrine of free inquiry" (1973 [1898], 49).

notion of humanity (45). Any disenfranchisement of individual rights or any violation of individual dignity is considered sacrilege and is a moral offense of the highest order: "Whoever makes an attempt on a man's life, on a man's liberty, on a man's honor, inspires in us a feeling of horror analogous in every way to that which the believer experiences when he sees his idol profaned" (46). Somewhat paradoxically, protecting the rights of the individual will be the way in which society is best preserved (54).

In this way, the individual human is sanctified through the notion of human dignity and equality, concepts closely tied to human rights, the protection of which becomes a moral obligation. Importantly, in the highly complex and developed industrial society that is Western society, being an individual is the only thing that any two individuals have in common anymore. Durkheim also believes that the way that each country would implement the cult of the individual would differ based on that country's history and culture. As he explains, "This idea of the human person, given different nuances according to the diversity of national temperaments, is therefore the only idea which would be retained, unalterable and impersonal, above the changing torrent of individual opinions. And the feelings it awakens would be the only ones which could be found in almost every heart" (Durkheim 1973 [1898], 51-52). One can thus see the bills of rights for various Western democratic countries, including those found in the American and German constitutions, as manifestations of the cult of the individual. Post-World War II international agreements, such as the United Nations 1948 Declaration of the Universal Rights of Man, and UN Refugee Accords, are also manifestations of the cult of the individual. Indeed, many of the humanistic political inclinations in German political culture and elsewhere are in some way tied to the cult of the individual, and it is a concept I will return to on a number of occasions in my dissertation.

Randall Collins' Microsociology and Conflict Theory

Perhaps more than any other sociologist, Randall Collins has embraced Durkheim's work on group interaction, group solidarity, and the role of ritual in social life, and built upon it in remarkable ways. By combining this aspect of Durkheim with the microsociology of Erving Goffman, Collins has formulated what he calls "interaction

ritual chains." Collins puts emphasis on the way individuals interact along two lines: the mutual focus involved and the emotional-entrainment mechanism; he looks at "how much mutual focus of attention occurs, and how much emotional entrainment builds up among the participants" (Collins 2004, xi-xii). Thus, when two or more individuals come together, the question is how much they focus on the same thing, and how intense their focus on the object becomes, with attention paid to the type of emotion involved (fear, anger, joy etc.). The amount of emotional energy (EE) released is important, as this can help either solidify an individual's attachment to a social object or dissipate it in the case of a lackluster interaction. When one puts these interactions together, the result is an interaction ritual [IR] chain. How interactions go and how much cultural capital or EE a person has (whether one meets a famous person or a die-hard fan for example) will determine the effectiveness of the IR. Another important aspect of Collins' approach is his assessment of IRs not only in the large group settings that Durkheim analyzes, but also in a micro-sociological setting. An IR can take place in a large group, but also among small groups of individuals, including situations where even only two individuals are present. What matters is the nature of the interaction and how this interaction works towards group solidarity. One last bit worthy of note is the idea that such IR chains create group solidarity around a social cause or social object. The more effective the IR chains, the greater the social solidarity and the stronger the group.

Building on Durkheim's analysis of ritual interaction, Collins lays out in an explicit and methodical way the necessary conditions of interaction rituals: 1) the physical assembly of two or more people; 2) group boundaries that distinguish outsiders from insiders; 3) a common focus of attention, and the communication of mutual focus to others in the group; and 4) the sharing of a "common mood or emotional experience" (Collins 2004, 48). Likewise, he characterizes a successful event by four outcomes: 1) a feeling of group solidarity or membership; 2) the production of emotional energy that is constituted by "a feeling of confidence, elation, strength, enthusiasm, and initiative in taking action"; 3) the production of symbols, including "visual icons, words, gestures" through which the individuals associate themselves to the collective; and 4) a feeling of morality, or "the sense of rightness in adhering to the group, respecting its symbols and defending both against transgressors" (Collin 2004, 49).

The creation of group solidarity through IR chains has other implications for society. Drawing on the fourth outcome of an IR mentioned above, such IR chains are instrumental in the moral life of a society. Building directly on Durkheim, Collins notes that it "is the heightened experience of intersubjectivity and emotional strength in group rituals that generates the conception of what is good; what is opposed to this is what is evil" (2004, 39-40). After looking at how IRs create group solidarity, Collins applies these insights in a creative way, and in the process addresses and modifies one of the most criticized aspects of Durkheimian sociology: Durkheim's perceived neglect of questions of conflict and power. Indeed, Collins transforms Durkheim's observations about group solidarity into a full theory of conflict. Rather than asking the question, as Durkheim did, "What holds a society together?" Collins asks, "What holds society together as a pattern of stratified and conflicting groups?" (2004, 41) Collins' answer is social rituals, which create solidarity within different groups in the same society. Among these various groups in a society some will have more solidarity than others. They will have more impressive and powerful symbols that inspire individuals more deeply and convincingly, and owing to this organizational power they will be able to dominate other, less cohesive groups (2004, 41).

Another of Collins' (2008) major works that builds on his micro-sociological theory deals with violence. He performs a micro-sociology of violent acts, particularly ones involving collective acts of violence. As he argues, the presence of a group can help individuals overcome their emotions of tension and fear and engage in acts of violence by providing them collective emotional energy. In other works, Collins (1974) notes the importance of violence for creating group boundaries and identities. In my chapters on *Autonomen* and right-wing extremist violence I draw especially on Collins' insights into violence and Durkheim and Collins' insights into the nature of ritual and group formation.

Other Methodological Concerns

Since I am following Durkheim so closely, I will address a number of methodological critiques of Durkheim. Some critics point to the vague and indeterminate

nature of social facts as described in *The Rules*. As a result, the concept of the social fact is not a useful analytical tool since it can mean almost anything (Jones 1986, 78). My dissertation, however, focuses specifically on the moral fact, a subset of social fact, to which Durkheim gives a considerably more detailed analysis, and for which Durkheim provides a greater deal of analytical tools.

Another common critique of Durkheim stems from a misconception concerning what Durkheim means when he says social facts are external to individuals. Many critics take this to mean that Durkheim argues that social facts are independent of all individuals in a group, leading to the charge that he "reified" or "hypostasized" society (Lukes 1982, 3-4), or that he argues for the existence of a "metaphysical 'group mind'" that exists independently of all individuals (Jones 1986, 78). But this argument makes no sense. As already seen, the notion of externality for Durkheim is quite complex, and stems from the idea that members of a group incorporate the social fact; the social fact is thus both internal and external to all members of the group for this reason. It is the social scientist who abstracts the social facts from individuals in which they are incorporated in order to study them in an objective way and "as external things, because it in this guise that they present themselves to us" (Durkheim 1982a [1895], 70).

A related critique is that Durkheim does not adequately consider the individual. Critics argue that he sees the individual as a simple subset of society or that the line he draws between the individual and society is too sharply drawn to allow for an adequate understanding of individual action or a proper micro-sociology (Lukes 1982, 16-17; Cotterrell 1995, 180). While Durkheim might not have a detailed micro-sociological theory, he does take steps in this direction at times and recognizes the place of subjective interpretation of social facts (Durkheim 1982c [1901], 47; 1995 [1912], 437; 2010c [1906], 78-79). Much of Durkheim's work, especially that examining ritual, implicitly if not also explicitly contains a micro-sociology for the processes and dynamics involved in individual interaction. Later thinkers, especially Collins (2004), have developed much of this side of Durkheim's work. My own dissertation examines moral facts as incorporated by specific individual politicians, including former Justice Minister Heiko Maas and looks at how the moral fact of *Verfassungspatriotismus* motivates his political actions. I

also build on both Durkheim and Collins and perform a micro-sociological analysis of specific interaction rituals that involve conflict and violence.

One of the most common critiques is that Durkheim's work has no place for understanding conflict or power (Lukes 1982, 22-23; Cotterrell 1999, 204). While I would argue that Durkheim's work already contains within it the seeds for analyses of political conflict and power (Carls 2019a), it is true that Durkheim, unlike Marx for example, does not make social conflict a primary focus of his work. When Durkheim does do so, he tends to look at the conflict as "socially functional" or "pathological" (Lukes 1982, 23). In looking at power, Durkheim almost always assumes he is talking about legitimate power, which needs no justification; otherwise the power is illegitimate and thus pathological (Cotterrell 1999, 205). In either case, the power in question is almost always in the singular and wielded by the state or some other dominant group. Durkheim never gives much attention to instances where two or more groups that claim to have moral legitimacy compete for hegemony, and when he does so, the analysis is fleeting and assumed to be temporary until the 'normal' order manages to establish itself (see for example Durkheim 1995 [1912], 425).

Concerning Durkheim's lack of conflict, Collins' (1974, 1988, 2001, 2004, 2008) work serves as a corrective to these issues. In order to draw out the question of power, in my dissertation at least, a useful approach is to draw out the question of moral legitimacy that Durkheim argues is a key aspect of social life. By explaining how a moral authority is able to get people to voluntarily act in a specific way, Durkheim is addressing one of the central questions of politics and power: the legitimation of power. While Durkheim does not set this form of moral legitimation in opposition with others in a setting of conflict, we certainly can, and once we do, Durkheim's relevance to the question of power and politics becomes immediately clear. As I will argue in my dissertation, moral legitimacy among different groups is a key element of political conflict; it is what provides politicians and other actors the ability to write laws or engage in violence against their opponents.

Objectivity in the Social Sciences?

A final critique of Durkheim that critics often make concerns his insistence on the objectivity of the social scientist. Durkheim believes that true, objective knowledge about the social world is possible and that by systematically discarding all preconceptions and biases, the social scientist can arrive at these objective truths. Because Durkheim seeks objective, 'scientific' knowledge about social phenomena, his approach is essentialist and seeks to craft minimalist definitions, of religion for example, that would be universally applicable. Part of this meant that in his analyses, he abstracts from the participants own understanding of the phenomenon to craft a particular scientific one that he held as objectively true (Lukes 1982, 13). As a result, Durkheim never considers the idea that his approach was just one perspective among many, none of which are able to relate to an objective or independent reality. He also never grapples with the hermeneutical issue "of how to achieve and evaluate success in the interpretation of the actors' world from within" (Lukes 1982, 14-15). As Lukes argues, because of Durkheim's insistence on the attainability of scientific knowledge about society, he never engaged with the "hermeneutical circle," or "the fact that particular interpretations or readings only make sense within a total interpretative framework, which is in turn made up of particular interpretations" (Lukes 1982, 14; see also Taylor 1971, 6; see also Abend 2008, 112-116).[17] Essentially the idea is that social scientists, as products of a particular society themselves, cannot extract themselves from the web of meaning that their culture has inculcated in them. In particular, the idea of 'scientific' knowledge itself is part of this (Western) interpretative framework. On what criteria, then, can one judge the objectivity or truthfulness of social scientific knowledge? (Lukes 1982, 14; see also Taylor 1971, 39-40) The critique then is that Durkheim's attempts at objective, bias-free knowledge are unattainable and dangerously naïve (Lukes 1982, 11-13).

There are three issues here that I will address. The first is that, as Lukes himself points out (1982, 15; see also Karsenti 2012, 34), Durkheim did not always follow his own methodological prescriptions and much of his later work, especially on religion and morality, contains important hermeneutic dimensions. They are particular interpretations

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[17] Taylor (1971) never mentions Durkheim explicitly, but Taylor's critique of what he calls the empiricist is applicable to the scientific approach to the study of humanity Durkheim sought to formulate.

that do take into consideration the actor's conceptions of their activity. Nevertheless, Durkheim did seek to go beyond the superficial self-understandings of actors' behavior to find the unconscious causes and meanings of their actions. In this, Durkheim was engaged in nothing other than a hermeneutics of suspicion. Durkheim was extremely critical of the great "master of suspicion" Karl Marx, and of historical materialism, yet he did find one element of that approach useful. In a review of a book on Marxism by Antonio Labriola, Durkheim wrote: "We believe it a fruitful idea that social life must be explained not by the conception of it formed by those who participate in it, but by the profound causes which escape their consciousness" (Durkheim 1982b [1897], 171). Durkheim located these causes in the social forces produced by interaction rituals, the very building block of any form of interpersonal association and found the Marxist argument of relating everything to economic structures completely lacking in empirical evidence. Durkheim's approach is also at odds with a Weberian *verstehen* approach (See Colliot-Thélène, 2007). Nevertheless, it remains somewhat suspicious that Paul Ricoeur (1965) never mentions Durkheim as one of the great masters of suspicion, despite Durkheim's obvious claim to the title.

A second issue concerns the possibility of a bias-free or objective scientific study of society. A completely or purely objective and bias-free position of the observer should be the goal but is likely an impossibility for social science. The social scientist always approaches issues from a specific point of view and will pick out what aspects are important to analyze and in what terms to analyze them (Weber 1949 [1904], 72, 81-82). In other words, the social scientist always interprets data based on an "insight" or an intuition that is "unformalizable" (Taylor 1971, 46). This dimension of the social sciences is what distinguishes it from the natural sciences; the latter have verification procedures that rule out subjective bias, while the former have no such verification procedures, only interpretations (Taylor 1971, 46). While Durkheim does not address these issues explicitly, on some level he was aware that the choice of the subject of scientific inquiry, in some instances at least, could be motivated by normative concerns (Cladis 2019). Durkheim asserts the idea that it is possible to distinguish between an empirical, sociological study of morality as a lived reality and the normative, philosophical project that he calls a "rational moral art" (Durkheim 1979a [1904], 32). Taking into account the

critiques of the possibility of a *wertfrei* sociology of morality, as well as Durkheim's epistemological positions, in the end I agree with Abend (2008, 115) that while "the sociology of morality cannot be completely value free, it can be principally interested" in empirical questions of what a society really believes, or what *is* socially speaking. It is possible to separate judgments of fact from judgments of reality; accordingly, it is possible to conduct an empirical study of moral facts that has objective validity and that does not automatically lead to a value judgment of the moral fact in question. Hence, even though a completely value free study of morality is not possible, "it does not follow that [the sociology of morality] is no different from public philosophy (to use Bellah's term)" (Abend 2008, 120).

This discussion leads to the third point: the objective reality of the social objects under investigation. If the choice of topic in some instances is influenced by a normative inclination, the ensuing research and analysis should be able to say something objectively real about a phenomenon. Durkheim's famous injunction to treat social facts as things is fundamental to this discussion. His argument is that social facts have an objective reality that can be studied as one studies other objects in the natural world, with humans and products of human societies being a part of the natural world. Social facts are real, and can be determined by examining their external manifestations, in laws, statistics, speech acts, or forms of moral sanctioning. They also exert a really existing force or energy on individuals, pushing them to act in certain ways. Specifically concerning morality, these social forces act on individuals by providing them concepts of good and bad that direct their action, but also through sanctioning mechanisms, rewarding actors when they do something 'good' and punishing them when they fail to act conform to the rules. These sanctioning mechanisms ultimately are informed by the ideals of good and bad and refer back to the psychic substratum of the mind where individuals have incorporated the moral fact. To deny the reality of these social facts would in effect be to deny the force of gravity, for just as one is punished for breaking a rule, one falls to the ground when one jumps out a window.

At least as concerns morality and religion, Durkheim proposes looking at ritual and the collective effervescence produced during ritual as the cause of religion and morality. On this point, he would argue that the presence of collective effervescence and

social forces is a universal constant of social relations that transcends the particularities of their individual manifestations. Citing Georg Simmel, Durkheim (1982d [1903], 190) appeals to John Stuart Mill's methods of logic, including the direct method of agreement or the method of residue, as a way of appealing to an empirical, scientific method that can establish such objective knowledge; namely, "[b]y comparing associations designed for very different goals and sifting out what they have in common, […] all the differences presented by the special ends around which societies are constituted cancel each other out and the social form alone emerges." Personally, I find Durkheim's argument wholly convincing. When one goes into sports stadiums today one can literally feel the collective energy he is talking about and see how this energy is projected onto an object to create a collective valuation of a particular object or idea that would otherwise not exist. This energy is furthermore present in other gatherings, such as the Fourth of July Celebrations in the United States or during Bastille Day in France. These societies accord in their respective countries a special importance to these days, which remain insignificant elsewhere, a fact that Durkheim's insights fully explain.

A Durkheimian interpretation of these supposedly secular events as religious, or conversely Durkheim's own interpretation of the worship of God as actually the worship of a hypostasized representation of society, nevertheless remain interpretations in Taylor's sense; the importance of the events as well as the categories of understanding used are the subjective choice of the researcher, influenced in turn by the culture of which they are a product. Likewise, Durkheim might appeal to empirical data and a scientific use of logic as a way of establishing the objective nature of social forces and their causal efficaciousness. But others might not share his emphasis on the objective existence of and causal importance of ritual and social forces. Those from a Marxist or rational choice position, for example, might point to other causal factors for the social phenomena. As a result, one might object to Taylor's conclusion that the social sciences "cannot be '*wertfrei*'; they are moral sciences in a more radical sense than the eighteenth century understood" (1971, 51). In view of the lack of any convincing experimental method, or other verification process as exists in the natural sciences, we will have to accept Durkheim's empirical analysis of social forces as a form of hermeneutic social science, grounded on a set of initial intuitions that other individuals may or may not share. My

study of the moral dimension of politics in contemporary Germany is likewise bound by these hermeneutical constraints.

III-Literature Review

Sociology of Morality

The sociology of morality has experienced a period of neglect over the past half-century but has recently shown signs of renewed interest (Hitlin and Vaisey 2010, 2013). According to Patrick Pharo (2004), there are five ways to study the sociology of morality: the genealogical method of Foucault; the Weberian study of values; the Durkheimian study of social obligation; the functionalism of Talcott Parsons; and the study of justification inspired by Harold Garfinkel. The Foucauldian genealogical approach in particular has experienced a renewal. The genealogical method looks at the development of morality over time to show that a particular moral ideology is "the result of a certain number of conventions and historical contingencies" (Pharo 2004, 362).[18] In a similar fashion, Didier Fassin (2012, 7-8) identifies three approaches to the study of morality in anthropology: a Durkheimian approach, a Foucauldian approach, and a consequentialist or utilitarian ethical approach. The Durkheimian approach is influenced by Kant while the Foucauldian approach is inspired by Aristotle. Many anthropologists who conduct their studies do not explicitly refer to any of these authors, but their studies fall clearly within one of these frameworks, sometimes several at the same time. According to Fassin, recent studies have shifted towards the Foucauldian ethical approach and away from the Durkheimian study of moral codes. According to Steven Hitlin and Seteven Vaisey (2013), the field is dominated by studies in the Weberian tradition, even though Durkheim is a prominent figure in the field.

A number of sociologists buck this trend and work in the Durkheimian tradition. Among the most distinguished is Randall Collins whose writings addresses morality as a social phenomenon from a Durkheimian perspective. Another work worth noting is

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[18] "le résultat d'un certain nombre de conventions et de contingences historiques." My translation.

Michael Elliott's *A Cult of the Individual for a Global Society* (2008), which is a sociological study of the importance of the human rights discourse in a globalized world that also makes explicit reference to Durkheim. The work of Jeffrey Alexander, head of the Yale school of cultural sociology, also deserves mention. Alexander (2002) examines the history of how the Holocaust became a universal concept of human suffering and oppression. He also examines the presence of binaries in how opposing political actors frame each other in modern democratic politics (Alexander 2006). Specifically, opposing actors will seek to frame their own actions and motives in positive terms, and their opponents in negative terms; each side subsequently seeks symbolic purity and the right to the claim of exclusive representation of democratic values. The resulting framing passes through the lenses of good and evil, sacred and profane. Levy and Sznaider (2004), in a way similar to Alexander, also examine the importance of the Holocaust to the diffusion of universal human rights. Unlike Alexander however, they concentrate more on the Holocaust as a universal and de-contextualized *représentation collective* in a Durkheimian sense. Another member of the Yale school of cultural sociology is Philip Smith (2008, 2013). In his writings, he argues that punishment must be understood in its socio-cultural context, in order to understand the meanings that it conveys to participants.

My approach combines different elements of the above-mentioned approaches. For example, I combine elements of the genealogical approach as described by Pharo and the Durkheimian deontological approach, which looks at moral codes and social obligations. Arguably, the Durkheimian method already contains a genealogical aspect, since it also looks at history to explain moral rules. Durkheim, however, is less amenable to seeing in this history contingency and convention, and more so necessity and causality. Despite what one finds in Durkheim's work, I do not find his approach necessarily incompatible with the genealogical one. Ultimately, both traditions look to explain the historical formation, origin, or provenance (*Herkunft*), to borrow a word from Nietzsche, of certain forms of morality (Nietzsche 1999b: 248). I also draw heavily on Collins' insights on conflict and frame these conflicts as being of a moral nature. In addition, I draw upon the analysis of Levy and Sznaider and also to some extent that of Alexander concerning binaries. Regarding the latter, Alexander (2006, 53-67) sees the binaries as competing over the same symbolic moral territory, i.e. that of representing democratic

values. In my analysis there is, to some extent a moral framing through democratic values, but the conflict between different groups in Germany has more to do with the clash of competing moral ideals, including universal multiculturalism or the nation, than it does an attempt to claim exclusive symbolic ownership of democratic values. I also borrow from the Yale school of cultural sociology in that I also focus on the narratives within which political conflict is couched and which ultimately provide the conflict its moral meaning.

There are many works that make moral typologies or that study moral conflict. In a well-known work, Bellah et al. (1996) identify four different moral cultures in the United States: expressive individualism and utilitarian individualism; civic republicanism; and a biblical tradition. Using his moral background approach, Abend (2014) identifies two types of business ethics in American history: the Christian merchant type and the standards of practice type. The two works, however, do not perform sociologies of conflict and remain works of typologies.

The work most related to my own is that of Hunter (1991). He studies America's culture wars as a moral conflict between a religiously inspired, fiercely independent orthodox vision of America and a secular, communitarian progressive vision, leading to his two-set typology of orthodox and progressive moralities. In his study, he examines the source of moral authority and the idea of moral truth: the orthodox vision has its authority in God, who legitimates certain truths about traditional gender roles, homosexuality, and the family, while the progressive vision finds its authority in enlightenment rationality and personal experience, which informs an open-ended view of the world unmoored from tradition and history (120-127). The result is a series of conflicts on a number of cultural issues, from sexuality, education, to art in which each side attempts to morally discredit the other and to appropriate certain symbols such as the Bill of Rights, the American Flag, or the idea of America itself in order to gain legitimacy. Interestingly, he comes to the same conclusion I do in this dissertation, namely, that: "not only does each side of the cultural divide operate with a different conception of the sacred, but the mere existence of the one represents a certain desecration of the other" (131). Unlike Hunter, who explores a variety of moral issues, I focus specifically on one aspect of conflict, namely, that over multiculturalism and the

nation, and tangentially related issues such as free speech and the family. Also, unlike Hunter, I identify four competing moral ideals, as opposed to the two he identifies, allowing for a more detailed analysis.

Fiske and Rai (2015) look at violence and morality and argue, as I do in this dissertation, that violence is morally motivated and socially situated. Specifically, they identify four models of relationships in which all violence can be classified, including relationships to authority, to one's own group, or to enemy groups. Violence helps regulate the relationships individuals have with other people, and often the individuals engaging in violence will feel as if, in doing so, they are doing the right thing. As is especially relevant for this dissertation, they point out that violence can be important in building group solidarity, or that group dynamics can help spur individuals to commit violence. Individuals do so, for example, in order to demonstrate their dedication to the group, which then praises the individual as a hero (Fiske and Rai 2015, 73-76). In the end, Fiske and Rai focus more on the social-psychological motivations of actors and do not look at violence as a ritual that works to build EE and group solidarity.

Lastly, I am also aware of the existence of a large body of literature that deals with the issue of civil religion (Albanese 1976; Bellah 1967, 1992; Carls 2019a, 2019b; Hunt 1988; Kertzer 1988; Ozouf 1976; Warner 1953). This literature is relevant inasmuch as I analyze German *Verfassungspatriotismus* as a form of civil religion. There is a long literature on *Verfassungspatriotismus*, which I discuss in detail in my chapter on the subject.

Moral Psychology

Along with work coming explicitly from sociologists, the question of morality is also one that psychologists have made great efforts to study (Hitlin and Vaisey 2013; Abend 2012). Researchers have gathered much empirical data through the use of clinical surveys or by using brain scanning, such as with functional magnetic resonance imaging (fMRI) and position emission tomography (PET), to see what parts of the brain are active during moral deliberation. There is reason to believe that much of this research is limited in nature and not of much interest to sociologists. Part of this is simply due to disciplinary incompatibility, with psychology and sociology looking at morality from very different

angles (Hitlin and Vaisey 2013, 60). But part of this comes from the limits of psychological experiments themselves. Abend (2011) notes that much of the brain scanning experiments focus on "thin concepts," or the permissibility of an act, as opposed to "thick concepts," such as dignity or integrity, which are deeply rooted to cultural institutions. Research on thin concepts can tell us something about morality, but the approach is inherently limited and must be complimented with studies from other fields, including history, sociology, and anthropology. Abend (2012) likewise argues that much psychological research focuses on a particular kind of individual moral judgment and misses a wide gamut of moral phenomena, such as concepts of the good, the virtuous, moral exhortations and narratives, socially and culturally dependent moral judgments, and the distinction between decision and action. Hitlin and Vaisey (2010) make a similar argument, saying that much moral psychological research is limited in the sense that it abstracts individuals from real-life social situations. Research in moral psychology is thus restricted in scope and should be complimented by an approach that includes different disciplines.

Some research in moral and social psychology is relevant. Moral and social psychologists have noted the importance of the sharing of moral values and truths as part of group identity (Kinnvall 2004; Wellman and Tokuno 2004; Ysseldyk et al. 2010; Ellemers and van den Bos 2012). Other research has shown that moral certitude, or the idea that one's moral convictions are correct, is a distinct, salient, and emotionally attached feature of one's personality, that forms a core of one's identity and that both motivates and justifies one's actions (Skitka 2010). The work of Jonathan Haidt is of particular relevance for a Durkheimian sociology of morality as well as for the political sociology that I undertake in this dissertation, and this for two reasons.

First, Haidt studies moral judgments, the process of morally evaluating an act as good or bad, and has formulated a prominent theory of moral judgment known as social intuitionism. Social intuitionism rejects a tradition in moral psychology that began in the 1960s with Lawrence Kohlberg, who placed emphasis on the individual's conscious moral reasoning in making moral judgments. Haidt (2001) argues that immediate, affective processes, or intuitions, are far more determinative in making moral judgments, and that moral reasoning, while playing at times a role, is mostly an afterthought: "The

central claim of the social intuitionist model is that moral judgment is caused by quick moral intuitions and is followed (when needed) by slow, ex post facto moral reasoning" (2001, 817). As Haidt explains, there is a process by which an individual makes moral judgments. First, an individual makes a moral judgment in an intuitive, unconscious manner, "without any conscious awareness of having gone through steps of searching, weighing evidence, or inferring a conclusion" (2001, 818). Moral reasoning, or justification/explanation for the judgment, will take place post hoc, or after the decision has already been made. People rationalize their judgments in order to justify them to others, which can have an effect by "triggering new affectively valenced intuitions in the listener (2001, 819). Likewise, group norms can also affectively influence an individual's intuitions, and "the mere fact that friends, allies, and acquaintances have made a moral judgment exerts a direct influence on others, even if no reasoned persuasion is used (2001, 819). These four elements are the core of the social intuitionist model (SIM), but there are also possibilities for an individual to use conscious moral reasoning to change an intuition. People, for example, "may at times reason their way to a judgment by sheer force of logic, overriding their initial intuition," in which case moral reasoning "truly is causal" (2001, 819). Likewise, in thinking about an issue, "a person may spontaneously activate a new intuition that contradicts the initial intuitive judgment," leading to a changed opinion (2001, 819). However, Haidt gives these latter two changes of intuition far less causal weight than the other links.

Haidt's SIM is relevant to Durkheim's work for several reasons. As already seen, in Durkheim's work one finds the presence of axiomatic moral truths that individuals largely accept at face value, with any rationalization of the position coming after the fact or post hoc, as Haidt argues. One important difference is how the two explain the acquisition of moral intuitions. Haidt's model focuses on personal interaction with peers, friends, and family members. It emphasizes the acquisition of intuitions through socialization in childhood, but also by witnessing specific virtues or moral values in action throughout life (Haidt and Joseph 2004). The SIM thus takes what one could consider a decidedly micro-sociological approach and is analogous to the kind of interaction rituals Collins (2004) studies. Durkheim's approach, as seen, is decidedly macro. In this sense, the intuition is a *sui generis* product of sociation that one must

understand in specifically sociological, as opposed to psychological, terms. These positions are not necessarily contradictory, I would argue, but complementary, since they both describe different paths to the same result: a socially induced moral judgment that is based on intuition and not moral reasoning. Lastly, Haidt identifies the importance of what he calls "*a priori moral theories*" to moral reasoning. An a priori moral theory is "a pool of culturally supplied norms for evaluating and criticizing the behavior of others […] (e.g., "unprovoked harm is bad"; "people should strive to live up to God's commandments")" (Haidt 2001, 822). These a priori moral theories come from the moral background of a group that I identify above, and can also take place through certain narratives, including those that come from a political ideology (Haidt, Graham, and Joseph, 2009). Importantly, these forms of rationalization come post hoc and give an individual the impression that they have good reasons to believe what they do, even if in reality their belief is the result of an affective emotional attachment. For this reason, both Haidt (2001, 823) and Durkheim (1951, 169) recognize the futility of rational arguments to convince an interlocutor, as well as the importance of affect in changing people's minds.

Haidt, along with other colleagues, has developed the SIM in later works into moral foundations theory (MFT). They build on SIM, combine it with evolutionary theory, particularly that of biologists David Sloan Wilson (2002) and Edward Owen Wilson (1975), and use it to explain cultural and political variations in morality (Haidt and Joseph 2004; Haidt 2007; Haidt and Graham 2007; Haidt and Graham 2009; Haidt, Graham, and Joseph 2009; Haidt 2012). They argue that evolution has equipped the human mind with certain innate 'modules' of moral intuitions that individuals or cultures can (or not) activate. Modules are parts of the brain that recognize patterns and that change an animal's behavior in order to adapt to a challenge or threat (Haidt 2012, 123). Those with these modules survived to pass them on to later generations. Haidt and Graham (2009) identify 5 primary foundations, or modules, that respond to the following "sets of patterns in the social world" (381): care/harm, fairness/cheating, loyalty/betrayal, authority/subversion, sanctity/degradation. These five foundations correspond to five evolutionary challenges: "caring for vulnerable children, forming partnerships with non-kin to reap benefits of reciprocity, forming coalitions to compete with other coalitions,

negotiating status hierarchies, and keeping oneself and one's kin free from parasites and pathogens" (Haidt 2012, 125). To this list Haidt (2012) adds a sixth, liberty/oppression, which he argues was a response to avoid group-destroying oppression when humans developed social hierarchies once they left hunter-gatherer societies and adopted an agricultural lifestyle. Hence, depending on how a culture invests prestige into certain moral values, it will activate different moral modules of the individual mind leading to a moral system. In other words: "cultures build incommensurable moralities on top of a foundation of shared intuitions" (Haidt and Joseph 2004, 56).

While these foundations originally referred to direct evolutionary challenges, different cultural contexts can activate them in a variety of ways. For example, while the care/harm foundation was originally linked to caring for children, today images of baby seals can trigger it, and while formerly the loyalty/betrayal foundation was linked to one's immediate group, today it is tied to one's nation or sports team. The activation of these moral intuitions in different circumstances leads to differing sets of moral values, moral rules, and moral judgments (Haidt 2012, 125). As Haidt (2012) argues, appealing directly to the work of Durkheim, an important function of morality is to bind a group together, to create in-group solidarity, which will help its individuals better face the challenges and adversities of life. In making this argument, Haidt builds on the argument of David Sloan Wilson in his book *Darwin's Cathedral*. There, Wilson (2002) uses insights from Durkheim to argue for a theory of group-level evolutionary selection that would select positively for those individuals capable of forming the strong religious bonds Durkheim describes. He sees religion as an evolutionary adaptation with a specifically biologically functional purpose.

Importantly, the activation of different, moral modules leading to incommensurable moralities also takes place in politics. Haidt and Graham (2009), Haidt, Graham, and Joseph (2009), and Haidt (2012) explore this phenomenon in more detail. Haidt (2012) provides the most detailed and complete account, and like Haidt, Graham, and Joseph (2009), it is based on survey data, including that coming from yourmorals.com, which has a database of questionnaires from over 25,000 people. He argues that liberals and conservatives use different foundations when thinking about morality. For example, liberals build their morality especially on the foundation of

care/harm, but also liberty/oppression, and fairness/cheating; they are generally suspicious of the other three foundations. Conservatives, on the other hand, use all six foundations more or less equally. As a result, liberals support social justice, "are often suspicious of appeals to loyalty, authority, and sanctity," "emphasize care for the vulnerable, opposition to hierarchy and oppression," and have "an interest in changing laws, traditions, and intuitions to solve social problems." Since the 1960s their "most sacred value is caring for victims of oppression" (Haidt 2012, 296). Conservatives, meanwhile, are the "party of order and stability" that resists change when they believe it "will damage the institutions and traditions that provide our moral exoskeletons (such as the family)." Accordingly, "[p]reserving those institutions and traditions is their most sacred value" (Haidt 2012, 305).

In the same vein, Haidt and Graham (2009) argue that because liberals do not use three of the moral foundations that conservatives do (authority, purity, in-group), they do not understand conservatives. They suggest that the left, and particularly the far left, suffer from a "moral color-blindness," wherein they are unable to see any moral reasons in opposition to immigration, gay marriage, or stem cell research. As a result, "[t]hey are therefore free to assume the worst—that conservatives are really motivated by homophobia, racism, xenophobia, and ignorant fear of new technologies" (2009, 289). The result is an exaggerated certitude that one's position, i.e. the idea that caring about "harm to innocent victims, the rights of oppressed people, or justice more generally," is morally superior and that one's opponent is immoral (2009, 289).

Much of Haidt et al.'s analysis of MFT, especially as it applies to politics, is relevant to the conclusions I make in this dissertation. I speak of the mutual profanation of the universalistic and particularistic moral ideals. More specifically, the left adopts a position wary of the nation or other forms of authority/tradition that would in their mind profane human dignity by excluding certain individuals or imposing some social norm on them. At the same time, the right adopts a position in defense of the nation and other institutions, such as the family, that would support the nation. Due to these moral conflicts the two sides have great difficulty reconciling themselves with each other. The conclusions I reach in this dissertation thus are very similar to those of Haidt's. Yet my approach is very different from Haidt's: I conduct my analysis using a sociological

approach and focus on collective forms of being, while Haidt's research is focused on the psychological mechanisms that lead to these conflicts. In the end, one can say that Haidt's work both complements and confirms my findings.

Haidt's work likewise points to certain limits (or strengths) of my study. Namely, I do not attempt a total theory of morality as does Haidt, nor do I attempt an analysis of complete ideologies. Rather, I look at morality from one specific and restricted topic, namely that of multiculturalism and the nation (and tangential issues such as free speech and the family). This is a vitally important topic, and my concentration allows me to focus in more detail on the issues that are relevant. I also do not try to understand the moralities I study in evolutionary terms, but in specifically sociological terms. Doing so grants access to insights into social mechanisms that would otherwise remain invisible. In so doing, I maintain the Durkheim methodological distinction that one cannot understand social facts in psychological or biological terms. I recognize that biological and psychological factors play an important role in morality, but I do not reduce morality to these factors and try to understand morality in the terms of a social fact. At different points, MFT advocates point to socio-cultural causes. Haidt and Graham (2009, 384) evoke historical factors such as 20th-century fascism as well as a version of the social modernization thesis to argue that the West is in an age that increases the foundations of harm and fairness, while decreasing the foundations of in-group, authority, and purity. Haidt (2012, 312), however, points to an individual's genetic predisposition to become a liberal or conservative. Exactly how these factors interact with each other is exceedingly difficult to determine. Regardless, as a sociologist/political scientist, I believe that cultural, historical, and economic factors determine at least the precise content of moral ideologies and also play an important part in determining one's political orientations.

Diversity and Multiculturalism

My research seeks to make new contributions to the questions of humanitarianism, diversity, and multiculturalism. These topics have long been studied by philosophers in theoretical terms, and sociologists have done studies on the impact of

ethnic and cultural diversity on society, but very rarely is diversity itself treated as a social, or even moral, fact. But there are scholars who have gone in this direction.

One group of literature focuses on the historical legacy of the West and the emotional attachments to this history as they contribute to the promotion of diversity. For example, Pierre-André Taguieff (1995) notes that since World War II, a Nazified version of racism, which has been attributed in varying degrees to all forms of Western nationalism, has been taken as a representation of absolute evil.[19] Paul Gottfried (2002, 2005) argues that feelings of guilt tied to World War II, the Holocaust, slavery, segregation, and imperialism were all instrumentalized by the left (including politicians, philosophers, sociologists, journalists etc.) to promote multiculturalism. In a similar sense, Pascal Bruckner (1983, 2006) analyzes the moral dimension of the diversity discourse, particularly how feelings of guilt tied to European colonialism and the Holocaust influenced Western culture and the West's perception of itself. Christopher Caldwell (2010, 6) notes that after World War II, the dominant moral sentiment in Europe was penitence for the Holocaust and colonialism. Yet, none of these authors analyses sociologically the social forces that animate the diversity discourse. They are therefore not in a position to explain why a moral obligation to protect and promote diversity should be followed by anyone.

There is also a literature analyzing human rights as a religion. These include works by the aforementioned Paul Gottfried and Pierre-André Taguieff, as well as those by Jean-Louis Harouel (2016) and Matthieu Bock-Côté (2016). However, this literature is overly philosophical, concentrates on the ideological aspects of human rights, and consequently does not take into consideration the material or ritual dimension of human rights. As a result, these analyses read more like intellectual histories and do not give much insight into how humanitarianism and human rights as a religion manifest concretely. Additionally, they neglect to address the role that historical events may have played in transforming the symbolic network of the West concerning human rights and nationalism. My research therefore differs significantly in its approach to the subject.

The work of Triadafilopoulos (2012) is likewise relevant, as it explores the emergence of a political consensus around the positive valuation of diversity in Canada

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[19] See especially chapter XII "La 'lutte contre le racisme et l'atisémitisme': voyages du Mal radical."

and Germany. Triadafilopoulos' study comes from the position of the Stanford School of sociological institutionalism, which states that the globalization process goes beyond the global economy to include a "global culture" that since WWII has put an emphasis on human rights and privileges certain forms of rationalization, modernization, social organization, and notions of progress (2012, 6). Triadafilopoulos argues that Canada and Germany, owing to successive waves of immigration, an international focus on human rights, and a growing acceptance of diversity, adopted a general political consensus of acceptance of diversity and multiculturalism. In contrast to Triadafilopoulos, I will focus specifically on Germany and look at the uniquely national - as in unique to Germany - historical transformations of the questions of diversity and multiculturalism.

Populism

There is no agreement on the definition of populism, and different scholars propose differing definitions, or even argue that a definition is impossible. Wildes (1969), for example, notes the difficulty in establishing a definition, while Canovan (1981) argues that populism is not a unified phenomenon. Instead she identifies differing manifestations of populist movements, including agrarian or political populism. She does nevertheless identify certain common characteristics among all manifestations of populism she names, including an opposition between the people and elites (Canovan 1981, 264, 291-292). Taggart (2000; 2004), building on Canovan's work, identifies five characteristics of populism that he contends are universal to the phenomenon, including: hostility to representative politics; the identification of an idealized community populists are to serve; a lack of core values; the presence of a sense of extreme crisis; and a reluctance of engagement in politics. Despite the difficulty of locating a definition, most commentators, like Canovan, recognize that populist movements divide the world into a 'people' and a corrupt 'elite' (See for example Anselmi's discussion, 2018, 5-8). A minimalist definition along these lines comes from Mudde (2017, 29), who defines populism as "an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and which argues that politics should be an expression of the volonté générale (general will)

of the people." In addition, Mudde identifies a moral dimension to the bifurcation, with the good 'people' being opposed to the bad, corrupt elite. This definition has the advantage of being applicable to a wide array of populist manifestations, while avoiding the vagueness that characterizes other definitions.

Mudde's definition of populism demarcates itself from more limiting definitions, including that of Müller (2016, 2017). Like Mudde, Jan-Werner Müller identifies the people/elite distinction as well as the moral dimension of populism, but adds that populists are necessarily anti-pluralists in the sense that they claim to hold "*exclusive* moral representation of the real or authentic people" (2017, 593). One problem with this definition is that one finds this anti-pluralist position in a number of non-populist political parties, including those that populists would decry as representing the elites. The other issue is that Müller's definition essentially equates populism with authoritarianism, thereby rendering moot populist movements' potential to contribute in a positive way to democratic politics (See Mudde and Kaltwasser 2012 for such a discussion; see also Taguieff 2015, 5-16). Basically, Müller's definition lacks self-reflectivity and risks itself being anti-pluralist; if one defines populism as necessarily anti-pluralist, one can with moral legitimacy exclude 'populists' from the democratic process, thereby potentially undermining the democratic process.

Along with different definitions come different ways of categorizing populism and in turn different approaches to studying it (see for example Espejo (2017) on the difficulties of categorization of populist movements). The "discursive approach" is identified with Laclau (1977) and "sees populism as a discursive strategy of political elites to provide meaning to the term 'the people' (and 'the elite') to maximize popular support" (Mudde 2017, 40). In this approach, the 'people' is an empty signifier with no precise content (Mudde 2017, 40). The political-strategic approach concentrates on the relationship between a charismatic leader and the uninstitutionalized, unorganized masses (Weyland, 2017). This approach is sometimes referred to as the organizational approach, and is characterized by the work of Roberts (1995) and Weyland (2001) (Mudde 2017, 40). A third approach, the socio-cultural approach, looks at how populist politics flaunts "the low," or the "cruder, personalistic, culturally 'nativist,' and overall 'less sublimated' way of being and doing politics" (Ostiguy 2017, 73). "The low" opposes itself to the

"high," or a high-brow, refined, 'elitst' manner of speaking and acting (Ostiguy 2017, 73). The low manifests itself in both socio-cultural ways, such as vocabulary, dress, and demeanor, and in political ways, which relate to certain political manners of decorum (Ostiguy 2009; 2017). Lastly, there is an ideational approach, one Mudde (2017) adopts. This approach views populism as a "'thin' or 'thin-centered' ideology" that has a limited scope of conceptualization and application compared to full ideologies such as socialism or liberalism (Mudde 2017, 30). Populism as such identifies a division between the 'people' and the 'elites' and argues that policies be made in line with the will of the people, while not articulating any specific views on policy issues. In other words, populism can be defined as "a looser set of ideas, centered around the fundamental opposition between 'the pure people' and 'the corrupt elite'" (Mudde 2017, 31). This dissertation will adopt the ideational approach. This approach, in line with Mudde's definition of populism discussed above, has the advantage of focusing on the moral opposition between the people and the elites, and is thus the best suited for understanding the moral dimensions of the political conflict between the AfD and other groups in society.

Populism exists in both right-wing and left-wing variants. My dissertation will focus on the right-wing variant found in the AfD. Numerous authors have commented on the importance of the nationalist dimension of this variant of populism. Mudde (2007, 16-31) and Rydgren (2017) argue that nationalism is the core feature of right-wing populist parties across Europe, and that the populist nature of the discourse and positioning, while a fundamental element of these parties, is of secondary importance. Taguieff (2015, 26-27) sees the rise of right-wing populist parties as the return of a nationalism that many thought had died after WWII.

Mudde makes a distinction between two types of nationalisms. The first is 'nativist' nationalism, "which holds that states should be inhabited exclusively by members of the native group ("the nation") and that nonnative elements (persons and ideas) are fundamentally threatening to the homogeneous nation-state" (2007, 19). The second is conservative nationalism, which does not have nativism as a core ideological element (2007, 28). It is difficult to argue that this is a core ideological element of right-wing populism, as many right-wing populist parties do not maintain the nativist position

Mudde describes. Mudde himself (2007, 139, 144-145) notes that right-wing populist parties in Europe recognize the reality of a multi-ethnic society and adopt a position of assimilation for immigrants, although on this front, Islam is the exception. In my study of the AfD I found an important split in the party between a moderate and radical, *völkische* branch, the former of which is conservative, while the latter is clearly nativist in Mudde's sense. The split in the AfD also complicates other elements of Mudde's classification criteria of right-wing populist parties. Mudde (2007, 31) argues that right-wing populists exclude "elitist nationalists," or those who make appeals not to the people but to specific intellectuals or intellectual movements (such as the *Konservative Revolution*). He likewise says that right-wing populists are "(nominally) democratic" as opposed to the extreme right, which is "*in essence* antidemocratic." Here again, one can argue that the populist criteria only apply to the moderate part of the AfD. The radical part, which has close associations with the *neue Rechte*, would qualify more as an extremist party. Importantly, the *neue Rechte* movement builds off of the intellectual heritage of the *Konservative Revolution* and seeks to create a "classical elite" of intellectuals through different institutions, such as the *Institut für Staatspolitik* (Kellershohn 2015, 729). As I will discuss in my chapter on the AfD's far-right *völkische* branch, this part of the party also has anti-democratic tendencies. A solution to this issue would be to separate the *völkische* branch from the AfD and treat it as a party in its own right.

People have speculated on the causes of right-wing populist anger and feelings of exclusion. Much of the research on this point is inconclusive. On the demand-side of the causality, one prominent argument, the globalization or modernization losers thesis claims that economically precarious sections of society, the unemployed, unskilled, and those with a low income, no longer find a voice in mainstream parties that have by and large embraced the policies that lead to their misfortunes. As a result they turn to populist parties that address their economic concerns (Hawkins et al. 2017; Lengfeld 2017, 211). A similar argument, the ethnic competition thesis, argues that economic anxiety related to globalization and increasing wealth inequality can be directed towards immigrant groups or refugees who are seen as competing for jobs and other social benefits (Rodrik 2018). According to Rydren (2007), the empirical support for the ethnic competition thesis is weak. Rydgren (2007) likewise points to several studies that show no correlation between

unemployment rates and support for radical right-wing parties. He acknowledges that the class profile of right-wing populist voting blocks conforms to the globalization or modernization losers thesis, but that it would be "premature to conclude that it has been supported," since voters may be motivated by a "variety of other reasons" (Rydgren 2007, 249). Mudde (2007, 224) notes that some studies have shown correlations between welfare chauvinism and right-wing populist voting blocks, but that "no research has shown that (1) the electorate of populist radical right parties holds welfare chauvinist attitudes, *and* (2) that these attitudes are central in their party choice." Mudde (2007, 203-204) also points to conceptual and empirical weaknesses in the globalization losers thesis. He concludes that economic insecurity is not a driving factor of right-wing populist support, a conclusion Taguieff (2015, 70-71) shares.

Another prominent argument is the "mass society thesis," which states that because of the industrialization of the West and the emergence of a mass consumer society, individuals have become isolated from society in a state of normless *anomie* and voters seek populist parties as a way to compensate for a lost collective identity (Hawkins et al., 2017, 269). As for Europe, both Rydgren (2007) and Hawkins et al. (2017) refute the idea that those supporting right-wing populist parties owing to anomie or breakdowns in their communities. A related argument, the "ethnic backlash" thesis, argues that the influx of immigrants leads the majority population to adopt a defensive posture (Mudde 2017, 210). Mudde argues, however, that empirical evidence for the thesis is contradictory and inconclusive. Nevertheless, Ruud Koopmans et al. (2005, 4) claim that due to the ethnic and cultural diversity that globalization brings with it, people experience a feeling of a loss of identity. This loss of identity is combined with a loss of control over the aspects of the state that are related to identity: "control over external borders" and "access to citizenship" (Koopmans et al. 2005, 4). As a result, people turn to nationalism and the national community to regain a sense of control. Taguieff (2015, 26-27) makes a similar argument, claiming that the negative consequences of globalization, including a "need for identity," are the driving factors of right-wing populism.[20] I will examine the argument about identity later in my chapter on *Entfremdung*.

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[20] "besoin d'identité." My translation.

There are also supply-side arguments to consider. Mudde (2007) and Rydgren (2007) have pointed to the influence that electoral systems and the media can have on the success of right-wing populist movements. The United Kingdom's first-past-the-post voting system, for example, is an impediment to many small parties, including populist ones. The presence or absence of positive or negative media coverage can also affect the success of right-wing populist parties. Rydgren (2007) and Mudde (2007) also mention the importance of good party organization as a necessary factor in the success of right-wing populist parties and note that often when such parties experience electoral success, they become devoured by internal rivalries, often leading to party splits. Mudde (2007, 265-266) cites internal struggles in the German *Republikaner* party in 1989 and the party split in the *Front National* in 1998-1999 as examples. Mudde (2007) also contends that the political culture of a country, i.e. whether it is favorable to right-wing positions, impacts the success of right-wing populist parties. In a similar way, Rydgren (2007) argues that there is a consensus in the literature that the presence or absence of elite support affects the success of right-wing populist parties; one example is whether mainstream parties are willing to form a coalition with the right-wing populist party. The emergence and success of the AfD in the 2017 federal election, in which the party was operating in a political culture hostile to right-wing ideas and in which the party had no elite support, might cause a revision to these theses.

The political convergence thesis argues that right-wing populist parties gain traction when there is a convergence of policies among mainstream left and right-wing parties. Rydgren (2007, 254) points to theoretical problems in studies that test this hypothesis but argues that there is much empirical support to back it up. Mudde (2007, 238) notes that there is "broad support within the literature" for the ideological convergence thesis. Citing Ignazi (1992, 2003), Mudde adds to this argument by stating that it is possible that ideological convergence between mainstream parties helps right-wing populists only after a period of polarization (2007, 238-239).

The Success of the AfD

Concerning the rise of the AfD specifically, there has been a debate about the reasons for the party's success. Much of the debate has centered around the modernization losers thesis. Lengfeld's study (2017), conducted before the 2017 federal election and based on voter intention surveys, finds no empirical support for the modernization losers thesis, and actually finds that those in the middle and upper classes are more likely to vote for the AfD. Rippl and Sepel (2018) show that the AfD draws much support from the lower classes and argue that the modernization losers thesis can explain some of the party's success. More important according to them, however, is the "cultural backlash" thesis, whereby those who were previously in a position of cultural dominance now find themselves in a marginalized position; consequently, they vote for the parties that reject multiculturalism and immigration. Lux (2018) shows that AfD voters come especially from those economically precarious parts of society one would classify as modernization losers and argues that this partly explains the success of the AfD. Interestingly both Rippl and Sepel, and Lux argue that the AfD has successfully managed to transform issues of economic insecurity into questions of cultural insecurity, from an over-under economic situation to an inside-outside cultural one (Lengfeld 2018, 308). Tutíc and von Hermanni (2018) provide evidence to support the modernization losers thesis as a cause for AfD support, while Hambauer and Mays (2018) also conclude that the AfD draws much support from those in the lower social classes.

In response to his critics, Lengfeld (2018) argues that while these studies do show that the AfD draws much of its support from working class and economically precarious individuals, they do not confirm the modernization losers thesis. The reason is that the intention to vote for the AfD is mediated by other factors, such as cultural insecurity and a negative attitude towards refugees and immigration; when one considers all the variables, the effects of social status disappear. In addition, Lengfeld (2018, 308) argues that Rippl and Sepel's, and Lux's argument concerning the transformation of economic anxiety into cultural anxiety is empirically unfounded. In his view, the cultural anxiety is to be understood on its own terms. Lengfeld and Dilger (2018) develop further the argument about cultural insecurity and offer further proof that cultural anxiety concerning

the arrival of refugees is a more important factor in determining an individual's support for the AfD than social status. Goerres, Spies, and Kumlin (2018) confirm Lengfeld's argument. In their study they look at the post-2015 AfD, after important ideological and organizational changes took place in the party. They argue that while socio-demographic factors, such as gender or being a *Spätaussiedler* (AfD voters are overwhelmingly male and *Spätaussiedler* have a higher tendency to vote AfD), affect AfD support, socio-economic structural factors, such as educational level and income bracket are not determinative factors leading to an AfD vote. Rather, support for the AfD is driven mostly by policy preferences: "right-wing political attitudes concerning immigration, political dissatisfaction, fears of personal economic decline, as well as gender and socialisation effects, are the most relevant explanatory variables" (Goerres, Spies, and Kumlin 2018, 261). Hence, the debate on what drives support for the AfD revolves around the discussion concerning the modernization losers thesis found in Rydgren's (2007) analysis.

In support of Lengfeld's argument, one could point to a study by Pew Research (2018b) that shows that those who support populist parties in Europe are not significantly less likely to have a favorable view of the economy. In Germany at the time of the poll, 87% of Germans at large had a favorable view of the economy, while 77% of those with a favorable view of the AfD viewed the economy positively. Economic insecurity does not seem to be a driving factor for the AfD. At the same time, the Pew Research (2018b) study showed that 75% of those with a favorable view of the AfD agreed that "Islam is fundamentally incompatible with" German "culture and values," while only 39% of those with an unfavorable view of the AfD agreed with the statement. It also showed that AfD supporters, as well as populists across Europe, were more nativist: AfD supporters at 75% and 78% said respectively that it was important to have been born in Germany and to have a German family background to be considered German, compared to 44% and 45% respectively for the rest of Germans.

Klein et al. (2018) note that dissatisfaction with mainstream parties among voters to the right of the CDU is an important factor for the AfD's success. They also state that the AfD was able to gain votes from mainstream parties, both left and right. They attribute this to the fact that the AfD was founded in 2013 as a measured, trustworthy,

and civil alternative to mainstream parties, an image the party to some extent still maintained in 2017. They do not, however, consider the convergence theory, or the possibility of ideological overlap between the AfD and other conservative parties, such as the CSU, or the CDU of Helmut Kohl. Much of the rest of the literature on the AfD's electoral success examines at the ideological makeup of AfD voters, or other structural factors such as age or voter turnout unrelated to the discussion surrounding the causes of right-wing populist success (Franz et al. 2018; Haußner and Leiniger 2018; Kroh and Fetz 2016).

Many authors have examined the convergence theory. Spoon and Klüver (2019) offer evidence to support the idea that the AfD rose to prominence due to the political convergence of the SPD and CDU. They look at a European-wide dataset covering 30 elections from 2001 to 2013 and note a general trend towards convergence among mainstream parties, which gives rise to new challenger parties. Their analysis of the ideological convergence in Germany between the SPD and CDU, however, remains superficial, and is limited to the latter two parties' positions on the European Union and not hot-button domestic issues such as multiculturalism or immigration. In his analysis of the 2017 federal election, Martin (2019) also explores the convergence theory. He compares the federal election results of 2013 and 2017 and argues that the CDU's re-positioning on gay marriage, immigration, the Refugee Crisis, as well as its stances on European Union integration resulted in a convergence between the SPD and the CDU in German political space. AfD voters were far more likely to observe a centrist shift of the CDU than voters for other parties. Additionally, the AfD in 2017 was able much more than any other party to mobilize voters who had abstained in 2013. Using survey data, he shows that voters for the AfD in 2017 who did not vote in 2013 viewed refugee and immigration policy as a significant political problem in Germany more than the average voter did (57% to 40%), lending more credence to Lengfeld, Goerres, et al.'s arguments discussed above. Martin also notes that the largest share of AfD vote transfers from 2013 to 2017 came from the CDU/CSU at over 2.1 million. For comparison, the AfD received over 775,000 votes from those who abstained in 2013. A major limit of his study is that he only takes into consideration changes taking place between 2013 and 2017.

In my estimation the political convergence theory applies directly to the AfD, only the convergence stretches back decades. As I will argue in my dissertation, many of the AfD's policies echo those of Helmut Kohl's CDU. Once Angela Merkel took over as party leader in 2000, the CDU began a leftward drift on important social issues, especially those concerning social issues such as national identity and immigration, and came to look more like the SPD. Moreover, while a large part of the AfD's voting block is made up of voters who would conform to the modernization losers thesis, the leading factor driving support for the AfD is cultural insecurity driven by high levels of immigration, especially that tied to the Refugee Crisis of 2015. It should not be surprising, then, that in the wake of a leftward drift of the CDU on matters of immigration and national identity, a new party would arise to occupy this political terrain.

Extremism

Extremism is sometimes seen as a "vague term" that is difficult to define (Scruton 2007, 237; see also Taguieff 2015, 52). Not all agree (Ory 2012, 11), and many scholars have identified key elements of extremist ideology and elaborated essentialist definitions. Following Uwe Backes (2010, 189), extremism in the West is essentially thought in opposition to democratic forms of government, which are thought to be residing in the middle of a set of extremes that include: anarchy—totalitarianism; anti-egalitarianism—extreme-egalitarianism; and theocracy—hostility toward religion. In this, Backes distinguishes between a democratic dimension, which refers to the civil equality of all people, and a constitutional dimension, which refers to the set of political institutions that ensure the application of civil liberties. Any definition of extremism should contain the negation of at least one of these dimensions, without which there is no effectively functioning democratic state (185-186). Accordingly, extremism "*aims at 'monism' and 'monocracy'*", or a monopoly on power by a signle group representing a specific ideology (183). It involves "an exclusive *demand for truth, interpretation and organization*" that cannot be contested, and extremist ideologies "unfold a bipolar Manichean world view that assigns the spiritually deviant to the 'kingdom of evil' and

thus justifies a clear friend-foe differentiation" (183-184). In this, extremist ideologies establish a clear moral hierarchy.

Other definitions of extremism contain the same elements. Michel Winock identifies in extremist ideologies four constitutive elements: 1) a rejection of the current situation, which is judged as catastrophic; 2) a particular reason for the catastrophe, found in a specific ideology or group of people (the rich, Jews, immigrants, capitalism, etc.); 3) a solution to the problems to come from a savior individual or people; and 4) the implementation of a new regime by the savior. In this way, "the extremist projects himself into an essentialist world where his ideal of purity must triumph over the existence of contradictions, alterations, or compromises" (Winock 2009, 107).[21] Christophe Bourseiller defines extremism as "a political doctrine pushed to its extremities, that determines a certain number of behaviors and practices," which "calls for a radical change of society" and that "can only be realized by violence" (Bourseiller 2012, 38).[22] But Backes warns, with reference to the actions of the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP, German National Socialist Workers Party) at the beginning of the 1930s, warns that the use of violence or other illegal methods are not the determining elements of extremism. Rather, the "high aims" located within extremist ideologies, which are "seen as sacrosanct, allow for the use of violence and, in the extreme case even, for mass murder to appear legitimate" (Backes 2010, 190).

The absence of any reference to Durkheim's work in this literature is quite surprising. These definitions of extremist ideology refer to sacrosanct goals or ideals, a highly moral division of the world into good and evil, and a moral ideal that must be *real*ized and that legitimates those actions that lead to the implementation of this ideal. All these ideological elements correspond to Durkheim's analysis of the moral fact outlined above, while the legitimated acts of violence can be understood as forms of moral sanctioning against supposedly impure elements and those who break the rules.

Importantly, these definitions apply to all forms of extremism: right-wing extremism, left-wing extremism, and religious extremism. This is to say that all three

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[21] "L'extrémiste se projette dans un monde essentialiste où doit triompher son idéal de pureté sur l'existence des contradictions, des alterations, des compromissions." My translation.
[22] "Partisan d'une doctrine politique poussée jusqu'à ses extrémités, qui determine un certain nombre de comportements et de pratiques, l'extrémiste appelle à un changement radical de société. Ce changement ne peut s'effectuer que par la violence." My translation.

forms of extremism have the ideological structures identified above. In my dissertation, I will not focus on what is commonly understood as 'religious' extremism, but on what is considered political extremism of the right-wing and left-wing variety. However, within the Durkheimian framework, the distinction between political and religious ideology is blurred. Following this move, I will examine right-wing and left-wing extremism as forms of religion. Consequently, my Durkheimian position is unique as it lies somewhere between the "particularizing" and the "generalizing" stance identified by Rogers Brubaker (2015, 2). The particularizing position holds that religion "generate[s] or transform[s] political conflicts in ways that other identities, ideologies, and organizations do not," while the generalizing position holds that in political conflict religion "work[s] like other identities, ideologies, and organizations" (2). The Durkheimian position effectively cuts across these categorizations and argues that religion has a uniquely transformative influence on politics, while also arguing that many supposedly "secular" ideologies can be considered religious.

Concerning research on right-wing and left-wing extremism, there is a clear imbalance, as the vast majority of academic attention is on the right-wing variety, particularly in Germany. One study of literature on political extremism in Germany shows that in 1999, 96% of the literature was on right-wing extremism, while only 3.9% was on left-wing extremism (Wolfschlag 2002, 19). Due to this imbalance, authors will often present the characteristics of extremism identified above as characteristic specifically of right-wing extremism (see for example Busch 2013, 214). Others will argue that there are categorical differences between right and left-wing extremism that make left-wing extremism more tolerable, including the propositions that left-wing extremists affirm the equality of people and mostly attack things, while right-wing extremists affirm inequality and attack people (Salzborn 2015, 17-18). Quite simply, it is not true that left-wing extremists believe in the equality of all people. They establish a moral hierarchy that establishes an in-group/out-group dynamic that excludes among others the bourgeoisie or people they consider racist, homophobic, sexist etc. It is also worth pointing out with Taguieff (2015, 55) that if one looks at the history of the 20th century, one can hardly make the claim that left-wing extremism is less deadly or less violent than right-wing extremism.

Regardless of this dispute, it is important to point out the similarities of their ideological structures, as does Armin Pfahl-Traughber (1999, 15). My dissertation will do just that and show that both right and left-wing extremist ideologies contain a sacred object and refer to a specific vision of a community that they perceive as 'good.' This notion of good lends moral legitimacy to engage in acts of violence against those who profane the sacred object or against those who break the rules. The main differences between right and left-wing extremism is the content of the ideologies: right-wing extremists hold a racially homogenous *Volk* as a sacred object and seek a racially pure *Volksgemeinschaft*, while the left-wing extremists that I study hold a version of human dignity as sacred and seek to institute a dominance-free form of communistic community.

Many studies of extremism in Germany and elsewhere explore its causes. Most of these studies fall into three categories: psychological causes, social causes, and political causes. Psychological studies are often based on Theodor Adorno's study of the authoritarian personality or issues related to gender, as over 90% of those engaged in right-wing extremism are men (Pfhal-Traughber 1999, 98-100). Others take a more social-psychological approach, including studies from Sommer (2010), Menschik-Bendale and Ottomeyer et al. (1998), and Kleeberg-Niepage (2012). One recent study, inspired by Adorno, has focused specifically on the psychological dynamics of left-wing extremism and authoritarianism (Andary-Brophy 2015). Many studies of right-wing extremism also look at the socio-economic structural factors that might lead individuals to engage in this type of politics. They will look at unemployment rates, levels of income, or levels of education to try to understand the phenomenon (Pfahl-Traughber 1999, 101-104). Many studies also analyze elements of right and left-wing extremist subcultures, including right-wing extremist rock scenes, right-wing extremist esoterism, or daily life in squats (Annas and Christoph 1993; Dornbusch and Raabe 2002; Bellmund and Siniveer 1997; Haunss 2011; Leach and Haunss 2009; Katsiaficas 2006; Geronimo 2012). Those studies examining the political causes of right and left-wing extremism focus largely on the formation, existence, and functioning of political parties or other politically engaged groups in Germany (Pfahl-Traughber 1999, 104-107). Examples include Schedler and Häusler (2011), Quent and Schulz (2015), Della Porta (2005), and Leach (2009). Lastly, it should also be mentioned that there exists a sizeable literature

studying specific politically motivated terrorist groups in postwar Germany. Among the most prominent terrorist groups were the *Rote Armee Fraktion* (Red Army Faction, aka Baader-Mainhof Gang), which was active in Germany in the 1970s, and the *Nationalsozialistischer Untergrund* (NSU, National Socialist Underground), which was active between 1999 and 2011. Both groups committed high-profile murders and other criminal acts.

With very few exceptions (Brumlik 1989; Paris 1991), studies on right and left-wing extremism in Germany do not look at the symbolic nature of the acts of violence of the extremist groups as it relates to their ideology or how interaction rituals are effective in maintaining group solidarity and motivating actors to participate in extremist groups. My research will make an important contribution in this sense.

Finally, it is important to note the distinction between extremism and radicalism. Radical has as its root word the Latin word "radix", which means "root" or "origin." Radical thought thus seeks to address the problems its sees in society in all its details, going down to the 'root' of the problem. Radicals seek wide-ranging reforms and demonstrate a resistance to compromise, but do not violate the principles of a democratic society. Extremism, on the contrary, rejects the principles of a democratic society, and is ready to use violence to achieve its goals (Nandlinger 2008). After World War II the term radical came into use in politics. Many groups self-identify as radical, especially on the political left, but this designation was denied to groups on the right since, as critics claimed, right-wing radicalism was impossible and only led to forms of government that were extreme in nature (Salzborn 2015, 17). Whether this is also true of left-wing groups that claim to be radical is open to debate.

Models of Community: Between Multiculturalism and Nationalism

Much has been written about multiculturalism, the nation, and national identity. These terms mean different things to different authors, and often there is not a fine distinction made between schools of thought when discussing these concepts. Significantly, these discussions all relate back in some manner to a way of imagining a form of community. Often an ideal community is set forth, either explicitly or implicitly, with accompanying prescriptions on how to achieve the community. In Durkheimian

terms, one would consider these imagining-of-the-community moral ideals, related in some way to a sacred object, with accompanying moral obligations for achieving and respecting these ideals. Roughly speaking, I identify four such ideals; two related to multiculturalism - one rooted in deconstruction philosophy and one rooted in political liberalism; and two related to the nation - one being a cultural or ethnocultural model of the nation and one being a biological conception of the nation. I classify these ideals from most open (difference anarchism) to most closed (biological nationalism). As a midway point between these models, one might consider interculturalism, particularly as advocated by Gérard Bouchard (2012), which seeks to preserve the nation while respecting the rights of immigrants and integrating them into the nation without denying their differences. In a Weberian sense, one can consider these moral ideals also as ideal types, since often one often finds elements of each mixed together in certain political discourses, and many authors might be best situated somewhere between the ideals.

Samuel Huntington (2004, 39) has a comparable way of classifying different models of society and identifies models of American national identity that are based on ethnicity, race, culture, and political values. M. Ranier Lepsius (2004) proposes a similar classification for Germany. As he notes, the German nation itself is rather young, and has gone through a number of mutations in a short period of time, moving from Bismarkian Prussia, to the Third Reich, and to postwar democratic reconstruction. Each model has a notion of citizenship and nationhood, ranging from ethnic and racial foundations to cultural ones, to civic or democratic foundations, to even class-based notions of nationhood in the case of the communist GDR. The way these authors classify different types of collective identity or community do not differ significantly from my own. However, I do not ground my own classification on historical experience as these two authors do. Rather, I base it on moral aspirations that I identify in discourse by intellectuals, politicians, activists, or other political actors. In this way, I am able to identify models of community, such as deconstructive multiculturalism, that have historically not yet gained hegemonic power over state governing institutions.

Of note is an important debate about the nation and its origins. On one side are authors such as Benedict Anderson (1983) and Ernest Gellner (1983), who argue for a modernist theory of nationalism, in which nationalism is seen as a unique product of

modernity. Another important author in this tradition is Marcel Mauss (2013; see also Karsenti 2010), who argues that the practices of the integration of central state power in the 19th century led to the emergence of the nation. In other words, the idea that a nation based on shared linguistic, cultural, and even ethnic traits exists was a product of 19th-century state integration. Others, like Anthony Smith (1986, 2009), argue for a perennialist vision, which contends that nations are products of modernity, but that they have precursors in organically existing communities such as *ethnies*. Primordialists argue that the nation is an inherent feature of human existence and that nations have existed at all times. Some primordialists, such as Pierre van den Berghe (1978), see the nation as ultimately genetically derived, while others, such as Steven Grosby (1995), see it as culturally derived (Smith 2009, 8-9). This debate is important, but irrelevant to my research. The origin of the ideal of the nation is not important—only that it exists and has adherents willing to defend it.

In what follows, I will identify the four main models of community. Importantly, each of these four models are present in German society, and in my dissertation, I will discuss at length the aspects of their moral ideals in the context of German history and contemporary politics.

Deconstructive Multiculturalism

The goal of deconstructive multiculturalism is to create a society with no source of domination or exclusion, and short of that, to find a way to neutralize or minimize as much as possible any form of domination or exclusion that might exist. Through the deconstructive approach, proponents of this ideal community seek to identify what they consider currently existing structures of domination and oppression in order to neutralize these structures' power. Much of this work is rooted in difference philosophy and the post-structural thought that emerged in the 1960s and 1970s. Some of the lead authors in this school of thought are Jacques Derrida (1994), Jean-Luc Nancy (1996), and Richard Rorty (1989), as well as post-colonial authors such as Homi Bhabha (1990) and Edward Said (1978).

One example of this approach comes from Nancy's book *Être Singulier Pluriel* (1996). In *Être Singulier Pluriel* Nancy is critical of human rights and any other political community, such as the nation, that is founded on principles that create a hypostasized identity. The reason is that they are by nature exclusive. For example, a democracy based on human rights, which create an exclusionary 'generic identity,' is unable to do justice to his notion of 'singularity,' a post-metaphysical notion of 'being-with' fundamental to his concept of being-singular-plural. He claims that regarding human rights "the assumption of politics into 'the rights of man' is also a surreptitious assumption of 'man' into the Other" (69).[23] The 'Other' in Nancy's terminology signifies a being whose 'origin' (perspective) has transcended immanence (hence Nancy theological word-choice of 'assumption') to become Origin, or absolute, definitive, and authoritative, and thereby capable of violence and exclusion (see also end of section 4). Nancy's ideal community would appear to be an "originary anarchy" (*anarchie originaire*) that is able "to do justice to" (*faire droit à*) his concept of being-singular-plural (69). In other words, Nancy rejects all forms of fixed group identity, including one based on human rights, since such an identity would be exclusionary and would do violence to the individual as conceived through his notion of 'singularity.'

In his *Politics of Friendship*, Derrida (1994) offers his vision of a deconstructive "democracy to come" (104). Derrida's vision plays on certain aporias, including especially that of the conditional (the calculability/equality of the individual) and the unconditional (the absolute indefinability/otherness of the individual), and is strongly influenced by his previous essay "Violence and Metaphysics" (2005). Essentially, he attempts to think a form of deconstructive justice using the preexisting framework of democratic rights. The rights allow us to conceptualize, form, and set limits to the other, but the framework that rights give us to perceive the other are perpetually "cracked" by the irreducible and infinite alterity of the other (2005, 112). When engaging with other members of the community, individuals would address issues with the notion of rights, "not only in the name of a regulative idea and an indefinite perfectibility, but every time in the singular urgency of a *here and now*. Precisely through the abstract and potentially

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[23] "L'assomption de la politique dans 'les droits de l'homme' est aussi une assomption subreptice de 'l'homme' dans l'Autre." My translation.

indifferent thought of number and equality" (1994, 105-106). Because the alterity of each individual is irreducible, the democratic process would continuously renew itself in an attempt to recognize and respect this alterity, hence the idea of a 'democracy to come.' This concept of deconstructive democracy works towards a community "beyond the State and the nation," one which takes into account the "anonymous and irreducible singularities, infinitely different and thereby indifferent to particular difference" and opposes the "raging quest for identity that corrupts the most indestructible desires of the idiom" (1994, 106).

In a postcolonial context, authors have sought to reveal and deconstruct hidden power structures that they find oppressive to certain minority groups. In this vein, Said's *Orientalism* (1978) stands out. In this book, Said argues that over the centuries the West constructed a Eurocentric and false discourse around Islamic and Asian countries. Academic work in the field of Oriental Studies was a major contributing factor to this. This discourse served to legitimate Western imperial ambitions in the Middle East and elsewhere. Importantly, this discourse is not a nefarious Western conspiracy to oppress a group of people, but rather "*is*, rather than expresses, a certain *will* or *intention* to understand, in some cases to control, manipulate, even to incorporate, what is a manifestly different (or alternative and novel) world" (12). Deconstructive multiculturalists perform a similar critique of certain discourses that are seen as reinforcing unjust forms of domination against marginalized groups, including women, non-white minorities, members of the LGBT community, and practitioners of non-Christian religions. These critiques are also in line with Lyotard's (1979) affirmation that the 'post-modern' West is characterized by the lack of meta-narratives. In this sense, deconstructive multiculturalists seek to undermine dominant discourses, or meta-narratives, on the way to creating the post-modern world Lyotard describes.

Political Liberalism and Verfassungspatriotismus as Multiculturalism

Political liberalism and *Verfassungspatriotismus* (constitutional patriotism) describe a community that is not defined or united by cultural or ethnocultural criteria, but rather by allegiance to liberal democratic values. While John Rawls and Jürgen

Habermas are respectively the best-known representatives of these ideologies, Charles Larmore (1990) is one of the earliest proponents. One could say that other authors, such as Charles Taylor (Taylor 1997; Bouchard and Taylor 2008), advocate this model of society. Arguably, Durkheim himself articulated a form of political liberalism or *Verfassungspatriotismus* nearly a century before the concepts became popular, and with no recognition from its late 20th-century proponents (Cladis 1992; Cladis 2005; Carls 2019a). There are subtle differences between political liberalism and *Verfassungspatriotismus*, but the two theories are in fact extremely similar (McCarthy 1994; Larmore 1999; see also Rawls and Habermas' replies to each other: Rawls 1995; Habermas 1995).

As espoused by John Rawls, political liberalism is the view of a community in which rational individuals from different comprehensive doctrines achieve an overlapping consensus on liberal values. Rawls' project addresses the "religious, philosophical, and moral" diversity that exists in modern democratic societies and argues that this situation is one of "a pluralism of incompatible yet reasonable comprehensive doctrines" (Rawls 2005, xvi). A comprehensive doctrine is one that applies to a wide variety of topics, but that also "includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our nonpolitical conduct" (175). Rawls assumes that these comprehensive doctrines are not incompatible with the principles of democracy. Because the comprehensive doctrines are reasonable, adherents would not want to impose the particularities of their doctrine onto others (480). Due to this fact and the diversity of comprehensive doctrines, no one comprehensive doctrine can serve as the basis for the political community. In order to resolve this problem, Rawls argues that reasonable citizens will find an overlapping consensus on certain political values. Importantly, these values are found already in all reasonable comprehensive doctrines, and thus "each citizen affirms both a comprehensive doctrine and the focal political conception" (xix). Thus, a community affirming political liberalism might not agree on fundamental scientific or moral truths related to abortion or the origin of the universe, but would have to agree on certain political values, including "certain basic rights, liberties, and opportunities (of a kind familiar from constitutional democratic regimes)" (6). It would also have to determine the importance of each right,

liberty, and opportunity relative to the others. Importantly, the resulting doctrine is not a metaphysical or epistemological doctrine, but a political agreement that does not seek to answer the moral and epistemological questions that a comprehensive doctrine seeks to, nor resolve the debates between comprehensive doctrines on these matters (10).

Verfassungspatriotismus is a German model of community very similar to political liberalism. During the *Historikerstreit*, Jürgen Habermas elaborated a vision of a "post-conventional" identity based on the "universal value-orientation" (*der universalistischer Wertorientierungen*) of the Basic Law (Habermas 1986). These universal values shape "the abstract idea of democracy and human rights in general" that forms the "hard material" of the "national tradition" (Habermas 1987, 174).[24] This vision of community is strongly informed by German history, and "the overcoming of fascism forms the particular historical perspective from which a post-national identity centered on the universalist principles of the rule of law and democracy understands itself" (Habermas 1990a, 152).[25] In this call for universalism and the abandonment of the nation, Habermas also clearly rejects a cultural or ethnocultural understanding of the nation. Thus, the community is not defined by cultural or ethnocultural criteria, but rather "political attachment ought to center on the norms, the values and, more indirectly, the procedures of a liberal democratic constitution" (Müller 2007, 1). Consequently, Habermas hopes to attain a measure of justice for marginalized groups: "it can only be expected of immigrants to be ready to involve themselves in the political culture of their new homeland, without therefore having to give up the cultural mode of life of their ancestry" (Habermas 1990b: 659).[26]

In their own ways, political liberalism and *Verfassungspatriotismus* support a multicultural society in which an ethnically, culturally, and religiously diverse citizenry forms a community around a shared consensus of political values. Often this model of community is called civic nationalism for its attempts to create a nation-state where

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[24] "Die abstrakte Idee der Verallgemeinerung von Demokratie und Menschenrechten bildet statt dessen das harte Material, an dem sich nun die Strahlen der nationalen Überlieferung brechen." My translation.

[25] "Und deshalb bildet auch die Überwindung des Faschismus die besondere historische Perspektive, aus der sich eine postnationale, um die universalistischen Prinzipien von Rechtsstaat und Demokratie herum gebildete Identität versteht." Authors translation.

[26] "muß von Einwanderern nur die Bereitschaft erwartet warden, daß sie sich auf die politische Kultur ihrer neuen Heimat einlassen, ohne deshalb die kulurelle Lebensform ihrer Herkunft aufgeben zu müssen." My translation.

admittance is not based on culture or ancestry but civic values. This community, despite its name, should not be confused with the concept of nation I will discuss below. In fact, civic nationalism is an attempt to create a national community in the absence of a nation.

Proponents of deconstructive multiculturalism criticize this political liberal view of the community for several reasons. As already seen, for Jean-Luc Nancy, this model of society is unsatisfactory for its hypostatization of a certain political identity rooted in the transcendent values of democracy. Others worry that such an ideology serves to reinforce a secular worldview, and that the dominance of such political values legitimates the exclusion of or violence against "those forms of life labeled religious" (Cavanaugh 2009, 6). A related argument is the idea that a purely civic 'nation' is a chimera and that any form of popular sovereignty will necessarily imply the presence of some form of cultural nation (Tagiueff 2015, 199). The accompanying critique is that imposing supposedly 'neutral' or 'universal' democratic values onto immigrants is a masked form of unjust nationalist domination.

The Cultural or Ethnocultural Nation

The community as a cultural or ethnocultural nation is one in which members of the community share important cultural or ethnocultural characteristics that go beyond mere political values. These characteristics can be ethnic and/or religious, linguistic, historical, culinary, aesthetic, or any other cultural characteristic or collective habit that forms a part of public or private life, and that often take the shape of collective religious festivals or other public holidays related to the group. This is not to say that political values cannot be an important part of the how a nation conceives of itself; they can be and often are, as I will discuss shortly. What then is the community as a cultural or ethnocultural nation?

In the literature on nations, there is a consensus that the nation is a social construction (Dembinska 2018). This idea finds its best-known expression when Benedict Anderson (1983, 6-7) refers to the nation as an "imagined community." This is because those in the community will never know each individual personally, yet each individual "lives the image of their communion" (6). Yet one must be careful not to conclude from

this statement that the nation is fictitious. Anderson criticizes Ernest Gellner on this point and notes that all communities beyond primordial villages are imagined; Anderson's goal is merely to understand how the nation is imagined (6). Another way to state Anderson's position is to say that the nation is *represented* in a Durkheimian sense. As a *représentation collective*, the nation refers to the truly existing social forces that animate the community and cannot be dismissed as a simple fiction. The nation then would be one way in which the unity of a society could be expressed.

When discussing the nation, it is important to note a distinction between a nation, a state, and a nation-state. Guibernau (2004, 131-132) argues that these three entities perform different functions and operate on different levels of sociation. As she points out, it is often the case that nations do not have an autonomous state, as in the case of the Flemish, the Quebecois, the Scottish, or the Catalonians. Often, however, authors present the nation and the state as intrinsically united. One sees such a mixing of the nation with the state in the definition of the nation by Marcel Mauss: "We understand a nation to be a materially and morally integrated society, with a stable, permanent centralized power, with fixed borders, with a relatively unified morality, mentality, and culture, whose inhabitants consciously adhere the state and its laws" (Mauss 2013, 84).[27] Mauss here describes a nation-state, or a community with a more or less unified culture that also maintains sovereignty over itself within its fixed borders. An early definition of the nation from Anthony Smith likewise contains elements of the state in that it speaks of "legal rights and duties" (Guibernau 2004, 128); the nation for him is "a named human population sharing an historic territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members" (Smith 1991, 14). Owing to critiques and the shortcomings of having a definition that mixes elements of the state and the nation, as well as to problems stemming from his references to mass culture and a shared economy, in a later text Smith modifies his definition of the nation to make a finer distinction between the nation and the state (Guibernau 2004). Accordingly, Smith defines the nation as "a named community possessing an historic territory, shared myths and memories, a common public culture

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[27] "Nous entendons par nation une société matériellement et moralement intégrée, à pouvoir central stable, permanent, à frontières déterminées, à relative unité morale, mentale et culturelle des habitants qui adhèrent consciemment à l'État et à ses lois." My translation.

and common laws and customs" (2002, 15). Because the nation and the state are not always synonymous, there are often movements seeking to unite the two that give rise to nationalism. Nationalism, then, can be seen as "an ideological movement to attain and maintain autonomy, unity and identity on behalf of a population, some of whose members believe it to constitute an actual or potential 'nation'." (Smith 2009, 61). In this sense, the nation can be understood as pre-political or somehow distinct-from-political.

Among the first proponents of the idea of the nation as a pre-political entity were Johann Gottlieb Fichte and Johann Gottlieb Herder, German authors living in the 18th and 19th centuries. It was only in the early 19th century that German nationalism gained traction, arising in reaction to the Napoleonic invasion of the Holy Roman Empire and the universalist ideas from the French Revolution that Napoleon brought with him. At this time, the notion of the German *Volk* began to take shape. Particularly under the influence of Herder and Fichte, the term took on a romantic notion of a naturally existing, authentic and unique group, with a common ancestry and inherent cultural characteristics that united it and that could serve as the basis of self-rule (Jansen 2011, 240-243). One of the main factors influencing this pre-political notion of the *Volk* is that in the 19th century Germany, unlike France for example, did not have a state. It was thus forced to conceive a form of national unity in these pre-political ways, without reference to a state (Wildt 2014). Smith's (1986; 1991; 2002; 2009) ethnosymbolic approach to the nation also analyzes the nation as a pre-political entity. His work studies the existence of pre-modern groups sharing a collective identity that he calls *ethnies* and that he defines as "named human populations with shared ancestry myths, histories and cultures, having an association with a specific territory, and a sense of solidarity" (1986, 32). *Ethnies* are precursors to the modern nation and share "a sense of continuity on the part of successive generations of a given cultural unit of population" (1991, 25).[28]

Several authors identify the existence of a nation in specific countries. Alain Finkielkraut (2013) identifies the existence of a French national identity that can be associated with native French. While this identity does not exclude immigrants from admission, Finkielkraut notes that there are important distinctions between a native Frenchman, such as Charles de Gaulle, and newly arrived immigrants as far as

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[28] See also Guibernau's (2004) discussion.

determining the content and character of French identity. Samuel Huntington (2004) identifies four components to American national identity, namely, race, ethnicity, a cultural core, and a set of political values, and throughout the book analyses the evolution of these four dimensions in the United States. The ethnic component was abandoned following mass immigration of non-Anglo immigrants at the turn of the 20th century, and after the Civil Rights movement the racial component was also abandoned. The cultural core, which has existed for three centuries and to which the immigrants at the turn of the 20th century assimilated via the melting pot, remains relevant. According to Huntington this cultural core is to be found in America's Anglo-Protestant roots. This cultural core refers to the English language, a Judeo-Christian cultural heritage, as well as a distinctly Protestant individualistic spirit that manifests itself in political and economic values, including individual independence and a strong work ethic. Huntington states that this Anglo-Protestant cultural core has been under attack since the 1960s, while the political element of American identity, the American creed of equality and liberty for all, has been present since the founding of the country.

While much is made of the ethnic and/or cultural dimension of the nation as a community, political notions, specifically those related to liberal democracy can also be an important part of the nation. If one reads Huntington in a Lockean light, one can see a distinction between an American nation, or people, and the state that represents it. Notably, Locke (1988 [1689]) argues that a people can constitute itself and form a government to defend the natural rights of its citizens. Prior to founding a state, the people exist in a pre-political state of nature, and always have the right to dissolve the government and form a new one to protect their natural rights. If one sees in the American nation a core Anglo-Protestant culture along with the maintenance of specific, individualistic political rights and freedoms, one can identify in the United States a specific pre-political nation or people defined not just by a common culture, but also a specific political culture with a set of political values.

In a similar fashion, many authors argue that the nation is in fact the pre-condition for a successful liberal democracy. John Stuart Mill (1991 [1861]), for example, makes this argument in a book chapter entitled "Of nationality, as Connected with Representative Government." He argues that in a country made of different nations,

composed of different ethnic groups speaking different languages and with different cultures, each would be ignorant of the others' opinions and modes of deliberations. The country would likewise be beset by infighting, with each group seeking to dominate the other through the political process, and ultimately could only be governed through brute force. According to Mill, "[f]ree institutions are next to impossible in a country made up of different nationalities" and "boundaries of governments should coincide in the main with those of nationalities" (1991 [1861], 310-313).

A contemporary author who makes a similar argument is Roger Scruton (1990). Scruton argues that social and cultural bonds are pre-political and form the basis of the polity, and that the state cannot impose these bonds onto a population (66). The social bonds are rooted in a common language, shared associations in churches, clubs, festivals, schools, families, etc., a shared history, and a common culture (70-71). According to Scruton, the proper functioning of the liberal state and the rule of law requires loyalty to the state as well as "safety, continuity, and stability" within a secure territory of jurisdiction (77). The liberal state is unable to generate any kind of deep-seated loyalty to withstand foreign attacks or to work for the well-being of future generations, and ultimately can only secure a jurisdiction between disparate groups through force. Only the nation is able to provide these preconditions in a suitable way, and thus the liberal state requires a nation to function properly (75-79). Interestingly, Scruton also recognizes in the United States, "the most stable liberal polity in the world," the presence of an American nation grounded in "a common language, common habits of association, common customs and a common Judaeo-Christian culture" (79). In a way similar to Scruton, Mathieu Bock-Côté (2007, 42-46; 2016, 325-330) identifies the existence of the nation as a pre-political entity that is the pre-condition for a properly functioning liberal democracy.

All of this is to say that the cultural or ethnocultural nation as a model of community is not intrinsically opposed or hostile to the political rights and liberties guaranteed by a liberal democracy. Arguably, the nation is in fact the best guarantor that the liberal state will be able to protect these rights and liberties. The main difference between the national model of community and that of political liberalism and *Verfassungspatriotismus* is that proponents of the cultural or ethnocultural nation will

argue that members of the community should as far as possible share a common culture that goes beyond a simple 'overlapping consensus.' Furthermore, cultural or ethnocultural nationalism is not opposed *a priori* to ethnic or racial diversity, or to immigration, but this variety of nationalism opposes mass migration and expects immigrants to assimilate to the dominant culture. Cultural or ethnocultural nationalism is defined by an attempt to conserve the national community in a recognizable form and is not defined by the exclusionary biological superiority of a particular group.

Political liberals would reject such demands and deconstruction multiculturalists would find them unthinkable. Their objections would fall into the first general category of criticism that Taguieff (2015, 16-17) identifies. Namely such demands represent a form of tribalism or closed, exclusionary ethnic chauvinism that is an obstacle to the progress of human kind towards a universal "reconciliation with itself."[29] A second general category of criticism that opponents of the nation make is that nationalism is intrinsically bellicose and will always lead to war.

Biological Nationalism

Another variety of the nation is one based above all on biological factors such as race. In this sense the community must be racially pure. Biological nationalism can be understood as the attempt to ensure the presence of a racially pure nation that is self-governing. Part of the origins of this concept of the nation in the West comes from 19th-century Germany. The ethnic concept of *Volk* elaborated at that time contained within it a strong hatred of the French, but also a strong dose of anti-Semitism (Jansen 2011, 245). Often this biological concept of the community contains notions of superiority or establishes a hierarchy of racial groups. An exception would be the principles of ethnopluralism one finds in the *neue Rechte*. This concept conveys the idea that there is a plurality of ethnic groups with distinct homogeneous cultures and that each has a right to exist separate from the others in its own given territory (Brinks 2006, 128; Gessenharter 2004, 39-41). Whether or not there is a racial hierarchy, belonging to a group is based almost exclusively on one's race, and members of other racial or ethnic communities are

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[29] "réconciliation avec lui-même." My translation.

excluded or considered less worthy. One of the defining elements of this version of the community is opposition to the principle of the universal equality of individuals. For a biological nationalist, racial differences are grounds for considering those from different ethnic or racial groups inferior, and/or assigning them fewer political rights. As a result, this conceptualization of community has anti-democratic connotations and concrete consequences, since it would likely imply the exclusion of civil rights to individuals based on their ethnic or racial grouping (Pfahl-Traughber 1999, 14-15).

In the West, biological nationalism was totally discredited after WWII, both morally and scientifically. The biological nationalism of the National Socialists in Germany, for example, picked up on a concept of the *Volk* that already contained anti-Semitic and anti-foreign connotations. They radicalized the concept further and added racial dimensions, leading to the Nuremberg Laws of 1935, which among other things forbade marriage between Germans and Jews and disallowed German citizenship for anyone more than one-half Jewish ("Reichbürgergesetzt" 1935; "Gesetz zum Schuss" 1935). The movements that maintain a biological nationalism today often pick up on this National Socialist heritage and contain strong elements of anti-Semitism and racism. In Germany, the *Nationaldemokratische Partei Deutschlands* (National Democratic Party of Germany) is a neo-Nazi party that contains numerous elements of National Socialist ideology, including anti-Semitism. In the United States, the Ku Klux Klan is noted for its anti-Semitism and racism against black Americans, while recently a form of neo-Nazism has recently arisen around Richard Spencer, the figurehead of the alt-Right (Goldstein 2016).

Those advocating biological nationalism are opposed to immigration and multiculturalism, as are those who are cultural or ethnocultural nationalists. However, the latter take great pains to distance themselves from the former in terms of their positions, goals, and theoretical approaches. It should not be assumed that the positions of biological nationalism and cultural or ethnocultural nationalism are interchangeable, no more than Rawlsian political liberalism is interchangeable with Nancy's originary anarchism. In some respects, the form of collectivist thinking that one finds in biological nationalism has more in common with elements of multicultural thought. For example, Laurence McFalls (2016) points out that the positive, political discourse around cultural

diversity began in the 1990s and 2000s and replaced the previous term multiculturalism. The cultural use of the term, as it relates to a 'vulnerable population,' follows an explosion of the use of the term 'diversity' in the biological and medical sciences that took place in the 1970s and 1980s. As McFalls demonstrates, the later use of the concept of diversity in a cultural sense is related to its use in the biological and medical sense, a fact he uses to explain explains why the discourse on cultural diversity "has taken a surprisingly biological, essentializing turn" (2016, 48). Thus, like the biological nationalists, some advocates of multiculturalism have a tendency to wholly subsume individuals under their marginalized group identity, ascribe to them on these grounds specific (especially political) attributes, and punish dissent from individuals who do not conform to these attributes (Köck 2018).

Place of the CDU and Green Parties?

In this dissertation I adopt a moral ideal approach that identifies the aforementioned moral ideals and studies those groups of political actors that embody this ideal in the most pure form. In looking at Germany, I identify four groups of actors that best embody these ideals (which also in some respects work like Weberian ideal-types): the *Autonomen*, who embody deconstructive multiculturalism, the SPD, who embody *Verfassungspatriotismus*, the AfD, who embody the ideal of the (ethno)cultural nation, and the NPD, who embody the ideal of the biological nation. To these groups I give special attention as they are particularly relevant to the study of moral facts I pursue in this dissertation. At the same time they were among the most active groups as far as multiculturalism and the German nation are concerned. The *Autonomen* and NPD supporters engaged in acts of political violence, SPD politicians (with the support of the CDU) oversaw the most important government programs related to multicultural ideology, while the AfD was the most active in opposing the various forms of multiculturalism in Germany.

Missing from this list are important political parties, such as the CDU and the Green party. Historically the CDU has been the most important political party in postwar Germany and has ruled the country longer than any other. The Green party emerged in

the 1980s and has succeeded in establishing itself as a prominent player in German politics. I do discuss the ideology of the CDU (and CSU) at some length in Chapters 2 and 7, and point out in chapter 4 their role in the drafting of the NetzDG. I also discuss in Chapter 5 the relationship between the *Autonomen* and the Green party, as well as prominent Green party politicians Daniel Cohn-Bendit and Thomas Schmid in chapter 3. Yet, one might wonder why these important political actors are not more prominently featured in my dissertation. There are two reasons. First, these parties were not in charge of any major legislation or initiatives related to ethnic and cultural diversity, apart from Merkel's decision to open German borders in 2015. Hence, these groups of actors did not provide a sufficient window of externalization through which it was possible to study the ideational elements of a moral fact. Secondly, these parties did not embody the above-identified moral ideals in a pure way; they were, so to say, "between" ideals. Studying them would not have advanced very far my understanding of the moral facts I wish to study. Nevertheless, since they are important actors, I will briefly examine here the recent histories of these parties, which reveals some of the ambiguities of their moral ideologies concerning multiculturalism.

Regarding the CDU, in the 1980s Helmut Kohl led the *geistig-moralische Wende* (moral-spiritual turn) that saw the party become more conservative and more nationalistic, a move that culminated in the early 1990s with German reunification and the modification of §16 of the German Basic Law that guaranteed political asylum. In the late 1990s the CDU began to campaign around the concept of German *Leitkultur* (guiding or leading culture), with the idea that immigrants should assimilate to German culture, or even that Germans should have more children to obviate the need for immigration. In this form, the CDU defended an ethnocultural view of the German nation. In 2000 Angela Merkel became leader of the party. She embraced a different understanding of European *Leitkultur*, namely that of Bassam Tibi who understands equates the term with democratic political values, which is far closer to the version of *Verfassungspatriotismus* embodied in the SPD. Subsequently the CDU adopted an ambiguous notion of *Leitkultur*, no longer mentioning a specifically 'German' *Leitkultur*, and connecting the term to the somewhat nebulous cultural or political values of Germany. In 2017 the CDU, likely in reference to Germany's mobilization during the Refugee Crisis, called "volunteering, and

the willingness to work for others and the community" as "perhaps the most valuable and important part of our *Leitkultur*" (CDU 2017, 71).[30] Such statements are virtually indistinguishable from those found in the SPD.

It is true that in 2010 Merkel famously rejected multiculturalism, and declared it an absolute failure. Her criticisms in this speech, however, likely had nothing to do with defending a specifically German *Leitkultur* but more to do with affirming a version of *Verfassungspatriotismus* against what she derides as multiculturalism, or the balkanization of German society into different ethnic enclaves that do not interact with each other. In 2000, when Merkel originally endorsed the vision of Bassam Tibi of European *Leitkultur* she made a similar critique and opposed this understanding of *Leitkultur* to multiculturalism (Merkel 2000: 27). In the same speech she also stated that Islam belonged to Germany (Die Welt 2010). While the CDU maintains this position with regards to *Leitkultur*, it is not true to state that it is exactly that of the SPD. For example, Thomas de Mazière, at the time the Interior Minister, published a text that stated bluntly "*Wir sind nicht Burka*" (We are not the burqua) (de Mazière 2017). Nevertheless, de Mazière justified his position by saying that showing one's face is part of a "democratic spirit" (*demokratischen Miteinanders*). He thus grounded his position in a form of a civic identity that identifies limits on certain cultural practices that can be grounded in constitutional values. The CDU thus can be said to have a 'hard' position on civic identity, while the SPD has a 'soft' position in which German society does not make such assimilatory demands on immigrants.[31]

In response to the leftward shift of the CDU on social issues related to the nation, a number of former CDU party members left to found the AfD. Another group inside of the CDU/CSU party led by Alexander Mitsch, founded in March 2017 the *WerteUnion*, a group that is highly critical of Merkel's decision to open Germany's borders in 2015 and that specifically makes reference to the legacy of Helmut Kohl. At the same time the CSU maintained a position in favor of explicitly 'German' *Leitkultur* and refused the idea that Islam belongs to Germany (CSU 2015, 30; CSU 2016; 43).

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[30] "Ehrenamtliches Engagement, die Bereitschaft sich für Andere und für die Gemeinschaft einzusetzen […] sind vielleicht der wertvollste und wichtigste Teil unserer Leitkultur." My translation.
[31] I would like to thank Ruud Koopmans for pointing the distinction between 'soft' and 'hard' civic identity out to me.

The Green party also contains certain ambiguities. The party formed out of the same social movements that led to the creation of the *Autonomen* and in the early 1980s the two groups of political actors were close. By the late 1980s, however, the Green party became more mainstream and began distancing itself from the *Autonomen*. In 1992 Daniel Cohn-Bendit and Thomas Schmid published *Heimat Babylon*, in which they embrace Germany's status as an immigration country and call for a more pragmatic and flexible approach to migration policy. The party currently calls for a "multicultural democracy" (*Multikulturelle Demokratie*), which "affirms the self-evident cultural freedom of each individual and allows for differentiation" and which recognizes the values found in the "Universal Declaration of Human Rights, the constitutional tradition in Europe, and our Basic Law" (Bündnis 90/Die Grüne 2002, 123).[32] One can describe the Green party's position thus as somewhere between that of the *Autonomen* and the *Verfassungspatriotismus* of the SPD.

In the end, my lack of sustained engagement with the CDU and the Green parties does not reflect a lack of understanding of their importance on my part. Only, for methodological reasons I could not justify such engagement. The same logic applies to the FDP, which was not a part of the Bundestag during the Refugee Crisis and whose party program takes a position combining elements of the SPD or CDU in terms of immigration and multiculturalism (FDP 2012, 60-61) and the Left party, who were not the head of major state initiatives and whose positions on multiculturalism are very close to those of the Green party (Die Linke 2011, 51-56).

Conclusion

In sum, my dissertation proposes to study the politics of multiculturalism and national identity in Germany from the beginning of the Refugee Crisis in the summer of 2015 to the German federal election of 2017. This time frame provides a perfect opportunity to study these issues because of the dramatic nature of the events of 2015 and the political developments that emerged in their wake. In studying these developments, I

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[32] "die selbstverständliche kulturelle Freiheit jedes Einzelnen bekräftigt, eine Differenzierung zulässt […] die zentralen Werte der allgemeinen Erklärung der Menschenrechte, der europäischen Verfassungstradition und unseres Grundgesetzes." My translation.

will rely on groundbreaking methodological innovations with regards to Durkheimian sociology. More specifically, I will develop and refine aspects of Durkheim's concept of the moral fact as well as build on and develop further Randall Collins' work on the sociology of conflict. My work will make important contributions to the sociology of morality, extremism studies, the study of postwar German politics as well as debates around free speech, Internet censorship, multiculturalism, and the rise of right-wing populism in Europe and beyond.

The dissertation is divided more or less evenly in its analyses of those moral ideals related to human dignity and those related to the nation, and the conflicts that ensue as a result of trying to realize these ideals. In Chapter 2, I will discuss the moral history of postwar Germany, beginning with the adoption of the German constitution, the Basic Law, in 1949 and going through to the debates over German *Leitkultur* in the late 1990s. There I discuss how the historical legacy of National Socialism influenced and continues to influence moral concepts related to anti-Semitism, racism, immigration, the nation, and eventually multiculturalism, ultimately providing the context through which Germans conducted debates on these topics between 2015 and 2017. In chapter 3, I will look at one expression of a moral ideal in postwar Germany, *Verfassungspatriotismus*. This ideal builds on the moral developments in Germany, particularly since the 1960s, and seeks to create a society founded on the respect of human dignity and democratic values and that sees the nation as an inherent source of racism and discrimination. In Chapter 4, I will look at the *Fair im Netz* program and the NetzDG in relation to the concept of *streitbare Demokratie* (militant democracy). As I argue, this initiative and law were externalizations of the moral ideal of *Verfassungspatriotismus*; they fought against online hate speech in an attempt to combat a spike in acts of far-right criminality that began with the Refugee Crisis in 2015. In Chapter 5, I will look at the moral ideal of the *Autonomen*, another moral ideal strongly linked to Germany's experience with National Socialism. This ideal builds on moral developments in Germany, particularly since the 1960s and is an extension of the *ex post facto* resistance to Nazi rule that began in the 1960s. Notably it is an anti-authoritarian moral ideal that seeks a society free of all forms of domination. In Chapter 6, I will discuss how the *Autonomen* externalize in part their moral ideal, notably in their hostility towards the AfD, which for them incarnates all of

the worst forms of racism, sexism, exclusion and discrimination that one saw during the reign of National Socialism. In Chapter 7, I will analyze the feeling of *Entfremdung*, or cultural alienation, in parts of Germany society. In seeking to understand what *Entfremdung* is, I will identify and describe the moral ideal of the cultural or ethnocultural nation. In Chapter 8, I will look at the moral ideal of the biological nation, which finds its home in the German far right. This ideal is in many ways a reconstruction of historical National Socialist ideology, but one that is adapted to the contemporary political context of Germany. In Chapter 9, I will look at the conflicts in the AfD and related organizations as manifestations of competing moral ideals. Proponents of both the cultural/ethnocultural nation and the biological nation inhabit the same associations, including political parties (AfD), media outlets (*Junge Freiheit*), and activist groups (*Institut für Staatspolitik*). I will conclude the dissertation by extrapolating on the nature of the conflicts I study in this dissertation. I will also make a defense of the structuralist approach I adopt in this dissertation, one I derive from the later work of Durkheim. This defense will require an engagement with and subsequent critique of post-structuralism, which claims to have overcome the structuralist approach, but, as I argue, winds up ensnared in the very structural elements it criticizes.

Chapter 2

A Moral History of Postwar Germany: From the Holocaust to *Verfassungspatiotismus* and *Leitkultur*

Introduction

The Holocaust caused a paradigmatic shift in the moral terrain of Western society, having great impact on international political institutions such as the United Nations and foundational political documents such as the Universal Declaration of Human Rights (Levy and Sznaider 240, 150). The Holocaust, and Germany's experience with National Socialism more generally, would have an equally fundamental impact not only on postwar Germany's political institutions, but also on its perception of itself. How has this history played itself out? What are its moral dimensions? What has been the impact on German national identity, particularly in the context of postwar immigration?

In order to answer these questions, this chapter will examine important elements of postwar Germany history. There are specifically three events and temporal periods that are constitutive to Germany's postwar moral history. The first is the adoption of the *Grundgesetz* (Basic Law), or Constitution, in 1949,[33] which enshrined human dignity as Germany's highest political and moral value. The second is the decade of the 1960s in which West Germany confronted the reality of the Holocaust in an open way for the first time. This decade was instrumental in the dissemination of certain fundamental moral representations that would come to dominate postwar Germany, including the victim-perpetrator and the German-Jew constellations. The third important moment is the period after German reunification. This period saw profound changes to German identity, which transformed itself through competing discourses, one rooted in a renewed sense of nationalism and with the other oriented towards the universal values of the Basic Law. The beginning of the decade saw a refugee crisis combined with a resurgence in nationalism that led to the amendment of §16 of the Basic Law, which dealt with asylum

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[33] Originally the Basic Law applied only in West Germany. After reunification in 1990 the Basic Law became the constitution for the united country.

rights, as well as a wave of far-right violence against asylum seekers and immigrants. In reaction to this violence, there was a series of mass demonstrations against racism and xenophobia across Germany in late 1992 and early 1993 that came to be known as *Lichterketten*. The *Lichterketten* led to a new moral constellation, namely, that of German-immigrant, which follows the logic of the victim-perpetrator constellation established in the wake of WWII. Later in the decade the red-green coalition of the SPD and Green parties undertook important reforms in German citizenship and immigration laws that effectively recognized Germany as an immigration country. These reforms also instituted a societal model based on *Verfassungspatriotismus* (constitutional patriotism), which seeks to unite diverse German citizens through the values found in the Basic Law, rather than the ethnocultural understanding that was previously dominant. The nationalist reaction to these changes was to launch a campaign around the concept of *Leitkultur* (leading or dominant culture), arguing that immigrants needed to adapt to or assimilate into existing German culture. The interaction between these two competing discourses surrounding German identity has strong moral dimensions, which this chapter seeks to understand.

To avoid confusion, it should be noted that in the first two sections I will be concentrating mainly on West Germany. This is because after reunification in 1990, the moral conceptualizations originating in West Germany, including the German Basic Law, came to dominate the whole of Germany. The moral concepts related to East Germany will be discussed in more detail in a later chapter.

The German Basic Law

The German Parliamentary Council established by the three occupying Allied powers in western Germany adopted the German Basic Law - its Constitution - on May 8, 1949; upon its acceptance by the Allied powers it came into effect on May 23, 1949. The postwar context in which the Basic Law was written cannot be overlooked, and in many ways, it is a document whose principal aim is to ensure that something like the fascist Nazi regime could never come into power again. The document's first chapter enumerates the fundamental rights of the Basic Law, and key to these rights is its first,

and most important, article of the Basic Law. This article explicitly states the importance of human dignity to the new democratic order:

> Article 1 [Human dignity – Human rights – Legally binding force of basic rights]
>
> (1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.
>
> (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
>
> (3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law. (Basic Law, 15)

There are at least two significant aspects of this first article worth mentioning here: the foundational aspect and the moral dimension.

The foundational aspect of human dignity, making it the core value informing the rest of the enumerated rights, can be seen in the language used in the article. It says that human dignity shall be 'inviolable' (*unantastbar*). Human dignity is 'inviolable,' unassailable, or untouchable. This point is very important because human dignity is inviolable not only for fellow citizens, but for the German state as well. In fact, the purpose of the state can be described as to protect human dignity. The implication is that the value of human dignity is something that stands outside of the state; it is not a good that is given by the state, as sometimes rights are described, but an axiomatic principle that is understood to be self-evident, universal, and timeless (Eberle 2008, 11). The Preamble to the Basic Law indicates that human dignity has these properties. It says: "Conscious of their responsibility before God and man, Inspired by the determination to promote world peace as an equal partner in a united Europe, the German people, in the exercise of their constituent power, have adopted this Basic Law" (Basic Law, 13). The reference to God here is key, as it links the Basic Law, and the human dignity it seeks to protect, to a universal and timeless being that stands outside of the human realm. In parliamentary discussions about this reference to God, the framers of the constitution made clear that it was not an attempt to bring theological aspects into the constitution, but rather a way to highlight the fact that human dignity and the rights it guarantees are prior to the state: "With this petition, we are not making a theological point. With this petition we wanted simply to emphasize even more clearly […] the prior-to-the-state character of these rights, in the sense that we are saying, they are granted to Man by God, and not

granted first by the state."[34] According to Christian Starck, the way the German Basic Law treats human dignity creates what he calls a "*Menschenwürdegarantie*," or guarantee of human dignity (Starck, 1981, 458). The metaphysical foundations of human dignity in the Basic Law provide a final line of defense for the individual or group against state incursion. Essentially it is a way of putting limits on state and societal power to prevent abuses of power of the sort that occurred under the Nazi regime (Starck 1981, 458).

There is also an important moral dimension to the concept of human dignity found in §1 of the Basic Law. Prominent legal scholar Josef Isensee views in the inviolability and prior-to-the-state nature of human dignity as a social taboo that is an article of faith in a German state religion, which would form the basis of a new kind of national identity. As an article of faith in a religion, human dignity would bring with it certain moral principles that become codified into law. As Isensee argues, through §1 of the German Basic Law, "[t]he line between law and morality becomes porous" (Isensee 2006, 179).[35] Christoph Enders notes similarly that human dignity becomes the line of demarcation between good and bad; those who disregard this article of faith are considered morally corrupt opponents of this civil religion and thereby "excluded from the social and political discourse" (Enders 2010, 2). To put this in Durkheimian terms, human dignity is a sacred object and a moral authority that legitimates a moral order.

The moral dimension of human dignity is the result of multiple influences. There are strong Christian influences, including the ideas that man is made in the image of God and that all individuals are endowed with intrinsic and equal worth (See Starck 1981, 459-460). Yet, as many commenters have noted, the concept of human dignity in the Basic Law is most strongly influenced by Kant and his moral theory (See Fletcher 1984; Eberle 2008; Starck 1981; Kommers 1997: 304-305). This choice was made in part to situate the new constitution within a specifically German tradition, but also to place it on specifically moral grounds (See Fletcher 1984, 178; Eberle 2008, 11). Importantly, the notion of human dignity here introduces the idea that all individuals have an inherent and

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[34] "Wir wollen mit diesem Antrag keine Theologie treiben. Wir wollten mit diesem Antrag lediglich noch klarer […] den vorstaatlichen Charakter dieser Freiheitsrechte hervorheben, indem wir sagen, sie sind dem Menchsen von Gott verliehen, also nicht etwa erst vom Staate verliehen." Parlamentarischer Rat, Verhandlungen des Hauptausschusses Bonn 1948/49, 42. Sitzung v. 18. 1. 1949, 529-531. Quoted in Starck (1981, 458). My translation.
[35] "[d]ie Grenze zwischen Recht und Moral wird durchlässig." My translation.

self-evident worth, and thus enjoins the Basic Law to the Kantian principle of treating individuals as ends, rather than as means. This principle applies not only to the state, but to regular citizens, who also have a duty to respect the human dignity of their fellow citizens. As Edward Eberle argues, there is a Kantian influence here as well, in the sense that individuals have dignity and are free to pursue their interests, but that they are also "bound by a sense of moral duty," and "guided by a sense of social solidarity" (Eberle 2008, 13; See also Kommers 1997: 305). Different decisions by the *Bundesverfassungsgericht*, the German constitutional court, have affirmed the idea that an individual is "an autonomous being developing freely within the social community,"[36] and not "an isolated and self-regarding individual, but related to and bound by the community."[37] The freedoms that individuals enjoy will be reasonably limited in order that the inviolability of human dignity be respected. Hence, the state must not only ensure that it does not infringe upon human dignity, but it must also create and enforce a legal system that ensures that citizens do not transgress the human dignity of fellow citizens.

This is evident in the set of rights listed in the first chapter of the Basic Law. These rights are derivatives of the principle of human dignity and can be seen, "as concrete manifestations of human dignity" (Eberle 2008, 16). Among them are the right to equal treatment before the law (§3), the right to freedom of faith and conscience (§4), the right to free assembly (§8), free association (§9), etc. The Basic Law also guarantees the right to political asylum in accordance with the Convention Relating to the Status of Refugees and of the Convention for the Protection of Human Rights and Fundamental Freedoms (§16a), an amendment that the *Bundestag* modified in 1992 and that I will discuss below. These rights align with every person's right to the free development of their personality (§2). However, many of these rights are tied to potential restrictions that the state may impose in certain circumstances. A good example comes in §2, which provides the foundational right on which the freedoms that follow are based, and which states:

Article 2 [Personal freedoms]

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[36] Mephisto Case, 30 BVerfGE 173, 193 (1971), translated in part in Kommers, supra note 9, at 426, quoted in Eberle (2008, 13).

[37] Life Imprisonment, supra note 20, at 227, translated in part in Kommers, supra note 9, at 314, quoted in Eberle (2008, 13).

(1) Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law.

(2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law. (Basic Law, 15)

Following the Kantian notion of personhood discussed above, the individual lives in a community and is bound by constraints that come from the community, namely, other individuals' rights. Thus, the Basic Law guarantees individual freedoms, but at the same time gives the state the power to limit those freedoms, to protect the inviolability of human dignity. Article 5 is of particular concern, since it deals with free speech:

Article 5 [Freedom of expression, arts and sciences]

(1) Every person shall have the right freely to express and disseminate his opinions in speech, writing and pictures, and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.

(2) These rights shall find their limits in the provisions of general laws, in provisions for the protection of young persons, and in the right to personal honour.

(3) Arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution. (Basic Law, 16)

There is a certain contradiction between §5(1) and §5(2). Article 5(1) states that every individual has the right to freedom of speech, and that 'There shall be no censorship.' Yet, §5(2) places limits on this freedom in accordance with general laws and other provisions. The limits mentioned here refer to the 'duty,' as expressed in §1, of the state to enact legislation that limits people's rights and people's ability to transgress human dignity. These limits create an in-group/out-group dynamic: those who are seen to respect human dignity are in good moral and legal standing, while those who do not are morally suspect and legally punished.

The writing of the Basic Law and the codification of human dignity as the central value in the German constitution laid the moral and legal foundations of postwar Germany. These foundations would reappear in different forms over the ensuing decades, particularly in discussions over the protection of certain minorities from xenophobia and hate speech and the re-founding of German identity on principles found in the Basic Law.

Confronting Anti-Semitism in the 1960s: The Holocaust Trials and §130

Memory and Moral Représentations in Postwar Germany

In the immediate aftermath of WWII, there were initial attempts on the part of the Allies to expose the crimes of the National Socialist regime and prosecute those responsible. The best known of these efforts were the Nuremberg Trials of 1945 and 1946 in which the Allies tried high ranking members of the Nazi regime for war crimes and crimes against humanity. Accompanying this trial was a denazification program that the Allies introduced as part of Germany's transition into a democratic country. Initially the approach was aggressive and included the exclusion of former Nazis from Germany's "social, political, and economic life" (Marcuse 2001, 88). After a few years, however, this approach softened considerably. Indeed, soon after Germany elected its first postwar government in 1949, led by Konrad Adenauer (CDU), many former Nazi officials were reintegrated into important government positions. An important reason for this was the need for their technical expertise in the West's emerging Cold War against Soviet communism (Marcuse 2001, 112), which also included the need to integrate West Germany into the newly formed North Atlantic Treaty Organization. Part of this integration included a lack of international pressure on Germany to confront the brutality of the Holocaust. Subsequently, there developed a culture of forgetting in West Germany that dominated much of the 1950s. Most of West Germany's reaction to the Holocaust was "avoidance and silence," along with a narrative that portrayed German suffering during WWII with the Germans as victims (Herf 2004).[38]

By the end of the 1950s, many Germans were ready to re-examine the Nazi past.[39] Several events were catalysts for this renewed interest. In 1958, the West-German government established the Central Office for the Investigation of National Socialist

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[38] Herf does point out, however, that a "minority, dissonant tradition of memory" of the Holocaust did develop in the postwar years, "especially in Social Democratic and liberal political circles" (2004, 40). For more on Germany's portrayal of itself as a victim, see also Moeller (2001) and Marcuse (2001). For other descriptions of early postwar Germany's relationship with Nazi Germany see Frei (1996, 2005); Assmann and Frevert (1999).

[39] Outside of Germany, representations of the Holocaust also underwent a shift in tone in which the unique horrors of the Holocaust became a more central theme. The publication of Anne Frank's diary, originally in 1947 and in English in 1952, was an important part of this shift, particularly in the United States (Alexander 2002, 35).

Crimes in Ludwigsburg, an event that according to Aleida Assmann launched a second, critical phase of remembering following West Germany's initial time of forgetting (Assmann and Frevert 1999, 144). That same year saw the shocking trial in Ulm of a reintegrated senior police official who was a member of the *Einsatzgruppen*, an SS death squad responsible for brutal mass murders during WWII (Berger 2012, 59; Thamer 1998, 39). From 1958 to 1960, there was also a spate of anti-Semitic incidents that led to the introduction of a new hate speech law that I will discuss in the following section (Thamer 1998, 39; Berger 2012, 59; Detlef 2000, 79-80). The German and international presses widely covered the Adolf Eichmann trial, which began in 1961 and which was especially important in bringing attention to the crimes of the Nazis and the complicity of normal German citizens in the National Socialist regime's brutal activities (Berger 2012, 59). Perhaps most important for Germany was the Auschwitz trial of 1963 in Frankfurt involving 17 former guards. The trial marked the first war crimes trial in Germany since the Allied-led Nuremberg trials, and it had an important impact on the postwar generation's youth who were coming of age. The trial raised questions about how many Nazis had escaped prosecution to lead normal lives and raised concerns for children about their parents' involvement in Nazi Germany (Kundani 2009, 14).[40]

These events were instrumental in spreading awareness of the Holocaust in West Germany and had important effects that are still present today. One of the most dramatic effects was the political turbulence of the 1960s youth in West Germany that culminated in the '68er' generation of student uprisings. Confronted with the brutal Nazi past, their parents' failure to oppose the Nazi regime and attempts to downplay its horrors, and the reintegration of former Nazis into society, many young people in the 1960s concluded that the West German Federal Republic was a continuation of the National Socialist regime. Many students felt surrounded by fascist structures, networks, and actors - so-called "*Strukturnazis*" (Rusinek 2000, 116-117). They adopted a radical anti-fascist stance that opposed those elements of West German society they felt would lead to a reemergence of a National Socialist regime. If their parents were not willing to resist evil, they would be, which led to a highly moral, and highly motivated *ex post facto*

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[40] See also Marcuse (2001, 212-214), for information on the German public's reception of the Eichmann and Auschwitz trials.

"resistance" to fascism (Kundnani 2009, 19). As Hans Kundnani (2009, 17) puts it, "the student movement in West Germany was essentially a defensive movement that aimed above all to prevent a recurrence of Auschwitz."[41]

Part of this opposition included a critique of capitalism. This critique was based in Marxist philosophy part of which was influenced by Frankfurt School authors such as Herbert Marcuse and Theodor Adorno (Detlef 2000, 97; Brown 2013, 19), which argued that Nazi fascism was a logical outgrowth of capitalism. Interestingly, this line of argumentation closely resembled the propaganda of the communist German Democratic Republic (East Germany), which argued that capitalism was ultimately responsible for the crimes of the Holocaust and which declared itself an "anti-fascist" state *de facto* (Kundnani 2009, 18; Herf 1997: 111; see also Detlef 2000).

Additionally, the opposition, again inspired by the Frankfurt School's writings, carried on an effort to address the deep-seated, everyday origins of National Socialism. Activists criticized virtues such as "obedience, diligence, and discipline" (Häußerman 1998, 523)[42] while skepticism concerning gender relations and the importance of the family and work became widespread (Brown 2013, 9). The term 'fascism' took on a broad meaning and application, and was increasingly used to label any aspect of society that activists criticized, including the capitalist system (Keller et al. 2018, 51). In many ways, opposition to fascism in West Germany ended up being opposition to West German society in general (Kundnani 2009, 19). By 1969, the *68er* generation had systematically challenged authority in almost every institution (family, political, educational, economic etc.) in West Germany, leaving the movement with a well-known anti-authoritarian legacy (Brown 2013, 18; Häußerman 1998, 525; See also Wolfschlag 2002, 63-64). This *ex post facto* resistance culminated in the left-wing terrorism of the Baader-Meinhof Gang in the 1970s (Marcuse 2001, 317-318),[43] and I would argue continues today in Germany's *Autonomem* movement, which I will discuss in subsequent chapters.

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[41] For more on the role that opposition to fascism played in the student movements, see: Hopf (1989); Thamer (1998); Lammers (2000).

[42] "die Gehorsam, Fleiß und Disziplin." My translation.

[43] Marcuse (2001, 318) states: "The increasingly antihuman and violent activities of the RAF in the 1970s are extreme legacies of the myths of victimization and resistance." See also: Becker (1977, 14).

Another aspect of coming to grips with the past was the feeling of guilt involved. Some Germans made initial efforts to address this topic in the early postwar years. In 1946, Karl Jaspers delivered a series of lectures published as *The Question of German Guilt*, which lay out many of the core themes concerning the issue. In his lectures he made distinctions between different types of guilt, including criminal, political, moral, and metaphysical guilt. Criminal guilt involves perpetrators of crimes, political guilt involves a citizen's responsibility for the actions of the state, moral guilt involves the individual taking responsibility for every action one commits, while metaphysical guilt involves solidarity and responsibility between all humans as human beings (Jaspers 2000, 25-26). Jaspers argued that all Germans, "every one of us, are guilty in some way," and that individual Germans would have to assess their guilt accordingly (Jaspers 2000, 67). He also contended that the "links of tradition" carried this guilt, that Germans "must bear the guilt of our fathers," and that Germans must examine their "national tradition" and identify the aspect of it that is "mighty and threatening, which is our moral ruin" (Jaspers 2000, 73-74). As already mentioned, such soul searching did not come until the 1960s. A.D. Moses points out that the silence of the 1950s led to the "intergenerational transfer of the psychological consequences of guilt," meaning that the processing of the guilt of the Holocaust only began in the 1960s (Moses 1999, 119).[44] Over time, Germans would institutionalize and ritualize these feelings of guilt in ceremonies of remembrance that correspond to what Aleida Assmann identifies as a third phase of remembrance of the Holocaust that she calls "Remembering" (Assmann and Frevert 1999, 144). In such rituals, Germans "remember their own guilt" as one way of dealing with the "political and moral liability" of the past, the other being the cultivation of individual memory (Assmann and Frevert 1999, 96).[45]

Another consequence of Germany's association with the Holocaust was the almost total discrediting of any form of German nationalism in the postwar era. Any notion of German national identity was therefore "uniquely problematic, uniquely

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[44] For another good discussion of the German reception of the Holocaust from the 60s on see Moeller (2002).

[45] "Die politische und moralische Haftung, die nicht beendbar ist, ist allein in einer dauerhaften Form der individuellen Erinnerung und öffentlichen Kommemoration einzulösen. Daß Nationen ihre eigene Schuld erinnern, ist weltgeschichtlich eine neue, aber keineswegs auf Deutschland beschränkte Entwinklung." My translation.

tortured" (Fulbrook 1999, 19; see also Herf 2002). Any sense of German pride was called into question, and even anodyne aspects of German culture, such as German poets or philosophers, were at times tainted as preconditions of the National Socialist regime (Fulbrook 1999, 19). During this time and since, as Konrad Jarausch points out, intellectuals sought to stigmatize the concept of the 'nation' as the "root of all evil" (*Wurzel allen Übels*), and more generally the suffering caused by the hypertrophic nationalism of National Socialism, led Germany to distance itself from the concept of the nation (Jarausch 1995, 572). More generally, as Pierre-André Taguieff notes, many people since World War II have taken a Nazified version of racism, which has been attributed to varying degrees to all forms of Western nationalism, as a representation of absolute evil.[46] Ultimately, any postwar German identity would be intimately connected to its Nazi past.

What eventually emerged from WWII and the Holocaust was a set of moral *représentations* that came to dominate the moral landscape of West Germany and later a reunited Germany. The first of these is the set of moral *représentations* of victim-perpetrator (Öpfer/Täter), which Aleida Assmann discusses at length in her book *Der lange Schatten der Vergangenheit* (Assmann 2006, 74-84). She makes a distinction between the hero-martyr, who died for the sake of a communal cause, and the passive victim who is murdered for no tangible reason (Assmann 2006, 77). The latter take on connotations of "purity" (*Reinheit*) and "innocence" (*Unschuld*) and play into the West's Christian heritage. The victim takes on the role of a suffering Christ in a "post-Christian Passion story" (*nachchristlichen Passionsgeschichte*). This grants them a special status, which she describes as a sacrosanct "aura of victimhood" (*Aura des Opfers*) (Assmann 2006, 80). Rather than being the source of shame as in the past, these stories of victimhood and suffering are valued positively by society and grant victims a social status that can be reclaimed and used as the source of group identity. This valuation is part of an "ethical turn" (*ethische Wende*) in the West that took place after 1945 that seeks to return human dignity to those who have lost it through such victimization (Asmann 2006, 78). According to Assmann, the ethical turn is a response to two historical events that have become emblematic for the victim-perpetrator paradigm: the

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[46] See "La 'lutte contre le racisme et l'atisémitisme': voyages du Mal radical," in Taguieff (1995).

Holocaust and colonization (Assmann 2006, 79-81).[47] This ethical turn is visible in the institutionalization of human dignity as West Germany's highest value in §1 of the Basic Law. Human dignity is furthermore a universal category, and is applicable to every human being, not simply 'Germans' (Assmann 2006, 77-78). The effects of this ethical turn are also visible among the youth movements of the 60s. Young people during this time exhibited a strong sense of solidarity with victims of persecution across the world, with students often claiming: "We are the Jews of today." They supported a causes around the world, including resistance to the Vietnam War and opposition to the Greek military junta of 1967-1974; somewhat ironically, they even turned against Israel after its victory in the Six-Day War in 1967 to support the cause of Palestine (Marcuse 2001, 300).

The constellation of victim-perpetrator produced a more specific set of moral *représentations* related to the Holocaust: the German and the Jew. As a result of WWII, the Germans have become, like the Jews, a "symbolic people" (*symbolisches Volk*) (Assmann 2006, 83, quoting C.K. Williams). Assmann gets this concept from C.K. Williams, who discusses this constellation more in depth in his "Letter to a German Friend" (Williams 2004). As Williams points out, the "Jew as victim has as its antithesis the German as perpetrator" (Williams 2004, 170) whose "symbolic identity" will inevitably be associated with the "image of the relentlessly vindictive SS man" (Williams 2004, 168). Williams goes on to ague that "World War II and the Holocaust have become references, measures, scales; they are the very essence for us of unreasonable violence, of malignant and limitless political rapacity" (Williams 2004, 167). Echoing Williams, Assmann maintains that the "most extreme victim-perpetrator constellation" that we can imagine is that of the "SS henchmen and Jewish prisoners in the concentration camps" (Assmann 2006, 83).[48] This juxtaposition of "raw aggression and naked life," of an "unlimited capacity for violence and defenseless helplessness (*Ausgelieftersein*)" is

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[47] In an American context the corresponding event would be slavery or the treatment of Native American populaions.

[48] "Die extremste Täter-Opfer-Konstellation, die wir uns heute vorstellen können, hat im Zweiten Weltkrieg in der Gegenüberstellung zwischen deutschen SS-Schergen und jüdischen Häftlingen in den Vernichtungslagern, bzw." My translation.

without parallel (Assmann 2006, 83).[49] Michael Geyer agrees with Assmann and Williams when he contends that "the mark of Cain for the murder of a people is stamped on German history alone" (Geyer 1997: 37). At issue for German national identity, Williams points out, is that having a symbolic identity means that "one's entire being is compressed within new parameters, that one is no longer perceived as what one has striven to be" (Williams 2004, 166). As a result, many Germans have come to see German identity, or rather the German nation, as a source of violence, persecution, and injustice, which helps explain the widespread discredit and suspicion of any form of postwar German nationalism or patriotism.

Amending §130 of the German Criminal Code

Germany's efforts to come to terms with anti-Semitism involved revisions in its criminal code, most importantly through modifications of its hate speech laws. Germany's Criminal Code provides the legal foundation for criminal law in the country. In the Criminal Code, there are a number of laws that place limits on what can be said publicly. Concerning hate speech, some of the most relevant law are §185 (Insult), §186 (Defamation), and §187 (Intentional Defamation). Also noteworthy are §166 (Defamation of religions, religious and ideological associations) and §240 and §241, which deal with making threats. Article 86 prohibits the dissemination of propaganda material from unconstitutional organizations, and bans the use of symbols from such organizations, including the Nazi Swastika or the Nazi salute.

The most important article concerning hate speech is §130, "Incitement to Hatred" (*Volksverhetzung*). The origins and changes to §130 warrant examination since they help explain the purpose and intentions of the law. Originally, the German government passed §130 in 1871 to protect "classes" of people as part of a campaign to suppress Marxist revolutionaries (Goldberg 2017: 6).[50] An important change in §130 came after WWII, when German society experienced a spate of anti-Semitic crimes in the

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[49] "Im Holocaust wurde der Gegensatz zwischen roher Aggression und nacktem Leben, zwischen uneingeschränkter Verfügungsgewalt und schutzlosem Ausgeliefertsein auf die entsetzlichste, unüberbietbare Spitze getrieben." My translation.

[50] Goldberg points out that even before the existence of new hate speech laws in 1960, at the beginning of the 20th century, Jews had successfully used defamation laws to combat anti-Semitic speech.

late 1950s. In January 1959, a businessman in Hamburg, "Nieland," distributed anti-Semitic tracts that denied the Holocaust. The government brought charges against him according to existing laws involving the dissemination of writings hostile to the Basic Law, and §185 of the Criminal Code for libel. The trial and state appeals court provoked outrage when they did not convict the defendant. While the Federal Supreme Court did not have jurisdiction in the case, it found the tract contrary to the German Republic and ordered the remaining tracts confiscated (Stein 1986, 277-324, 282-283). In the wake of the event the conservative government of Konrad Adenauer asked the German Parliament to pass a new hate speech law that would protect specific groups against such actions. Members of parliament introduced a preliminary law in April 1959, one that specifically mentioned the protection of human dignity (Rohrßen 2009, 163). Part of the motivation for the law was that while punishment for the same crimes could (and in the Nieland case should) have been meted out with existing laws, the current laws did not "strike at the core of evil…, that is, the attack on humanity, human dignity, and general public peace" (Krone 1979, 32-33, cited in Stein 1986, 283).

Seemingly paradoxically, the *Zentralrat der Juden in Deutschland* (Central Council of Jews in Germany), an influential lobbying group in Germany, opposed the original reform of §130. Their objections lay in the proposed law's mention of 'race, nation, religion, and ethnicity,' which they considered code words for Jews. In their minds, people would see the law as a *Judenschutzgesetz*, or a law designed specifically to protect Jews. They would thereby be singled out for protection, and the law would in fact increase animosity toward Jews and make them a greater target for harassment (Goldberg 2017: 7). Legislators subsequently amended the law to remove such language, while keeping intact references to human dignity.

While parliament was discussing the law, anti-Semitic attacks continued. In particular, the vandalizing of a Synagogue in Cologne on Christmas Eve 1959 by neo-Nazis sparked outrage in Germany and abroad (Goldberg 2017: 6; see also Rohrßen 2009, 162). These acts prompted parliament to pass the new law unanimously on May 20, 1960 (Stein 1986, 282-283). The final law read:

> Article 130
> Inciting to hatred.

> Whoever, in a manner apt to breach the public peace [public order] attacks the human
> dignity of others by
> 1. inciting to hatred against parts of the population,
> 2. provoking to violent or arbitrary acts against them,
> 3. insulting, maliciously making them contemptible, or defaming them,
> shall be punished by a term of imprisonment of three months to five years. (Stein 1986,
> 322)

The text of §130 from 1960 explicitly mentions human dignity, and can be understood as a symbolic gesture, providing human dignity its own law to enhance its status in the legal code and civil society alike. The law reflects Germany's continued postwar struggles in dealing with anti-Semitism, and also the prominent place Jews occupied in Germany's moral terrain as a persecuted minority.

Another important event that took place in the 1960s was the beginning of immigration into West Germany through the *Gastarbeiter* (guest worker) program. This program brought immigrants from parts of southern and eastern Europe and Turkey to work in factories in Germany. Initially the workers were to return home after a determined period of time, but they ended up staying indefinitely. This program was largely responsible for the growing Turkish minority in Germany, and it played a big part in making Germany home to an ethnically and culturally diverse population. The growing diversity would have many impacts on German society, as I will presently discuss.

Turbulence in the 90s: German Identity in the Wake of Reunification

The 1990s marked a fundamental turning point in the way Germany perceived itself. After reunification in 1990, Germany experienced a renewed nationalism, driven by the recently rekindled feelings of German national unity. But the beginning of the decade also brought with it a refugee crisis, which saw hundreds of thousands of migrants coming into Germany each year from Eastern Europe, especially Romania and war-torn Yugoslavia. At its height in 1992, 438,191 individuals applied for asylum in Germany, with over 250,000 having done so the previous year, and 300,000 doing so the following year (BAMF 2005, 21). Adding to issues such as competition for housing and jobs was the influx of German *Aussiedler*, Germans who had emigrated primarily to Eastern

Europe and Russia in previous decades and centuries and who were coming to Germany by the hundreds of thousands each year. Between 1988 and 1993 over at least 200,000 *Aussiedler* arrived in Germany per year, with close to 400,000 per year in 1989 and 1990 (Herbert 2003, 276). This crisis posed a direct challenge to Germany's renewed, post-reunification nationalist sentiment.

These contrasting developments, i.e. renewed nationalism and increased awareness of Germany as a country of immigration, led to opposing reactions that were difficult, if not impossible, to reconcile. The nationalism expressed itself over the decade, from the amending of §16 of the Basic Law in 1992, to neo-Nazi attacks on asylum seekers between 1991 and 1994, to a debate over *Leitkultur*, or leading culture, at the end of the decade. The country also saw a movement in a different direction, one towards recognizing Germany as a country of immigration and embracing a form of civic nationalism that was rooted in shared political values as opposed to an ethnocultural understanding of identity. This movement expressed itself in part in the *Lichterketten* movement of 1992-1993 as well as in the reform of German citizenship laws in 1999 to grant *jus soli* citizenship, or citizenship to all those born in German territory. By the end of the decade, understandings of German identity had undergone important changes, while remaining a disputed political concept. The following section will discuss these developments in detail.

Modifying §16 of the Basic Law

On December 6, 1992, at the height of the refugee crisis of the early 1990s, the CDU/CSU, FDP, and SPD reached the *Asylkompromiss* (Asylum Compromise). Originally, §16 of the Basic Law guaranteed asylum protection to all those who sought it. But the reform restricted the granting of asylum to those entering Germany directly; i.e. anyone entering Germany via a safe, third-party state such as Austria or Poland would no longer be eligible for asylum. The push for the modification of §16, however, began much earlier and had roots in the 1980s, when the CDU/CSU actively campaigned on the issue. This effort was related to a much broader conservative movement that began arguably with the election of Helmut Kohl as chancellor in 1982.

After Kohl took office in October 1982, his government announced a series of initiatives concerning immigration, using as a guiding idea "*Deutschland ist kein Einwanderungsland*" (Germany is not an immigration country) (Herbert 2003, 250). Three of the objectives of this program were: the integration of foreigners living in Germany; encouraging foreigners to return to their home countries (repatriation); and preventing a return of foreigners who left the country (Herbert 2003, 250). Meanwhile, the CSU Interior Minister Friedrich Zimmerman began criticizing the misuse of those applying for asylum (*Asylmissbrauch*); he argued that many coming were merely economic migrants looking to profit from Germany's generous welfare system. By 1985, many members of the CDU were calling for a modification of §16 to control more effectively the flow of refugees into the country, although at the time Kohl, as well as the CDU/CSU's coalition partner FDP, rejected such proposals (Herbert 2003, 268). By the mid 1980s, however, and particularly in the 1987 federal election, the subject of asylum emerged as an important campaign theme for the Union parties, helping them win votes and put pressure on the SPD (Herbert 2003, 271).

A major cultural event of the 1980s was the widely discussed *Historikerstreit*, in which prominent historians and philosophers such as Ernst Nolte, Michael Stürmer, and Jürgen Habermas debated the importance of National Socialism and the Holocaust for German national identity. This public debate was a pivotal element of the reawakening of a nationalist spirit during the decade. The debate centered around the normalization of West Germany as a nation. Those on the right, such as Nolte and Stürmer, sought to understand the Holocaust in the context of other modern mass atrocities, particularly those committed by the Soviet Union. In doing so they tried to draw a *Schlußstrich*, or final line, around the Nazi period and rehabilitate German history through an emphasis on the positive elements of the country's past. Those on the left, most prominently Habermas, accused such attempts as a relativization of the Nazi past and argued that the Holocaust should remain a central aspect of German postwar history and identity (Wolfrum 1999, 184-186). The debate also allowed Habermas to elaborate on his concept of *Verfassungspatriotismus* (constitutional patriotism). Originally German philosopher and political scientist Dolf Sternberger coined the concept of *Verfassungspatriotismus* to refer to a form of patriotism strongly tied to Germany's constitution and democratic

institutions. However, he likewise maintained that this constitutional patriotism was an addition to an already existing and more traditional notion of patriotism, one that was tied to a historical and culturally bounded German identity (Westle 1999, 65-66). While Habermas also saw *Verfassungspatriotismus* as referring to democratic values and institutions, he asserted that it embraces the universality of these values rather than a concept of *Volk* or nation, and seeks a form of patriotism that takes into account the reality of the Holocaust (Kundnani 2009, 186). In the end, both sides of the *Historikerstreit*, in their own ways, affirmed the Federal Republic and some form of attachment to a collective German identity (Wolfrum, 1999, 342).

In addition, the 1980s witnessed the rise of political parties to the right of the CDU/CSU, including most prominently *Die Republikaner*, a party associated with the French *Front National*, which at the time was led by Jean-Marie Le Pen (Pfahl-Traughber 1999, 31), and the *Deutsche Volksunion*, a party close to the NPD in ideology. These small parties actively campaigned against §16 and experienced growing success in the late 1980s, before fizzling out in the early 1990s. For example, in the 1989 European Parliamentary election, *Die Republikaner* received 7% of the national vote, while winning 14% of the vote in Bavaria (Kundnani 2009, 204). The parties were part of a movement called the 'New Right' (*Neue Rechte*) that I will discuss more in detail in later chapters. This movement called for a more "self-confident nation" as well as a rejection of Western influence and a rehabilitation of a unique German civilization. Intellectually, the movement harkened back to the Conservative Revolution of the inter-war period linked to philosopher Carl Schmitt. At times the movement mixed with mainstream German liberal conservatism, but there were two main distinctions between the two groups, namely the latter's embrace of Westernization and refusal to relativize the Holocaust through comparison with other historical crimes. For the most part the movement remained marginal (Berger 2004, 232-233).

With reunification, a wave of nationalist sentiment broke out in the country. People in East Germany chanted "Wir sind ein Volk" (we are one people) in 1989 and 1990 in support of reunification (Fischer 2005). This slogan played on the similar slogan "Wir sind das Volk" (we are the people), which groups began chanting in East Germany during the *Montagdemonstrationen* (Monday Demonstrations) in the fall of 1989 until the

Berlin Wall fell. These protests, however, were an appeal to popular sovereignty and opposed to the one-party rule in East Germany. The change from 'das' to 'ein' signifies a change from a liberal to a national revolution. The issue of asylum also became a prominent question. During the federal election of 1990 the Union parties stepped up their attacks on the asylum system in place at the time. Different media outlets helped their cause, describing the situation as that of *Überfremdung*, or excessive foreignization through immigration (Schmidtke, 2004, 169). The newspapers *Die Bild* and *Die Welt* described asylum seekers as *Schwindler* (swindlers) and *Betrüger* (frauds) (Herbert 2003, 299). The CDU again won a resounding victory with 43.8% of the votes, while the SPD received only 33,5%, its worst showing since 1957 (Kundnani 2009, 200). In 1991, after the Union parties' victory in the federal election and in the context of increasing migration to Germany, the CDU pushed the issue even harder. In September 1992, CDU General Secretary Volker Rühe assembled the party's communal politicians and instructed them to push the issue using certain lines of argument, parliamentary proposals, and press releases. This strategy placed the blame for issues stemming from the existing refugee crisis squarely on the SPD, whom the CDU blamed for not agreeing to change §16 (Herbert 2003, 300).

There was resistance to this pressure. In the summer of 1991, the FDP and the SPD were still against a modification of §16, while in May 1992, the Green party voted for a party resolution in favor of maintaining the right for all to stay in Germany (Herbert 2003, 310-312). Moreover, at the end of the 1980s, an economic and demographic argument developed stating that Germany needed a steady flow of immigrants to fill jobs that Germans could not or would not fill. But proponents advanced this argument too late in the discussion and it had little impact on the debate in the early 1990s (Herbert 2003, 309-310). An aggressive and explicitly anti-nationalist, anti-racist movement, closely associated with anti-fascism and anti-fascist movements, also sprang up in reaction to the resurgent post-reunification nationalism in Germany (Ogman 2013, 9-10).

While all these other political discussions and events were taking place, a sharp rise in extreme-right violence broke out targeting asylum-seekers and other immigrants, adding to the sense of disorder and uncertainty in the country. This violence lasted several years, beginning in 1991 and ending in 1994. The perpetrators were often groups

of neo-Nazis attacking refugee centers, homes, or other minorities in the country. A series of high-profile arson attacks, pogroms, and murders caused scandal in Germany and across the world. These attacks included the week-long riots at Hoyerswerda in September 1991, the riots at Rostock-Lichtenhagen in August 1992, the arson attack and murder in Mölln on November 23, 1992, and the Solingen arson attack on the night of May, 28 1993 in which five people died. Many onlookers attributed this wave of violence to the rhetoric and aggressiveness of the Union parties' asylum campaign (Herbert 2003, 308).

With the country in a state of crisis, and facing mounting pressure, an increasing inflow of refugees, continued violence, and electoral defeats in federal and regional elections, by the beginning of 1992 it became clear that the SPD would not hold its resistance to a change of §16. The FDP also abandoned its opposition to the proposal in June 1992 (Herbert 2003, 315-316). Because such an amendment to the Basic Law required a 2/3 majority, the support of both parties was required. The measure furthermore appeared to enjoy wide public approval, with support reaching 74% according to some polls (Die Spiegel 1992, 41). Following these shifts in party positions, on December 6, 1992 the CDU/CSU, FDP, and SPD reached an agreement for the modification of §16, despite sharp criticism from different parts of German society, including numerous professional associations and humanitarian groups. The amendment to §16 succeeded in dramatically reducing the number of asylum applicants, with the number of demanders dropping to just over 127,000 in 1994 before dropping under 100,000 in 1998 (BAMF 2005, 21).

Lichterketten: A story of collective effervescence

At the same time as the major political parties were working out the asylum compromise, there were a series of mass demonstrations between November 1992 and February 1993 for tolerance and against racism, xenophobia, and the extreme right-wing violence that gripped the country. The most important of these demonstrations included what are known as *Lichterketten* (literally "chain of lights"), but other events included rock concerts and a large demonstration in Berlin in defense of human dignity. These

demonstrations received widespread support from virtually every part of German society, and often involved hundreds of thousands of people. They were a powerful demonstration of Germany's self-understanding as a tolerant, democratic country, and an indicator of how Germany was grappling with the continued integration of its immigrant population. These demonstrations were part of a larger dialogue taking place in Germany, the moral dimensions of which will be presently discussed.

The first of these mass demonstrations took place on Sunday, November 8, 1992, in Berlin. It took place under the motto "Die Würde des Menschen ist unantastbar," in reference to §1 of the Basic Law; the goal, as one of the organizers put it, was "to make clear that the overwhelming majority of Germans is against hatred and violence (*Haß und Gewalt*)."[51] Almost all of Germany's prominent politicians attended the event, including Chancellor Helmut Kohl (CDU), as did important religious leaders, labor unions, and other elements of German society (SDZ 1992a). German President Richard von Weizsäcker (CDU) gave a speech in which he spoke out against violence and underlined the importance of Germany's democratic culture, especially with respect to human dignity (SDZ 1992b). Over 300,000 people attended the event, and despite the presence of several far-left protestors who threw stones and eggs at the stage, commenters hailed the event as a success (SDZ 1992c).

About one month later, there was the first of what would come to be known as the *Lichterketten*, which took place in Munich on Sunday, December 6, 1992. Giovanni di Lorenzo, a journalist at the *Süddeutsche Zeitung*, and three friends organized the event, which had the motto "*Eine Stadt sagt nein*" (a city says no). The goals were to send "a signal against xenophobia (*Fremdfeindlichkeit*)" and "for brotherly love (*Nächstenliebe*)" and to demonstrate "solidarity with foreigners generally, and refugees in particular" (SDZ 1992d). The participants gathered at 17h30 at designated areas in the city - in plazas and in main streets - and formed a human chain running throughout the city. Each participant held a candle, torch, lantern, or flashlight. Participants of all ages stood and conversed with each other quietly or walked around the city visiting. Some 400,000 people attended the event in Munich, making it the largest event in the city since World War II. Commenters heralded the event as a great success and as the *Süddeutsche Zeitung* put it,

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[51] All translations of newspaper articles are mine.

it represented an "enlightening, blazing, inspiring rejection" of "racism (*Rassismus*), xenophobia (*Fremdenhaß*), and right-wing extremism" (SDZ 1992i). While some criticized the event for its apolitical nature (the event limited itself to a denunciation of xenophobia, racism, and violence and did not mobilize against the change to §16 of the Basic Law), the organizers of the *Lichterketten* viewed this as a strength since, by avoiding political battles, it encouraged more people to come (Kleger, 1996, 63).

Following the success in Munich, activists and community leaders organized *Lichterketten* throughout Germany. On December 13, 450,000 people demonstrated in Hamburg, with many wearing buttons that said "*Stoppt den Hass.*" There, at 17h, 250 churches rang their bells in solidarity and private radio stations sent out a broadcast entitled "*Gegen den Hass—für den Frieden*" (Against hate, for peace) (Die Welt 1992). On December 13 in Frankfurt, there was a related concert against xenophobia, "*Heute die, Morgen du!*" (Them today, tomorrow you!) which drew 150,000 people (FAZ 1992a). On December 20, 100,000 people demonstrated in Hannover and Bremen, 100,000 in Stuttgart, and 120,000 in Karlsruhe (FAZ 1992c). The following days demonstrations attracted 120,000 participants in Leipzig (FAZ 1992d), and 100,000 in Frankfurt (FAZ 1992e). After Christmas, 200,000 people demonstrated in Berlin with buttons that read "*Stoppt den Haß, Fremde brauchen Freunde*" (Stop the hate, foreigners need friends), "*Gegen Nazis und Rassisten - Ich greife ein*" (Against Nazis and racists – I intervene), and signs that read "*Ausländer, laßt uns mit diesen Deutschen nicht allein*" (Foreigners, don't leave us alone with these Germans), or "*Hände weg vom Grundgesetz*" (Keep your hands off the Basic Law) (FAZ 1992f). On January 1, 1993, in Essen, 300,000 people demonstrated against xenophobia and racism (FAZ 1993a). Along with these mass demonstrations, there were countless *Lichterketten* in smaller towns and villages, which regularly drew thousands of participants (SDZ 1992h). The burst of *Lichterketten* came to an end on January 30, 1993, the 60-year anniversary of the Nazi takeover. On that day, 100,000 people demonstrated in Berlin against xenophobia and racism, where they arranged candles in the form of "*Nie Wieder*" (Never Again) in front of the Brandenburg Gate. That same day over 20,000 people demonstrated in Rostock, where German President Weizsäcker participated as a "private person" (SDZ 1993). In Hanau, a small city near Frankfurt, participants commemorated the event with a

Lichterketten using the motto: "For a peaceful togetherness - Together against right-wing radicalism and xenophobia, in support of human dignity" (FAZ 1993b).[52]

Virtually the whole of German society united behind these demonstrations and their message condemning xenophobia and right-wing extremist violence. Prominent institutions gave their support, from churches (SDZ 1992e), to schools, to labor unions (SDZ 1992g), to sports leagues - including the German Olympic Committee (FAZ 1992b, FAZ 1993b), to larges companies such as BMW, Daimler-Benz (SDZ 1992j), Lufthansa, and Opel (FAZ 1992b), to local and national political institutions (SDZ 1992f). An example of such public statements can be seen in the following:

Full page Siemens ad that appeared in *Die Welt* on December 11, 1992. The caption reads "We cannot tolerate intolerance."

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[52] "Für ein friedliches Miteinander - Gemeinsam gegen Rechtsradikalismus und Fremdenhaß, für die Achtung der Menschenwürde." My translation.

The public show of support by these well-respected local and national institutions demonstrates how powerful German society's stance against xenophobia and right-wing extremism was.

How can one understand these events? From a sociological perspective, these events are collective rituals in a classic Durkheimian sense. Large groups of individuals came together in one place at the same time, communicated in the same ideas, and performed the same symbolic gesture, leading to the creation of collective effervescence. Following Durkheim's phenomenology of ritual, this energy was exteriorized, allowing society to become conscious of itself through symbols. In this case, the collective energy was focused on a rejection of xenophobia, racism, and right-wing extremism, and an embrace of tolerance and diversity. These are all moral valuations connected to the sacred object of the individual, whose dignity was established as Germany's foundational value after WWII. These events were also an important part of Germany's recognition of itself as a country that was home to an increasing number of people from all over the world. Germans had begun to accept as a permanent part of Germany's landscape the immigration that had begun in the 1960s, and that was initially expected to return to its country of origin. This immigration significantly expanded the number of ethnic and cultural minorities in Germany, which in turn led to a change in the conceptualization of right-wing extremist violence. The problem came from the same source, Nazis or neo-Nazis, but, whereas formerly this violence manifested itself against Jews, it now manifested itself against many of the new minority groups in Germany. Whereas previously anti-Semitism was the concern, now it was xenophobia, as demonstrated by the fact that virtually all calls to the *Lichterketten* and denunciations of violence mentioned one of the several words in German denoting xenophobia (*Fremdenhaß*, *Fremdenfeindlichkeit*, *Ausländerfeindlichkeit*). The *Lichterketten* helped expand the category of victims needing protection from aggressive and violent nationalistic elements of German society and helped create a new moral constellation that follows the Opfer-Täter logic, that of German-immigrant. The references to Nazis and use of slogans derived from a rejection of Nazi Germany, such as 'Nie Wieder' or 'Heute die, Morgen du!' during these rallies, is indicative of a further transposition of WWII moral *représentations* onto Germany's postwar immigration.

In broader terms, one can see these events as carving out the contours of acceptability in German society. As noted, the organizers of these events largely sought to avoid partisan issues such as the modification of §16 of the Basic Law. This allowed for as large a consensus on the issues of xenophobia and racism as possible. Looking at the institutional support given to the events, as well as the mass participation of German civil society, the *Lichterketten* were a success and contributed great collective energy to the moral obligations associated with it. Being 'racist' or 'xenophobic' was one of the worst things possible, and German society was nearly universal in its condemnation. Instead, tolerance and acceptance of difference and diversity were promoted, and any form of discrimination or exclusion (*Ausgrenzung*) from German society on the basis of race, religion, or culture would not be accepted.

As a testament to the hegemony of this anti-racist discourse, many in the CDU/CSU *Bundestag* parliamentary group were quick to denounce the violence and underline the importance of tolerance and human dignity as the foundation of German society. The Union party politicians made these gestures while at the same time calling for a reform of §16 and defending a form of German identity that went beyond the Basic Law. In speeches to the *Bundestag* in December 1992, for example, Chancellor Kohl condemned extreme right-wing violence, praised the demonstrations in Berlin and Munich, highlighted the importance of human dignity, and condemned "any form of hatred against foreigners (*Fremdenhaß*), xenophobia (*Ausländerfeindlichkeit*) and anti-Semitism" (Deutscher Bundestag 1992, 11042 (B)).[53] Yet he mentioned that those who worried about the high number of asylum seekers entering Germany were not xenophobic (Deutscher Bundestag 1992, 11042 (C)). He also pointed out left-wing extremism as a danger to Germany (Deutscher Bundestag 1992, 11040 (D)), and in a speech in June 1993 following the Solingen arson attacks, he said that Germany should not allow the theme of patriotism to be monopolized by right-wing extremists (Deutscher Bundestag 1993, 13861 (C)). In the December 1992 *Bundestag* session, Wolfgang Schäubele (CDU) echoed this sentiment. He condemned the injustice done to the "innocent people—foreigners and locals, minorities, the weak," who become victims of violence, as the

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[53] "jede Form von Fremdenhaß Ausländerfeindlichkeit und Antisemitismus." My translation.

"greatest injustice" (Deutscher Bundestag 1992, 11047 (C)),[54] and spoke of the importance of a strong state as the "foundation for tolerance and a peaceful co-existence of people" (Deutscher Bundestag 1992, 11048 (A)).[55] He went on to note that the concept of national identity must not be reduced to right-wing extremism (Deutscher Bundestag 1992, 11046 (C)).

Obviously national leaders are expected to condemn anarchy, violence, and organized murders. However, what of the CDU/CSU's statements about human dignity, tolerance, and xenophobia? Were these simply window-dressing to conceal ulterior motives, or an attempt to shroud their actions in the moral legitimacy that human rights confer? Were they attempts to stake a delicate balance between respecting human dignity on the one hand, and protecting the German nation on the other? Whatever the case, the fact that Union parliamentary group politicians felt compelled to engage in humanistic rhetoric, while leading what many considered a xenophobic and racist campaign against asylum seekers that led to the very outbreak of violence that they condemned, cannot be ignored.

The discussions following the outbreak of neo-Nazi violence and the *Lichterketten* pointed to a more profound debate concerning German identity and the place of immigrants therein. If the CDU/CSU parliamentary group defended the idea of a cohesive ethnocultural understanding of identity, others, such as Oskar Lafontaine (SPD) opted for a "republican" (*republikanischen*) concept of the nation that was defined by shared values and goals, and not ethnicity, as a way to combat right-wing extremism (Deutscher Bundestag 1992, 11043 (D)). Such discussions indicate a country confronted by immigration, unsure of who it is or who it ought to be, but leaning towards a more open understanding of identity. It is therefore not surprising that Kohl, in his speech to the *Bundestag* in May 1993, after the Solingen arson attacks, called for a re-examination of Germany's citizenship laws (Deutscher Bundestag 1993, 13859 (C)). Changes to immigration laws eventually came in 1999 and were the subject of intense debate in German society.

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[54] "Wenn unschuldige Menschen—Fremde und Einheimische, Minderheiten, Schwache—Opfer von gewalt warden, dann ist das eigentlich die größte Ungerechtigkeit." My translation.
[55] "Grundlage für Toleranz und für entspanntes Miteinander." My translation.

Jus Soli Citizenship Reform, Immigration Law, and the Leitkultur Debate

      As already seen, the debate around Germany's citizenship laws began in earnest in the wake of German reunification and the tumult of the early 1990s. A main impetus for the debate around *jus soli* citizenship reform came from the recognition on the part of many that the guest workers who had arrived in the 1960s and who were originally expected to return to their home country, had remained in Germany, resulting in a de-facto immigration (Herbert 2003, 322). Indeed, by 1998, there were over 7.3 million foreigners living in Germany, representing 8.9% of the total population (Herbert 2003, 286). For many, such matters were simply a question of practicality. Germany had become an *Einwanderungsland*, and this was not going to change. Green Party politicians Daniel Cohn-Bendit and Thomas Schmid expressed this view in *Heimat Babylon*, published in 1992. In their estimation, migration was a part of the new "World Disorder" (*Weltunordnung*), and Germany, for the sake of its democracy, civil institutions, and economic prosperity, must react to this with flexibility and curiosity, instead of isolation (Cohn-Bendit and Schmid 1992, 329). Multiculturalism for them is "another word for the diversity and disunity (*Uneinheitlichkeit*) of every modern society that wants to be an open society," and the authors pointed out that they did not "celebrate" (*feiern*) multicultural Germany, but merely "recognized it" (*stellen es fest*) (Cohn-Bendit and Schmid 1992, 11).[56]

      The situation, however, was quite particular. One issue was that in the mid-19th century, Germany had conceived of a German nation before it had a state. In contradistinction to countries like France, or the United States, membership in the nation did not pass through a political entity but was based on belonging to an ethnocultural nation. This idea of a German nation was pre-political and conceived as "an organic cultural, linguistic, or racial community—as an irreducibly particular *Volksgemeinschaft*" (Brubaker 1992, 1). This conception of nationhood resulted in an ethnocultural understanding of citizenship that granted citizenship liberally to German *Aussiedler* and with difficulty to immigrants with no German heritage (Brubaker 1992, 3). This kind of thinking crystalized into a citizenship law (the *Reichs- und Staatsangehörigkeitsgesetz für*

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[56] "Multikulturelle Gesellschaft: Das ist, so gesehen, nu rein anderes Wort für die Vielfalt und Uneinheitlichkeit aller modernen Gesellschaften, die offene Gesellschaften sein wollen." My translation.

das Deutsche Reich, RuStAG) passed in 1913 by the *Reichstag*. The law granted German citizenship primarily based on descent, or *jus sanuinis*, and explicitly rejected the principal of *jus soli*, which would have granted citizenship to those born in German territory. The aspects of this law are what allowed the *Aussiedler* to retain their citizenship while making it difficult for naturalizations to take place (Brubaker 1992, 114). The law remained in effect until the 1990s, when it became the object of political debate and reform.

After the election of the red-green coalition between the SPD and Green parties in 1998, reforming immigration law to grant *jus soli* and double citizenship became a real possibility and was a priority for the incoming government (Green 2003, 237). Such a modification would represent a change of historical proportions, considering that the previous law had been in place for almost a century (Herbert 2003, 332-333). It would also represent an institutional transfer of German national identity from one based on an ethnocultural understanding of nation to one based on a civic nationalism that had much more in common with the idea of Habermasian *Verfassungspatriotismus*. It should not be surprising that such reforms met with stiff resistance from the CDU/CSU as well as widespread skepticism among the German people.

The CDU/CSU parties were especially opposed to the granting of double citizenship, but the SPD and Green parties held majorities in both the *Bundestag* and *Bundesrat*, the approval of both chambers being required for the passage of legislation. Aware of the need to alter the prevailing political situation quickly, the Union parties concentrated their efforts on the upcoming regional election in Hesse, which, if they won, would give them enough votes in the *Bundesrat* to block legislation. To mobilize voters, in January 1999 they engaged in a controversial petition campaign (*Unterschriftenkampagne*) against the proposal to grant dual citizenship (Green 2003, 238). While many in the coalition government and even some members within their own parties, along with civil society groups representing churches, unions, and charities, criticized the Union parties, a majority of German citizens agreed with them. According to a poll published in *Der Spiegel*, 53% of those asked opposed dual citizenship, while only 39% supported it (Green 2003, 238). The CDU also won the Hesse election in February, granting them power in the state for only the second time since 1950 (Green

2003, 238; Kundnani, 2009, 231). As a result, the ruling coalition was forced to strike a compromise on their reforms. Ultimately, the coalition passed the new Citizenship Law, the *Staatsangehörigkeitsgesetz* (StAG, German Citizenship Law) in 1999, which maintained *jus sanguis* citizenship but granted *jus soli* citizenship to all those born in Germany and allowed dual citizenship for individuals benefiting from *jus soli* up to the age of 23, after which they would need to choose one country (Green 2003, 239). Fifteen years later, in 2014, the Grand Coalition led by Angela Merkel reformed the StAG to remove the obligation to choose a country at the age of 23, keeping it only for those who did not grow up in Germany; this reform in effect gave double-citizenship a permanent legal status (Worbs 2017). The law remains an object of contention in German politics today.

The red-green coalition next moved on to the passage of an immigration law that would provide a framework for the integration of immigrants as well as setting immigration quotas. Part of this initiative was a proposal by Chancellor Gerhard Schröder in the spring of 2000 to recruit 20,000 information technology (IT) specialists with 5-year work permits, using the American "Green Card model" (Herbert 2003, 333). This idea represented an important shift as Germany had not really recruited foreign workers since the *Gastarbeiter* program in the 1960s (Green 2003, 240). In the context of this proposal, the CDU candidate in the North Rhine-Westphalian state election, Jürgen Rüttgers coined the electoral slogan "*Kinder statt Inder*." Literally translated, this means 'children instead of Indians,' but it highlighted the idea that Germany should be focused more on ensuring that its own population would be able to produce the workers it needed rather than relying on foreign labor (Green 2003, 241). Rüttgers' election effort failed, indicating perhaps a changing of the tide in the country, as this was the first time that such a commonly used and successful campaign strategy fell short (Herbert 2003, 334). An underlying theme of such discussions was Germany's demographic situation, which at the time produced only 1.3 children per woman, well below the replacement level of 2.1. The ensuing bipartisan Süssmuth Commission, formed to study the question of immigration, subsequently stated that Germany needed immigration, and gave support to Schröder's ideas for a quota of 20,000 high-skilled immigrants per year (Green 2003, 241-242). While the ensuing bill for the *Zuwanderungsgesetz* (immigration law) avoided

mentioning quotas, it did adopt many of the suggestions of the Süssmuth Commission, including offering language courses to new immigrants nd merging the system of work and residence permits. It also made concessions to CDU/CSU positions. Nevertheless, the bill was subject to great controversy, forcing the SPD to use a procedural trick in the *Bundesrat* to ensure its passage into law in March 2002 (Green 2003, 242-243).

While Germany debated its new citizenship laws, a different but related debate over German *Leitkultur* (leading or guiding culture) and the relation of immigrants to the dominant German society sprang up. The concept of *Leitkultur* was coined by the political scientist Bassam Tibi in 1998. According to him, it indicates certain political values and institutions including "democracy, secularism, enlightenment, human rights, and civil society" (Tibi 1998, 14).[57] Tibi's discussion revolved around a European *Leitkultur*, rather than a specifically German one, but such an understanding parallels the concept of *Verfassungspatriotismus*. Soon after, Union politicians appropriated the term in different ways. In 1998, CDU politician Jörg Schönbohm rejected the idea of *Verfassungspatriotismus* and argued that immigrants needed to assimilate in some way to the set of German traditions and norms that had developed since Otto the Great, a Holy Roman Emperor from the 10th century (Pautz 2005, 45). Two years later, in the autumn of 2000, the issue gained considerable public attention. At that time, the CDU made the concept a centerpiece of their program, and Friedrich Merz, one of the party's leaders, ignited a debate by claiming that immigrants needed to adapt to Germany's dominant culture (Green 2003, 245; Pautz 2005, 45). While there was a certain amount of insinuation in Merz's statements, with him mentioning German "order" and "cleanliness," he made frequent reference to the Basic Law, identified German *Leitkultur* with Europe, and came as close as any CDU politician to equating *Leitkultur* with *Verfassungspatriotismus* (Pautz 2005, 45). The term remained controversial within the CDU, and the party quickly softened its stance on the issue. Angela Merkel, at the time the party leader of the CDU, embraced Tibi's notion of *Leitkultur* (Merkel 2000: 27), and in November 2000, equated *Leitkultur* with a "culture of tolerance and living together," which "must stand on the foundation of our constitutional values and with awareness of

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[57] "Demokratie, Laizismus, Aufklärung, Menschenrechte und Zivilgesellschaft." My translation.

one's own identity" (Uwer 2000).[58] By June 2001, the CDU immigration commission associated German culture firmly with Europe, and did not even mention the term *Leitkultur*, instead referring to Germany's humanist, Christian, Jewish, Enlightenment, and Roman legal origins (Pautz 2005, 47). For its part, the CSU stated that Germany was not a country of immigration, and should not become one (Schmidtke 2004, 171). Consequently, it argued for limiting non-European immigration in order to protect German identity and maintained that an adoption of *Leitkultur* went beyond language acquisition and respect for laws to include "tolerance and consideration for the norms and customs" of Germans (Pautz 2005, 46). Despite the attempted rebranding of the term by CDU politicians, the concept of German *Leitkultur* remained for many an exclusionary one that limited social and political rights to individuals based on their 'Germanness.' In so doing, many argued, they were merely attempting to rebrand elements of a more ethnic understanding of German identity (Pautz 2005, 45; Klusmayer 2001, 521; Stein 2008, 35, 42).

Into the 2000s: The Anti-Discrimination law and updating §130 of the Criminal Code

In light of the demographic changes taking place in Germany, it is not surprising that the government has modified its laws aimed at protecting ethnic and cultural minorities. One can look to the *Allgemeines Gleichbehandlungsgesetz* (AGG, or General Equal Treatment Law) that seeks to prevent discrimination based on gender, race, religion, nationality, age, or handicap in the workplace. Another example would be §130 of the Criminal Code.

In 2006 the majority CDU/CSU-SPD coalition, led by Angela Merkel, passed the AGG, which came into effect in August of that year. Part of the motive for the law was to harmonize Germany with the European Union's anti-discrimination directives from 2002 and 2004 (Raasch 2010, 11), although the SPD had already proposed similar legislation in June 2000 (Säcker 2002) and again in early 2003 (Green 2003, 243). The law's goal, as the AGG states, "is to prevent or eliminate disadvantages that occur based on one's

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[58] "'Leitkultur' wird darin als 'Kultur der Toleranz und des Miteinander' definiert, die auf dem 'Boden unserer Verfassungswerte und im Bewusstsein der eigenen Identität' stehen müssten." My translation.

race or ethnic background, gender, religion or world view, disability, age, or sexual identity."[59] Prior to passage of the AGG, there had already been a constitutional guarantee of equal treatment before the law, following §3 of the Basic Law. There also existed laws against gender discrimination, sexual harassment, and discrimination against the disabled (Raasch 2010, 12). Yet, there existed no laws concerning other types of diversity discrimination, so the law can be seen as a way to ensure the application of the constitution in a context of diversity (Green 2003, 243). Opposition came especially from classical liberals worried about contract rights, free association, and *Privatautonomie*, or the ability of individuals to make decisions for themselves independent of state interference (Raasch 2010, 286; Säcker 2002, 286). Despite such resistance, the law's passage signaled Germany's commitment to reimagining itself along multicultural lines.

The amendment of §130 of the criminal code also represents a willingness on the part of Germany to recognize and address its growing ethnic and cultural diversity. As discussed before, the German Bundestag amended §130 in 1960 in the wake of anti-Semitic attacks to include references to human dignity, while limiting offenses to the general category of 'parts of the population.' In 2010, Germany amended its law to include more specific categories of the population that needed protection. The government did this in response to the European Union Council Framework Decision 2008/913/JHA of 28 November 2008, which is an initiative to fight racism and xenophobia. The decision, adopted by the Council of the European Union, states that "[r]acism and xenophobia are direct violations of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the European Union is founded and which are common to the Member States" (Council of the European Union 2008, 55). The decision calls upon member countries to modify their existing criminal codes to comply with the provisions laid out in the decision. This involves complying with the first article of the decision, the first two clauses of which say:

> Article 1
>
> Offences concerning racism and xenophobia

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[59] AGG §1: "Ziel des Gesetzes ist, Benachteiligungen aus Gründen der Rasse oder wegen der ethnischen Herkunft, des Geschlechts, der Religion oder Weltanschauung, einer Behinderung, des Alters oder der sexuellen Identität zu verhindern oder zu beseitigen." My translation.

> 1. Each Member State shall take the measures necessary to ensure that the following
> intentional conduct is punishable:
> (a) publicly inciting to violence or hatred directed against a group of persons or a member of
> such a group defined by reference to race, colour, religion, descent or national or ethnic
> origin;
> (b) the commission of an act referred to in point (a) by public dissemination or distribution of
> tracts, pictures or other material. (Council, 2008, 56)

The third and fourth clause of §1 prohibit the denial or trivializing of genocide and other crimes against humanity, including those committed specifically by the Nazis. The changes to §130 in Germany were twofold. First, the new version of §130 was amended to explicitly include individuals as well as groups. It is clear in the law, however, that if an individual covered by the law is attacked due to their membership in a defined group, the attack should not be understood as simply an attack on an individual (Deutscher Bundestag 2010, 10). Secondly, the new version of §130 explicitly lists the groups in the Council Decision's first article; the law now mentions national, racial, religious, and ethnic groups, as well as "segments of the population" (Deutscher Bundestag 2010, 10). While the European Union Decision does not mention human dignity, §130 does, allowing it to retain its clear moral dimension while making more explicit the scope of its reach. The law now reads as follows:

> (1) Whosoever, in a manner capable of disturbing the public peace
> 1. incites hatred against a national, racial, religious group or a group defined by their ethnic
> origins, against segments of the population or individuals because of their belonging to one
> of the aforementioned groups or segments of the population or calls for violent or arbitrary
> measures against them; or
> 2. assaults the human dignity of others by insulting, maliciously maligning an
> aforementioined group, segments of the population or individuals because of their belonging
> to one of the aforementioned groups or segments of the population, or defaming segments of
> the population, shall be liable to imprisonment from three months to five years. (BMJV 2013)

Clause (2) builds upon the above-quoted clause (1) and prohibits the dissemination of materials or otherwise publicly stating opinions prohibited by clause (1). Clauses (3), (4), and (5) involve glorifying National Socialism or disseminating material in a way prohibited by clauses (1) and (2). The article explicitly mentions the assaulting of human dignity as grounds for punishment, while also offering explicit protection from hateful comments towards racial, religious, or national groups, as well as other 'segments of the

population.' This last piece is important because it allows for the protection of minority groups not explicitly listed, including members of the LGBT community for example (Deutscher Bundestag 2010, 10).

Article 130 is unique in the sense that it is the only article in the Criminal Code that mentions human dignity and that is routinely evoked in cases dealing with hate speech. The *Bundesministerium der Justiz und für Verbraucherschutz* (BMJV Federal Ministry of Justice and Consumer Protection), which has monitored and overseen the prosecution of hate speech since the beginning of the Refugee Crisis, highlights §130 as part of its crackdown on online hate speech.[60] Germany's fight against hate speech and the relevance of §130 to this fight will be discussed in greater detail in Chapter 4.

Conclusion

The Holocaust and Germany's experience with National Socialism left a profound mark on the political and moral landscape of the country. It led to the enshrinement of human dignity as Germany's foundational value in the Basic Law and to the creation of moral *représentations* related to the Holocaust, including those of victim-perpetrator and German-Jew. The idea of German nationalism or an ethnocultural German identity became extremely problematic. As a result, part of the controversy surrounding the Union parties' attempts to 'normalize' the German nation beginning in the 1980s, and especially after reunification in 1990, stems from the fact that after WWII Germany went through this process of "de-nationalization" (*Entnationalisierung*) (Jarausch 1995, 572). The legacy of the Holocaust remained in Germany, only to be applied in different contexts, particularly in the *Lichterketten* movement early 90s. The transmutability of *représentations* related to WWII is a fundamental aspect of postwar German history as well as a remarkable sociological phenomenon that is a basic component of Germany's moral background.

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[60] This according to the BMJV's (2017e, accessed 23 February 2017) website: "Die Initiative gegen Hasskriminalität im Netz." On the page they define hate speech, saying: "Eine feste Definition des Begriffs „Hate Speech" gibt es nicht. Gemeint sind allgemein Meinungsäußerungen, die bestimmte Personen oder Personengruppen herabsetzen und verunglimpfen sollen. Im Rahmen der Task Force geht es nur um solche Formen von Hate Speech, die gegen Gesetze verstoßen, insbesondere gegen Paragraphen des Strafgesetzbuchs (StGB)."

As Alexander (2002) and Levy and Sznaider (2004) show, the Holocaust has become a universalized symbol of good and evil that transcends its original temporal, spatial, and political contexts. As Levy and Sznaider argue, the Holocaust "can be used to dramatize any act of injustice, racism, or crime perpetrated anywhere on the planet" (Levy and Sznaider 2004, 156). This observation builds upon that of Durkheim, that "once a basic number of representations has been thus created, they become […] partially autonomous realities with their own way of life. They have the power to attract and repel each other and to form amongst themselves various syntheses" (Durkheim 2010a [1898], 31; see also Durkheim 1982c [1901], 41-42; Durkheim 1995 [1912], 325-326). Hence, *représentations collectives* have autonomy and can be applied in new contexts and take on new meanings long after their original creation. In Germany, the spatial or geographic context for *représentations* related to the Holocaust remains the same, granting them a particular emotional edge. As seen in this chapter, they have been applied in different temporal and political contexts. The moral *représentations* of victim-perpetrator/German-Jew, formed largely in the 1960s in reaction to the crimes of the National Socialists, led to the creation of a new moral constellation in the 1990s, that of German-immigrant. These *représentations* helped shape the social movements and debates that took place in the 1990s, and were so powerful that even the Union parties, which pursued a nationalistic policy in the early 1990s, were compelled to speak about the importance of human dignity and tolerance. These *représentations* also framed the perception of the concept of *Leitkultur*, as articulated by certain CDU and CSU politicians in the late 1990s/early 2000s, as exclusionary and racist, and likely helped lead to the CDU abandoning the term.[61]

National sentiment in Germany was hardly a thing of the past, however. As Rogers Brubaker notes, in the years immediately after WWII, the division of Germany into East and West, as well as the flood of German refugees expulsed by the Soviets from Eastern territories reinforced the ethnocultural concept of German identity, by leaving Germans in the same situation as before 19th-century unification: "a nation without a

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[61] There were other factors. As Triadafilos Triadafilopoulos (2012) argues, conservative politicians confronted with the reality of immigration and a changing electorate, needed to adapt their policies in order to remain electorally viable. Businesses also likely put pressure on the CDU to adopt a more immigration-friendly position in order to improve the labor market (Schmitke 2004, 176).

state" (Brubaker 1992, 168). Likewise, in the preamble to the West-German Basic Law written just after WWII, there was "a commitment to the realization of German unity on the part of the 'entire German people,'" and as far as citizenship was concerned, there was no East-West divide, as the citizenship laws still referred simply to "German citizens" (Brubaker 1992, 169). Until 1967, even East Germany retained a policy of single German citizenship, after which it established its own citizenship regime (Brubaker 1992, 170). As already noted, the feeling of national sentiment saw an increase after reunification. During this period, the German left, which traditionally adopted an anti-national or post-national position, was confronted with the facticity of the reunited German nation-state, and subsequently was forced to adjust its positions on this issue (Wilds 2000, 90). This latter development will be discussed in the following chapter.

In the end, in postwar Germany, there was a constant tension and interplay between nationalist sentiment and post-national forms of solidarity. The interaction influenced the way each side expressed itself. While the discourses competed for dominance, particularly in the 1990s, by the end of the decade and into the 2000s, Germany began to send a clear signal that it was committed to adopting a legal and institutional framework that recognized its growing ethnic and cultural diversity. Understanding these moral aspects of postwar German history better contextualizes the response of certain political actors during the Refugee Crisis of 2015.

Chapter 3

The Moral Ideal of *Verfassungspatriotismus*: Behind the *Fair im Netz* Program and NetzDG

Introduction

In the previous chapter, we explored some of the key concepts that form Germany's moral background. These *représentations collectives* continue to inform political discourse in Germany. Key among them are human dignity as well as the victim-perpetrator moral constellations, which provide both a metaphysical foundation and a conceptual network through which to interpret events and with which to construct moral ideals. One moment during which these *représentations collectives* prominently manifested themselves in Germany was the Refugee Crisis of 2015. The Refugee Crisis contributed dramatically to the already existing diversity in Germany, adding over 1.5 million new people from war-torn and impoverished countries.[62] It also led to a dramatic increase in incidents of online hate speech and right-wing extremist violence. In response, the German government, led by then Justice Minister Heiko Maas (SPD), announced the creation of the *Fair im Netz* program in September 2015, which sought to crack down on internet hate speech posted on social networks such as Facebook, Twitter, and Youtube. After a year and a half, Maas announced the introduction of a proposed law in March 2017, the *Netzwerkdurchsetzungsgesetz* (NetzDG, Network Enforcement Act). The proposal ultimately encoded the parameters of the *Fair im Netz* program into law, and the Bundestag passed the motion in June 2017. To justify these measures, Maas relied heavily on a set of moral principles and corresponding moral imagery, ultimately giving voice to a total moral system. What were the conceptual, ideational, and ideological elements animating the government's actions? What form did the moral legitimacy in this moral system take?

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[62] According to statistics from the BAMF (2017), in 2014, 2015, 2016, and 2017 a combined 1,589,786 individuals applied for asylum in Germany. While the Refugee Crisis' high point was Angela Merkel's decision to open the German borders in the summer of 2015, the number of those applying for asylum in Germany began climbing in 2014. Hence, what is known as the Refugee Crisis of 2015 arguably began in 2014, which is why I include this year in the total.

To answer these questions, this chapter will analyze the speeches of Maas, who was largely responsible for instituting the measures, from the period of 2015 to 2017. The speeches of Manuela Schwesig (SPD) are also relevant. At the time, she was the Family Minister and head of the federal program *Demokratie Leben*!, which sought to promote diversity in Germany and funded several campaigns against hate speech. Her speeches compliment those of Maas and provide greater perspective into the moral system in question. Together, these ministers oversaw the most important government initiatives related to diversity during the Refugee Crisis and give form to a prominent moral fact present in the Germany state and society. These speeches reveal the presence of a moral doctrine that is a form of *Verfassungspatriotismus* (constitutional patriotism), according to which German identity is no longer constituted by ethnicity or culture, but rather by adherence to a set of values found in the Basic Law, especially as it concerns the respect of human dignity. It is a moral doctrine that strongly rejects racism and xenophobia and that promotes diversity, tolerance, and mutual respect.

The ideological structure of the *Verfassungspatriotismus* that Maas and Schwesig express follows closely Durkheim's (2010b [1906]) description of a moral fact. Following Durkheim's analysis, morality is defined as a set of rules that is legitimated by a moral authority, which is closely associated with the sacred object of a religion. The moral fact is instrumental in providing a metaphysical foundation for *Verfassungspatriotismus* and establishing certain moral truths, which in turn lead to moral obligations and judgments, all of which serve to legitimate further the system in place. This chapter will discuss precisely these aspects of the moral fact of *Verfassungspatriotismus*, particularly in the way it determines the parameters of what can and cannot be said in German society.

The Ideology of Verfassungspatriotismus

To begin, Maas recognizes the demographic changes taking place in Germany, especially those that will be brought through the Refugee Crisis. He notes, however, that such changes are nothing new: "No question: our country has been becoming more

colorful and diverse for a long time already" (Maas 2015d).[63] These demographic changes in his mind have been good for Germany and are part of what makes Germany a free and strong country. Thus, immigration and the arrival in Germany of the large number of refugees are an opportunity not just for Germany's economy, but for civil society as well. He says of Germany's religious diversity: "This diversity is first and foremost the expression of lived freedom" (Maas 2015a).[64] Germans have "much to gain if we use the potential of immigration correctly. People who come to us bring with them new ideas, their culture, and their ways of life" (Maas 2016a).[65] Integrating refugees into Germany society, partly by upholding the values of the Basic Law as an example for newcomers to follow, will make Germany "more colorful, more tolerant, and also stronger!" (Maas 2015d)[66] Maas frames such diversity in terms of freedom and tolerance, and this has much to do with what he sees as the foundation of German society: the Basic Law and human dignity.

In many of Maas' speeches, he makes an equivalence between Germany and the values found in the Basic Law. For example, Maas equates German *Leitkultur*, leading or dominant culture, with, "respect for every single person, solidarity, and openness towards what is new" (Maas 2016d).[67] He describes the foundations for German society in the following terms: "Humanity and tolerance, human dignity and equality—these were for the framers the foundational values that should mold German society and its legal system. These values are as relevant today as they were then. And they are anything but unchallenged" (Maas 2015b).[68] Maas goes so far as to say: "Justice and human dignity are more than just pretty words and noble goals […] Human dignity is the highest value of our constitutional order" (Maas 2015c).[69] All of this is in line with the analysis of the Basic Law discussed in the preceding chapter, and indeed is what one would expect if

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[63] "Keine Frage: Unser Land wird schon seit langem bunter und vielfältiger." My translation.

[64] "Diese Vielfalt ist zunächst einmal Ausdruck gelebter Freiheit." My translation.

[65] "viel zu gewinnen, wenn wir die Potenziale der Zuwanderung richtig nutzen. Die Menschen, die zu uns kommen, bringen neue Ideen, ihre Kultur und ihren Lebensstil mit." My translation.

[66] "bunter, toleranter und auch stärker!" My translation.

[67] "Respekt vor jedem einzelnen Menschen, Solidarität und Offenheit für Neues." My translation.

[68] "Humanität und Toleranz, Menschenwürde und Gleichheit – das waren für Bauer die Grundwerte, die die deutsche Gesellschaft und ihr Recht prägen sollten. Diese Werte sind heute so aktuell wie damals. Und sie sind alles andere als unangefochten." My translation.

[69] "Gerechtigkeit und Menschenwürde sind mehr als bloß schöne Worte und hehre Ziele. […] Die Würde des Menschen ist der höchste Wert unserer Rechtsordnung." My translation.

one makes the principles of the Basic Law the sole foundation of German society. Doing so allows Maas to proclaim that Germans should embrace the demographic changes taking place in Germany, since they align Germany with its core values. He says of those opposed to mass immigration: "They ignore that this social change is not the demise of an ideal state - on the contrary: it is a step towards its realization (*Verwirklichung*). This social change brings us in many ways closer to the values that guide (*leiten*) us and that are anchored in our Basic Law" (Maas 2016g).[70] In effect, it can be said that for Maas, Germany is a society for which respecting human dignity is the only criteria for membership. He makes this clear when describing how a community can be formed in the context of diversity:

> In order to find each other, one must not have the same background, one must not even share all the same traditions. But what is necessary is mutual respect and the desire to be part of a community. Only on these foundations can one first come closer before finally understanding what foundational values we all share, and in the end achieve a diverse community. (Maas 2016k)[71]

Maas speaks about 'mutual respect' and shared 'foundational values.' In other words, Maas is speaking about a society based on tolerance and the respect of the principles found in Germany's Basic Law. Thus, as Maas argues, German society should be united not by skin color, religion, or even a common culture; the only things Germans share, beyond the German language, are political values.

Schwesig echoes these sentiments. She states: "We live in a free and democratic land, in which people from different religions and different cultural backgrounds live together peacefully. That is a supreme good (*ein hohes Gut*)" (Schwesig 2015b).[72] What is more, according to her, this 'supreme good' of diversity must be preserved and protected through tolerance and respect of each other's differences. In doing this, Germans will be upholding German democracy. She explains: "Here it is not only a

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[70] "Sie ignorieren, dass der gesellschaftliche Wandel nicht der Niedergang eines Idealzustandes ist – im Gegenteil: Er ist ein Schritt zu dessen Verwirklichung. Der gesellschaftliche Wandel bringt uns in vielem gerade den Werten näher, die uns leiten und die in unserem Grundgesetz verankert sind." My translation.
[71] "Um zusammenzufinden, muss man nicht dieselbe Herkunft haben, man muss noch nicht mal alle Traditionen miteinander teilen. Aber notwendig sind gegenseitiger Respekt und der Wille zur Gemeinschaft. Nur auf dieser Grundlage kann es erst zu einer Annäherung, dann zur Verständigung auf gemeinsame Grundwerte und schließlich zu einem vielfältigen Miteinander kommen." My translation.
[72] "Wir leben in einem freien und demokratischen Land, in dem Menschen unterschiedlicher Religion und verschiedener kultureller Hintergründe friedlich zusammenleben. Das ist ein hohes Gut." My translation.

question of tolerance, but also of respect for every person. That we make sure to respect each other in our differences, in order to live together in a free and democratic society" (Schwesig 2015b).[73] For Schwesig, democracy and the German Basic Law are synonymous:

> Democracy means the equality of all people, and that requires that we treat each other respectfully. "Human dignity is inviolable." That is article 1 of the Basic Law. "Each has the right to the free development of their personality, as long as it does not infringe on the rights of others." That is article 2. "All people are equal before the law," as says article 3, which also outlaws among other things, racist discrimination and discrimination on the basis of religious or political beliefs. (Schwesig 2017a)[74]

German society is to be grounded on anti-discriminatory, anti-racist principles found in the Basic Law. The Basic Law thus serves as the foundation of German society and is constitutive of its identity. Hence, it comprises what it means to be German, and forms the German *Leitkultur*. In a debate about German *Leitkultur* in 2017, led by the *Deutscher Kulturrat* (German Cultural Council), Schwesig expresses this idea very clearly:

> Above all of these different cultural impulses and traditions, however, stand the claims of a democratic culture: acceptance and tolerance, free speech and equal rights, foundational rights and an attitude of civility shape the communal life of a democracy. The basis for this is the Basic Law. (Schwesig 2017b)[75]

To be German means to respect the values of the Basic Law, and the only culture that should constitute being German is democratic culture.

The image of German identity that Maas and Schwesig describe here is an ideal in the Durkheimian sense. As Durkheim argues, a society is defined by the image it creates of itself, which tells a society who it is and what it should strive to uphold. Maas expresses this ideal in the clearest way possible, particularly in his reference to the idea of

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[73] " Es geht hier nicht nur um Toleranz, sondern auch um Respekt für jeden Einzelnen. Dass wir einander in unserer Verschiedenartigkeit respektieren und dafür sorgen, als freie und demokratische Gesellschaft zusammenzustehen." My translation.

[74] "Demokratie bedeutet die Gleichwertigkeit aller Menschen, und das fordert einen respektvollen Umgang miteinander. „Die Würde des Menschen ist unantastbar", heißt es in Artikel 1 des Grundgesetzes. „Jeder hat das Recht auf die freie Entfaltung seiner Persönlichkeit, soweit er nicht die Rechte anderer verletzt", in Artikel 2. „Alle Menschen sind vor dem Gesetz gleich.", sagt Artikel 3 und verbietet unter anderem rassistische Diskriminierungen und Diskriminierungen aufgrund religiöser oder politischer Anschauungen." My translation.

[75] "Über all diesen verschiedenen kulturellen Impulsen und Traditionen aber steht der Anspruch an eine demokratische Kultur: Akzeptanz und Toleranz, Meinungsfreiheit und Gleichberechtigung, Grundrechte und ein ziviler Umgang gestalten das Zusammenleben in einer Demokratie. Die Basis dafür ist das Grundgesetz." My translation.

'realization' (*Verwirklichung*); he views the continued demographic transformation of Germany as an opportunity to live in a country where the principles of the Basic Law are realized, if only because any other form of resemblance between citizens is no longer possible. The ideal described here can be said to be a kind of *Verfassungspatriotismus*, in which "political attachment ought to center on the norms, the values and, more indirectly, the procedures of a liberal democratic constitution" (Müller 2007, 1). Specifically, it has much in common with the *Verfassungspatriotismus* espoused by Jürgen Habermas. During the *Historikerstreit*, Habermas elaborated a vision of a "post-conventional" identity based on the "universal value-orientation" (*der universalistischer Wertorientierungen*) of the Basic Law (Habermas 1986).[76] These universal values shape "the abstract idea of democracy and human rights in general" that forms the "hard material" of the "national tradition" (Habermas 1987, 174).[77] As a result of this rejection of an ethnocultural understanding of the nation, "it can only be expected of immigrants to be ready to involve themselves in the political culture of their new homeland, without therefore having to give up the cultural mode of life of their ancestry" (Habermas 1990b, 659).[78]

In such a system of *Verfassungspatriotismus*, the individual holds a sacred status through the concept of human dignity. *Verfassungspatriotismus* can therefore be said to constitute a version of Durkheim's cult of the individual, and as Josef Isensee argues, can be described as type of civil religion (Isensee 2006). This goes against the claims of Jan-Werner Müller who objects to the idea that *Verfassungspatriotismus* constitutes a civil religion. He works against the idea of civil religion as a kind of "constitutional veneration" in which different national symbols, such as flags or 'Constitution Days' are used to reinforce a constitution's "symbolic power." He argues that a normatively substantive *Verfassungspatriotismus* contains within it mechanisms that would prevent the manipulation of such symbols or their substantiation into a closed community (Müller 2007, 81-84). *Verfassungspatriotismus* would return to its "deepest impulse," or the "idea

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[76] My translation.
[77] "Die abstrakte Idee der Verallgemeinerung von Demokratie und Menschenrechten bildet statt dessen das harte Material, an dem sich nun die Strahlen der nationalen Überlieferung brechen." My translation.
[78] "muß von Einwanderern nur die Bereitschaft erwartet warden, daß sie sich auf die politische Kultur ihrer neuen Heimat einlassen, ohne deshalb die kulurelle Lebensform ihrer Herkunft aufgeben zu müssen." My translation.

of individuals recognizing each other as free and equal and finding fair terms of living together" (Müller 2007, 52). Such an impulse would result in a "*permanent* critique that will never result in anything like an unproblematic civic identification with an existing polity" (Müller 2007, 76-77). This impulse, much like Derrida's democracy to come, would prevent citizens from dominating each other or creating a substantive collective identity. While for Durkheim, symbolic features such as flags are likely a necessary part of the cult of the individual, Müller's discussion does not address the core claim surrounding the sacred status of the individual.

Müller furthermore contests that *Verfassungspatriotismus* constitutes a kind of exclusionary civic or state nationalism, in which all citizens share a common political culture. As he argues, based on the normatively substantive dimension discussed above, *Verfassungspatriotismus* "is in itself not a justification for a particular polity"; it "does not designate the homogeneity of individual beliefs, or of ascriptive or voluntary identities, which then simply serve the implementation of other political or social values" (Müller 2007, 79). In other words, beyond the 'permanent critique' discussed above that *Verfassungspatriotismus* enables, *Verfassungspatriotismus* also works differently than civic or liberal nationalism. The latter ideologies would use a common culture as a means to an end. One end might be, for example, that of social justice, and advocates of liberal nationalism see the national community as a means to further the ends of social solidarity. However, Müller contends that the values that constitute *Verfassungspatriotismus*, which aim for justice and solidarity, are ends in themselves; *Verfassungspatriotismus* "is not primarily tied to a state, but to political principles, and has normative values"; in other words, it is itself "intrinsically good" (Müller 2007, 80).

Yet, Müller's arguments do not address the situation discussed here. The ideal described above by Maas does indeed justify the existence of a particular polity, namely the migration society that Maas and Schwesig venerate. The justification for this ideal furthermore is to be found in precisely the terms that Werner-Müller describes: the ideal justifies itself morally as an intrinsic good. What is more, whether *Verfassungspatriotismus* is the ends or the means for political goals is completely irrelevant to the question of identity formation. The ideal discussed above clearly creates a collective identity, defining the limits of what it means to be German and excluding

certain segments of the population from that identity. The *Verfassungspatriotismus* advocated by Maas and Schwesig indeed has its fair share of 'others' or enemies who, according to Müller, should not exist (Müller 2007, 75).

In fact, both Maas and Schwesig discuss what they see to be the threats to German society. Not all of these threats come from the right, however. For example, Maas mentions Islamists as threats, saying that German society is threatened, "when Muslim fanatics foment hatred against unbelievers" (Maas 2015a).[79] He also says: "we fight brown Anti-Semitism from the Nazis and we will also have no patience for imported Anti-Semitism brought by immigrants" (Maas 2016k).[80] In her online greeting to the Demokratie Leben! website, Manuela Schwesig identifies the challenges to Germany's democratic culture:

> Right-wing extremism, racism, and anti-Semitism, the challenges from Islamophobia, hatred against Roma and Sinti, ultranationalism, homo and trans-phobia, violent salafism or jihadism, and left-wing militancy are the enemies of democracy and humanity. (Schwesig, 2015a)[81]

In these words, the ministers identify threats that come from a variety of places on the political map: left and right, and radical Islam. This would indicate that the German state officially follows an anti-extremist model of exclusion as per Peter Niesen's classification (Niesen 2002). Hence, *Verfassungspatriotismus* can and does act against a variety of threats to the Basic Law. Official rhetoric notwithstanding, the vast majority of Maas and Schwesig's ire, and much of the state's institutional apparatus under their guidance, was targeted directly against populists, nationalists, and others on the right, including right-wing extremists.

In her speech at the ceremony declaring the beginning of *Demokratie Leben!* in February 2015, Schwesig makes it clear where the priorities of the program lie. She asserts that there has been a rise in far-right extremism in German society and says, "for me, the fight against right-wing extremism therefore has the highest priority," and that

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[79] "wenn muslimische Fanatiker gegen vermeintlich Ungläubige hetzen." My translation.

[80] "Wir bekämpfen den braunen Antisemitismus der Nazis und wir werden auch keinen importierten Antisemitismus von Zuwanderern dulden." My translation.

[81] "Rechtsextremismus, Rassismus und Antisemitismus, die Herausforderungen durch Islam- bzw. (beziehungsweise) Muslimfeindlichkeit, Antiziganismus, Ultranationalismus, Homo- und Transfeindlichkeit, gewaltbereiter Salafismus bzw. (beziehungsweise) Dschihadismus und linke Militanz sind demokatie- und menschenfeindliche Phänomene." My translation.

"whoever defends our democracy against right-wing extremism does not deserve the question: 'What are you doing against left-wing extremism?' Rather they have earned my respect, my trust and my support" (Schwesig 2015c).[82] She also makes a claim about German identity, saying: "Those who live democracy, those who are active against right-wing extremism, violence and misanthropy, those individuals, him or her, are Germany" (Schwesig 2015c).[83] Maas sees the dangers to German democracy in a similar way:

> The populists and nationalists, who raise their voices against the EU, are often also enemies
> of the constitutional order: they want short trials instead of fair trials and the rule of law; they
> want unlimited power instead of the separation of powers: they want the tyranny of the
> majority instead of civil liberties, including for minorities. (Maas 2016h)[84]

In another speech, Maas specifically mentions PEGIDA and the AfD and states that they are problematic for similar reasons:

> In the USA, but especially also in Turkey, Poland, Hungary, with PEGIDA and the AfD—
> everywhere populists attack one thing more than any other, namely, the constitutional order:
> the rights of minorities, freedom of the press, the independence of the legal system, and also
> constitutional justice. (Maas 2016j)[85]

In these comments, the groups he mentions are problematic because they are against specific democratic processes and minority rights. In other speeches Maas is clearer, saying that these groups are against the values of German democracy as well. By using terms such as *Islamisierung*, *Lügenpresse*, *Volksverräter*, or *Umvolkung*, PEGIDA and related groups are against "the foundations of our democracy," which include "namely respect and nonviolence, diversity and tolerance including towards opposing views that one rejects oneself" (Maas 2016k).[86] The Refugee Crisis has accentuated the

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[82] "Für mich hat der Kampf gegen den Rechtsextremismus deshalb weiter höchste Priorität/ Wer unsere Demokratie gegen Rechtsextreme verteidigt, hat nicht die Frage: „Was tut ihr eigentlich gegen Linksextremismus?" verdient, sondern meinen Respekt, mein Vertrauen und meine Unterstützung." My translation.

[83] "Wer Demokratie lebt, wer aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit eintritt, der oder die ist Deutschland." My translation.

[84] "Die Populisten und Nationalisten, die gegen die EU Stimmung machen, sind häufig auch Feinde des Rechtsstaates: Sie wollen kurzen Prozess statt Beschuldigtenrechte und Rechtmittel; Sie wollen unbeschränkte Macht statt Gewaltenteilung; Sie wollen eine Tyrannei der Mehrheit statt Freiheitsrechte auch für Minderheiten." My translation.

[85] "In den USA, aber vor allen Dingen auch in der Türkei, in Polen, in Ungarn, bei Pegida und der AfD - überall attackieren Populisten vor allen Dingen eines, nämlich den Rechtsstaat: die Rechte von Minderheiten, die Freiheit der Presse, die Unabhängigkeit der Justiz und auch eine starke Verfassungsgerichtsbarkeit" My translation.

[86] "die Grundlagen unserer Demokratie/ nämlich Respekt und Gewaltfreiheit, Vielfalt und Toleranz auch den Ansichten gegenüber, die man selbst ablehnt." My translation.

development of these groups, and also led to a proliferation of hate speech that has been associated with the aforementioned groups that Maas describes as "enemies" (*Feinde*) of democracy (Maas 2016h).[87]

Maas and Schwesig's focus on nationalist/patriotic populism and right-wing extremism implies the presence of a powerful "negative republicanism," which seeks primarily to prevent a repeat of Nazi Germany (Niesen 2002, 83). This negative republicanism also constitutes the moral dichotomy of *Verfassungspatriotismus*, dividing the world into good and evil. If *Verfassungspatriotismus* is good, those who defend a concept of Germany based on ethnic or cultural criteria are morally suspect. Such individuals, Schwesig argues, believe that "only Germans have their place in Germany" (Schwesig 2017a).[88] Or, as Maas puts it, "these populists do not want freedom and social justice for everyone, but only ever for a specific group. And one can see clearly how they determine what these groups are, when they say that the concept '*völkisch*' should be seen in a positive light" (Maas 2016k).[89] Such individuals, due to their understanding of collective identity, are viewed as the source of aggression and exclusion against minority groups, including Muslims, Jews, Roma and Sinti, and other minorities; they are the ones who claim, as in the slogan of the AfD: „Der Islam gehört nicht zu Deutschland" (Islam does not belong to Germany) (Maas 2016g). The German nation, as traditionally conceived, is perceived as a source of discrimination, intolerance, and oppression, which is why any reference to German ethnicity or culture must not be included in an understanding of what it means to be German. Those defending a traditional concept of German identity or *Leitkultur*, somehow paradoxically, are deemed no longer to be German, as defined by this version of *Verfassungspatriotismus*.

This moral dichotomy reproduces the categories of oppressor/victim that have been prominent features of German political culture since WWII. These categories are a constitutive part of *Verfassungspatriotismus* and a result of Germany's experience with National Socialism and the Holocaust. This forms another parallel to Habermas' vision of

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[87] Maas says as much: "Die größte Gefahr für eine Demokratie sind nicht ihre Feinde von rechts; die größte Gefahr sind mutlose Demokraten, die versuchen, sich bei den Rechtspopulisten anzubiedern, indem sie deren Politik kopieren!" My translation.

[88] "nur Deutsche hätten in Deutschland ihren Platz." My translation.

[89] "Freiheit und soziale Gerechtigkeit wollen diese Populisten nie für alle, sondern immer nur für eine bestimmte Gruppe. Und wie sie diese Gruppe bestimmen, das liegt auf der Hand, wenn sie davon reden, dass der Begriff „völkisch" doch eigentlich ganz positiv zu verstehen sei." My translation.

Verfassungspatriotismus; he states, "the overcoming of fascism forms the particular historical perspective from which a post-national identity centered on the universalist principles of the rule of law and democracy understands itself" (Habermas 1990a, 152),[90] and "[t]he only patriotism that does not alienate us from the West is a constitutional patriotism (*Verfassungspatriotismus*). Such a convincingly anchored attachment to universal constitutional principles has unfortunately only been able to form itself in the German cultural nation (*Kulturnation*) for the first time after, and through, Auschwitz" (Habermas 1986).[91]

It is unsurprising that in their speeches, Maas and Schwesig allude to Germany's Nazi past when discussing the enemies of German democracy. To point out the danger of the AfD, Schwesig quotes her 99-year-old grandmother, who was alive at the time of National Socialist rule and with whom she had spoken about democracy's fragility: "She said recently 'when I hear the way the AfD incite people against each other, it reminds me of the time before 1933" (Schwesig 2017a).[92] Continuing Maas' aforementioned quote about the concept 'Volk' used by some on the right or far-right, he says: "'*Völkisch*,' '*Volksverräter*' or '*Umvolkung*' – These were Nazi concepts. One must say clearly, and one must make clear where these words led: to dictatorship, world war, and the genocide of European Jews" (Maas 2016k).[93] It should be clear that Maas and Schwesig see their attacks on the AfD and PEGIDA as a part of this continued overcoming of Germany's experience with National Socialism. The influence of this part of German history on the present is clear, as it remains present not only in the Basic Law, which was written with the horrors of WWII in mind, but also in the negative republicanism that is present in the *Verfassungspatriotismus* in Maas and Schwesig's speeches.

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[90] "Und deshalb bildet auch die Überwindung des Faschismus die besondere historische Perspektive, aus der sich eine postnationale, um die universalistischen Prinzipien von Rechtsstaat und Demokratie herum gebildete Identität versteht." Authors translation.

[91] "Der einzige Patriotismus, der uns dem Westen nicht entfremdet, ist ein Verfassungspatriotismus. Eine in Überzeugungen verankerte Bindung an universalistische Verfassungsprinzipien hat sich leider in der Kulturnation der Deutschen erst nach – und durch – Auschwitz bilden können." My translation.

[92] "Sie hat kürzlich gesagt: „Wenn ich höre, wie die AfD heute die Menschen gegeneinander aufhetzt, erinnert mich das an die Zeit vor 1933." My translation.

[93] "„Völkisch", „Volksverräter" oder „Umvolkung" – das waren Begriffe der Nazis, das muss man deutlich aussprechen und man muss auch deutlich machen, wo diese Worte hingeführt haben: zu Diktatur, Weltkrieg und dem Völkermord an den Juden Europas." My translation. See also Schwesig (2015c).

Moral Truths

Importantly, the ideology of *Verfassungspatriotismus* produces a set of moral truths. At its heart is the sacred object of human dignity, which is inviolable and the ultimate legitimizing moral authority. Human dignity is the core of German democracy, and protecting it in the stipulated way becomes the essence of democracy. The protection of this sacred object is the ultimate goal of *Verfassungspatriotismus* and leads to a set of moral principles and obligations that define what is moral/immoral. By promoting a German identity based on the Basic Law and cultural and ethnic diversity, this brand of *Verfassungspatriotismus* establishes the respect and tolerance for this diversity as primary moral obligations. These obligations work towards the creation of a German community and in this way, they are closely connected to the moral ideal discussed above. One of the main flashpoints in Germany during the Refugee Crisis was speech, and unsurprisingly many of the truths associated with this moral ideal have to do with what can and cannot be said in Germany.

Within this moral context, there are many examples of moral statements of fact that individuals hold as true. In her interview with *Schekker* magazine, Manuela Schwesig acknowledged the importance of free speech as fundamental to democracy, but quickly stated thereafter: "But: Hatred and incitement have no place on our streets or in our society" (Schwesig 2015b).[94] Another example comes from one of the slogans of the No Hate Speech Campaign in Germany, a prominent organization financed by *Demokratie Leben!* that works in conjunction with the European Council to fight online hate speech, which said: "Hass ist keine Meinung." (hate is not an opinion).

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[94] "Aber: Hetze und Hass haben keinen Platz auf unseren Straßen und in unserer Gesellschaft." My translation.

Tweet from Frankfurt Police endorsing the No Hate Speech campaign (Frankfurt Police, 2016)

This idea is echoed in the organization *#NichtEgal,* a group financed by Google via YouTube that fights hate speech. On its website in the questions section, one finds the following question/response: "Is it the case that #NichtEgal would like to suppress certain political opinions? No. #NichtEgal stands for tolerance and respect. We stand strongly for these values, since they are the basis for our personal freedom and societal living-together" (#NichtEgal 2017).[95] In a similar vein, the DGB, the largest labor union in Germany, produced a series of cards with arguments against the AfD during the 2017 election. In their response to arguments against political correctness and the placing of limits on free speech, they claimed that political correctness is the favorite straw man of the right,

> [b]ecause they [the AfD voter] would like nothing more than to be able to decide for themselves what can be said and be able to spread truly sexist, racist, anti-Semitic, homo or transphobic ideas. But one can no longer do that. This is called civilization, humanity, and good manners. (DGB 2016)[96]

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[95] "Stimmt es, dass #NichtEgal bestimmte politische Meinungen unterdrücken möchte? Nein. #NichtEgal steht für Toleranz und Respekt. Für diese Werte machen wir uns stark, da sie die Grundlage für unsere persönliche Freiheit und gesellschaftlichen Zusammenhalt bilden." My translation.
[96] "Denn sie [AfD Wähler] möchten doch so gern einmal wieder so richtig sexistisch, rassistisch, antisemitisch, homo- oder transphob hetzen dürfen und selbst bestimmen, was gesagt werden kann, aber

The tenor of these truths is that hate speech is unacceptable in Germany. Schwesig states this very simply, but the other three examples have added dimensions. The No Hate Speech slogan states that hatred is not an opinion, meaning it is not a political argument. This effectively legitimizes the exclusion of certain statements from political debate. *#NichtEgal* repeats this idea; the question asks about "political opinions," and their answer denies that they suppress any "political opinions." Yet they do support putting limits on speech. The message is that any speech that goes beyond their understanding of tolerance and respect does not qualify as political and can legitimately be excluded from political debate. The BMFSFJ echoed these sentiments in a Tweet in June 2016 in response to a user named 'Dr. Atomreisfleisch' (BMFSFJ 2016). Dr. Atomreisfleisch, in response to a previous Tweet by the BMFSFJ with a video promoting the No Hate Speech campaign, asked who was making the decision about what constituted an "opinion" (*Meinung*) and what constituted "hate" (*Hass*). He defended the principle of free speech, stating that the principle of free speech is there precisely to defend controversial opinions. He also argued that "a government agency has nothing to do with determining what is allowed (*darf*) to be said in a free discourse."[97] In response the BMFSFJ simply responded: "Hate is not an opinion. End of discussion. #nohatespeech".[98]

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das darf man ja nicht mehr. Das nennt man Zivilisation, Menschlichkeit und guten Umgang." My translation.

[97] "Ein Bundesministerium hat nicht darüber zu befinden, was in einem freien Diskurs gesagt warden darf." My translation.

[98] "Hass ist keine Meinung. Ende der Diskussion." My translation.

BMFSFJ tweet in response to Dr. Atomreisfleisch (BMFSFJ 2016)

The DGB goes one step farther by insisting that hate speech is not only indecent and contrary to the spirit of humanity, or human dignity, but it is also against civilization itself; it is barbaric (and here again one sees an allusion to the Nazi era). Such truths reinforce the German identity promoted by the brand of *Verfassungspatriotismus* discussed here.[99] Within these moral truths, there is implicitly present a series of moral judgments concerning those whose voice is excluded. The excluded speech is hatred, or as the DGB expresses it, the speech contains "truly sexist, racist, anti-Semitic, homo or transphobic ideas." This is to say the speech violates human dignity, strikes at the heart of democracy, and is immoral. Therefore, those supporting the AfD, for example, take on

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[99] It is worth noting that the DGB also endorsed this version of *Verfassungspatriotismus*. In their *Argumente statt Parolen* card series, they rebuffed the AfD's concept of *Leitkultur*, saying: "Es gibt keine „deutsche Leitkultur". Was soll das sein? […] Es gibt die Verfassung, Staatsbürgerschaft und die Gesetze, das reicht!" (There is no 'German *Leitkultur*'. What should that be? […] There is the constitution, citizenship, and laws-that is sufficient!" My translation).

the above characteristics as immoral people. These moral judgments subsequently take on the air of truth and, along with the other moral truths, work towards the legitimation and rationalization of this moral system and the exclusion it entails.

Following the axiomatic nature of moral truth, the above statements are presented and accepted by adherents as statements of fact. The truth of the claims is self-reflexive, and no justification is required for these statements of fact to be taken as true. The power of these truths comes from their association with the sacred object and moral authority of human dignity, which the fight against hate speech is intended to protect. One cannot, for example, explain what is 'hateful' (i.e. immoral) about speech without some sort of reference to human dignity. Ultimately, the acceptance of these ideas as true lies, as with the moral legitimacy of human dignity, in the social forces that animate them, of which the individual is not conscious.

These social forces have manifested themselves to varying degrees over time in reaction to different events in German society. An important example would be the *Lichterketten* that I discussed in the preceding chapter. However, during the Refugee Crisis of 2015 one could point to Germany's well-documented and extraordinary response to those arriving, which is known as the *Wilkommenskultur* (Welcome Culture). Under the slogan "Refugees Welcome," there were many demonstrations throughout the country in support of the migrants, with the events that transpired at the Munich train station in early September of 2015 as perhaps the most important. There, crowds of Germans gathered to cheer arriving refugees (Graham-Harrison et al. 2015), volunteers were overwhelmed by donations (Connolly 2015), and in a highly symbolic gesture of solidarity Catholic Cardinal Reinhard Marx and Lutheran Bishop Heinrich Bedford-Strohm were present to greet those arriving (SDZ 2015). Such events, like the *Lichterketten*, are vital sources of the collective effervescence that animate and reinvigorate the moral sentiments and representations associated with the moral truths and ideology discussed above.

Analysis

After WWII, German society was placed on new, distinctly moral foundations. Human dignity is the most important of these foundations and maintains its place as the

highest value in German democracy. Its institutionalization as Germany's highest value is part of the ethical turn that took place in the wake of WWII and the Holocaust, whose effects only began to be felt in the 1960s, when West Germans began to confront more openly the horrors of their recent past. This ethical turn produced important moral *représentations*, through which collective forces expressed specific collective experience and knowledge. These include the constellations of victim-perpetrator and German-Jew, which came to be defining elements of Germany's moral culture. As Germany accepted more immigration, increasing its ethnic and cultural diversity, the collective forces animating the moral indignation against, and preoccupation with, anti-Semitism transferred onto new categories of people needing protection. The *Lichterketten* are evidence of this shift. They helped create the moral *représentation* of German-immigrant and the collective effervescence that these events produced reinforced the moral obligation to reject racism and xenophobia. Its rejection of racism and xenophobia simultaneously promotes ethnic and cultural diversity as a social good. All these events contributed to the formulation of *Verfassungspatriotismus*, in which German identity is based solely on respecting human dignity and the Basic Law.

Another fundamental influence on the *Verfassungspatriotismus* discussed here is German reunification in 1989. Traditionally, the left, particularly since the 1960s, had adopted an anti-national, or post-national, position that rejected the legitimacy of the existence of a German nation, a German nation-state, or any form of German nationalism (Jarausch 1995, 572; Berger 1994, 57; Huyssen 1994, 7).[100] This rejection was grounded especially on Germany's experience with National Socialism and the Holocaust, but also on Germany's division into East and West (Huyssen 1994, 7). As many commenters have noted German reunification caused a major reorientation on the part of the left towards national forms of collective identification (Müller 2009, 118; Berger 1994, 66; Wilds 2000, 90). This led to an attempt to "synthesise the 'nation' with the progressive reading of the *Westbindung*," or West Germany's postwar adoption of Western forms of democracy and integration into Western political institutions such as the European Union and the North Atlantic Treaty Organization (NATO) (Wilds 2000, 93). *Verfassungspatriotismus* offers precisely the tools needed for such a modification, as it

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[100] There were of course dissident voices among the left on this issue. See Berger (1994) for more.

forms the basis for a collective 'national' identity, all while anchoring this identity in post-national democratic values.[101] This indeed appears to be the path chosen by the SPD. The reappropriation of the term *Leitkultur* by Maas and Schwesig to mean essentially *Verfassungspatriotismus*, encompasses this synthesis perfectly. This synthesis furthermore locates *Verfassungspatriotismus* within the national context of a reunited Germany that interprets its political culture in the light of its own particular history, as Habermas argues it should (1998, 118). This understanding of *Verfassungspatriotismus* has subsequently become a normative centerpiece of Germany's political consciousness (Müller 2009, 128).

While the SPD did come to accept a form of collective 'national' identity in the form of *Verfassungspatriotismus*, its position retained a deep ambivalence, if not hostility, towards a traditional notion of nation. As already seen, Schwesig designated Germany's ethnic and cultural diversity as a 'supreme good.' This diversity is likewise part of the moral ideal described by Maas, an ideal that needs to be protected from its enemies. Proponents of *Verfassungspatriotismus* perceive an ethnic or cultural notion of the German nation as a source of exclusion, discrimination, and violence; their embrace and encouragement of ethnic and cultural diversity and the moral commandment to reject racism and xenophobia entails a rejection of this concept of nation. *Verfassungspatriotismus* is an expression of this moral commandment, as it provides the grounds on which to build a German identity that rejects the German nation and embraces diversity. What we have here thus is the moral fact's double movement of obligation-desire: we are obligated to fight racism and xenophobia and promote diversity and doing so is desired as good. Ultimately, *Verfassungspatriotismus* is a moral system that derives its legitimation on moral grounds. This moral legitimation goes back to WWII and the moral representations produced there, which explains why references to Nazi Germany continue to resurface in postwar discourse.

There are those who do not share the moral truths or respect the moral obligations of this form of *Verfassungspatriotismus*. This nonconformity leads not only to moral judgments, but also to a series of sanctions. The type of *Verfassungspatriotismus* discussed here, through state institutions, can and does act against these other segments

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[101] See Berger's (1994, 66) discussion. See also the discussions in Cronin (2003) and Ingram (1996).

of German society. Yet, it does so most forcefully against the right and far-right, where a traditional notion of national belonging incubates. On this point it is important to underline the fact that because this *Verfassungspatriotismus* roots its moral ideal on the notion of human dignity found in the German Basic Law, its advocates often claim that its opponents undermine the principles of democracy; as Maas puts it, they are the 'enemies' (*Feinde*) of democracy. Making such a statement is more than simply making another moral judgment. Rather, in Germany such a statement has important legal connotations since the German state has wide-ranging powers to monitor and, in some cases, suppress those political actors deemed hostile to the free democratic basic order. As I will show in the following chapter, the state has historically used these powers against both the far left and the far right. At times, the German state has also acted specifically against the far left. For example, the *Burufsverbot* of 1972 officially forbade those on the far left and far right from working in public administration but was implemented far more against those on the left and far-left (Rigoll 2013). Saying that someone is against democracy in Germany is not only a symbolic moral condemnation, but carries with it potentially severe legal consequences.

While much of the explanation for this antagonism towards an ethnocultural understanding of nation is historically rooted and goes back to WWII, there are other reasons that have to do with the interplay between a more traditionally nationalistic discourse and that of *Verfassungspatriotismus*. As mentioned in the preceding chapter, for many, the question of reforming citizenship laws, adopting civic nationalism, and abandoning an ethnocultural understanding of nation was a pragmatic issue; it was a question a recognizing in a matter-of-fact way that Germany had become a country of immigration (Cohn-Bendit and Scmid 1992). Such individuals need not have an active antipathy to the 'nation.' However, not everyone abandoned the ethnocultural understanding of German identity, and in the context of the new citizenship law of 1999, a discourse concerning the protection of *Leitkultur* arose. In response to this discourse, which would potentially limit the social and political rights of those who are not 'German,' those defending the immigration law adopted *de facto* a kind of anti-national position in order to defend the rights of German citizens who are descendants of immigrants. Thus, if the 'nation' was not already seen as a source of racism and

discrimination, it *became* one. This perception of the nation in turn feeds into the German-immigrant moral representations that animate the more active anti- or post-nationalism present in *Verfassungspatriotismus*.

While *Verfassungspatriotismus* is preoccupied with the prevention of exclusion, somewhat paradoxically one of the important issues concerning it is precisely its exclusionary potential.[102] This potential can develop in two ways. First, in its rejection of Nazism's racist exclusionary ideology and embrace of diversity, *Verfassungspatriotismus* reproduces Nazi categories of exclusion. Of course, the goal is not exclusion, but empowerment. Nevertheless, *Verfassungspatriotismus*, by identifying those groups of individuals needing special protection, divides the population into pre-defined groupings, and identifies which groups are not fully 'German.' Interestingly, opponents made a similar critique of the original modification of §130 brought before the German Parliament in 1959. As Rohrßen (2009, 169-170) points out, it was argued that the proposed modifications, which would single out "national, racial, etc. (*nationale(n), rassische(n) etc.*)" groups for protection, "adopted a National Socialist conceptualization of race (*Rassenbegrifflichkeit*)."[103] Opponents argued in parliamentary debate that the law would prevent individuals from freely self-determining their group identity, and force individuals into predetermined groups that actually corresponded to the categories used by the perpetrators of hate crime. Consequently, they argued that the law would risk becoming a "Jewish-star law" (*Judensterngesetz*), echoing fears from the *Zentralrat der Juden in Deutschland* that the law would ultimately single out Jews for further scrutiny.

Secondly, as discussed, this ideology creates an identity that excludes those who support a cultural or ethnic form of German identity as racist and xenophobic, among other things. Such labels play into the moral epistemology of *Verfassungspatriotismus*. The issue becomes more specific when it concerns free speech, since advocates of *Verfassungspatriotismus* no longer consider those individuals' arguments as valid political opinion; their views are not worth debating, and it therefore is legitimate to exclude their voice from public discourse. It is not important if the accusations of xenophobia, racism, or Nazism are true; the accusations are often in themselves strong

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[102] Pierre-André Taguieff (1995) also recognizes this paradoxical element in anti-racist discourse.
[103] "Darüber hinaus wurde kritisiert, daß der Gesetzgeber die nationalsozialistische Rassenbegrifflichkeit übernehme." My translation.

enough to elicit an emotional reaction of rejection from those attached to the moral fact. Such labels go beyond being mere rhetorical devices and have real world effects. Subsequently, such accusations can also be considered part of the sanctioning mechanism of the moral fact of *Verfassungspatriotismus* due to the stigma they bring with them. Given this exclusionary position with regard to those considered to be espousing hate speech, it is thus somewhat ironic that Manuela Schwesig in her greeting on the website of *Demokratie Leben!* remarks that her childhood in Mekelenburg-Vorpommern, the region in which Rostock is located, was an experience that made her "aware of all forms of exclusion, debasement, and persecution" (Schwesig 2015a).[104]

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[104] "hat mich sensibilisiert für alle Formen der Ausgrenzung, Abwertung und Verfolgung." My translation.

Chapter 4

The German State's Fight Against Hate Speech

Introduction

In the previous chapter I examined the moral truths and concepts behind *Verfassungspatriotismus* as elaborated by Heiko Maas, Manuela Schwesig, and other related political actors. These concepts and truths are instrumental in providing moral legitimation for this model of German society, which as I noted, is closely linked to German democracy. Importantly, the German state has a number of mechanisms at its disposal for defending democracy, and one can view the use of these mechanisms by the government as a form of moral sanctioning and part of the externalization or enactment of a moral fact. During the Refugee Crisis in 2015, the German state did indeed mobilize in defense of human dignity as part of the enactment or externalization of a moral fact. While the previous chapter examined the ideational dimension of the moral fact of *Verfassungspatriotismus*, this chapter will look precisely at elements of its sanctioning mechanisms.

In the summer of 2015, as Germany was at the height of the Refugee Crisis, there was a dramatic rise in crimes committed against refugees and other minorities, including prominently, arson attacks against refugee centers. This rise in crime was accompanied by a rise in internet hate-speech, as well as a spike in popularity for political movements and parties such as the *Alternative für Deutschland* (AfD, Alternative for Germany) and *Patriotische Europäer gegen die Islamisierung des Abendlandes* (PEGIDA, Patriotic Europeans against the Islamization of the West). To combat these developments the *Bundesministerium der Justiz und für Verbraucherschutz* (BMJV, Federal Ministry of Justice and Consumer Protection) launched in September 2015 an initiative against online hate speech called the *Fair im Netz* (Fairness on the Internet) program. The *Fair im Netz* program worked with large social media companies, such as Facebook, Twitter, and YouTube, in order to pressure them to delete hate speech from their platforms in a more consistent and timely manner. Although the companies made progress to this end, Heiko

Maas, the head of the BMJV, remained dissatisfied and brought forth in March 2017 the *Netzwerdurchsetzungsgesetz* (NetzDG, Network Enforcement Act), which imposed heavy fines on social media companies for not deleting content fast enough. The NetzDG became a law on June 30, 2017, and while the *Fair im Netz* program was already controversial, the NetzDG received overwhelming criticism, even from organizations that participated in the *Fair im Netz* program.

The initiatives of the BMJV and justice minister Maas can be understood as part of German democracy's tradition of *streitbare Demokratie*, or militant democracy, which includes an active and strong defense of the German constitution and democratic order. They also raise questions concerning free speech, censorship, and the legitimate power of the state to interfere in this domain. This chapter will explore these issues, starting with a brief look at the German concept of militant democracy, before examining fully the *Fair im Netz* program and the NetzDG. It will attempt to answer the following questions: What are the moral dimensions of the fight against hate speech? How are the sanctioning mechanisms against hate speech put in place and what is their effect?

Streitbare Demokratie

Militant democracy refers to the idea that a democratic regime will pro-actively defend the democratic order against threats to that order, even if it means in certain cases subverting the values of democracy. Karl Loewenstein, a German living in exile in the United States, defined the term in 1937 after having seen the Nazi party rise to power, and it has come to play a prominent part in German legal theory and practice. The German *Grundgesetz*, or Basic Law, which serves as the country's constitution, contains a number of provisions that go in this sense. For example, §9(2) and §21(2) deal with associations and political parties and revoke the rights of associations or parties to exist if they subvert democracy. §18 lays out a more comprehensive approach, saying:

> Article 18 [Forfeiture of basic rights]
>
> Whoever abuses the freedom of expression, in particular the freedom of the press (paragraph
> (1) of Article 5), the freedom of teaching (paragraph (3) of Article 5), the freedom of
> assembly (Article 8), the freedom of association (Article 9), the privacy of correspondence,
> posts and telecommunications (Article 10), the rights of property (Article 14), or the right of

asylum (Article 16a) in order to combat the free democratic basic order shall forfeit these basic rights. This forfeiture and its extent shall be declared by the Federal Constitutional Court. (Basic Law, 25)

A key concept in this article is that of the 'free democratic basic order' (*freiheitliche demokratische Grundordnung*). What does this concept refer to? Obviously, it makes reference to the strictly institutional, parliamentary notion of democracy. But as Jan-Werner Müller points out, legal scholars more and more agree that it refers to the basic values of German democracy (Müller 2012, 1259), in keeping with the definition that the *Bundesverfassungsschutzgesetz* (BVerfSchG Code for the Federal Office for Constitutional Protection) gives of free democratic basic order. §4 of the BVerfSchG provides this definition and refers to democratic institutions and procedures, but also to "the human rights laid out in the Basic Law" (BVerfSchG 1990, §4).[105]

That the German Basic Law maintains this value-oriented nature has been confirmed in different rulings made by the *Bundesverfassungsgericht*, or Federal Constitutional Court. In its history, the Constitutional Court has only ruled two political parties unconstitutional: the neo-nazi *Sozialistische Reichspartei* (SRP, Socialist Reich Party) in 1952 and the *Kommunistische Partei Deutschland* (KPD, German Communist Party) in 1956. In the 1952 ruling against the SRP, the Constitutional Court stated the following:

> According to the constitutional decision adopted in the Basic Law, this basic principle is in the end based on the idea that man has an independent value in the order of creation and that freedom and equality are permanent basic values of the unity of the state. Therefore, the basic order is a value-based order. It is the opposite of the total state, which, as an exclusive power of domination, rejects human dignity, freedom, and equality. (BVerfGE 1952)[106]

In effect the court ruled that a human being possesses a 'unique and self-standing value,' and that the Basic Law, as the protector of this value, is a 'value-based' (*wertgebunden*) order. This stands in opposition to a constitution that is value-neutral (*wertneutral*) and thus able to be fundamentally changed, as the previous Weimar Constitution had been

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[105] "*die im Grundgesetz konkretisierten Menschenrechte.*" My translation.

[106] "Dieser Grundordnung liegt letztlich nach der im Grundgesetz getroffenen verfassungspolitischen Entscheidung die Vorstellung zugrunde, daß der Mensch in der Schöpfungsordnung einen eigenen selbständigen Wert besitzt und Freiheit und Gleichheit dauernde Grundwerte der staatlichen Einheit sind. Daher ist die Grundordnung eine wertgebundene Ordnung. Sie ist das Gegenteil des totalen Staates, der als ausschließliche Herrschaftsmacht Menschenwürde, Freiheit und Gleichheit ablehnt." My translation.

(See Simard 2008, 10). The Basic Law of Germany thus has a constitutional obligation to protect human dignity and human rights, and provides for itself the constitutional means to do so.

The *wertgebunden* nature of the Basic Law brings out another important aspect of Germany's militant democracy, namely its inviolable and axiomatic nature. The value-oriented nature of the Basic Law, as well as the 'unique and self-standing value' of man are both evidenced in the *Ewigheitsklause* (Eternity Clause) of the Basic Law, §79(3), which outlines procedures for amending the constitution. It reads: "Amendments to this Basic Law affecting the division of the Federation into Länder, their participation on principle in the legislative process, or the principles laid down in Articles 1 and 20 shall be inadmissible" (Basic Law, 65). Articles 1-20 are those, as discussed above, that provide the basic rights of the German Federal Republic, and which are made with attention to the inviolability of human dignity. Notably, §73(3) makes clear that these rights are themselves inviolable, and thus they can never be amended via legislative action. Hence, while some sort of violent revolution might still be possible, as Martin Klamt indicates, there can be no legal revolution in Germany (Klamt 2004).[107] The reasons for this aspect of the Basic Law are clear, and as Augustin Simard (2008) points out, are grounded in an effort not to repeat the mistakes of the Weimar Constitution that was eventually subverted by the Nazi party. Because of this, the framers of the Basic Law were adamant that the core aspects of the Basic Law dealing with democratic procedure and human dignity maintain a special, protected status. The axiomatic nature of the core values of the Basic Law also tie into the '*vorstaatlichen Charakter*' of human dignity and its associated freedoms that the framers of the constitution sought to highlight.

In sum, Germany's militant democracy establishes a set of state institutions that act to protect the 'free democratic basic order' as outlined by the Basic Law. Certain of the democratic processes, but also the values and rights laid out in the Basic Law are inviolable and are to be protected pro-actively. Thus, while 'free democratic basic order' can mean different things in different contexts, clearly one of those meanings involves the respect and protection of human dignity. The equivalence of democracy and respect

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[107] Referenced in Müller (2012, 1259).

for human dignity ties back to the moral dimension of the Basic Law and was one of the motivating factors behind the initiatives of the BMJV against online hate speech.

The *Fair im Netz* Program

In order to understand the justification for the *Fair im Netz* program, it is important to look at the context from which it emerged. A good way to do this is to look at the annual report of the *Bundesamt für Verfassungsschutz* (BfV, Federal Office for the Protection of the Constitution). The BfV is a federal organization under the direction of the *Bundesministeriums des Innern* (BMI Ministry of the Interior) and the BfV serves primarily to gather and analyze information on groups, movements, or any other kind of activities that pose a threat to the free democratic basic order discussed above (BfV 2016a, 15). As a result, it is an important part of Germany's militant democracy.

The BfV monitors different activities, but the bulk fall largely within three categories: right-wing extremism, left-wing extremism, and Islamism/Islamic terrorism. According to the BfV, right-wing extremism is based on ethnic and racial notions of belonging in which "central values of the free democratic basic order are disregarded" (BfV 2016a, 40).[108] The dispositions of right-wing extremism that go against these values include xenophobia (*Fremdfeindlichkeit*), racism, anti-Semitism, historical revisionism, as well as "a fundamental hostility towards democracy" (BfV 2016a, 40).[109] The BfV makes it clear that right-wing extremism was a pressing concern, particularly in light of the Refugee Crisis that began in Germany in 2015. The BfV spoke of an exorbitant rise of right-wing mobilization and violence, and it noted that right-wing extremists spread their messages especially on the Internet. The BfV thus made a strong link between the use of online social networks and individual or collective radicalization (BfV 2016a, 42).

There are several interconnected themes that the BfV identified running through right-wing extremism. Right-wing extremism is connected to right-wing populism, which has seen great growth since the beginning of the Refugee Crisis. The Refugee Crisis and recent Islamic terror attacks galvanized both extremists and populists. A prominent theme

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[108] "zentrale Werte der freiheitlichen demokratischen Grundordnung missachtet [werden]." My translation.
[109] "eine grundsätzliche Demokratiefeindschaft." My translation.

in right-wing discourse is hostility towards refugees and asylum seekers, which leads to xenophobic and racist statements. Among the slogans or keywords such groups use are "*Lügenpress*" (lying press), "*Überfremdung*" (cultural disorientation), "Islamisierung Deutschlands" (the islamization of Germany), and "*Volkstodes*" (death of a people) (BfV 2016a, 41-43). Interestingly, the BfV noted that protests against the German government's asylum policies were not objects of investigation by the BfV, as the Basic Law guarantees freedom of expression. PEGIDA, and its local offshoot groups, were thus not official objects of investigation by the BfV. The BfV did recognize, however, that there were a number of points in common between PEGIDA and right-wing extremists as far as their intentions and rhetoric are concerned (BfV 2016a, 65). Thus, the BfV described PEGIDA as a "*Nährboden*" (fertile ground) for unconstitutional activity (BfV, 2016, 68).

Finally, the BfV saw a direct connection between the activities of right-wing extremists and acts of violence. The BfV highlights this point in the section on politically motivated criminality (*Politisch motivierte Kriminalität,* PMK) (BfV 2016a, 23).[110] Overall right-wing oriented PMK increased from 16.559 convictions in 2014 to 21.933 in 2015 (BfV 2016a, 26). In particular, xenophobic attacks (*fremdenfeindlicher Gewaltaten*) nearly doubled (512: 2014; 918: 2015), acts of arson quintupled (21 in 2014 to 99 in 2015), other offenses including especially incitement to hatred (*Volksverhetzung*) nearly doubled (3.474: 2014, 6.676: 2015), while anti-Semitic attacks from right-wing extremists held roughly the same (1.328: 2014, 1.236: 2015) (BfV 2016a, 26). Overall left-wing extremist PMK rose slightly (4.424: 2014, 5.620: 2015) (BfV 2016a, 31), while the report does not provide statistics on Islamist criminality. The dramatic rise in right-wing PMK in 2015 is undoubtedly tied to the Refugee Crisis, which both galvanized this segment of the population and provided more opportunities to commit violence.

The Moral Legitimation of Fair im Netz

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[110] The following crimes are considered politically motivated: §§ 80-83, 84-91, 94-100a, 102-104a, 105-108e, 109- 109h, 129a, 129b, 130, 234a and 241a.

In order to legitimate the *Fair im Netz* program, Justice Minister Maas needed to demonstrate the danger that online hate speech posed to German society. In his public speeches, Maas provided two connected reasons for implementing the *Fair im Netz* program. On the one hand, it was a question of public safety, while on the other he saw online hate speech as a threat to democracy itself.

As seen above, right-wing motivated PMK increased greatly with the onset of the Refugee Crisis, and the presence of online hate speech dramatically increased at the same time and for the same reason. Such messages were spread mainly through online social networks and social media. According to Maas, online social networks have become important places where people promulgate hatred (*Hass*) and incitement (*Hetze*), leading to a surge of violence and the growth of the populist and extreme-nationalist movements (Maas 2016c). As he argues: "In the past year in Germany the number of politically motivated crimes has risen dramatically. This shows: the brutalization of language has fatal consequences—first come the words, then the acts" (Maas 2016e).[111] Maas thus makes an explicit link between speech and violence, a link he often repeats.

Beyond an explicit link to violence as a threat to German society, there is also the threat to the German democratic order. There are several threats to German society that Maas identifies on these grounds. For example, Maas mentions Islamists as threats, saying for example, that German society is threatened "if Muslim fanatics incite hatred against supposed unbelievers" (Maas 2015a).[112] He also says: "We are fighting against the brown anti-Semitism of the Nazis and we will also not tolerate any imported anti-Semitism from immigrants" (Maas 2016k).[113] However, the vast majority of Maas' ire is targeted against populists, nationalists, and right-wing extremists. He sees these groups as dangers to Germany's constitutional order, and by extension to Germany itself:

> The populists and the nationalists who create an atmosphere against the EU are often also
> enemies of the rule of law: They want short trials instead of the rights of the accused and the

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[111] "Im vergangenen Jahr ist in Deutschland die Zahl der politisch motivierten Straftaten dramatisch angestiegen. Dies zeigt: Die Verrohung der Sprache hat fatale Folgen – erst kommen die Worte, dann die Taten." My translation.

[112] "wenn muslimische Fanatiker gegen vermeintlich Ungläubige hetzen." My translation.

[113] "Wir bekämpfen den braunen Antisemitismus der Nazis und wir werden auch keinen importierten Antisemitismus von Zuwanderern dulden." My translation.

rule of law; They want unlimited power instead of a division of powers; They want a tyranny

of the majority instead of individual rights and freedoms, also for minorities. (Maas 2016i)[114]

In another speech, Maas specifically mentions PEGIDA and the AfD and states that they

are problematic for similar reasons:

In the United States, and above all in Turkey, Poland, Hungary, with Pegida and the AfD –
everywhere populists attack above all else one thing, namely the rule of law: the rights of
minorities, the freedom of the press, the independence of judiciary, and also a strong
application of constitutional justice. (Maas 2016j)[115]

In these comments, the groups he mentions are problematic because they are against

specific democratic processes, such as free press, judicial independence, and minority

rights. In other speeches, however, Maas describes these groups as against the values of

German democracy as well. By using terms such as *Islamisierung*, *Lügenpresse*,

Volksverräter, or *Umvolkung*, PEGIDA and related groups are against "the foundations

of our democracy," which include "namely respect and freedom from violence, diversity

and tolerance, including for views that one personally rejects" (Maas 2016k).[116] The

Refugee Crisis has accentuated the development of these groups, and also led to a

proliferation of hate speech that has been associated with the aforementioned groups that

Maas mentions as "enemies" (*Feinde*) of democracy (Maas 2016h).[117] Comments made

by these segments of German society go against the interests of German society, which

Maas describes as "the dignity of our fellow man and the internal peace of our society"

(Maas 2016g).[118]

By couching the fight against hate speech as a fight to protect human dignity and

German democracy, Maas makes appeals to the moral principles found in the ideology of

Verfassungspatriotismus that I discuss in the previous chapter. In doing so, Maas seeks to

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[114] "Die Populisten und Nationalisten, die gegen die EU Stimmung machen, sind häufig auch Feinde des Rechtsstaates: Sie wollen kurzen Prozess statt Beschuldigtenrechte und Rechtmittel; Sie wollen unbeschränkte Macht statt Gewaltenteilung; Sie wollen eine Tyrannei der Mehrheit statt Freiheitsrechte auch für Minderheiten." My translation.

[115] "In den USA, aber vor allen Dingen auch in der Türkei, in Polen, in Ungarn, bei Pegida und der AfD - überall attackieren Populisten vor allen Dingen eines, nämlich den Rechtsstaat: die Rechte von Minderheiten, die Freiheit der Presse, die Unabhängigkeit der Justiz und auch eine starke Verfassungsgerichtsbarkeit." My translation.

[116] "nämlich Respekt und Gewaltfreiheit, Vielfalt und Toleranz auch den Ansichten gegenüber, die man selbst ablehnt." My translation.

[117] Maas says as much: "Die größte Gefahr für eine Demokratie sind nicht ihre Feinde von rechts; die größte Gefahr sind mutlose Demokraten, die versuchen, sich bei den Rechtspopulisten anzubiedern, indem sie deren Politik kopieren!" (Maas, 2016h).

[118] "die Würde unserer Mitmenschen und den inneren Friede unserer Gesellschaft." My translation.

provide the *Fair im Netz* program a specifically moral form of legitimation, which makes its ultimate appeal to the moral authority of human dignity and the German Basic Law. The actions of the government to curb the developments that he denounces therefore benefit from this moral legitimacy and, drawing on the German tradition of *streitbare Demokratie*, one can read in Maas' comments an implicit call to action.

Accordingly, Maas states that the sustice system has an important role in combatting hate speech, especially in the context of the Refugee Crisis, which the influx of such a large number of people would test in numerous ways. This is why he argued at the beginning of the *Fair im Netz* program on September 28 that the justice system would have to be strengthened and become more active in German society: "Therefore it is precisely now important to think about how we can secure the strength of our rule of law and justice system" (Maas 2015c).[119] As part of this strengthening of the justice system through the *Fair im Netz* program, Maas outlines the three parts of society that he feels need to be more engaged in fighting online hate speech. First, there is obviously the role of the state, meaning the police, courts of law, and politicians, which must become active against online hate speech, by catching and prosecuting those posting hate speech, by publically denouncing those who do, or by leading other initiatives against hate speech. Second, there are the social networks themselves that must become more active in removing hate speech from their platforms. Finally, civil society itself must become engaged. As Maas states: "We also need civil courage on the internet […] If someone is always cursing foreigners, Muslims, Jews, or anyone else, then we have to speak up against him" (Maas 2016c).[120] Maas thus is attempting to rally the whole of society to combat those elements of society that he sees working against core German values. The justice system and politicians will lead the way, but such actions are to be complemented by actors outside of the political and legal framework. These initiatives can be understood as part of the externalization or enactment of the moral fact of *Verfassungspatriotismus* that Maas advocates. The discussion of the *Fair im Netz* program and the NetzDG that follows discusses some of the specifics of this externalization/enactment.

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[119] "Deshalb ist es gerade jetzt wichtig, sich Gedanken darüber zu machen, wie wir die Stärke unseres Rechtsstaates und seiner Justiz sichern." My translation.

[120] "Wir brauchen Zivilcourage auch im Netz […] Wenn jemand gegen Ausländer, Muslime, Juden oder wen auch immer pöbelt, dann muss man ihm widersperchen." My translation.

The Fair im Netz Program

Since the beginning of the Refugee Crisis and the surge in online hate speech, there has been a corresponding growth in initiatives to counter such speech. Following preliminary discussions with social media companies in August 2015 (Huber and Hasters 2015), the BMJV announced on September 28, 2015, the creation of the *Fair im Netz* project. The program led to the creation of a task force against online hate speech called "*Umgang mit rechtswidrigen Hassbotschaften im Internet*" (Dealing with illegal hate-messages on the internet).[121] Through the task force, the BMJV sought to unite internet providers, civil society organizations, and social media outlets (especially Facebook, YouTube, and Twitter), and to find the most effective way to combat online hate speech.[122] Importantly, neither the BMJV nor the task force decided what content was illegal, nor did they actively prosecute individuals. The laws already existed and included §86 (spreading propaganda for unconstitutional political parties), §130 (Volksverhetzung), §185 (Insults), and §241 (Threats), among others,[123] and the *Fair im Netz* program sought only to enhance the policing of illegal content, encouraging users to report offensive content to the police and to the social media companies.[124] However, while the express intent of the *Fair im Netz* program was to combat illegal hate speech,

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[121] This according to the timeline on the BMJV's (2017e) website, found under the rubric "Die Initiative gegen Hasskriminalität im Netz."

[122] "Die zunehmende Verbreitung von Hasskriminalität über das Internet hat Bundesminister Maas veranlasst, im September 2015 die Bildung eines Arbeitskreises von Internetanbietern, zivilgesellschaftlichen Organisationen und Einrichtungen der Medienkontrolle zu vereinbaren. Unter Moderation und auf Einladung des Bundesministeriums der Justiz und für Verbraucherschutz (BMJV) werden gemeinsam Vorschläge für den nachhaltigen und effektiven Umgang mit Hasskriminalität im Internet und den Ausbau bestehender Kooperationen erarbeitet" BMJV (2017e). Found under the rubric "Die Initiative."

[123] According the Fair im Netz website, a full list includes: §§185, 186, 187, 111, 241, 130, 86, 86a, 126, 140, and 166 (BMJV 2017e).

[124] "Das BMJV unterstützt Nutzer, die strafbare Inhalte den Strafverfolgungsbehörden melden möchten" (BMJV 2017e). Found in the rubric, "Die Initiative," subsection "In welchem Verhältnis steht das Vorgehen der Task Force zum normalen Rechtsweg?"

the deletion of content was to be done in accordance on the one hand with German law, and on the other with the community standards of the social media companies.[125]

The task force was composed of social media companies including Google (via YouTube), Facebook, and Twitter. It also consisted of six civil society associations that help the BMJV monitor and control online hate speech. They were Organisationen der eco – Verband der Internetwirtschaft e.V., the Freiwillige Selbstkontrolle Multimedia-Diensteanbieter (FSM), jugendschutz.net, klicksafe.de, the Amadeu-Antonio-Stiftung (Netz gegen Nazis) and Verein Gesicht zeigen! (BMJV 2015a). These organizations have different purposes and have different contacts to different governmental associations as well. ECO is an informatics company assisting other companies with software and security issues. FSM is an independent media regulating association. Jugendschutz.net is a joint venture of the federal and regional governments that operates within the legal mandate set out in the *Jugendmedienschutz-Staatsvertrag* (JMStV, State Contract for the Protection of Youth Media) to monitor the internet for content dangerous to minors. Klicksafe.de is a program of the European Union. Jugenschutz.net and klicksafe.de work together, and are also supported by other German ministries, such as the *Bundesministerium für Familie, Senioren, Frauen und Jugend* (BMFSFJ, Federal Minister for Families, Seniors, Women, and Youth). The Amadeu-Antonio-Stiftung and Gesicht Zeigen! are independent anti-racist organizations with ties to and financing from different federal ministries, local governments, and private entities.

The "Task Force Ergebnis Paper," released on December 15, 2015 (BMJV 2015b), laid out certain guidelines to help monitor and remove online hate speech that participating companies agree to follow. The provisions called for the companies involved in the task force to provide user-friendly mechanisms for the transmission of complaints, to review such complaints, and to remove offending content within 24 hours.

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[125] See the rubric "Die Initiative" subsection, "Wer definiert, welche Äußerungen rechtswidrige „Hate Speech" sind?": "Weder das Bundesministerium der Justiz und für Verbraucherschutz noch die Task Force prüfen, ob konkrete Inhalte gegen Gesetze – z. B. § 130 StGB - verstoßen und entscheiden daher auch nicht über die Entfernung von rechtswidrigen Inhalten.

Diese Prüfung führen die in der Task Force vertretenen Unternehmen vielmehr in eigener Verantwortung und in eigener Zuständigkeit durch. Die Unternehmen haben zugesagt, hasserfüllte Inhalte und Aufstachelung zu Gewalt einerseits auf ihre Gemeinschaftsrichtlinien ("Community Standards") hin und andererseits auf Grundlage des deutschen Rechts, insbesondere § 130 StGB (Volksverhetzung), zu überprüfen, sobald sie ihnen konkrete Inhalte dieser Art gemeldet worden sind" (BMJV 2017e).

Companies would make sure that users were aware of flagging procedures and what type of content should be flagged. The companies also agreed to work with law enforcement and to pass on illegal content for investigation. Companies would work with the civil society organizations and legal experts to come-up with guidelines to help them deal with the hate speech. Some social media companies also agreed to give the status of "trusted reporter" to the civil society organizations that were part of the task force to help expedite the flagging process (BMJV 2015b). The task force thus established a form of monitoring system, conducted by the online social network companies themselves and with the help of the civil society organizations that are part of the task force, the goal of which was to encourage users to flag material. As the paper argued: "Especially important are the numerous users who also show civil courage on the internet and step up against hate messages" (BMJV 2015b, 3).[126]

It is important to ask, at this point, what concept of hate speech the task force used when monitoring online hate speech. The BMJV admitted that there was no fixed definition of hate speech, but indicated that German law covers this concept, especially §130 (BMJV 2017e). As discussed in previous chapters, §130 of the German Criminal Code refers to assaults on 'human dignity' and prohibits incitement to hatred, or *Volksverhetzung*. The *Fair im Netz* website also, when defining the concept of hate speech, reiterated the point that the program only sought to target hate speech that was illegal.[127] However, as already mentioned, social media companies were the ones responsible for deleting offending content in accordance with both German law and their community guidelines. In this way, the deletion of content was left open to an extra-legal body that could use as broad a concept of hate speech as it wanted regardless of whether or not the content was illegal.

Concerning the community guidelines, 2015 was an important year as two of the big three social media companies, namely Facebook and Twitter, unveiled new community guidelines to deal with hate speech, while YouTube already had such provisions. In changes announced on March 15, 2015, Facebook formalized practices

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[126] "Besonders wichtig sind die zahlreichen Nutzer, die auch im Internet Zivilcourage zeigen und gegen Hassbotschaften eintreten." My translation.
[127] As they say in the rubric "Was ist Hate Speech," "Im Rahmen der Task Force geht es nur um solche Formen von Hate Speech, die gegen Gesetze verstoßen, insbesondere gegen Paragraphen des Strafgesetzbuchs (StGB)." (BMJV 2017e)

towards hate speech that it claimed had already been a part of its platform (Bickert and Sonderby 2015). In the new guidelines Facebook announced: "Facebook removes hate speech, which includes content that directly attacks people based on their: race, ethnicity, national origin, religious affiliation, sexual orientation, sex-gender-or gender identity, or serious disabilities or diseases. Organizations and people dedicated to promoting hatred against these protected groups are not allowed a presence on Facebook" (Facebook 2017c). In 2015 Twitter took steps to modify its community guidelines to combat hate speech (Gadde 2015), before announcing formal changes at the end of December 2015 (Twitter 2015). The new rules sought to ban "hateful conduct," which included promoting "violence against or directly attack[ing] or threaten[ing] other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or disease." As examples it listed "violent threats," wishes for the physical harm of individuals or groups, "behavior that incites fear about a protected group, and repeated and/or or non-consensual slurs, epithets, racist and sexist tropes, or other content that degrades someone" (Twitter 2017a). YouTube's community guidelines said that it did not tolerate hate speech, which it defined as: "content that promotes violence against or has the primary purpose of inciting hatred against individuals or groups based on certain attributes, such as: Race or ethnic origin, Religion, Disability, Gender, Age, Veteran status, Sexual orientation/gender identity" (YouTube Help 2017). These community guidelines roughly correspond to §130 of the German Criminal Code, although the initiative to reform community guidelines had occurred independently of the *Fair im Netz* program. The companies furthermore framed these guidelines in a general way, such that they could potentially lend themselves to a broad, and at times subjective, interpretation, i.e. one's interpretation of the difference between hate speech and legally allowable political speech could vary greatly.

To give an example of how broad the concept of hate speech can be, one can look at the definition that task force member Amadeu Antonio Stiftung (AAS) provided. In a pamphlet the group published in June 2016 entitled *Hate Speech against Refugees in Social Media*, they argue that "racist hate speech" includes "[c]ontrasting 'us' and 'them,'" using terms such as "economic migrant," saying the *Lügenpress* (lying press, or Fake News) "never tells the truth," "[c]ultural racism ('They simply don't fit in here'),"

"(Nationalistic) relativizations: what about 'our' children / homeless, etc.?," and saying things such as "[s]oon we'll feel like strangers in our own country / 'our way of life is doomed'" (Dinar et al. 2016, 5). Such a concept of hate speech goes well beyond the legal definition and extends to statements of opinion or sentiment that can be broadly associated with mainstream conservative thought, nationalist and populist movements, or just about anyone critical of the government's handling of the Refugee Crisis.

The issue concerning the *Fair im Netz* program was that both the flagging and the removal of content lay outside the realm of the legal framework. It relied on the engagement of civil society to police what was acceptable content and allowed private companies to enforce their own guidelines. This aspect of the program was not lost on activists, including those at the AAS. Directly after explaining this concept of hate speech, the above-mentioned pamphlet explains to readers how the flagging mechanism works on social media and how to file a criminal complaint with the police. The pamphlet encourages readers to report offensive speech, both on social media and to the police, arguing in the case of filing a criminal complaint that "even if you're not quite sure: **it's better to file one complaint too many than one too few**" (Dinar et al. 2016, 7). By casting as wide a net as possible, such activists hoped to remove as much content as possible that they found disagreeable.

Thus, the extent to which social media companies or parts of civil society were complicit in this understanding of hate speech, the *Fair im Netz* program was liable to become a political tool used to silence critics of mass immigration and Merkel's decision to allow over one million asylum seekers into Germany in 2015. It is already clear from Maas' comments that, contrary to the claims from the BMJV that the program did not single out any part of society the architects of the *Fair im Netz* created it primarily to target the speech of nationalists and populists. The structure of the program and the manifest contempt for the AfD and PEGIDA displayed by the prominent politician at its helm opened the door for activists and other lay members of German society, and/or those working in the social media companies themselves, to silence opposing views and push a political agenda by seeking out and flagging as much content as they could, since the more they flagged a piece of content, the more likely social media companies were to remove it.

Effects of the program

Since the task force came into being, the online social networks involved have been active in removing flagged content. While there are few statistics on how many messages were removed, Richard Allan, the European Political Director for Facebook, revealed that Facebook had removed 100,000 posts in Germany in the month of September 2016 alone (Zeit Online 2016b). Regarding the conditions under which social media companies deleted the content, a December 2016 report from the *Süddeutsche Zeitung* looked at the working conditions of Facebook's Berlin *Löschteam* (Delete Team), which the company Arvato operated. The report revealed that there were more than 600 people from different countries, many of whom did not speak German, working on deleting content. The rules over how to decide what content to delete, essentially what freedom of speech constituted, were defined by Facebook, strictly enforced, and closely held secrets. The salary was minimum wage, and the workers were over-worked, with low-level workers examining 2000 posts a day, and higher-level workers, who also review videos, only having around 8 seconds for each case (Krause and Grassegger 2016). In such conditions it is difficult to imagine that content can be given fair treatment or that any regularity in what is deleted and what is allowed can be maintained, to say nothing of the lack of transparency concerning the deletion rules and the potential political bias therein.

Beginning with the *Fair im Netz* program, there was also an increase in requests from the German government to delete posts that contained illegal content. This can be ascertained by looking at social media companies' government request reports, which document the instances when a court, the police, a government agency, or some other verified organization demands information from a user or requests to block illegal content (Facebook 2017a; Twitter 2017c). These reports, however, do not provide a good glimpse of the scale of blocking, since they concern only those instances where criminal prosecution resulted. The NetzDG, by contrast, requires social media platforms to publish comprehensive reports on their blocking efforts. Such reports are available for 2018 and I will discuss them below. Nevertheless, the number of such incidents in these early reports remains in the dozens or hundreds depending on the company. Generally, one notes an

increase from 2015 to 2017 on all platforms (Facebook 2014a, 2014b, 2015a, 2015b, 2016a, 2016b, 2017a; Twitter 2017b, 2017c; Google 2017). Overall, they reveal a German government more proactive in policing the Internet, seeking out illegal content and prosecuting offenses.

There were several cases of prosecution against Internet content that caught the attention of the media and mobilized outrage over the program. One such case involves a local farmer, Toni Pahlig, in the area of Coswig, Saxony. In the summer of 2015, two refugees from a nearby refugee center stole and slaughtered several of Pahlig's sheep directly in the field. Pahlig reported the crimes to the police, who after a preliminary investigation dropped charges against both suspects on the grounds of insufficient evidence for one suspect, and in order to prosecute the other for more serious charges of 'mayhem' (*Körperverletzung*) stemming from a different case (Schilz 2017). Pahlig then went on Facebook to say: "They even considered closing the Real [a supermarket near where the refugees were housed] for these dirty people" (Müller 2017a).[128] An internet investigator (*Internet-Ermittler*) from the police saw the post and charged Pahlig with the crime of *Volksverhetzung*, due to his use of the word "*Drecksvolk*" (Schilz 2017). Pahlig was ordered to pay a fine of €1350 (Müller 2017a), which he refused to do, leading the case to go to trial in May 2017. Pahlig's lawyer argued that he wrote his post out of anger at the situation, and that he did not mean all refugees or foreigners, but only those who had committed the crimes against him. For this reason, the charge of *Volksverhetzung* did not apply (Mitteldeutscher Rundfunk 2017). The judge agreed and acquitted Pahlig of the fine, although the prosecution has ordered a review of the case and the case remains pending (Müller 2017b; 2018). The case attracted a good deal of attention in the area and Pahlig had support from local citizens, with 150 showing up on his behalf at the trial (Müller 2017b). Local residents also wrote letters critical of the prosecution to the local newspaper *Sächsische Zeitung*, and debated the issue on the *Sächsische Zeitung*'s Facebook site, with some worrying about the precedent the trial set, and others calling the trial an act of intimidation on the part of the state (Müller 2018). The support and attention that Pahlig's case received indicates the extent to which many in German society saw the crack down on hate speech as hyper-politicized.

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[128] "Sie überlegen sogar, den Real eher zu schließen wegen dem Drecksvolk." My translation.

Another case in which Facebook content led to a prosecution occurred in Vierkirchen, Bavaria. There, in July 2016, the *Amtsgericht* (district court) in Dachau heard a case against a young couple. They had started a Facebook group called *die Gruppe AFB (Anti Flüchtlings Bewegung)* (Anti-Refugee Movement). The group was private and had attracted 900 members in two months. However, a private user with different political views discovered the group and reported it to the police in Lübeck, a city in the north of Germany. The case was transferred back to Bavaria after investigators discovered that someone affiliated with the group was using a computer in that region. The group had a German flag as a symbol and had the following foundational idea: "The war and economic refugees are flooding our country. They bring terrorism, fear, suffering. They rape our women and endanger our children. It must come to an end!"[129] The defendant argued that he only wanted to create a space where people could speak openly about refugees and said that he deleted any content that had a radical right-wing (*rechtsradikale*) bent. He also protested against what he perceived to be the climate of harassment and intimidation in Germany, saying, "One cannot ever be even a little bit critical when it comes to refugees, without immediately being labeled a Nazi."[130] The couple was charged with *Volksverhetzung* under §130 and the judge found that the presence of the German flag was evidence of the right-wing extremist nature of the group. The husband was given to a nine-month suspended prison sentence and probation, while the wife was fined €1200. The judge added that if the couple engaged in such activities again they would go straight to prison (Ritter 2016).

Another instance involved activist and journalist Michael Stürzenberger, who writes for the news and political commentary website *Politically Incorrect News*, whose political orientation one could describe as *neue Rechte*[131]. On June 5, 2016, Stürzenberger posted on Facebook and *Politically Incorrect* a response to a *Süddeutsche Zeitung* (Steinke 2016) article that discussed the historical relationship between National

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[129] "Die Kriegs- und Wirtschaftsflüchtlinge überschwemmen unser Land. Sie bringen Terror, Angst, Leid. Sie vergewaltigen unsere Frauen und bringen unsere Kinder in Gefahr. Setzt dem ein Ende!" My translation.

[130] "Man kann sich ja nicht mal ein bisschen kritisch zum Thema Flüchlinge äußern, ohne gleich einen Nazi-Stempel aufgedrückt zu bekommen." My translation.

[131] *Neue Rechte* is a term that is impossible to translate into English, but that generally sits somewhere between mainstream conservative and far-right wing thought. I will discuss this concept in detail in chapters 8 and 9.

Socialism and Islam, and that argued that the relationship consisted of little meaningful engagement and was mostly for the purposes of propaganda. Stürzenberger argued that the *Süddeutsche Zeitung* had overlooked the ideological similarities between Nazi doctrine and Islamic teaching, calling Islam a fascist ideology. He noted that these similarities had been mentioned by prominent politicians such as Winston Churchill and quite recently the Bavarian Minister of the Interior Joachim Herrmann of the CSU party.[132] Stürzenberger also referred to the book *Der islamische Faschismus* by Hamed Abdel-Samad, an Egyptian born German ex-Muslim political scientist. It is also interesting to note that in March 2016 police brought in and interrogated Abdel-Samad on the grounds of *Volksverhetzung* after receiving a complaint about Abdel-Samad's designation of Mohamed as a "Massenmörder und krankhaften Tyrann" (mass murderer and diseased tyrant) in another of his works. Many individuals denounced this measure as an infringement of freedom of speech, including the well-known historian Michael Wolffsohn (Wolffsohn 2016). In his post, Stürzenberger also noted that *Mein Kampf* was a best seller in many Muslim countries and in the article included several historical images of Nazi party members meeting with the Great Mufti of Jerusalem Amin Al-Hesseini. The *Süddeutsche Zeitung* used some of these same images, as well as other images showing the way Nazi paraphernalia was combined with Islamic imagery (Stürzenberger 2016).

  As a result of his post, the Munich District Court began an initial process against Stürzenberger that concluded in August 2017. The judge ruled that because Stürzenberger had used a photo on which a Nazi swastika was visible on an armband of an official, he was guilty of violating §86 of the criminal code, or of spreading propaganda from an unconstitutional organization.

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[132] In a speech given in May 2016, Hermann compared the ideology of the Islamic State to Adold Hitler's *Mein Kampf* (Pfaffenhofen-today.de 2016).

Screen capture of Stürzenberger's Facebook Post, including the image for which the Munich District Court found him guilty of violating §86 of the German Criminal Code, or spreading propaganda material from an unconstitutional organization (Stürzenberger 2017).

The judge added that because a "fleeting" (*flüchtige*) reader would not be able to recognize that the post was about a historical theme, Stürzenbeger's post amounted to "incitement against Islam" (*Hetze gegen den Islam*) (Info Direkt 2017). The judge subsequently gave him a 6-month suspended prison sentence, with the possibility of three and a half years probation, which would essentially prevent him from engaging in his professional activities during this time (Müller 2017c).

It is of course important to note that according to §86 (3) of the Criminal Code, the law does not apply to those who discuss such propaganda material in an artistic or educational way or to report on "current or historical events," and following §86 (2) the

law only applies to propaganda material whose use disturbs the "free democratic constitutional order" (BMJV Criminal Code, §86) indicating how the judge interpreted the application of the law. It is furthermore important to note that Stürzenberger was acquitted of similar charges in 2013, after police arrested him and two others during a protest in Munich in 2011 for holding a placard showing the image of Heinrich Himmler next to a quote from Himmler praising Islam (Kastner 2013). Stürzenberger's situation led to outrage in Germany and abroad. The government of Poland, for example, led by the PiS (Law and Justice) party, filed a motion in September 2017 with the Council of Europe to discuss the state of freedom of expression in Germany (Samarina 2017).

After the initial verdict, Stürzenberger appealed the decision and filed charges against the judge for insult (*Beleidigung*) and perversion of justice (*Rechtsbeugnung*) (Info Direkt 2017). The appeal went to trial and on December 5, 2017, the Regional Court in Munich acquitted him on all charges and agreed with Stürzenberger that his article was covered under §86 (3) of the Criminal Code (Thoma 2017).

That the *Fair im Netz* program had a political bias, and that the prosecution or deletion of social media content constituted censorship was of course a common critique. A prominent German lawyer Joachim Steinhöffel, for example, was a close observer of Facebook's content deletion, and created a website that beginning in August 2016 documented the contradictory and in his opinion politically motivated instances of content deletion. In one interview, he noted that Facebook allowed blatantly anti-Semitic insults to remain after being reported, while Facebook banned for a week users who had called the niqab, the full-body Islamic covering worn by women, a "cloth bag" or who had made a pun about the burka by cutting a small line into a cucumber and calling it a "Gurka" (the German word for cucumber is *Gurke*). He argued that on some issues there was acute sensitivity and pressure to suppress certain narratives: "This happens in cases where migration policy is criticized, when the resettlement of refugees in Germany is questioned, as well as when conservative positions are expressed" (Sputnik News 2016).

Other segments of the German population, particularly on the right, were also very critical of the *Fair im Netz* program. A good example of the outrage over the program came after the AAS published in June 2016 the aforementioned pamphlet *Hate Speech against Refugees in Social Media*. For months critics had labeled the AAS as the

new 'Facebook-Stasi,' in part due to the fact that the founder and head of the AAS, Anetta Kahane, had previously worked for the Stasi in the communist German Democratic Republic (Jansen 2016). After the AAS published the manual, they experienced a *Shitstorm*, to use a word imported into German. For weeks, after the institution received hate email and negative comments on their Facebook page, including death threats and threats of violence. A satirical emission in early July, produced for the German public broadcaster *Zweites Deutsches Fernsehen* (ZDF) program "Hallo Deutschland," in which journalist Achim Winter pokes fun at the wide-ranging concept of hate speech presented by the AAS, only made things worse. In response the AAS demanded that the ZDF remove the clip from their media library (Meisner 2016a). Criticism came from other media outlets as well. Don Alphonso, a blogger from the *Frankfurter Allgemeine Zeitung*, criticized the AAS in a post with a title saying that Turkish despots would be envious of Germany's new censorship regime (Alphonso 2016). Conservative media, such as the weekly *Junge Freiheit* and the blog *Tichys Einblick*, ran several critical pieces about the AAS, its pamphlet, and the *Fair im Netz* program generally. Some of these pieces again compared the situation in contemporary Germany to that of East Germany under the Stasi (Krautkrämer 2016; Tichy 2016; Röhl 2016). The *neue Rechte* publication *Compact Magazine* had on the front page of their July 2016 edition a photo of Heiko Maas in a military uniform with a Facebook logo as a kind of uniform decal and criticized the minister's actions as a new form of totalitarianism. The AAS and the *Fair im Netz* program also came under fire from several politicians. For example, CDU Bundestag representative Philipp Lengsfeld spoke in a tweet on July 16 of "SocialMedia-Stasi" (Meisner 2016a), while the AfD in Thüringen filed a petition in the regional parliament entitled "Keine 'Stasi 2.0' für Thüringen," in which it sought to prevent any cooperation between the Thüringen regional government and the AAS (AfD-Fraktion Thüringen 2016).

The response to the AAS's manual was not completely negative. Many citizens and organizations were thankful and supportive of the AAS's efforts. Of special interest was the response of different government agencies. For example, as part of its *Demokratie Leben!* program, the BMFSJF financed in part the manual in question. On July 4, 2016, the *Bundeskriminalamt* (BKA, Federal Criminal Police Office), which is

directed by the BMI, tweeted out its support of the brochure, calling it *lesenswert* (worth reading) and including a link to download it (BKA 2016a):

The BMI also demonstrated its support in a series of tweets. In a tweet on June 27, 2016, containing a link to download the brochure, the BMI recommended its followers download and read the manual, saying "Act instead of watch! Amadeu Antonio shows what you can do against incitement on the internet" (BMI 2016a):

 In response to criticism of its endorsement, the BMI on July 6, in an attempt to shame or ridicule, collected several critical tweets, one of which made reference to the Stasi and another to the establishment of a "Ministry of Truth," and re-tweeted them in an image

capture with the statement: "After sharing a brochure against hate speech, we received many comments. Here are a few 'nice' examples" (BMI 2016b):[133]

In the same twitter chain the BMI argues that it found the tips in the brochure useful, and that it wanted to make people aware of the issue. In a different tweet in the same chain, it contends that it did not mean to ridicule or shame anyone, only to show people what reaction it had received (BMI 2016b). In another tweet on July 28, 2016 the BMI stated: "We speak out against hate speech, whether or not it is illegal. Everyone may express their opinion, but factually and without attacks" (BMI 2016c):

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[133] "Nach dem Teilen einer Broschüre gegen #hatespeech erhielten wir viele Kommentare. Ein paar 'schöne' Beispiele." My translation.

Bundesministerium des Innern ✔
@BMI_Bund

Replying to **@430_BC**

Wir sprechen uns gegen Hatespeech aus, egal ob strafbar oder nicht. Jeder darf seine Meinung äußern, aber sachlich & ohne Angriffe.

6:00 AM - 28 Jul 2016

The last tweet is especially interesting due to the BMI's status in the German legal system. It oversees the BKA, which is responsible for ensuring the application of criminal law in the country, and the BfV, which observes groups that undermine German democracy. Thus, many federal agencies, particularly those in charge of enforcing the law, endorsed measures aimed at fighting hate speech, even if the speech was completely legal. It is remarkable that those institutions tasked with administering criminal justice in Germany would adopt such a position and do so publicly. Given the political nature of the definition of hate speech put forth by the AAS, and given these endorsements, it is easy to understand why many questioned the impartiality not only of the *Fair im Netz* program, but also of other government agencies.

Within this context, the BMI, BfV, and BKA undertook separate, well-publicized actions to fight against online hate speech. In January 2016, Interior Minister de Mazière shut down a neo-Nazi website *Altermedia Deutschland*, which contained "racist, xenophobic, anti-Semitic, homophobic, and islamophobic content" (De Mazière 2016a).[134] The website, known to authorities since 1999, was being monitored by the BfV and the BKA (BfV 2016b). De Mazière called the action a strong signal that the "rule of law" (*Rechtsstaat*) would not tolerate "hate criminality" (*hasskriminalität*), and that the German state was active in punishing online right-wing hate speech (De Mazière 2016a). On July 13, 2016, there was an *Aktionstag gegen Hasspostings*, in which police in 14 regions searched the homes of 60 individuals suspected of engaging in online hate speech. The BKA led the action as part of their *Bekämpfung von Hasspostings* (Fight against Hate Posts) project, which began in December 2015 and was aimed against

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[134] "rassistische, ausländerfeindliche, antisemitische, homophobe und islamfeindliche Inhalte." My translation.

"*Verbalradikalismus*" (verbal radicalization). The action was directed against users violating §86a and §130 of the Criminal Code and focused on a secret Facebook group in which users shared pro-Nazi and xenophobic material. The BKA stated that the action should sensitize citizens to right-wing hate speech and encouraged them to report such activities to the police. In his comments, BKA president Holger Münch evoked the Refugee Crisis, and said, "hate criminality on the internet should not be allowed to poison the social climate" (BKA 2016b).[135] Maas and de Mazière celebrated the action, with Maas saying that the decision would make people think twice before posting things on the internet (Maas 2016f),[136] while de Mazière said that it would spur individuals to come to the police with information on hate speech (De Mazière 2016b).

Overall, crime statistics show that in 2015 there was a large spike in individuals prosecuted for hate crimes. This is evident from an analysis of national crime statistics done by the BMI. Hate crimes rose from 5,858 in 2014 to 10,373 in 2015, with the largest rise being in xenophobic (*fremdenfeindlichen*) crimes, from 3,945 in 2014 to 8,529 in 2015. According to the BMI, prosecutions against "*Hasspostings*" on the internet also rose significantly from 1,119 in 2014, to 3,084 in 2015, or a 176% increase. The vast majority of the prosecutions (2.261) were on the grounds of *Volksverhetzung*, which implies §130 of the Criminal Code (BMI 2016d). In 2016, the numbers remained roughly the same. Hate crimes stood at 10,751 and xenophobic crimes at 8.983, while 3,177 cases of *Hasspostings* were prosecuted, of which 2,279 were for *Volksverhetzung* (BMI 2017).

The Netzwerkdurchsetzungsgesetz

Despite these efforts, Maas and the BMJV wanted to see for themselves how the *Fair im Netz* program was working. To test the efficiency of the program jugendschutz.net conducted a series of tests in conjunction with the BMJV and the BMFSFJ in the summer of 2016. For the test, jugendschutz.net flagged between 180 and 300 pieces of content on each of the big three social media companies—Facebook,

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[135] "Die Hasskriminalität im Netz darf nicht das gesellschaftliche Klima vergiften." My translation.
[136] "Ich begrüße den heutigen 'Aktionstag gegen Hasspostings'. Das entschlossene Vorgehen der Ermittlungsbehörden sollte jedem zu denken geben, bevor er bei Facebook in die Tasten haut." My translation.

Twitter, and YouTube—that violated §130 and §86a of the Criminal Code, or that were dangerous to minors. They flagged content first as regular users to see how much content social media companies would remove within one week. The remaining content would then, following the same procedure, be flagged by a trusted, "accredited" (*akkreditierter*) user (the 'fast track' option only available with YouTube and Twitter), before jugendschutz.net would contact the company directly by email or use a special flagging function that would give their flag priority. During the tests, Facebook was the most responsive to standard user flagging, removing 45% of offending content, YouTube removing 9%, and Twitter 1%. With the fast track option, YouTube removed 35% and Twitter removed 75% of the remaining content. When jugendschutz.net directly contacted the companies, Facebook removed 80%, YouTube 92%, and Twitter 25% of the remaining content. In total, Facebook removed 91%, YouTube 98%, and Twitter 82% of the flagged material. None of the companies had succeeded in adhering to the guidelines established by the Task Force to delete most content within 24 hours of being flagged (Jugendschutz.net 2016). When the results were announced on September 26, 2016, both Maas and Manuela Schwesig, head of the BMFSFJ, said the situation could and should be improved; companies did not remove nearly enough content flagged by regular users, and did not do so quickly enough (BMJV 2016). Following the test, Maas and the BMJV continued to apply pressure on social media companies, and in December 2016, Maas, among other politicians, threatened Facebook with large fines if they did not do more to remove offending content within 24 hours (Roßmann 2016).

Jugendschutz.net conducted a second round of tests at the behest of the BMJV and BMFSFJ in January and February 2017. Using the same methodology as before, Facebook deleted content flagged by a standard user 39%, YouTube 90%, and Twitter 1% (Jugendschutz.net 2017a). YouTube deleted 74% (Jugendschutz.net 2017c) and Twitter 64% (Jugendschutz.net 2017b) of content flagged with the fast track option. When directly contacted, Facebook deleted 89% of the remaining content, Twitter 100% (Jugendschutz.net 2017d), and YouTube 100%. Combining all three flagging methods, Facebook deleted 93% of offending content, while YouTube and Twitter deleted 100%. Of the three, YouTube was the only company to follow the initial guidelines set by the Task Force, deleting most of the content within 24 hours (Jugendschutz.net 2017a).

When the results were announced on March 14, 2017, Maas and Schwesig reacted with disappointment. Maas singled out the lack of attention to the deletion of content flagged by users saying, "social networks as before delete too little punishable (*strafbare*) content that users flag and send them," while Schwesig argued that hate and incitement (*Hetze*) were dangers to German society and needed to be met with consequences (BMJV 2017a).[137] The results of the test by jugendschutz.net were also the pretext for Maas to announce new measures to put more pressure on social media companies to delete offending content, to which we now turn.

The Netzwerkdurchsetzungsgesetz

On March 14, 2017, Maas announced the creation of a new draft law, the *Netzwerkdurchsetzungsgesetz* (NetzDG), which in many ways was an attempt to codify into law the *Fair im Netz* program guidelines. The original impetus for the law was bipartisan. The CDU published a position paper on January 24, 2017, calling for more action against online hate speech. In the position paper, the party recognized that online hate speech and fake news were a problem that had become acute due to social media. It called for a "moderate strengthening of the relevant regulations in the Telemedia law (*Telemediengesetz*) and in criminal and civil law" (CDU Fraktion 2017).[138] The leader of the CDU parliamentary group, Volker Kauder, also put pressure on Heiko Maas. In the months before the announcement of the NetzDG, he criticized Maas and pushed him to be more aggressive in his approach to the problem. In November 2016, for example, he argued that social media networks had "for years blatantly neglected their legal obligations" and insisted on tighter regulations (Tagesspiegel 2016).[139] In March 2017, Kauder lamented the fact that Maas had not yet proposed any new laws against online hate speech and urged the minister to propose concrete actions in this area (Nelles 2017). The SPD also released a position paper on March 7, 2017. Its position paper recognized the rise of online hate speech and fake news as an important problem and called for a new

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[137] "Soziale Netzwerke löschen nach wie vor zu wenig strafbare Inhalte, die ihnen von Nutzerinnen und Nutzern gemeldet werden," My translation.
[138] "Wir setzen uns für eine maßvolle Verschärfung der einschlägigen Vorschriften im Telemediengesetz, im Straf- und Zivilrecht ein." My translation.
[139] "über Jahre ihre gesetzlichen Pflichten eklatant vernachlässigt." My translation.

"regulatory framework" (*Regulierungsrahmen*) as well as more engagement from civil society (SPD Bundestags Fraktion 2017). Of course, the final law did not implement all the suggestions of the position papers. Though the media and detractors portrayed Heiko Maas as the man solely responsible for the law, there was great pressure on Maas from Germany's two main political parties to act more forcefully against online hate speech.

The basics of the law as initially proposed would apply to internet social media companies with over two million users operating within Germany and would put enormous pressure on these companies to delete offending content by threatening the company executives with fines up to €5 million, and the companies themselves with fines up to €50 million.[140] The companies would have 24 hours to delete egregious cases, and up to 7 days to delete content that was in more of a grey area. Importantly, the law would also cover cases of illegal "Fake News" and require companies to remove this content as well. The NetzDG would not create any new laws concerning what type of speech was illegal but would only apply more pressure on companies to delete content that breaks laws already found in the criminal code. The NetzDG applied to the laws covered essentially by the *Fair im Netz* program, such as §86 (spreading propaganda for unconstitutional political parties), §130 (Volksverhetzung), §185 (Insults), and §241 (Threats) (BMJV 2017b).[141] The companies would be notified of offending content by user-flagging, meaning that normal users would be able to report offending content to the companies that would then make a decision on whether to delete it. Following the law, the social networks would be required to include a flagging mechanism for users that would allow them to flag offensive content.

Between the time Maas proposed the law and its final form on June 30, 2017, the BMJV made several important changes. One important revision would lighten the mechanism by which the potential €50 million fine would be levied. Rather than imposing a fine of €50 million after the first offense, companies would be allowed to

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[140] §4 (2) mentions fines of up to 5 million euros, but states that Section 30(2) sentence 3 of the Act on Regulatory Offences (Gesetz über Ordnungswidrigkeiten) applies. This sentence reads: "Verweist das Gesetz auf diese Vorschrift˙ so verzehnfacht sich das Höchstmaß der Geldbuße nach Satz 2 für die im Gesetz bezeichneten Tatbestände" (OWiG §30). This means that the fine of five million mentioned in the NetzDG can be multiplied tenfold to fifty million Euros. The OWiG also permits the prosecution of individuals within the companies responsible for non-compliance.

[141] A complete list of laws in the original proposal is as follows: §§ 86, 86a, 90, 90a, 111, 126, 130, 140, 166, 185, 186, 187, 241 and 269.

make mistakes and be given breathing room, as "a cautious application of the administration of fines" was recommended "to protect freedom of expression" (BMJV 2017d, 26).[142] The law abandoned a controversial content upload filter, which would use the digital fingerprints of already deleted content to prevent that content from being uploaded.[143] The list of crimes added to the law also increased to include, for example, laws against pornography and laws against conspiring to commit crimes or partake in terroristic activities (Reuter 2017a). The law also raised serious privacy concerns as at one point it proposed to change §14 of the *Telemediengesetz* to allow private users to ask social media companies the identity of users who had, for instance, defamed them, without needing to go to a court first (Reuter 2017a). In the final draft, however, the NetzDG required authorization of a court before a social media company could release any personal information (Bundestag 2017, §2).

In reaction to the law, the NetzDG received support from the SPD's coalition partner, the CDU/CSU. In a press statement Elisabeth Winkelmeier-Becker, the CDU-CSU parliamentary group's legal policy advisor in the Bundestag, called the draft law "a first, small step in the right direction," but said that much more needed to be done, and that Maas was to blame for acting too slowly on this issue (Winkelmeier-Becker 2017).[144] Manuela Schwesig, also welcomed the law (SDZ 2017). While many outside the government welcomed the initiative on principle, criticisms of the law were almost endless, coming from lawyers, NGOs, rights advocacy groups, citizens, social media companies, and even the organizations on the *Fair im Netz* Task Force.

One of the main issues with the law was how it phrased what content should be deleted. As the lawyer Niko Härting pointed out, the law works against "*rechtswidrige Inhalte*" (illegal content, or content contrary to the law), rather than "*strafbare Inhalte*" (punishable content). The difference concerns intent, as many cases dealing with punishable content are dropped due to the inability to determine a criminal motive. Yet, when dealing with illegal content, motive is not taken into consideration, meaning that targeting illegal content would lead to a significant expansion of the law's scope of

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[142] As reported by Beuth (2017). "ein behutsames Vorgehen der Bußgeldbehörde"/ "Zum Schutz der Meinungsfreiheit." My translation.
[143] Comparison of section "'Zu §4'-'Zu Nummer 2' of the proposed law from March 14 and April 4. As reported by Zydatiss (2017) and Reinbold (2017).
[144] "ein erster, kleiner Schritt in die richtige Richtung." My translation.

application. The other issue was that there were a number of laws, or "*Strafnormen*" (criminal standards), that could be applied to the malleable concept of hate speech and fake news and used as grounds to remove content, widening further the scope of application of the law (Härting 2017). Facebook (Facebook 2017b, 10), YouTube via Google (Google, YouTube 2017, 19), and the AAS (Amadeu Antonio Stiftung 2017) all raised concerns on this point in their comment on the law, criticizing its wide application.

Combined with this problematic concept of '*rechtswidrig*' was the short amount of time given to review content as well as the stiff penalties for non-compliance. The short window would lead companies to delete flagged content almost immediately out of fear of receiving a fine. This situation would lead to "overblocking," or the removal of far too much content from the platforms, much of which would be perfectly legal. In this way, the law would pose a threat to freedom of speech on the internet. These points were made not only by those associated with the *Fair im Netz* Task Force, such as social media companies (Facebook 2017b; Google, YouTube 2017), the AAS (Antonio Amadeu Stiftung 2017), Gesicht Zeigen (Gesicht Zeigen 2017), and the ECO Verbrand (Eco Verbrand der Internetwirtschaft 2017), but also by independent observers. The United Nations criticized the law on these grounds (Kaye 2017), as did BitKom (Bitkom 2017, 6), the Digitale Gesellschaft (Digitale Gesellschaft, 2), as well as a number of prominent lawyers and organizations such as the *Deutscher Journalisten Verbrand* and the Freiwillige Selbstkontrolle Multimedia-Diensteanbieter e.V., all of whom signed an open letter voicing their concern ("Deklaration für die Meinungsfreiheit" 2017). *Reporter Ohne Grenzen* (Reporters without Borders) had the same concerns, highlighting the vague terminology of the law, including the concepts of *Hasskriminalität* and *Falschnachrichten*. They further pointed out that such vaguely worded laws are often used in less democratic countries to suppress opposition parties and unfavorable journalism (Reporter ohne Grenzen 2017, 4-5).

Going a step further, the *Wissenschaftlicher Dienst*, a government institution that provides impartial information on specific topics to members of the *Bundestag*, on top of indicating all the above-mentioned problems, raised issues with the privatization of the legal process that the NetzDG implies. As it pointed out, Germany's Basic Law allows in article 19 paragraph 4 the right of recourse to a court of law to contest any infringement

of one's basic rights, including the basic right to freedom of expression. However, because the NetzDG outsourced the application of the law to private companies, if people wanted to contest the removal of content, they would need to file a grievance with the private social company. Since they would deal with a private company, individuals would only have recourse to civil law, leading to a limitation of their ability to defend their basic rights. Based on these grounds and also on the premise that the NetzDG would lead to overblocking and the removal of legal content, the *Wissenschaftlicher Dienst* concluded that the NetzDG was unconstitutional (Wissenschaftlicher Dienst 2017, 15-16). The UN and the AAS also raised issue with the privatization of the legal process. The UN noted the importance of having the law "applied by a body which is independent of any political, commercial, or unwarranted influences in a manner that is neither arbitrary nor discriminatory" (Kaye 2017, 4). The AAS echoed the sentiments of the *Wissenschaftlicher Dienst*, arguing that freedom of speech is a right that one must be able to defend first and foremost before the state, not private companies (Amadeu Antonio Stiftung 2017, 3).

Maas responded to a number of these critics in a Facebook post on May 18, 2017. He argued that the law was not a limitation of the freedom of speech because the law only dealt with illegal content. Such content did not constitute free speech, since "freedom of speech ends where criminal law begins."[145] Regarding the fear that private companies would essentially decide what content was to be allowed or not, he contended that social networks were already required to delete punishable content and that such decisions would be based on German law. The NetzDG would simply ensure that the law was finally enforced online. Maas was not worried about overblocking. This was due to the economic incentives of the companies, which would not want to delete too much content for fear of alienating too many of their users. In any case, the problem was not that social media companies deleted too much content, but rather that they did not delete enough. He also responded to those who asserted that it was the responsibility of the state - and not the social media networks - to act against hate speech. He agreed with these arguments but stressed that the social networks had an obligation to respect German law, without which the legal system would collapse. Maas ended his post by claiming again

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[145] "Die Meinungsfreiheit endet eben da, wo das Strafrecht beginnt.' My translation.

that the law was "not a limitation of free speech, but rather it strengthened and protected free speech against those who would harm it" (Maas 2017).[146] Such arguments of course did little to assuage the fears that Heiko Maas' initiatives in fighting hate speech were little more than an attempt by the state to censor speech critical of the government or of multiculturalism and immigration generally.

While the law caused debate and controversy in Germany, two polls taken in April and May 2017 indicated that the majority of Germans seemingly approved of the NetzDG. A Forsa poll from May showed that 80% of respondents agreed that there should be new laws to fight the spread of fake news (Forsa 2017). A poll by Yougov in April 2017 showed that 70% of respondents were in favor of the NetzDG, 21% were against, and 13% had no opinion (Yougov 2017). Maas also referred to the latter of these polls to rally public support behind the law (Maas 2017).

The proposal progressed through the legal system and eventually passed into law. On April 5, the *Bundeskabinett* approved the law following some modifications, while suggesting yet others (Mühlenmeier 2017). In June 2017, the European Union Commission gave the project a green light, although it did so in making several critiques (Briegleb 2017). On June 30, the *Bundestag* passed the bill (Reuter 2017b), and it finally came into effect as law on October 1, 2017 (BMJV 2017f).

While Germany was debating the law, the BMI and BKA conducted another "*Actiontag gegen Hass und Hetze im Netz*" on June 20, 2017. This time 36 homes were searched across Germany for their suspected participation in the posting of illegal online hate speech. BKA President Holger Münch commented on the action, "[o]ur free society may not allow a climate of fear, threats, punishable incitement, and violence to gain ground, neither on the streets nor on the internet" (BKA 2017).[147] Furthermore, in 2017 and 2018 the number of prosecuted incidents of online hate speech fell, as did the number of other hate crimes. In 2017 the number of cases of prosecuted *Hasspostings* stood at 2,270 and in 2018 at 1,472, with most prosecutions being for *Volksverhetzung*. At the same time, attacks on asylum centers dropped from 929 incidents in 2016, to 300 in 2017,

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[146] "deshalb ist unser Gesetzentwurf keine Beschränkung der Meinungsfreiheit, sondern er stärkt und er schützt sie gegenüber denen, die sie verletzen." My translation.

[147] "Unsere freie Gesellschaft darf sich ein Klima von Angst, Bedrohung, strafbarer Hetze, und Gewalt weder auf der Straße noch im Internet gefallen lassen." My translation.

to 169 in 2018 (BMI 2018, 2019). There is reason to doubt a causal connection between the actions of the German state against online hate speech and the drop in hate crime. As Green, McFalls, and Smith (2001) show, it is exceedingly difficult to establish a causal connection between ambient discourse and hate crime. As they argue, the only documented causal correlation has concerned statements of sympathy or understanding of violence by prominent politicians. One other study, which I will discuss more in detail in chapter 9, by Müller and Schwarz (2018), purports to show a correlation between online social media hate speech and hate crime. However, in their data graph, spikes of incidents of violence mostly *precede* spikes in online discourse about refugees, calling into question the causality of such discourse. Most likely, incidents of hate crime in Germany between 2015 and 2018 likely dropped as time went on and the controversy of the Refugee Crisis died down.

Importantly, the NetzDG requires social media companies to publish comprehensive reports regarding the removal of content. Reports for the year of 2018 give an idea of the efficacy of the law. In the reports, there are lists for complaints filed by users as well as those filed by a *Beschwerdestelle* (complaint bodies), or a group of trusted NGOs or other organizations, including prominently those that worked with the German government on the *Fair im Netz* program, such as ECO, jugendschutz.net, and the FSM. In 2018, Twitter reported 480,386 user complaints and 40,894 from the complaint bodies. These complaints resulted in Twitter taking "*Maßnahme*" (measures) to block or delete completely the content, in 51,180 instances, of which 49,116 were due to private user complaints. Of these instances, 16,127 concerned §130 (over 44 per day), with other prominent reasons being §185 (insult), or §111 (calls to commit illegal acts) (Twitter 2019a, 2019b). In 2018, YouTube received user complaints concerning 312,403 items (YouTube videos and user comments) and complaints from complaint bodies concerning 153,381 items, resulting in 112,941 cases of removal or blocking of the content, of which 81,070 were due to private user complaints. Of these, 44,739 (over 122 per day) were due to §130 ("hate speech or political extremism"), with the next highest number of cases being 23,329 for insults or defamation (Google 2019). Facebook's numbers were comparatively low. Including objections from users and complaint bodies, the total number of complaints was 1,386 identifying 2,752 pieces of content. Of these

complaints, there were 914 instances where Facebook deleted or blocked content, although this number is artificially inflated. This is because some content violated several laws at the same time, and in its table, Facebook lists every legal infraction, meaning one piece of content could be listed several times. Of the reasons content was blocked, §185 (insult) and §186 (defamation) were the most frequently used (Facebook 2019a, 2019b). Interestingly, the numbers in Facebook's report, unlike Twitter and YouTube, are comparable to the numbers in the reports from the years preceding the implementation of the NetzDG.

Analysis

What the preceding evidence demonstrates is the presence of a moral fact enacted at various levels of the German legal system. At the heart of this moral fact lies §1 of the German Basic Law: "Die Würde des Menschen ist unatastbar." This sentence lays the foundation for German democratic society, and for all successive moral claims, including moral obligations, moral ideals, and moral truths that are instituted to defend this society. Human dignity is inviolable. Therefore any speech that violates human dignity is not an opinion; it is not something that can be debated and justified in the public square; it is a punishable offense. The visible punishment of online hate speech via the *Fair im Netz* program and the NetzDG was thus indeed related to the defense of "something sacred" (Durkheim 1984 [1893], 56) and served to reassure those who shared these moral tenets that "the sentiments of the collectivity are still unchanged, that the communion of minds sharing the same beliefs remains absolute, and in this way the injury that the crime has inflicted upon society is made good" (Durkheim 1984 [1893], 63). In this sense the punishment was an important symbol of collective unity in the fight against hate speech. But this desire to protect the sacred object of human dignity has massive implications for political discourse. If hate speech is not an opinion, opponents can legitimately ban it from public discourse. Labeling speech as 'hate' thus becomes a powerful political tool, as doing so will render that speech suspect and remove its status as political speech. In Germany then, the moral truths and moral ideal discussed in the previous chapter helped determined the contours of public debate.

It is therefore important to examine those contours further. As already seen, the concept of hate speech used in the *Fair im Netz* program and the NetzDG includes the legal definition but goes beyond it as well. The BMI, BKA, BMJV, and BMFSFJ all endorsed a pamphlet with a very broad and contested understanding of hate speech. Indeed, the AAS brochure labeled as hate speech talking about the German 'us' or expressing the feeling of no longer feeling at home in one's country. One can conclude that from this perspective any mention of collective German identity is problematic and potentially immoral, and therefore punishable. If the punishment did not come in a legal form, then it was possible for it come in an extra-legal form, i.e., through private-user flagging and the removal of flagged content by private companies. Indeed, by privatizing the punishing mechanism, the *Fair im Netz* program and NetzDG gave the green light to the removal of legal content, giving the companies extra-legal power. At the same time, these initiatives gave the users and activists flagging content the ability to enforce a particular moral/political agenda, since especially with the NetzDG, the more that users flagged a comment, the higher the likelihood the social media company would remove it.

One can speak here of a digital Foucauldian panoptic. With the *Fair im Netz* and NetzDG, the government and social media companies instituted a system of surveillance and sanctioning concerning certain moral rules. In the realm of online social media, one makes public posts that anyone can see. Hence, one knows that one is seen. But because of the digital interface, one never knows when one is being observed, and one likewise never knows the identity of the panoptic observer; simultaneously, one is unsure if or when the disciplinary sanction will come. One thus has the impression of being under permanent observation. Due to the nature of these aspects of the disciplinary system, like the panoptic system Foucault (1975) describes, users internalize the mechanisms of discipline and self-observation, or self-censorship before they post, or even refrain from posting (and thus speaking) at all. Unlike the Foucauldian Panopticon, however, the digital system of observation is decentralized; there is no central observation tower, but rather millions of potential observers distributed throughout Germany (and the world), within the ranks of civil society as well as law enforcement agencies. Social media and the mechanisms of control it gives birth to have thus led to the rise of a new form of

surveillance and discipline in the digital age. The extent to which this (self-)surveillance inhibits speech remains an open empirical question that merits further research.

The porous understanding of hate speech, and its subsequent embrace by German government institutions, also led to an amalgam of truly extremist speech; for example neo-Nazi content, with conservative commentary or other voices critical of German refugee policies, immigration, or multiculturalism in general. If all these voices express hate speech, then they can all be grouped together under that label and swept aside simultaneously. One can thus argue that the *Fair im Netz* program and NetzDG helped expand the scope of what was morally unacceptable in German society, thereby expanding the scope of the punishing mechanism of the moral fact.

Part of this expansion is also related to the fight against the rise of right-wing populism in Germany, and fits into broader goals of the *Fair im Netz* program and NetzDG, which include the normalization and de-normalization of specific political discourses. Following a Durkheimian analysis, in Germany human dignity as a sacred object carries a moral authority that causes adherents to respect and to desire the moral obligations and truths that it commands. At issue is the status of the modern state, which is the ultimate guarantor of human dignity, as an externalized or enacted form of this moral fact. The state is thus granted legitimacy in dealing with these moral affairs. The endorsement of the fight against hate speech, including a very wide-ranging concept of hate speech, by important German federal agencies sent an important signal to German society. Clearly the German state has great material power, as it controls the legal system and can bend social media companies to its will. However, it also has a symbolic power that helped to normalize the fight against hate speech and to stigmatize or de-normalize right-wing populist discourses. Maas was very aware of this power and was keen on using it in order to create a 'climate of tolerance' where all feel welcome in Germany: "For this we need a climate of tolerance. And politics can do something for this, especially legal policy, because our law shapes the perception of society." (Maas 2015d)[148] Of course, this moral authority granted to the state is not immutable. The reaction to the NetzDG saw those even who were in favor of punishing hate speech (i.e.

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[148] "Dafür brauchen wir ein Klima der Toleranz – und für das kann auch die Politik etwas tun, besonders die Rechtspolitik, denn unser Recht prägt die Wahrnehmung der Gesellschaft." My translation.

members of the *Fair im Netz* Task Force) turn against the BMJV for its undermining of the freedom of expression, and of German democracy itself. In this instance, the NetzDG and the BMJV themselves began to violate the sacrality of human dignity, and prominent actors in German society criticized them on these grounds.

The normalization of the fight against hate speech did indeed have wider reaching effects on society, touching upon the private and professional lives of individuals. One incident involved a teacher in Lower Saxony who became the object of an investigation in 2015.[149] The teacher had indicated on his private Facebook account that he was a supporter of PEGIDA and its Hannover offshoot, HAGIDA, and had also clicked 'like' for the conservative newspaper *Junge Freiheit*. The local press reported on the incident at the end of August, sparking controversy and leading to public scrutiny of the teacher (Walsroder Zeitung 2015). A week after the information became public, on September 8, the student council at the school released a statement condemning the teacher. They said that an "overwhelming majority" (*uberwältigende Mehrheit*) of the students were "concerned" (*betroffen*) about the teacher's Facebook 'likes.' They stated: "We are against discrimination and xenophobia, our school is open to the world and tolerant," and concluded by saying, "we will not close our eyes before such expressions of opinion and will not accept them; we furthermore want to be tolerant and open to other cultures, and strongly reject all right-wing ideas" (Schülervertretung der Wilhelm-Röpke-Schule, Kooperative Gesamtschule Schwarmstedt 2015).[150] In October, two local CDU politicians made an official enquiry to the Lower Saxony Cultural Ministry to see if support for PEGIDA could be considered only a private matter, and to ask why the regional school board (Landesschulbehörde, NLSchB) had not intervened. In its response on November 30, 2015, the Cultural Ministry said that the Facebook 'likes' had been discovered in January 2015. In February the NLSchB contacted the school headmaster to inquire about the political activities at the school of the teacher in question. In April there was a meeting between the teacher, the headmaster, members of the school council, as well as other members of the school staff to discuss the issue and its impact on the

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[149] For a helpful timeline of events see: (Maxeiner 2016).

[150] "Wir sind gegen Diskriminierung und Fremdenhass, undere Schule ist weltoffen und tolerant."/"wir vor solch einer Meinungsäusserung nicht die Augen verschliessen und diese nicht hinnehmen; wir wollen weiterhin tolerant und kulturoffen sein und lehnen jedes rechte Gedankengut strikt ab." My translation.

school. In September there was another meeting with the teacher at the office of the NLSchB about the issue and the meeting in April. Those responsible finally established that the teacher had done nothing criminal, nor even anything requiring discipline from the school board according to staff regulations. The NLSchB did note, however, that there was fluidity between a private Facebook account and school life if a teacher becomes online 'friends' with students, and that the issue had massively disturbed the peace of the school. The teacher also requested a transfer from the school, which the board approved (Niedersächsichen Kulturministerium 2015). In the wake of the affair, the teacher in question did receive support from staff and students, including a petition signed by 350 students, and another signed by 35 students (Maxeiner 2016). A similar case can be seen with Peter Muck, who for almost 30 years was the town Santa Claus at the Christmas Market in Mühldorf, Bavaria. In November 2016 he 'liked' an image from the *Identitären Bewegung* condemning child marriage. Several parents saw the 'like' and complained, leading to Muck being called into the mayor's office to discuss the matter. The SPD mayor, Marianne Zollner, demanded that Muck denounce the group, and when he did not, she fired him (Weiss 2016).

It can be argued then that the 'climate of tolerance' that the *Fair im Netz* program and NetzDG tried to create, in fact helped contribute to a climate of intimidation where individuals were afraid of participating in social media activity on the internet for fear of the social, legal, professional, and political repercussions. The repercussions went beyond the possibility of criminal prosecution and/or the deletion of content from social media platforms to include negative effects on the personal and professional lives of German citizens. In the words of Heiko Maas, "One should think twice before he touches the keys" (Maas, 2016b).[151] Granted, Maas made such statements in connection with criminal offenses.[152] But this advice clearly applied equally to those statements that are not criminal, and especially to those parts of the population that hold certain political beliefs.

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[151] "Darüber sollte jeder mal nachdenken, bevor er in die Tasten haut." My translation. He said this in context to a tweet from the organization Warentest, which listed the amounts of fines given for different hate speech convictions.

[152] See also Maas' comments after the Aktionstag gegen Hasspostings in 2016: "Ich begrüße den heutigen 'Aktionstag gegen Hasspostings'. Das entschlossene Vorgehen der Ermittlungsbehörden sollte jedem zu denken geben, bevor er bei Facebook in die Tasten haut" (Maas 2016e).

One of the likely goals of these initiatives was thus to stymie the online development of right-wing populist movements and political parties such as the AfD or PEGIDA. These groups were especially dependent on social media to spread their messages and organize support, due to their lack of funding and lack of developed institutional frameworks. In her article on minority rights and hate speech in Germany, Ann Goldberg notes the anti-democratic origins of §130 of the German Criminal code. The original 1871 version referenced 'classes' of people and was used to silence political opposition coming from left during the class wars of the 19th century (Goldberg 2017, 6). She goes on to say that our contemporary understanding of hate speech laws are as "tools of anti-discrimination" (Goldberg 2017, 9). This might have been the case in Germany before the Refugee Crisis, but in the wake of the *Fair im Netz* program and NetzDG, the argument can be made that hate speech laws have once again returned, at least in part, to their original anti-democratic origins as tools of political control. Whether such attempts at control succeed or backfire remains to be seen, particularly in light of the fact that attempts at suppressing left-wing worker organizations, including the original §130 and the Bismarckian Anti-Socialist Laws of the 1870s, failed, with the SPD receiving more popular votes than any other party in 1890, and becoming the biggest political party in the country by 1912 (Bernhard 2011; Eley 1984).

Ultimately the issue is one of legitimacy, and in this case moral legitimacy, which arguably is the strongest form of political legitimacy in Western democracies. This is because moral legitimacy can lead one's sense of self-righteousness to grow to the point that all means to the desired end can be deemed legitimate, and those who stand in the way are mere obstacles on the path to the moral ideal. As Laurence McFalls puts it, "Quand on pense connaître le Bien, ne pas le suivre devient le plus grand Mal" (McFalls 2008, 84). In Germany, the fight to protect and strengthen German democracy paradoxically led the government to undermine its own democratic principles, and to feel itself fully justified in doing so.

Chapter 5

The Moral Ideal of the *Autonomen*: The principle of non-domination

Introduction

In the previous two chapters I examined the moral fact of *Verfassungspatriotismus*, including its ideational elements and its externalization in state-sponsored programs and laws. In this chapter and the following I will do the same for a different moral fact. Specifically, I will look at the moral fact animating the *Autonomen*, a group on the far left that has been one of the most prominent political actors since the beginning of the Refugee Crisis in 2015, and that routinely engages in violent activity against political opponents that is often criminal in nature. Due to their actions against those groups that they perceive to be discriminatory (i.e. the AfD and PEGIDA), the *Autonomen* are an important part of the political and multicultural landscape of Germany and merit study. In this chapter I will focus on the ideational elements of the group's moral ideology. These elements build on aspects of Germany's moral background that I discuss in chapter 2, particularly those coming from the 1960s revolt against Germany's Nazi heritage.

Broadly speaking, the *Autonomen* hold an ideology of anti-domination and attack what they see as sources of domination and oppression in German society, including capitalism, the state, racism, systems of hierarchy, and patriarchy. The *Autonomen* have connections to many other groups on the far left and there is often much ideological overlap. For example, most commentators and journalists refer to the *Autonomen* simply as Antifa, and the *Autonomen* often use the symbol of the communist *Antifaschistische Aktion* from the 1930s when protesting (Keller et al. 2018, 70). While it is true that the *Autonomen* consider themselves a part of the Antifa movement, antifascism encompasses much more than the *Autonomen*, depending on how widely one understands the term.[153]

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[153] Anti-fascism can mean simple opposition to fascism, in which case the Allied forces from WWII can be seen as one of the most important anti-fascist forces in history, and most mainstream political parties can

'Antifa' as a group or organization also includes various groups with different ideologies and tactics. The most prominent of these include the *Vereinigung der Verfolgten des Naziregimes* (VVN, Union of Persecutees of the Nazi Regime), a Marxist-oriented group formed in the immediate aftermath of WWII to represent the victims of National Socialism in the political sphere. The group continues to exist but is in many ways distinct from the *Autonomen*. The use of violence by the *Autonomen* makes work between the two groups difficult (Kellter et al. 2018, 70). Many other movements on the far left, such as the World Social Forum (della Porta 2009) or anti-racist groups such as *Aufstehen gegen Rassismus*, also share much of the ideology of non-domination of the *Autonomen*. What distinguishes the *Autonomen* from other groups is their acceptance and widespread use of violence. As the *Verfassungschutz* has repeatedly noted, the *Autonomen* are overwhelmingly responsible for the left-wing oriented acts of political violence in Germany (BfV, 2016, 108; 2017, 118; 2018, 110).

The *Autonomen* also have connections with political parties elected to the German *Bundestag*. The Green (*Grüne*) party emerged out of the same movements that gave birth to the *Autonomen*, including the feminist movement and the anti-nuclear power movement of the 1970s. By the late 80s, however, the Green party became more mainstream and began to distance itself from the *Autonomen*, particularly from the latter's use of violence. While many Greens sympathize with certain ideological elements of the *Autonomen*, relations between the two are deeply strained (Katsiaficas 2006; 196-209). The *Autonomen* also have ties to the Left (*Linke*) party. In the 1990s, the PDS (*Partei des Demokratischen Sozialismus*, Party of Democratic Socialism), which would later become the Left (*Linke*) party, had an *Autonomen* youth section. In the 2000s cooperation between the Left and the *Autonomen* declined, but without any official distancing between them. Several members and representative groups of the Left party are members of activist groups with ties to the *Autonomen* scene. The party neither condones nor condemns such activity (Pfahl-Traughber 2014,149).

According to the *Verfassungsschutz*, there are several main areas where the *Autonomen* are active, including antifascism, anti-globalism, antiracism, anti-repression,

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also be considered anti-fascist. However, the concept is most often associated with a brand of politics stemming from the far left that is rooted in Marxist ideology. See for example Schneider (2014); Wolfschlag, (2002); Keller et al. (2018).

and anti-gentrification. Antifascism indicates more than just a fight against right-wing and neo-Nazi political actors, and includes a fight against capitalism, which they see as the fundamental cause of fascism. Anti-globalism is related and is aimed at the capitalist system itself. Antiracism became a central area of *Autonomen* activity due to the Refugee Crisis that began in 2015, with solidarity for refugees being a salient point. Anti-repression indicates resistance against state aggression, including the police, while anti-gentrification deals with the defense of squats, both of which for the *Autonomen* are a central aspect of their existence. Antifascism, anti-globalism, and antiracism are the most important fields of activity, whereas anti-repression became prominent during the G20 meeting in Hamburg in 2017 (BfV, 2017, 104-108; BfV, 2018, 103). Within the first two fields of action, the rioting that occurred in Hamburg during the G20 meeting in July 2017 is a spectacular example. However, opposition explicitly to the capitalist system falls outside the scope of my research and I will not discuss it at length. Within the fields of antifascism and antiracism, it is true that the *Autonomen* attack a number of established political parties, including the CDU, CSU, FDP, and even the SPD. But within the context of the Refugee Crisis, the *Autonomen* overwhelmingly targeted the AfD and related movements such as PEGIDA.

The violence the *Autonomen* propagate has effects that range far wider than any other extra-state actor, which makes it necessary to understand what they do and why they do it. This chapter will attempt to understand the moral ideology of the *Autonomen*. I will do this by looking at the writings of activists as well as scholarly work done on the subject. The primary sources for the writings of the *Autonomen* come from online magazines, blogs, and posting websites associated with the *Autonomen* scene[154] such as *Analyse und Kritik*, *Theorie Organisation Praxis* (TOP B3RLIN), *Strassen aus Zucker*, antifa-berlin.info, indymedia.org, and linksunten.indymedia.org, but also include important documents from various groups such as *Interventionistische Linke* (IL, Interventionist Left) and *...ums Ganze!*, the latter of which organized the Germany-wide *Nationalismus ist kein Aternativ* (NIKA, Nationalism is not an Alternative) campaign.

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[154] Leach and Haunss define a scene as follows: "We define a scene as simultaneously a network of people who share a common identity and a common set of subcultural or countercultural beliefs, values, norms, and convictions as well as a network of physical spaces where members of that group are known to congregate" (Leach and Haunss, 2009, 259). I will not focus on the physical spaces in this chapter, but rather the exchange of ideas that express the "beliefs, values, norms, and convictions" of the *Autonomen*.

For a discussion of my use of this data in this chapter and the following one, see the Appendix.

History and Context

While many of the principles and theoretical grounding of the *Autonomen* go back to the 19th century, their origins as a social group go back to the 1960s, and specifically the generation of 1968 and the New Left movement. This year is symbolic of the many groups that emerged in the 1960s across the globe seeking radical change to existing political, economic, and social institutions. Many of these movements displayed a strong anti-authoritarianism that resisted hierarchy, patriarchy, racism, and capitalism and sought to bring about self-empowerment, egalitarianism, cooperation, and harmony with the environment (Katsiaficas 2006, 1; Gernonimo 2012, 17). Many other ideological principles of the *Autonomen* come from the 1968 generation as well, including a broad concept of fascism and a belief that capitalism is the ultimate driving cause of the state, fascism, and all other forms of violence, oppression, and exclusion (Keller et al. 2018, 51; BfV 2017, 100, 104-105; 2018, 100, 106).

The energy and idealism of the 60s continued into the 70s and led to other movements that would lead to the development of the *Autonomen*. These include the anti-imperialism movement, the anti-atomic energy movement, the Italian *Autonomia* movement, the feminist movement, antinationalism, and the *Spontis*, a student organization that began the squatter movement in Germany and that opposed the strict ideology and hierarchical organization of other far-left groups (Katsiaficas 2006; Geronimo 2012; Haunss 2004; Haunss 2008; Pfahl-Traughber 2014; Wolfschlag 2002).

After the *Spontis* dissolved in the 1970s, the *Autonomen* arose in the early 1980s. Like the *Spontis*, they were opposed to dogmatic Marxist-Leninist doctrine and hierarchical forms of social organization, but also, taking a line from the feminist movement, sought a 'politics of the first person' (*Politik der ersten Person*). This form of politics is based on the subjective experiences of those directly engaged in the movement. Rather than fighting in the name of a particular group of people (*Stellverträterpolitik*), such as the working class, or basing their fight on supposed historical necessities, as in Marxist doctrine, activists fight in their name only and address those issues that impact

their lives directly (Haunss 2008, 115). An important break with this principle came in the early 1990s, during the Refugee Crisis that took place during German reunification and the modification of §16. During this time the *Autonomen*, to compensate for inaction on the part of police, rose up to defend refugees and other immigrants from the pogroms taking place in Rostock and elsewhere and also demonstrated against the reform of §16 (Kastiafiacas 2004, 155-165; Haunss 2004, 121). During this time it became clear that refugees did not have a self-organized organizational infrastructure they could work with, and that German *Autonomen* would likely not have personal experience as a refugee. This meant that if the *Autonomen* were to help, they would have to embrace a form of representative politics (*Stellverträterpolitik*). As the decade continued there developed a stronger division of labor within the anti-racist scene. The issue of refugees became less important for the *Autonomen*, while at the same time activist groups developed a professional organizational structure independent of the *Autonomen* to address the issue. Nevertheless, the issue remained important for the *Autonomen*, who at times campaigned under the slogan "*kein mensch ist illegal*" (no human is illegal) (Haunss 2004, 120-121). Particularly, with the outbreak of the Refugee Crisis in 2015, the issue of refugees once again became of prime importance, with many *Autonomen* going to refugee shelters to defend them as well as demonstrating on their behalf (Bray 2017, 77-84).

Within the *Autonomen* scene itself, there is also a movement towards more centralized organizational structures. This movement seeks to overcome the infighting and lack of theoretical and organizational orientation and considers itself a "post-autonomous" (*Post-Autonomen*) movement. The movement began in the 1990s but gained steam in the 2000s and 2010s. It shares the same goals and theoretical references as the *Autonomen*, i.e. the goal of a dominance free society based on theoretical principles derived from Marxism and anarchism, but embraces a more centralized organizational approach. 'Classical' *Autonomen* at times strongly criticize the *Post-Autonomen* movement for their attempts at central organization. Also, the *Post-Autonomen* do not openly advocate for violence, but indirectly encourage it by saying that they do not decide what methods their sympathizers should utilize in their fight. Two prominent groups in this *Post-Autonomen* movement are the *Interventionistische Linke* and …*Ums Ganze!* (Baron 2016). IL serves as a "*Scharnierfunktion*" (hinge-function), or

a go-between between violent groups, other dogmatic far-left groups, and legal left-wing protest organizations (Baron 2016). *Ums Ganze!* is more openly extreme, and in conjunction with the NIKA campaigned was very active in attacking AfD supporters.

There are of course other groups on the far left that embrace a more traditional understanding of communism and make use of hierarchical organizational structures. In the wake of 1968 there arose, for example, *K-Gruppen*, or small groups of sectarian communists (Geronimo 2012, 18; Wolfschlag 2002, 65-66). In the 1970s, the *Spontis* contrasted themselves with the ideology and organizational features of the *K-Gruppen*, a contrast that formed an integral part in the creation of the identity that would characterize the *Autonomen* (Geronimo 2012, 18). The importance of these *K-Gruppen* diminished in the late 1970s and 1980s. However, their legacy lives on in political parties such as the *Deutsche Kommunistische Partei* (DKP, German Communist Party) or the *Marxistisch-Leninistische Partei Deutschlands* (MLPD, Marxist-Leninist Party of Germany). These two political approaches, orthodox Marxism and the *Autonomen*, formed the most important orientations of the far left in Germany in the early 21st century (Wolfschlag 2002; BfV 2017, 2018). The two sets of groups, however, are very different. The DKP and the MLPD have almost no influence on the violence-prone *Autonomen*, and receive very little support in elections (BfV 2017, 122).

Moral Ideal

The ideology of the *Autonomen* is essentially anti-authoritarian and maintains that all forms of domination should be rejected. This demand leads to a double imperative at the heart of *Autonomen* ideology. On the one hand, individuals should refuse to allow themselves to be dominated, while on the other hand individuals should refrain from dominating others. Darcy Leach (2009) articulates this double imperative in the terms of oppositional and constructive autonomy. She defines oppositional autonomy as "the right to act independently and to actively resist being controlled by outside forces, whether as a group or as individuals," and constructive autonomy as "refusing to participate in oppressive patterns of interaction—by learning to give up power and privilege rather than exercise them" (Leach 2009, 1053). There is thus a delicate balance between the

individual and collective forms of existence. While emphasis is placed on subjective experiences and individual freedom (Leach and Haunss 2009, 272; Haunss 2013: 34), this emphasis does not preclude collective relationships, and indeed such collective forms of existence are an essential component to the *Autonomen* existence (Katsiaficas 2006, 6-7). Any form of collective existence, however, is based on the guiding anti-domination principles. This means creating social and political structures where individuals can interact and perform decision-making in a non-hierarchical and non-oppressive manner (Leach and Haunss 2009, 272-273). Often such political structures take the form of an inclusive, egalitarian, and non-coercive deliberative democracy (della Porta 2009).

These principles find echo in a number of texts coming from the German *Autonomen* scene. One of the most important comes in the form of the *Thesen zur Autonomen Bewegung* (*Theses for the Autonomist Movement*), which outlines the general principles of the *Autonomen*. It was originally formulated in 1981 at an international Autonomous meeting in Padua, and would later be elaborated on and re-published in 1995 on the occasion of the Autonomous Congress in Berlin (Haunss 2004, 118). The document continued to circulate in the *Autonomen* scene and is an important foundation for the *Autonomen* movement (AK Wantok 2010, 9). The first article, or thesis, in the document reaffirms the principle of the politics of the first person, but also states that *Autonomen* ideology will at times fight for other people: "we are also concerned with morality, justice, and dignity. And in this sense, we also sometimes fight battles on behalf of others, if we are affected by the suffering and oppression of others."[155] The *Theses* also expresses a rejection of any and all types of hierarchy and domination. The *Autonomen* maintain a strong opposition to the established order, with which they refuse dialogue and which they refuse to try to reform; the goal is the overcoming of the state (§8) and a total reorganization of existing power relations (§2). The movement is characterized by a non-dogmatic "diffuse anarchism" (*einen diffusen Anarchismus*) (§5) that cannot be reduced to other movements or concepts, such as Marxism or anti-imperialism. The movement aims to oppose the current system everywhere with nodes of "counter-power"

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[155] "Aber auch wir haben eine Ideologie: Es geht uns dabei um Eigenverantwortung und Selbstbestimmung als gesellschaftspolitisches Ziel und Mittel zu deren Durchsetzung. Es geht uns aber auch um Moral, Gerechtigkeit und Würde. Und in diesem Zusammenhang führen wir auch manchmal Stellvertreterkriege, wenn wir betroffen sind von dem Leid und Unterdrückung gegen andere." My translation.

(*Gegenmacht*) (§6). This counter-power would work not only against the state and capital, but also on different levels of society, and would direct itself against "patriarchal, racist, and performance oriented" societal structures (§8).[156] This counter-power, however, "can never become totalizing or unifying, can never be institutionalized as the counter-power, otherwise the tendency for the foundations of a nascent state would already again be laid."[157] The *Autonomen*, therefore, reject any sort of party-platform organizational structure (§9). As they state: "The goal - no power for anyone - must also be recognizable in our oppositional way of fighting and organizing" (§6).[158]

These fundamental aspects of the *Autonomen* reappeared in texts written by German *Autonomen* around the time of the Refugee Crisis in 2015. While these texts are not as systematic and thorough as the *Theses*, they do consolidate the principles of the *Autonomen* and express a moral ideal that serves as a base for the collective identity of the group. A text published by *ums Ganz!* that appeared in both TOP magazine and the *ums Ganz!* website states:

> We are striving towards a society beyond relations of domination, a society in which every person can be different—in which, free from the state, the nation, and capital, we will be able to walk with each other in solidarity, according to needs instead of profits. This profoundly peaceful project towards a liberated society, one we call communism, is possible. We want to realize this idea, and for this we fight with all our strength. (Ums Ganz! 2015)[159]

The group *Interventionistische Linke* published a text in *Analyse und Kritik*, in which they say they are working towards:

> the appropriation of the means of living for all people by the people themselves: that means full access to all levels of social infrastructure and the self-transformation of these structures

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[156] "Patriarchale, rassistische und leistungsorientierte Strukturen." My translation.

[157] "Diese Gegenmacht darf sich allerdings nie totalisieren oder vereinheitlichen, darf nie als die Gegenmacht institutionalisiert werden, sonst wäre die Tendenz für einen neuen Staat im Keim bereits wieder angelegt." My translation. All translations of primary *Autonomen* sources are mine, unless otherwise indicated.

[158] "Das Ziel keine Macht für niemand muß auch in unseren Formen des Kampfes und der Organisation von Gegen macht erkennbar sein." My translation.

[159] "Wir streben nach einer Gesellschaft jenseits von Herrschaftsverhältnissen, einer Gesellschaft, in der jeder Mensch ohne Angst verschieden sein kann, wir solidarisch miteinander umgehen und in der bedürfnisorientiert statt profitsteigernd produziert werden kann abseits von Staat, Nation und Kapital. Dieses zutiefst friedliche Projekt hin einer befreiten Gesellschaft, das wir Kommunismus nennen, ist möglich. Wir wollen diese Idee sichtbar machen und dafür mit aller Kraft kämpfen." My translation.

through all those affected by them, independent of ethnic background or residential status. (Interventionistische Linke 2016)[160]

A text published on de.indymedia.org describes "anarchy" as follows:

> Anarchy means to live: It means to try to take life into one's own hands and live as well as possible, to live life like this, as one would want. It means a life free of oppression and discrimination, free of the pressure of performance, free of material constraints, traditional conservative norms and values. But a liberated life, a life in a community of solidarity, a life where one can satisfy their needs according to their own standards, a life where one can develop oneself freely. (Ana*m 2017)[161]

Likewise, *Routes sucrées*, the English language version of *Strassen aus Zucker*, describes "a liberated society" as such: "one free of capitalism, sexism, homophobia, the state, racism and other forms of domination. One that we, for lack of a better name, would call communism" (Routes sucrées 2013). These four expressions of a moral ideal share several characteristics. They all seek a form of liberation where individuals or groups can be free from forms of domination. They all identify similar sources of domination, namely capitalism, the state, the nation, or forms of exclusion that include racism, sexism, and homophobia. They are all seeking a similar goal, which some call communism, in which individuals and groups have access to the means of power, in which they can themselves directly determine their own means of life. All four expressions are also deeply humanistic in their conceptualization of a society open to all, regardless of ethnicity, class, sexual orientation etc. Establishing an exclusionary hierarchy based on these kinds of classifications is a form of domination and is wrong. What counts is not social status or nationality; what counts is the human person and its development, which can only take place in a domination-free environment. This means that the ideal *Autonomen* society is universalist in conception.

In the end, the *Theses*, as well as these expressions of an *Autonomen* moral ideal, indicate a system that revolves around a concept of human dignity (*Würde*). This notion

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[160] "die Aneignung der Lebensbedingungen aller Menschen durch die Menschen selbst, d.h. der vollständige Zugang zu allen Bereichen der sozialen Infrastruktur und die Selbstverwaltung dieser Strukturen durch alle Beteiligten - unabhängig von Herkunft und Aufenthaltsstatus." My translation.

[161] "Anarchie heißt Leben: Es bedeutet den Versuch zu starten das Leben so gut wie möglich in die eigenen Hände zu nehmen, das Leben so zu leben, wie Mensch es möchte. Es bedeutet ein Leben fernab von Unterdrückung und Diskriminierung, fernab von Leistungszwang und Druck, fernab von materiellen Zwängen, traditionell konservativen Normen und Werten. Sondern ein befreites Leben, ein Leben in solidarischer Gemeinschaft, ein Leben wo Mensch seine Bedürfnisse nach seinen eigenen Maßstäben befriedigen kann, ein Leben wo Mensch sich frei entfalten kann." My translation.

of dignity brings with it conceptions of justice (*Gerechtigkeit*) that imply a morality that rejects forms of domination associated with capitalism, the state, racism, or the patriarchy. In a religious sense, the dignity of humanity is seen as sacred, while those forms of domination that are considered oppressive or exploitative are profane. Dignity thus acts as a moral authority that legitimates the fight against the identified structures of domination and oppression, as well as the fight against the creation of any such structure within the *Autonomen* movement itself. The dichotomy of sacred and profane leads to a set of moral rules that regulate the interactions of the *Autonomen* among themselves, but also with other groups in society.

Moral Principles

As already discussed, a core feature of *Autonomen* morality is the double imperative characterized by oppositional and constructive autonomy. *Autonomen* enact these forms of autonomy at different levels in a number of ways within their groups, leading to rules that regulate both the behavior among the *Autonomen* groups themselves as well as the relationships between the *Autonomen* and other political actors in society.

Intra-Group Relations

Often *Autonomen* will seek out and defend spaces where they can completely control the operation of the space and attempt to develop new cultural and economic structures within their own groups. This takes place, for example, in squats and is discussed in §7 of the *Theses*. The free spaces (*Freiräume*) are a fundamental element of the *Autonomen* and are places where the group can engage in deliberative democracy, among other activities.

The deliberative democracy that those in the *Autonomen* scene practice is a place where the oppositional and constructive forms of autonomy are especially present. In order to comply with these imperatives, participants put in place a horizontal form of discussion. As Leach puts it, this consists in "creating a space where no one intimidates, silences, or overrules anyone else (constructionist autonomy), but also where people will

not hesitate to challenge each other's domineering behavior when it happens or to voice unpopular and dissenting opinions when they have them (oppositional autonomy)" (Leach 2009, 1059). Leach describes this form of engagement as a "*Streitkultur*" or "fight culture," and it is instrumental in creating a deliberative space based on radical inclusion and egalitarianism (2009, 1059).

Concretely, this entails practices that eliminate the influence of leaders whose authority or distinguishing status may influence decision-making or lead to a hierarchical organizational structure. In large conferences, for example, meeting chairs will often rotate while the mandates of group representatives are limited in time and by thematic field. Members are also frequently consulted before any decisions can be made on behalf of the group (della Porta 2005, 81). There are rules against an individual speaking on behalf of a group without consulting the group first. Leach describes a case where a radio station contacted Adrian, one of the founders of a squat in Germany that had become a popular spot for nightlife, to do a live interview. Rather than deciding himself, Adrian returned to the group for consultation as to how to proceed, i.e. if they would participate, and who would say what. Had he accepted the offer directly there would have been strong backlash. As he relates:

> I mean I'd get seriously nailed for it, even if I've been around a long time. I mean, "So what were you thinking?" I wouldn't get any kind of get out of jail free card or anything […] But it wouldn't even be a question of whether I'd be allowed or not. . . . And our internal structures function in such a way that there's so much mutual solidaristic control—not at all repressive, but that there's always so much contradiction possible, that there's a kind of regulation there for everyone. That no one can push through his thing or do politics in the Space's name. (Leach 2009, 1060)

Within the *Autonomen* scene there is also a habit of people using pseudonyms when they publish texts. Authors do this to prevent any individual from attaining clout and wielding undue influence over the group. In this way, readers can assess the ideas expressed on merit alone. Speakers at demonstrations are also often masked or hidden from sight to prevent the creation of a group leader (Katsiaficas 2006, 193).

In addition to these measures, *Autonomen* groups often make decisions by consensus or some other form of deliberative democracy (Leach and Haunss 2009, 273). In this type of democracy, votes are not counted and people do not negotiate their

differences. The goal is not the imposition of one view over another. Rather people convince each other of their arguments until they can find an agreement that everyone can accept. In this forum, all opinions are to be expressed and listened to in a respectful manner. Often the deliberations are highly charged, and the consensus reached is minimal, with an emphasis on the multiple identities involved (della Porta 2009, 85-89). The decision making process can be a long, often taking months before a consensus is found on a particular issue (Leach 2009, 1059). While difficult, this process of deliberative democracy adheres to the *Autonomen* principle of a dominance-free society, and prevents the collective will from consuming the individual subject (della Porta 2005, 90).

Within *Autonomen* groups, there is also the demand to address and critique other forms of domination and to effectuate both an individual and organizational self-transformation as a way of overcoming them. The forms of domination in question are not found in the form of the state, but rather in societal norms or informal structures. §8 of the *Theses* outlines this imperative and states that:

> patriarchal, racist, and performance-oriented structures are located deep within us […] The abolition of one's own deformed structure, however, is not accomplished only through self-transformation. Here we overestimate our subjective abilities. A more far-reaching answer was and is the collectivity. But there, also, much socially incorporated filth such as power structures, competitive thoughts, etc. must still be changed.[162]

The relationship between the genders and the issue of sexism within the *Autonomen* movement itself is one example. The issue of sexual violence against women by men in the movement and of how best to address it is a good illustration (Katsiaficas 2006, 177-178). As Sebastian Haunss (2013) shows, the theme of gender relations was, beginning in the late 80s and throughout the 90s, one of the most discussed among the *Autonomen*. Such debates led to the emergence of women-only structures within the movement, some of which had power to decide if men accused of violence or sexism would be allowed to stay in the group (Haunss 2004, 161).

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[162] "Patriarchale, rassistische und leistungsorientierte Strukturen stecken ganz tief in uns. Sie haben wenig mit der Existenz des Staates zu tun. Diese Aufhebung der eigenen deformierten Strukturen läuft aber nicht allein durch Selbstveränderung. Hier überschätzen wir unsere subjektiven Möglichkeiten. Eine weiterführende Antwort war und ist Kollektivität. Doch auch dabei muß noch viel an gesellschaftlichem verinnerlichtem Dreck wie Machtstrukturen, Konkurrenzdenken etc. verändert werden." My translation.

More recently, there have been discussions within *Autonomen* circles concerning race relations and in particular the concept of white privilege or whiteness. A special fall 2013 edition of *Analyse und Kritik* entitled *Critical Whiteness. Debatte um antirassistische Politik und nicht diskriminierende Sprache* (*Critical Whiteness: A Debate on antiracist politics and non-discriminatory speech*[163]) addresses this issue. The special issue was released in response to a debate that had come up following the No Border Camp in Cologne in 2012. A text published on the event's website, which explains the use of 'Stop' signs to point out racist or sexist behavior, frames itself precisely in the moral terms of the *Autonomen* in that it addresses domination and hierarchies, privileges the experience of those affected, and offers the possibility for structural change within the movement. It reads:

> The society in which we live is marked by different power relations (racism, sexism, etc…). These power relations also make themselves noticeable on this very camp. They produce structural exclusions, hierarchies, dominances and traumas. […] We have to be conscious of the fact that we speak from very different positions and that structural violence is often not noticed by people that are not directly affected by it. What is violent is hence defined by the affected. […] Criticism concerning one's own behavior – even if it comes surprisingly and possibly is perceived as unjustified at first – should be seen as a chance for debate and change. (No Border Camp Cologne 2012)

At the No Border Camp, participants furthermore demanded that white activists examine their own hidden racism, unconscious bias, and white privilege, and otherwise support the cause of the "people of color" directly affected by racism and racist social structures (AK 2013). The *Analyse und Kritik* special edition attempted to assemble and re-publish important dialogues that had taken place over the preceding year in the wake of the controversy that ensued. In doing so, the magazine hoped to contribute to a better understanding of the issues involved, and to promote a more solidaristic debate (AK 2013).

Addressing the issues of sexism and racism are but two examples of the enactment of the moral command to critically assess any forms of bias, hierarchy, or domination that the *Autonomen* movement might reproduce. The goals of these

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[163] My translation.

discussions are not only of self-transformation, but also the transformation of those oppressive group structures.

Inter-group relations

The *Autonomen* do not restrict their moral principles to intra-group conduct, but apply them also to their interactions with other segments of the population. In particular, the principle of oppositional autonomy dictates inter-group conduct. As already seen in §1 of the *Theses*, the *Autonomen* stand in solidarity with other oppressed groups, particularly refugees. This principle finds echo in other parts of the *Autonomen* spectrum. As one writer in *Analyse und Kritik* puts it: "Our duty as people on the left is to stand in solidarity with all those affected by racism" (Arzu 2017).[164] Or as Mark Bray says, "a key component of anti-fascism is to organize against both fascist and fascistic politics in solidarity with all those who suffer and struggle" (Bray 2017, 135). Along with this solidaristic action, as discussed in §6 of the *Theses*, the *Autonomen* also raise counter-power to the established system. In their opposition to perceived fascism and the fascist structures that surround them, they have a duty, as Bray puts it, "to undermine its pillars of strength in society grounded not only in white supremacy but also in ableism, heteronormativity, patriarchy, nationalism, transphobia, class rule, and many others" (Bray 2017, 209). IL and *ums Ganze!* give voice to this when they argue that the "duty" (*Aufgabe*) of the radical left is to call into question the established economic order, the state, and to seek the overthrow of capitalism, patriarchy, and racism (Interventionistische Linke and ums Ganze! Bündnisses 2013). The Refugee Crisis that began in 2015, as well as the subsequent rise in popularity of the AfD, provided a number of occasions for both solidaristic action and the opposition to the system. In fact, the NIKA campaign focused on two targets for activities related to these issues: the AfD and related movements such as PEGIDA on the one hand, and state border control mechanisms on the other (Ums Ganze! 2016).

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[164] "Unsere Aufgabe als Linke ist es, sich mit Betroffenen von Rassismus zu solidarisieren." My translation.

To begin, those in the *Autonomen* scene celebrated Angela Merkel's decision to open the borders in September 2015. One can see this happiness in a call to a demonstration against limiting asylum rights published on *TOP B3RLIN*'s website in October 2015. The call is titled "Broken Borders, Hurra!" and applauds the fact that "Fortress Europe" has for several months had "gaping holes."[165] The protest also called for a solidarity "that supports everywhere and with all necessary means the attempts to tear many small holes in the barricade, to organize refugee mobility and refugee assistance, and at the same time to make life as difficult as possible all over the country for those politically responsible" for the attempts at restricting asylum rights (TOP B3RLIN 2015).[166] In February 2016, *ums Ganze!* called for a European-wide day of protest and action against "Fortress Europe." The announcement blamed the failures of capitalism for the instability in the world and the growing feeling of fear and insecurity in Europe. It denounced "authoritarian" and "racist" migration and austerity policies, postulated a connection between these policies and capitalism and the patriarchy, and called for a solidarity "beyond the nation, capital, and patriarchy," with "freedom of movement and equal rights for all" (Ums Ganze! 2016).[167] Another text in *Analyze und Kritik* entitled "The Necessity of Open Borders" ("*Die Notwendigkeit offener Grenzen*") attacked border control as a racist mechanism of the "capitalist-bourgeois state" (*bürgerlich-kapitalisticscher Staaten*) to protect the privileged imperial lifestyle of its citizens, and called for a "world-wide freedom of movement" (*globale Bewegungsfreiheit*). In a bit of rhetorical flourish, the text also denounced the protection of "national-social civil rights" (*national-sozialen Bürgerrechte*), "global Apartheid" (*globaler Apartheid*), and "fortress capitalism" (*Festungskapitalismus*) (Georgi 2018). There were many other calls to action in solidarity with refugees, including those from NIKA (Nationalismus ist kein Alternative 2016), and those posted on blogs such as de.indymedia.org (Autonome Aktivist_innen gegen Grenzen 2016).

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[165] "so hat die 'Festung Europa' seit einigen Monaten deutliche Risse." My translation.
[166] "die überall und mit allen nötigen Mitteln die vielen kleinen Versuche, Löcher in die Abschottung zu reißen, Flucht und Fluchthilfe zu organisieren, praktisch unterstützt und gleichzeitig den politisch Verantwortlichen bundesweit das Leben so schwer wie möglich macht!" My translation.
[167] "jenseits von Nation, Kapital und Patriarchat […] für Bewegungsfreitheit und gleiche Rechte für alle!" My translation.

Concerning the AfD, the *Autonomen* represent this political party and related movements such as PEGIDA as embodying the worst of everything they are against. According to the *Autonomen*, the AfD has replaced 'race' with 'culture' as the grounds of discrimination. That the AfD critiques multiculturalism or speaks of incompatible cultural differences is just a mask to cover a deep-seated racism (TOP B3RLIN 2016). They accuse the AfD of spreading racism against refugees and Muslims and normalizing such racism in a "neofascistic" way (Meier 2016). That the AfD makes the "interests of the German people" (*Interessen des Volkes*) a priority and defends national borders in opposition to the rest of humanity indicates their nationalist tendencies (TOP B3RLIN 2016). They claim that the party also has a regressive family politics that is based on a biological understanding of gender (TOP B3RLIN 2016). They see the AfD as being against women's rights and wanting women to have children as part of a "neo-Nazi" campaign to prevent the "death of a people" (*Volkstod*) (Anarchistische Gruppe et al. 2016). The AfD's positions on gender, including homosexuality and transgenderism, demonstrate hostility to these individuals as well. Thus, for the *Autonomen*, the AfD and related movements came to be the embodiment of "nationalism, racism, sexism, anti-feminismus, and transphobia" (TOP B3RLIN 2016). It is no surprise, then, that the NIKA campaign designated the AfD as their "first class opponents" (*Erste-Klasse-Gegner*) (BfV, 2017, 101; 2018, 107). It is also worth noting that while at times detractors link the AfD to neoliberalism, the vast majority of the ire directed towards the party is based on issues related to gender and race (Berg and Zorn 2016).

A fundamental part of the *Autonomen* opposition to the system includes violence. Violence serves many purposes within the group. First, violence is a boundary marker that differentiates the *Autonomen* from other groups on the far left. It is a signal that one is not ready to make compromises with the current system and that violence is the only way to lead an actual revolution (Haunss 2004, 186-187). Violence also has a strategic function, as it has the practical effects of sabotage or intimidation. Violence is also highly ritualistic and can serve the function of group integration (Haunss 2008, 524; Brumlik 1989; Paris 1991). An important part of this ritualization of violence is the subjective liberation it accords the individual who engages in it (Haunss 2004, 176; Grauwacke 2003: 148; Pfahl-Traughber 2017). I will discuss in detail the ritualistic and integrative

function of *Autonomen* violence in the following chapter, but here I can state that the violence generally takes two forms. First, there is violence that takes place during demonstrations. Often there will be property damage to surrounding buildings and violence between *Autonomen* and the police. There is also violence that is classified as "sabotage" (Haunss 2004, 171) or "clandestine" violence (BfV, 2017, 110; 2018, 114). This violence is often planned out in advance. In the context of the Refugee Crisis beginning in 2015, this took the form of broken windows, destruction of property through paint and graffiti, and the burning of cars, to name just a few examples. To add a third form of violence, the period of the Refugee Crisis also saw numerous physical assaults on AfD politicians and supporters. Importantly, the *Autonomen* reject armed resistance. They respect and romanticize the terrorist actions of the *Rote Armee Fraktion*, for example, but do not take this example as a realizable form of action (Haunss 2004, 175).

The *Autonomen* justify their violence in essence by arguing that they are acting in preemptive self-defense. They contend that trying to reason with fascists historically led to failure, and that attempts at shutting down fascist movements after World War II have proven successful. They also claim that encroaching fascism requires self-defense. Thus, rather than waiting for a fascist threat to become too large to handle, *Autonomen* go on the offensive (Bray 2017, 169). One finds elements of this reasoning in *Autonomen* literature produced during the Refugee Crisis. *Ums Ganze!* for example claimed: "global forms of domination and oppression are an attack against us all, and therefore we must also respond in kind" (Ums Ganze! 2016).[168] Others argue that the "capitalistic, statist, patriarchal norm" is responsible for "daily violence" (Ana*m 2017).[169] Apart from general violence, the system and right-wing movement are responsible for violence against particular groups: "While people are reflecting about who should ally with whom later on, more refugee lodgings are being burned, more antifascists, PoC, and LGBITQ* people are being attacked in broad daylight" (TOP B3RLIN 2016).[170] The

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[168] "Globale Herrschafts- und Unterdrückungsformen sind ein Angriff auf uns alle und deshalb müssen wir auch gemeinsam handeln." My translation.

[169] "So werden auch links des gewohnten „Mimimi" der Bratwurstessengegen Rechts Fraktion Stimmen immer lauter, für die brennende Autos ein größeres Problem darzustellen scheinen als die tagtägliche Gewalt des kapitalistisch etatistisch patriarchalen Normalzustandes." My translation.

[170] "Während darüber nachgedacht wird, wer dann später mit wem koaliert, brennen weiter Unterkünfte für Geflüchtete, werden weiter Antifaschist*innen, PoC und LGBITQ*-Personen auf offener Straße attackiert." My translation.

"heteronormative order" furthermore does violence to all those who do not conform to it, including transgender individuals who do not conform to norms of motherhood (TOP B3RLIN 2017). The AfD is described as a "Nazi party" that "represents a direct threat" to all those who do not vote for it (Anonym 2017). The *Autonomen* thus have a moral duty to use violence against this perceived threat of violent fascism in the hopes of preventing its further rise.

These positions concerning violence to combat perceived threats imply positions concerning the idea of free speech. While there is some debate in the *Autonomen* community about what constitutes free speech and whether their actions infringe on free speech, they reject the acceptability of fascist speech or speech they find oppressive (Bray 2017, 152-153). They point out that liberal governments limit all sorts of speech, the criteria for which "are heavily steeped in the pervasive logic of capital, militarism, nationalism, colonialism, and the institutional racism of the criminal 'justice' system, as well as the immigration system" (Bray 2017, 154). These limitations are thus not apolitical, as is sometimes claimed. As Bray contends, the *Autonomen* position does not differ from the dominant liberal position; it just uses different criteria to make its decisions. The goal is to completely transform society "by tearing down oppression in all its forms," and the central question is "Who will win the political struggle?" (Bray 2017, 156). Importantly, as Bray admits, *Autonomen* do not limit themselves to merely attacking actual fascists and neo-Nazis, but also target "all forms of oppression such as homophobia, capitalism, patriarchy and so on" (Bray 2017, 159). Engaging in actions that limit speech they do not approve of is thus part of a revolutionary struggle for justice.

In Germany these sentiments are reflected in the *Autonomen* actions, but also in slogans that one hears at far-left rallies or that one reads in far-left publications. These include the ideas that "*Faschismus ist keine Meinung, sondern ein Verbrechen*" (Fascism is not an opinion, but a crime) and that "*Es gibt kein Recht auf Nazi Propaganda*" (There is no right to Nazi propaganda). These statements of moral fact reflect the idea that speech they oppose is not legitimate, and that they can justifiably exclude it from the public sphere. More particularly, they contain a series of moral judgments related to the speech that the *Autonomen* oppose, namely that such speech represents and works to support the worst forms of domination and oppression possible, and that if not opposed

they will evolve into an unstoppable killing machine. In this way, these moral truths and judgments play into many of the other moral beliefs, principles, and obligations of the group, which determine what adherents consider moral and immoral, and include the sacred status of human dignity and the principle of oppositional autonomy. Ultimately, these truths help to legitimate and provide rationalization for the actions of the *Autonomen* against those political actors they find objectionable, all with the goal of realizing their ideal moral community.

Following the axiomatic nature of moral truth, the above statements and judgments are presented and accepted by adherents as statements of fact without need of justification. The power of these truths comes from their association with the sacred object and moral authority that is their idea of human dignity. One cannot, for example, explain why borders are inherently immoral, nor explain what racism, sexism, xenophobia, transphobia etc. are and why such phenomena are immoral without in some way referring to this version of human dignity. Thus, the acceptance of these ideas as true ultimately lies, as with the moral legitimacy of human dignity, in the social forces that animate them, of which the individual is not conscious. In the following chapter I will concentrate more on some of the places where such social forces are located within the *Autonomen* movement.

Analysis

The emergence of the *Autonomen* out of the 1960s is an important feature of the movement. The abhorrent, absolute domination of the Nazi regime turned into a rejection of all forms of domination for many 1960s activists. The *Autonomen* have carried on this legacy into the 21st century. There are of course many other movements and groups that share many of the same non-domination and anti-authoritarian principles of the *Autonomen*. Importantly, these moral principles of non-domination and anti-authoritarianism create moral constellations that mirror closely that of the victim-perpetrator discussed in chapters 2. With the *Autonomen*, the moral categories are that of oppressor-oppressed. These categories are broader and perform a critique on a much deeper level than the constellation of victim-perpetrator. Basically, the oppressor-

oppressed constellation claims that every form of power, including not only state power but also power located in certain social norms, is inherently oppressive and immoral. The *ex post-facto* resistance to fascism in the 1960s has thus turned into resistance and opposition to a wide array of social and political institutions. And while it is true that communist and anarchist movements have existed since well before the 1960s, that decade's reaction to National Socialism left an indelible imprint on the movements that followed it, significantly informing the motivations of the actors and how they understood their actions.

An important feature of the *Autonomen* is their solidarity with all those oppressed. This stance corresponds with their principle of non-domination but is also likely influenced by other intellectual developments in the 1960s. During this time Herbert Marcuse's theory about the importance of the marginal groups ("*Randgruppetheorie*") for revolutionary politics had influence (Brown 2013: 265). Rudi Dutschke, for example, argued that the "underprivileged of the world" would form the base of the revolution, not the industrial proletariat (Brown 2013: 48). As time went on, the importance of marginal groups within far left and anti-fascist movements increased (Wolfschlag 2002, 64). Different conversations concerning the rethinking of the working class around the time of the Refugee Crisis in the *Autonomen* scene testify to this fact.[171] Regardless of whether or not the *Autonomen* see minority groups as a means to produce a revolution, it is no surprise that this issue gained more importance among the *Autonomen* in Germany, after the country became a destination for immigration beginning in the 1960s. The context of the Refugee Crisis in 2015 provided further importance for the place of marginalized groups within the *Autonomen* movement. Importantly, the protective stance of the *Autonomen* with respect to marginalized groups is quite similar to that of Heiko Maas and Manuela Schwesig discussed in chapter 3. While their underlying ideologies are very different, one can consider them as being in the same moral family; they both identify the same groups needing protection from the same threats, and both advocate for the restriction of speech for those entities they consider threats.

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[171] An event that took place at the Rosa-Luxemburg Stiftung in 2014 entitled "Rethinking Working Class" addressed this issue. Similar conversations were taking place in *Analyze und Kritik* (Friedrich 2017).

In their thoughts and actions, the *Autonomen* also possess the essential elements of a collective identity formed out of their moral ideal of a society founded on non-domination. The double moral imperative of oppositional and constructive autonomy, not allowing oneself to be dominated and refraining from dominating others, is a fundamental part of this identity. These principles apply to both the group itself as well as outside groups. Internally, it leads to the moral principles of deliberative democracy[172] and self-critique, while externally it leads to the moral principles of solidarity with marginalized groups, and the legitimate use of violence against oppressors. Both oppositional and constructive autonomy apply to the group internally and to marginalized groups, whom the *Autonomen* often protect while trying not to dominate. When it comes to groups they oppose, however, constructive autonomy does not apply. The *Autonomen* consider their domination of the opposition fully legitimate and even required. This position is at odds with the imperative expressed in §6 of the *Theses*, which stipulates: "The goal - no power for anyone - must also be recognizable in our oppositional way of fighting and organizing." By engaging in violence against those they oppose, the *Autonomen* become themselves an important source of power and domination. In the end, the *Autonomen* really want all the power for themselves for the realization of their moral ideals and are more than willing to use their power against those they oppose. Despite claims to the contrary, the *Autonomen* do indeed engage in hierarchical thinking, namely by placing themselves at the top of a moral hierarchy, while placing at the bottom and excluding those who do not meet their criteria, i.e. those who engage in forms of domination of which they do not approve.

These moral imperatives furthermore are indicative of a hypostasized group identity, or an identity onto which collective forces have been projected in order to make a consolidated *représentation*. This position is at odds with the imperative expressed in §6 of the *Theses*, which states that the counter-power the *Autonomen* oppose to the system "may never, however, totalize or unify, may never be institutionalized as the

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[172] Haunss also identifies deliberative democracy, or *Basisdemokratie*, as a constitutive element of collective identity for the *Autonomen* (Haunss 2013, 34). See also the above discussion of violence as a constitutive element of *Autonomen* collective identity.

counter-power."[173] Indeed, the *Autonomen* claim in §3 of the *Theses* that "the way, the manner of our battle is the goal."[174] They set forth a way of collective life that emphasizes movement, change, and contradiction (Leach 2009). The reasons for doing so are due precisely to the moral commands of the movement: totalizing or unifying tendencies would constitute a potential form of power and domination. However, the refusal to hypostasize a group identity is itself a hypostasized idea, principle, or moral *représentation*. The *Autonomen* enforce this principle both within their group and on outside groups. They do so out of a desire to respect a notion of human dignity, which is the moral authority that legitimates these commands. In effect, the *Autonomen* imperative to refuse hypostatization is a logical contradiction and to believe in its actual *real*ization, or even the potential for its *real*ization, is self-deception. This fact becomes clear particularly when considering the *Autonomen* in opposition to other groups that do not share their principles of non-domination. Violence, as perhaps the ultimate form of totalization, serves as a powerful group boundary marker to demarcate who belongs to which group (Collins 1974, 420).

In contrast to Leach's argument (Leach 2009, 1062), oppositional and constructive autonomy are in no way contradictory, but rather complimentary, and highly instructive in the formulation of a group identity that in important ways is very cohesive. If there is a contradiction, it is between the statements and the actions of the *Autonomen*, namely because what the *Autonomen* desire to do is possible only in theory.

In the following chapter, I will investigate further the performative contradiction between the moral ideals of the *Autonomen* and their enactment of these ideals. Specifically, I will analyze the campaign of violence and intimidation the *Autonomen* engaged in against the AfD between 2015 and 2017. The *Autonomen* engaged in this campaign to enforce their moral principle of non-domination. In so doing, they paradoxically created collective effervescence and emotional affect in support of their moral principles, but at the same time performatively contradicted them.

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[173] "Diese Gegenmacht darf sich allerdings nie totalisieren oder vereinheitlichen, darf nie als die Gegenmacht institutionalisiert werden." My translation.
[174] "Der Weg, die Art und Weise unserer Kämpfe ist das Ziel." My translation.

Chapter 6

Violence and Solidarity: *Autonomen* Ritual Violence

Introduction

An important part of the externalization/enactment of the *Autonomen* moral fact in the time period roughly between the beginning of the refugee crisis in 2015 and the German federal election in 2017 involved the harassment of AfD events and supporters along with acts of clandestine violence against the AfD. This violence began increasing in 2015 and was particularly intense during the federal election campaign in 2017 (Tagesschau 2017). Political violence against the AfD became so recurrent that on March 10, 2016, the AfD opened the *Zentrale Erfassungsstelle für Straftaten* (ZES, Central Documentation Office for Criminal Offenses) to help document the growing list of violent acts against the party (Baltzer 2016). According to the ZES, between 2014 and 2017 a total of 832 criminal offenses were committed against the AfD and its supporters, the vast majority of which took place in 2016 and 2017 in increasing frequency. Examples of violence include property damage, physical assault, the disruption of party events, and threats (ZES 2019). What is the relationship between these acts of violence and the moral ideology of the *Autonomen* discussed in the previous chapter?

This chapter will argue that the acts of violence and harassment perpetrated by the *Autonomen* constitute a form of ritual action that has the effect of bolstering group solidarity and respect for sacred objects and moral duties. In so doing, the chapter will argue that the acts of violence go beyond mere strategic, political goals, and serve other purposes such as bolstering group solidarity. Other authors recognize this aspect of political ritual generally. For example, David Kertzer (1988) recognizes that political rituals go beyond their mere pragmatic or utilitarian political goals, in this case event disruption and political violence, and serve the all-important purpose of group integration. Mark Juergensmeyer (2017a) similarly discusses the ritualistic aspect of terrorist acts, highlighting their performative dimension. He argues that such acts go beyond mere strategic political goals, and have a symbolic value aimed at producing a

specific effect on the audience. Concerning the *Autonomen* specifically, some research exists on ritual violence and group integration. Haunss (2004; 2008), Grauwacke, (2003), and Armin Pfahl-Traughber (2017) discuss *Autonomen* violence as a ritual of subjective liberation. Rainer Paris (1991) explores the symbolic process of *Autonomen* masking (*Vermummung*), or the process whereby perpetrators hide their identity by somehow covering their face, as well as the place of the masked individual within an *Autonomen* hero myth. Micha Brumlik (1989) discusses the integrative function and effect on group solidarity of *Autonomen* violence through a close iconographic reading of an *Autonomen* poster advocating violence against the far right. This chapter will go much deeper than these works and analyze *Autonomen* ritual forms, including demonstrations and the acts of violence themselves, by using first-hand participant accounts, second-hand accounts, interviews, and primary source materials, including literature produced by *Autonomen* circles.

This chapter is divided into two sections. The first catalogues, and discusses the various forms of violence in which the *Autonomen* have engaged. The second section analyzes the ritual dimension of this violence and shows how these rituals in turn contribute to the violence by providing the emotional energy needed to motivate them to action. I will do so by using the work of Durkheim and Collins, who both lay the foundations for the interpretive framework of ritual I discuss in the theoretical chapter. As I will show, the ritual activity of the *Autonomen* was largely successful, particularly in fostering the moral sentiments and the feeling of moral superiority of the group. The conclusion will discuss the nature of *Autonomen* violence and address the question of whether the violence is religious or political in nature. Finally, it must be pointed out that the discussion of *Autonomen* violence in this chapter is by no means exhaustive, and the number of incidents of harassment and violence go well beyond those discussed here.

Before beginning, it is important to define what I mean when I speak of violence. The violence discussed here does not involve emotional violence, subjective feelings of violence, or symbolic domination. Rather it means that which harms individuals materially, either economically or physically. This violence importantly includes the intimidation and terroristic elements that stem from the threat of such violence. Certain acts that the *Autonomen* committed and that some could consider violent fail to attain this

standard. For example, during the 2017 federal election campaign different elements of German society not limited to the *Autonomen* consistently ripped down or otherwise damaged AfD campaign signs. The act of ripping down a sign, if done in a group, can of course constitute a ritual and was certainly illegal. However, since no individuals were physically or economically harmed by the act, and from my discussions with AfD members they perceived the act as a nuisance rather than something intimidating, this chapter does not focus on this issue. Also, in an effort to protect personal honor, the German Criminal Code makes insults (§185, *Beleidigung*) illegal. Insult is different from slander or defamation, which are covered by §186 and §187, and essentially consists of someone saying something disrespectful or disparaging about another person. Because no one is physically or economically affected by insults (as opposed to slander or defamation, which can affect a person economically), I do not consider insults to be violent. Lastly, the violence I discuss in this chapter can be described as political, since the perpetrators engaged in their activities with the goal of influencing the political landscape of Germany.

A Catalogue of Violence

Doxing

Doxing involves the public identification and publication on the internet, in pamphlets, or in flyers distributed in the neighborhood of the targeted individual, of private information about targeted individuals, including their name, home address, phone number, email address, or place of employment. Often this process involves public figures such as politicians or political activists, but it can happen to private individuals as well. Often the intent behind doxing is malicious. In the wake of doxing, perpetrators harass the targeted individual, sending threatening messages or letters, or visiting the targeted individual's home or place of employment to harass, assault, or destroy property. By publishing the identities of private individuals, perpetrators can also seek to harm targeted individuals economically. By making their participation in political activities

public, perpetrators hope to cause those targeted to lose their jobs or otherwise be subject to public scorn, social stigmatization, and possibly bodily harm.

In Germany, as the AfD rose to prominence beginning in 2015, doxing became an important tactic of the *Autonomen*. They regularly doxed AfD politicians and party members on internet blogs and paper publications. Prominent blogs where this took place included *linksunten.indymedia.de*, *de.indymedia.org*, or *antifa-berlin.info*. Perhaps the most stunning example of this tactic involved the simultaneous online doxing of thousands of AfD party members. On January 30, 2015 an anonymous hacker by the name of "nie wieder" published on *linksunten.indymedia.de* the names and addresses of almost 3000 individuals who had taken part in the AfD *Parteitag* in Bremen earlier that month (nie wieder 2015). On April 30, 2016, nie wieder published the names, addresses, email addresses, telephone numbers, and birthdays of over 2000 AfD members participating in the *Parteitag* in Stuttgart at the very moment of the doxing (nie wieder 2016). The information on the website was readily available to the public for over a year, until the German Interior Ministry finally took the site down in August 2017 in the wake of the G20 riots in Hamburg.

Paper publications, which could also be found online for download, included *Fight Back: Neonazis in Berlin and Brandenburg-eine Antifa Recherche* (2018) and NIKA campaign publications from 2016 (*Wer ist die Berliner AfD?*) and 2017 (*Gegen die Berliner AfD!*). All three publications are associated with the *antifa-berlin.info* website. *Fight Back* photographically identifies AfD politicians and participants of AfD events and provides detailed descriptions of the political activities of those identified. The publication does the same for other groups, including the far-right NPD and various neo-Nazi groups active in Germany. The NIKA publications do the same, but they concentrate solely on the AfD in Berlin and Brandenburg. Online and paper publications regularly claim that the AfD is racist, sexist, xenophobic, misogynist, totalitarian, etc. and often equate the party with National Socialism.

These doxing initiatives were clearly calls to action against political opponents. As *Fight Back* states in its editorial: "Research and the consequences of this research must direct themselves to social-political conditions—the publication is worthless if nothing is done with it—to say it better: if no one does anything with it. Responsibility

cannot be delegated. It rests with you, in your area, with all of us—we are all 'Antifa.' **Let's do something about it!**" (Fight Back! 2018).[175] Comments sections in online doxing posts also testify to this fact. For example, "Na dann mal los..." posted a comment to the above-mentioned Stuttgart doxing with the title "*Auf geht's bevor sie umziehen*" ("Let's go before they move"). Often with doxing a user would publish information on an individual or event on an internet platform such as Linksunten.indymedia, and shortly thereafter the *Autonomen* would attack the locale. This happened to the *Seminarraum Bülowbogen* in Berlin. On August 14, 2017, a user posted information on Linksunten.indymedia about an AfD event that would be taking place there soon. The post included the name of the establishment, the address, the nature of the event, and a picture of the front of the restaurant with the restaurant's large windows prominently displayed, intact. That night the *Autonomen* attacked (Kein Raum der AfD 2017). The doxing of AfD members in Bremen and Stuttgart likewise resulted in attacks on those individuals publicly identified, which I will discuss shortly.

Due to its potential ramifications, doxing constituted one of the most important and effective tactics of the *Autonomen*.

Photographing

At virtually every AfD event, whether it be large or small, a campaign rally, a street march, or a protest, there was at least one individual, and often several individuals, off to the side with a very large, professional-looking camera taking pictures of everyone in attendance. The identities of these photographers were not known. When I asked participants at the events, they identified the photographers simply as "Antifa." It was thus well known that these individuals were there to take pictures of participants with the likely goal of identifying participants and possibly doxing them. One was never sure exactly who was taking the picture, where it would end up, and what would become of

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[175] "Recherche und ihre Konsequenzen müssen sich an gesellschaftspolitische Zustände orientieren – die Publikation ist wertlos, wenn damit nichts gemacht wird – besser formuliert: wenn niemand etwas damit macht. Die Verantwortung lässt sich nicht deligieren, sie liegt bei dir, in deinem Umfeld, bei uns allen – wir alle sind „die Antifa". **Machen wir was draus!**" My translation.

the individuals photographed. Participants in AfD events were aware of the dangers they could incur owing to the photographs being taken be they economic, social, or physical.

Event Harassment and Disruption

Another tactic the *Autonomen* and others on the far left used was the disruption of AfD events and the harassment of those participating. Often the *Autonomen* and their allies held counter demonstrations at AfD campaign rallies, *Bürgerdialog* (citizen dialogues), *Parteitage* (party meetings), marches, or other events. These demonstrations frequently attracted a mass of people who interacted with AfD supporters at close proximity. Opponents would carry signs denouncing racism, embracing tolerance, comparing the AfD to National Socialists, etc. Many, although certainly not most, individuals dressed in the *Autonomen* black-block uniform, with black clothing, large hoods and sunglasses or other items to mask their identity. A large police presence accompanied these demonstrators to keep the peace and prevent an outbreak of violence. At many events, the police cordoned off wide sections of the street in front of the entrance to the building or square where the event took place, while for marches police cordoned off the parade route, as is typically done for all types of parades or marches, and ensured a large police presence throughout the entire route to keep things orderly. During these demonstrations, the demonstrators either crowded around the entrances of the cordoned off street or lined the march route and congregated at specific areas. These congregations of demonstrators often resulted in corridors or, to be more accurate, gauntlets through which AfD supporters were required to walk in order to participate in an event.

While walking through these gauntlets, AfD supporters experienced verbal insults, demonstrators flipped them off, people took their photo, and at times opponents even threw projectiles such as eggs or liquids at them. I experienced this running of the gauntlet personally while attending an AfD event on August 13, 2017, in Hamburg. As I walked by with several other attendees, demonstrators behind metal crowd barriers and with a heavy police presence lining the street yelled "*Verpisst euch*" (go fuck yourself), "*Scheiss Rassisten*" (fucking racists), "*Nazis*," and chanted "*AfD, rassistich Pack, wir*

haben euch zum Kotzen satt" (AfD, racist pack, you make us want to throw up). There were also photographers taking pictures of those entering. Accompanying their screams and chants was a chorus of whistles to make for a chaotic and tense environment. Once inside the event, however, there were no further disruptions. At the end, there was some concern whether it was safe to depart, as the *Autonomen* had been known to accost AfD supporters upon leaving an event. The police recommended people leave in groups, since it was possible that groups of *Autonomen* were still in the area and the police could not guarantee their safety.

Past the gauntlet in Hamburg, August 13, 2017. Author's photo.

Another example of a gauntlet came at an event in Weimar on August 4, 2017, where AfD politician Björn Höcke was speaking. A crowd of around 500 people gathered around the entrance of the speaking venue, the *Hinterzimmer*. Demonstrators pelted individuals with eggs as they entered (Key 2017), and according to some participants, the

demonstrators pelted every attendee as they entered (Fortunato-Rambow 2017).[176] AfD supporters also had their pictures taken as they entered. Once inside, the large crowd was audible, played loud music and chanted that the AfD should "disappear" (*verschwinden*). A stink bomb (*Buttersäure*) made the venue smell terribly. The crowd was also there when the participants left, with police protection beyond the cordoned off area not possible, leaving open the issue of whether one would encounter more problems as one left (Fortunato-Rambow 2017). The AfD *Frauenmarsch* (Women's March) in Berlin on February 17, 2018, was also the place of tumult. One participant recounted to me that he had to walk through a gauntlet of demonstrators to reach the start of the march. While doing so he was doused with what he described as a somewhat sticky liquid with a strange smell (Interview with the author March 15, 2018). During the march, aside from the usual shouting, heckling, and gesturing from demonstrators lining the sides of the streets, demonstrators near Checkpoint Charlie formed a human blockade of around 1,000 people and succeeded in blocking the march for several hours. With the police unable to do anything, the march's organizers cancelled the event well short of reaching its initial destination (Fielder 2018). Among the demonstrators were politicians from the Green and Left party, including Hans-Christian Ströbele (Green Party) (Fielder 2018), Canan Bayram (Green Party), Katrin Schmidberger (Green Party) (RBB/24 2018), Hakan Tas (Left Party) (JF 2018a), and Caren Lay (Left Party) (Deutscher Bundestag 2018, 1042 (C)).

These disruptions also affected major AfD events, including the *Bundesparteitag* in Hannover on December 2 and 3, 2017. There, NIKA organized a demonstration, which included 6,500 people. Among the demonstrators were 600 "violence-prone left-wing extremists" (*gewaltorientierte Linksextremisten*), who attempted to block the entrance to the event with sitting blockades or human chains (BfV 2018, 125). At this event, the *Autonomen* also physically assaulted Kay Gottschalk, which I will shortly discuss.

The degree of intensity of the crowds at these events, i.e. its size and degree of interaction with AfD supporters, varied. At times, the crowd was nothing more than a harmless, comical nuisance, standing off somewhere to the side of an event. A middle

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[176] Fortunato-Rambow places emphasis on the fact that everyone who entered was pelted with eggs, saying "Ich, *jeder* Besucher, wurde mit Eiern beworfen und fotografiert" (I, *every* attendee, was pelted with eggs and photographed. My translation).

intensity involved what I experienced in Hamburg, where there was a large police presence, and a sizable and hostile gauntlet. Intense moments were seen in Weimar or during the Frauenmarsch in February 2018, where opponents pelted AfD supporters with objects and significant event disruptions took place.

Clandestine Violence: Breaking Windows/Paint Attacks/Graffiti/Burning Cars/etc.

Beginning in 2015, the *Autonomen* engaged in a number of acts of clandestine violence, including breaking windows, spray-painting graffiti, and destroying the property of restaurants hosting AfD events, AfD offices, and the homes of AfD supporters or politicians. These actions took place at night and were part of a coordinated campaign of intimidation, harassment, and economic sanctioning.

Autonomen frequently targeted restaurants that hosted AfD events, such as *Bürgerdialoge* (citizen dialogues), *Stammtische* (meet-ups), or events related to electoral campaigns. Most often assailants broke their windows, but many also saw their exterior walls spray-painted or their interiors damaged by paint or acid. A good example is the BonVerde restaurant in the Zehlendorf district of Berlin. The restaurant regularly hosted events for the local AfD party organization. Already in August 2016, the restaurant was on the radar of the *Autonomen*, who plastered pro-far-left posters on the entrance doors and outside wall of the establishment (www.antifa-berlin.info 2016c). Over the course of the following year-and-a-half far-left activists regularly organized demonstrations with the intent of disturbing the planned *Stammtische* at the restaurant (www.antifa-berlin.info 2018b). Then on February 16, 2018, masked individuals broke the windows of the restaurant and sprayed a bitumen-like black liquid throughout the interior, causing at least 5000€ worth of damage (AfD Steglitz-Zehlendorf 2018).

Image from attack on BonVerde Restaurant in February 2018. Image shows the bitumen-like substance sprayed on interior equipment and walls. Photo credit AfD Steglitz-Zehlendorf.
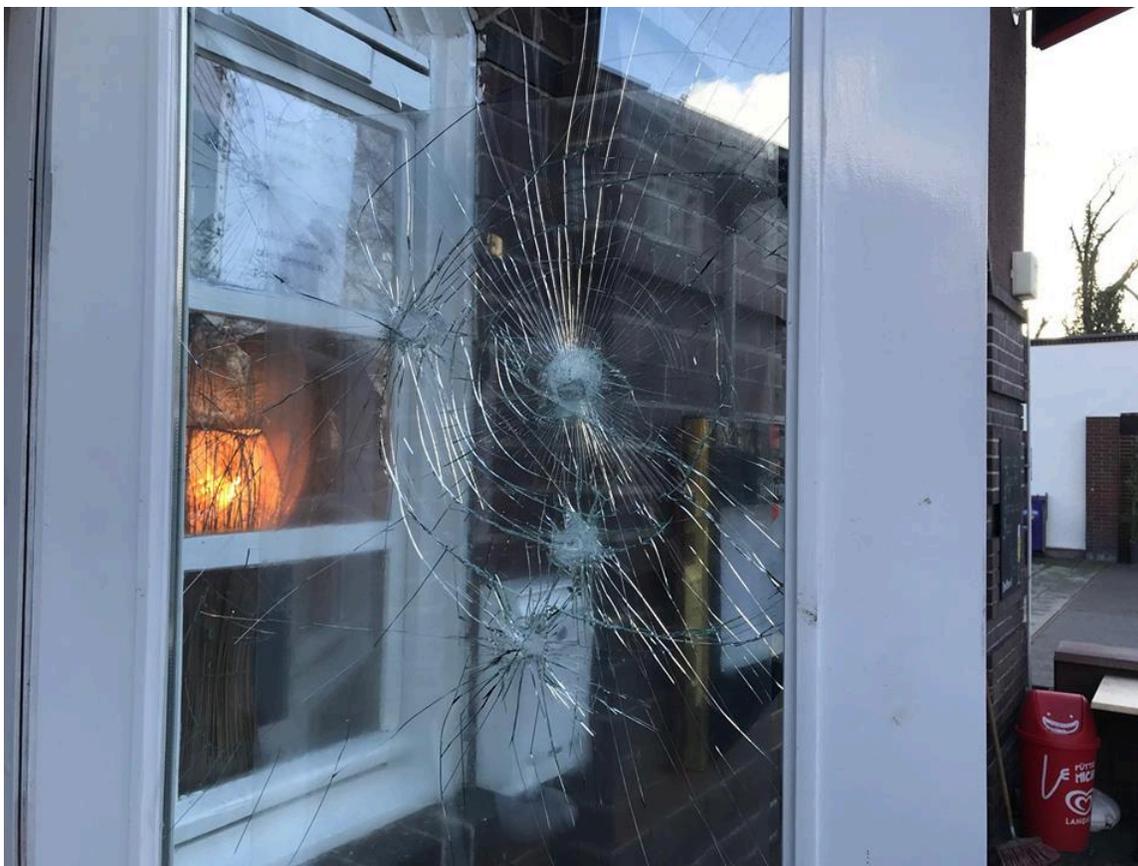
Image from the attack on BonVerde Restaurant in February 2018. Image shows front door with broken windows in the background. Photo credit AfD Steglitz-Zehlendorf.

Autonomen broke the windows of other restaurants as well. On May 29, 2017, unknown individuals shattered the windows of Franky's Restaurant in Duisberg, which hosted AfD *Stammtische*. In the two weeks after attack, the owner received threatening letters from 'Antifa' and the tables in front of the entrance were spray-painted with "*Wer Nazis bewirtet, ist auch ein Schwein!*" (Who serves Nazis, is also a swine!). Prior to this incident, the restaurant had seen its façade sprayed in 2016 with the words "*rassistische Tatort*" (racist crime scene) also because it hosted AfD *Stammtische*. Of note is that the owner, Frank Betke, was a member of the SPD and his restaurant had hosted virtually every other major political party for events (Kalscheur 2017). The guesthouse Tivoli, in Aukrug, Schleswig-Holstein, eventually had to close due attacks it suffered. After the establishment hosted an event with Frauke Petry on March 3, 2017, to kick off the AfD campaign for the regional elections (*Landtagswahl*), *Autonomen* attacked the restaurant repeatedly. The restaurant received threatening letters, and vandals spray-painted the

front entrance, dumped horse manure with shredded AfD material in front of the door, and punctured car tires in the parking lot. On the website Linksunten.indymedia, the "Antifaschistische Aktion" celebrated the acts. By May, the owner had had enough and decided to close the guesthouse (Wieczorek 2017). The *Autonomen* attacked other establishments for hosting AfD activities, including the *Seminarraum Bülowbogen* in Berlin (August 2017) (RBB/24 2017), the Louis restaurant in Berlin (November 2016) (www.antifa-berlin.info 2016d), the A&O Hotel Chain in Berlin (March [www.antifa-berlin.info 2016a] and August 2016 [www.antifa-berlin.info 2016b]), and the *Bürgerhaus* in Misburg (January 2018) (Hannoverische Allgemeine 2018).

The *Autonomen* also attacked the private homes of AfD politicians and supporters. In the wake of the Stuttgart doxing in 2016, for example, *Autonomen* attacked the home of Dominik Class who at the time was a leader of a local *Junge Alternative* chapter in Frankfurt but who since 2017 is no longer a member of the group. As he explained, they found his address from the list published on the Linksunten website. They spray-painted 'FCK AFD' and 'Class Rassist' on the front of the house (Frankfurter Neue Press 2017). This act resulted in over 10,000€ worth of property damage (Dominik Class, interview with author, February 28, 2018).

House of Dominik Class, April 2017 (Frankfurter Neue Press 2017, photo credit Dominik Class)

The *Autonomen* also visited ten party members in Duisberg in June 2016 after getting their addresses from the Stuttgart doxing incident. The *Autonomen* spray-painted the NIKA logo on the sidewalk in front of the houses and left threatening notes that said:

> "Whoever supports the AfD and spreads racist hatred must live with the consequences! Whoever with their politics ensures that refugee homes are attacked can also no longer feel safe at home. Your names and addresses are known, and you can be sure that you will not be left in peace. Get ready for a hot election in 2017, or better yet, stay away. Nationalism is not an alternative!" (AfD Landesverband Nordrhein-Westfallen 2016. My translation.)

Letter left at houses in Duisberg in June 2016[177]

Autonomen also struck the houses of prominent AfD politicians, including the then head of the AfD regional parliamentary group in Berlin Georg Pazderski (October 2017)

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[177] Photo credit AfD NRW.

(Ringelstein 2017), then party head Alexander Gauland (April 2016) (Fröhlich 2016), and former SPD member and member of the AfD executive committee member Guido Reil (April 2017) (Schumacher 2017). The attacks saw the destruction of cars, and paint and graffiti on the walls, garage doors, or front doors accusing the politicians of being racists or Nazis.

The same kinds of attacks happened to countless AfD campaign offices, and beginning in 2015, there was a dramatic increase in the attacks on these targets (Hausner 2016). *Autonomen* broke windows, spray-painted walls, spray-painted inside, and destroyed property and material both inside and outside the offices. At times this required special security measures, as was the case with the office of Andreas Wild in Zehlendorf. As he explained to me, his office had been broken into two times by July 2017, and in the back room where I conducted the interview there was an extra thick security door to prevent illegal entry (Andreas Wild, interview with the author, July 30, 2017). Beyond this, the attacks on AfD offices followed the same pattern seen with the attacks on businesses and private dwellings. Below are some images of an AfD office in Stuttgart-Fasanenhof, which the *Autonomen* attacked in April 2017 (AntifaschistInnen 2017).

Graffiti on and in AfD Office in Stuttgart-Fasanenhof, April 2017.[178] Caption on top left reads "Attack Racists," while the one on the bottom left reads "Stop the Rightward Shift!"

Beginning in 2015, multiple AfD politicians at various levels of the party saw their cars burned. This was a rather common experience, and instances of car burning were well known among AfD supporters. A non-exhaustive list of those affected includes Beatrix von Storch (October 2015) (Kopletz 2015), Frauke Petry (September 2016) (Berliner Morgenpost 2016), Uwe Junge (March 2017) (Focus Online 2017a), Maximillian Müger (February 2018) (Mahn 2018), and Holger Henschel (February 2016) (Roth 2016). Other instances of car burning have involved cars used for AfD campaign purposes, or against private individuals for their support of the AfD. For example, a car rented by the AfD in Oberhausen during the 2017 campaign was burned in September 2017 (Westdeutsche Allgemeine Zeitung 2017). In Bremen in December 2018 arsonists burned an 18-wheeler truck. Afterwards, individuals from the far-left scene published a

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[178] Photos published on Linksunten.indymedia.

letter claiming responsibility for the fire, and saying it was revenge against the owner of the concrete factory where the truck was parked, because he had allowed the AfD to park campaign vehicles there during the election. The attack almost resulted in the death of a driver who was sleeping in a neighboring truck (Michel 2018). The AfD also reported the burning of cars of simple party members (AfD-Landesverband Meklenburg-Vorpommern 2016).

Acts of intimidation and harassment went beyond property destruction. The Hinterzimmer in Weimar that hosted the event with Höcke on August 4, 2017, experienced such incidents. In the days after the event with Höcke, unknown individuals piled up trash in front of the street entrance (Thüringer24 2017). A few days later, the decapitated and bloodied head of a wild boar was chained to the front door of the establishment (Bild 2017).

Boycotts/Economic Attacks

The *Autonomen* also engaged in economic boycotts, in which they attempted to discourage individuals from frequenting certain businesses or to get certain individuals fired owing to their association with the AfD.

A good example is the case of Marius Radtke. Radtke was a dentist practicing in the Weißensee district of Berlin. He was also a member of the AfD and became the district spokesperson for the Berlin-Lichtenberg AfD regional parliamentary group in 2015. Beginning then, his name circulated with ever more frequency in *Autonomen* circles. In April 2016, the *Autonomen*, as part of the NIKA campaign and with coordination and support from the Antifa Nordost and Antifa Berlin groups, began organizing activities against him. They distributed flyers in the mailboxes of the neighborhood where his practice was located. The headline of the flyer stated, "Warning: Racist in the neighborhood-Marius Radtke" (*Achtung: Rassist im Kiez-Marius Radtke*) (Antifa Nordost 2016b), and discouraged people from going to Radtke for treatment (Hasel 2017).

Following the flyer action, around 60 *Autonomen*, all dressed in black, held a protest in front of Radtke's practice in Weißensee on May 12, 2016 (Schupelius 2016).

Around the same time, dentists in the area received letters recommending they stop referring patients to Radtke. After Radtke announced his candidacy for the *Bundestag* in February 2017, the *Autonomen* distributed flyers in the neighborhood again, and organized another, larger protest (Hasel 2017). According to Radtke, with whom I spoke in July 2018, there were between 600 and 800 people at the second demonstration. The second demonstration and attempted boycott caused much disturbance, but did not harm his practice, as I will discuss in the following chapter. It is also worth mentioning, as Radtke explained to me, that the day after the German federal election, the *Autonomen* sprayed the outside walls and windows of his practice with red paint. Prior to the AfD *Großdemo* on May 27 in Berlin, the *Autonomen* put posters on bus stops and other public surfaces in his neighborhood to discourage people from visiting his practice. These actions demonstrate a determined willingness to harm him and his practice (Marius Radtke, interview with the author, July 23, 2018).

Autonomen also targeted restaurants and other businesses with flyer campaigns in order to limit business and prevent the locale from associating with the AfD. In April 2017, for example, *Autonomen* distributed flyers to guests entering the Ratskeller Charlottenburg, a restaurant where the AfD met once a month for its *Landesweitstammtisch*. The flyer informed the clients that the restaurant hosted the AfD, and asked: "What is your personal position on freedom, solidarity, and humanity? Do you think they are actually good? Then you are totally in the wrong place! Next door is a pizzeria and a few metro stations further is, for example, the Café Bleibtreu. There you would better off" (www.antifa-berlin.info 2017b).[179]

Physical Assault

Lastly, physical assaults were a common tactic of the *Autonomen* against their political opponents. These assaults became more frequent beginning in 2015. Incidents took place in public spaces or streets, at public events, or in secluded areas where the victims were alone. Assailants often wore masks and almost always outnumbered their

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[179] "wie stehen sie zu persönlicher Freiheit, Solidarität und Humanität? Finden Sie eigentlich ganz gut? Dann sind Sie hier wohl falsch! Nebenan ist eine Pizzeria und ein paar U-Bahn Stationen weiter ist z. B. das Café Bleibtreu. Das passt besser zu Ihnen." My translation.

victims. The attacks targeted unknown AfD supporters as well as public politicians. The degree of injury ranged from slight injury to near death.

In September 2017 in Rostock, a small group of AfD supporters were hanging AfD campaign posters. Five masked individuals confronted them and starting throwing rocks. No one was injured, but soon after a group of fifteen individuals returned to attack. The degree of injury is unclear (Die Welt 2017c). In Aschersleben in October 2017, a man came to an AfD district office, disturbed a display stand, and punched an AfD worker in the face. The same office had been targeted earlier in the year, with vandals spray painting swastikas and other graffiti on the building and stealing a sign (Jeschor 2017). In Neukölln in Berlin in September 2016, six unknown individuals punched and sprayed an AfD election volunteer in the face. The attack took place at an info stand in the Uthmannstraße (Focus Onlie 2016a). In Northeim in September 2017, unknown individuals attacked a 17-year-old girl on her way to the central train station from an AfD event. They punched her in the face and kicked her in the back, resulting in slight injuries according to the police (Mennecke 2017). In Karlsruhe in January 2016, a volunteer was hanging AfD posters. A masked man told him to disappear. When the volunteer entered his car to leave, the masked man took out a pistol and shot at the volunteer through the windshield. The shot missed and the AfD volunteer was unharmed (Die Welt 2016).

In April 2017 in Stuttgart, Eberhard Brett, an AfD politician and member of the city council, was on his way to a campaign event when a young man called him a "Nazi" and hit him over the head with a wooden board (Die Welt 2017b). *Autonomen* also attacked the AfD *Bundestag* member Kay Gottschalk, formerly a member of the SPD. He was on his way with friends to the *Bundesparteitag* in Hannover in early December 2017, when a group of black clothed youths suddenly appeared in their way. The assailants screamed "Fuck AfD!" and "*Haut ab*!" (disappear), grabbed his arm, and attempted to rip away his briefcase. The assailants twisted his thumb, and one struck him on his right wrist. The result was an avulsion fracture and dislocation in his hand (Abé et al. 2017). In Mainz in August 2016, four unknown men attacked the AfD regional parliamentary group leader for Rheinland-Pfalz, Uwe Junge, punching him in the face as he was walking in the city (FAZ 2016b). As a result of his injuries, Junge required surgery to repair a fractured bone around his eye socket (Focus Online 2016b).

In Germany, I personally met several individuals who had been attacked. Some were attacked in the Berlin U-Bahn; one AfD supporter had his nose broken when he was shoved onto a curb after an AfD event. The most direct, graphic encounter, however, occurred when I attended the 3-year anniversary of PEGIDA in Dresden on October 28, 2017. While there I saw a somewhat large man in his fifties. He had a three to four-inch long, deep, jagged scar that forked out on his forehead like a bolt of lightning and that still looked rather fresh. His left arm was attached to his body by a plastic cast, indicating a shoulder or clavicle injury. As he explained to me, he lived in a small village somewhere in Germany with no more than 11,000 inhabitants. Apparently, as he explained to me, he had heckled Claudia Roth at a local campaign event, shouting something like 'I have my school diploma' (*Ich habe meine Abschluss Papiere*), for example. At the end of the event, the police had to escort him out of the event, not because he was in trouble, but because some *Autonomen* were following him. At the event, however, *Autonomen* had taken his picture. Two days later, he was riding on his bike down the street, when someone jumped from behind a tree and kicked his bike over. Several people subsequently came out of hiding and began kicking and punching him. The attack left him with two deep gashes above his eyebrow, a concussion, four broken ribs, and a broken shoulder. His assailants left him in the street unconscious, and by his own account the attack left him close to death.

Conclusion

These attacks and harassment were linked to a coordinated strategy of violence, intimidation, and the de-normalization of the AfD.

The physical and economic damage was the most obvious consequence of *Autonomen* violence. The cost of repairing property damage in many cases exceeded 10,000€. The bodily harm done to AfD supporters and politicians likewise had fiscal as well as physical costs. *Autonomen* used these actions both to harm their opponents and to coerce others into not working with or publically supporting the party. In addition, there were psychological effects tied to these economic and bodily costs. The *Autonomen* used these acts to intimidate and terrorize supporters and would-be supporters of the AfD. The

message one read in these acts was that there would be consequences for those who publicly supported the AfD, as the NIKA letter makes clear. Either they would be fired from their job, ostracized from friends, family, and the wider community, have their property destroyed, or themselves be physically assaulted. At times, the *Autonomen* made very clear to the wider public that this intimidation was a central part of their strategy. In an interview with the *Frankfurter Allgemeine Zeitung* shortly after the German federal election in September 2017, Emily Laquer, a spokesperson for the *Interventionistische Linke* stated in response to the question "Should a member of the AfD be afraid?": "Yes, Nazis should be afraid. We, as the extra-parliamentary left, will hunt the AfD. Now with even more determination" (Eder 2017a).[180] She added that while her organization did not organize acts of violence, she had no sympathy for those in the AfD, for example, whose cars were burned for political reasons.

While some of the activities of the *Autonomen* were clearly illegal, those that were legal played a part in the campaign of intimidation. In that regard, one must mention the gauntlet. The presence of the *Autonomen* and others on the far left at these events served as a show of force; the underlying message was that if you were an AfD supporter, there would be people who would harass you and possibly attempt to destroy your life if you made your political allegiances known, and the people harassing were well-organized and fanatical enough to pursue this harassment until it was effective. Ideally for the *Autonomen*, the number of demonstrators would outnumber the participants in AfD events, giving the impression of numerical superiority in the wider society and reinforcing their desired show of force.

The constant presence of photographers at AfD events and the threat of doxing that came with it likewise cannot be underestimated. The presence of photographers in this sense worked as a sort of Foucauldian panoptic, in which one knew one was being observed, but not exactly by whom, nor exactly when, and one was never sure one would be punished for their political activities; one was thus under constant observation.[181]

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[180] "Muss man als AfDler Angst haben?- Ja, Nazis sollten Angst haben. Wir, die außerparlamentarische Linke, werden die AfD jagen. Jetzt noch entschlossener."

[181] There is a parallel here between photographing and the tactic of masking, in which the *Autonomen* also show people that they are observing, without in turn being able to be identified As Paris (1991, 119) puts it, "Der Vermummte […] sieht, ohne erkannt werden zu können […] er *zeigt*, daß er sieht, ohne erkannt werden zu können."

Unlike the carceral context Foucault (1975) describes, however, the goal of this panoptic observation was not to reform the thoughts and behaviors of participants or to prevent misbehavior, but rather to intimidate participants with the latent threat of violence that the camera represented. One of the primary goals of this panoptic observation was thus to suppress turn-out at events.

Beyond this, these tactics had the effect of de-normalizing the AfD. The de-normalization operated in both a direct and indirect way. The direct manner of de-normalization involved running the gauntlet. Who wants to be heckled, verbally abused, and labeled as one of the worst people in Western society (i.e. racists, Nazis)? The gauntlet was also dissuasive in another sense, in that it could make an individual feel isolated, insignificant, or simply wrong. As one participant recounted to me, to be berated as a terrible person, at times in an overwhelming way, can make a person reconsider their opinions. The first time they ran the gauntlet, they wondered: "Is what I think really *that* bad?" (Interview with the author, July 26, 2017).

The indirect manner of de-normalization of the AfD involved the transfer of *Autonomen* group characteristics onto the AfD. As already discussed, AfD events were not usually tranquil affairs. They often required a large police presence to keep the peace, and participants often experienced great disruptions when attending events. None of this was due to the disruptive or violent nature of the AfD, but to the disruptive and violent nature of those opposing them. Because the *Autonomen* consistently followed and harassed AfD supporters and events, AfD events became synonymous with a heavy police presence and disruptive behavior. The clandestine violence of the *Autonomen* worked in the same way, and I experienced this transfer personally at the *Seminarraum Bülowbogen* in Berlin in August 2017. After the *Autonomen* attacked the restaurant and the AfD cancelled the event, several members from the AfD were standing in front of the establishment giving interviews to the media the day the event was supposed to take place. Farther down the street, a planned far-left protest was taking place. There was a heavy police presence along the street in front of the restaurant. Those who lived on the street had to verify with the police that they lived there in order to pass the barricade and go into their apartments, and when I attempted to sit in a park across the street from the restaurant, the police came and told me in a rather aggressive manner that I had to leave.

The overall atmosphere was very unpleasant. It was very tense and uneasy. Ordinary bystanders, especially those who live in the area, witnessed this event, walked by the broken windows, and saw the graffiti on the walls. Thus, even though the police were at events to protect the AfD and the AfD was not the perpetrator of violence, the message to bystanders was that the AfD is a radical party with dangerous ideas; in other words, trouble follows the AfD.

Sources of *Autonomen* Solidarity

While the violence of the *Autonomen* had direct, obvious effects related to their political goals, it also served a less obvious role as a collective ritual that reinforced group ideology. In the actions discussed above, there are several types of rituals, including the acts of violence themselves, the demonstrations at AfD events, doxing, and boycotts. The emotional energy that the rituals produced was disseminated on multiple layers, including among those who participated in the violence, those who participated in demonstrations, and those who disseminated their acts of violence online. These rituals bolstered the ideas that all forms of domination and power are immoral, that the AfD incarnates the very worst forms of domination possible, and that the AfD must be stopped at all costs.

Large Group Effervescence

Obvious rituals were the demonstrations against the AfD that took place at AfD events. These demonstrations can be described as classic moments of collective effervescence related to sacred and profane objects. They include all the necessary components of a ritual identified by Durkheim and Collins: a group of individuals is gathered in one place, at the same time, to participate in the same movement, and share the same thoughts and emotions. Demonstrations ranged from small groups to thousands of individuals, with set meeting times and locations, often in close proximity to AfD events. Demonstrators held signs denouncing the AfD as racist, homophobic, sexist, National Socialists, etc., or held signs with a positive message such as "*Bunt statt Braun*"

("colorful instead of brown," brown being a reference to the National Socialist SS uniforms), "*Solidarität statt Rassismus*" (Solidarity instead of racism), "Refugees Welcome," or "*Vielvalt für Deutschland*" (Diversity for Germany). The demonstrations picked up steam as AfD members and supporters began filing into events or marching on the planned routes. Individuals hurled insults, crowds chanted insulting slogans, made insulting gestures such as the middle finger, and overall displayed a hostile attitude that was magnified by the presence of the crowd. These rhythmic group gestures repeated each time an AfD supporter passed. The events reached their heights when demonstrators would lobbed physical objects at AfD supporters, such as in Weimar, but for the most part demonstrators restricted themselves to shouting/chanting, gesturing, and holding signs. When AfD supporters were not present and walking by, a speaker with a microphone often kept group energy high. The speaker would make short statements about how evil the AfD was, or lead chants such as "*Es gibt, kein Recht, auf Nazi Propaganda*" (There is, no right, to Nazi propaganda).

These rituals were not limited to street encounters, however. At times the *Autonomen* infiltrated events with the goal of disruption. Event 'crashing' takes place when individuals or groups of individuals enter an event in order to make a large, disruptive scene during the event. This occurred at an event in Hanau on September 3, 2017, that I attended and where Alice Weidel was making a speech. A pair of protesters stood up near the back of the room during her speech and shouted at her. Many in the seated crowd, around 200-300, turned to view the commotion. Some stood up. Many began to scream back to drown out the protesters, and Weidel demanded in a calm voice that the protestors leave the hall. This lasted about a minute before the two were escorted out by security to much clapping.

A far more dramatic instance occurred in Berlin on February 23, 2018, during an AfD *Bürgerdialog* to discuss the renaming of streets in the Wedding district of Berlin that had names from Germany's colonial era. The event was public and took place in the city hall for the Berlin-Mitte district. This meant that no one could be prevented from attending the event. Calls went out among the *Autonomen* scene to harass the event (Antifa Nordost 2018), and this is exactly what happened. The hall was full. There were in total around 60-70 people in attendance, of which roughly half were *Autonomen* and

the other half AfD supporters or curious citizens. At the beginning, the event moderator, a politician from the AfD, introduced the topic, acknowledging that it was controversial and calling for a calm discussion. Before the introduction ended, demonstrators began heckling and shouting at the speaker. While some heckled, others laughed. When the moderator demanded that those intent on disrupting the event leave, many complained that their "free speech" (*Freiemeinung*) was being infringed and that the AfD was not respecting "democracy" (*Demokratie*). One young woman with a particularly salient voice jubilantly exclaimed, "*Wir sind viele; Wir bleiben alle hier!*" (We are many; We are all staying here). After a few minutes, the moderator again asked anyone intent on disrupting to leave. One of the *Autonomen* leaders, a man in his 60s, refused to stop shouting comments. His actions caused a commotion for several minutes, and eventually the event organizers had to call the police, who forcibly escorted the screaming man out of the room 15 minutes after the event began. After police removed the disrupter, the moderator introduced the main speaker, historian Dr. Götz Frömming. At this point one demonstrator made a fake cough while loudly shouting "Racist." The *Autonomen* allowed the 30-minute presentation to continue mostly unimpeded, but at times they jubilantly interrupted and chastised him. When he spoke of the "*Schattenseite*" (dark side) of German colonial history, one *Autonomen* retorted "*das heist Genocide*" (that is called Genocide). When he spoke of the German colonial rulers or Africa ethnographic researchers, another shouted "*Massenmördern*" (mass murderers). The question and answer time was also a scene of disruption. There were many substantive questions. Many asked pointed questions and generally argued that the AfD position, that what happened in the past was unjust but we cannot judge the past with the moral lens of the present, that we should not erase the past for this reason but should remember and critically engage with it, did not take seriously the crimes of the past. While attempting to explain his position, hecklers often interrupted Frömming in a manner similar to that described above, and accused him of playing down (*Verharmlosung*) the violence of the past. During the question and answer session opponents shouted down supporters of the AfD as they asked questions, and accused them of being racists. Only with difficulty did they manage to get their questions out.

Beyond the removal of the man by police at the beginning, the most animated moment of the event came in the Q and A session, when a young lady used her question to make a speech that led to three spontaneous eruptions of applause and cheering. She began by saying that colonialism represented genocide, rape, slavery, and starvation among other things, and that colonial domination and exploitation continued to this day. She accused Frömming and those who agreed with him of being cold-hearted and not taking this history seriously enough. As she contended, her side recognized this brutal history, and said of Frömming in a mocking way, "and you say, 'yes, that is of course very bad, but one should also recognize, I could (inaudible) my business card.'"[182] This statement led to much laughter and applause. She continued her speech, saying in reference to the *Autonomen*: "There are many people in the room here, because they are people for whom empathy is a more important value."[183] To this one man retorted "*Nee, nee*," to which a jubilant chorus of *Autonomen* responded laughing "*ja, ja*." The woman continued with her speech and argued that the colonial history was bad, and that "we should all be grateful […] to be able to apologize," calling for the removal of the names, which constituted a "glorification of perpetrators of violence."[184] She then argued that only when enough people became engaged, learned about the history of the names, and supported their removal could it be a place of remembrance, a statement that drew loud applause and table slapping. She continued by claiming that the AfD often turned things around by playing the victim and turning attention away from those who were truly affected by brutality, those who were true victims, such as those of African descent living in Germany. After Frömming asked where such people were, as virtually all the *Autonomen* present were white, she answered that many people were not there because they were "justifiably" (*mit vollig Recht*) afraid of racists. Frömming then asked her to come to the end of her speech, and she did so, by saying with conviction, "I would like you to change your opinion,"[185] which again received loud cheers and table slapping.

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[182] "und, sie sagen, ja, das ist natürlich schlimm. Es muss man aber auch sehen, ich könnte meine Visitenkarte (inaudible)." My translation.

[183] "Viele Menschen in den Raum sind hier, weil Sie Menschen sind, den Empathie ein wichtiger Wert ist." My translation.

[184] "Wir sollen alle dankbar sein […] uns zu entschüldigen"/"Verherrlichung von Gewalttäter." My translation.

[185] "Ich möchte dass Sie ihre Meinung verändern." My translation.

During the event, several words that recurred included democracy, free speech (*Freiemeinung*), racism and variant –ism's, genocide and various other forms of colonial violence, and belittling or playing down (*Verharmlosung*), as in playing down the horror of the past. By using these words, the *Autonomen* were demonstrating their moral indignation and posing as the true defenders of democracy, the protectors of human dignity, the guardians of morality. At many points, when people were yelling and heckling, others were looking at each other with bewildered and indignant looks, as in "I can't believe what I am hearing from this AfD guy." At other points, *Autonomen* made different corporeal gestures, such as standing up, grabbing one's forehead, gesticulating one's hands in outrage, nodding in agreement, or in one instance being physically removed by the police. These corporeal gestures were as fundamental a part of the ritual as the verbal (yelling, laughing, table slapping, applauding, cheering). The collective banter, be it verbal, corporeal, or visual, was instrumental in growing the emotional energy, mutually reassuring one's feeling that one was morally right to believe what one believed and to make the moral judgments one was making. Ultimately it created what one could call - following Collins - a successful ritual for the *Autonomen*.

During these outbursts, those on the side of the AfD generally groaned, and sighed. The moderator and Dr. Frömming attempted to keep order and generally kept their cool, but at times frustration was evident. A few in the audience made audible comments, such as the man who uttered '*nee, nee*'. While asking his question one man also called the *Autonomen* "Ritalin babies." A man sitting next to me told me when I asked what was going on that "they are children" (*Sie sind Kinder*) and mentioned that he was annoyed by their "*SED*[186] *Methonden*" (Communist Methods). However, they came nowhere near to the unity and emotional engagement of the *Autonomen*. After the event, people exited peacefully, and some AfD supporters stayed behind chatting in small groups or asking Dr. Frömming questions.

Ritual Violence

There are several layers of emotional energy involved in the political violence perpetrated by the *Autonomen*, beginning with the acts themselves. These rituals had

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[186] The SED (Sozialistische Einheitspartei Deutschlands) was the ruling single-party of the GDR.

many of the same characteristics of public demonstrations—only the degree of intensity was far greater due to the violence involved. These acts had all the requirements for a ritual: groups of individuals came together at the same place at the same time, to perform the same action and share the same thoughts. As discussed, *Autonomen* attacks typically involved groups of individuals wearing a uniform that involved masking the face. The group engaged in acts of pre-meditated violence that involved physically assaulting individuals, setting objects on fire, breaking windows, spray-painting, etc. The groups had to be highly coordinated in order to succeed in their endeavors, which required a good deal of teamwork. During the act, they ritually repeated the mantra of demonization of the AfD; if they physically assaulted someone, for example, or when spray-painting, they called their victims racists or Nazis etc. Following Collins' (2008) study of violence, the preliminary emotional energy released included fear and tension, which participants eventually overcame. Subsequent emotions, which I deduce from examining first-hand *Autonomen* accounts of their activities, involved exhilaration, righteousness, and joy, the latter three of which only increased once participants had overcome the tension and fear. Hence, the act of violently and successfully attacking an adversary constituted a successful ritual.

One catches a glimpse of the successful nature of this violence when reading first-hand accounts of how those perpetrating the violence live it. Grauwacke, the penname for a group of *Autonomen* activists reflecting on their participation in the movement, describes the pre-2015 violence they engaged in, including attacking the police, burning cars, and breaking store windows. They say that their "militancy expressed their fury," and that to perform the violence "to have been there, to have personally played a part - we could live off that all day long, it gave us food for they grayness of everyday life. But it also strengthened our group cohesion and it strengthened our group in the total structure of *Autonomen* cohesion. It granted us power, if also only for a moment" (Grauwacke 2003, 148).[187] Engaging in rituals of violence that express one's righteous

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[187] "Die Militanz drückte unsere Wut […] aus […] Das mitzubekommen, dabei gewesen zu sein, selbst Hand angelegt zu haben-davon konnten wir tagelang zehren, das gab uns Nahrung für den grauen Alltag. Das stärkte aber auch unseren Gruppenzusammenhalt und das stärkte unsere Gruppe in dem Gesamtgefüge autonomer Zusammenhänge. Das verlieh uns Macht, wenn auch nur für einen Augenblick." My translation.

indignation clearly have a positive effect on group solidarity and emboldened *Autonomen* to engage in further acts of violence.

Later *Autonomen*, those active between 2015 and 2017, often posted their successes on internet portals after the act of violence was complete. The internet portals included especially Linksunten.indymedia and de.indymedia.org, but also social media pages such as Facebook or Twitter. The posts included descriptions of the deeds done, accompanied by justifications (ie. the AfD is racist), and exclamations of joy or jubilant calls to further actions. For example, in the recounting of the attack on the AfD office in Stuttgart-Fasanenhof, the authors stated that

> The AfD, as the principal authors of the rightward drift of the German Federal Republic, produces racist incitement (*Hetze*) against refugees and migrants daily, and can as such in no way be an alternative for out society. In addition, the AfD stands for the discrimination of homosexuals and propagates a deeply reactionary image of the woman. […] Let us together use diverse means to attack the AfD and to make their election campaign full of obstacles. For a strong antifascist resistance! Either in the campaign or in everyday life: Let us make sure, that it will become uncomfortable for right-wing haters (*Hetzer*)! (AntifaschistInnen 2017)[188]

In another post from Linksunten.indymedia, *Autonomen* detailed an attack on an AfD office in Munich in April 2016. The post, from "besorgte Homo- und Genderlobbyist*innen," detailed how the assailants threw paint bombs on the front wall, and left a note denouncing the perceived homophobia and anti-feminism of the AfD. The post ended with the words "Let's build a social climate of solidarity! Let's make communism! Let's stop the rightward drift! Oppose faschos! Every day everywhere!" (besorgte Homo und Genderlobbyist*innen 2016)[189]

The comments section also allowed readers to offer their words of encouragement. For example, in the comments section of the attack on the AfD office in Munich, a reader who called themselves 'anonym' wrote "Good Job: Clear signals against the enemies of humanity (*Menschenfeinde*) from the AfD must be sent! No free

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[188] "Die AfD als Hauptakteur des gesellschaftlichen Rechtsrucks in der BRD produziert täglich rassistische Hetze gegen Geflüchtete und MigrantInnen und kann somit keine Alternative für unsere Gesellschaft sein. Darüber hinaus steht die AfD für die Diskriminierung Homosexueller und propagiert ein zutiefst reaktionäres Frauenbild. […] Lasst uns gemeinsam die vielfältigen Möglichkeiten nutzen, um die AfD anzugreifen und ihnen ihren Wahlkampf hindernisreich zu gestalten. Für einen starken antifaschistischen Widerstand! Ob Wahlkampf oder Alltag: Lasst uns dafür sorgen, dass es ungemütlich wird für die rechten Hetzer!" My translation.

[189] "Schaffen wir ein gesellschaftliches Klima der Solidarität! Kommunismus aufbauen! Stoppen wir den Rechtsruck! Faschos entgegentreten! Jeden Tag und überall!" My translation.

space and not a peaceful moment for these inciters of hatred (*Hetzern*). Thank you for this action. It is always good, when faschos get their receipt" (anonym, 24 April 2016, comment on besorgte Homo und Genderlobbyist*innen 2016).[190] In the comments section of the Linksunten.indymedia post announcing the *Bürgerdialog* in the Seminarraum Bülowbogen in Berlin, 'anonym' wrote: "Windows Broken: As I walked by there this morning, all of the windows of the Seminarraum Bülowbogen, and those of the neighboring building (certainly the one from the same firm, the 'small Seminar room' at number 65) were broken. Thank you!" (anonym, 15 August 2017, comment on Kein Raum der AfD 2017)[191] Similarly, a Facebook post from the *Autonomen* group Kritik und Praxis, based in Frankfurt, cheered the attack on Dominik Class. Their post, accompanied by a link to an article detailing the attack, read: "This morning AfD-pig Class found a message from engaged antifascists on his wall. Please, we want more! #makeracistsafraidagain" (Kritik&Praxis Frankfurt 2017).

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[190] Anonym: "**Gute Aktion**. Gegen die Menschenfeinde der AfD müssen deutliche Zeichen gesetzt werden! Keinen Freiraum und keine ruhige Minute diesen Hetzern. Danke für diese Aktion. Immer gut, wenn Faschos ihre Quittung erhalten." My translation.

[191] "Scheiben Kaputt: Als ich da heute morgen vorbeigefahren bin waren alle Scheiben beim Seminarraum Bülowbogen und beim Nachbarhaus (bestimmt der von der selben Firma in der Nr. 65 angebotene "kleine Seminarraum") kaputt. Danke!" My translation.

Screenshot from Facebook page of "Kritik&Praxis"

The comments sections on the posts on Linksunten.indymedia, which doxed AfD party members from the *Parteitage* in Bremen and Stuttgart, are likewise exemplary. While there were comments that called into question the doxing (see Axel, 1 May 2016, comment on nie wieder 2016), the comments sections were full of thank you's, celebratory remarks, and calls to action (nie wieder 2015, 2016). Beyond those who engaged in the acts of violence directly, these internet portals were sources of solidarity where violence could be justified, reaffirmed, and encouraged.

There were other, more personal, sources of solidarity where such violence was justified, reaffirmed, and encouraged, namely in the personal circles of those engaged in violence. A glimpse into this aspect of solidarity is gained in an article published by the *Antifa Infoblatt* detailing the experiences of the anti-racist Harlon Jones. Jones became a symbol of *Autonomen* violence after a photo of him kicking a white nationalist in the head at a rally in 1998 went viral. As he describes, the reaction was mostly positive, and as he says: "even today I have friends who are so proud of me that they invite me to their houses so I can tell my story to their kids. They want to show their kids that they

shouldn't be afraid but should do something" (Antifaschistisches Infoblatt 2017).[192]
Those from the *Autonomen* scene who are engaged in violence against their political
opponents thus attain a certain amount of Durkheimian prestige within the group. This
prestige adds a layer of solidarity that can boost the emotional energy of those engaged in
the violence and encourage others to do the same (see also Fiske and Rai 2015, 73-76).

The acts of violence I discuss here are similar to conflicts in other contexts,
including sports competitions or periods of war. In these cases, the group coordination
and teamwork necessary to accomplish the goal of vanquishing an opponent is itself a
part of the ritual process of building group solidarity. After such feats, an important part
of the ritual is the celebration of victory (Collins 2004, 53-64). One catches a glimpse of
this in the jubilant exclamations of celebration in the *Autonomen* posts. Collins points to
the importance of corporeal presence to the effectiveness of these rituals, not only for
those directly involved in the competition, but also for the bystanders. Without the
presence of others to share in a collective emotion, to hug and high-five, or dance with
each other, the ritual is not as intense. While it may be true that the forms of virtual
celebration are not as intense as those with physical contact, they still represent important
transmissions of shared emotional states. They should also be seen as complimentary to
those that surely take place in person, among the perpetrators directly after the
accomplishment of their act, or those that involve the prestige from the acquaintances of
those directly involved.

Layers of Ritual Violence

These demonstrations and acts of violence are highly moral confrontations that
involve high degrees of emotional energy. For the *Autonomen*, these rituals symbolically
pitted good versus evil, tolerance versus racism, real democracy versus fascism, love
versus hate, or as the young lady stated in her speech in Berlin, those with empathy
versus those who are violent and uncaring. The *Autonomen* expressed this opposition by
the constant use of moral terminology (racist, fascist, tolerant, colorful etc.) to frame the

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[192] "Bis heute habe ich Freunde, die so stolz auf mich sind, dass sie mich zu sich einladen, damit ich ihren Kindern diese Geschichte erzähle. Sie wollen ihren Kindern zeigen, dass sie nicht verängstigt sein sondern etwas tun sollen." My translation.

AfD as evil and the *Autonomen* as good. The rituals took different forms, took place on many levels, and included different types of interactions. The emotions involved included indignation, anger, and hostility towards the AfD, and righteousness and joy at seeing them disturbed or injured. The degree of intensity of these rituals was quite high, and the physical presence of the AfD at certain events or incidents only served to further intensify and concentrate the emotional energy. These ritual activities can be described as negative rites, not in the sense Durkheim discusses in *The Elementary Forms of Religious Life* - as in a rite that protects the sacred from the profane - but rather in the sense of conflict theory, as in a rite that distinguishes one group from another. The regularity of the rituals varied, but larger cities, such as Berlin, gave *Autonomen* regular opportunities to congregate. These negative rituals should also be taken into consideration as part of other forms of rituals, including those meetings related to their form of deliberative democracy, life in a squat, or meetings held to organize different events, including the demonstrations or acts of violence.

One can speak of layers of rituals, each of which contributed in different ways to group solidarity and ideology. The street demonstrations were the largest producers of collective effervescence; they drew the largest crowds and included the largest show of force, making participants feel connected to a larger societal base of support. Those involved in acts of violence, due to the nature of their actions, experienced the most intense forms of emotional energy, even though the acts involved far fewer people than street demonstrations. Going down to the personal level, there are yet other levels of ritual. The internet postings celebrating the exploits of the violence, combined with the comments of thanks or mutual celebration would be one form of personal interaction. The prestige one receives from peers for being the perpetrator of righteous violence would be another form of personal interaction. These microsociological interaction rituals reproduce or continue the energy felt during the larger demonstration or the acts of violence themselves and constitute links in the chain of social solidarity that Collins (2004) speaks of.

Within these layers of ritual violence, there is an important performative aspect that needs to be highlighted. As Juergensmeyer points out, rituals of violence "are dramas designed to have an impact on the several audiences that they affect" (2017a, 155).

Obviously, the audience of these actions included primarily the AfD, whom the *Autonomen* intended to intimidate, as well as wider German society, to whom the *Autonomen* tried to prove that the AfD was a dangerous party with dangerous ideas that needed to be stopped at all costs. However, perhaps the most important audience of the *Autonomen* violence was the *Autonomen* themselves and their supporters. To hear someone chanting the same chant, to see someone express the same emotion of indignation, to aggressively confront AfD supporters in a large group outnumbering your opponents, to show your violent exploits to the world online, to read someone celebrating and encouraging your violence: all of this has the effect of emboldening and encouraging, of reinforcing a sense of righteousness. In this sense, the *Autonomen* were spectators of themselves, and were largely successful.

It should not be surprising that the emotional energy produced in these ritual interactions played a part in (re)producing the violence. In Collins' (2008) study of violence, he identifies tension and fear as the predominant emotion prior to a violent engagement. For violence to be engaged, this tension and fear must be overcome, and one way of doing so is by converting the tension/fear into emotional energy (2008, 19-20). One way that individuals achieve this is through the emotional energy produced in a ritualistic situation. In his analysis of confrontations involving large crowds, Collins recognizes that only a small number of individuals actually participate in violent behavior, with most of the group content to stay back and observe. There are in fact layers of engagement in the group, beginning with those actively violent, followed by a cluster around them that provides the most emotional support, followed by the majority of the crowd in the middle who share the goals of those engaging in violence but are less emotionally involved, followed finally by those at the back of the crowd, who despite a limited engagement do provide some support (Collins 2008, 429-430). This analysis of crowd violence is analogous to the violence perpetrated by the *Autonomen*. While this violence did not usually take place in a crowd situation, there was a small group of 'elite' individuals who engaged in violence. The emotional support they received from online blogs or their direct acquaintances can be compared to the cluster of individuals who provide the most emotional energy. Those at the large demonstrations, who share their goals or at the very least, as with Emily Laquer, do not condemn them, can be compared

to the crowd in the middle. This well of emotional energy produced by ritual helped the *Autonomen* overcome the fear/tension that precedes acts of violence.

The *Autonomen* utilized other strategies to build up the emotional energy necessary to overcome this fear/tension. One such strategy involved the de-humanization of the opponent. By calling members of the AfD 'racists' or 'fascists,' the *Autonomen* reduced the enemy to an object, or more precisely an explicitly profane object, that can legitimately be attacked. The point here goes beyond a simple de-humanization or objectification of the enemy in a phenomenological sense. Rather, these labels were frequently repeated at demonstrations, during the attacks, and in the descriptions of the violence posted online. Consequently, they were highly infused with symbolic energy, and their use directly preceding or in the course of an attack emboldened the attacker. Calling an opponent 'racist' just before hitting them over the head with a wooden board or spray-painting the words 'racist' or 'fascist' on the wall of an AfD office was a way to re-activate the emotional energy produced during rituals; it re-ignited the feeling of righteousness and morality produced in a group setting and helped embolden the perpetrators.

Another strategy for overcoming the fear/tension involved the self-representation of *Autonomen* among and to themselves, a self-representation that includes the glorification of violence. As Paris (1991) points out, the uniform of the 'Black Block' (*Schwarze Block*) - the uniform that includes a mask typically worn by *Autonomen* when engaging in acts of violence - is part a hero myth among the *Autonomen*. It is part of an aesthetic self-representation as someone who promises to do violence, a courageous individual ready to go into battle. It has the intended effect of intimidating and sparking fear in the target. The act of masking makes one a "shadow" (*Schatten*), an indefinable and anonymous shape, instead of a human, and heightens the effect of intimidation, while making the mask-wearer feel more dangerous (120-122). As Paris argues, this self-representation of the masked *Autonomen* thereby allows those engaged in acts of violence to experience themselves as the "relentless opponent of the hated 'system'"[193] who strikes fear in the hearts of enemies (1991, 122). The act of wearing the uniform is therefore itself a micro-ritual connecting oneself to the hero myth and thereby bolstering one's

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[193] "*unbeugsame Kämpfer gegen das verhaßte 'System.'*" My translation.

emotional energy en route to committing acts of violence. In effect, the individual is tapping into the collective effervescence of the group produced in other rituals that has been projected onto the *représentation* of the heroic masked *Autonomen*. Paris calls this process the "raising beyond of the self" (*Überhöhung des Selbst*),[194] or what Durkheim would call the transcendence of the self, whereby the individual raises themselves to the level of an ideal representation of the self (1991, 126).

Moral Pleasure

Ultimately, these negative rituals can be described as successful according to the criteria established by Collins (2004). They produced group solidarity, emotional energy, specific symbols, and especially a feeling of morality. Those engaged in the demonstrations and the acts of violence undoubtedly considered their actions moral in the sense that what they did was good. Furthermore, they no doubt derived great pleasure in watching themselves do harm to their enemy, and in seeing their enemy punished. In other words, when they attacked the AfD they felt *good*.

That one derives such moral pleasure from punishing is of great significance. This moral pleasure, however, is very different form the one Durkheim identifies in "The Determination of Moral Facts." He says that a moral act involves a feeling of transcendence or domination, by which he means the moral force of the group compels the individual to perform an act. In so doing, the individual does violence to oneself, since it is an obligation imposed from without; yet at the same time the act is pleasurable since it is considered "*good*." He writes: "The élan, even the enthusiasm, with which we perform a moral act takes us outside ourselves and above our nature, and this is not achieved without difficulty and inner conflict. It is this *sui generis* desirability which is commonly called *good*" (Durkheim 2010b [1906], 16). Durkheim's comments are certainly true in many contexts, including the *Autonomen* moral principle of constructive autonomy, but in the situation I describe above it is not the primary emotion.

In the context of the *Autonomen* violence discussed here, the source of the pleasure is indeed related to punishing, and it is this form of moral pleasure that I propose

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[194] My translation.

to be the causal mechanism bridging punishment with social solidarity. Like the pleasure Durkheim identifies in "The Determination of Moral Facts," it undoubtedly stems from the enactment of a moral duty, namely, the duty to defend a specific concept of good and to punish those who transgress or profane it. It also involves a certain transcendence in which individuals reach up outside of themselves. However, rather than deriving the pleasure from a form of moral asceticism, in the context discussed above, the pleasure is derived specifically from the act of punishment itself, a pleasure that Durkheim touches on in *Division of Labor* and that I discuss in Chapter 1. Those meting out the punishment have some sense that justice is being served, and that those punished deserve their punishment. It is a feeling of pleasure that derives from a sensation of power or domination over an 'other;' it is a feeling of one group dominating another. But because this feeling of power and domination is directed in a moral way, i.e. against those who are considered immoral, the domination is righteous and works as a defense of a particular moral ideal of set of moral principles. This sensation of power is a fundamental element of moral conflict and is related to the "vengeance" and "violent form of satisfaction" with regards to "something sacred" that Durkheim notes in the *Division of Labor* as a fundamental part of punishment (1984 [1893], 55-56).[195] This sensation of power is always embodied in ritual form and plays a fundamental role in the creation of emotional energy that reassures adherents of the group's continuing strong convictions and that works towards the maintenance of group solidarity.

It should also be noted that in this form of moral pleasure it is not immediately obvious where the inner conflict between selfish desire and moral duty might be, if there is one. One might point to the preliminary fear and tension that individuals need to overcome before they engage in violence. However, this tension and fear are of a different nature than the egoistic impulses that Durkheim says in "The Determination of

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[195] In the *Genealogy of Morals* Nietzsche (1999b [1887]) also comments on the relationship between punishment and moral pleasure in chapter II, 5-6. There he argues that the notion of moral duty itself is rooted in a pleasure, indeed a festive joy ("*an der Strafe ist so viel* Festliches!"), one receives in making others suffer ("*Leiden-machen*") (1999b [1887], 302). This moral pleasure is furthermore related to being in a position of power over the person being punished. As he states, in having the right to punish, one receives an "uplifting feeling, to be allowed to despise and mistreat a being as 'under-oneself'" ("endlich kommt auch er ein Mal zu dem erhebenden Gefühle, ein Wesen als ein 'Unter-sich' verachten und misshandeln zu dürfen" 1999b, 300. My translation; see also Garland's (1990, 63) discussion).

Moral Facts" that the individual needs to overcome. Indeed, in the context of punishment people's selfish desire might very well be to fulfill this moral duty.

Others have also commented on the pleasure the *Autonomen* derive from violence. They also identify the moral pleasure stemming from a sensation of power over others, but also identify a subjective feeling of liberation. A. G. Grauwacke gives voice to this when they write:

> When rocks or Molotov cocktails flew, that was also often a liberation—from everyday obligations, from oppression and alienation. The dull drumbeat from the hail of stones on the police wagon, the collective plundering of supermarkets, was for us the song of freedom and adventure. And it was simply fun to punch the pigs right in the face, to get them to run away, to hear that wonderful cracking-swinging-swooshing sound of a breaking store window, or when fleeing in the street to see the red and yellow colors of a burning car with the black smoke above (Grauwacke 2003, 148).[196]

This description contains several layers of emotional pleasure. There is a psychological element of subjective liberation; violence, especially violence that involves physical confrontations with other people, is a way to hammer away at the prison walls confining and enslaving the *Autonomen*. In these confrontations, there are important power dynamics. Namely, they show the *Autonomen* exercising power over an enemy group. This power is related to the subjective liberation, but it also contains a dimension of punishment. Grauwacke describes 'punching the cops right in the face' as 'simply fun,' and justifies the violence by claiming that their violence was "against the violence of the system" (2003, 148).[197] This pleasure stems from the moral pleasure I identify above. Thus, the police are defending a 'bad' system and deserve the violence that comes to them. The pleasure comes from the meting out of justice in accordance with one's perception of 'good.' Lastly, it is also worth noting that Grauwacke's description involves collective actions. The violence is always done in a group and is therefore

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[196] "Wenn Steine oder Mollis flogen, dann war das häufig auch eine Befreiung – von den Zwängen des Alltags, der Unterdrückung und Entfremdung. Das dumpfe Trommeln des auf die Wannen prasselnden Steinhagels, das kollektive Plündern von Supermärkten war für uns der Gesang von Freiheit und Abenteuer. Und es machte einfach Spaß, den Bullen eins in die Fresse zu hauen, sie zum laufen zu kriegen, dieses wunderschöne knackende-schwingend-sirrende Geräusch einer zerbrechenden Schaufenstersheibe zu hören oder in den Straßenfluchten die rot-gelben Farben einer brennenden Karosse mit dem schwarzen Rauch drüber zu sehen." My translation.

[197] "Unsere Gewalt gegen die Gewalt des Systems." My translation.

ritualistic. The emotions experienced in these rituals, including subjective liberation, therefore work towards the maintenance and strengthening of group solidarity.

Pfahl-Traughber also comments on Grauwacke's description and notes much of the same. He argues that it is indicative of an "experience of power and strength, which comes to the fore through the use of violence," and that this experience is "a form of action for achieving emotional and individual gratification" (Pfahl-Traughber 2017).[198] Pfahl-Traughber also points out that based on his analysis of *Autonomen* justifications for attacks, the *Autonomen* justify their targets by indicating in some way how they are oppressive, but never justify the resort to violence; the violence is taken for granted and perceived as normal. He concludes that there is with the *Autonomen* an "elation (*Begeisterung*) towards violence itself" (Pfahl-Traughber 2017).[199] But Pfahl-Traughber's analysis of pleasure remains on a psychological level and he does not address the moral pleasure I identify above. In a manner similar to Paris and Brumlik, however, he does note that this embrace of violence is part of an *Autonomen* hero myth that simultaneously works towards group integration and is a constitutive part of *Autonomen* identity (Pfahl-Traughber 2017).

When taken into consideration with the other moral dimensions of the *Autonomen* discussed in the previous chapter - for example those related to deliberative democracy or life in a squat - the *Autonomen* experience three types of pleasure deriving from their various activities. They experience both types of moral pleasure identified here, as well as the psychological pleasure of subjective liberation. To recall, the *Autonomen* moral ideal seeks to build a society without domination. This ideal leads to the principles of constructive and oppositional autonomy. Constructive autonomy - the refusal to participate in structures of oppression and domination - is related to the ascetic, self-denying pleasure Durkheim identifies in "The Determination of Moral Facts." Oppositional autonomy, the refusal to allow oneself to be dominated, is related to the pleasure I identify, which is related to the feeling of domination over others. It is also

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[198] The full quote reads: "With these words the experience of power and strength, which comes to the fore through the use of violence, is made heroic. It even appears as a form of action for achieving emotional and individual gratification."/"Mit diesen Worten wird der Erfahrung von Macht und Stärke gehuldigt, die in der Gewaltanwendung zum Ausdruck kommt. Sie erscheint gar als Handlungsform zur Erlangung emotionaler und individueller Befriedigung." My translation.
[199] "Es herrscht eine Begeisterung für Gewalt an sich." My translation.

related the subjective liberation Grauwacke and Pfahl-Traughber identify. This is particularly the case when looking at the *Autonomen* use and legitimation of violence against outside groups. Specifically, they attack either those groups they feel are oppressing or dominating them, or those groups they feel are oppressing or dominating marginalized groups, such as refugees. In one sense, they attack those groups that they feel are a serious threat to their existence. In another sense, they attack those groups that they feel do not respect the moral good of non-domination. The *Autonomen* might justify these attacks as self-defense or in part experience them as a subjective liberation, but they contain a salient punitive character as well, particularly when dealing with the AfD.

Another layer of Emotional Energy-SPD Influence?

One additional source of emotional energy linked to *Autonomen* violence arguably came from the SPD and other politicians on the left. These politicians regularly called AfD politicians Nazis or associated the party and its supporters with National Socialism. As already seen, Heiko Maas described AfD and PEGIDA supporters as "enemies" of democracy, while Manuela Schwesig compared the rise of the AfD to that of the National Socialists in the 1930s. In June 2016, SPD party leader Sigmund Gabriel compared the AfD to Nazis, saying: "The AfD is for me not at all a new phenomenon […] everything they talk about I already have heard - no doubt from my own father, who was until his last breath a Nazi" (Gaugele, Kerl, and Quoos 2016).[200]

Such moral judgments also came in the wake of controversial statements made by AfD politician Björn Höcke in January 2017. In a speech Höcke called the Holocaust Memorial in Berlin a "*Denkmal der Schande*," which can mean in German either a moment to a shameful event, or a shameful monument. In clarifying remarks he stated that he meant the former (Kamann 2017). Regardless, the AfD began proceedings to expel him from the party, which ultimately proved unsuccessful. Outrage in the rest of German society remained high as well. Thomas Opperman, the SPD chairman in the *Bundestag*, called Höcke a Nazi (Deutsche Welle 2017), while the SPD parliamentary

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[200] "Die AfD ist für mich überhaupt kein neues Phänomen. […] Alles, was die erzählen, habe ich schon gehört - im Zweifel von meinem eigenen Vater, der bis zum letzten Atemzug ein Nazi war." My translation.

group from Thüringer, the region Höcke was from, released a press statement calling him a Nazi (Kaiser 2017).

The federal election campaign that began in June 2017 was also a moment when Nazi accusations were common. At the beginning of the campaign SPD leader Martin Schulz compared the AfD to the Nazis and called the party "a shame" (*eine Schande*) for Germany (Bau 2017). In August 2017, at the height of the campaign, AfD leader Alexander Gauland sparked controversy when he stated that SPD Integration Minister Aydan Ozoguz should be 'taken out' (*entsorgen*) back to Turkey. He made these comments in response to Ozoguz's own controversial claim that beyond the German language, an identifiable German culture did not exist (Von Delhaes-Guenther 2017). Much of Gauland's controversy focused on whether the verb *entsorgen*, as in to 'take out' the trash, was a word used regularly by the National Socialists (Heine 2017). SPD politicians, including Sigmar Gabriel, had used the word *entsorgen* many times before in reference to Angela Merkel's government (Folz 2017). Nevertheless, Schultz called Gauland a racist, Opperman stated, "Höcke is a Nazi. Gauland speaks like a Nazi. The AFD is a shame for Germany," while Ralf Stegner stated, "When AFD Führer Gauland uses Nazi jargon to talk about @oezoguz, we all know what the federal election is about: #NieWiderRechts" (Kiesel 2017).[201]

Other parties on the left-wing spectrum also made the AfD-Nazi comparison. Matthias Höhn of the Left party stated at the start of the federal election campaign in June 2017, "whoever votes for the AfD, also votes for Nazis" (Lambeck and van Riel 2017). The AfD regional parliamentary group in Sachsen-Anhalt also wrote an open letter in April 2017 asking the politicians from the SPD, Green, and Left parties in the regional parliament to refrain from making such comparisons (Poggenburg 2017). While the CDU, CSU, and FDP were also very critical of the AfD, their rhetoric generally did not go to the same levels as politicians in the SPD, Green, and Left parties. However, since the election in 2017 the CDU, CSU, and FDP have taken a harder line, with prominent CDU member Friedrich Merz in November 2018 calling the AfD "openly Nazi" (Moody 2018), and FDP regional parliamentary group leader in Baden-Wurttemberg Hans-Ulrich

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[201] "Höcke ist ein Nazi. Gauland redet wie ein Nazi. Die AFD ist eine Schande für Deutschland." / "Wenn AFD Führer Gauland im Nazijargon über oezoguz spricht, wissen alle, worum es auch bei der Bundestagswahl geht: #NieWiderRechts." My translation.

Rülke saying in October 2017 that Höcke uses "Nazi-jargon" (*Nazi-Diktion*) (Berliner Morgenpost 2017).

While causal connections between political discourse and violence are difficult to determine, there is evidence to suggest that public statements of hostility by politicians, more than other factors such as media discourse, income, education level etc., can lead to an increase in acts of violence against targeted groups (Green, McFalls, and Smith 2001, 496). One can argue then that the comments from SPD, Green, and Left politicians reinforcing the notion that the AfD was a Nazi party, combined with a lack of condemnation of the political violence perpetrated by the *Autonomen* (Jacobsen 2016; Sundermann 2016), had an effect on the instances of violence against the AfD. These public statements can be said to have reinforced the *Autonomen* feelings of righteousness, and contributed to their feelings that what they did was 'good.'

Conclusion

Beginning in 2015, the *Autonomen* engaged in a clear and coordinated campaign of violence and intimidation targeting the AfD. Apart from the obvious strategic political goals, this campaign of violence can itself be described as a series of interaction rituals. These rituals served the purposes of group integration and boosting emotional energy in support of *Autonomen* moral principles. For those involved, the violence and harassment of the AfD translated into a battle between good and evil. This battle between good and evil can be described in the terms of Juergensmeyer as a "cosmic war." Cosmic wars "evoke great battles of the legendary past, and […] relate to metaphysical conflicts between good and evil" (2017a, 184). In the case of the *Autonomen*, the legendary past evoked relates to WWII and communist resistance to the fascism of National Socialism. The use of the "Antifaschistische Aktion" emblem by the *Autonomen* is part of this allusion to a legendary past. The labeling of political opponents as Nazis is also part of this process, for by doing so the *Autonomen* can imagine themselves as taking part in a great, necessary, and morally righteous historical resistance movement. As Juergensmeyer contends, the certitude of those who feel engaged in a cosmic war is absolute, while "the very existence of the opponent is a threat" (2017a, 187). The battles

a believer is engaged in "transcend human experience," which is what "makes religious violence particularly savage and relentless" (2017a, 184). Juergensmeyer here refers to a traditional notion of religion, which involves gods and imagined transcendent levels of existence that are opposed to worldly existence. However, from a Durkheimian perspective, such religious transcendence is itself an illusion; it is a fundamentally social phenomenon located in immanent existence. This feeling of transcendence is perfectly possible in belief systems that purport to be wholly secular and worldly, such as the variant of communism advocated by the *Autonomen*. The corresponding division of the world between good and evil (ie. *Autonomen* and Nazi) has the same metaphysical (as in onto-theology) qualities as those found in traditional religions, such as Christianity. A pressing question emerges: Is the violence of the *Autonomen* religious or political?

To answer this question, it is necessary to return to Durkheim's definition of religion. He defines religion as "a unified system of beliefs and practices relative to sacred things that is to say, things set apart and forbidden – which unite into one single moral community called a Church, all those who adhere to them" (1995 [1912], 44). His definition points to a system of beliefs and practices, sacred objects, and a moral community. This definition does not make reference to transcendent beings such as gods that are often associated with religion and is anchored instead in a particular form of institutionalized social practices. Importantly, this definition is applicable both to religions with and without transcendent beings. As Durkheim argues, it is indeed applicable to 'secular,' worldly political ideologies, as his discussion of the cult of the individual makes abundantly clear. In fact, from a Durkheimian perspective, religion, which produces both epistemic and moral truths, has an inherent tendency to seek to dominate the public space and furthermore claims the legitimacy to do so; religion thus is fundamentally political. Durkheim's formulation of religion makes a clear distinction between a secular, worldly political ideology and a traditional notion of religion difficult, if not impossible. His position is interesting in view of those, such as William Cavanaugh (2009) and Juergensmeyer (2017b), who critique the Enlightenment dichotomy between rational, secular forms of power on the one hand, and irrational, dangerous, religious impulses on the other.

Durkheim's unique understanding of the political nature of religion is also interesting in light of discussions of violence motivated by either religion or politics. His position is especially relevant to Rogers Brubaker's (2015) classifications of terrorist activity. Specifically, it puts Durkheim somewhere between the "particularizing" and the "generalizing" stance Brubaker identifies. The particularizing position holds that religion "generate[s] or transform[s] political conflicts in ways that other identities, ideologies, and organizations do not," and should be understood in those unique terms, while the generalizing position holds that in political conflict religion "work[s] like other identities, ideologies, and organizations" and can be understood as any other political ideology (2015, 2). Durkheim's position effectively cuts across these categorizations and argues that religion is a uniquely transformative influence on politics, while also arguing that many supposedly 'secular' ideologies can be considered religious. There is thus no issue in saying that *Autonomen* violence is simultaneously political and religious and contains many characteristics one would associate with a traditional understanding of religion.

Chapter 7

What is *Entfremdung*? The (ethno)cultural nation as a moral ideal

Introduction

After looking at the moral ideals found in the SPD and the *Autonomen*, it is now time to look at that found in the AfD. This moral ideal, like those discussed in other chapters, leads to a set of moral rules whose legitimacy derives from their connection to the ideal. Importantly, the AfD's moral ideal, found in a German 'heartland,' and its moral prescriptions are what bring the AfD into conflict with the SPD, the *Autonomen* and other parts of German society. It is thus of fundamental importance to articulate the ideal's dimensions. One way of doing this is by looking at the feeling *Entfremdung*, which is closely linked to the German 'heartland' that the AfD seeks to protect.

The term *Entfremdung*, roughly translated as 'alienation' (although one might also go with the literal 'estrangement'), has a long history in sociology, particularly through the Marxist tradition. However, the word has taken on a new meaning in recent years in Germany. The root word of *Entfremdung* is *fremd*, which means foreign or strange. The term refers to the process whereby something familiar becomes foreign or strange. In the context of increasing ethnic and cultural diversity in Germany society, particularly in the first two decades of the 21st century, *Entfremdung* has come to refer, across a broad scope of political discourse, to a feeling of being foreign in one's own community.

Entfremdung is thus related to the feeling of belonging within a community, and everything that this feeling draws upon or entails, stretching from everyday interactions in public space, to group symbols, to political participation. Specifically, it is related to the feeling of loss of belonging to a national community. It is not related to *anomie* or social isolation related to unemployment, as some might think. This feeling is not visible in the discourse on *Entfremdung*, and studies have discredited the 'mass society' thesis, or shown that the unemployed do not make up a significant part of the voter block of

right-wing populist parties (Goerres, Spies, and Kumlin 2018; Hawkins et al. 2017; Lengfeld 2018; Rydgren, 2007). It is related to a feeling of political alienation in the sense of not taking part in the political decision-making process. It is also related to the loss of social trust caused by a feeling of a loss of community described by Putnam (2007) and Dinesen and Sønderskov (2015). These studies show that a rise in ethnic diversity in a spatially limited community, such as a neighborhood, reduces the trustworthiness of the 'other.' The result is a breakdown in the community, characterized by fewer friends, less volunteering, and less pro-social behavior generally. In other words, the studies show how ethnic and cultural diversity can lead one no longer to feel as part of the community, resulting in a retreat from social life.

On one hand, the sentiment of *Entfremdung* can be a reaction to a perceived cultural neutralization of the public space in order to accommodate a multicultural society or allow other minority groups to express their culture in public; on the other, it can spring from perceptions about the transformation of the public space through increased security measures and from everyday interactions in the street or other public spaces. In addition, it can be a response to the way the state represents itself to its citizens. In each case, the feeling of *Entfremdung*, at least as far as it is discursively articulated, is related to a rupture between how individuals perceive themselves as a part of their community, and how the community of which these individuals are supposed to be a part reflects itself back to those individuals.

A prominent feature of all the discussions related to *Entfremdung* is the place of Islam in German society. Whether framed as an ideology seeking to conquer the West or simply as an entity whose presence transforms the public space, Islam and the perceived threat of *Islamisierung* (Islamization), i.e. the steady transformation of German society into a Muslim or Muslim-accommodating society, was a subject that constantly came up when I conducted my interviews with AfD supporters. The Refugee Crisis, which saw the influx of over a million mostly Muslim migrants into Germany over the course of three years, only increased the fears concerning the issues of demography and Islamization.

Demographics is a key component to the feeling of *Entfremdung*, and the discourse around *Entfremdung* generally points to the idea that Germans are literally losing their country due to low birth rates and high rates of immigration. Popular political

commentators and literary authors have discussed these issues, including Canadian Mark Steyn (2006), American Christopher Caldwell (2010), and the UK's Douglas Murray (2017). All three authors address the issues of immigration, Islam, and the political situation in Europe, as well as provide predictions about how European societies will change as a result. Perhaps the best known of such authors is Frenchman Michel Houellebecq (2015). Houellebecq's book, *Soumission*, is of special importance, not only because he enjoys international fame, but also because the book regularly came up in conversations I had with AfD supporters in Germany. In the fictional book, Islam conquers a decadent France by democratic means: due to demographics and lack of will to resist, the French elect a Muslim president who, after a short outburst of civil unrest, transforms the country into an Islamic republic. The book was released coincidentally on January 7, 2015, the same day that Islamic terrorists stormed the offices of *Charlie Hebdo*. Two days later Islamic terrorists attacked a Jewish supermarket in Paris, murdering 4 Jews in the process. These two acts of terror powerfully colored the book's reception, even across the Rhine.

The feeling of *Entfremdung* traverses party lines and affects large parts of German society. A 2016 poll by the SPD's *Friedrich-Ebert-Stiftung* (Friedrich-Ebert-Foundation) found that 34.7% of respondents answered positively to the statement: "Due to the numerous Muslims here, I sometimes feel like a foreigner in my own country."[202] Another study by the Foundations (*Stiftungen*) of the Green and Left parties as well as the IG Metal trade union found that 50% of Germans shared this sentiment.[203] This number showed a dramatic increase from 2009, when 32.2% of respondents had answered affirmatively to the statement (Decker et al. 2016, 50). The study also broke down responses by party affiliation. AfD supporters scored the highest mark, with 85.9%. But supporters of mainstream parties with long traditions in German politics, the CDU/CSU, the SPD, and the FDP, also scored highly, each coming in roughly between 45% and 48%.

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[202] "Durch die vielen Muslime hier fühle ich mich manchmal wie ein Fremder im eigenen Land." Meisner (2016b). One can argue that the results of the poll are somewhat misleading due to the leading question.
[203] In 2018, this number had increased to 56% (Decker et al., 2018, 102).

Durch die vielen Muslime hier fühle ich mich manchmal wie ein Fremder im eigenen Land

|	
Linke	37.70%
FDP	45.10%
CDU/CSU	45.70%
SPD	47.80%
Nichtwähler	60.10%
AfD	85.90%
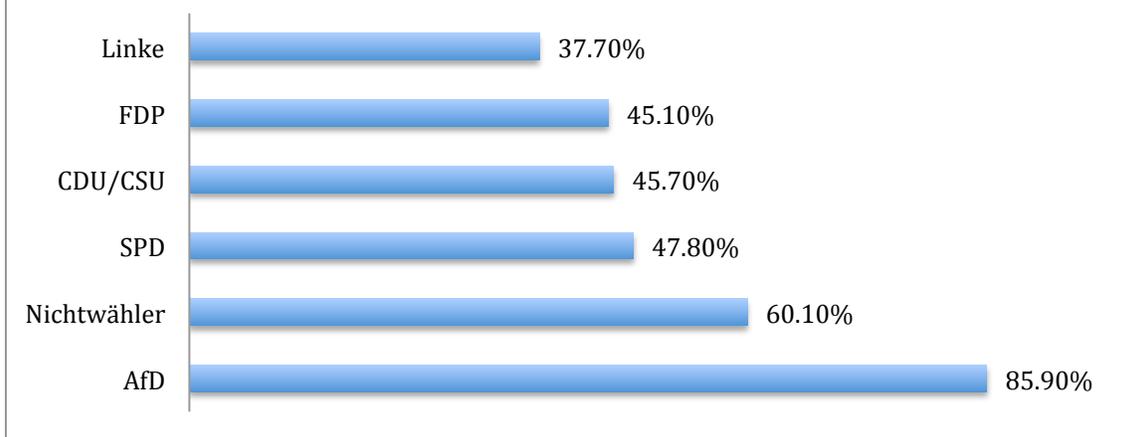
"Due to the numerous Muslims here, I sometimes feel like a foreigner in my own country." Graph showing affirmative responses to this statement by party affiliation based on information from Decker et al. (2016, 82).

Other polls asking similar questions reveal similar results. A poll in September 2015 by the polling agency Insa for the Lutheran news agency *idea* revealed that 49% of Germans responded affirmatively to the question "Are you afraid of the Islamization of Germany?"[204] By party lines 94% of the AfD responded affirmatively, as did 68% of the FDP, 45% of the CDU, 42% of the SPD, 39% of the Left party, and 35% of the Green (JF 2015). In 2016, the number had increased to 57%, with 91% of the AfD responding affirmatively, followed by 59% of the FDP, 58% of the CDU, 50% of the Left Party, 47% of the SPD, and 34% of the Green (Idea 2016; Küble 2016). A poll in May 2016 conducted by Insa for *Bild* revealed that 60% of respondents did not agree that "Islam belongs to Germany" (Islam gehört zu Deutschland). 46.1% of respondents expressed concern about the Islamization of Germany, with 38.6% not worried and 15.3% with no opinion. By party lines almost 92% of the AfD disagreed that Islam was a part of Germany, as did 81.4% of the FDP, 62.4% of the CDU, 54.9% of the Left party, 53.4%

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[204] The question is not explicitly mentioned in the *Junge Freiheit* article, not on the *Idea* article. The closest articulation comes from (Küble, 2016), which states that the question was "ob sie Angst vor einer Islamisierung Deutschlands haben" (if you are afraid of an Islamization of Germany). This comes from the 2016 poll, but it appears as if INSA conducted the same poll in consecutive years.

of the SPD, and 38.9% of the Greens. Only a plurality of the Green party (41.7%) agreed that Islam belongs to Germany, with the next closest party being the CDU at 27.5% (Bild 2016).

Der Islam gehört zu Deutschland
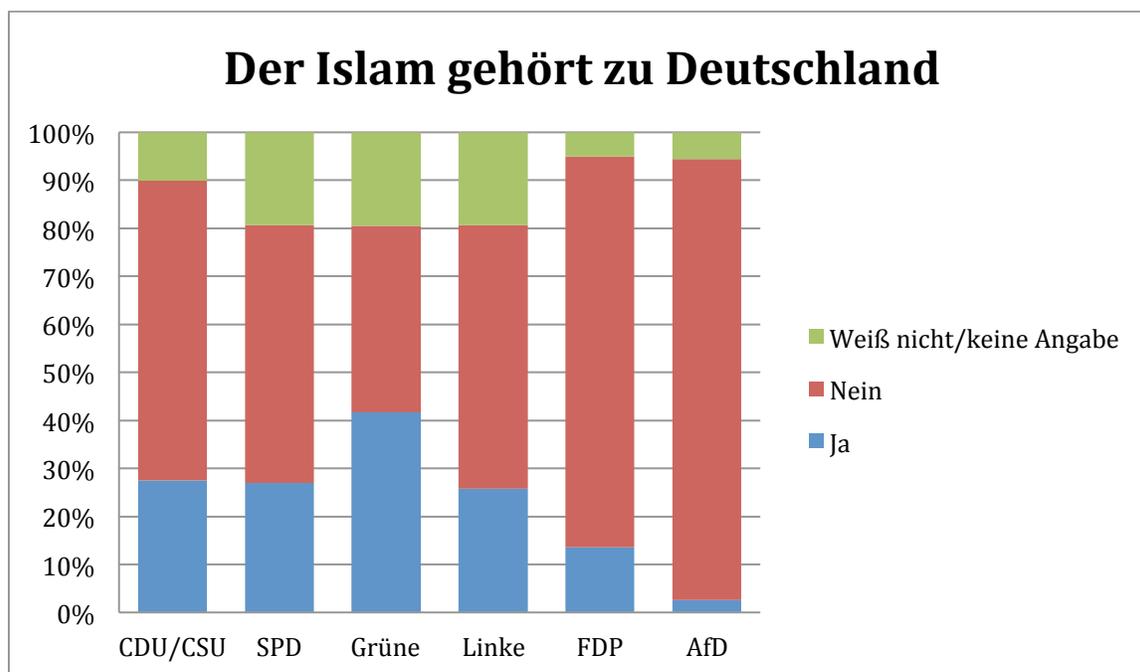
Graph based on information from *Bild* (2016). Participants answered "Yes" (Ja), "No" (Nein), or "Don't Know/No opinion" (Weiß nicht/keine Angabe) to the statement "Islam belongs to Germany" (Der Islam gehört zu Deutschland).

While the feeling is widespread, in order to understand *Entfremdung* in Germany, it would seem logical to focus on AfD supporters, since this is where the feeling is, by a wide margin, concentrated. The party, moreover, has capitalized on this issue by addressing it directly. While the party does not make use of the word *Entfremdung* in its party program or documents, addressing the issue through policy prescriptions has become one of the central pillars of the party, allowing it to transcend internal divisions on matters related to the economy, for example.

In order to understand the feeling of *Entfremdung*, I conducted 18 interviews with AfD supporters during and after the German federal election in 2017, in Berlin, Hamburg, Munich, Dresden, and Frankfurt, to ask about what they thought *Entfremdung* is. I also closely read publications associated with the AfD where the feeling was discussed, including, for example, *Tichys Einblick*, *PI-News* and *Junge Freiheit*. Since

the feeling goes beyond the AfD, I looked at mainstream conservative-leaning publications such as *Die Welt* and *Focus Magazine*, where online comments to articles highlight the feeling. For a discussion of my use of this data in this chapter, see the Appendix. The following chapter presents a qualitative discourse analysis based on my interviews as well as on opinions stated in articles or comments sections to articles from relevant publications.

In doing this discourse analysis, I looked at the comments sections in conjunction with certain discursive events on topically relevant stories such as the publication of a Pew Research report on European demographics, heightened security at public events, and changes related to Germany's Christmas celebrations. These events elicited comments that address the feeling of *Entfremdung* and, where possible, I have reproduced the most popular comments. Reader engagement with the articles can be an indicator of the importance of the topic to the readership, and generally is higher on articles related to hot-button issues. It is thus not uncommon on a *Die Welt* article to have comments with over 500 likes, with over 800 likes representing the very highest level. On *Tichys Einblick*, comments with over 50 likes represent a high level of engagement, with those over 100 likes representing the very highest level of engagement. For *Focus Magazine*, over 500 likes represents a high level of engagement, with over 1500 likes representing the very highest level. Otherwise, I have chosen comments that addressed major themes relevant to *Entfremdung* and that I found to be representative of the overall discussion of the comment thread, in the sense that one would see the same theme in many different comments.

This chapter will discuss the feeling of *Entfremdung* as a political discourse that relates to demographics as well as to other changes taking place in German society, including those related to public security and Germany's *Weihnachtsmarkt* tradition. It will look at the discourse around these developments and argue that the AfD maintains a standard populist position, dividing the population into corrupt elites and an 'authentic' German people. It will analyze the discourse of *Entfremdung* through the lens of Taylor's politics of recognition and argue that it draws on a feeling of misrecognition among those defending a traditional, or 'authentic,' concept of German culture. Lastly, it will show how aspects of the AfD discourse draw on elements of Germany's nationalist moral

background, specifically as they relate to the CDU of the 1980s and 1990s of Helmut Kohl.

Demographics

That the European continent has below replacement-level birth rates in virtually every country, including Germany, is a fact that AfD supporters know well and widely discuss. When I spoke to AfD supporters about *Entfremdung*, virtually every conversation at some point touched on the topic of demography and the idea that Muslims had more children than native Germans, that most immigrants to Germany were Muslim, and that German culture and everyday life were changing as a result. Demographic trends in the Muslim population of Germany, but also of Europe, remain a matter of scientific uncertainty and, as a result, often lead to speculation or political instrumentalization. Two months after the 2017 federal election in Germany, however, the Pew Research Center, a prominent polling and political research institute based in the United States, published perhaps the first comprehensive, European-wide report on the Muslim population in Europe. Entitled *Europe's Growing Muslim Population*, the report estimates the number of Muslims currently living in every European country, and provides projections for the year 2050. The media widely circulated the report, and comments left on websites affiliated with the AfD provide insight into the anxieties felt both within the AfD and in wider German society.

In the Pew Research Report, the countries considered as part of Europe include all those that were part of the European Union at the time of the study, plus Switzerland and Norway. The projections take into account current birth-rates among Muslim and non-Muslim populations, "regular" rates of legal migration (i.e. for economic reasons or family reunification), and the projected rates of asylum application acceptance. The report also factors in the religious beliefs of both legal immigrants and refugees. Between 2010 and mid-2016, for example, Germany approved asylum status for 680,000 people, 86% of whom were Muslim, while it accepted 680,000 legal immigrants, of whom 40% were Muslim (Pew 2017a, 20). The report lists the birth rates of Muslim and non-Muslim populations from 2015-2020, with Germany having rates of 1.9 and 1.4 respectively, and

Europe as a whole having 2.6 and 1.6 respectively (Pew 2017a, 35). The report also factors in the median age of the Muslim and non-Muslim populations, with Germany having ages of 31 and 47 respectively and Europe collectively having ages of 30 and 44 respectively (Pew 2017a, 37). Generally, Muslims in Germany and Europe are younger and have more children. Based on these criteria, Pew provides three different scenarios: one with zero migration, one with a medium rate of migration, and one with a high rate of migration. The zero-migration scenario assumes that there will be no legal immigration to Europe and no more refugee migration. The medium-migration scenario assumes that previous rates of legal immigration from non-European countries will continue, but that there is no refugee migration. The high migration scenario assumes that previous rates of legal immigration from non-European countries will continue, and that the record level of refugee migration seen between 2014 and mid-2016 will continue (Pew 2017a, 5). Unfortunately, the report does not include a scenario in which previous rates of legal immigration are combined with previous "regular" rates of refugee flows based on the years 2010-2013.

As a base, Pew took Germany's Muslim population to be 6.1%, or roughly 5,000,000, with the European Muslim population being 4,9%, or roughly 26,000,000 (Pew 2017a, 4). As a point of reference, the German government estimated at the end of 2015 that between 4.4 and 4.7 million Muslim were living in Germany (Stichs 2016, 5). In the zero-migration scenario, Germany's Muslim population increased to 8,7% in 2050, or roughly 6,000,000, while Europe's population was at 7.4% or almost 36,000,000 (Pew 2017a, 8). In the medium-rate scenario, Germany was 10.8%, or almost 8,500,000. Europe was 11.2% with almost 58,000,000. Other countries are noteworthy, with Sweden having a Muslim population of 20.5%, France 17.4%, and the United Kingdom at 16.7% (Pew 2017a, 9). In the high migration scenario, Germany is projected to have a Muslim population of 19.7%, or 17,500,000 by 2050. Europe would have roughly 75,500,000 or 14%, with Sweden at 30.6%, France at 18%, and the UK 17.2% (Pew 2017a, 10).

In the years since Pew collected its data, Germany received 222,683 applications for asylum in 2017 and 185,853 in 2018. These numbers were much lower than in 2015 and 2016, but remained much higher than in the years 2010-2013, which saw on average around 75,000 asylum applications per year (BAMF 2018, 3). Consequently, given

current trends and figures, the percentage of the Muslim population in Germany and Europe would fall somewhere between the medium and high rate scenarios, which is the same conclusion the Pew Research Center reached in a different report (Pew 2017b, 7).

These projections are of course merely projections. But other projections and analyses on the topic point to similar conclusions. An analysis of census data in England and Wales in 2015, the first of its kind, noted that the Muslim population there had doubled in 10 years. The Muslim population there was the fastest growing part of the population and came to constitute 4.8% of the population. Eight percent of the population under 15 was Muslim, while 9% under 4 was Muslim (Gani 2015). In 2007, a study by researchers from the Vienna Institute of Demography projected that Austria would not have a Muslim majority population by 2050, but predicted that it would be between 14% and 18%, with the percentage of Muslims under the age of 15 possibly as high as 32% (Goujon et al. 2007). The *Federal Statistical Office of Germany* (FSOG) published a report in 2015 with a population projection for 2060 but did not include religious affiliation in its study (FSOG 2015).

Reactions on the right to the Pew Research report fell generally into three categories: general concern, exaggeration, and fear of civil unrest. David Berger, a theologian and gay activist who left the CDU in 2018 to join the AfD and who is currently a curator for the AfD Desiderius-Erasmus Stiftung, the official AfD think-tank, expressed his concern in a blog entry on *Philosophia Perennis*. He spoke of a successful "birth-jihad" and argued that "already now it is becoming more and more <u>uncomfortable</u> for specific groups, i.e. Jews, homosexuals, women, and children, with regards to the Islamization of Germany." He went on to say that if the high-migration scenario came to pass, life for these groups would become "*unlivable*" (Berger 2017).[205] The article on *Tichys Einblick*, by Roland Tichy, a prominent conservative journalist and author, likewise pointed to concerns about how demographic changes would negatively affect women, Jews, and homosexuals. He questioned the optimism of certain experts and commenters regarding the "integration ability" (*Integrationsfähigkeit*) of German society.

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[205] "Bereits jetzt wird es für bestimmte Bevölkerungsgruppen angesichts der Islamisierung Deutschlands immer <u>ungemutlicher</u>: Juden, Homosexuelle, Frauen und Kinder. Sollten die Prognosen des renommierten Instituts eintreffen, wird Deutschland, so Hugo Funke, „ für jüdische, homosexuelle, freiheitliche, moderne und aufgeklärte Menschen unbewohnbar. Ich wiederhole: UNBEWOHNBAR."" My translation.

He also quoted SPD Integration Minister Aydan Ozuguz and wondered if Germans really wanted, as she argued would be necessary, "to negotiate every day our living-together" (Tichy 2017).[206] The most popular comment on Tichy's article, with 96 likes, stated that Europe was becoming Muslim, that European regimes, particularly the German one, had "lost their minds" and said that those who were "young and well-informed, and who didn't want to lose their identity," would be forced to flee Germany and Western Europe (Gregor, 6 December 2017, comment on Tichy 2017).[207] One comment on the *PI-News* article expressed their concern simply stating in English: "lost country!!!" (sauer11mann, 1 December 2017, comment on Centauri 2017).

Others looked at international actors, arguing that there was indeed a desire in the Muslim world for a Muslim conquest of Europe. One commenter on *Philosophia Perennia* wrote: "That Muslims are waging a Jihad in Europe through reproduction has been clear for a while now. In addition, the great Turkish Sultan Erdogan instructed his fellow believers to have as many children as possible in order to take power in Europe, especially in Germany" (Werner Kemper, 1 December 2017, comment on Berger 2017).[208] On *Tichys Einblick*, one of the most popular comments, with 73 likes, wondered suggestively why Saudi Arabia had not taken any refugees during the Refugee Crisis (ZurückZurVernunft, 6 December 2017, comment on Tichy 2017).

Commenters also expressed their distrust in Pew's predictions and proposed far higher projections that lend themselves to hyperbole but also to paranoia. In the comments on Berger's article on *Philosophia Perennis*, one commenter wrote: "The number of Muslims living here is always consciously underestimated […] Only 11.2% in 2050 is, I think, total nonsense. By then we will be strangers and a minority in our own country and will have a Caliphate" (Kalstart, 30 November 2017, comment on Berger

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[206] "jeden Tag das Zusammenleben neu aushandeln müssen." My translation.
[207] "Europa wird moslemisch, da die europäischen Regierungen, allein voran die Deutsche ihren Verstand verloren. Das Ergebnis wird täglich sichtbarer. Wer jung, und gut ausgebildet ist, und seine Identität nicht verlieren möchte, wird wissen, was er tun muss. Viele Familien haben den Weg bereits beschritten. Sie gingen." My translation.
[208] "Dass die Muslime einen Jihad durch ihre Massenvermehrung in Europa führen, ist doch längst klar. Ausserdem hat der große türkische Sultan Erdogan seine Glaubensbrüder dazu aufgefordert duch möglichst viele Kinder die Macht in Europa, vor allem in Deutschland zu erobern." My translation.

2017).[209] On the article from *Tichys Einblick*, the third most popular comment, with 81 likes, proposed their own calculations arguing that in the next 33 years around 300,000 Muslims would come to Germany every year, and that when taken into consideration with those who were already here plus higher birthrates, by 2050 "it seems to me more realistic that 50% of the total 'German' population" will be Muslim (old white man from black forrest, 6 December 2017, comment on Tichy 2017).[210] Another popular comment on *Tichys Einblick*, with 43 likes, stated that "already now one has the feeling that 50% of the people on the streets are Muslims and Africans" (Marko, 6 December 2017, comment on Tichy 2017).[211] The first comment to the *PI-News* article echoed this sentiment and wondered whether Germany would be an Islamic state by 2050: "It won't last that long. I suspect 2025-2030" (Haremhab, 1 December 2017, comment on Centauri 2017).[212] Another commenter argued that in 2050 Germany would not be a majority Muslim country, but that perhaps it would be so by 2070 or 2100 (Nuada, 2 December 2017, comment on Centauri 2017).

Concerning civil unrest, a number of commenters saw the possibility of a civil war, either between Germans and Muslims, or between those defending the German nation versus those on the left seen as using dictatorial measures in order to dismantle the nation. On *Tichys Einblick* one comment with 47 likes predicted that a new Thirty Years War would take place soon. The comment stated that those on the left, in the Green party, or the globalists dreamed of such a scenario, as out of this chaos they would be able to impose whatever new world order they wished (chris, 6 December 2017, comment on Tichy 2017). One comment to the article on *PI-News* stated, "We are in an **undeclared war** that the Mohammedaner have been waging with more or less success since 1400" (Don Quichote, 1 December 2017, comment on Centauri 2017),[213] while another declared, "we are in a war that the current government is waging against us. Migrants are

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[209] "Die Zahl der bereits hier lebenden Muslime ist immer bewusst nach unten taxiert worden. […] Nur 11,2 % in 2050 halte ich für absoluten Nonsens. Bis dahin sind wir Fremde und in der Minderheit im eigenen Land und haben ein Kalifat." My translation.

[210] "scheint mir dann ein Anteil von 50 % an der „deutschen" Gesamtbevölkerung realistischer." My translation.

[211] "schon jetzt hat man auf den strassen das gefühl, dass es 50% Moslems und Afrikaner sind." My translation.

[212] "So lange wird es nicht dauern. Ich vermute 2025 – 2030." My translation.

[213] "Wir befinden uns in einem **nicht erklärten Krieg**, den die Mohammedaner seit 1400 Jahren mal mehr und mal weniger erfolgreich führen." My translation.

only the tools of the Greens" (Lesefehler, 2 December 2017, comment on Centauri 2017).[214] One comment evoked the fall of the DDR, and equated the current government to dictatorship, saying: "when you see how fast one can remove a dictator, i.e. 1989, it should also be possible for the people (*Volk*) to remove the current *demokratur*" (KlaroFit, 1 December 2017, comment Centauri 2017).[215] Another comment argued that "only the people (*Volk*) can prevent" Germany from becoming a Muslim country, "and not the uni-parties" (Callermann, 2 December 2017, comment on Centauri 2017).[216] The conflict between the people and the ruling government could be solved with democratic means. One commenter hoped that enough people would become fed up with the current direction of the country and learn a lesson from Austria, saying: "Let US (*nehmen WIR*) take an example from Austria and throw the disguised internationalist functionary Merkel in dramatic fashion out of politics, and better yet out of Germany" (rinhard, 2 December 2017, comment on Centauri 2017).[217] The *PI-News* article, written by Alpha Centauri, however, pointed in a different, more radical direction. The article claimed that the Islamization of Germany was undeniable, called Merkel a "dictator" and those in politics, the media, churches, labor unions, and all "*Gut- und Bessermenschen*" "collaborators." The author argued that in order to prevent Europe from becoming an Islamic continent by 2050, "other means must be used […] Political debates will not be able to solve this problem."[218] What exactly the author meant by 'other means' is not clear. In the next sentence, however, he quoted Saddam Hussein and Muammar Kadafi, and said "Muslims only know the iron fist" (Cenauri 2017).[219] Thus, while resistance could come in a democratic form, Centauri's words pointed to perhaps a more dramatic conclusion.

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[214] "Wir befinden uns in einem Krieg, den die Regierung gegen uns führt. Migranten sind nur die Werkzeuge der Grünen." My translation.

[215] "wenn man sieht, wie schnell man doch eine Diktatur beseitigen konnte, siehe 1989, muss es doch auch möglich sein, wenn das Volk diese jetzige Demokratur beseitigt.." My translation.

[216] "nur das Volk es verhindern kann und nicht diese Einheitsparteien." My translation.

[217] "Nehmen WIR uns ein Beispiel an Österreich und werfen die verkappte internationale Solidaritätsfunktionärin Merkel in hohem Bogen aus der Politik und besser noch aus Deutschland hinaus." My translation.

[218] Zu verdanken haben wir dies insbesondere in Deutschland dem Altparteienkartell und der Diktatorin Merkel mit ihren Kollaborateuren aus Politik, Medien, Kirchenverbänden, Gewerkschaften und den Gut- und Bessermenschen. Um zu verhindern, dass aus Europa kein weiterer islamischer Kontinent wird und Deutschland im Jahr 2050 sich nicht zur „Islamischen Bundesrepublik Deutschland" umfirmieren lassen muss, wird man sich anderer Mittel bedienen müssen, um dies zu verhindern. Politische Debatten werden dieses Problem nicht lösen können." My translation.

[219] "Muslime kennen nur die eiserne Faust." My translation.

The reactions contain a clear populist element, in that there is a group of people setting themselves up in opposition to those who have political power (Mudde 2017). Those writing comments on these articles clearly feel left out of the decision-making process and feel as if German elites are imposing the growing Muslim population onto them. Some express concern for marginalized groups, including Jews, women, and homosexuals, whereas others speak of the ambiguous *Volk*, a term with a long history, including its use by the National Socialists, that potentially contains an element of exclusion that would itself turn against those same marginalized groups. The exaggerated figures of the percentage of Muslims living in Germany in 2050 is also noteworthy. They are either the result of unfounded paranoia, or are conscious hyperbole intended to evoke an emotional response from the reader or to underscore the severity of the problem from their perspective. Regardless, the comments point to the idea that Germany is being transformed in dramatic ways by the growing presence of Islam. That Islam is not German, and not compatible in any way with German culture or political values is for these individuals self-evident. The worry expressed concerning demographic concerns is related to other issues that I will discuss in this chapter, all of which are related to the question of Islamization.

Fear of Islamization

Islamization is the idea that Germany is slowly becoming more and more Islamic, that Islam is attaining an ever-greater presence in German daily life, and that eventually Muslims will take over Germany. One person I spoke to associated with the PEGIDA movement defined Islamisierung as follows: 1) The country is being taken over by Muslims piece by piece; 2) The elites are imposing policies that encourage or enable Islamization; 3) There is a feeling of powerlessness, i.e. that ordinary Germans cannot do anything to oppose these trends (interview with the author, 23 August 2017). The latter two elements clearly correspond to a populist narrative that opposes 'the people' against corrupt elites, while the first element involves what appears to be an ever-expanding influence of Islam in various dimensions of public life. One example involves reports of pork meat being removed from school menus (Emmrich 2016; Oppel 2017). Another

instance concerns a case from Rendsburg in October 2016. There a local school scheduled a compulsory visit to a mosque, and when the parents refused to have their child go, they received a fine of 300€ (Höfer 2016). It is not clear exactly how widespread these trends are. Often the mediatized incidents are rare, not representative, and provoke a disproportionate backlash among segments of the population. But for those who are outraged, these incidents are definitive proof that they are right. For example, Michael Paulwitz, writing in the *Junge Freiheit*, mentions both the question of pork meat in school and compulsory visits to mosques as examples of Islamization (Paulwitz 2016).

Different individuals see Islamization in other aspects of society. David Berger sees Islamization in the rise of violence against Jews, homosexuals, trans-people, and women as well as in a rise of violent crime in Germany (Berger 2016). One gay man who had lived in Berlin for 25 years and who supported the AfD shared Berger's assessment. He recalled to me one incident in Kreuzberg in the early 2000's in which a Turkish-looking man followed him in the streets and spoke menacingly about his homosexuality. As he described it, Berlin's gay district in Schöneberg had changed dramatically since the 1990's through the increasing presence of Muslim's living in the neighborhood (interview with author, 19 August 2017).

By far, however, the one visible manifestation of Islamization that came up in virtually every interview I conducted was the *Kopftuch*, or the Islamic headscarf worn by Muslim women. Many saw the headscarf as a form of women's oppression. Many others, however, saw it as a political symbol. Several individuals I spoke to in Berlin characterized it as a symbol of aggressiveness. It demonstrated an unwillingness to integrate into Germany. A group of AfD supporters I spoke to in Hamburg expanded on this idea, arguing that the headscarf was a "sign of dominance" (*Zeichen von Herrschaft*), not of oppression. With the headscarf they show that they are believers, that they are proud, and that they are superior to the non-believers. As one man put it to me, "The headscarf shows that they do not want to integrate, that they are here to conquer us"[220] (interview with author, 13 August 2017).

These negative sentiments towards the headscarf emerged in different contexts. One such context was in Germany's judicial system. Following a pair of decisions

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[220] "Die Kopftuch zeigt dass sie wollen nicht integrieren, dass sie hier uns zu obern sind." My translation.

concerning the place of religion in the courts, Ulrich "Uli" Henkel, a lawyer, AfD politician, and after the regional election on October 14, 2018 member of the Bavarian Regional Parliament (*Landtag*), gave his opinion in a YouTube video. It should be noted that as of November 2018 he was under observation by the regional *Verfassungschutz* due to comments he made in another of his YouTube videos and his support for the questionable group *Volksbegehren* e.V. (Der Spiegel 2018).[221] In the video on the place of religion in the courtroom, he discussed a decision by the president of the district court (*Landgericht*) in Trier in 2006 to remove crucifixes from the courtroom and a decision by the Augsburg administrative court (*Verwaltungsgerichts*) in 2016 to allow a female Muslim judge to wear a headscarf in court. Henkel said that he would not want to be judged by such a judge wearing a headscarf, since "she shows to me her fight against us and our developed culture, and that she does not accept us *as we are*."[222] He also argued that she was part of a struggle for a "victory over the unbelievers"[223] that used Germany's own liberal tolerance against it. He pointed to the contradiction between the decisions, on the one hand barring religious symbols from the court, and on the other allowing them, and argued that the decision in Augsburg "undermines our self-understanding of the state (*Staatsselbstverständnis*)."[224] He went on to say that the decision "alienates (*entfremdet*) people who cannot or do not want to understand all of this legalese from their government and their institutions, and it compels the AfD to present itself to these people so as to give them back their self-respect, something apparently most Muslims *seem* to have taken too much of."[225] Henkel added that the courts made the decisions in a context in which there were fewer and fewer Christian symbols in the public space and in which

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[221] According to the Bavarian Verfassungsschutz, the group consisted of a mix of individuals, some of whom were non-extremist, and some from the -gida movement and a group "Pax Europa" who were extremist and already under observation (SDZ 2018b). Concerning the problematic video, Henkel stated: "The passage you have addressed is without a doubt poorly formulated and I would also naturally not say such things any more today." ("Die von Ihnen angesprochene Passage ist sicherlich absolut nicht glücklich formuliert und ich würde diese so heute natürlich auch nicht mehr senden.") (Der Spiegel 2018). My translation.

[222] "weil sie mir ihren Kampf gegen uns, und unsere gewachsene Kultur zeigt, dass sie uns, so *wie wir sind* nicht akkeptiert." My translation.

[223] "Sieg über die ungläubigen." My translation.

[224] "unterminiert unser Staatsselbstvertändnis" My translation.

[225] "Es entfremdet die Menschen, die alle diese juristischen Feinheit nicht verstehen konnen oder nicht verstehen wollen, von ihrem Staat und seiner Institutionen, und sie zwingt die AfD gerade zu sich vor dieser Menschen zu stellen, um ihnen wider ihre Selbstachtung zurück zu geben, etwas von denen die meisten Muslime offentsichlich zuviel abkommen zu haben *scheinen*." My translation.

Islam maintained a growing presence (Henkel 2017). Around two years after the decision by the Augsburg court, the Bavarian Administrative Court (*Verwaltungsgerichtshof*) ruled in March 2018 that the judge could not wear a headscarf in court (FAZ 2018a).

Henkel's comments go to the core of the feeling of *Entfremdung*. The presence of the headscarf in the courtroom creates a disconnect between Germans and government institutions that are supposed to represent the German people. What it means to be German for some people, would not be reflected by the court system were there a woman in a headscarf judging them. Those who disagree with the decision would feel insulted or aggressed by the Muslim woman, since she would supposedly be representing Germany as a public official, and yet, by wearing a headscarf, she would be demonstrating loyalties to a different culture or set of values. As Henkel stated, she would "not accept us *as we are*." This perceived rejection would lead to the loss of self-respect or self-esteem that Henkel mentioned. The supposed favoritism of the court system towards Muslims would only aggravate issues further and create the impression that the courts are somehow controlled by a liberal elite working to undermine German society.

The sentiments towards the headscarf that Henkel mentioned are relevant also to other parts of daily life, specifically the street. One man I spoke to said that the headscarf "irritates" him, that when there are many visible headscarves it changes the city, and it is "not a place I want to live" (interview with author, 19 August 2017). In these instances, too, there is a feeling of *Entfremdung*. How people conceive of Germany and what it means to be German is not reflected to them in the public space. Instead, they receive an image that to them is not only foreign but also hostile. Public angst towards Islam in the public space, of course, is not only an issue that the AfD addresses. Thomas de Maizière (CDU), who was Interior Minister at the time, penned an essay during the federal election campaign in 2017 in which he stated bluntly: "We are not the burqa" (de Maizière 2017).[226] The burqa is the full body covering associated with Islamic dress codes and demonstrates a far higher degree of dedication to Islamic principles than the headscarf, but de Maizière's essay is directly related to the issue of the headscarf.

The issues of safety and the potential for terrorist attacks are another contributing factor to *Entfremdung*. When I spoke to AfD supporters in Hamburg, it was soon after an

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[226] "Wir sind nicht burka." My translation.

attack on July 28, 2017 at a Hamburg supermarket by a Muslim migrant, Ahmad Alhaw, that left a 50 year-old man dead and 5 others injured. The people I spoke to mentioned that they knew people who were afraid to take the S-Bahn, and there was also a consensus that "terrorism is a part of the conquest" of Europe (interview with author, 13 August 2017).[227] Importantly, these concerns found a visible manifestation in the concrete bollards that began surrounding public events after the attack at the Breitscheidplatz Christmas Market in Berlin in December 2016, in which a failed asylum seeker from Tunisia named Anis Amri ran through the Christmas Market there in a large truck, killing 12 and injuring 56. After this event, these large concrete blocks became standard fare at all large public events, including especially Christmas Markets. Critics derisively called these bollards "Merkel-Legos," in a critique of Merkel's open-door policy in 2015 (Kaiser 2017). They prevented Germans from enjoying a "carefree exercise of their culture and way of life," and represented a "gravestone of their freedom" (Kaiser 2017).[228] One reader of the article from *PI-News* commented that the Christmas Market was a symbol of "our peaceful civilized world," and that the blocks were "symbolic for the Islamic threat" and the "cultural desecration of all European achievements through Islamization" (Erbsensuppe mit fettem Schweinefleisch, 5 November 2017, comment on Gabriel 2017).[229] The author of a *PI-News* article on the subject of the concrete bollards, L.S. Gabriel, shared this view, arguing that the bollards offered no real protection, both objectively due to their small size but also in a more general sense: "There is no safety from those who would like to eradicate us as long as they are in our country" (Gabriel 2017).[230]

The feeling of *Entfremdung* articulated in these contexts dealt with public symbols and representations of German society. Another flash point concerns the German Christmas Market. The issues facing its re-naming or modifications of its celebrations

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[227] "Terrorismus ist ein Teil der Eroberung." My translation.
[228] "unbeschwertes Ausüben seiner Kultur und Lebensart unmöglich macht"; "Grabsteine seiner freiheit." My translation.
[229] "Der Weihnachtsmarkt ist das Symbol unserer friedlichen zivilisierten Welt, der Liebe und Mitmenschlichkeit. Die Steine symbolisch für die islamische Bedrohung die selbst vor einem Weihnachtsmarkt nicht halt macht. Sie stehen symbolisch für die von Merkel in Gang gesetzte kulturelle Schändung aller europäischen, Errungenschaften durch eine brachiale Islamisierung." My translation.
[230] "Es gibt keinen Schutz vor jenen, die uns auslöschen wollen, solange sie im Land sind." My translation.

provide perhaps the best articulations from everyday Germans concerning what exactly the feeling of *Entfremdung* is, which is why I will consider it next.

The *Weihnachtsmarkt* Controversies

One of the more important issues that has come up in the German culture wars in recent years concerns the famous German *Weihnachtsmarkt* (Christmas Market), also sometimes referred to as the *Christkindlmarkt* (Christ Child Market). As can be seen in the name, the tradition is tied to Christianity, and while a cultural and commercial event, it also has important religious connotations. The tradition goes back centuries to the late Middle Ages, and it is in many ways the most important visible manifestation of German culture. The *Weihnachtsmarkt* can thus be considered a fundamental element of German cultural or national identity. However, due precisely to the religious connotations of the market, there have recently been several instances of moves in Germany to remove the Christian element by renaming the event a *Wintermarkt* (Winter Market) or a *Lichterfest* (Festival of Lights). This move mirrors quite closely the culture war in the United States over the place of 'Merry Christmas' in businesses and other public venues. In 2006, for example, the Munich Airport renamed its *Weihnachtsmarkt* a *Wintermarkt* (Schnirch 2015). In 2014, a *Weihnachtsmarkt* in Kreuzberg did the same (Schupelius 2014). The growing trend led to public debate and outrage (Appenzeller 2013; Ataman 2017; Herman et al., 2014). The reasons given for these changes were often, as in Kreuzberg, to show that "'all groups of people' are welcome at the Kreuzberg Winter Market" (Schupelius 2014).[231] Basically, the idea was that to avoid offending or excluding religious minorities, particularly Muslims, organizers should rename the markets to create a neutral public space. Critics of these moves pointed out that most Muslims were not opposed to the religious nature of the markets and did not support the renaming (Appenzeller 2013; Ataman 2017; Herman et al. 2014). Opposition to these measures appeared to gain steam in 2015, quite possibly in connection to the Refugee Crisis. For example, although CSU politicians, including Bavarian Integration Commissioner Martin Neumeyer and MdB Bernd Fabritius had already criticized the decision in 2014, the

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[231] "„alle Bevölkerungsgruppen" seien auf dem Kreuzberger Wintermarkt willkommen." My translation.

market renaming at the Munich Airport became the subject of an online campaign in 2015—9 years after the name change had taken place (Walter 2015; Wolf 2015; Schnirch 2015). In 2017, there was outrage related to two instances involving the *Weihnachtsmarkt* tradition, one in Elmshorn and one in Lüneburg. By studying the discourse around the outrage, including comments that users left on internet sites, it will be possible to better understand the dynamics at play.

Elmshorn

The controversy in Elmshorn, Schleswig-Holstein, a town just to the northeast of Hamburg, began with Erika Steinbach. Steinbach was a life-long member of the CDU, serving in public life for 40 years, and in 2017 was still a member of the German *Bundestag*. At the beginning of 2017 she left the CDU *Bundestag* parliamentary group, while remaining a member of the party, and publicly endorsed the AfD without becoming a member of the party. Her reasons for leaving included Angela Merkel's refugee policies, which she argued had "massively harmed" Germany (Amann 2017).[232] On November 14, 2017, Steinbach tweeted and posted a message on Facebook, in which she showed a photo of a poster for the Elmshorn *Lichtermarkt* that included a young black girl. In her comment she stated: "I know of no country other than Germany that throws its own culture and traditions so overboard" (Steinbach 2017).[233]

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[232] "massiv geschadet." My translation.
[233] My translation.

Image of Tweet from Steinbach, also posted to her Facebook account.

Steinbach's messages unleashed widespread anger, critique, and condemnation of the market. At one point, unknown individuals published the private contact information of Elmshorn mayor Volker Hatje online, an action that, it should be noted, the *Autonomen* also engage in. In the ensuing weeks he received approximately 100 emails, letters, and telephone calls, some of which threatened him with violence; prosecutors filed criminal charges for threats, insults, and incitement to hatred in ten of these instances (Koch 2017). The city issued a press release the day Steinbach published her messages. In it Hatje explained that the name change had taken place in 2007 when the city changed operators. The decision was made for marketing purposes. The photo of the young black girl had also been on the poster since 2011, and the decision-making process involved

collaboration with several different groups. Hatje lamented that the issue had been instrumentalized for political purposes and argued that the *Lichtermarkt* continued the German tradition of the *Weihnachtsmarkt* for everyone who visited, including those not originally from Germany. He added that he found the fact that "people from more than 120 different nations" lived in the "open-to-the-world (*weltoffene*) city […] supernormal" (Stadt Elmshorn 2017).[234]

On December 6, an event took place with Hatje in order to make Elmshorn a symbol for tolerance and to show solidarity. The local newspaper, the *Elmshorner Nachtrichten* led the initiative in collaboration with the city, and participants included the Verdi labor union, local politicians, and other local organizations (Oehlschläger 2017). According to *Elmshorner Nachrichten*, the event was to be a sign "for a tolerant and respectful coming together, for a colorful and open-to-the-world Elmshorn, for solidarity, for a society that does not tolerate hollow words and the stoking of xenophobia" (Bramshuber 2017).[235]

Despite the mayor's statements, those who left comments on online articles or in response to Steinbach's posts saw a political motive in these decisions. The second most popular comment on the *Welt* article, which had 269 likes, saw in the poster a conscious provocation. The comment continued by saying that "Everyone in their right mind would tell people that 'not much' (and especially not the Christmas Market) – despite 2015 – will change", and that the 'marketing reasons' excuse was just an attempt to calm people's anger (Mettigel, 28 November 2017 comment on Koch 2017).[236] The commenter here likely makes reference to the terror attack at the Breitscheidplatz *Weihnachtsmarkt* in Berlin in December 2016. The third most popular comment on the *Welt* article, with 190 likes, also questioned the marketing reasons, wondering who would be attracted by a poster that misnames the *Weihnachtmarkt* and has a black child as the Christmas angel (Klaus Otto G., 28 November 2017 comment on Koch 2017). The fourth most popular post, with 115 likes, continued the logic and argued "one is trying with this

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[234] "Dass bei uns Menschen aus mehr als 120 verschiedenen nationnen leben, ist für uns als weltoffene Stadt supernormal." My translation.
[235] "für ein tolerantes und respektvolles Miteinander, für ein buntes und weltoffenes Elmshorn, für Solidarität, für eine Gesellschaft, die dumpfe Parolen und das Schüren von Ausländerhass nicht toleriert." My translation.
[236] "Jeder bei Verstand würde den Menschen vermitteln, dass sich "nicht viel" (und vor allem nicht das Weihnachtsfest) - trotz 2015 - ändern wird." My translation.

to take the Christmas Market's reference to Christianity out of the picture so that it is attractive to other target groups (with other religious beliefs)" (Loopyland, 28 November 2017 comment on Koch 2017).[237] The most popular comment, with 300 likes, pointed to a different theme: that of Islam. The comment stated: "What then was the good Sir [the mayor] thinking…everything is great…we are dismantling with beaming pride the whole of our values..? Who needs Christmas anyway, when there is Ramadan…!" (Stefan S., 28 November 2017, comment on Koch 2017).[238] His comment pointed to the idea that generally speaking Germans were undoing their Christian heritage and making ever-greater room for Islam. Steinbach's Twitter feed, although full mostly of critical or insulting comments calling her an inciter to hatred or someone spreading fake news, also contained comments that go in this direction. One commenter on the Twitter feed, PetrusConserva, for example, tied the two strands of thought together: "No nation, no culture is so ready to submit without a fight…and this all for a sick cult-like ideology" (14 November 2017, comment on Steinbach 2017).[239]

The most popular post on the *Focus Online* article, with 692 likes, called for a boycott of the market (Stefan Steiner, 1 December 2017, comment on Focus 2017b). The second most popular comment, from Albert Paul with 674 likes, spoke of a "kowtow before Islam" and argued that "naturally an old tradition is being destroyed-through a left-green submission to the 'new arrivals'" (30 November 2017, comment on Focus 2017b).[240] Eberhard Tischler, with 575 likes, stated: "Due to badly understood respect, Christian traditions are being everywhere needlessly thrown overboard; this is precisely what Frau Steinbach surely meant" (30 November 2017, comment on Focus 2017b).[241] Gottfried Suchomski, with 456 likes, pointed to an abuse of power, saying of the mayor: "but it is this guy who is intolerant, he monopolizes his opinion as openness, which he

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[237] "man damit versucht, die christlichen Bezüge eines Weihnachtsmarktes aus dem Spiel zu nehmen, damit man auch für andere Ziegruppen (Glaubensrichtungen) attraktiv ist." My translation.

[238] "Was hat der Herr denn gedacht ... alles supi... wir schaffen Freudestrahlend unsere kompletten Werte ab ..? Wer braucht schon Weihnachten, wenn es den Ramadan gibt ...!" My translation.

[239] "Keine Nation, keine kultur ist so sehr bereit, sich kampflos zu unterwerfen…und das auch noch gegenüber einer kranken Sekten Ideologie." My translation.

[240] "natürlich wird eine alte Tradition zerstört - aus links-grüner Unterwerfung vor den "Neuankömmlingen"." My translation.

[241] "Aus falsch verstandener Rücksicht werden überall christliche Traditionen völlig ohne Not über Bord geworfen, genau dies Hat Frau Steinbach sicher auch gemeint." My translation.

lords over the others, and beyond this nothing is allowed" (30 November 2017, comment on Focus 2017b).[242]

Responses to the story on *Junge Freiheit* evoke many of the same themes. One commenter argued that the mayor had abandoned Christianity a long ago and that the "colored (brown) child" was a "sign of [the mayor's] tolerance and overall benevolence" (Ziener, 15 November 2017, comment on JF 2017a).[243] Another claimed that "tolerance is a virtue for a declining society…" (Rolf Finger, 15 November 2017, comment on JF 2017a),[244] while a third claimed that the name of the market was evidence that Germans were being forced to assimilate to minority groups, in particular Islam: "slowly but surely goes the integration of the GERMANS to Islam, supported by the state, how else should it go otherwise, but its going and its going well" (konnok, 15 November 2017, comment on JF 2017a).[245] A fourth commenter also suggested that people protest how they could, with boycotts or letters, adding "we should exploit these options as long as we still can, or are allowed to [*dürfen*]" (MUC62, 15 November 2017, comment on JF 2017a).[246]

The *PI-News* article and comments on it also contained themes related to tradition, German identity, and Islam. Unlike the *Welt* and *Junge Freiheit* articles, the *PI-News* article was full of commentary and sarcasm and contained the postal and email addresses and telephone number publicly available on Volker Hatje's website,[247] encouraging readers to contact him to complain. Another important difference is that the article contained explicit racial overtones and racist comments. The caption of the photo, for instance described the young black girl on the poster as the "*Negerchristkind*". The German word *Neger* can be translated to 'Negro,' and the word has traditionally been used in banal contexts, such as calling a chocolate covered marshmallow candy a "*Negerkuss*" (Negro kiss). Nevertheless, today it is highly insulting and comparable to the American N-word. Those writing at *PI-News* and leaving comments used the word

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[242] "Intolerant ist doch dieser Typ, der seine den anderen übergestülpte Meinung als Offenheit monopolisiert und sonst nichts gelten lässt." My translation.
[243] "Und als Zeichen eurer Toleranz und allgemeinen Menschenfreundlichkeit und Buntheit habt ihr in eurer Werbung für den Markt zum typisch deutschen Weihnachtsmarkt mit Schnee, Sterne und Tanne einen bunten (braunen) Jungen gepflanzt." My translation.
[244] "Toleranz ist Tugend-einer-untergehenden-Gesellschaft…" My translation.
[245] "Langsam aber sicher geht die Integration der DEUTSCHEN zum Islam voran, staatlich unterstützt, wie soll es auch anders gehen, aber es läuft und es läuft gut." My translation.
[246] "Also sollten wir das ausnützen, solange wir noch können bzw. dürfen." My translation.
[247] As of 28 November 2018: https://www.volker-hatje.de/about/

partly due to its taboo nature and as a protest against political correctness. The potentially racist dimension of the word, nevertheless, cannot be denied. Its use was an indicator of the public for which the article was destined. The article spoke about being sensitive to the "new (Islamic) rulers", the insult to the Christian traditions, the traditional blond-haired Christ child being replaced by a "small *Neger* with big brown eyes and frizzy black hair," and argued that "not only in Germany is it becoming more and more noticeable that the indigenous population is being placed on the margins of public visibility." The article ended with sarcasm, asking: "How far will it go next year? Maybe with a black drag queen as the Christ child, only that way will no minorities be forgotten and no one will suspect that we are still allowed to live in a tradition- and value-rich German society" (PI-News 2017a).[248] Eighteen of the 231 commenters on the article used the word *Neger*.

Lastly, it should be noted that apart from these discursive elements, there were also comments of a Christian nature lamenting the commercialization of Christmas. On the *Welt* article, one comment, which received 91 likes, claimed the name change had a purely commercial motive, in line with the marketing explanation. The comment argued: "Consumption and dance around the golden calf [sic] is simply more important than the outdated Christ Child. Too bad" (Mork vom Ork, 28 November 2017, comment on Koch 2017).[249]

Lüneburg

A second controversy began in December 2017 when word got out that the Johaneum Gymnasium in Lüneburg, Lower Saxony (just south-east of Hamburg) had canceled its school Christmas celebration. The reason originally given was that this was a response to a Muslim schoolgirl who a year prior had complained about not wanting to

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[248] "die neuen (islamischen) Herren im Land"; "einen kleinen Neger mit braunen Kulleraugen und schwarzem Kraushaar ersetzt"; "Nicht nur in Deutschland macht sich immer mehr bemerkbar, dass die autochthone Bevölkerung an den Rand der alltäglichen Wahrnehmung gerückt werden soll."; "Wie wird das sich im nächsten Jahr noch steigern? Vielleicht ja mit einer schwarzen Dragqueen als Christkind, damit nur ja keine Minderheit vergessen wird und nicht der Verdacht aufkommt, dass wir noch in einer deutschen, traditions- und wertereichen Gesellschaft leben könnten." My translation.
[249] "Konsum und der Tanz ums goldene Kalb ist halt wichtiger als das verstaubte Christkind. Schade." My translation.

sing Christian Christmas carols because of her religious faith. In place of the obligatory celebration during school hours, a voluntary celebration was to be held after school. A member of the school council explained the decision, saying that "according to school rules, consideration should be given to those with different religious convictions" (Lüdeke 2017a).[250] Regional school authorities echoed this sentiment, arguing that while there were no fixed rules on how to celebrate Christmas, they recommended schools celebrate carefully and that "a Christmas celebration should not have the character of a Church service" (Die Welt 2017d).[251] The story attracted national attention beginning on December 19, but local media had already reported the story two weeks earlier. In that time the school had received a large number of angry letters and telephone calls from all over Germany, some of which included threats against school administrators and council members (Lüdeke 2017a).

In response to the outrage, the school head, Friedrich Suhr, explained that the event had been canceled owing to "personnel changes" in the school (Lüdeke 2017a). However, *Norddeutsche Rundfunk* (NDR), which originally broke the story, contradicted Suhr and reaffirmed the factuality of their original report. NDR explained that Suhr had confirmed to them beforehand that the decision had been made at a meeting in the school's religion department to proceed in the above-described manner (Eder 2017b). The head of the school's parent council also confirmed to *Focus* that the decision was the result of a compromise between competing factions at the school (Lüdeke 2017b).

Criticisms of the move came from different political parties. The Lutheran Working Group (*Evangelische Arbeitskreis*) of the CDU/CSU lamented the decision. They called it "regrettable and out of proportion" that the complaints of a Muslim student would lead "to the calling into question of a centuries-old tradition of singing Christian songs" (Die Welt 2017d).[252] Politicians from the AfD were more pointed in their comments. Alexander Gauland wrote on the website of the AfD's *Bundestag* parliamentary group that "the Islamization of our society is now also moving into

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[250] "Laut Schulgesetz soll auf die religiöse Überzeugung anderer Rücksicht genommen werden." My translation.

[251] "Eine Weihnachtsfeier sollte nicht den Charakter eines Gottesdienstes haben." My translation.

[252] "bedauerlich und unverhältnismäßig" ; "über das Singen christlicher Lieder am Ende dazu führt, eine jahrhundertelange und gute Schultradition in Frage zu stellen." My translation.

German schools" (Gauland 2017).[253] He added that if the Muslim student did not feel comfortable singing Christmas songs, she should find a place where she would not feel harassed and the need to impose her will onto everyone. He also saw in the school's decision an act of "submission" (*Unterfwerfung*) to Islam. Alice Weidel made a much longer Facebook post. The title of the post was "*Lichterfeste*, *Wintermärkte* and canceled Christmas celebrations: How long will we still be allowed (*dürfen*) to celebrate Christmas?" (Weidel 2017).[254] The post included a graphic with a quote from the Islamic holy book the *Sura*, which states: "And fight against them, until only Allah is venerated!"

From Alice Weidel's Facebook post on the Lüneburg controversy.
The quote from the Sura is a piece of hyperbole to frame the event as part of a conscious war of Islam against Germany.

Weidel continued by saying that she did not find Suhr's "personnel change" excuse convincing. She also claimed that the "tolerant living-together (*Miteinander*)" propagated by the media and politicians had failed, and pointed to the rise in sexual violence against women, Islamic terrorism, and the "supposedly 'small things' of everyday interaction

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[253] "Die Islamisierung unserer Gesellschaft zieht auch nun in deutsche Schulen ein." My translation.
[254] "Lichterfeste, Wintermärkte und abgesagte Weihnachtsfeiern: Wie lange dürfen wir Weihnachten noch feiern?" My translation.

(*Miteinanders*)."[255] She argued that Germans repeatedly made concessions to Muslims, while many Muslims retained opposition to Christian traditions. She pointed to the Koran and the Sunna and claimed that "intolerance towards other religions is inherent in Islam."[256] She insisted that those who did not respect or who felt threatened by Christian traditions did not belong in Germany. She stated, "We are a Western-Christian country, and that should remain so,"[257] and called for an end of Muslim immigration to Germany. She ended by saying that it was not up to Germans to make concessions to Muslims, but for the latter to make concessions to Germans, and if they were unable to do this, they should go where Muslim traditions are celebrated (Weidel 2017).

Online comments to articles on the decision by Johaneum Gymnasium reflect the themes of loss of tradition, Islamic aggression, and the ideology of political correctness seen in comments made by the above-mentioned politicians. The most popular comment on *Focus Online*, with 1,487 likes, did not understand the school's decision, exclaimed that Christmas was a German tradition, and said that if people did not like that, "they can gladly go somewhere else!!!" (Matthias Voigt, 19 December 2017, comment on Lüdeke 2017a).[258] Another comment with 1,154 likes stated: "What is happening in our country is simply no longer tolerable!!! Why do we sacrifice ourselves?? There is already a hostile takeover by Muslims taking place-and we don't defend ourselves!!! Good night Germany!!!" (Johann Mayer, 19 Decembe 2017, comment on Lüdeke 2017a).[259] On the other *Focus Online* article, the most popular comment, with 429 likes, asked the Muslim girl to move somewhere else if she didn't like Germany (Matthias Voigt, 20 December 2017, Lüdeke 2017b), while the second most popular comment, with 392 likes wondered "Where do I live here? Apparently not in Germany."[260] This comment also implored the

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[255] "Ein tolerantes Miteinander der verschiedenen Kulturen, wie von großen Teilen der Medien und Politik propagiert, scheitert nicht nur an alltäglichen sexuellen Übergriffen auf Frauen und anderen Gewalttaten, nicht nur an großen Bedrohungen wie dem islamistischen Terrorismus, sondern schon an den vermeintlich „kleinen Dingen" des alltäglichen Miteinanders." My translation.

[256] "Die Intoleranz gegenüber anderen Religionen ist dem Islam inhärent." My translation.

[257] "Wir sind ein christlich-abendländisch geprägtes Land und das soll auch weiterhin so bleiben." My translation.

[258] "Und wem das nicht past, der kann gerne wo anders hingehen!!!" My translation.

[259] "Es ist einfach nicht mehr zu ertragen was in unserem Land passiert!!! Warum geben wir uns selber auf?? Es findet mittlerweile schon eine feindliche Übernahme durch die Muslime statt - und wir wehren uns nicht!!!! Gute Nacht Deutschland!!!" My translation.

[260] "Wo lebe ich hier? Scheinbar nicht mehr in Deutschland." My translation.

girl to move back where she came from (Mike Schmidt, 20 December 2017, comment on Lüdeke 2017b).

The most popular comment on the *Welt* article,[261] with 752 likes, wondered simply, "On which side is there actually a problem of tolerance here?" (Peter D., 19 December 2017, comment on Die Welt 2017d).[262] The second most popular, with 697 likes, was actually written by someone claiming to be a Muslim, but who was critical of the Muslim schoolgirl. The commenter called the girl's reaction "exaggerated" and argues: "Christmas celebrations are simply a part of German society and if that bothers her, then she should with all due respect think about moving somewhere else" (Deniz K., 19 December 2017, comment on Die Welt 2017d).[263] Another popular comment, with 439 likes, recognized the importance of Christmas to German culture, and stated concerning the Muslim girl's complaint: "The complaint is more a recognition of the rejection of our culture and a claim about the perceived superiority of her own culture" (Konrad B., 19 December 2017, comment on Die Welt 2017d).[264]

The comments on the article from *Junge Freiheit* generally took up the theme of Islamization. One comment referred to Michel Houllebecq's novel *Submission*, simply saying "What is Houllebcq's book called? SUBMISSION!!! Nothing more needs to be said" (Anne-Petra Kant, 20 December 2017, comment on JF 2017c).[265] Another comment wondered in regard to the headscarf debate: "Who is integrating to whom? After the headscarf case, this is one more step, or isn't it?!" (Prof. Gladisch, 19 December 2017, comment on JF 2017c).[266] Another blamed those in political power for the situation, claiming: "Islam advances because people let it. Everywhere there are two sides. The

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[261] Die Welt published another article on 20 December 2017 (Die Welt 2017e) on the subject, but it only had 162 comments, compared to 370 for that from 19 December (Die Welt 2017d).

[262] "Auf welcher Seite gibt es hier eigentlich ein Toleranzproblem?" My translation.

[263] "Diese Weohnachtsfeiern sind nunmal ein Teil der deutschen Gesellschaft und wenn es ihr nicht passt dann sollte sie bei allem Respekt über eine Ausreise nachdenken." My translation.

[264] "Die Klage ist eher ein Bekenntnis der Ablehnung unserer Kultur und ein Verweis auf die gefühlte Überlegenheit der eigenen Kultur." My translation.

[265] "Wie heißt doch das Buch von M. Houellebeq? Die UNTERWERFUNG !!! Mehr gibt es dazu nicht zu sagen." My translation.

[266] "Wer integriert wen ?`Nach den Kopftuchprozessen geht es jetzt einen Schritt weiter, oder !?" My translation.

political side here opens all the doors for Islam" (Kersti Wolnow, 19 December 2017, comment on JF 2017c).[267]

The articles on the Lüneburg controversy from *PI-News* are mostly factual. One cited heavily from *NDR* and *Welt*, although they did contain an activist dimension, posting the publicly available address and contact details for the school and Suhr and encouraging their readers to protest the decision (PI-News 2017b). A second article quoted heavily from Weidel's Facebook post (PI-News 2017c). Readers engaged more with the Weidel article (231 comments versus 149), and comments to that article (as well as those to the other) generally agreed with Weidel's sentiment and picked up the theme of Islamization. One commenter to the article on Weidel noted sarcastically: "There is no Islamization. That is just a far-right conspiracy theory" (Dichter, 20 December 2017, comment on PI-News 2017c).[268] In another example of sarcasm (or perhaps paranoia), the commentor stated: "Soon the Sharia Police will also come to your house to check if you have a Christmas tree" (aenderung, 20 December 2017, comment on PI-News 2017c).[269] Other pointed to a defense of German identity: "Germany must remain German, regardless of the consequences"(yugoslawe, 21 December 2017, comment on PI-News 2017c).[270] And yet another related Islamization to the protection of the German democratic order: "With a change of personnel Friedrich Suhr meant the rapidly advancing population exchange. This system must be smashed, IMMEDIATELY-COMPLETELY-and IRREVERSIBLY, as this is the only way we are able to preserve our German Constitution [*Grundgesetz*]!!!" (archijot@gmx.de, 21 December 2017, comment on PI-News 2017c).[271] Many, if not most, of the 231 posts also shared links to other news stories from local, national, and international news websites, such as *NDR*,

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[267] "Der Islam schreitet voran, weil man ihn läßt. Überall gibt es 2 Seiten. Politischerseits öffnet man dem Islam hier alle Türen." My translation.
[268] "Es gibt keine Islamisierung. Das ist nur eine Verschwörungstheorie von Rechtsextremisten." My translation.
[269] "bald kommt die scharia- polizei auch zu dir nach hause und schaut ob du einen weihnachtsbaum hast." My translation.
[270] "Deutschland muss Deutsch bleiben, egal was kommt." My translation.
[271] "Mit einem Personalwechsel meinte der Friedrich Suhr den mittlerweile zügig voranschreitenden Bevölkerungsaustausch. Dieses System muss zerschlagen werden, SOFORT – RESTLOS – und UNUMKEHRBAR , denn nur so und nicht anders dürfen wir unser deutsches Grundgesetz behalten!!!" My translation.

Bild, *Die Welt*, or *The Daily Mail* as further examples of the desecration of Christmas or the Islamization of Germany.

Analysis

A Right-Wing Populist Discourse

In the discourse surrounding the above-discussed issues and controversies, there are two general themes that stand out. On the one hand, there is the perception that liberal elites, despite official statements to the contrary, are making decisions based on an ideology derided as political correctness. These elites make these decisions so as to not offend different ethnic or religious communities, whether in the courts, in schools, or at Christmas Markets. The result is a neutralization of the public sphere, wherein traditional elements of German culture, especially those related to the most important holy day in Christianity, are no longer explicitly present in the public sphere. On the other hand, there is the perception of a militant Islam that seeks to transform German culture, politics, and daily life. Islam is a growing part of German society and leads to increased anxiety about the future of the country. Critics see those in power - including Merkel, the European Union, and those on the left - as responsible for this development, whether through naiveté and incompetence or through conscious malice. The combination of these themes contributes to the feeling that something is being 'taken away,' 'piece by piece,' whether due to demography or to a specific moral ideology. Those things that are taken away include pork meat in public schools, the impartiality of the judiciary, the ability to enjoy traditional German public festivals in a carefree manner, Christian symbols in the public sphere, and in some cases even the ability to walk down the street.

A further dimension one can glean from the comments concerns issues of power and the political process. Particularly in the discourse surrounding the Christmas Market, one often sees the German word *dürfen*, as seen in Alice Weidel's graphic, which is a modal verb related to permission, as in being allowed to do something. Its use indicates that the decisions being made are done so in an absolute way without consultation and that one is not allowed to challenge the decisions. The word *dürfen* has two meanings

here. On the one hand, one is not allowed to protest, or one will be labeled a racist or a xenophobe. In other words, there is the dominant moral discourse, and one is not allowed to call this into question. On the other hand, there is a demographic element, in the sense of what will happen when there are even more Muslims in Germany?

The discourse discussed above fits the general characteristics of a populist discourse. Following an ideational approach, Cas Mudde defines populism as "an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and which argues that politics should be an expression of the volonté générale (general will) of the people" (2017, 29). In the above discourse, there is a separation between the supposedly authentic people, those who defend true German culture, and the out-of-touch, dictatorial elites, i.e. those in positions of political and institutional power and influence at various levels of German society. Such elites include above all politicians (what the AfD calls a "political cartel" (*politisches Kartell*) of professional politicians, including those in Germany and in the European Union, who care only about their own power and status (AfD 2016, 8)) and those in the media, both of whom impose their opinions and policies on the people. Within this distinction there is an important moral dimension, one that is a trademark of populism (Mudde 2017; Müller 2017). In this moral framework, the people are "authentic" or "pure" while the elite are "corrupt." The corruption of the elite can come from a betrayal in an economic sense, or in the case of *Entfremdung*, in a cultural sense. As Mudde explains: "populism presupposes that the elite comes from the same group as the people, but have willingly chosen to betray them, by putting the special interests and inauthentic morals of the elite over those of the people" (2017, 30). One catches a glimpse of a feeling of betrayal as at times one will hear German populists and AfD supporters speak of *Volksverräter* (traitor or literally traitor to one's people).[272] Obviously, in this case, the 'inauthentic morals' in question are those associated with political correctness, which critics see as destroying German culture and giving preference to immigrants over native Germans.

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[272] The word is a pun on the word commonly used to describe elected officials *Volksvertreter*, literally representative of the people. It has a long history, dating back to the 19th century, and the Nazis used it in the 20th century in connection with their ideology of the German *Volk* (Sprachkritische Aktion 2017). For this reason, critics associate it with the German far right, and undoubtedly some of people using the word have the National Socialist meaning in mind.

The populism of the AfD is combined with an element of nativism, as Islam is not a part of the people for the AfD. In contrast to Mudde (2017) who would argue that this exclusion is primarily ethnic as opposed to moral, I would argue that this exclusion is equally moral. The discourse above sees Islam as primarily a threat to German culture, and for that reason it is also a moral exclusion. Here we have then the "authentic" people opposed to a foreign element that, from the people's perspective, profanes German culture. One can thus say that the AfD combines both populist and nationalist elements in that there are two forms of exclusion, both of which Benjamin de Cleen (2017) analyzes. On the one hand, there is a vertical exclusion, as the 'people' oppose the 'elites.' On the other hand, there is a horizontal exclusion distinguishing 'Germans' from Islam, which follows the logic of an in/out group membership. Thus, while one can understand the AfD as primarily a nationalist party, it cannot be understood without looking at its populist elements (de Cleen 2017, 349; Mudde 2007, 26).

Causes: The salience of Entfremdung?

Looking at the discourse above, it seems obvious that the issue of German national identity is one of the primary motivating factors of support for the party, if not the most important. There are several reasons contributing to the prominence of the issue of national identity among AfD supporters and why Islam is such an important factor therein. Many authors point to globalization, both economic and cultural, as provoking a nationalist reaction. Ruud Koopmans et al. (2005, 4) argue that due to the ethnic and cultural diversity that globalization brings with it, people experience a feeling of a loss of identity. This loss of identity is combined with a loss of control over the aspects of the state that are related to identity: "control over external borders" and "access to citizenship" (4). As a result, people turn to nationalism and the national community as a way to regain a sense of control. In a similar fashion, Kinnvall (2004) builds on Giddens' (1991) concepts of ontological security and existential anxiety and Dupuis and Thorns' (1998) concept of home. Specifically, a "home" has four characteristics, which are: "the site of constancy in the social and material environment"; a place where "people feel most in control of their lives"; the "the spatial context in which the day to day routines of

human existence are performed"; and the "base around which identities are constructed" (Dupuis and Thorns 1998, 29). As Dupuis and Thorns argue, a home "links together a material environment […] with a deeply emotional set of meanings relating to permanence and continuity" (Dupuis and Thorns 1998, 30). Kinnvall goes on to argue that globalization has led to a certain feeling of "homelessness" and "has made it more difficult, but not less desirable, to think in terms of singular, integrated, and harmonious identities" (Kinnvall 2004, 747). The ideology of the nation can thus play into these anxieties and provide a modicum of ontological security (Kinnvall 2004, 758-759).

Concerning Islam, as Koopmans et al. (2005, 151-152) argue, it provokes much more attention and ire than do other religious groups, even though the number of their demands remain low in comparison to other identity groups. As they argue, unlike other religions, such as Hinduism, Islam is characterized by a "limited separation of civic and religious roles in public life," which leads to the "more visible and public nature of the religion and the demands that it places on followers and their interactions with core public institutions" (Koopmans et al. 2005, 174-175). Such conflicts include those related to Islamic headscarves or free speech and Islamic blasphemy laws (Koopmans et al. 2005, 150-151). A part of these anxieties is also undoubtedly related to the demographic issues already discussed. Muslims currently make up the largest percentage of those entering Germany, when combining both refugees and legal immigrants, and they also have a higher birthrate that contributes to their ever-increasing percentage of the German population. The combination of these factors increases the feeling of ontological insecurity and existential angst, which manifests itself in the form of the feeling of *Entfremdung*. As I will discuss below, the CDU (but not the CSU) has largely abandoned political positions that address these questions of identity, leaving political space open for a party like the AfD to address them on a national, as opposed to regional level (as with the CSU). Jens Rydgren (2007) points out that research on political convergence points in different direction, but I would argue that in Germany political convergence on the question of national identity between the SPD and the CDU is a clear causal factor for the emergence and success of the AfD.

Ultimately, *Entfremdung* affects every sense of 'home' that Dupuis and Thorns identify: material and social permanence and continuity, control, daily performance, and

identity. Those who experience *Entfremdung* feel as if the continuity of Germany as a geographical entity, where Germans live as Germans, is threatened by an ever-expanding and increasingly political Muslim population. They claim to not feel in control of the situation, since those in a position of power have adopted a moral system that excludes the 'authentic' Germans as racist or intolerant. Also, the site where German identity is performed, i.e. the space of public institutions and collective festivals, has become a site of contestation. As a result, the AfD (and others) feel as if they cannot be 'German' without offending someone. The most popular comment to Alice Weidel's above-discussed Facebook post testifies to this feeling. With 992 likes,[273] by far the most popular, Andreas Jensen writes: "I feel bothered in my Western-Christian self-understanding by the word Ramadan. The word should immediately be replaced by 'diet magic' (*Diätzauber*)" (20 December 2017, comment on Weidel 2017).[274] At issue ultimately, is that Germans cannot celebrate 'Christmas' in Germany, their "home," then where can they?

The insecurity related to the preservation of a German 'homeland' has different origins. As Gerard Bouchard explains, minority groups can instill insecurities into a dominant group seeking to preserve its "values, traditions, language, memory, and identity" (2011, 406). Other insecurities can stem from fear of terrorism, or in the case of Quebec, being a minority francophone enthnocultural group in overwhelmingly anglophone North America (Bouchard 2011, 406). The first two sources of insecurity clearly apply to Germany, but another source of this insecurity, located in the populist discourse, is that the elites share a different vision of German identity and are intent on imposing it on all those in Germany regardless of dissent. Part of the reason that reactions take a form that many would consider a disproportionate or hypersensitive, is because they feel as if their concerns are not being addressed by those in power, a dynamic Bouchard also discusses (2011, 418-420).

Looking more closely at *Entfremdung*, one can argue that it is merely the expression of this existential angst. When controversies around the hijab or the *Weihnachtsmarkt* erupt, these are the symbolic form of existential angst, and the 'proof'

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[273] As of November 28, 2018.
[274] "Ich fühle mich durch das Wort Ramadan in meinem christlich-abendländischen Selbstverständnis gestört. Der Begriff ist ab sofort durch „Diätzauber" zu ersetzen." My translation.

that people's fears are coming to pass. What is more, I think these controversies can be understood through the framework of the politics of recognition as elaborated by Charles Taylor. In his essay, Taylor argues that "identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves" (1997, 25). When officials change the name of a *Weihnachtsmarkt* to *Lichtermarkt*, or when the state allows hijabs in the courtroom but not crucifixes, certain individuals feel a misrepresentation or misrecognition of what it means to be German. On the one hand, the actions project a symbol of a politically correct Germany, of a 'diversity-is-our-strength' Germany that is culturally neutral. On the other hand, many view the actions as symbolic of a Germany increasingly sacrificing its identity to the demands of Islam. Tied to these representations is the image of a Germany continually oppressing minorities and in need of a wrap on the fingers to stay in line. This is an image of German identity as inherently racist, excluding, xenophobic or intolerant and something that Germans need to fight against for the sake of justice. Critics would argue that the image projected is an insulting and denigrating misrepresentation. For those making these critiques, German identity has a specific content and is not inherently racist or oppressive. And since those making these critiques consider themselves "authentic" Germans, when institutions that represent Germany 'misrecognize' what it means to be German, the result is an alienation from the institutions. Uli Henkel gives voices to this feeling when he claims a judge who wears the hijab in German courts "does not accept us *as we are*." Henkel's comments, of course, beg the question: Who is the 'we'?

Who are 'we'? Towards a moral ideal of the nation

As Mudde argues, the populist distinction between the people and the elites depends on a homogeneous conception of the people. This position requires populists to determine key features that will distinguish and identify themselves as a specific community (2017, 32). According to Paul Taggart, populists tend to rely on a "'heartland' that represents an idealized conception of the community they serve" (2004,

274). In contradistinction to utopian ideologies that focus on a yet-to-be-realized ideal and that would include the ideologies of *Verfassungspatriotismus* and that of the *Autonomen*, the populist ideal is "constructed retrospectively from the past—it is in essence a past-derived vision projected onto the present as that which has been lost" (2004, 274). As an example, Taggart provides the concept of "Middle America," noting that the ideal is diffuse and imprecise (2004, 274) and that it is based on a romanticized idea of how life has really been lived (2004, 278). This terrain is what constitutes the 'heartland' and what provides the substance for the ideal. I would also add to Taggart's observations that populist or nationalist ideologies are more emotional, whereas the utopian ideologies mentioned above are more rationalist.

The ideal community the AfD serves is the 'German' community as conceived in a historical fashion. As already seen, the AfD refers to the 'Western-Christian' dimension of Germany. Like the CDU in the 1990s, the AfD's 2016 party program speaks about a "German guiding culture" (*deutsche Leitkultur*). They identify three influences on German culture: "religious customs from Christianity"; the "scientific-humanistic tradition, whose ancient roots were renewed during the Renaissance and the Enlightenment"; and third the "Roman legal system, which serves as the base of our rule of law" (AfD 2016, 47).[275] Later the brochure also speaks of the "Judeo-Christian and humanistic foundations of our culture" (AfD 2016, 48).[276] The program also mentions that these historical traditions influence not only Germany's "liberal democratic basic order" (*freiheitlich-demokratischen Grundordnung*) but also everyday interactions. In addition, the program stresses the importance of the "survival" (*Fortbestand*) of the cultural unity of Germany (AfD 2016, 47).

For comparison, the 2015 CSU party program also speaks of "German guiding culture" (*deutsche Leitkultur*), and speaks of Germany's "Christian-Jewish-Western tradition" (*christlich-jüdisch-abendländische Tradition*) (CSU 2015, 30). It argues that German culture goes beyond the rule of law (*Rechtsstaat*) and the German Basic Law, to include specific traditions including Christian holidays. In 2016, the CSU criticized the

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[275] "erstens der religiösen Überlieferung des Christentums, zweitens der wissenschaftlich-humanistischen Tradition, deren antike Wurzeln in Renaissance und Aufklärung erneuert wurden, und drittens dem römischen Recht, auf dem unser Rechtsstaat fußt." My translation.

[276] "jüdisch-christlichen und humanistischen Grundlagen unserer Kultur." My translation.

idea that "Islam belongs to Germany" (*Islam gehört zu Deutschland*), calling it of "existential importance" (*existenzieller Bedeutung*) that Germans recognize what their culture means (CSU 2016, 43). They also point out specific elements of German culture they defend, including eating pork meat in public schools, opposing the renaming of *Christkindlmärkten*, and opposing the wearing of the Islamic headscarf in public schools (CSU 2016, 44). In 2010 the CDU, following Merkel's adoption of Bassam Tibi's notion of *Leitkultur*, referenced the same historical tradition, but did not speak of a specifically "German" *Leitkultur*, and only referenced this tradition in the context of providing values that provide the foundations for the cohesion of German society: "Our cultural values, which are informed by the heritage of the ancients, the Judeo-Christian tradition, the Enlightenment, and historical experience, are the foundations for social cohesion and form the guiding culture in Germany" (CDU 2010, 2).[277] In 2016, the CDU party program speaks of the increasing diversity in Germany and mentions the *Leitkultur* in Germany in reference to democratic values such as freedom of opinion, religion, the equality of men and women, or respect and tolerance for minorities (CDU 2016, 9). The election program for the CDU in 2017, likely in reference to Germany's mobilization during the Refugee Crisis, calls "volunteering, and the willingness to work for others and the community" as "perhaps the most valuable and important part of our *Leitkultur*" (CDU 2017, 71).[278] Conspicuously lacking from the CDU's conception of *Leitukultur* are specific public holidays, traditions, or customs stemming from Christianity or other parts of German culture not related to political culture. Thus, the CDU's position on *Leitkultur* has more in common with that of the SPD[279] analyzed in previous chapters than it does with that of the CSU or AfD.

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[277] "Unsere kulturellen Werte, geprägt durch das Erbe der Antike, die jüdisch-christliche Tradition, die Aufklärung und historischen Erfahrungen, sind die Grundlage für den gesellschaftlichen Zusammenhalt und bilden die Leitkultur in Deutschland." My translation.

[278] "Ehrenamtliches Engagement, die Bereitschaft sich für Andere und für die Gemeinschaft einzusetzen […] sind vielleicht der wertvollste und wichtigste Teil unserer Leitkultur." My translation.

[279] It is of course true that Thomas de Maizière criticized the Islamic burqua, however he justified his position by saying that showing one's face is part of a "democratic spirit" (*demokratischen Miteinanders*). He thus grounded his position in a form of a civic identity that identifies limits on certain cultural practices that can be grounded in constitutional values. The CDU thus can be said to have a 'hard' position on civic identity, while the SPD has a 'soft' position. I would like to thank Ruud Koopmans for pointing the distinction between 'soft' and 'hard' civic identity out to me.

Not everyone in the CDU approved of these developments. In March 2017, a part of the CDU/CSU party formed the *WerteUnion* in order to reaffirm conservative principles. In April 2018 they published their manifesto, in which they support a "European-German *Leitkultur*" (*europäische-deutsche Leitkultur*) and a "patriotism open to the world" ("*weltoffen Patriotismus*") that demands that immigrants not only integrate into German society, but that they assimilate (WerteUnion 2018). Alexander Mitsch, a fan of Helmut Kohl, led the initiative in response to mass immigration and Merkel's 2015 handling of the Refugee Crisis (Sauerbrey 2018).

In the AfD's (and CSU's) appeals to preserving German 'culture,' the core of the German 'heartland,' many would see a fig leaf for racist attitudes. Kinnvall argues that the "propensity to focus on religion or culture instead of race" or making differences between "'them' and 'us'" on cultural or religious grounds constitutes a modern form of racism (2004, 761). Sometimes labeled as "neo-racism" (Thompson et al. 1995; Volkan, 1997), this form of racism does not refer to biology but to unchanging cultural or ideological differences (Kinnvall 2004, 761). There are undoubtedly people in the AfD for whom this is true. These individuals are located mostly in the *völkische* branch of the party who hold more radical and extremist views. The specificities of this part of the party, and the problems that come with it - including its associations with German far-right parties such as the NPD and far-right violence, will be discussed more in detail in the following chapters.

However, not all AfD supporters adhere to such simple-minded bigotry. David Bergen and Roland Tichy both express support for minority groups including homosexuals, Jews, and women. The AfD also has as prominent members Imad Karim, a German citizen from Lebanon, ex-Muslim, and curator for the Desiderius-Earsmus Stiftung, and Leyla Bilge, a Kurdish-German woman from Turkey who converted to Christianity from Islam (Atzenroth 2017) and who organizes the AfD's Women's March. While not a member of the party and often a critic of the AfD, Hamed Adbel-Samad, a German born in Egypt, ex-Muslim, and Islam criticizer, has engaged in dialogue with the party (Nicolai 2015). One commenter to the *Junge Freiheit* article on the Pew Research demographic report referenced such individuals, stating: "To live and work with moderate and critical, modern thinking Muslims and Middle-Easterners, why not? People

like Nekla Kelek, Sabatina James, Bassam Tibi, Hamed Abdal Samad etc. should also have a place in the AfD" (Eckert Eckstein, 1 December 2017, comment on JF 2017b).[280] Recently, in October 2018, Jewish supporters of the AfD launched a new party group called the "Jews in the AfD" (JAFD). Part of their support for the AfD was grounded in their fear of "Muslim Anti-Semitism" and the anti-Israel positions they saw on the left (JAFD, 2018).

My interviews with AfD supporters reflected a welcoming sentiment with other immigrant groups. In my interview with AfD politician Uli Henkel, he argued that Germany could take in 4 million Filipinos and in five years there would be no problems. This is because they were Christian and did not have the same obstacles to participating in German culture as Muslims. He also mentioned that in his neighborhood there were many groups of immigrants from all over Eastern and Western Europe as well as Vietnam, and that they all adapted to life in Germany with no problems (interview with author, 3 August 2017). Many other people I spoke to from East Berlin spoke positively about Vietnamese immigrants who had come to the GDR as part of East Germany's guest worker program. They recommended that I visit the Dong Xuan Market, a large and well-known Asian market in Lichtenberg, in East Berlin (interview with author, 26 July 2017). I spoke with yet other AfD supporters who spoke positively of immigrants from China, Japan, India, and Armenia, and a good number wanted to see Germany adopt an immigration system similar to that of Canada, which prioritizes high-skilled workers (interview with author, 13 August 2017). In fact, the AfD's party program from 2016 mentions Canada and Australia as providing the models for their immigration policies (AfD 2016, 58). In this sense, the AfD's position does seem to refer particularly to German culture, and not specifically or exclusively to race or ethnicity.

Nevertheless, many people I interviewed still supported the *jus sanguis* principle of citizenship, many complained of certain neighborhoods where Germans were a visible minority, and many conceded that part of the reason that immigrants from China, Japan, or India do not cause problems is because they come to Germany in lower numbers than those of other countries, including Turkey, Syria, or Afghanistan (interview with author,

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[280] "Mit moderaten und kritischen, modern denkenden Muslimen und Orientalen zusammenleben und arbeiten, warum nicht? Leute wie Nekla Kelek, Sabatina James, Bassam Tibi, Hamed Abdal Samad usw. sollten auch in der AfD einen Platz haben." My translation.

26 July 2017 and 13 August 2017). The idea then is not only that immigrants who come to Germany should adapt, integrate, and assimilate as much as possible to German *Leitukultur*, but that ethnic Germans also remain the dominant ethnic group in Germany. As Koopmans et al. point out (2005, 2), European countries, in contradistinction to "classical immigration" countries in North and South America, have "'thicker,' more ethnoculturally based traditions of nationhood." In this context it is worth remembering that German immigration law up until 1999 was defined solely by *jus sanguis*, with *jus soli* and the ability for dual-citizenship only coming into force then.

Some would see in some of these positions towards immigration or other minority groups, including gays, women, and Jews, a form of homonationalism or philosemitism, or a form of 'illiberal liberalism' in which political parties use gay rights or the defense of Jews as an excuse to justify racist, xenophobic, or otherwise discriminatory policies, particularly against Muslims or other groups who are said to be intolerant of homosexuals, Jews, or other minorities such as women (Jasbir 2007; Moffitt 2017; Müller 2014; Triadafilopoulos 2011). This analysis is likely true for parts of the AfD. But it is not exactly clear how such arguments apply to homosexuals and Jews who themselves support parties like the AfD, to say nothing of the actual motivations of those in the AfD who are genuinely concerned about the well-being of homosexuals or Jews despite not being one themselves. One can see in these positions in part of the AfD a similarity with other European right-wing populist parties that uphold liberal values as concerns women's and gay rights, the protection of the Jewish community, and free speech. While, as Brubaker (2017, 1193) also notes, the AfD is too divided politically for these positions to apply to the entirety of the party, one can argue that the moderate branch of the AfD, like many other right-wing populist groups in Europe, situates itself within a pan-European civilizational struggle between the Judeo-Christian, Enlightenment-oriented West and Islam. As Brubaker (2017, 1210-1212) argues, the positions taken by these parties feeds into a nationalist ideology, but complicates easy characterizations of the political movement as extreme right, anti-democratic, or purely nationalist.

Ultimately, most AfD supporters, at least at the time of the federal election in 2017, wanted Germany to remain recognizably 'German,' as vague and elusive as that

notion might sometimes be. Their position can be described as cultural or ethnocultural nationalism. Returning to Mudde's argument about the nature of 'the people' in populist logic, it is not clear exactly how homogeneous 'the people' are for the AfD. There is clearly room for a number of ethnic or cultural minorities, granted that a) they assimilate or integrate into a dominant German society and b) ethnic Germans remain the dominant ethnic group. The reference point of Germany as a "Western-Christian" country serves as the homogenizing factor. The positions expressed by those in the AfD resemble those found in many other right-wing populist parties. As Mudde (2007, 139) argues, among these parties "the undeniable reality of multiethnic society has sunk in," with supporters accepting "some degree of ethnic diversity within the nation-state." These parties recognize the possibility of assimilation or integration by immigrants, although an exception is made with Islam, which is typically seen as "incompatible with liberal democracy or 'European civilization'" (Mudde 2007, 145). These parties, like the AfD, also promote a *Leitkultur* embodied by the country's dominant ethnic group and wish to ensure that that particular ethnic group and culture remain dominant - what Mudde calls their "national preference" (Mudde 2007, 144).

The concept of *Leitkultur* that the AfD uses refers back to the entire history of the German people, and thus constitutes the 'heartland.' This allows the AfD to claim that it represents the 'authentic' German people, and that it fights on behalf of all Germans. In Durkheimian terms, the 'heartland' that the AfD (and the CSU) appeal to constitutes a moral ideal, in this case an idealized version of a national community. In this sense, following Durkheimian analysis, the German 'heartland' is a sacred object, with its own cult and national symbols. A national flag, for instance, becomes a symbol for a particular group, which uses it to distinguish itself from other groups (Durkheim 1995 [1912], 208, 222). As a sacred object, the 'heartland' must be protected, and as the center of a moral ideal, the 'heartland' legitimates certain moral prescriptions aimed at preserving it. This moral posturing leads to policy prescriptions and political stances. The AfD itself recognizes the goals of its policies: "The goal of the AfD is self-preservation, not the self-destruction of our state and people. The long-term future of Germany and Europe must be secured. We want to leave behind to those who come after us a Germany

that is still recognizable as ours" (AfD 2017, 25).[281] These policy prescriptions fall largely into two categories: those related to demography and those related to immigration and multiculturalism.

The AfD was also the only major party to make demography a central aspect of its federal election campaign in 2017. The campaign program stated that the German birthrate was 1.4 children per woman while Europe's was 1.6 and mentioned that the populations of Africa and the Middle-East would double by 2050, likely placing additional migration pressure on the European continent (AfD 2017, 25). The party program also mentions the "ethno-cultural change" (*ethnisch-kulturellen Wandel*) this kind of scenario would have for Europe (AfD 2016, 42). In response to this situation, the AfD stands for a "traditional family" (*traditionelle Familie*), consisting of a man, a woman, and children (AfD 2016, 41). The party criticizes a "false notion of feminism"[282] that only values women in the workplace while ignoring stay-at-home mothers (AfD 2016, 41). The AfD wants to make having children something worth striving for once again, as opposed to something standing in the way of a career. In order to do this the AfD would, for example, propose extra financial incentives to couples who decide to have children (AfD 2016, 42-43). Their program expresses opposition to trends in dominant culture, including "Gender-Mainstreaming" (AfD 2016, 42). This "gender ideology marginalizes natural differences between the sexes and calls gender identity into question" (AfD 2017, 35).[283] They further claim that "gender research" does not constitute serious scientific research, that it is an ideology that denies the findings of biology and evolutionary psychology, and that its goal is to destroy the classical family as a societal model (AfD 2017, 35-36). The AfD thus opposed gender-neutral language, public financing of Gender Studies, and "early sexualizing" (*frühsexualisierung*) whereby children as early as in daycare or kindergartens are taught to be gender fluid (AfD 2016, 55). Despite its hard stance in favor of a traditional family, it is worth pointing out that in

[281] "Ziel der AfD ist Selbsterhaltung, nicht Selbstzerstörung unseres Staates und Volkes. Die Zukunft Deutschlands und Europas muss langfristig gesichert werden. Wir wollen unseren Nachkommen ein Land hinterlassen, das noch als unser Deutschland erkennbar ist." My translation.
[282] "falsch verstandener Feminismus." My translation.
[283] "Gender-Ideologie marginalisiert naturgegebene Unterschiede zwischen den Geschlechtern und stellt geschlechtliche Identität in Frage." My translation.

a poll in June 2017, 40% of AfD supporters versus 55% were in favor of gay marriage (FAZ 2017). The co-leader of the AfD, Alice Weidel, is herself a lesbian opposed to gay marriage but in favor of civil unions for gay and lesbian couples (Luyken 2017).

Anxiety over the consequences of low birth rates combined with high rates of immigration were reflected in a controversial campaign poster that stated: "New Germans? Let's make our own."

Previously, it was the CDU that addressed such issues. In 2000, for example, the SPD-Green coalition proposed recruiting foreign IT workers to work in Germany. In this context, the CDU candidate in the North Rhine-Westphalian state election, Jürgen Rüttgers, coined a similar sounding electoral slogan "*Kinder statt Inder*" (Children instead of Indians). The slogan highlighted the idea that Germany should focus more on ensuring that its population would be able to produce the workers it needed than on turning to foreign labor (Green 2003, 241). These positions can be considered part of a system of morality that aims to preserve the German nation. These positions draw notably

on the root word of nation - in the Latin *nat* (to be born) and its verb form *nasci*[284] - and define the nation primarily, although not exclusively, as a group of people with a shared set of ethnic[285] and/or cultural characteristics that successfully reproduces itself in future generations.

In 2017 the AfD also proposed a range of policies concerning immigration and multiculturalism. Concerning asylum and immigration, the AfD stated that it wanted to help real refugees as long as the conflict in their homeland was still going on. If there are no reasons for fleeing based on war or political or religious persecution, applicants must return to their home country (AfD 2016, 59). The AfD also proposed to renegotiate international agreements, including the 1951 Geneva Convention on Refugees and European Union agreements so as to give national states more control over their borders. They also refered to §16a of the German Constitution, amended in 1992 by Helmut Kohl, and said that this article needs to be enforced once again (AfD 2017, 27). The AfD considers European border protection inadequate, and proposed the reestablishment of controls on German borders, and when necessary the construction of physical barriers to illegal border crossing (AfD 2016, 27). They also said that the EU should do more to control its borders, including turning boats in the Mediterranean Sea back to their ports of departure (AfD 2017, 27). The AfD also proposed to return to the principle of *jus sanguis* citizenship, which was in effect prior to 2000, and to do away with double-citizenship (AfD 2017, 29). The deportation of illegal immigrants or failed asylum seekers would be a priority (AfD 2016, 61). The AfD does support moderate, skill-based legal immigration, particularly for immigrants with good prospects for integration, taking Canada and Australia as their model (AfD 2016, 58). In addition, the AfD states that immigrants who come to Germany must respect and affirm German political institutions and culture, and that it is the duty of immigrants to conform to German society, and not for Germans to conform to immigrants. Assimilation would be the most desired result, but this form of integration would not be a requirement (AfD 2016, 62-63).

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[284] *Oxford Living Dictionaries: English*. Accessed online 8 December 2018:
https://en.oxforddictionaries.com/definition/nation
[285] In some instances this can also even be biological characteristics. The next chapter will discuss the issue of biological nationalism and the AfD.

The AfD was also critical of multiculturalism and in particular Islam. They claim that multiculturalism leads to the relativizing of German values, which leads to the formation of parallel societies (AfD 2016, 47). The AfD views Islam very skeptically, saying that "Islam does not belong to Germany" (*Islam gehört nicht zu Deutschland*) (AfD 2016, 49), and that the increasing number of Muslims in Germany is "a great danger for our state, our society, and our value system" (AfD 2016, 50).[286] They view Sharia law as a threat to Germany's "liberal democratic basic order," German laws as well as the "Judeo-Christian and humanitarian foundations" of German society (AfD 2016, 48). The AfD recognized "without question" (*uneingeschränkt*) the principle of religious freedom, but also argued that the state had the right to intervene if the content of the religion went against fundamental German values and principles (AfD 2017, 32). The AfD supported, among other measures, a ban on minarets, a requirement that Imams give sermons in German, that Imams who preached ideas that were anti-constitutional be deported, a ban on burquas and headscarves for those working in public institutions, and an end to the foreign financing of mosques (AfD 2017, 31-32). These measures would have the aim of preventing the spread of radical doctrines such as Salafism. Lastly, the AfD supported the principle of free speech, particularly for Islam critics. Criticism and satire of religion are protected by the German Constitution, and the AfD argued that those engaging in such critiques should not be defamed as racists or islamophobes (AfD 2016, 49).

While the AfD does not refer to *Entfremdung* explicitly, their proposals go right to the heart of the concerns articulated above, and by seeking to protect the German 'heartland' one would also conceivably be attempting to diminish the feeling of *Entfremdung*. Returning to the Durkheimian framework, we can see these positions as moral rules aimed at protecting the 'heartland' from profanation, both by the 'corrupt elite' and by the ideology of Islam. In light of the analysis of previous chapters, it would seem as if the AfD and other elements of German society were locked in a cycle of mutual profanation: for example the SPD's policies, which sought to protect human dignity, 'profaned' the 'heartland,' whereas the AfD's policies, which sought to protect the 'heartland,' 'profaned' the value of human dignity in *Verfassungspatriotismus*. The

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[286] "eine große Gefahr für unseren Staat, unsere Gesellschaft und unsere Werteordnung." My translation.

AfD also refer to the German liberal-basic order and the values of the German Constitution to justify its opposition to Islam. However, many opponents argue that the AfD's positions on Islam violated the constitutional protection of religious freedom (Bittner 2017).

These debates open the question of the relationship between the AfD and liberal democracy. As some would contend, and as the AfD seems to suggest, the 'heartland' espoused by the AfD is in no way antithetical to liberal democracy and would even be a necessary component for its proper functioning (see also Scruton 1990; Bock-Côté 2007; 2016). If taken to extreme forms, however, the concept certainly could become a danger. As Mudde (2007) points out, critics would worry especially about the rights afforded to certain minority groups, the threat of authoritarianism, and the disruptive nature of popular referendums. Some critics (Abts and Rummer 2005-cited in Mudde 2007; Müller 2016; 2017) would argue for a fundamental incompatibility between liberal democracy and populism. But as Mudde argues, however, parties like the AfD do not "constitute a fundamental challenge to the democratic procedural system itself," although "clear tensions exist" between right-wing populist movements and liberal democracy because of what he calls the "homogeneous" vision of the people, as opposed to the "pluralist" vision of competing interests found in liberal democracy (2007, 157).

Conclusion

The system of morality described above establishes a series of moral truths as to what the German nation is and who belongs to it. These truths lead to a series of moral judgments concerning what or who harms the nation, as well as a series of moral obligations on how best to protect it. In particular, in the AfD (and CSU and *WerteUnion*) where the German nation is defined in a cultural or ethnocultural way, there are a number of moral judgments regarding to political elites, political correctness, immigration, and Islam, and a series of policy prescriptions concerning how best to protect the German nation. The user comments on websites reporting on stories related to *Entfremdung* that I discuss above all express in various ways these truths and judgments. All these truths and judgments relate back to the sacred object and moral authority of the German 'heartland'

and derive their legitimacy and validity from this central concept. Elements of this ideology of the nation have become mainstream in Germany, particularly in the discourse around *Heimat* (homeland). For example, under the supervision of Horst Seehofer (CSU), the BMI was renamed to include a reference to Heimat: *Bundesministerium des Innern für Bau und Heimat*. Seehofer (2018) has himself also spoken at length about the importance of *Heimat* and one can see such moves as an attempt to wrestle the term from the AfD.

Many of the AfD's positions have caused great controversy. As discussed in previous chapters, these policy positions, and the rhetoric that accompany them, have led many to conclude that the AfD is a racist, xenophobic, sexist, homophobic, and islamophobic party. To be sure, some of what drove support for the AfD was rooted in paranoia and racism, as evidenced by the comments on the Pew Research demographic report and the Elmshorn Christmas Market scandal. Nevertheless, many of these policies and much of this rhetoric are similar to what was seen in the CDU/CSU under Helmut Kohl, although to be sure, many decried the policies of his government as racist and xenophobic as well.[287] In this sense, one can point to the Kohl's chancellorship and the CDU of the 1980s and 1990s as articulating important conceptual elements to Germany's moral background with respect to the German nation, especially during the period of German reunification. If most of the CDU, apart from the CSU and the *WerteUnion*, largely abandoned these positions after 2000, the AfD picked them up, drawing directly on the nationalist elements of Kohl's legacy to provide the foundations of their policies.[288]

Implicit in this discussion is the question of what the relationship was between the discourse coming from the AfD and elements of the far right. For example, how did the discourse coming from the AfD affect the extreme right-wing violence that erupted in 2015 during the Refugee Crisis? Here again is a parallel to Helmut Kohl and the CDU of the early 1990s, whom many people saw as encouraging the spate of neo-Nazi attacks on

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[287] See the discussion in section 4 of Chapter 2 for more. See also Castles (1984) for more analysis of the CDU's positions in the early 1980s.

[288] Some measure of course is warranted in associating Helmut Kohl with the AfD. He was a strong advocate for the European Union, wanted to place limits on German nationalism by integrating Germany into a European framework, and managed to reconcile more liberal elements of the CDU/CSU with the more conservative ones (Clemens and Paterson 1998; Gedmin 1999).

refugees and immigrants. Complicating matters for the AfD was that in their party there was a *völkische* branch that had much ideological and personnel overlap with far-right parties such as the NPD. Some of this overlap is visible in the comments I analyze above, especially those left on the website *PI-News*. In the following chapters, I will look more deeply at the ideology of the German far right, right-wing extremist violence, and the conflicts within the AfD between the more conventional conservative elements of the party and the far-right *völkische* branch.

Chapter 8

The *Volksgemeinschaft* as a Far-Right Moral Ideal: The *neue Rechte* and the NPD

Introduction

The far right in postwar Germany has remained a largely marginal phenomenon, although certain elements of it have gained new momentum as a result of the Refugee Crisis of 2015. It has undergone important changes, especially since the 1960s. Noteworthy events in its history include the founding of the *Nationaldemokratische Partei Deutschlands* (NPD, National Democratic Party of Germany) in 1964 and the emergence of the *neue Rechte* in the late 1960s and 1970s. There is much ideological overlap between the *neue Rechte* and the NPD, but also with the *völkische* branch of the AfD, a far-right faction of the AfD led by Björn Höcke that I will discuss in full detail in the next chapter. An awareness of these elements of German politics is vital to understanding not only the AfD, but also German politics more generally.

The *neue Rechte* is a social and intellectual movement that began in the late 1960s and 1970s as a way to break away from the 'old' right of the NPD after that party had suffered electoral defeats in the late 1960s. The movement was and still is heavily influenced by the French *nouvelle droite* and the writings of Alain de Benoist, who was head of the GRECE (*Groupement de recherche et d'études pour la civilisation européenne*). In 1972, a group split with the NPD to form the *Aktion Neue Rechte*, which lasted only two years. A second wave of activity began in the 1980s. In 1980, Pierre Krebs founded the *Thule Seminar* as a German copy of the French GRECE. The *Republikaner* political party, discussed in Chapter 2, was founded in 1983 and came under control of Franz Schönhuber in 1985, before becoming electorally irrelevant in the 1990s (Moreau 2017, 26-34). A third wave of *neue Rechte* activity began in the 2000s, with for example the establishment of the *Institut für Staatspolitik* (IfS, Institute for State Policy) in 2000 and the growth in popularity of the *Identitäre Bewegung* (IB, Identitarian

Movement) in the mid 2010s. I will discuss the details of these groups in further detail in the next chapter. Here I will focus on their ideological cornerstones.

As far as political parties are concerned, there are veral small ones on the far right, including the NPD, *Der III. Weg* (The Third Way), and *Die Rechte* (the Right). Of these parties, the NPD is the most important and electorally it has fared the best. The highest showing for the NPD in national elections was in 1969, when the NPD received 4.3% of the vote, not enough to qualify for the *Bundestag*. Apart from sporadic, marginal electoral success in regional elections over the years, the party regularly receives less than 1% of the vote in national elections and has virtually no impact on national politics. The NPD's ideology is extreme, and many observers have compared it to that of the National Socialist Party of Nazi Germany (Kailitz 2007a, 2007b; Backes 2007; Pfahl-Traughber 2008). At demonstrations and rallies its supporters chant "*Frei, National, und Sozial*" (free, national, and social), and many participants in their marches and rallies are skinheads.

Importantly, the NPD began a period of radicalization in the mid-1990s under the leadership of Udo Voigt, who led the party from 1996 to 2011. Part of this radicalization was due to closer cooperation between the NPD and the neo-Nazi scene, whose members were allowed membership in the NPD beginning at this time (Pfahl-Traughber 2016a, 64-65; Botsch 2017, 7). *Neue Rechte* influenced intellectuals, such as Jürgen Schwab (Botsch 2017, 50) and Jürgen Gansel (Gansel 1999), also influenced the NPD's ideology. The extreme nature of the NPD led to two attempts to declare the party illegal, one from 2001 to 2003 and the other from 2013 to 2017. Both efforts failed (Spiegel Online 2018).

The last official party program from the NPD dates from 2010, with the election program for the 2017 federal election being a bland, watered-down reiteration of several main points. The 2010 party program was in many ways the culmination of the ideological shifts that took place in the party beginning in 1996 (Botsch 2017, 63). It provides the most coherent articulation of NPD ideology, and for this reason I will examine it in detail. Understanding the ideational aspects of this far-right moral fact will help to understand the motivations of those on the far right who externalize it, through acts of violence or through internal party conflicts in the AfD.

Before beginning, it is important to explain a bit the meaning of the German words *Volk* and *Volksgemeinschaft*, since these concepts are fundamental to the NPD's ideology. *Volk* is generally translated as 'people,' as in 'a people' or 'the people,' and refers to a specific group of individuals bound together in some form of social or political relationship. The term can refer both to a political *demos*, as in the citizens who constitute the decision-making body in a democracy, and to an *ethnos*, or a pre-political group bound by characteristics such as ethnicity, language, culture, or history (Wildt 2014). If in the United States and in France 'the people' refers especially to the former, in Germany there is far more ambiguity.

Prior to the 19th century, the word *Volk* referred essentially to the lower working classes. Particularly under the influence of Johann Gottlieb Herder and Johann Gottlieb Fichte, the term took on a romantic notion of a naturally existing, authentic, and unique group, with a common ancestry and inherent cultural characteristics that united it and that could serve as the basis of self-rule (Jansen 2011, 240-243). One of the main factors influencing this pre-political notion of the *Volk* is that for much of the 19th century Germany, unlike France for example, did not have a state. It was thus forced to conceive of a form of national unity in these pre-political ways, without reference to a state (Wildt 2014). In addition to this concept of *Volk*, in the late 19th century a current of German thought, inspired especially by Ferdinand Tönnies' distinction between *Gemeinschaft* (community) and *Gesellschaft* (society), arose in opposition to the modern era's pluralistic, market-based, mass society (Wildt 2014; Botsch 2017, 78). In the early 20th century, the concepts of *Volk* and *Gemeinschaft* were combined, and by the beginning of WWI, the concept of *Volksgemeinschaft* (national community) was in common use (Botsch 2017, 79). The concept subsequently became a core element of National Socialist ideology, when the term came to be associated with racial purity. On this basis the Nazis excluded Jews and other minorities from the *Volksgemeinschaft* and used the notion of the *Volksgemeinschaft* to justify extreme forms of discrimination and violence against these excluded groups of people (Wildt 2014, Botsch 2017, 80). After WWII, the term *Volksgemeinschaft* remained, but only actors on the far right who saw it in a positive way used it (Botsch 2017, 81). Likewise, the term *Volk* remains a problematic concept in political discourse. Some actors use it to refer to a racially based notion of *Volk* seen in

the National Socialist era. At the same time it can also have a democratic connotation as in the celebrated slogan of the East German revolution of 1989 "*Wir sind das Volk*" (we are the people).

Concerning the NPD and other actors on the far right, they maintain an opposition between the *Volksgemeinschaft* and the pluralistic, individualized, modern society similar to the one that emerged in the 19th century. While in some respects masked, the same racist and anti-Semitic elements that characterized National Socialism are also present in the NPD's party program. Correspondingly, the NPD's notion of *Volk* is racially based and shares much in common with that of the National Socialists.

The ideology of the *neue Rechte*

Neue Rechte is a term that is impossible to translate into English for an American audience.[289] This is largely due to Germany's political history, which finds no equivalent in the United States. In contradistinction to the far right in Germany, which makes reference to ideas from historical National Socialism, the *neue Recht* makes the German *Konservative Revolution* the basis for its thought (Pfahl-Traughber 2010, 54).[290] The *Konservative Revolution* refers to an anti-democratic intellectual movement that was active during the Weimar Republic in the 1920s. The best known and most influential of these authors, both within the *neue Rechte* and outside of it, is Carl Schmitt (Gessenharter 2004, 37). Analysts generally see this movement as laying the groundwork for the rise of National Socialism in the 1930s (Keßler 2018; 76-77; Lenk et al. 1997, 11-12; Brinks 2006, 125; Sontheimer 2004, 23). Unlike the United States, democracy first came to Germany only after WWI. Germany, like many other countries in Europe such as France,

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[289] Grumke (2004) calls the Christian fundamentalism of the 1990s, and movements associated with Pat Buchanan and Dinesh D'Souza the American "neue Rechte." Other authors (Schweitzer 2012; Schläger 2012) have called the American Tea Party movement the American "neue Rechte." These associations are misguided. Unlike the German *neue Rechte*, these American movements are thoroughly democratic and support the American Constitution. The German *neue Rechte*, in contrast, makes the un- or anti-democratic *Konservative Revolution* as the basis of its thought. The German *neue Rechte* is also not motivated by Christian fundamentalism, as is the case in some American conservative circles, and in fact many in the *neue Rechte* maintain a strong antipathy towards Christianity (Brinks 2006, 131).

[290] The *neue Rechte* is also unique in that unlike the far-right it is an intellectual movement, and also unlike traditional far-right nationalism, it is a European-wide movement, creating nationalist networks across Europe (Weiß 2017, 27-28).

still had many supporters of un-democratic imperial or monarchal regimes, and the *Konservative Revolution* attempted to pick up where Imperial Germany left off (Brinks 2006, 125-126; Sontheimer 2004, 23). Many individuals in the *neue Rechte*, following de Benoist, also refer to Antonio Gramsci's ideas about cultural hegemony and use the idea of a "right-wing cultural revolution" to promote a far-right agenda. The idea would be that by influencing the culture, specifically through intellectuals and other institutions such as libraries, schools, churches, and the media, such a revolution would lay the foundation for a political take-over (Pfahl-Traughber 2010, 46-47).

However, these origins do not mean that the *neue Rechte* today is a thoroughly anti-democratic movement. The intellectuals associated with the movement do not openly oppose the German constitutional order, and at times they speak out in support of several of its principles, including the guarantee of freedom of speech, the article of equality, and the recognition of human dignity (Gessenharter 2004, 33). One can, of course, call into question the sincerity of these appeals, and see in it a form of political mimicry (*politische Mimikry*), a term coined by Karlheinz Weißmann, a *neue Rechte* author. The term indicates a willingness to feign support for the current political-cultural system in order to undermine the system from within, in line with a Gramscian revolutionary approach (Gessenharter 2004, 34; Pfahl-Traughber 2010, 51). Ultimately, the idea is that what drives the *neue Rechte* is allegiance primarily to the German nation or people; the form of government is less important. Weißmann himself, however, has declared his support for the German constitutional order, arguing that conservatives must fight "*for* the constitution, not *against* it," in order to free it from the left, who use it in order to justify a multicultural society (Weißmann 2009).[291] Nevertheless, many remain unconvinced by such statements (see Kellershohn 2015, 739).

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[291] The full quote: "Mir würde es völlig ausreichen, wenn es innerhalb des Verfassungssystems einen Austausch gäbe. Ich halte das Verfassungssystem an sich für gut und habe überhaupt kein Problem damit. Es hat ja auch seine Stabilität über einen unglaublich langen Zeitraum unter Beweis gestellt. Schwierigkeiten habe ich aber damit, wenn das Grundgesetz in Wirklichkeit eine mehr oder weniger beliebige Konstruktion ist und nicht die Verfassung des deutschen Volkes. Also ein rein technisches Verfahren, um ein multikulturelles Irgendwas zusammenzuhalten. Dann bin ich der Meinung, dass ich die Verfassung verteidige und die Anderen diejenigen sind, die als Verfassungsfeinde zu betrachten sind. Und ich bin der Meinung, dass die Verfassung sich faktisch in der Gefangenschaft der Linken und der Liberalen befindet. Ich würde eher UM die Verfassung kämpfen und nicht GEGEN sie." His argument refers to the preamble of the German Constitution, and seems to be that the constitution is for the 'German people;' it should not be manipulated in order to lay the foundations for a multicultural society.

Another important element of *neue Rechte* ideology includes a rejection of Nazi ideology. The *neue Rechte* explicitly rejects the aggressive, militaristic nationalism and the virulent anti-Semitism of the National Socialists (Gessenharter 2004, 43). Regarding the legacy of the Nazi regime, however, the *neue Rechte* advocates for a "de-criminalization" of the German past in order to develop a German identity free of historical complexes and unnecessary guilt (Keßler 2018, 106). Elements of this part of the *neue Rechte* have been quite mainstream. Many saw the *Historikerstreit* of the 1980s, when the well-known historians Ernst Nolte and Michael Stürmer compared Nazi crimes to those of communists, as such an attempt to rehabilitate the German past (Keßler 2018, 108-109; Brinks 2006, 133). This historical discussion reappeared in the late 1990s, when the highly decorated writer Martin Walser gave a controversial speech in 1998 about German history and identity and spoke of the "instrumentalisation" of German guilt and how the Nazi past should not become a stick of morality used to beat people over the head (*Moralkeule*) (Keßler 2018, 123).

Neue Rechte positions on this issue can, however, take on extremist hues, echoing for example the positions of the NPD. At times, antipathy towards Germany's memory culture manifests itself in an anti-Semitic discourse, with *neue Rechte* sympathizers saying that Jews use this history for their own moral and financial gain (Gessenharter 2004, 43). At other times, *neue Rechte* actors come very close to extremist arguments. For example, the *Institut für Staatspolitik* published in 2009 a short book called *Meine Ehre heißt Reue* (My Honor is called Penitence) that criticizes Germany's memory culture, which they argue is controlled by certain "networks and lobby groups." The title is a play on the motto of the Nazi SS, which states *Meine Ehre heißt Treue* (My honor is loyalty). A different publication by *Sezession*, also close to the *Institut für Staatspolitik*, argued that the Central Council of Jews in Germany was not solely responsible for the country's state of affairs, but that blame could also be found among non-Jewish actors (Keßler 2018, 225).

Instead of the National Socialist concept of nationalism, the *neue Rechte* advocates for ethnopluralism. This concept conveys the idea that there is a plurality of ethnic groups with distinct and largely homogeneous cultures, each of which has a right to exist independantly of the others in their own given territory (Brinks 2006, 128;

Gessenharter 2004, 39-41). This concept of ethnopluralism follows a Schmittian notion whereby the political community is internally homogeneous, and thus anti-pluralist, but set against other homogeneous political communities external to it (Gessenharter 2004, 40-41). This concept is not hierarchical, as with traditional far-right racist thinking. Rather it argues for the incompatibility of different cultures and is used as an argument to oppose migration into Western countries (Rydgren 2007, 244). While one could imagine this argumentation tied to an ethnocultural conception of the nation, ethnopluralism often contains elements of a biological racism couched in a discourse around culture (Keßler 2018, 250).

Within the *neue Rechte* there are also important elements of anti-capitalism that are very close to what one finds in the NPD. Alfred Schobert (2009) and Richard Gebhardt (2017) call prominent *neue Rechte* authors "discourse pirates" due to their use of terms or critiques often associated with the far left. Indeed, de Benoist has declared his admiration for the work of Karl Marx, while Benedikt Kaiser, who writes regularly for the IfS-connected *Sezession Magazine*, declared in an interview in 2014 that "the ultimate enemy is called liberalism" (Gebhardt 2017, 351).[292] *Neue Rechte* authors and movements will also take up positions in defense of the working class against capitalist exploitation (Bruns and Strobl 2015). The *neue Rechte* has also adopted anti-imperialist positions, denouncing the perceived foreign economic exploitation and dominance of Germany (Gebhart 2017). These critiques, however, are different from those on the far-left in the sense that for the far left the victimized group is the worker or oppressed minority, whereas for the *neue Rechte* it is the German *Volk*. In other words, capitalism does not work in the service of the German people; it does not privilege German workers but is 'colorblind' in its hiring practices, while the needs of capitalism require mass migration, which serves the capitalists but harms the *Volk* (Gebhardt 2017, 358-359).

Commentators often describe this combination of anti-capitalism and nationalism as a *Querfront*, which means that it strategically combines the supposedly contradictory ideologies of nationalism and socialism, seeking to overcome the opposition between right and left (Gebhardt 2017; see also Schilk 2017, 10; Culina and Fedders 2016). Such a designation is misguided. Commentators who argue that the phenomenon of *Querfront*

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[292] "Der Hauptfeind heißt Liberalismus." My translation.

exists are incapable of understanding that a critique of capitalism based on the perceived exploitation of the *Volk* as a collective unit, as opposed to one grounded on the perceived exploitation of the working class, is possible. This inability is likely due to their refusal to see fascism and National Socialism as forms of anti-capitalist socialism that have their roots as much in far-left ideology as they do in biological nationalism.

While many classify the *neue Rechte* as far-right, the consensus is not universal (Pfeiffer 2004). Parts of the *neue Rechte* have much overlap with mainstream conservative thought, while other parts share much more in common with the far right. Over its history, it has influenced politicians from the CDU and FDP, all the way to the NPD. Extremist elements do mingle with conservative ones in the *neue Rechte*, leading some to speak of the movement as an "erosion of demarcation lines" (Gessenharter 2004, 31).[293] These ambiguities lead many to classify the *neue Rechte* as residing in a grey area between mainstream conservatism and the far right (Mantino 1992; Keßler 2018, 25-26; Gessenharter 1989).[294]

As I will discuss in the following chapter, the *neue Rechte* during the time leading up to the emergence of the AfD spanned from more conservative elements to extremist ones. The arrival of the AfD on the German political scene, however, caused important rifts within the *neue Rechte*, with the more moderate tendencies supporting mainstream AfD politicians such as Bernd Lucke, Alice Weidel, or Alexander Gauland, and the more extremist tendencies supporting Björn Höcke and the *völkische* branch of the party. These extremist tendencies have much in common with the NPD, especially as embodied by Götz Kubitschek, leader of the *Institut für Staatspolitik*, and Jürgen Elsässer, lead editor of *Compact Magazine*, all of which I will discuss more in detail in the following chapter.

The NPD

The title of the NPD's 2010 party program is *Arbeit, Familie, Vaterland* (Work, Family, Fatherland). Looking at the party program reveals overlap on several points with

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[293] "Erosion der Abgrenzung." Originally quoted in the Federal Verfassungsschutzbericht of 2003.
[294] Keßler notes the ambiguities between conservatism and extremist thought in the *neue Rechte*, but he concludes that the *neue Rechte* should be classified as extreme right-wing and not conservative (Keßler 2018, 283).

neue Rechte ideology, as well as a radicalization in other respects. The NPD talks about many of the same issues as the AfD, but the way in which they discuss hem reveals a marked degree of radicalization. As I will show, the NPD's party program is a catch-all of extremist phrases and concepts that express the nature of the party's ideology.

To begin, the NPD embraces the *neue Rechte* principle of ethnopluralism, recognizing the "diversities of peoples as carriers of cultures" (NPD 2010, 11).[295] The homogeneous German *Volk* is the foundation of the state, and the "*Volksgemeinschaft*" (national community) is set in opposition to the "Western" multicultural "society" (*Gesellschaft*) (11). As I will discuss shortly, this concept of *Volk* and *Volksgemeinschaft* is grounded in a form of biological racism. Beyond hereditary features (*Abstammung*), the NPD also recognizes that each *Volk* has its own "language, historical experience, and value systems" (11).[296] The *Volksgemeinschaft* is the legitimating principle of the state, with the state acting in the interests of the *Volk* and "all state violence" coming directly "from the German *Volk*" (14).[297]

The NPD addresses the existential angst related to the loss of 'home' discussed in the previous chapter, although in a far more dramatic fashion than the AfD. The very first sentence of the NPD's party program states: "In the 21st century the existence or non-existence of the German *Volk* will be decided" (8).[298] The German *Volk* is threatened by a low birth-rate, but also by *Überfremdung*, literally over-foreignization, from two menaces: capitalist globalization and immigration (8). The NPD also explicitly uses the word "*entfremden*" (alienate) to describe the result of the *Überfremdung* (8). Defending the German *Volk* against these perceived menaces takes up the greater portion of the party program.

Concerning immigration, the NPD sets an extremely hard line. As they state, "Germany must remain the land of Germans" (8),[299] and one of their program sections has the title: "Germany for the Germans" (*Deutschland den Deutschen*) (28). In principle, foreigners should not have any rights to stay in Germany, but should be forced to return to their homelands (8). The integration of foreigners into German society is equivalent to

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[295] "Vielfalt der Völker als Träger der Kulturen." My translation.
[296] "Abstammung, Sprache, geschichtliche Erfahrungen und Wertvorstellungen." My translation.
[297] "Alle Staatsgewalt geht vom Deutschen Volke aus." My translation.
[298] Im 21. Jahrhundert entscheidet sich Seino der Nichtsein des deutschen Volkes." My translation.
[299] "Deutschland muß das Land der Deutschen bleiben." My translation.

"*Völkermord,*" or the death of a people, which calls into question the right to existence for the German *Volk* (28). Foreigners who are working in Germany should retain their identities, which will make their return to their homelands easier (29). Schools should be segregated between Germans and non-Germans, since non-German students are deficient in the German language and are a hindrance to learning (40). Artcle 16a of the German Constitution, the article that guarantees the right of asylum, should be done away with completely (29). In the same vein, the 2017 election program calls for a German exit from the Geneva Convention on Refugees (NPD 2017, 15). The 2010 party program mentions Islamization, but the theme of Islam and its incompatibility with the German *Volk* became a far more prominent aspect of the NPD's election campaign in 2017. In 2017, the NPD affirmed the AfD's (and CSU's) slogan that "Islam does not belong to Germany," and denounced Islamic terrorism and parallel societies (NPD 2017). The family is also of importance to the NPD. It is the "carrier of the biological heritage (*biologisches Erbe*) - the germinating kernel (*Keimzelle*) of the *Volk*" (NPD 2010, 12).[300] The NPD is thus against gay marriage and "Gender-Mainstreaming" (12). Also of importance, the NPD, "in accordance with international law," calls for the reunification of Germany within its historically determined borders (32).[301] This is a reference to the territory lost by Germany in the aftermath of World War II, including Alsace-Lorraine in France, the Sudentenland in the Czech Republic, provinces in what is today Poland, and also probably Austria.

The NPD has a socialist approach to economics, insisting that the state have a large role to play in ensuring social justice for the *Volksgemeinschaft*. In the 2010 party program, the NPD denounces the "liberal-capitalist economic order," which they associate with a "social coldness" (23).[302] Instead, they call for a "solidaristic economic order" and argue that the goal of the state is the "just distribution of wealth as well as the maintenance and creation of jobs"[303] Non-Germans would be removed from the German welfare system, and a parallel system would be established for them (23). The NPD

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[300] "Die Familie-als Trägerin des biologischen Erbes-ist die Keimzelle des Volkes." My translation.
[301] In Übereinstimmung mit dem Völkerrecht fordern wir eine Politik zur Wiedervereinigung Deutschlands innerhalb seiner geschichtlich gewachsenen Grenzen." My translation.
[302] "Der mit der liberalkapitalistischen Wirtschaftsordnung einhergehenden sozialen Kälte stellen wir die Solidargemeinschaft aller Deutschen entgegen." My translation.
[303] "Aufgabe des Staates ist die gerechte Verteilung des Wohlstandes sowie der Erhalt und die Schaffung von Arbeitsplätzen." My translation.

opposes capitalist globalization, since it destroys national sovereignty and the ability of the state to ensure the well-being of the *Volk* (9-10). In this vein, all state violence finds its legitimacy in the *Volk* and serves the interests of the *Volk* over other group interests (14). One of the group interests mentioned several times in the program is *Großkapital* (high finance). This mysterious entity works against the will of the German *Volk* and, aside from promoting the interests of international capitalism and establishing a "world dictatorship" (*Weltdiktatur*) (10) for itself, it is active in flooding Germany with millions of foreigners and threatening the existence of the German *Volk* (28). Ultimately, as the NPD puts it, "the economy should serve the *Volk*, not the other way around" (9).[304]

Importantly, the NPD calls for an end to the German *Schuldkult* (cult of guilt) related to World War II. As the party puts it, for Germany to be able to have a future, it needs to have a history that protects the heritage of the German *Volk*. In the NPD's mind, the *Schuldkult* serves the interests of foreign finances. The party also contends that there should be greater freedom in research and writing about the Holocaust. The program states: "We Germans are not a *Volk* of perpetrators" (34).[305] The text goes on to point out that millions of German civilians were murdered in bombing raids or expelled from their territorial homeland in WWII. Those responsible for these crimes are perpetrators (34). The text mentions nothing of the 6 million Jews, homosexuals, Roma, and political prisoners methodically murdered by the National Socialists during World War II. In conjunction with calling for an end of the German *Schuldkult*, the NPD demands for the complete repeal of §86, §86a, and §130 of the criminal code, and an end to what it sees as the political misuse of §131 (43). These are the laws that, as discussed in chapter 4, outlaw Holocuast denial, the glorification of National Socialism, the display of National Socialist symbols, and hate speech. According to the NPD, they are unwarranted restrictions on the freedom of expression. In addition, the NPD wishes to do away with the institution of the *Verfassungsschutz*. As they argue, established politicians simply use the federal and regional *Verfassungsschütze* to get rid of undesired political competition (46). Although not tied to the *Schuldkult*, the NPD also argues that there is no existing,

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[304] "Die wirtschaft hat dem Volk zu dienen und nicht umgekehrt." My translation.
[305] "Wir Deutschen sind kein Volk von Verbrechern." My translation.

legitimate constitution in Germany. Foreign powers imposed the current constitution onto the German people, who never gave their consent (14).

Analysis

Volk, *Volksgemeinschaft*, *Deutschland den Deutschen*, *biologisches Erbe*, *Schuldkult*, *Großkapital*, *Völkermord*, *Überfremdung*: these words, especially when used in the context of a message seen in the NPD party program, are indicative of a far-right ideology. More particularly, they indicate the presence of a moral ideal that sees the German *Volksgemeinschaft* as the ultimate community, with the German *Volk* as a sacred object. This idea of *Volk* is one bounded by strictly biological characteristics, and hostile to all foreign entities (Pfahl-Traughber 2008, 37-38; Backes 2007, 303). It refers to "an organic, natural community, in which ancestry (*Abstammung*), language, culture, and historical destiny coincide" (Botsch 2017, 48).[306] Politically speaking, this notion of *Volk* refers to a "historically evolved, organic unity," a "figure with its own will, that transcends individual personalities, through which either the uniquely distinguishing spirit of the people (*Volksgeist*) manifests itself, or which comes into being through a *volonté générale*" (Fraenkel 2007, 330, quoted in Botsch 2017, 6).[307] The *Volksgemeinschaft* for the NPD is thus a racially bounded socio-political entity to which an individual owes more or less complete subservience.

This moral ideal quite literally adopts a "race-ist" ideology when it comes to defining the boundaries of the community, and in order to defend this moral ideal the state should do everything in its capacity, both in terms of social and economic policy. In this sense, one can see the actions of the state to combat globalization, segregate Germans from non-Germans, and seek social justice for the *Volk* as moral obligations legitimated by the moral ideal and its sacred object, which acts as a moral authority. Another moral obligation of the state would be to protect the *Volk* from non-Germans by deporting non-

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[306] "eine organische, natürliche Gemeinschaft, in der Abstammung, Sprache, Kultur und historisches Schicksal übereinstimmen." My translation.

[307] "historisch gewachsene, organische Einheit," "transpersonalistische ‚Gestalt' mit einem eigenen einheitlichen Willen, in dem sich entweder der durch seine Einmaligkeit ausgezeichnete ‚Volksgeist' manifestiert oder eine volonté générale zur Entstehung gelangt." My translation.

Germans to their homeland, which could result in the removal of up to 10 million persons from Germany if taken literally (Pfahl-Traughber 2008, 38). This moral ideal also works to construct certain moral truths, including the phrase "Germany for the Germans" (*Deutschland den Deutschen*) or the related idea that being German is based on race and biological inheritance. As moral truths, their legitimacy cannot and does not need to be grounded rationally. Instead, it resides in the collective effervescence related to the moral ideal that one finds at rallies when participants, for example, chant in unison "*Deutschland den Deutschen.*" In the mind of the NPD's members, anything less than what they recommend leads to *Völkermord* through *Überfremdung*, meaning that if the impure elements in German society remain, the German *Volk* will become either genetically or culturally (likely both) diluted to the point of no return. The apparent reality of this threat functions as another moral truth for NPD members.

As a further moral obligation, one can look at the individual's relation to the community. In the mind of NPD members, the community is everything, and one's belonging to and one's *devotion* to a specific and limited collective identity is everything, as depicted in their ideal of the *Volksgemeinschaft*. They make this idea clear when they state: "The dignity of man as a social being realizes itself first and foremost in the *Volksgemeinschaft*. The *Volksgemeinschaft* is the primary guarantor of personal freedom, which ends when harm is done to the community (*Gemeinschaft*)" (NPD 2010, 10).[308] Accordingly, the NPD rejects a general, abstract notion of "humanity" and only sees individuals as members of particular racial-cultural groups (Pfahl-Traughber 2008, 37-38). In this thinking, individuality is denied, and one's value is derived solely as a member of a particular group. It is no surprise, then, that the NPD rejects the ideology of liberalism, both in its economic and political forms, as destructive of the collective *Volk*, and that the NPD demands that individuals be rigorously subsumed under their collective group (Pfahl-Traughber 2008, 63-65). In this, there are some stunning parallels between the NPD and far-left identity politics. Like far-right *völkisch* thought, the far left also wholly subsumes individuals under their particular group identity, ascribes to them on these grounds specific (especially political) attributes, and punishes dissent from

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[308] "Die Würde des Menschen als soziales Wesen verwirklicht sich vor allem in der Volksgemeinschaft. Erst die Volksgemeinschaft garantiert die persönliche Freiheit, diese endet dort, wo die Gemeinschaft Schaden nimmt." My translation.

individuals who do not conform to these attributes (Köck 2018). In line with these principles, the concept of the *Volksgemeinschaft* is set in opposition to the "Western" multicultural, consumerist, individualistic "society," which has lost its sense of duty to the community due to the individualizing and consumerist tendencies of capitalism (NPD 2010, 11). Importantly, the NPD's understanding of *Volksgemeinschaft* as the foundational element of the state is in line with the Schmittian idea, also found in the *neue Rechte*, whereby the political community is internally homogeneous, and thus anti-pluralist. Accordingly, any political disagreements or internal conflicts would be subsumed under the unity of the homogeneous *Volk* (Botsch 2017, 70).

Concerning the call for social justice, this too is a moral obligation related to the protection of the sacred *Volksgemeinschaft*. The elements of social justice and anti-capitalism seen in NPD ideology were present already in the 1970s (Stützel 2007, 2), but only became a central theme of the party beginning in the mid-1990s under the leadership of Udo Voigt (Pfahl-Traughber 2008; Pfahl-Traughber 2016a; Puls 2012). An important figure in this development was Jürgen Gansel. The main idea is that liberal, individualistic capitalism destroys the cultural integrity of the *Volk* while also leading to an unfair distribution of wealth among Germans. The only way to rectify this situation is to unify the *Volk* through the state to fight against capitalism, since the state is the only apparatus through which the *Volk* can mobilize and defend itself (Stützel 2007, 4; Grumke 2016, 143). This approach to the economy is part of Gansel's "Nationalization of the social question" (*nationalisierung der sozialen Frage*) (Stützel 2007, 3). Only in this way will the *Volk* achieve social justice and will the economy work in the interests of the *Volk*. Importantly, this version of nationalist socialism replaces the international proletariat or working class with the national *Volk* as the basis for social change or revolution. Thus, while the means are different, both international and national socialism share the goal of defeating capitalism and achieving social justice.

Other elements of the NPD's party program deserve mention and reveal more details about the party's ideology. One such element is the concept of *Überfremdung*. *Überfremdung* is a word with a long history that became a frequently used concept in political discourse in early 20th century Germany. Picking up on anti-Semitism seen in Germany at the end of the 19th century, the term during the Weimar Republic referred to

a suspected overrepresentation of 'foreign' Jews in German politics and society, and was used to resist the immigration of Eastern Jews into Germany in 1917 (Gerlach 1993, 26). The term also referred to racial purity and denounced a supposed "racial degeneration process" (rassiche Zersetzungsprozess), particularly through intermarriage with Jews (Schmitz-Berning 2007, 615). At the time, *Überfremdung* was not a specifically Nazi word, although by the 1930s, the Nazis had taken the word and reinforced its anti-Semitic and racial purity elements. The Nazis added Christianity as a foreign element, which worked to dilute the German spirit with its "Oriental" (*orientalisch*) and "ancient" (*antiker*) components (Schmitz-Berning 2007, 616). Lastly, already in 1929, and continuing through the Nazi period, *Überfremdung* had an economic sense, and could mean taking on too much foreign money through loans or investment, or the "infiltration" (*Eindringen*) of foreign financiers and foreign businesses into the national economy (Schmitz-Berning 2007, 615).

The word remained on the German political scene after World War II, especially through the NPD. Already in the 1960s, the NPD was warning of *Überfremdung* through the infiltration of American, Soviet, or Chinese influence (Kohl 1967, 275). In 1966, the NPD was warning about the *Überfremdung* of Germany from the *Gastarbeiter* (Kohl 1967, 281). During the refugee crisis in 1993, right-wing extremists used the term in connection with a rejection of refugees and immigrants, and the term became associated with the wave of far-right violence in Germany at the time. In 1993 the Society for the German Language (*Gesellschaft für deutsche Sprache*) chose *Überfremdung* as their Non-Word of the Year (*Unwort des Jahres*) (Unwort des Jahres 2019). Currently for the NPD, *Überfremdung* maintains three of these historical meanings: its anti-Semitic connotations, its anti-foreign capital connotations (largely through its critique of globalization), and its anti-immigrant connotations. Lastly, the use of the word is not limited to the NPD, since certain actors in the *neue Rechte*, particularly those in the more radical camp with associations to the *Identitären Bewegung* or the *Institut für Staaastspolitik* also use the term (Keßler 2018, 203).

It is furthermore important to note that the reference to *Großkapital* is a fig-leaf allusion to Jews and feeds into a number of anti-Semitic stereotypes about Jews controlling the world through banks and international financial organizations (Grumke

2016, 147; Pfahl-Traghber 2008, 38; Stützel 2007, 5). Linking *Großkapital* to the influx of millions of migrants into Europe is likely an allusion to the Kalergi Plan conspiracy theory, or others of its sort. This theory states that Austrian diplomat Richard Coudenhove-Kalergi, in conjunction with Jewish financiers, developed a plan in the 1920s for European integration that included an influx of third-world migrants into Europe. This would lead to the destruction of European populations, which would then be more easily controlled by a Jewish master race, or some other sort of world dictatorship (Honsik 2005). The election program of the NPD echoes the sentiments of this type of conspiracy theory when it speaks of a "*Masterplan*" directed by "power interests" (*Machtinteressen*) and "*Überfremdungslobbyisten*" (NPD, 2017, 7), or when they speak of "population exchange" (*Bevölkerungsaustausch*) (NPD 2017, 10; see also Stützel 2007, 4). When speaking of the *Schuldkult*, the NPD also refers to "foreign financial interests," by which they likely mean Jews (NPD, 2010, 34). This idea plays into the conspiracy theory that the Jews use Germany's *Schuldkult* against Germans in order to gain financial or political advantage (Pfahl-Traghber 2008, 38). On the topic of the *Schuldkult*, the NPD wishes to do away with laws against Holocaust denial and hate speech and wants to promote free scientific research into the topic. These proposals likely have nothing to do with an actual valuation of the principle of free speech, but would rather serve the real goal of opening the door to Holocaust denial.

In the end, Jews and other foreign entities, including immigrants and capitalism, are hostile to the German *Volk*, according to the NPD, and should be excluded from German society. One can see the policy prescriptions of the NPD, as with any political party, as moral rules meant to protect their vision of the ideal community. In this sense, segregating populations, doing away with *Großkapital*, relativizing or allowing people to deny the Holocaust, opposing all immigration, promoting the family, reintroducing a sense of community, and even eventually taking back territory lost in WWII are all moral obligations in some way tied to and legitimated by their moral ideal.

There are a number of overlaps between the NPD and historical National Socialism. The NPD's critique of capitalism is very similar to the fascist movement of the 1920s and 1930s (Stützel 2007, 6-7). Although the NPD does not officially recognize any attachments to National Socialism, a number of their party representatives make

positive references to the Third Reich in their statements. The NPD also embraces numerous concepts also used by the Nazis, such as *Volksgemeinschaft*, *völkischen Sozialismus*, or *Zinsknechtschaft* (bank interest slavery). There are thus a number of overlaps between the NPD and the party program of the NSDAP of the 1920s (Pfahl-Traughber 2008, 40-41). Generally, one can see in the NPD's program a strategy of normalizing National Socialist ideas and rhetoric, in an attempt to influence German politics more broadly (Botsch 2017, 70). Ultimately, one can see concepts such as *Volksgemeinschaft*, *biologisches Erbe*, *völkischen Sozialismus*, *Großkapital*, or *Überfremdung* as important parts of Germany's moral background. Elements of this moral background stretch back into the 19th and early 20th centuries, and more importantly to the time of National Socialism. Since then, German society has largely rejected these concepts, yet they remain in use by elements of the German far right. Hence, they are instrumental in providing a coherent moral worldview to adherents and framing interpretations of specific events in German political life.

To end, it is important to note that the moral ideal of the NPD is quite distinct from the ethnocultural one seen in the majority of the AfD and described in the previous chapter. This is indeed a fundamental difference between the AfD and the NPD. The AfD does not refer to a racially homogenous *Volksgemeinschaft* in its party program, nor does the AfD evoke the supposedly uniform interest of the *Volksgemeinschaft* to dissolve or cover up any political conflicts or differences of interest (Botsch 2017, 75). There are other significant differences between the AfD and the NPD. For one, the AfD explicitly embraces free markets (AfD 2016, 67). Also, while the AfD regrets that Germany's memory culture is reduced to the time of National Socialism and calls for more "positive, identity-building (*identitätsstiftenden*)" elements of German history to be a part of German education, it does not go into greater detail than this nor denounce a "*Schuldkult*" (AfD 2016, 48). As I will discuss in the following chapter, however, there is nevertheless considerable ideological overlap between the NPD and the Björn Höcke-led *völkische* branch of the AfD. The disagreements in the AfD concerning these competing moral ideals have been a source of important internal strife for the party, and I will discuss these conflicts in greater detail in the following chapter.

Chapter 9

Internal Conflicts in the AfD and Far-Right Violence

Introduction

After identifying the ideational elements of the moral fact of the 'heartland' that the AfD seeks to protect, and those of the racially based far-right moral fact of the *neue Rechte* and NPD, it is now time to see ways in which adherents enact or externalize these moral facts. Since the AfD is not a ruling party and cannot enact any legislation with sanctioning power, and since the AfD as an elected party in various national and regional parliaments does not engage in extra-legal forms of sanctioning, this chapter will focus on different kinds of externalization than those seen in chapters 4 and 6. This chapter will do so in three different ways: discussing at the different institutes and media outlets formally and informally associated with the AfD; looking at internal party struggles, which often revolve around ideological conflicts related to how one conceptualizes the nation; and lastly examining at the far-right violence against refugees that saw a dramatic increase in 2015 and that many commenters see the AfD as responsible for instigating. In externalizing these moral facts, these actors all pursue what they consider a 'moral' cause, in the sense that they are acting in the name of a certain conception of community.

The internal conflicts in the AfD are the most salient aspect of this externalization, and these conflicts sometimes involve media organizations and other groups associated with the AfD. Specifically, in the AfD there is a *völkische* branch, led by Björn Höcke, that operates on a *neue Rechte* moral ideal that conceives of the German *Volk* as a racially homogeneous group. This notion of the *Volk* has much in common with the one seen in the NPD. This faction of the AfD is closely associated with certain groups and institutes associated with the *neue Rechte*, such as the *Identitäre Bewegung*, the *PEGIDA* movement, and the *Institut für Staatspolitik*. This segment of the party stands in contrast to the rest of the AfD, which holds the ethnocultural vision of the 'heartland' described in chapter 7. Through its connections with the *neue Rechte*, both ideologically

and in terms of personnel, the *völkische* branch of the AfD creates a bridge between an ethnocultural understanding of the community and a strictly racist one.

In order to understand the party dynamic, this chapter will first identify the different branches of the party. It will then look at the different *neue Rechte* institutions and media outlets associated with the AfD, see what these institutions and media outlets say about the ideology and personnel of the *völkische* branch of the AfD, and how these independent groups influence the conflicts in the AfD. The chapter will then discuss the internal party tensions that play out at the leadership level, in regional parliaments, and in other AfD organizations such as the AfD youth organization the *Junge Alternative* (JA). Lastly, the chapter will look at the far-right violence against refugees that rose dramatically in 2015 during the Refugee Crisis and discuss the links between the AfD and this violence. This violence can be understood as motivated by the far-right moral ideal identified in the previous chapter.

AfD Party Branches

The ideological origins of the AfD stem largely from disappointment in the leftward drift of the CDU under Angela Merkel and discontent with the management of the Euro Crisis that began in 2007. Already in 2010, different circles developed within the CDU nationally to try and reform the party and give it the more conservative profile it had under Helmut Kohl. Many of the groups made appeals to themes that were common in the 1990s, including German *Leitkultur*, family, and patriotism (Moreau 2017, 55-56). At the same time, Bernd Lucke, a professor of microeconomics at the University of Hamburg and member of the CDU until 2011, was one of the leading voices criticizing the CDU-SPD coalition's handling of the Euro Crisis, especially the bailout of Greek debt. In April 2013, Lucke, along with former CDU members Konrad Adam, Alexander Gauland, and Gerd Robanus founded the AfD, giving the party a decidedly free market and conservative profile (Moreau 2017, 60). Björn Höcke was also one of the first members of the party, founding the AfD regional parliamentary group in Thüringen in April 2013 (Thüringische Landeszeitung 2014). The party profile has changed since its founding, involving most famously the departure of both Lucke in 2015 and, after the

German federal election in 2017, his successor Frauke Petry. Both individuals cited the party's rightward drift as their reasons for leaving. I will discuss the details of the internal conflicts involving these two individuals later in this chapter.

Currently, there are four identifiable *Flügels*, or branches, of ideological influence within the AfD: a liberal-conservative branch; a national-conservative branch; a social-democratic branch; and the *völkische* branch, often also referred to simply as *der Flügel*. Patrick Moreau (2017) makes similar distinctions, although he identifies a fundamental Christian branch, of which I found no significant presence, and does not include the social-democratic branch in his analysis, which arguably became a noticeable presence only in mid-2017 when former SPD member Guido Reil became a member of the AfD. The liberal-conservative branch has a more free-market orientation and is generally more moderate in its positions. Prominent members include party co-leader Alice Weidel, a former member of the CDU, national party spokesman Jörg Meuthen, and head of the Berlin regional parliamentary group Georg Pazderski, and former party leader Frauke Petry, who Moreau himself classifies as a national-conservative (Moreau 2017, 85). Bernd Lucke was the most prominent member of this branch of the party before his exit in 2015. The social-democratic branch consists of individuals who support economic policies more in line with those of the SPD. This faction is generally more moderate in its politics. Prominent members include former SPD members Guido Reil and *Bundestag*-member Kay Gottschalk. The national-conservative branch is characterized by "value conservatives" in the style of party co-leader Alexander Gauland (Moreau 2017, 86), but also Erika Steinbach and Konrad Adam, both whom are affiliated with the Desiderius-Erasmus Stiftung. Many of its members are former CDU members disappointed in that party's leftward drift. The national-conservative branch has made overtures to the *völkische* branch. Alexander Gauland, for example, was a signatory of the *völkische* branch's *Erfurter Resolution*, an initiative led by Björn Höcke and André Poggenburg calling for a rightward drift in the AfD (Der Flügel 2015). Finally, the *völkische* branch has a more socialistic economic approach and is more nationalistic. Prominent members include Björn Höcke, Andreas Kalbitz, Hans-Thomas Tillschneider, and formerly André Poggenburg. This part of the party has numerous connections with *neue Rechte* actors. Jörg Meuthen has also made overtures to this part of the party (Kamann 2017a).

Importantly, in July 2017, Bundestag member Berengar Elsner von Gronow, at the time head of the AfD Federal Convention (*Bundeskonvents*), started the *Alternative Mitte* to counter the "extreme right-wing" tendencies of the minority of the party that the *Flügel* represented, and support the more moderate tendencies in the party (Kamann 2017a). Frauke Petry, at the time head of the party, supported the move. The *Mitte* held a meeting in October 2017 that Beatrix von Storch and Konrad Adam attended (Steffen 2017). Alice Weidel canceled her attendance due to illness, but sent the group a greeting in which she called the group a "center of reason in the party" ("*Pol der Vernunft in der Partei*") (Posener 2017). In April 2018, Jörg Meuthen, attempting to position himself as a reconciler between the *Flügel* and *Mitte*, also attended a meeting of the group (Steffen 2018). After the federal election in September 2017, the *Mitte* wrote an open letter warning against working with *neue Rechte* activists, denouncing all forms of racism and nationalism, claiming instead to be patriots, and arguing against speaking about a German *Schuldkult* (cult of guilt) tied to World War II or any other controversial issues related to this time period (Alternative Mitte 2017). The *Mitte* has also rejected working with the PEGIDA movement in Dresden (Hesse 2018) and in May 2018, the group renewed calls for the expulsion of Björn Höcke after initial attempts by the AfD failed, saying the case should be referred to the Federal Arbitration Court (*Bundesschiedsgericht*) (Die Welt 2018). As will be discussed later, in a speech in Dresden in January 2017, Höcke made critical remarks about the Berlin Holocaust Memorial that many felt were inappropriate, leading Petry to initiate expulsion proceedings against him.

The four branches have important differences regarding economic and state welfare policies, in addition to the aforementioned differences in conceptualizing the German community. Nevertheless, they are largely united in their opposition of mass immigration, what they call "*Genderwahnsinn*" (the erasure of the differences between the sexes that they see feminists and transgender activists as promoting), their critiques of multiculturalism, and their opposition to Angela Merkel's decision in 2015 to open the borders to refugees.

It is difficult to tell which branch of the AfD is more prominent than the others. After Lucke left the party in 2015, the liberal-conservative faction of the AfD was seriously weakened. With Lucke's exit, up to 20% of the AfD at that time joined him in

his new party ALFA (*Allianz für Fortschritt und Aufbruch*, Alliance for Progress and Breakthrough). During the federal election in 2017, Meuthen estimated the *völkische* part of the party at 20% (Meisner and Fielder, 2017), while journalist Mattias Kamann estimated it to be around 33% of the party (Kamann 2017a). Importantly, when the party selected its official think tank in 2018, it voted 65% for the Desiderius Erasmus Stiftung (DES) (JF 2018c). The DES is affiliated with Alice Weidel and the more moderate part of the AfD. The party chose this institute over the Gustav-Stresmann-Stiftung, which is affiliated with Alexander Gauland (FAZ 2018b). An INSA poll in early 2018 showed that among actual AfD voters 45% responded "yes" to the question "Should the AfD distance itself more strongly from the far-right fringe?"[309] 29% said no, 18% said they didn't care ("Ist mir egal"), 6% didn't know, and 3% gave no answer. The same poll showed that among prominent AfD politicians, Björn Höcke was by far the least popular, with 54% finding him "credible" (*glaubwürdig*) and 46% "not credible" (*unglaubwürdig*), compared to 85% credible for Jörg Meuthen and Alice Weidel, 84% credible for Alexander Gauland, and 77% credible for Georg Pazderski (JF 2018b).

As far as voting is concerned, in the federal election in 2017 the AfD pulled votes from all parties: 2,137,870 from the CDU, 607,797 from the SPD, 401,475 from the Left party, 187,512 from the FDP, and 48,201 from the Green party; in addition it received 775,323 votes from those who had not participated in the previous election (Martin 2019). While numerically smaller than vote totals in the West, the AfD had its highest percentages in East Germany, which has a reputation for political extremism. In several districts in Sachsen, the AfD actually received more votes than any other party (Tröger et al. 2017). The surprisingly high number of voters who shifted from the Left party to the AfD is due to a drop in the popularity of the Left party in East Germany, where the Left also had its highest vote percentages in 2017. Unsurprisingly, the *völkische* branch of the AfD experiences more success in East than West Germany, with for example Björn Höcke leading the AfD regional parliamentary group in Thüringen, André Poggenburg formerly leading the regional parliamentary group in Sachsen-Anhalt, and Andreas Kalbitz leading the Brandenburg regional parliamentary group. Hans-Thomas Tillschneider, who leads the *völkische*-associated *Patriotischer Plattform* group in the

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[309] "Sollte sich die AfD stärker vom rechten Rand abgrenzen?" My translation.

AfD, is a member of the Sachsen-Anhalt regional parliament. Dresden, where the PEGIDA movement is the strongest, is the capital of Sachsen, while Schnellroda in Sachen-Anhalt is the location of the *Institut für Staatspolitik*. These vote results make more sense when one realizes that the *völkische* branch of the AfD has an approach to economics much more in common with the Left party than the free market approach found in other parts of the AfD.

Publications and Groups Associated with the AfD/neue Rechte

There are several prominent organizations and publications associated with the AfD that have ties to the *neue Rechte* and to the far right. These organizations and publications all have contacts with each other on some level. In addition, certain AfD members, essentially from the *völkische* branch, have connections with the far right, including the NPD. Looking at these relationships helps put into perspective the degree of ideological and personnel overlap between the AfD and the far right, which will shed light on the ways in which the moral ideals in play are externalized through intra-party conflict and even violence.

Junge Freiheit *and the* Institut für Staatspolitik

Junge Freiheit is a daily online and weekly in-print published newspaper founded in 1986. Its lead editor and original founder is Dieter Stein. Prominent contributors include: Karlheinz Weißmann, who is also a curator at the Desiderius-Erasmus Stiftung; since 2015 political science professor and CDU-*WerteUnion* member Werner Patzelt (JF 2019a, 2019b); and until 2014 Götz Kubitschek. The paper has long published op-eds from, and interviews with politicians from mainstream parties, such as the CDU, CSU, FDP, and the SPD, and more recently the AfD. However, in 2005 the SPD recommended that its party members not conduct interviews with the publication (Peters 2006: 162). Most researchers view the *Junge Freiheit* as a prominent platform for the *neue Rechte*, with many placing the newspaper somewhere between conservatism and the far right, with the goal of making far-right ideas mainstream (Gessenharter 1994, 188; Pfahl-

Traughber 2001, 46; Stöss 2000). The suspected ties between the *Junge Freiheit* and right-wing extremist elements led the *Verfassungsschutz* of Nordrhein-Westfalen to place the publication under observation in 1994, with Baden-Württemberg following suit in 1997. This led the *Junge Freiheit* to contest those decisions in lengthy court battles that ultimately saw the *Bundesverfassungsgericht* (BVerfGE, Federal Court for the Protection of the Constitution) side with *Junge Freiheit* in 2005 (BVerfGE 2005). Following the decision, the governments of Nordrhein-Wesfalen and Baden-Württemberg reached a settlement with *Junge Freiheit* in 2006 and cased their surveillance of the paper (Landtag von Baden-Württemberg 2006). Since 2014, the *Junge Freiheit* leans towards a more moderate conservatism but retains close links to those in the *neue Rechte*. Generally, the paper is closer to conventional figures in the AfD, including Alexander Gauland, Jörg Meuthen, and formerly Frauke Petry, as opposed to those farther to the right including Björn Höcke and André Poggenburg (Weiß 2017, 92).

The story of *Junge Freiheit* is closely linked to that of the think tank *Institut für Staatspolitik* (IfS), which Karlheinz Weißmann and Götz Kbutschek founded in 2000 as an extension of *Junge Freiheit*. In that same year Kubitschek founded Antaios, a publishing company close to the IfS, and in 2003 the IfS began publishing the magazine *Sezession*. *Blaue Narzisse*, founded in 2004, is another publication associated with the IfS (Kellershohn 2016a: 93). In 2009 there was some controversy around the use of the term *neue Rechte*. Dieter Stein, the lead editor of *Junge Freiheit* rejected the term and preferred "conservative" in reference to the *Konservative Revolution*, while the IfS preferred the more radical term *neue Rechte* (Kellershohn 2015, 722). This conflict makes sense, since, as Kellershohn argues, despite an at times radical use of words, Stein's conservatism is more pragmatic, characterized by *realpolitik*, and open to compromise and gradual change (2015, 726). In 2014 there was another rift that created a permanent split between the IfS and *Junge Freiheit*.[310] In that year Dieter Stein and Karlheinz Weißmann lent their support to the newly formed AfD under the direction of Bernd Lucke and criticized the *Erfurter Resolution*, while Götz Kubitschek was critical of Lucke, and threw his support behind Björn Höcke. Adding to the conflict, Stein wrote

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[310] The most detailed accounts of the split between the IfS and *Junge Freiheit* come in Kellershohn, 2015 and Kellershohn, 2016b.

critically of the PEGIDA movement, warning against making blanket statements against Islam, maintaining a diffuse 'anti-system' position, and the presence of right-wing radicals at the rallies. Kubitschek, meanwhile, fully supported the movement (Kellershohn 2016b, 456-464). Ultimately, Kubitschek left the *Junge Freiheit*, and Weißmann left the IfS, where a majority of the staff supported Kubitschek, leaving Kubitschek the institute's sole leader, as well as the lead editor of Antaois and *Sezession*. Since the break in 2014, the IfS has drifted farther to the right (Weiß 2017, 81-92; Kellershohn 2015, 728-740, Kellershohn 2016a, 98-103; Kellershohn 2016b, 456-464). In a subsequent interview, Weißmann criticized Kubitschek for constantly crossing the lines of political appropriateness and distanced himself from Kubitschek's radical views (Weißmann 2015). This split was not surprising, as already in 2013 Weißmann had criticized the French *Idenditaire* movement as too extreme and incapable of influencing mainstream society, while Kubitschek lent his support to the group (Kellershohn 2015, 730). Under Kubitschek's leadership, the IfS has invited figures from the "alt-right" for conferences, including a conference on April 14, 2018 in Magdeburg with Jared Taylor, Roger Devlin, and the youtuber Millenial Woes. Jared Taylor is head of the New Century Foundation and lead editor of *American Renaissance*. Jared Taylor, the New Century Foundation, and *American Renaissance* are all generally viewed as white supremacist (Swain 2002, 28).

PI-News

PI-News is an online news and commentary website founded in 2004 by activist Stefan Herre. The website is part of the *neue Rechte* scene and describes itself as pro-America, pro-Israel, "against the mainstream" (*Gegen den Mainstream*), "against the Islamization of Europe" (*Gegen die Islamisierung des Europas*), and in favor of human rights and the German Constitution, which it sees as threatened by multiculturalism (PI-News 2019). Among its authors, who have varying degrees of radicalism, are former head editor of *Bild* Peter Bartels, former head of the independent voting block *Partei der Freie Wähler* (Party of Free Voters) in Frankfurt am Main Wolfgang Hübner, activist and reporter Michael Stürzenberger (discussed in Chapter 4), head of the Austrian *Identitäre*

Bewegung Martin Sellner, and Götz Kubitschek. Despite critics who point out the connections between *PI-News* and the *neue Rechte* and who claim the site is extremist, *PI-News* has not been the object of *Verfassungsschutz* observation (Migazin 2011). However, in 2013, the Bavarian *Verfassungsschutz* placed under observation both the political party *Die Freiheit*, led by *PI-News* author Michael Stürzenberger, and an offshoot of *PI-News*, the Stürzenberger-led *PI-München*, which has no institutional connections with *PI-News*, (Bayern VfS 2013, 140).

Compact Magazine

Compact Magazine is a monthly magazine directed by Jürgen Elsässer, who used to be a part of the Marxist far left. Researchers classify the magazine as a *Querfront* publication, which means that it combines the supposedly contradictory ideologies of nationalism and socialism, seeking to overcome the opposition between right and left (Schilk 2017, 10; see also Culina and Fedders, 2016). Schilk (2017 121) describes the position of *Compact* as "left-wing nationalist" (*linksnationalistische*). It is the most important *neue Rechte* publication in Germany, and promotes an editorial line that is anti-American, anti-Israel, and pro-Russian, with anti-Semitic tones (Grimm and Kahmann 2017). In addition to being a *Querfront* publication, *Compact* has connections to the *neue Rechte*, including Götz Kubitschek, and to the *völkische* branch of the AfD (Häusler 2016, 48-49; Grimm and Kahmann 2017, 45-46). In line with their editorial stance, *Compact* published an uncritical interview with Richard Spencer in their July 2018 issue. Spencer is the lead figure of the American "alt-right" and head of the white supremacist National Policy Institute. In an infamous speech at an event organized by the National Policy Institute he criticized Jews, used Nazi jargon in German such as *Lügenpresse*, and at the end of his speech shouted "Hail Victory!" - which is the English translation of "Sieg Heil!" - while some in the crowd did a Nazi salute and shouted "Sieg Heil!" in German (Goldstein 2016).

The Identitäre Bewegung

      The *Identitäre Bewegung Deutschland* (IBD, German Identitarian Movement) is a group founded originally in France that has become internationally known under the leadership of the Austrian Martin Sellner. The group formed in Germany in 2012 through Facebook (BfV 2018, 80). The founding ideology of the IBD is the *neue Rechte* idea of ethnopluralism, or the idea that there are different ethnicities in the world with different cultures and traditions, and that every "ethnocultural identity" has the right to maintain its identity. The group is strongly against immigration to Europe and seeks to preserve the integrity of European cultures. As part of this stance, the IBD opposes the Islamization of Europe and supports a policy of remigration, whereby immigrants to Europe move back to their original homeland (IB 2019). Intellectual influences come from Alain de Benoist and Götz Kubitschek. The IBD also refers to the idea of the *größen Austausch* (great replacement) or a *Bevölkerungsaustausch* (population replacement), whereby European populations are being replaced by immigrants (Majic 2015). This idea recalls the NPD's rhetoric of *Volkermord*. Officially, the IBD maintains a position of non-violent activism, and stages guerilla-style demonstrations and protests mimicking those of activist groups on the left. For example, in August 2016, it climbed the Brandenburg Gate and unfurled a banner that read "*Sichere Grenzen, Sichere Zukunft*" (Secure Borders, Secure Future). The group also staged a protest outside of the office of the BMJV in Berlin on May 19, 2017, to protest the NetzDG (BfV, 2018, 81). The Interior Ministry noted that from April 2017 to August 2018 members of the group had committed 114 criminal acts. The vast majority of the acts were for the unauthorized posting of stickers, graffiti, and holding public events without proper registration; only isolated cases involved violence (FAZ 2018c).

      The IBD has known contacts with far-right scenes, and due to this fact and due to its ideology, the Federal *Verfassungsschutz* beginning in 2016 listed the group as a "suspected case" (*Verdachtsfall*) of right-wing extremism, leaving the group under observation since then (BfV 2017, 62; 2018, 81). These contacts include Götz Kubitschek, *Compact Magazine*, and members of the NPD (Majic 2015; Schmid and Sulzbacher 2016). Concerning the AfD, Hans-Thomas Tillschneider from Sachsen-

Anhalt has close connections to the IBD (Frehse and Middelhoff 2018). The IBD also has close contacts with the *Junge Alternative,* the youth organization of the AfD, which has caused the AfD a number of problems. Most researchers see the IBD as embodying a form of neo-racism or cultural racism (Bruns et al. 2016) and see the group's ideological spectrum as spanning from right-wing populism to right-wing extremism (Hafeneger 2014) or from the *neue Rechte* and neo-Nazism (Hentges et al. 2014).

An activist movement closely related to the IBD is *Ein Prozent für unser Land* (One Percent for our Country). The movement started in 2015. Among those present at the founding event was Götz Kubitschek, Jürgen Elsässer, and constitutional law professor Karl Albrecht Schachtschneider, the latter of whom also has previously been present at NPD events and who is a curator of the Desiderius-Erasmus Stiftung. *Neue Rechte* author and activist Philip Stein (no affiliation to Dieter Stein) leads the group, and Martin Sellner is also a prominent figure (Herkenhoff 2016, 75). Hans-Thomas Tillschneider is also a supporter of the group (Laskus 2017). Kubitschek indicated that the group's goals were opposition to mass migration and illegal immigration and the preservation of German identity (Herkenhoff 2016, 73-74). The organization holds conferences, distributes flyers, and organizes demonstrations, including one opposing the construction of a mosque in Erfurt-Marbach (Mobit 2019). *Ein Prozent* has also led initiatives in which neo-Nazis have participated, such as the *Werde Betriebsrat* initiative, which attempted to form right-wing labor unions (Mobit 2019). *Ein Prozent* has also supported movements that saw activists from the *Junge Alternative* and the NPD work together, such as in the the *Freundkreis Thüringen/Niedersachsen* (Speit 2016).

PEGIDA

PEGIDA (*Patriotische Europäers gegen die Islamisierung des Abendlandes*, Patriotic Europeans against the Islamization of the West) is a street protest movement that began in October 2014 in Dresden. The movement began as a private Facebook group with Lutz Bachmann as its leader (Vorländer et al. 2016, 5). The movement styles itself after the Monday Demonstrations (*Montagsdemonstrationen*) that took place in East Germany from 1989 and 1990 to protest the communist regime. One sees this influence

in the slogan "*Wir sind das Volk!*" (We are the people!) - chanted both at PEGIDA and the Monday Demonstrations - as well as in PEGIDA's decision to hold meetings regularly on Mondays (Weiß 2015). At PEGIDA events, one often sees the Wirmer Flag, a banner designed in 1944 by Nazi resister Josef Wirmer, although elements of the far right have used it in the past decades as well (Hebel 2015). Accordingly, one of the popular chants at rallies is "*Wiederstand!*" (Resistence!). The choice of the word *Abendland* is important, and harkens back to the conservative European Movement (*Euorpäische Bewegung*) of the 1950s that then West German Chancellor Konrad Adenauer (CDU) and President Theodor Heuss (FDP) embodied (Weiß 2015). In these elements one sees important elements of right-wing populism.

Since it began in 2014 and until the federal election in 2017, PEGIDA regularly drew over 1,000 supporters every Monday evening for their marches. Offshoot –GIDA groups sprang up in other cities such as Berlin (BÄRGIDA) and Leipzig (LEGIDA). There is no formal coordination between the groups, however, and many of the offshoots are more radical than the movement in Dresden. PEGIDA in this dissertation refers explicitly to the group in Dresden. In January 2015, in the aftermath of the Charlie Hebdo murders, the movement drew a high of 25,000 participants in Dresden (BfV 2016, 64-65).

PEGIDA participants were overwhelmingly male, middle-aged, and from the working and middle class; they had varying degrees of education (Vorländer et al. 2016, 58-61). In the 2013 German federal election, over 33% of participants voted AfD, while around 25% voted CDU; votes for each of the other parties were mostly in the single digits (Vorländer et al. 2016, 63). When asked in January 2015 for whom they would vote in future elections, 57.5% declared the AFD; in January 2016 the number was 82,2%; in January 2016 the Left, SPD, Green, and FDP all received 0%, the CDU 1.1%, the NPD 2.2%, while 11.2% said they would not vote (Patzelt 2016a, 19).

A series of polls of PEGIDA participants showed that discontent with politics, the media, immigration, and asylum policies were the main motivating factors for their involvement. Discontent with the state of current politics was the leading reason, being named by 71% of respondents, with 35% articulating a critique of the media, and 31% citing asylum (Vorländer 2016, 66-67). In another questionnaire, more than 90% of the

participants answered positively to the question "I do not feel represented by our parties or politicians!" (Pazelt 2015a, 23). Other questionnaires showed high levels of approval for democracy, but extremely high levels of discontent (ranging from 70 to 90%) for the way democracy was functioning in Germany (Vorländer et al. 2016, 108). In January 2016, 85% responded "completely do not agree" when asked if the media portrayal of PEGIDA was balanced, while another 10% responded "mostly do not agree" (Patzelt 2016a, 45). In another questionnaire, only 24% of respondents listed Islam as a reason for their attendance at events (Vorländer et al. 2016, 77). With these opinions of the media and politicians, it is easy to see a fundamental antagonism between PEGIDA attendees rallies and the media and politicians they criticize. Unsurprisingly, one readily hears chants of "*Lügenpresse*" (fake news or lying news)[311] or "*Volksverräter*" (traitor to one's people) at the events. In this vein, Werner Patzelt sees the PEGIDA movement as a response to a "deficit in representation" (*Repräsentationslücke*), either in the media or in the political parties. Those going to PEGIDA events feel as if those in power do not speak about the challenges of immigration or Islam, or as if those in power have made it unacceptable to do so (Patzelt 2015b, 118).

The movement is difficult to classify, as in many ways it is a peaceful gathering of citizens concerned about issues ranging from media representation to immigration, to Islam. Many critics see the movement as racist, xenophobic, and Islamophobic (Pfahl-Traugbher 2015; Sundermeyer 2015; Zick and Küpper 2015; Vorländer et al. 2016), but not as exhibiting neo-Nazi tendencies (Vorländer et al. 2016, 102; Weiß 2015). An analysis of PEGIDA speeches in 2014 and 2015 argued that on the whole they were populist, sometimes radical, sometimes not radical, not extremist or neo-Nazi, and the racism exhibited was not biological in nature, but cultural in the sense that Islam was not compatible with the West (Curre et al. 2016, 139-143). Nevertheless, according to Werner Pazelt, up to 10% of participants adhere to a biological form of racism (Patzelt 2016a, 28).

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[311] While *Lügenpresse* has an association with the German far-right and was used by the National Socialists, it has a history dating back to the 19th century referring to mendacious or politically biased media (duden.de). Given its current populist usage, translating *Lügenpresse* to a North American context as 'fake news' is appropriate, although some using the term in Germany undoubtedly use it in connection with a neo-Nazi ideology.

Some speakers at PEGIDA rallies have had issues. The Dresden District Court leveled charges of hate speech against Lutz Bachmann in October 2015 due to a Facebook post in which he called immigrants "criminals" (*Verbrecher*), "livestock" (*Viehzeug*), "dirty beggars" (*Gelumpe*), and "a dirty pack" (*Dreckspack*) (Welt "Pegida-Gründer," 2015). The court eventually fined him 9600€ in 2016 (Handelsblatt 2016). In the summer of 2015, Nino Köhler gave a speech at a PEGIDA rally in which he spoke about "criminal foreigners" (*kriminelle Ausländer*) and "lazy Africans" (*faule Afrikaner*); in September 2016 he exploded a bomb at a mosque in Dresden (Schlitter 2016). Likewise, if the vast majority of those attending events are peaceful and the events are not marked by violence, the movement attracts people from the far right, including those from the NPD and the far-right hooligan scene who are known for stirring up trouble (Vorländer et al. 2016, 43; Sundermeyer 2015). If the NPD pronounced its favor of the PEGIDA movement, especially in the movement's early stages, the leaders of the PEGIDA movement have largely kept their distance and been critical of the party (Vorländer et al. 2016, 43-46).

In 2015, PEGIDA was not an object of government surveillance by the federal *Verfassungsschutz*, but the *Verfassungsschutz* does indicate the potential connections between the group and right-wing extremists (BfV 2016, 64-65). The *Verfassungsschutz* report for 2016 briefly discusses the –GIDA offshoots, while the *Verfassungsschutz* report for the year 2017 does not mention the movement at all. There is nevertheless a strong *neue Rechte* presence in PEGIDA. During my own visits to the PEGIDA meetings in 2017 in Dresden, I saw groups of IBD members as well as *Ein Prozent* sympathizers. At PEGIDA's three-year anniversary in October 2017, the many speakers included Michael Stürzenberger, Götz Kübitschek, and Martin Sellner, and several local AfD politicians.

The AfD itself

As is clear, the *völkische* branch of the AfD is closely associated with the *neue Rechte*, its ideology, and its activists. The connections between the *neue Rechte* and elements of the far right, including the NPD and the American alt-right, reveal that in its

current form, as embodied by its prominent thought leaders Kubitschek and Elsässer, there is a considerable degree of overlap between the *neue Rechte* and the NPD in terms of ideology. Due to the connections between these elements of the *neue Rechte* and the *völkische* branch of the AfD, one can conclude that there is a significant ideological overlap between this part of the AfD and the NPD as well.

Looking only at Björn Höcke as an example, one can see these overlaps. In a speech Höcke gave at the IfS in November 2015, he spoke about immigration and birthrates and argued that in Africa there is an "R-Strategy," or an "expansion type" (*Ausbreitungstyp*) birthrate, while in Europe there was a "K-Strategy", which is a "place-holder type" (*Platzhalter-Typ*). This way of framing the issue, which makes comparisons from the animal world with human societies, exhibits a form of biological racism and social Darwinism that many, including in the AfD, saw resembling National Socialist race-theories (Pfahl-Traughber 2018; Culina and Fedders 2016, 82). Höcke's infamous Dresden speech in which he called the Berlin Holocaust Memorial a "*Denkmal der Schande,*" though not as extreme as the NPD's claims, exhibits the relativization of National Socialism seen in the *neue Rechte* and desired by the NPD. In another instance, at a speech to the JA in September 2015, Höcke remarked: "Christianity and Judaism represent an antagonism. That is why the concept of a Judeo-Christian West is of no use to me."[312] Later he would clarify and state that he meant no criticism of Judaism, and that he saw Judaism as a "great religion" (*großartige Religion*) (Focus 2016c). While Höcke might ground his argument in strictly theological terms, i.e. Judaism is a different religion from Christianity, it makes no sense otherwise. His statement is at the very least historically incorrect, as Jews for centuries have been a vital part of Western science, philosophy, politics, and art, to say nothing of the influence of Judaism on Christian thought. The decoupling of Judaism from a solely "Christian" West in this sense only serves the purpose of excluding Jews from Western civilization. Given the context of Höcke's other political positions it can only be seen as an expression of anti-Semitism. Höcke's statements led members of the AfD Federal Executive Committee at the time to consider expulsion proceedings against him, although eventually nothing came to pass

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[312] "Christentum und Judentum stellen einen Antagonismus dar. Darum kann ich mit dem Begriff des christlich-jüdischen Abendlands nichts anfangen." My translation.

(Focus 2016c). In another instance at an event in Magdeburg in October 2015, Höcke stated: "I want Germany not only to have a 1,000-year history. I want Germany also to have a 1,000-year future" (Die Welt 2017a).[313] While not directly related to any of the ideological elements mentioned above, the reference to a 1,000-year future is very similar to the National Socialist promise of a "thousand-year Reich," and only demonstrates Höcke's ideological proximity to the NPD.

Economically, Höcke, much like Jürgen Elsässer, is far closer to the NPD's concept of a state-run economy. In an interview with *Compact* in February 2015, he denounced American-style "laissez-faire individualism" (*laissez-faire Individualismus*) and "finance capitalism" (*Finanzkapitalismus*) (Culina and Fedders 2016, 81). In another instance in a speech in 2014, Höcke again denounced "international finance-capitalism" and called for an "organic market economy" (*organische Marktwirtschaft*) (Funke 2016, 89). The term "organic market economy" comes from the time of National Socialism. Like Höcke, its 1930's advocates saw it as an alternative to destructive capitalism (Funke 2016, 89). A study by Andreas Kemper (2016) shows other striking similarities between Höcke's rhetoric and that of the National Socialists, including his wish to make the AfD a "movement party" (*Bewegungspartei*-the Nazis considered themselves a "movement party" [*Partei der Bewegung*]) or referring to himself and his movement as an "action-elite" (*Tat-Elite*-the SS also declared itself a "*Tat-Elite*"). It is not surprising then that observers see in Höcke and his politics a spin-off of the NPD.[314]

Given the ideological overlap, it should not be surprising to see a certain amount of personnel overlap between the AfD and the far right as well. An investigation revealed that of the 297 people hired to work for AfD *Bundestag* members, 27 had connections with one or more elements of the far right, including the NPD, the neo-Nazi scene, the group *Heimattreuen Deutschen Jugend* (HDJ, German Youth Faithful to the Homeland), the IBD, and *Ein Prozent*. These individuals were hired by 18 of the 92 AfD *Bundestag* members (Biermann et al. 2018). While the AfD officially rejects working with extreme right-wing groups, including the IBD, some of its members remain informally associated

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[313] "Ich will, dass Deutschland nicht nur eine tausendjährige Vergangenheit hat. Ich will, dass Deutschland auch eine tausendjährige Zukunft hat." My translation.

[314] Political scientist Gero Neugebauer, for example, sees strong similarities between Höcke and the NPD (Neuerer 2015). Historian Wolfgang Benz has also compared Höcke to Adolf Hitler in 1919-1920, saying both men exhibit "*völkische* racism" and were populists (Burgmer 2018).

with some of them (Pfahl-Traughber 2018). As already mentioned, Hans-Thomas Tillscheider is closely affiliated with the IBD. Likewise, in September 2018, the regions of Niedersachsen and Bremen placed the *Junge Alternative* (JA) under surveillance by their respective regional *Verfassungsschütze*. The reason was the close cooperation of the JA and the IBD. In response the AfD dissolved its JA organizations in Niedersachsen, while it tried - thusfar unsuccessfully - to dissolve that in Bremen (JF 2018h; Theiner 2018). Other *völkische* politicians have connections to the German far right. Andreas Kalbitz, for example, admitted in March 2018 to attending a meeting of the group *Heimattreuen Deutschen Jugend* in 2007. HDJ at the time was a well-known, aggressively ideological neo-Nazi organization, and two years later, in 2009, the BMI banned the group (SDZ 2018a). From 2010 to 2015 Kalbitz was also the head of the *Kultur- und Zeitgeschichte Archiv der Zeit* (Culture and History Archive of the Times), an organization with strong connections to the NPD (Märkische Allgemeine 2015). Kalbitz is one of the five assessors of the AfD Federal Executive Committee, the others being Alice Weidel, Guido Reil, Beatrix von Storch, and Stephan Protschka. Protschka is a former CSU member who comes from Niederbayern, who adheres to no particular branch, and who describes himself as "value conservative" (*wertkonservativ*) (Dorn 2017).

It is important to note that not all organizations and publications close to the AfD are affiliated with the *neue Rechte*. *Tichys Einblick*, whose lead editor is journalist and publicist Roland Tichy, has a more liberal or national conservative editorial line. AfD members also frequently read *Die Asche des Gutens*, a pro-American and neo-conservative commentary website led by journalists and publicists Henryk Broder, Dirk Maxeiner, and Michael Miersch (Stein, 2005). Within the *neue Rechte* there are also distinctions, as the *Junge Freiheit* has since 2014 seemed to take a more moderate position and distanced itself from the more radical elements of the *neue Rechte*.

Internal AfD Conflicts

In the AfD, there have been umerous internal party struggles between competing factions that often revolve around specific individuals in the party. These internal

conflicts have been well publicized and involve figures such as Bernd Lucke, Frauke Petry, Jorg Meuthen, and Björn Höcke. Often these conflicts are tied to personal ambition and political strategy, but more importantly is the way that moral ideals work to frame these struggles. As I will discuss, the political conflicts that take place between groups in the AfD are shaped by the moral grouping they are associated with, including: the Lucke faction; a more hardline conservative grouping; and most importantly, the *völkische* branch. These struggles run though the party, but also throughout the media outlets and organizations associated with the AfD and the *neue Rechte*.

Bernd Lucke

The first important conflict in the AfD came in late 2014 and early 2015 and involved the party's founder Bernd Lucke. The schism began with the emergence of the PEGIDA movement in October 2014. Many in the AfD saw the movement positively. Alexander Gauland spoke at a PEGIDA event on December 15, 2014, in Dresden, Frauke Petry said positive things about the movement, and Björn Höcke called for a closer coordination between the AfD and PEGIDA (Weiß 2015). However, members of the Bernd Lucke faction of the AfD, including Hans-Olaf Henkel and Lucke himself, kept their distance. Henkel claimed the movement had "xenophobic or even racist" elements within it (Vorländer et al. 40). If Lucke initially played down this statement and remained neutral, by early 2015 both men exhibited an increasing hostility towards PEGIDA (Vorländer et al. 2016, 40-42). In particular, in the wake of the *Charlie Hebdo* massacres in Paris in January 2015, Lucke was wary about making any defamatory remarks against Islam (Moreau 2017, 108).

Lucke's position stood in contrast to others in the party who demanded a more conservative course of action. On of those was Petry, called for campaigns more focused on Islam and immigration (Moreau 2017, 121). The *völkische* branch of the party, led by Höcke also made a move. In March 2015, this branch of the party published the *Erfurter Resolution*, of which the three primary signatories were Höcke, Gauland, and André Poggenburg (Der Flügel 2015). The resolution stated that the AfD's project "is in

danger,"[315] that the party was becoming too technocratic, that it was committing "treason (*Verrat*) against the interests of the country,"[316] that the party had "intimidated" (*verprellt*) and "offended" (*verstoßen*) party members whose presence was indispensable, and that the party was keeping its distance from protest movements sympathetic to the AfD – a reference to PEGIDA. The resolution also pointed to the recent regional elections in Hamburg, where Lucke was a university professor, and complained that the politicians there had not accepted the support from AfD politicians who had already won regional parliamentary elections in the East German states of Thüringen, Brandenburg, and Sachsen. These were all veiled attacks against Lucke, and part of an attempt by Höcke and the *völkische* branch to remove Lucke from power and tilt the direction of the party more towards the right. By May, Lucke was calling for Höcke's expulsion from the party due to, in Lucke's mind, Höcke's proximity to the NPD. In May the AfD Federal Executive Committee voted to initiate expulsion proceedings against Höcke on the grounds that Höcke did not consider every member of the NPD as extremist. Voting against the measure were Petry and Gauland (Weiland 2015). Lucke attempted to create his own counter to Höcke in May 2015 with the *Weckruf* (wake-up call) campaign, but only a small group within the party supported this initiative (Moreau 2017, 126).

These internal rivalries saw parallels in the institutions associated with the AfD. As already indicated, the rift between Höcke, Lucke, and other parts of the AfD led to the dissociations of the *Junge Freiheit* from the IfS and Karlheinz Weißmann from Götz Kubitschek, the latter of whom openly opposed Lucke and embraced Höcke. *Compact* magazine also entered the intraparty struggle on the side of Höcke. In a magazine commentary Elsässer criticized Lucke's liberal economic positions, his pro-Americanism, and his positive view of globalization. *Compact* also published a reader's letter that called Hans-Olaf Henkel a representative of "*Großkapital*" (Culina and Fedders 2016, 80-81).

In the end, at an extraordinary national party convention on 4-5 July 2015 Lucke lost the leadership to Petry, who then became head of the AfD. Petry, Gauland, and Höcke led the attack. Lucke certainly did not help himself by calling into question other party members' dedication to the party, by making poor leadership decisions, or by

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[315] "Das Projekt »Alternative für Deutschland« ist in Gefahr." My translation.
[316] "dem Verrat an den Interessen unseres Landes." My translation.

making personal enemies, among which included Petry. She was irate with Lucke for demanding an audit of the bank account of her partner Marcus Pretzell, then leader of the AfD regional parliamentary group in Nordrhein-Westfallen. The results of the audit revealed important debts on Pretzell's part and led Lucke to denounce the chaotic supervision of AfD funds for the region (Moreau 2017, 118, 125). Shortly after his defeat, Lucke left the AfD and started a new party ALFA (*Allianz für Fortschritt und Aufbruch*, Alliance for Progress and Breakthrough).

Wolfgang Gedeon

Another important conflict comes from the Baden-Württemberg regional parliamentary group of the AfD. After the AfD entered the regional parliament in March 2016, the work of Wolfgang Gedeon, a former Maoist and AfD member of the regional parliament in Baden-Württemberg, became a topic of discussion. The focus of attention was Gedeon's 2012 book *Der grüne Kommunismus und die Diktatur der Minderheiten* (Green Communism and the Dictatorship of the Minority), which contains numerous inflammatory and anti-Semitic comments. Among other things, Gedeon describes Muslims as "external enemies" (*äußere Feinde*) to the Christian West, while Jews, who control the West, are its "internal enemies" (*innere Feinde*). Gedeon labels the Holocaust a civil religion, while Holocaust deniers are "dissidents." Gedeon also praises the writings of Stalin, speaks of "ethno-suicide" (*Ethnosuizid*), complains about "Zionism through the back door" (*Zionismus durch den Hintertur*), and denounces the "destruction of the races" (*Abschaffung von Rassen*) via "race-mixing" (*Rassenvermischung*) (Funke 2016, 113-114).[317] Such terminology and argumentation is highly problematic, and recalls aspects of the NPD's party program. Armin Pfahl-Traugbher calls Gedeon's book

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[317] Gedeon's book was apparently already known in AfD circles long before 2016. Already in October 2015 Meuthen stated that Gedeon's entrance into the regional parliament would not be "pleasurable" (*vergnüglich*). In addition, internal emails show that already in 2013, after Gedeon had presented a working paper, some of Gedeon's crude theses were known in the AfD. In an email, Meuthen said that the ideas in the paper would cause great outrage in the public and be a political liability, but also thanked Gedeon for his paper and had high esteem ("*großen Respekt und auch Wertschätzung*") for his work. When the scandal over Gedeon's book erupted, Meuthen claimed that he had first heard about the book then, a fact former party member and ALFA politician Bern Kölmel disputed (Bender and Soldt 2016).

an example of a conspiracy theory, comparable to *The Protocols of the Elders of Zion* (Pfahl-Traugbher 2016b).

By June 2016, the scandal had become unavoidable. The AfD Federal Executive Committee on June 7 stated that Gedeon should be expelled from the party (red/lsw 2016). Jörg Meuthen, at the time leader of the AfD regional parliamentary group in Baden-Württemberg, led the proceedings against him, but the proceedings encountered significant resistance. For example, on June 20 Marc Jongen, also a member of the regional parliamentary group in Baden-Württemberg, wrote an op-ed in the *Junge Freiheit* defending Gedeon. He denounced political correctness, argued that Gedeon's statements went against the dominant thought but were not extreme, and accused Meuthen of being a Lucke 2.0 (Jongen 2016). On June 21, Gedeon's supporters threw up procedural roadblocks to his expulsion, and another attempt on July 5, which required 2/3 of the vote, failed when 13 voted for Gedeon's expulsion and 9 against (Moreau 2017, 152-153). In response, on the following day Meuthen left the AfD parliamentary group with 12 other members to found a new parliamentary group, the *Alternative für Baden-Württemberg*. Initially, Frauke Petry, likely in attempt to isolate Meuthen politically, recognized the remaining AfD parliamentary group as the true party representatives (Zeit Online 2016a). Yet, the AfD national committee, in a 10-3 vote (Petry, Julian Gläser, and Julian Flak voted against), supported Meuthen, recognized him as the rightful leader of the AfD parliamentary group in Baden-Württemburg, and condemned "in the strongest terms possible" (*aufs Schärfste*) those who had prevented Gedeon's expulsion (Spiegel Online 2016b). Alexander Gauland was one of the prominent voices critical of Petry's handling of the affair (Zeit Online 2016a). At the same time, Petry met with Gedeon and convinced him to leave the AfD parliamentary group in Baden-Württemberg while allowing him to remain a member of the AfD (Funke 2016, 117). The parliamentary group remained split until 2016 when the two groups reunited, with Meuthen again as its head and without Gedeon as a member (Spiegel Online 2016b).

Subsequent attempts to expel Gedeon from the party have run into procedural problems, according to party representatives, and as of this writing he is still a member of the AfD (Reiners 2018). Gedeon continues to give the AfD headaches. After the AfD announced the creation of the group *Jüden in der AfD* (JAFD, Jews in the AfD) in

October 2018, Gedeon called the JAFD a "Zionist lobby group" (*zionistische Lobbyorganisation*) that would work against the interests of Germans (JF 2018g). His statements led to sharp criticisms from Meuthen, Weidel, and even Marc Jongen, among others, with all three renewing calls for his expulsion (JF 2018g; Kamann and Breyton 2018).

The Gedeon affair, as Funke notes (2016, 117), was a battle between individuals in the party for power and prominence. Petry, supposedly a moderate, sided with Gedeon and isolated political rival Meuthen, while Gauland, closer to the *völkische* branch, supported Gedeon's expulsion, likely as a way to isolate rival Petry. Nevertheless, that such a battle could take place was because people were willing to defend Gedeon. Indeed, the willingness of so many representatives in Baden-Württemburg, and the party generally, to defend someone so clearly unacceptable for a mainstream political party was a clear demonstration of the power of the *völkische* branch, as Moreau argues (2017, 153-154).

Björn Höcke

A third major internal conflict in the AfD came in 2017 and involved the attempted expulsion of Björn Höcke from the party. Prior to 2017, expulsion proceedings took place in May 2015, and were discussed again in September 2015, but Petry and Meuthen, then head of the Federal Executive Committee, put a stop to them (Thüringer Allgemeine 2015). Petry and Meuthen nevertheless remained critical of Höcke and distanced themselves from a controversial television appearance he made in October 2015 and from his "K-strategy/R-strategy" speech to the IfS in November 2015 (Ürük 2015; Bender 2015). A renewed call for Höcke's expulsion from the party came in early 2017. The controversy surrounded statements he made gave in a Dresden speech in January 2017 at a JA meeting. There, as part of an attempt to rehabilitate the positive aspects of German history and give Germans a positive national image, he called the Berlin Holocaust Memorial a "*Denkmal der Schande*." Due to the particularities of the German language, this statement can mean either a momument to a shameful event, or a

shameful monument. In clarifying remarks, he stated that he meant the former (Kamann 2017b).

Höcke's comments released a deluge of criticism, both inside and outside the party. The party lost financial backers and the speech raised new questions about the extremist nature of the AfD (Moreau 2017, 154). Petry strongly criticized Höcke, and quite surprisingly, even André Poggenburg had critical things to say of Höcke. Meuthen said that he understood the reason for concern but refused to make any strong critiques. Gauland, who would later run into problems himself when he engaged in his own form of relativizing the Holocaust, calling the 12-year period of Nazi rule a "piece of birdshit" (*Vogelschiss*) on 1000 years of German history, defended Höcke (Meisner and Fiedler 2017). In mid-February, the Federal Executive Committee, led by Petry, voted to start a new expulsion procedure against Höcke, a move that Meuthen and Gauland heavily criticized. As Moreau argues, there were two reasons for this. On the one hand, Meuthen and Gauland saw the affair as a way to isolate and eliminate their political rival Petry. On the other, if the AfD to expelled Höcke, the risks of a schism in which Höcke created a new party, thereby draining a sizeable number of votes from the AfD was a real possibility. By March, the AfD was dropping in the polls, and the Federal Executive Committee decided to call for peace and abandon the expulsion proceedings for the time being (Moreau 2017, 154-156).

The issue did not end there. In preparation for the upcoming AfD National Congress on April 23-24 in Cologne, Petry launched a two-pronged attack against Höcke. She attempted to revive the expulsion procedures and initiated a campaign about whether the party should remain an anti-system opposition party, à la Höcke, or follow the model of the Austrian FPÖ, which Petry preferred, and seek to be a governing party that makes alliances with mainstream parties like the SPD or CDU. As part of the campaign against Höcke, Petry assembled a 60-page document pointing to his extremism, his sympathies with National Socialism and the NPD, his incompatibility with the German Constitution, and his contravention of party statutes. At the Congress, a large majority of party members, led by Meuthen and Gauland, voted down Petry's propositions, and instead focused on the upcoming federal election. With Petry isolated and politically defeated, the AfD voted to replace her as party leader with a pair consisting of Gauland and Alice

Weidel. Interestingly, Weidel had supported Petry's initial attempts to expel Höcke, but by the convention she had changed her mind due to the risks of a split in the party (Moreau 2017, 156-168).

Petry remained an important member of the AfD until the federal election in September 2017, but the day after it was over, on September 25, the AfD held a post-election press conference, at which Petry announced she was leaving the party. In November, she founded a new party, the *Blaue Partei* (Blue Party), which styled itself as a Germany-wide CSU (Fielder 2017). The initial expulsion process against Höcke reached its end in mid-2018, when the party decided to close the file on the case (Meisner 2018).

Miscellaneous

Several other important scandals reveal the same fault lines within the party and the difficultly the AfD has had in dealing with its extremist elements. Sometimes the party was successful in expelling these elements, and sometimes not.

One scandal involved the regional parliamentary group in Saarland. The head of the parliamentary group was Josef Dörr and his deputy was Lutz Hecker. A report in the magazine *Stern* revealed that beginning in the summer of 2015 the two men had begun cultivating relationships with far-right groups, including *Saarländer gegen Salafisten* (Saarlander against Salafists), the *Freie Bürger Union* (Free Citizens Union), and the *Pfälzer Spaziergänge* (Pfalser Demonstration). Some of these groups were controlled by the NPD and were under observation from the *Verfassungsschutz*. After the AfD heard about these activities, they warned Dörr in October 2015. Finally, in March 2016, the AfD Federal Executive Committee decided to file expulsion proceedings against Dörr and dissolve the Saarland parliamentary group, which fully supported Dörr. Dörr protested the decision to the AfD's national arbitration court, which in April 2016 sided with Dörr (Funke 2016, 108-110; Moreau 2017, 149).

Another scandal concerned Lars Steinke. Steinke was the leader of the JA of Niedersachsen when he posted comments on his Facebook page in July 2018. In his comments he called Claus Schenk Graf von Stauffenberg, the man who attempted to

assassinate Adolf Hitler in 1944, a "coward" (*Feigling*), a "traitor" (*Verräter*), and an "enemy of the German people" (*Feind des deutschen Volkes*) (JF 2018d). His comments attracted national attention and widespread indignation, including condemnations from Jörg Meuthen and Alexander Gauland, and led to his being expulsion from the party (JF 2018e, JF 2019c). As already discussed, the regional *Verfassungsschutz* placed the JA in Niedersachsen under observation in September 2018, leading the AfD to dissolve the group.

André Poggenburg, the best-known representative of the *völkische* branch after Höcke, has been subject of multiple controversies. Since 2016 Poggenburg had been the leader of the AfD Sachsen-Anhalt regional parliamentary group. This came to an end in March 2018, when on Ash Wednesday he made comments about German-Turks, calling them "caraway-dealers" (*Kümmelhändler*), "riff-raff without a homeland" (*vaterlandsloses Gesindel*), and "camel-drivers" (*Kameltreiber*). As a result of the criticism from both the national AfD as well as his own regional parliamentary group, Poggenburg stepped down as parliamentary group leader at the end of March 2018 (Die Zeit 2018). Poggenburg ran into trouble again when for New Year's 2019 he tweeted greetings to the "German *Volksgemeinschaft*." In response the AfD National Executive Committee decided that he could not hold office for the AfD for the next two years. In response, Poggenburg left the AfD in January 2019 and announced that he would form his own party, taking several members of the AfD regional parliamentary group with him (Spiegel Online 2019).

A final case worth noting involves Frank Paseman. Paseman is a former FDP member from Sachsen-Anhalt, who serves as the AfD's national treasurer and as a member of the National Executive Committee. In October 2018, the AfD regional parliamentary group in Sachsen-Anhalt decided in a close vote to ask the AfD Federal Executive Committee to begin expulsion proceedings against Paseman due to his contacts with the far-right scene. In May 2018 Paseman gave a speech in Halle at a *neue Rechte* center, at which members of the IBD were present. This occurred even though the party had officially forbade such associations since 2016. Then in July 2018, Paseman invited Philip Stein, leader of *Ein Prozent,* to a meeting of Sachsen-Anhalt AfD members at the *Bundestag*. Stein came with Julian Monaco and Michael Schäfer, who were for several

years members of the Federal Executive Committee of the NPD's youth organization and who have close ties to the Italian neo-fascist group *Casa Pound*. In addition, Monaco was a member of the Sachsen NPD regional parliamentary group, while Schäfer was an NPD candidate for the 2011 Sachsen-Anhalt regional elections. Observers believed the call for Paseman's expulsion was the result of personal feuds and power struggles in the regional parliamentary group, in part connected to the fate of André Poggenburg (Mitteldeutscher Rundfunk 2018). Important to note in this context is the activity of the Alternative *Mitte* in Sachsen-Anhalt. This branch of the party had been active in Sachsen-Anhalt opposing Hans-Thomas Tillschneider and the *Patriotischer Plattform*. In early October, the Alternative *Mitte* in Sachsen-Anhalt announced that their work was done. They made this announcement after the election of the new Regional Executive Committee resulted in equal representation for the *Mitte* and the *völkische* branch, and around the same time that the regional group voted the expulsion measures against Paseman. Meanwhile, Tillschneider announced the dissolution of the *Patriotischer Plattform* because of the impending observation by the Federal *Verfassungsschutz* (Bock 2018). The Federal Executive Committee has yet to decide the fate of Paseman.

Analysis

In the end, while there are important personal vendettas in these stories, the above-described conflicts are all fundamentally battles of moral ideals that one can see as externalizations or enactments of different moral facts. To be sure, party leaders have instrumentalized these conflicts in cynical ways to their own advantage. Nevertheless, this does not diminish the reality of the moral conflict, and in fact only speaks to its presence. For example, Lucke's desire not to defame Islam must have surely struck most party members, even those not belonging to the *völkische* branch, as precisely the sort of naïve political correctness against which they were fighting. Indeed, Marc Jongen's op-ed defending Wolfgang Gedeon specifically states that Lucke's attempt to bring political correctness into the party was unforgiveable (Jongen 2016). The desire to associate with PEGIDA was also an attempt by more conservative or *völkische* AfD members to support one vision of the German community over another. Petry's calls to make immigration and

national identity more of the party's focus are in accord with this line of reasoning. Because Lucke did not share this vision of the German community, he had to go. Once Lucke was gone, the locus of conflict and moral outrage shifted towards the *völkische* branch, where it has since remained. This conflict is between the more moderate parts of the party, particularly the *Mitte*, whose moral ideal is more in line with the ethnocultural notion of community, and the more radical, racially based moral ideal seen in the *völkische* branch and the *neue Rechte*. Helmut Kellershohn likens this conflict to the one seen in the German Green party in the 1980s between the "Fundis" (fundamentalists), who wanted to remain true to their *Autonomen* roots, and the "Realos" (realists), who wanted to moderate and reform the party into one with which other parties would be willing to work (Kellershohn 2016b: 464).

The results of these conflicts are mixed. The *völkische* faction of the AfD has held enough influence to block expulsion proceedings in some cases and to impact the outcomes of the personal rivalries between Lucke, Petry, Gauland, and Meuthen. The party has made efforts to rein in extremism, leading to the expulsion of Steinke and the resignation of Poggenburg. But the failed expulsion of Gedeon and Höcke, among others, do raise questions about the sincerity of the AfD's attempt to combat the extremist elements of its party (Gensing 2018). Interestingly, the JAFD recognized the existence of anti-Semitic tendencies in certain parts of the AfD and encouraged the party to distance itself from them, but the JAFD also expressed its dismay that the media had focused on certain individuals in a way that overshadowed the rest of the party (JAFD 2018).

Far-right Violence

Another form of externalization of the far-right moral ideal of the biological nation involves violence, and on this point the AfD has had a certain role to play.

Violent Actions

According to the Federal *Verfassungsschutz*, extreme right-wing criminal acts rose dramatically from 2014 to 2015, the year the Refugee Crisis began. The total number

of violent hate crimes increased from 990 to 1,408 incidents. Among these were acts of arson (*Brandstiftungen*), which rose from 21 to 99 incidents, and physical assaults (*Körperverletzungen*), which increased from 871 to 1,116. Other forms of violence also saw increases, with property destruction (*Sachbeschädigungen*) going from 819 to 1,243, coercion/threats (*Nötigung/Bedrohung*) rising from 209 to 443, and miscellaneous acts, including hate speech (*Andere Straftaten, insbesondere Volksverhetzung*) jumping from 3,474 to 6,676. In all, the number of xenophobic acts of violence rose from 512 in 2014 to 918 in 2015 (BfV, 2016, 26). The year 2016 saw small increases in these numbers as acts of arson rose to 113, physical assaults to 1,313, property destruction to 1,501, and coercion/threats to 451; miscellaneous acts including hate speech decreased to 6,432 incidents (BfV, 2017, 24). In 2017, the incidents of violence largely returned to their 2014 levels. Total acts of violence fell to 1,054 incidents, with arson at 42, physical assault at 904, property destruction at 1,317, coercion/threats at 336, and miscellaneous acts, including hate speech at 4,861 (BfV, 2018, 25). As far as specifically xenophobic far-right violent crime, the total increased from 512 to 918 in 2015, to 1,190 in 2016, and then fell to 774 in 2017 (BfV 2016, 28; 2017, 26; 2018, 27).

According to the Federal *Verfassungsschutz,* some two thirds of the perpetrators in 2015 were previously not active in extremist groups or circles (BfV 2016, 52). A "plurality" (*Vielzahl*) of the acts of violence also took place outside of group structures and hierarchies (BfV 2017, 39). The *Verfassungsschutz* classified many of these incidents as "Lone Wolf terrorism," which were the result of an online radicalization (BfV 2017, 47). Nevertheless, in certain regions in 2016 extreme right-wing actors increasingly banded together in groups such as the "Oldschool Society" or the "Gruppe Freital" to propagate extremist ideas and plan acts of violence (BfV 2017, 39).

One of the most salient targets for the extremist activity was housing for asylum seekers. In 2015, 894 criminal offenses took place against asylum housing, of which 153 were acts of violence with others including spraypainting graffiti on walls (BfV 2016, 50). The number remained high in 2016, before falling to 286 criminal offenses committed in 2017 (BfV 2018, 27). The 75 acts of arson in 2015 represented a particularly important increase from 2014, when only 5 were recorded. Most of the attacks on asylum housing were the result of spontenaity or a decision made in the heat of

the moment - what Kohlstruck calls "hot" violence - although at times the attacks were premeditated - what Busch calls "cold" violence (BfV 2017, 43; Busch 2013; Kohlstruck 2002). Right-wing extremists also targeted refugees themselves. In one instance a group of 30 right-wing extremists attacked a group of 6 Syrian asylum applicants. In another, two extremists attacked a Somalian asylum applicant, calling him a "Nigger" while cutting his hand badly with a knife. Xenophobic violence also affected ethnic minorities in Germany that were not refugees, such as German-Turks (BfV 2016, 51-53).

Another group of targets included politicians, journalists, political opponents, and refugee helpers. Right-wing extremists considered these people, as well as the asylum seekers, "enemies of the people" (*Volksfeinde*). The Dortmund branch of *Die Rechte* (The Right), a marginal far-right political party, regularly held marches in December 2015 in neighborhoods where politicians from the Pirate Party or the SPD lived, or where other public figures hostile to right-wing extremism resided. Mirroring the *Autonomen* tactics, these individuals also damaged property of opposing political parties. In March 2015, they spraypainted a swastika with the message "we will come back" (*wir kommen wieder*) on a Left party office in Offenbach. In another incident in October 2015 in Bernau, they damaged the mailbox of the Left party office. In Viersen, Nord-Rhein Westfalen in July 2015, they went to the house of a CDU policitian and spray-painted "*Volksverräter*" (traitor to one's people) with a swastika on the wall. Right-wing extremists in Berlin set fire to the Reichstag, the Paul-Löbe-Haus, and the Bellevue Chateau (the official seat of the German President), resulting in little damage and no injuries. Journalists, polticians, and refugee workers alike also often received harassing messages online, including death threats, while in one instance in September 2018, demonstrators at the PEGIDA rally in Dresden punched a pair of reporters in the face. In another episode in Niederau, Sachsen, in 2015, right-wing extremists insulted helpers at an asylum center as they left the building, and threw stones at them and their car (BfV 2016, 53-55; BfV 2017, 51).

Like the *Autonomen*, right-wing extremists also physically attacked politicians, nearly resulting in death. On October 17, 2015, a man attacked Henriette Reker, the CDU candidate for mayor of Cologne, with a knife, cutting her badly on the neck. In the attack he also injured four other persons. The perpetrator claimed he performed the act because

the politician was responsable for the "foreigner problem" (*Ausländerproblem*). In addition, the attacker wanted to send a signal against the rising number of refugees in Germany (BfV 2016, 49). During the court trial, it was revealed that in the 1990s the perpetrator had associated with a neo-nazi political group that the government banned in 1995, but that he had no further contacts with any other political groups (BfV 2017, 47).

Lastly, right-wing extremists also engaged in street conflicts with those on the far left and committed criminal offenses against the police, at times getting into scuffles with them at protests (BfV 2017, 52-53).

Analysis

The targets of this violence, as well as the motivations indicated by those perpetrating the actions, show that the far-right extremists were acting to defend a homogeneous concept of the *Volksgemeinschaft* (BfV 2017, 46). There are two central dimensions to this violence that characterizes much of extreme right-wing violence: the ideal of a morally and racially homogenous group combined with a Schmittean friend-enemy paradigm (Busch 2013, 214). As a result, anything considered "foreign" is treated with suspicion and hostility since it is a threat to the preservation of the ideal community. In the outbreak of violence between 2015 and 2017, the targets were these foreign entities, but also those providing them assistance. Matthias Quent (2015, 130), who has studied vigilante violence in Germany in the context of the Refugee Crisis of 2015, classifies this violence according to the targets and the legitimations given. He classifies the violence as vigilantism of the first, second, and third degree. First-degree vigilantism targets refugees or other ethnic minorities in attempt to preserve the homogeneity of the *Volk*. Second-degree vigilantism targets Germans in civil society, including also politicians, who support refugees as part of a fight against "traitors to one's people" (*Volksverräter*). Third-degree vigilantism targets representatives of state institutions who support refugees, including the attempted murder of Henriette Reker, and seeks to preserve the state from the infiltration of enemies. Arguably the second and third degrees of vigilantism can be collapsed into each other, since they both target native Germans

who, albeit in different functions, all work to help refugees. Nevertheless, his classification scheme remains a useful diagnostic.

One can understand this phenomenon also in a Durkheimian framework. In this sense, the homogenous *Volksgemeinschaft* is a moral ideal, with the actors engaged in the violence seeing themselves peforming moral acts. In this sense, the targets of the violence, the asylum seekers and the politicians, refugee workers, and journalists seen to be working on their behalf, were profaning the sacred object of the *Volksgemeinschaft*. The violence against asylum seekers as well as against native Germans who helped them was both an attempt to protect the sacred, but also to punish those who "broke the rules." Right-wing extremists found legitimation for these actions through the moral authority of their concept of the *Volk* and the moral ideal of the *Volksgemeinschaft*, as well as the moral truths these concepts establish and that I discuss in the previous chapter. Following the distinction made by Quent, each group of targets had their own set of rules related to the goal of preventing the profanation of the *Volksgemeinschaft*: refugees should stay out of Germany and Germans should make sure refugees stay out of Germany. Each group broke these rules, either by physically being present or by enabling refugees to stay.

In this sense, part of the violence undoubtedly included the two types of moral pleasure identified in chapter 6, or the idea that in doing one's moral duty, one is doing something *good*. The first involves the feeling that one is acting out one's duty to the community. The second involves the pleasure of domination one feels when one punishes a rule-breaker: the act of punishment as an act of domination feels *good* since it serves the interests of the community. The empirical evidence for these emotional attachments is more difficult to come by due to the extremely taboo nature of extreme right-wing ideology and the secretive nature of the communication between right-wing extremists. While the far right does use the internet to spread propaganda, much of the communication concerning illegal activity takes place on private forums not accessible to the public (BfV 2016, 62; BfV 2018, 59; Busch 2013, 216). When public forums do exist, the government often moves to shut them down, as was the case with the website "Altermedia Deutschland," which the BMI shut down in January 2016 (BfV 2016, 62).

One does nevertheless find evidence. An example of the first type of moral pleasure can be found in the *National Journal*, a far-right online publication associated

with extremist violence. On its website homepage in February 2016 it stated: "If the defense of one's home and hearth is racism, then we are proud to be 'racists' and 'Nazis.' Those who call us that, they are high-traitors and robber-barrons—simply put: they are the enemy" (BfV 2017, 55).[318] Here the pride one feels is linked to fulfilling one's duty to the moral ideal. While it might be difficult to do so because of the potential stigma, one's attachment to the *Volksgemeinshaft* is a stronger force and dominates any contrary impulses. Concerning the second form of moral pleasure, as Quent reports, the group *Bürgerwehr FTL/360*, an extremist group in Freital, Sachsen, associated with violent activity, celebrated on their Facebook page violent acts against refugees and left-wing activists (Quent 2015, 124). In this way the *Bürgerwehr FTL/360* is like the *Autonomen*, who also post celebrations of violence on the internet. It is also not difficult to imagine the glee that right-wing extremists feel after committing a criminal act. When done in a group, such acts can be understood as interaction ritual chains in the same way that I analyze extreme left-wing acts of criminality in chapter 6.

Causes

Accompanying the swell of violence beginning in 2015 was an anti-asylum and anti-immigration campaign on the far right. Especially prevalent was the NPD, which made the refugee crisis the center of its program. Specifically, the party organized demonstrations against immigration and asylum seekers and took part in various –GIDA events, such as those in Mecklenburg-Vorpommern and Thüringen. The NPD also led an aggressive anti-immigration campaign on social networks such as Facebook. Other far-right groups, such as *Die Rechte*, *Pro NRW*, and *Der III Weg* followed suit (BfV 2016, 72-77). According to the Federal *Verfassungsschutz*, by 2015 far-right actors formed over 100 social network groups or websites that had an extremist profile. The Interior Ministry shut down at least one of these websites, *Altermedia Deutschland*, in January 2016, due to its dissemination of hate speech and involvement in criminal activity. Far-right groups also stayed in communication with each other through online chat programs, such as

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[318] "Wenn die Verteidigung von Heim und Herd Rassismus ist, dann sind wir stolz, 'Rassisten' und 'Nazis' zu sein. Die uns so nennen, das sind doch die Hochverräter und Räuberbarone – kurz: der Feind." My translation.

WhatsApp or those found on Facebook (BfV 2016, 61-62). According to Quent (2015, 124), self-described "militia" (*Bürgerwehr*) groups especially used Facebook to organize themselves and to form networks with other militia groups across Germany.

The main tenor of the campaigns was anti-refugee, anti-Islam, anti-immigrant, anti-establishment, and included a call to defend one's homeland. Key words included *Lügenpresse*, *Volkstod*, *Volksverräter*, *Wehrt euch!* (defend yourself), *Überfremdung*, *Wiederstand* (resistence), *Islamisierung*, and *Asylflut* (asylum flood). An example of this campaign that combined many of these elements comes from the Facebook page of the Munich chapter of *Die Rechte*, which on August 26, 2015, stated: "The resistence arises! And above all the *Volksverräter*, who are bringing the strangers from the entire world to Germany, should not feel very safe…" (BfV 2016, 59).[319] A Facebook post from the youth organization of the NPD stated: "Even if we do not see Islam as the main problem, the threat of a hostile takeover by the stone-age people is more acute than ever. We must stop them before our culture is completely banished and Europe falls into the Middle Ages" (BfV 2016, 58).[320] Other far-right websites, such as the *Globalecho* spoke of driving the "*Neger*" and "*Musels*" (derogatory for Muslims) out of Europe, and stated that "of all the precious metals, LEAD is the most valuable at the moment: lead in the form of a bullet in a .45 Caliber" (BfV 2016, 58).[321] A movement called *Europäische Aktion* (European Action) wrote in a New Year's newsletter on their website on January 1, 2016:

> If nothing happens now, our children will certainly live as intimidated minorities in a mixed-race, Islamic dominated Europe that will be like a third-world country and that will finally be dominated by transatlantic clubs and Jewish banks and media czars—a controlled, manipulated and genetically modified mass of humanity. (BfV 2017, 56)[322]

As the *Verfassungsschutz* points out, one also finds much of the rhetoric seen in these campaigns at PEGIDA rallies, where one often hears chants of *Wiederstand*,

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[319] "Der Widerstand wächst! Und erst recht die Volksverräter, die die Fremden aus der ganzen Welt nach Deutschland holen, sollten sich nicht zu sicher fühlen..." My translation.
[320] "Auch wenn wir den Islam nicht als das Hauptproblem ansehen, ist die Bedrohung einer feindlichen Übernahme durch die Steinzeitmenschen akuter denn je. Wir müssen sie aufhalten, bevor sie unsere Kultur gänzlich verbannen und Europa ins Mittelalter katapultieren." My translation.
[321] "Von allen Edelmetallen ist BLEI das Wertvollste zur Zeit: als Flugblei im Kaliber .45." My translation.
[322] "Wenn jetzt nichts geschieht, werden schon unsere Kinder als verschüchterte Minderheit in einem gemischtrassigen, islamisch dominierten Europa leben, das dann auf Drittweltniveau steht und endgültig gelenkt wird von transatlantischen Klubs und jüdischen Bank- und Medienzaren, eine kontrollierte, manipulierte und genveränderte Menschenmasse." My translation.

Volksverräter, and *Lügenpresse*, or in the IBD. Elements of this rhetoric can likewise be observed in *neue Rechte* publications, such as PI-News. As seen in the chapter on *Entfremdung*, the author Alpha Centuri calls Merkel and those in politics, the media, churches, or labor unions supposedly working to promote the Islamization of Germany "collaborators" and seemingly calls for resistance by any means necessary, including violence. Due to this rhetorical overlap, and even though there have been no direct connections between AfD members and extremist violence, many commenters saw the PEGIDA movement as well as the AfD as responsible for making far-right thought mainstream. More particularly they see the AfD and PEGIDA as creating a general climate that leads to increases in extreme right-wing violence (Funke 2016; Quent 2015; Speit 2016). Such arguments about a general climate of hostility, however, offer little empirical proof of how or whether such a climate translates into acts of violence (Green, McFalls, and Smith 2001).

Rather than making an argument about a general climate of intolerance, one can instead point to specific statements by AfD leaders that would have an incidence on the violence. For example, several AfD politicians expressed support for the idea that refugees attempting to enter Germany illegally should be stopped on the border by police and, if necessary, with guns. Marcus Pretzell, at the time head of the AfD in Nordrhein-Westfallen, expressed this sentiment in early November 2015, saying police could use the weapons "to warn, to injure, or in the end also to kill" (Voogt 2015).[323] Alexander Gauland agreed with Pretzell, stating that "our borders must be protected efficiently" (Mayntz 2015).[324] Several months later, Frauke Petry, at the time head of the AfD, repeated the sentiment. She stated that the border patrol "must prevent illegal entry; if necessary, they should also use firearms. That is what is in the law" (Meiritz 2016).[325] Beatrix von Storch supported Petry's statement, and on her Facebook site responded "yes" to the following question: "Does your party want to prevent entrance to women

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[323] "Die Bewaffnung der Grenzpolizei macht ja nur Sinn, wenn die Beamten auch die Erlaubnis haben, diese Waffen notfalls auch einzusetzen – um zu warnen, zu verletzten, oder letztlich auch um zu töten." My translation.
[324] "Unsere Grenzen müssen effizient gesichert warden." My translation.
[325] "Er muss den illegalen Grenzübertritt verhindern, notfalls auch von der Schusswaffe Gebrauch machen. So steht es im Gesetz." My translation.

with children to the green meadow with armed force?" (FAZ 2016a)[326] One can also point to the comments of Armin-Paul Hampel, who in December 2015 downplayed the importance of arson attacks on refugee centers by saying: "In no way do I want to downplay it, but it is clear that a good part of these supposed arson attacks come from the refugees themselves, most because of a lack of technical knowledge. Honestly, in their homeland, many of them probably used to make fires in their houses."[327] These statements downplaying violence or sympathizing with the idea of violence against refugees, all made during the spike in extreme right-wing violence, would have the effect of increasing violence, according to previous empirical studies (Green, McFalls, and Smith 2001).

A study by Karsten Müller and Carlo Schwarz (2018) argues that social media had the effect of increasing the salience of extreme right wing criminal activity in Germany between 2015 and early 2017. The study looks at engagement with the AfD Facebook page in relationship to the level of hate crime and sees a statistical correlation. The correlation only holds with posts that contain the word "refugee" (*Flüchtling*) and not with posts containing Islam, immigrant, jew, muslim, or EU (European Union). The authors also correlate a significant drop in violence with internet outages or Facebook blackouts longer than 24 hours, suggesting that social media does have an impact on rates of hate crime. This study thus provides support for the idea that social media creates and "echo-chamber" that reinforces an individual's ideology and that can lead to radicalization (BfV 2017, 61).

There are problems with the study, however. Perhaps most signigicantly is that while there is a correlation between violence and social media posts, the graph that the authors provide shows that spikes in violence *precede* spikes in social media discourse. From this fact alone one can call into question the causal salience of social media use on acts of violence. Another problem with the study is that it gives the impression that the AfD Facebook site is solely responsible for the rise in hate crime. As already seen, numerous parties and groups on the far right used especially Facebook to organize

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[326] "Wollt Ihr etwa Frauen mit Kindern an der grünen Wiese den Zutritt mit Waffengewalt verhindern?" My translation.
[327] "Ich will das auf keinen Fall herunterspielen aber es ist doch klar, dass ein Gutteil dieser angeblichen Brandanschläge von den Flüchtlingen selbst kommt, meist aus Unkenntnis der Technik. Mal ehrlich, viele von ihnen dürften es gewohnt sein, in ihren Heimatländern daheim Feuer zu machen." My translation.

themselves and promote their anti-refugee campaigns. The NPD, Pro NRW, die Rechte (whose Facebook account was deleted by Facebook in January 2016 for violating terms of service (Spiegel 2016a)), and other groups on the far right, including vigilante groups all had Facebook pages and were present on other social media networks. These sites would also likely link to content from groups or publications, such as *National Journal* or *Europäische Aktion*, that do not have Facebook pages, giving those media outlets an indirect voice on Facebook. Anyone committing a hate crime, if they did visit the AfD Facebook site, would almost certainly have visited at least one of these other Facebook sites. And if there was a drop in the Facebook connection, it would affect not only the AfD page, but all Facebook pages. Certainly, at the time the AfD was the most prominent right-wing Facebook page. But, the examples of problematic AfD posts provided in the Appendix are nowhere near as radical as those seen in far-right circles discussed above (Müller and Schwarz 2018, Appendix A.2). In order to show that the AfD Facebook page was solely or even mostly responsible, the study would have to track usage for the various far-right Facebook pages as well. It would also be important to continue the study through the entirety of 2017, when extreme right-wing violence dropped dramatically, to see if the correlation between Facebook posts and incidents of hate crime continued. As it stands, Müller and Schwartz's conclusion can be described as indicating a general correlation between social media usage and hate crime.

Conclusion

On January, 15 2019, the Federal *Verfassungsschutz* placed the JA and the *völkische Flügel* under observation as "suspected cases" (*Verdachtsfälle*) of extremism, while the entire AfD, though not under official observation, was listed as a "probationary case" (*Prüffall*). The *Verfassungsschutz* argues that for the *Flügel*, the most important value is the preservation of an "unified-organic *Volk*," which is to say an "ethnically homogeneous *Volk*."[328] The *Verfassungsschutz* also mentions the *Flügel*'s relativizing of National Socialism and its opposition to the democratic decision making process as grounds for the observation. The same line of reasoning held for the JA. Like the *Flügel*,

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[328] "organisch-einheitlichen Volkes." "ethnisch homogenes Volk." My translation.

the JA supports an "ethnically homogeneous concept of the *Volk*,"[329] exhibits anti-democratic inclinations, and holds a particularly anti-Islamic position (BfV, 2019). As discussed, one sees all these elements in the ideology of the *neue Rechte*, as advocated by Götz Kubitschek and Jürgen Elsässer, both of whom have deep connections to the JA and the *Flügel*. Thus, it is difficult to argue with the *Verfassungsschutz*'s logic, and their findings corroborate my own.

The *Flügel* respresents a number of risks for the rest of the AfD. Much of the negative press surrounding the AfD is due to actors in the *völkische* branch of the party, particularly Björn Höcke. The problem of cultural stigmatization due to these factors is one that the AfD clearly faces. On the one hand, as Cas Mudde argues, fewer people will vote for a stigmatized party (Mudde 2007, 247). On the other hand, there is also the danger for the AfD that this stigmatization leads to a further radicalization of the party. Mudde explains that a populist right-wing party that does not have overt connections to the far right but that is nevertheless stigmatized will not "attract mainstream or successful people, who have a lot to lose from the damning stigma." At the same time, the party will attract far-right actors who "see an opportunity to lose their even greater stigma" (Mudde 2007, 247). Mudde points out that this is what happened to the *Republikaner* in the 1980s, which became flooded with activists from the NPD and the NVU (Mudde, 2007 247-248). Arguably this is also the case with the AfD, as *neue Rechte* activists, who otherwise would have little credibility in the wider public, have sought to find a new (relative) respectability through the AfD and worked to mold the party more and more in their image.

The continued fractures between the *völkische* branch of the AfD and other parts of the party come with other long-term risks, including those related to party organization. As Mudde explains, a strong party organization can bring about "party cohesion and leadership stability" (264), but without a strong party organization, initial electoral successes will not be maintained and the party risks fizzling out or disintegrating (Mudde 2007, 264-266). In its short history, the AfD has demonstrated great electoral success, currently sitting in all regional parliaments as well as the

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[329] "ethnisch-homogenen Volksbegriffs." My translation.

Bundestag. However, it has demonstrated anything but party cohesion and leadership stability.

In many ways the *völkische* branch of the AfD operates as a party within a party. It has its own network of institutions and political operatives, its own media outlets, and its own coherent ideology. Its actors are highly motivated and highly ideological. On its own, it likely would have difficulty breaking the 5% threshold needed to enter the *Bundestag*, although depending on the region, it would have varying success in regional parliaments. For the time being its presence in the AfD will continue to be a cause of conflict and political struggle. It remains to be seen whether the AfD, now under pressure from the Federal *Verfassungsschutz*, can successfully deal with its extremist problem, and whether it can maintain a strong enough party organization to sustain its electoral success.

Conclusion

Synopsis

Over the course of this dissertation, I have shown that in German society there exists a certain number of moral ideals. Specifically, I have identified four such ideals, including the supposed 'domination-free' *Autonomen* ideal, the ideal of *Verfassungspatriotismus* of the SPD (and parts of the CDU), the ideal of the cultural or ethnocultural nation seen in the much of the AfD as well as the CSU and *WerteUnion*, and the ideal of the biological nation on the far right. What ties these ideals together is that they are all seeking to work through (or against) the same state institutions as a means to realize their moral ideal. These ideals all compete for power and influence within the German political sphere to gain access to (or to dismantle) state power. Perhaps the most salient feature of this combat is its symbolic nature. This symbolic dimension stems from the religious nature of the ideals, in that in each of the visions of community I identify, one finds the presence of a sacred object as the central symbolization of the group. For the *Autonomen* and adherents of *Verfassungspatriotismus*, the sacred object is the individual understood through a concept of human dignity. For others, the sacred object is the German nation understood either in a cultural or ethnocultural sense or a biological/racial sense.

Each sacred object contains moral prescriptions for its adherents to follow, which are related to how to respect the sacred object and enact the ideal moral community the sacred object legitimates. Often these prescriptions conflict with those from other groups. One sees this with the incompatible demands between a universalistic notion of human dignity and the particularistic demands of the nation. One side generally seeks individual liberation and the protection of human dignity from structures of oppression, including the nation, which it sees as an inherent source of racism, exclusion, sexism, and violence. The other side generally seeks to preserve tradition, of which the nation is an integral part, and which leads to prescriptions related to immigration, the family, or the importance of *Leitkultur*. In this, one can say that different moral ideals can be inherently profanatory to each other, such that the moral prescriptions inspired by one sacred object (human

dignity) directly violate the sacred object of the other (the nation), and vice-versa. In other words, the very logic that animates one moral ideal leads necessarily to the profanation of the sacred object at the heart of an opposing moral ideal. This mutual profanation is at the center of the conflict between the opposing groups that I study, and other authors (Haidt 2012; Hunter 1991) have observed this phenomenon of mutual profanation in different contexts of political conflict.

One might see in this conflict a certain functionalism in that each side 'needs' the other as a moral foil. In this sense, the opposing sides would be objective allies, in that they help each other in attracting recruits and providing 'proof' to support a particular narrative or interpretation of events. Such an interpretation of these conflicts would be in line with that of Collins (2004, 41) who asks the question, "What holds society together as a pattern of stratified and conflicting groups?" I do not share this functionalist perspective. Rather, I see the conflicts not as holding society together, but as involving irreconcilable values locked in a struggle for domination over one another. In this sense I follow closely Foucault's discussion in *Society Must Be Defended*. There he inverts Clausewitz's famous expression that 'war is the continuation of politics by other means,' and states that "politics is the continuation of war by other means" (Foucault 2003, 15). At least in the conflicts I examine in this dissertation, politics indeed unfolds as a "warlike clash between forces" (16). What is more, following Foucault's analogy, the power relationships one sees today in Germany are "essentially anchored in a certain relationship of force that was established in and through war at a given historical moment that can be historically specified" (15). In this understanding of politics, "the role of political power is perpetually to use a sort of silent war to reinscribe that relationship of force, and to reinscribe it in institutions, economic inequalities, language, and even the bodies of individuals" (15-16).

These statements are perhaps more visibly true for Germany than anywhere else, given the country's turbulent history in the 20th century, marked by both WWII and the Cold War. Each of these historical conflicts continues to shape the current symbolic framework of the political issues I examined in this dissertation. After these conflicts were over, political actors reinscribed their logic in various institutions and concepts, making these events important elements of Germany's moral background.

As concerns WWII, the Basic Law of 1949, which enshrines human dignity as the inviolable foundation of the Federal Republic of Germany, was written with the clear intention of preventing the rise of a political movement like National Socialism. The same Basic Law also lays the foundations for German *streitbare Demokratie* (militant democracy) that enables the German state to take an active approach in defending itself against anti-democratic movements. Following Niesen's classification, the German state is officially anti-extremist. However, as I discuss in chapter 4, the *Fair im Netz* program and the NetzDG are in fact animated by a powerful "negative republicanism," which seeks primarily to prevent a repeat of Nazi Germany (Niesen 2002, 83). The aftermath of WWII also saw the development in the 1960s of a set of moral *représentations* related to violence, oppression, and German national identity: that of the victim-perpetrator and the German-Jew. As I argued, these constellations expanded in the 1990s to reflect Germany's new demographic realities, leading to the moral representation of the German-immigrant. The events in the 1990s that helped cause to the rise of the German-immigrant constellation involved in a certain sense a reenactment of WWII moral categories, as the *Lichterketten* seen in the winter of 1992-93 were in response to a wave of racist neo-Nazi violence. As I discussed in chapter 2, WWII and the desire by Germans to address anti-Semitism were also instrumental in leading to a new hate speech law in 1960, §130 of the German Criminal Code. German politicians subsequently changed the wording in 2007 to reflect the new demographic realities of the country, yet the origins of the law return to WWII. The concept of *Verfassungspatriotismus* that I discussed in chapter 3 is closely tied to Germany's postwar moral history and is an attempt to rethink a collective German identity without reference to the German nation, which became tainted by its association with National Socialism. At the same time, WWII was an integral part of the anti-authoritarian *ex post facto* resistance to National Socialism that began in the 1960s. As I discussed in chapters 5 and 6, this *ex post facto* resistance to National Socialism continues today with, among others, the *Autonomen*, and it fundamentally shapes these actors' interpretation of their actions. Lastly, one could view Chancellor Angela Merkel's decision to open Germany's borders at the height of the Refugee Crisis in 2015 as stemming from a unique moral responsibility Germany has, given its role in WWII, or even as representing an attempt to vanquish the dark legacy of

National Socialism. In all these ways, therefore, one can see in these legal and political institutions and moral concepts the re-inscription of the historical battle against National Socialism.

One sees a similar movement regarding the Cold War and the communist GDR (German Democratic Republic). Helmut Kohl in the 1980s sought to rehabilitate conservative values, including the idea of the German nation, with his idea of a *geistig-moralische Wende* (moral-spiritual turn). The fall of communism in the late 1980s and the reunification of Germany in 1990 sparked a further rise in national sentiment and the attempt to reclaim the German nation from communism. Yet this battle with communism was not without its references to the legacy of National Socialism. Part of the rehabilitation of the nation in the 1980s took place in the *Historikerstreit*, which saw historians such as Michael Stürmer and Ernst Nolte attack communism and the Soviet Union and compare the atrocities committed by communist regimes to those of the National Socialists. In doing so, they tried to draw a *Schlußstrich*, or final line, around the Nazi period and thereby rehabilitate German history by emphasizing the positive elements of which Germans could be proud. (Or at least of which *West* Germans could be proud, since this assimiliation of Nazi and communist crimes both immediately and subsequently placed moral guilt on the GDR and its legacy after reunification. Unfortunately, this dissertation has not been able to explore this East-West moral conflict within Germany and its political mobilization and instrumentalization in laying blame for the rise of extremism at the feet of eastern Germans). A result of this initiative was the reform to §16 of the Basic Law in 1992, as well as the attempt by the CDU to open a debate about German *Leitkultur* in the late 1990s, a legacy the AfD has picked up on.

One can see the political movement that Kohl started in the 1980s as part of a struggle against the historical stigma that the concept of the German nation suffered as a result of the National Socialist regime. It is part of the 'clash of forces,' the 'silent war,' that characterizes politics. In this sense, this show of force sought/seeks to inscribe in various institutions and moral concepts a different relationship of force with regard to the German nation than the one that emerged in the 1960s as a reaction against National Socialism. At the same time, there are those in Germany who never abandoned the National Socialist vision of a society and who continue trying and bring it about. These

far-right political actors also take part in this 'clash of forces' and seek to redraw the boundaries of German political life. As explained in the introductory chapter, despite the party's importance, this dissertation does not dedicate sustained analysis to the CDU whose role in this clash of forces since 2000 is rather ambiguous.

The result of this reinscription of war is a series of (at times violent) political conflicts that also involve a fair bit of martial rhetoric: SPD Justice Minister Heiko Maas denounces populists as "enemies (*Feinde*)" of democracy (Maas 2016h), while populists condemn politicians such as Maas as *Volksverräter*. These conflicts strike at the heart of some of the most important issues facing not only Germany, but all Western civilization: the principle of free speech, multiculturalism, immigration, the nation and its fate, and the prospect of the return of authoritarian forms of government. As Foucault mentions, these conflicts are active on a range of levels, from political institutions, to language, to even individual bodies. The analysis I have provided in this dissertation examines these conflicts on all of these levels, from the political institutions tied to *streitbare Demokratie*, the *Fair im Netz* program and the NetzDG, to the language individuals use to denounce their opponents, defend their positions, and justify their actions, to the incorporation of moral values via the emotional attachment produced in rituals, including those that involve the punishment of their opponents.

In this sense, as Foucault (2003, 224) argues, "multiple relations of power traverse, characterize, and constitute the social body." In this dissertation I have tried to select out those forms and relations of power as they crystalize around the issue of German identity, or what the German community is or should be. In so doing, one of the central issues I have looked at, apart from those I mention above, is that of legitimacy. On this point I concur with Foucault in that the relationships of power I have analyzed are also "indissociable from a discourse of truth, and they can neither be established nor function unless a true discourse is produced, accumulated, put into circulation, and set to work" (2003, 24). In my dissertation, I have paid special attention to the production of moral truth within competing moral facts and explained how these truths contribute to the legitimation of the moral authority, which is the locus of power within a moral fact. Only, I have done this analysis not from a Foucauldian perspective, but from within the optics of the Durkheimian moral fact.

I have demonstrated in this dissertation that Durkheim's work, with some slight but important modifications and additions, provides the tools necessary for an engaging analysis of political conflict, and on some points even takes us farther than Foucault. For example, Durkheim provides the tools for understanding the meaning of power, whereas Foucault focuses on the mechanisms and effects of power (Smith 2008, 11). Foucault himself admits that he is not so much interested in the "Why" of power as he is in the "How" (Foucault 2003, 28). Durkheim, on the other hand, not only allows us to put into focus the symbolic element of power, his work also puts into focus the importance of ritual and the experience of transcendence, which are instrumental in the creation of a legitimate moral authority and moral truth. In turning to Durkheim, moreover, one opens the door to other methodological vistas, ones that many might have thought were long dead. In this regard, I am speaking specifically of structuralism.

For a structural approach

Broadly speaking, the approach I adopt in this dissertation, as derived from Durkheim's later work, is structuralist. This is the type of structuralism that Jacques Derrida discusses in his famous 1966 lecture "Structure, Sign, and Play in the Discourse of the Human Sciences." This structuralism studies social systems as they refer to, in Derrida's words (2005a [1967], 352), "a point of presence, a fixed origin […] constituted on the basis of a fundamental immobility and reassuring certitude." This "center" works "to orient, balance, and organize the structure," but also makes sure "that the organizing principle of the structure would limit what we might call the *play* of the structure." The 'play' of the structure in a broad sense is the ideas and actions allowed within the limits of the structure, limits that the center fixes and legitimizes. Importantly, the center is "beyond the reach of play," which allows it to provide the foundation for the structure (2005a [1967], 352). Durkheim's later work fits squarely within this paradigm, and while he addresses elements of this structuration across a wide variety of social institutions,[330]

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[330] In his 1901 preface to the *Rules*, Durkheim focuses on the constraining effect institutionalized norms, ideas, and ways of acting have on individuals in a general sense. As I discuss in the introduction to this dissertation, for Durkheim certain representations are invested with prestige, which works to instill their normative properties. As poles of social attention, they have great influence on individuals. Yet, as he

his studies of religion, morality, and language are the institutions for which Durkheim provides the most detailed analysis and that most obviously fit within this structuralist paradigm.

The center can structure or set limits to any number of kinds of 'play,' including limiting what is conceivable as empirically true. If, however, one understands the limits of play as the limits of particular kinds of action, in the sense of what is right and wrong, then one falls squarely on the terrain of morality. This is the domain of the moral fact, and this dissertation has examined the way moral facts provide a structure for the individuals who have incorporated them. I identified the presence of several competing moral facts in Germany and explored how they provide different groups different structures, how these structures interact with each other, and how they conflict with each other. It is thus not necessary for there to be only one 'center' within a particular group that one can identify as a unit or that possesses a unified political system. In Germany, each of the groups I have discussed has its own moral ideal and its own sacred object, tending either towards universalism (via human dignity) or particularism (via the nation). The sacred objects within these moral ideals are the moral authorities that legitimate a set of rules as well as the sanctioning mechanisms for those who conform or deviate. In other words, the sacred objects are the 'centers' that structure the bounds of what is morally appropriate in terms of what should be thought, said, or acted. In an important sense, the 'center' is fundamental in shaping what individuals perceive as morally 'true.'

This last point is of special importance, and this dissertation aims to provide an original identification and analysis of the epistemic moral networks - what Abend (2014) might call the moral background - that are fundamental to all moral facts. The conceptual frameworks and moral truths, and the moral judgments they enable, are an integral part of the structuring process, and reinforce the legitimacy of the moral authority of the sacred object. In the moral facts I have examined in this dissertation, the very existence of the 'center,' the sacred objects of human dignity or the heartland, is the foundational moral truth and goes on to inform other moral truths and judgments, which are linked to its

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himself points out, when an individual incorporates these social norms and representations, he individualizes them and creates "his *own* morality, his *own* religion, his *own* techniques." And yet, "the sphere of permitted variations is limited" before deviance becomes punishable (Durkheim, 1982c [1901], 47). The process of conformity combined with individualization within proscribed limits is precisely the type of play with reference to a center that Derrida mentions.

protection and preservation. Human dignity or the heartland are objects of devotion for their adherents; human dignity or the heartland must be defended, and the obligation to defend these objects is what informs the rules that structure the 'play.' From these sacred objects come other truths that also provide structuring limits, such as truths about what constitutes a violation of human dignity, or what it means to be a real German. These truths are furthermore related to moral obligations, such as the idea that immigrants should assimilate to German culture, or statements of fact such as "*Hass ist keine Meinung*" (hate is not an opinion).

These moral truths are axiomatic, which is to say individuals take them as self-grounding and self-evident; their existence cannot and need not be justified rationally for individuals to accept them; instead, they translate the emotional attachments that social forces and ritual produce. Consequently, they provide individuals a moral epistemic framework that helps them interpret the world in moral terms. In so doing, moral truths provide a measure of certitude, and allow individuals to justify their political opinions and actions "post hoc," or in a seemingly rational way (Haidt 2001). In this sense, these moral truths are instrumental in providing moral rationalization and justification for moral authority and certain forms of political power. These structures are of course social constructions; as Durkheim argues, these collectives forces "superadd" (*surajouter*) (Durkheim 2010d [1911], 88; Durkheim 2004 [1911], 129; see also Durkheim 1995 [1912], 327) or "superimpose" (*superposer*) (Durkheim 1995 [1912], 230; Durkheim 2005a [1912], 328]) meaning and value onto reality. But that does not mean that these social constructions are not real, and objectively so. They are animated by the reality of the social forces produced in ritual, whether the ritual be highly formal, as in the case of the *Lichterketten* in 1992-1993 to demonstrate against racism and xenophobia, or highly informal (yet complex), as in the daily lived experience of the nation. In either case, the social forces produced in ritual create an experience of transcendence, of being part of something greater than oneself or in contact with a higher form of power. Durkheim neatly analyzes this experience of transcendence in *Forms* and it is an experience that participants truly live and feel.

The danger with these moral truths and the certitude they lend is that they can limit the ability of meaningful political discussion and legitimate any number of actions

within the political sphere, including political violence or the suppression of democratic dialogue itself.[331] My dissertation has explored in detail the way moral truths lend this kind of legitimation. I have discussed, for example, the political violence perpetrated by the *Autonomen* and by the far right. In both cases, members of these groups justify their violence with reference to a set of moral truths. For the *Autonomen*, these truths range from what constitutes illegitimate domination, to what is the nature of racism or sexism, to identifying individuals or groups as racist or sexist. For the far right, these truths range from the idea that Germany should be only for Germans, to who is a real German, to who is not. Violence from both the *Autonomen* and the far right rose significantly beginning in mid-2015 with the advent of the Refugee Crisis as both groups acted for and against those who entered Germany to claim asylum.

Moral truths also played, and continue to play, an important role in the campaign against online hate speech. One of the truths invoked and that I discussed is "*Hass ist keine Meinung*" (hate is not an opinion). As I explored in my chapter on *Verfassungspatriotismus*, those who believe this statement to be true believe that they are doing nothing wrong when they seek to remove content from online social media platforms, since "hate speech" does not express a legitimate political opinion. The YouTube-financed group *NichtEgal* sums this certitude up nicely when in their FAQ page they state: "Is it the case that NichtEgal would like to suppress certain political opinions? No. NichtEgal stands for tolerance and respect. We stand strongly for these values, since they are the basis for our personal freedom and societal living-together" (NichtEgal 2017). One issue concerning this truth as regards free speech is that it pre-emptively excludes the possibility of certain opinions from entering the political discourse. On this point it is worth recalling Haidt and Graham's (2009, 289) hypothesis

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[331] The best moral truth concerning free speech, normatively speaking, is perhaps the American Bill of Right's First Amendment. This moral truth is empty of content; it is an imperative to the lack of government control of political speech; it is an imperative to freedom. As long as the American government and people believe in its 'truth,' it provides the best safeguard against any potential totalitarian inclinations. See Carls (2019b) for a comparison of the treatments of free speech and hate speech in the United States, Canada, and Germany.

One might wonder whether I consider politics a form of rational dialogue involving conflicting interests, as I suggest here with my reference to the First Amendment, or a form of war, as I have suggested above with the reference to Foucault. Ideally it would be the former, but in reality it often is the latter. At the moment it is not clear to me where the boundaries are between these two conceptions of politics; I am thus unable to suggest a definitive answer to this question.

about the "moral color-blindness" of the left, or the idea that those on the left do not utilize the same moral foundations as conservatives. They have a greater tendency to view conservative positions that make use of the authority, in-group, and purity foundations as immoral and thus illegitimate, and to do so with moral certitude, thereby setting these positions outside of the bounds of political speech. A second problem with this position on hate speech concerns the limits of the definition of hate speech, a concept that has proven to be quite elastic. How subjective or politically motivated can the concept of hate speech become? A third issue is that with the certitude this moral truth lends, one often does not feel compelled to listen to or take seriously the complaints of those who protest, since those individuals are defending morally illegitimate opinions.

During the *Fair im Netz* campaign, the federal authorities in charge of German law and law enforcement endorsed this moral truth, leading to concern on many levels. As I discussed in the chapter on the *Fair im Netz* program and the NetzDG, the Antonio Amadeu Stiftung released a brochure that promoted a very broad and, many would contend, blatantly political definition of hate speech. The BMI (2016a) and the BKA (2016b) both subsequently endorsed the brochure on Twitter, provoking a series of critiques. In response, the BMI (2016b) dismissed the critiques in a seemingly mocking way, and when people criticized the tweet, the BMI (2016c) responded: "We speak out against hate speech, whether or not it is illegal." It is rather remarkable that the federal agency tasked with overseeing the administration of criminal justice in Germany and with defending the German constitution (through the *Verfassungsschutz*) felt compelled to speak out against speech that the agency itself acknowledged to be legal. Such engagement with the public did little to assuage criticisms from those who felt that the political climate in Germany was becoming more authoritarian. It also caused many critics to call into question the neutrality of the federal agencies in charge of administering the law. Perhaps unsurprisingly, a broad range of civil liberties groups and experts from both left and right, including the United Nations, criticized the NetzDG as an undue restriction on free speech in Germany.

All the preceding is to say, basically, that each moral fact will structure an individual's interpretation of events in some ways and not others; it will also establish the possible realm of appropriate action for individuals. A fundamental part of this structure

is the set of moral truths produced within the moral fact, which help to justify and rationalize a group's beliefs. A group will share these moral truths in a more or less consistent way, and they can often play an important part in the rituals that produce the collective forces required to sustain the moral fact.[332]

Though I have adopted a structuralist approach, I make efforts in my study to avoid some of the pitfalls of structuralism that critics often point out. For example, in my study I do not neglect social change. This critique assumes that structuralist analysis is overly static, and that actors are locked into patterns of thought and action. To such potential critiques, I would respond that I have addressed the ideological transformations of different moral ideals in postwar Germany. I have done this particularly as it relates to the emergence of the moral categories of victim-perpetrator in the 1960s, and how this category has changed over time to fit different demographic realities. I have also addressed the integration of a national element within *Verfassungspariotismus* in the wake of German reunification, as well as the CDU's abandonment of the concept of *Leitkultur*, which the AfD subsequently adopted. This shows that there is a certain fluidity within the moral structures I identify and discuss, notwithstanding their prominent static or structuring qualities.

Lacking from my Durkheimian structuralist approach is any remnant of structural-functionalism. The structuralism I engage in and that Durkheim articulates in his later work has nothing, or at least very little, to do with much of the earlier work for which Durkheim is well known. Thus, I do not study the morphological structures of society, such as social density, social classes, occupational groups etc. I likewise am not preoccupied with the functionalist question of how different institutions or social groupings work together for the well-being or cohesion of a broader group. In this I also separate myself from Durkheim's early work on the division of labor, but also from Randall Collins who, as I discuss above, seems to maintain a functional element in his work. I do note how different moral facts interact and recognize a certain interdependence within these conflicting interactions, but I do not see the political conflicts I study as holding German society together. Rather, I see them as struggles for

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[332] Moral and social psychologists have also noted the importance of sharing moral values and truths as part of group identity. See: Kinnvall 2004; Wellman and Tokuno 2004; Ysseldyk et al. 2010; Ellemers and van den Bos 2012.

power and domination, which are pulling German (and French, and American etc.) society apart in what seems at times to be a hopelessly irreconcilable way. The questions I ask include the following: Given that there are different groups in society that embody different moral facts, how does the moral fact work to hold that group together? And how does this moral fact shape the struggle for political power? One might call this a pluralist reading of Durkheim.[333]

Likewise, to my mind the rituals that produce social forces do not necessarily have a 'function' for the group in the sense of helping promote solidarity, although this is surely a legitimate interpretation. Instead, I would emphasize that such rituals in many respects *are* the group. They produce and express the *being* of the group, and in this sense my discussion of ritual and collective forces should be understood as providing the basis of a social ontology. I derive this position from Durkheimian social realism and the idea that sociologists should treat social facts as objectively existing 'things.'

Ultimately, the structuralist approach I adopt allows me to go beyond those that focus on strictly morphological phenonomena. These latter approaches attempt to explain the rise of right-wing populism, for instance, in terms of the modernization losers's thesis and fail to capture the important historical and cultural factors that drive support for the AfD. My approach also allows for a rich description of the cultural-moral terrain of German politics and gives voice to the particularities of the political dynamics in that country. But at the same time it frames these specificities in a generalizable theory of the moral fact that is applicable to other political conflicts, including those that are historical and those that are taking place today. One can easily imagine a similar analysis of the current situation of political conflict in the United States or France. As I have shown, this framework is applicable also to studies of extremism and populism. There is no reason to limit this dissertation's insights into morality and moral conflict to the uniquely German context in which they are presented.

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[333] The roots of this pluralist reading are found in Durkheim's own work. He in fact recognizes the legitimacy of a plurality of moralities in the world saying: "History has established that, except in abnormal cases, each society has in the main a morality suited to it, and that any other would not only be impossible but also fatal to the society which attempted to follow it" (Durkheim 2010b [1906], 56). I have merely applied this principle of moral plurality to a unit Durkheim would call a 'society,' meaning that I do not take a political community to necessarily be culturally or morally homogeneous, but rather full of competing and conflicting moral valuations.

Theoretical Postlogue: Beyond Post-Structuralism, a return to Durkheimian structuralism?

Beyond the empirical specificities of the German case that we have studied here, one might wonder what the use of a structuralist approach is in a post-structural world. Does Derrida in his 1966 essay, "Structure, Sign and Play in the Discourse of the Human Sciences," not announce the end of structuralism and the rise of post-structuralism and deconstruction? In the essay, Derrida speaks of a "rupture" with "the entire history of the concept of structure" that the West was experiencing (2005a [1967], 353). Before, the center held a privileged position, as a fixed origin, a fully present being that provided the structure of meaning it laid the foundations to. The center also transcended the structure and stood outside of it at the same time; it was both "*within* the structure and *outside* it" (2005a [1967], 352). As he argues, riffing off Nietzsche's death of God, the onto-theological thought associated with structure collapsed under its own weight, when after a series of substitutions, including "transcendentality, consciousness, God, man, and so forth […] the structurality of structure had to begin to be thought" (2005a [1967], 353). What began to be thought was the arbitrary and empty nature of the center as well as the laws guiding its system of replacement, or the way in which a new center continuously emerged to replace the old, bringing with it a seemingly new set of features but ultimately conserving the same onto-theological structure. As a result, "it was necessary to begin thinking that there was no center, that the center could not be thought in the form of a present-being," and "in the absence of a center or origin, everything became discourse […] that is to say, a system in which the central signified, the original or transcendental signified, is never absolutely present outside a system of differences" (2005a [1967], 353-354). In other words, there was no longer any privileged position, transcendent being, fixed origin, or any other anchoring point of reference to provide a limiting structure for interpretation, meaning, or truth. Hence, according to Derrida, "[t]he absence of the transcendental signified extends the domain and the play of signification infinitely" (2005a [1967], 354). This new era without a center or transcendental signified is to be marked by the deconstructive project Derrida elaborates, one which calls into question old certainties and that has since gained great sway in the humanities and social sciences.

Derrida's text has obvious ramifications for sociology and politics, or any other discipline or social sphere marked by the kind of structurality he discusses. In this text Derrida is announcing the emergence of a new sociological reality, one without structure, without a center. In a moral/sociological sense he is essentially saying there is no more authority, or at least none that we should consider legitimate. But is this the case? Are we truly as free-floating as Derrida would like to imagine? I have attempted to demonstrate throughout this dissertation that we in fact are not. In a way comparable to Derrida, I adopt a structuralist approach from Durkheim that recognizes authority as a social construction that abstracts from individual experience and social reality, creating what Derrida would call absence or supplement. Durkheim's work furthermore does precisely what Derrida characterizes as the 'rupture' with the past: Durkheim recognizes the substitutability of the center and also thinks the structurality of the center. As Durkheim explains in the introduction to *Forms*, he is taking up the "old problem of the origin of religions," not as a "radical instant when religion began to exist," a question that ends only in metaphysical speculation, but the origin as it continuously re-emerges from the "ever-present causes" of ritual and collective effervescence (1995 [1912], 7). What is interesting is that Durkheimian analysis shows that despite its constructed nature, the authority that pervades institutions presents itself and is experienced by its adherents *as* presence, *as* truth, *as* center. Contrary to Derrida, Durkheim does not dismiss the center or the structure it provides but recognizes its enduring qualities and seeks to explain them.

The reason why the center presents itself this way is due precisely to its transcendent quality. In religious ritual, for example, individuals transcend their individual minds and bodies to communicate with a greater energy that is the product of the *sui generis* fusion of other individuals' consciences and energy. In this experience, individuals literally 'stand out of' their self in ec-stasy (*ex-stasis*): "it is in the nature of moral forces expressed merely by images that they cannot affect the human mind with any forcefulness without putting it outside itself, and plunging it into a state describable as 'ecstatic' (so long as the word is taken in its etymological sense [εκστασις, 'stand' plus 'out of'])" (Durkheim 1995 [1912], 228). Durkheim never tires of saying that this energy is real and that the individual's experience of transcendence is real and cannot be dismissed as a simple illusion. The energy becomes objectified and represented by an

idea or set of ideas in a "symbolic and metaphorical" way, but one that "fully translates the essence of the relations to be accounted for" (1995 [1912], 227). These symbols and metaphors translate the experience of transcendence and provide it with contours that are thinkable. While they are the socially constructed, metaphorical products of collective forces that superadd meaning and value to reality, the real experience of transcendence masks these facts, shrouds the symbols and metaphors in "mythical forms," and allows them to take on the properties of presence, truth, and center that Derrida identifies (Durkheim 1961 [1925], 90). What is more, as Durkheim argues, these sociological processes are part of human nature and are destined to repeat in an "eternal […] succession of particular symbols" (1995 [1912], 429). The center then is bound necessarily to reemerge in different forms as a *sui generis* product of human interaction.

This process of transcendence is of course not limited to religion, and social forces are present in any number of *représentations collectives* and socially constituted authorities. One relevant case is that of language. As I discussed in my theoretical chapter, language is perhaps the best illustration of a social fact and is instrumental to the notion of truth. The fusion of consciences that gives birth to concepts abstracts from reality and produces an authority that creates truth and fixes the meanings of words; Durkheim intriguingly compares the result of this linguistic fusion to Plato's Ideas (1995 [1912], 437). Language does change over time, albeit very slowly. Individuals can challenge the meaning of words or make linguistic innovations, but these innovations "always do a certain violence to established ways of thinking," and cannot go far without experiencing a certain measure of pushback (Durkheim 1995 [1912], 435). Indeed, as advocates of deconstruction are certainly aware, deconstruction has been the subject of a fair bit of controversy over the years.[334]

The same social forces that animate a diverse array of social institutions, I argue, animate deconstruction. This fact becomes apparent when we look more in detail at the moral aspects of deconstruction, as evidenced in Derrida's later writings on politics. A

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[334] A rather amusing example of such pushback came in the form of the "Sokal Affair." In 1996, Alan Sokal (1996), a physicist at New York University, published a hoax article in the academic journal *Social Text* that made the argument that gravity was a social construct. He did so to expose what he considered to be the poor quality of scholarship and obscurantism associated with deconstruction and post-modernism. In a later book, he and Jean Bricmont (Sokal and Bricmont 1998) elaborated their critique and in particular criticized post-modernists' misuse of scientific terminology and the 'strong program' of sociology of science, which seeks "to explain in sociological terms the *content* of scientific theories" (1998, 85).

good example comes in his book *The Politics of Friendship*. In this work, Derrida elaborates a deconstructive notion of democracy by exposing different aporias, or paradoxes, at the heart of democracy in order to articulate a more just notion of democracy. In the text, an important aporia he discusses is that of the conditional and the unconditional. The conditional is that which is known, limited, defined, calculable, and decidable, whereas the unconditional is that which cannot be known, limited, defined, calculated, or decided in advance. One of the main aporias that he exploits in *The Politics of Friendship* is that of democratic equality. As Derrida points out, the question of democracy opens the question of the universal representability of citizens: "There is no democracy without respect for irreducible singularity or alterity, but there is no democracy without the 'community of friends' […], without the calculation of majorities, without identifiable, stabilizable, respresentable subjects, all equal. These two laws are irreducible one to the other. Tragically irreconcilable and forever wounding" (1994, 22). The question for Derrida is how can one do justice to the unconditional, absolutely irreducible other within the framework of the conditional, calculable and definite notion of equality?

To do so, Derrida relies on a functionalist interpretation of the aporia, in which "one concept functions as the condition of possibility (and, given the conflict, impossibility) of the other" (Fritsch 2011, 444). As Derrida explains, the deconstructive democracy he is elaborating will be realized "not only in the name of a regulative idea and an indefinite perfectibility, but every time in the singular urgency of a *here and now*. Precisely through the abstract and potentially indifferent thought of number and equality" (1994, 105-106). In order to resolve the issues he raises with democratic equality, Derrida relies on the type of logic whereby the irreducible otherness can only appear and make sense through a totalizing structure. Hence the irreducible other must be thought *through* democratic equality and not simply *with* or *alongside* democratic equality. He sees an advantage in democratic equality in that it allows a framework through which the other can be seized, but that is also simultaneously always "cracked"[335] by the continuous

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[335] Much of Derrida's work on democracy echoes his analysis in "Metaphysics and Violence." In that essay, Derrida mediates between Edmund Husserl and Emmanuel Levinas' account of the engagement of the other and argues that the ethical relationship between individuals can only begin by forcing the other through a totalizing category. This is the only way in which the irreducible singularity of the other can

irruption of the infinite alterity of the other. This would be Derrida's new way of "apprehending the universality of the singular," without "dooming politics to the incalculable" (1994, 104). Derrida's name for this new conception of democracy is the 'democracy to come.' It describes a democracy that, due to the aporetic structure, can never be finalized, due to those moments when the unconditional, in the 'urgency of a here and now,' is constantly overflowing the conditional that attempts to limit it.

The deconstructive aporia that Derrida identifies inscribes a duty of self de-limitation within democracy. As Derrida explains, while the conditional leaves open the possibility that democracy will use this abstract notion of equality for a homogeneous and exclusionary identity, one based on "land and blood," the unconditional, "from the outset, will have inscribed a self-deconstructive force in the very motif of democracy, the possibility and the duty for democracy itself to de-limit itself" (1994, 105). Derrida's emphasis on the importance of the unconditional makes obvious his preference. That is, the notion of equality, if articulated in Derrida's sense "perhaps also keeps the power of universalizing, beyond the State and the nation, the account taken of anonymous and irreducible singularities, infinitely different and thereby indifferent to particular difference, to the raging quest for identity that corrupts the most indestructible desires of the idiom" (1994, 106). Thus, in Derrida's democracy to come, one has a moral duty to oppose those forms of politics that would somehow deny or do violence to the irreducible other. Part of these moral obligations are what Derrida calls a "genealogical deconstruction," which will seek to call into question the "naturalness" of certain concepts and reveal the "'originary' heterogeneity" that lies at their core. Doing so would "open them up," deny any aspect of 'center' they may have, and make the democracy to come possible (1994, 105). While Derrida mentions explicitly the state and the nation, one could conceivably perform such a genealogical deconstruction on any number of concepts that individuals perceive to be oppressive or exclusionary.

Much of what Derrida elaborates in *The Politics of Friendship* finds an echo in the ideology of the *Autonomen*, which I discuss in detail in Chapter 5. Derrida gives voice to a particular moral ideal, in which the irreducible other is able to manifest itself

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appear and be engaged as such. In the process, the infinite alterity of the other shows that "philosophy's surface is severely cracked" (2005b [1967], 112).

free from certain forms of domination or oppression; the only violence done to the individual through the conditional is that which is necessary for the irreducible other to manifest itself.[336] In sum, Derrida articulates a humanism that accords his concept of human dignity a sacred status. The human dignity to which Derrida ascribes a primary position lays the foundation for a set of axiomatic moral truths as well as a series of anti-authoritarian rules that forbid support for certain forms of politics.[337] With this articulation of human dignity, one detects a 'center' that limits the field of play by proscribing certain forms of politics, thoughts, and actions. As this form of human dignity takes shape in ritual, whether at academic conferences or in *Autonomen* gatherings, social forces animate it and it too takes on a 'presence' for adherents, wherein it becomes an authority that adherents unflinchingly respect. In the end, deconstruction is not itself immune to the structuring processes of sociation, or the coming together of individuals in a social interaction.

What are we then to make of Derrida's empirical assertion in "Structure, Sign, and Play" that there is no longer a center in the West? Why does he make this assertion? Why would he deny the empirical reality of the effect of social forces, both within deconstruction and in society at large? I would argue that Derrida is writing from within a specific moral fact related to the anti-authoritarian movement of the 1960s. This movement saw, and continues to see, all forms of authority as unjust impositions on individual and/or group autonomy. It seeks to undermine established authority out of moral duty. This moral fact at the same time structures interpretations of the world in a

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[336] Again, see "Violence and Metaphysics." In this text, Derrida, by affirming the inescapability of totality, accepts that violence is in some sense necessary if the kind of nonviolent ethics Levinas seeks is to be achieved. As Derrida explains, the assimilation of the other by the ego, "as the irreducible violence of the relation to the other, is at the same time nonviolence, since it opens the relation to the other" (2005b [1967], 160). As such, Derrida can affirm that this position is neither pure violence, nor pure non-violence, but an economy of violence, a managing of it, for it is only through violence that non-violence can be achieved; it is only by assimilating the other through totality that their infinite alterity can be engaged. This is, of course, a risky and tension-filled position, but Derrida explains that the violence done to the other through thought and language "can only indefinitely tend toward justice by acknowledging and practicing the violence within it" (2005b, 145).

[337] It is important to decouple deconstruction as a philosophical approach from specific political ideologies. For example, Richard Rorty argues that pragmatism, a philosophy closely related to deconstruction, "is as useful to fascists like Mussolini and conservatives like Oakeshott as it is to liberals like Dewey" (quoted in Blattberg 2009, 11). I, however, agree with Charles Blattberg who argues that a deconstructive approach "lends itself to a minimal ethic," and is incompatible with specific authoritarian ideologies or ruling styles, including fascism (Blattberg 2009, 11). As I argue here, deconstructive thought conceives of itself as essentially anti-authoritarian.

certain way. Consequently, one can say that Derrida's affirmation of the lack of a center is a mythological-moral truth, in line with anti-authoritarianism, that distorts reality.[338] It is mythological in the sense that it projects social forces onto reality, thereby distorting or superadding to it; and it is moral since a moral valuation concerning the rightness or wrongness of authority motivates the mythological truth's distortion of reality.

The moral fact of deconstruction establishes this mythological-moral truth for two reasons. On the one hand, denying the presence of a center (or some other form of limiting, transcendent authority) is the precondition of possibility for deconstruction. Recognizing the reality of social forces would be to admit the presence of a transcendent center, one that limits the field of play and would impede deconstruction. Derrida's statement gives the appearance that one can do whatever one wishes, that one is not bound by social forces, that social reality is infinitely modifiable, and that one can legitimately oppose those who say the contrary. It likewise works to delegitimize anyone who claims the contrary. On the other hand, in stating that there is no center, Derrida includes deconstruction; deconstruction, thus, has no center; it, too, is open to being deconstructed. He thus offers up deconstruction as a true alternative, one that is free of the metaphysical, authoritarian shortcomings of those systems that preceded it. Because deconstruction does not have a center, it cannot constitute a form of power or domination or oppression; therefore, deconstruction, according to its own moral standards, is inherently *good*.

Both these conclusions are objectively false, and the danger with these mythological-moral truths is precisely the certitude that they provide the adherent. The lack of awareness of the ground upon which they stand increases the risk that followers of deconstruction will embody a form of authoritarianism or totalitarianism that does real harm to those it opposes. All of this becomes immediately visible if one were to follow Durkheim and truly "step outside of philosophy," as Derrida (2005a [1967], 359) seems to suggest we should, into the world of social reality. Derrida, however, is content to remain within the world of thought. Indeed, the rupture he mentions in "Structure, Sign, and Play" is one that is entirely thought: "the structurality of the structure had to begin to

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[338] See Durkheim's (1983 [1955]) discussion of mythological truths, which I also discussed in the theoretical chapter of this dissertation.

be *thought* […] it was necessary to begin *thinking* that there was no center, that the center could not be *thought* in the form of a present-being […]" (2005a [1967], 353; emphasis added). Derrida's analysis is wholly rooted in a theoretical, philosophical reflection that I argue masks reality. As I state above, Durkheim also thinks the structurality of the structure, but goes beyond theory to lived experience to discover that structure is an enduring, *sui generis* aspect of human sociation.

At the end of "Structure, Sign, and Play," Derrida criticizes Claude Levi-Strauss for what Derrida considers his misplaced quest for a center. As he claims "[t]urned towards the lost or impossible presence of the absent origin, this structuralist thematic of broken immediacy is therefore the saddened, *negative*, nostalgic, Rousseauistic side of the thinking of play," which he contrasts with the joyous affirmation of a "*noncenter otherwise than as loss of the center*" (2005a [1967], 369). As I have tried to make clear, despite Derrida's claims to the contrary, his own project is wrapped up in the structuring snares of a center. His assertion that a different world is possible is nothing more than an attempt, with utopian fervor and self-deception, to *real*ize, or to make *real*, a particular moral ideal. One should therefore not understand deconstruction necessarily as a methodology, but rather as a highly normative moral fact in opposition to specific social, political, and scientific authorities. In other words, one should understand its place within a sociology of conflict, one I have attempted to analyze in this dissertation.

To sum up, it is worth noting that my engagement with and criticism of Derrida, deconstruction, and post-structuralism mirrors the debates Durkheim himself was engaged in over 100 years ago. These debates, perhaps unsurprisingly, revolve around the objective reality of social facts. Durkheim considers his willingness to acknowledge the existence of the social forces animating society not only as a strength, but also as the foundation of sociology as a discipline. This recognition is what separates sociology from philosophy. While sociology and philosophy concern themselves with many of the same objects of inquiry, including morality, religion, and truth, Durkheim sees in sociology a superiority compared with philosophy due to its ability to leave the realm of normative or metaphysical speculation and instead study the concrete lived experience of individuals (Durkheim 2010b [1906], 75-77).

There nevertheless continue to be those, such as Derrida, who deny or discount the importance of these social forces and their inherent structuring properties. Durkheim responds to such critics in his 1901 preface to *The Rules*, calling into question their motivations for denying reality: "It is disagreeable for man to have to renounce the unlimited power over the social order that for so long he ascribed to himself. Moreover, it appears to him that, if collective forms really exist, he is necessarily condemned to be subjected to them without being able to modify them. This is what inclines him to deny their existence" (1982c [1901], 46). One might add with reference to the school of deconstruction, that part of the motivation for denying social forces is also moral; social authorities that constrain are immoral, so it is obligatory to deny or delegitimize their efficacy.

Ultimately, the whole of Durkheim's project rests on the principle of his social realism, or the idea that social forces have an objective existence. As he readily admits, it is "upon this principle that in the end everything rests, and everything comes back to it" (1982c [1901], 45). My study is no different in this respect, which is why I have sought to demonstrate the structuring presence of social facts in a variety of social and political institutions, including those institutions whose guiding principles affirm the contrary. My hope is in the process, I have produced a sufficient response to those who have "refused to admit, or not admitted without reservations, our basic principle, that of the objective reality of social facts" (Durkheim 1982c [1901], 45).

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Acronyms:

AfD: Alternative für Deutschland

CDU: Christlich Demokratische Union

CSU: Christlich-Soziale Union

FDP: Freie Demokratische Partei

NPD: Nationaldemokratische Partei Deutschlands

SPD: Sozialdemokratische Partei Deutschlands

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Acronyms:

BAMF: Bundesamt für Migration und Flüchtlinge

BKA: Bundeskriminalamt

BMI: Bundesministerium des Innern

BMFSFJ: Bundesministerium für Familie, Senioren, Frauen und Jugend

BMJV: Bundesministerium der Justiz und für Verbraucherschutz

BfV: Bundesamt für Verfassungsschutz

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Acronyms:

FAZ: *Frankfurter Allgemeine Zeitung*

JF: *Junge Freiheit*

SDZ: *Süddeutsch Zeitung*

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Appendix: Note on Fieldwork and List of Interviews and Observation Sites

My fieldwork in Germany began in June 2017 and continued until I returned to Montreal in late July 2018. The most intense period was between June 2017 and October 2017, a period during which the campaigns for the German federal election were at their high point. I attended events and conducted interviews on both the right and left of the political spectrum. I attended around 25 events from PEGIDA, the AfD, and other groups on the right as well as around 20 events from anti-racist groups (see enumeration below). For the latter, I sought out events that were to some degree financed by the federal program *Demokratie Leben!*, a program sponsored by the Federal Family Minister (*Bundesministerium für Familie, Senioren, Frauen, und Jugend*) since these events were an externalization of the moral fact of *Verfassungspatriotismus* analyzed in chapters 3 and 4. Although chapters 5, 6, 8, and 9 analyze discourses and frequently violent enactments of the moral ideals of extreme right- and left-wing groups, I did not conduct interviews with individuals of these groups for personal safety reasons an instead drew on primary and secondary written sources. Given the novelty and rapid rise of right-wing populist movements in the wake of the refugee crisis of 2015, my interviews and observation of events were concentrated on these new movements (notably the AfD) as well as the political and social initiatives aimed at combatting them.

At the events I attended, I often took notes and pictures; I also spoke informally with participants. The list of interviews below reflects those individuals who took the formal step of signing an interview waiver form. Although in my thesis I do not directly cite most of the interviews or discuss events I attended in my research, attending these events and conducting these interviews were instrumental in the sense that they provided a great deal of context for the moral facts that I was studying, and helped me situate and familiarize myself with the political actors in Germany.

On this point a few comments are warranted. Many of the conversations I had with AfD supporters took place in informal *Stammtisch* settings, many of which took place just after outdoor demonstrations such as the Merkel Muss Weg Wednsday

demonstrations. The *Stammtisch* (literally: truck or tribal table, referring to a table in a bar or restaurant reserved for the owner and regular guests) is a centuries old German tradition where a group of people regularly meet over a round (or two) of beer and food to talk about really whatever, sports, politics, family, etc. It is a popular (generally petty bourgeois or working class) setting and has both positive and negative connotations in that it is a site for both sociability and solidarity that favors democratic engagement and participation and for social exclusion and facile if not prejudicial political opinion formation. At its best, it can sow the seeds of popular resistance to authoritarianism as when, for example, the cross-class patrons of the café-bars of Mediterranean France led the republican fight against Louis Bonaparte's coup d'état; and at its worst, it can generate fascist violence as with Hitler's attempted Beer Hall Putsch of 1923. For better or for worse, then, drinking traditions such as the *Stammtisch* are a populist institution and thus correspond well to the populist profile of the AfD. The AfD-organized *Stammtische* provided me the context to establish most of my contacts in this part of German politics. Most of the participants in these events, and others the AfD organized, correspond to the voter profile I discuss in my section on populism: male and from the working and lower middle classes, although there were also women, some members of the LGBT community, and men of different socio-economic standing. There were (and still are), of course, more "high-brow" events associated with right-wing populism, at the *Bibliothek des Konservatismus* for example. Unfortunately I was unable to attend one of these events, and such events were indeed few and far between.

While I was attending various AfD *Stammtische* I also attended a number of anti-racist/diversity conferences, which I list below. These events tended to be hosted by high profile, well-organized, and at least partially publically-funded organizations in Germany such as the *Bundeszentrale für politische Bildung* (Federal Office for Political Education), the state media companies ARD and ZDF, or the anti-racist group *Gesicht Zeigen.* In one case, the trade union umbrella organization, the *Deutsche Gewerkschaftsbund,* hosted an awards ceremony for anti-racist activism in a grand hall in the famed *Rotes Rathaus* (Red City Hall) at which the SPD mayor of Berlin gave a speech. The splendor of the setting of this event remains with me; culturally and socially the distinction from the *Stammtisch*-setting could not have been stronger. I looked

forward to these events because I could be almost certain that there I would have an excellent meal. It was not just a question of good sandwiches; often the events would have a full hot buffet of all sorts of different and delicious catered food, including dessert(!). At these events there was generally a preponderance of women, and I doubt there were many people in attendance without a university degree of some kind. Virtually all of the groups hosting these events received government financing, including through the federal program *Demokratie Leben!*. As it was the time during the run-up to the Federal Election in 2017, the AfD was a popular subject of conversation. The general consensus at these events was that the AfD was the most pressing danger facing German democracy in recent memory and that German society needed to do everything in its capacity to stop the party. In this, there was a feeling of almost total moral certitude, just as there was a sentiment of moral superiority of such high-brow elitism at the *Stammtische*.

These events constituted rituals and micro-rituals in Durkheim's and Collins' sense. Discussing politics over a beer in a non-descript bar or listening to a speech denouncing racism, and either explicitly or implicitly the AfD, to thunderous applause at a state-sponsored event are both essential to group formation and the creation of the social energy necessary for group solidarity and the existence of a moral fact. They are reflective as much of the milieu out of which individuals come as they are contstitutive of the kind of politics each group engages in. One is associated with the state, more feminine, and is highly formal, rational, and socially respectable, while the other is more masculine, rebellious, informal, and associated with socially suspect populist street movements. There are risks and potential benefits in each of these forms of politics, which I have pointed to in my dissertation at various points. Namely, each contains within it the hope of the preservation of a democratic society, either by resisting far-right extremism or via the populist expression of forgotten voices, but also the risk of anti-democratic politics of mutual intolerance and exclusion.

The interviews that I do cite in my dissertation are for the most part helpful in the sense of reconstructing the history of particular events. Initially I thought that I would be able to reconstruct group ideology via interviews. However, I soon realized that this was a fruitless endeavor and many individuals were able to reproduce neither a complete

ideology nor the full reasoning behind their beliefs in an interview format, or when they did they reproduced discourses available in written form either online or in other publications. Using interviews in such a manner was counterproductive since it also proved exceedingly difficult to construct group ideology by asking questions about their beliefs to individuals, who on certain points were likely to diverge, or who often did not use the same terminology when discussing their beliefs. For this reason, to understand group ideology I have relied on group manifestos, party programs, and texts from sources that are representative of group ideology, such as speeches from high-profile politicians and prominent publications, such as magazines or reviews associated with particular political movements. In the case of more established or longstanding political movements (including the *Autonomen*), I have also drawn on secondary analyses of their ideology and their enactments (see bibliography).

Concerning my use of online comments on publically published articles and posts there are both methodological and ethical concerns to be addressed. Methodologically, one might wonder how reliable these statements are. Since they are online with identities masked by anonymous usernames, it is possible to imagine that a troll published the comment as a way to falsify the discourse on a particular website. One might also wonder whether online commenters are being honest about their feelings, intentions, or description of events with their comments. I am aware of these concerns, but do not believe they affect my research. The comments I have reproduced have either been the most "liked" or "up-voted" comments on a discussion thread, or have otherwise been representative of the general tone of the discussion thread. The comments, therefore, are not likely to be the result of a troll attempting to falsify a particular thread for whatever reason. As to the second concern, it is not in any significant way different than the methodological issues raised by in-person interviews. In both cases, it is not so much important whether interviewees are being forthright in their responses, but rather how they construct and present their narratives. In the instances discussed in this dissertation, the responses are essentially emotional, involving concerns about immigration or reactions to right-wing populism. Comments that adequately express this emotion are exactly what I was looking for.

There are also ethical concerns. Because these are online comments made by users who often use anonymous usernames I have not contacted the individuals to ask about their 'participation' in my research. There are also concerns that individuals could be identified by their usernames. Attempts to further 'anonymize' these individuals, for example by paraphrasing and leaving out their username, are complicated by the fact that due to academic rigor I am obligated to provide the source of my information to ensure that I am not fabricating or falsifying information. The use of online and social media information by academic researchers is still a nebulous and difficult terrain to manage (Taylor and Paliari 2017). Nevertheless, there is a general consensus that the researcher has obtained consent since the information that users post is done so in a publically available forum. In this sense, the researcher has the same access to information as does any other member of the public, and individuals posting have no reasonable expectation of privacy.

My use of this material is thus covered by articles 2.2 of the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans (2018). Furthermore, researchers should not make any attempts to identify users beyond what is publically available. My collection of data follows these dictums. I have only used publically available information and have not published any information from private conversation groups where users would have a reasonable expectation of privacy. I have also not made any attempt to identify individuals beyond their username, and follow the Chicago Style guideline for referencing information from social media or in online discussion forums. In my analysis, I do not single out any particular users for scrutiny, but use the data only as a tool for understanding. In this sense, my use of online information follows standard practice.

The websites associated with the *Autonomen* that I cite and discuss are already the object of public attention and are widely known to political actors, journalists, and sections of the public in Germany, including the police. The *Autonomen* are also the object of important social scientific research and are prominent political actors in their own right. It is therefore of great scientific relevance and a great benefit to the general public to be able to discuss the actions and motivations of these individuals in as candid a way as possible.

Lastly, my observation of group ritual, which always took place in public spaces, is covered by article 2.3 of the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans (2018). Namely, the events I observed all took place in a public setting and individuals had no reasonable expectation of privacy, I did not stage interventions of any sort during events, and my research does not allow for the identification of any individuals observed.

My collection and use of the described fieldwork data has been approved by the University of Montreal's *Comité d'éthique de la recherche en arts et humanités* (CERAH), and I have followed all protocol respective to their guidelines.

Interviews:

June 28, 2017-Interview with group of AfD supporters, Berlin. Interview took place in a restaurant after a Merkel Muss Weg Mittwoch event.

July 1, 2017-Interview with group of AfD supporters, Berlin. Interview took place in a restaurant after a Merkel Muss Weg Grossdemo.

July 5, 2017-Interview with group of AfD supporters, Berlin. Interview took place in a restaurant after a Merkel Muss Weg Mittwoch event.

July 19, 2017-Interview with group of AfD supporters, Berlin. Interview took place in a restaurant after a Merkel Muss Weg Mittwoch event.

July 26, 2017-Interview with group of AfD supporters, Berlin. Interview took place in a restaurant after a Merkel Muss Weg Mittwoch event.

July 29, 2017-Interview with German historian prof. Wolfgang Benz, Berlin. Interview took place in his office at the Technische Universität Berlin after an email exchange.

July 30, 2017-Interview with Andreas Wild, list candidate for the AfD in Neukölln, Berlin. Interview took place in his campaign headquarters after telephone contact.

August 3, 2017-Interview with Uli Henkel, a local AfD politician in Munich who regularly made youtbue videos about politics. Interview took place over telephone after email contact.

August 8, 2017-Interview with members of 7xJung, an anti-racist educational museum
dedicated to schoolchildren, Berlin. Interview took place via email with responses
to written questions after contact made in person.

August 10, 2017-Interview with local AfD politician, Munich. Interview took place
directly after a local AfD event in Munich.

August 13, 2017-Interview with a group of AfD supporters, Hamburg. Interview took
place in a restaurant directly before an AfD campaign event in Hamburg.

August 14, 2017-Interview with Joachim Steinhöfel, a prominent German lawyer
focusing on free speech law, Hamburg. Interview took place in a park after initial
contact was made via email.

August 19, 2017-Interview with AfD supporter, Berlin. Interview took place in a
restaurant after initial contact at an AfD Merkel Muss Weg Mittwoch event.

August 30, 2017-Interview with representative from No Hate Speech, an anti-racist
organization that works with the German state to fight online hate speech, Berlin.
Interview took place in No Hate Speech headquarters after initial email contact.

September 7, 2017-Interview with representative from Jugendschutz.net, a group that
works with the German state to monitor online content and protect minors from
online abuse, Mainz. Interview took place at Jugendschutz.net headquarters after
initial email contact.

September 11, 2017-Interview with representative from Nicht Egal, an anti-racist group
that fights online hate speech, Berlin. Interview took place in Nicht Egal offices
after initial contact at the "Tag des offenen Türs" for the Family Ministry.

September 20, 2017-Interview with organizer of Schule ohne Rassismus, an initiative to
promote tolerance and diversity in German public schools, Halle. Interview took
place at Schule ohne Rassismus event after initial contact at a previous anti-racist
conference.

October 12, 2017-Interview with AfD politician and member of European Parliament
Nicolaus Fest, Berlin. Interview took place in a café after initial email contact.

November 2, 2017-Interviw with prominent AfD politician and member of German
Paliament Beatrix von Storch, Berlin. Interview took place via email, in response to

written questions, after initial contact at the AfD Landesweitstammtisch meeting in Berlin.

November 7, 2017-Interview with Michael Sturzenberger, activist journalist for PI-News. Interview took place via telephone after initial contact at the PEGIDA 3-year anniversary event in Dresden.

February 28, 2018-Interview with AfD politician and member of German Paliament Joanna Cotar, Berlin. Interview took place in her office at the Bundestag, after initial contact at the AfD Landesweitstammtisch meeting in Berlin.

February 28, 2018-Interview with Dominick Class, an AfD member and assistant to Joanna Cotar Berlin. Interview took place in Cotar's office at the Bundestag, after initial contact at the AfD Landesweitstammtisch meeting in Berlin.

July 11, 2018-Interview with Marc Vallendar, AfD politician, Berlin. Interview took place in a restaurant after initial contact at the AfD Landesweitstammtisch meeting in Berlin.

July 15, 2018-Interview with Falk Rodig, a local AfD politician, Berlin. Interview took place in a restaurant after initial contact at the AfD Landesweitstammtisch meeting in Berlin.

July 22, 2018-Interview with local AfD supporter, Berlin. Interview took place in a restaurant after initial contact at the AfD Landesweitstammtisch meeting in Berlin.

July 23, 2018-Interview with Marius Radtke, a local AfD politician, Berlin. Interview took place at Marius Radtke's office after initial telephone contact.

Events:

June-September 2017-Merkel Muss Weg Mittwoch AfD Demo in front of the Bundeskanzleramt, regular attendance when possible, Berlin

June 29-30-"#Netzohne Hass; Hass im Netz entgegen treten," organized by the *Bundeszentrale für politische Bildung*, Berlin

July 1, 2017-Merkel Muss Weg Grossdemo (no association to the AfD Mittwoch Demo), Berlin

July 7, 2017-"Antisemitismuskritische Bildung", organized by *Zentralwohlfahrtsstelle der Juden in Deutschland*, Berlin

July 11, 2017-"Diversitätsorientierte Organisationsentwicklung: Grundsätze und Qualitätskriterien," organized by the *Regionale Arbeitsstellen für Bildung, Integration und Demokratie (RAA)*, Berlin

July 13, 2017-Awards Ceremony for the "Band für Mut und Versändigung 2017," organized by the *Deutsche Gewerkschaftsbund*, hosted in the Berlin Rotes Rathaus

July 15, 2017-"Demonstration Spaceparade," organized by *Bündnis für Demokratie und Toleranz am Ort der Vielfalt Marzahn-Hellersdorf*, Berlin

July 15, 2017-Offenes Neukölln Festival, Berlin

July 17, 2017-Bärgida (*Berliner gegen die Islamisierung des Abendlandes*) Demonstration, Berlin

July 24, 2017-PEGIDA demonstration, Dresden

August 8, 2017-Presentation by Wolfgang Benz: "Alte Feindbilder - neue Demagogen: Vom Antisemitismus zum antimuslimischen Kulturrassismus," organized by *Runder Tisch gegen Rassismus* Dachau, Dachau

August 13, 2017-AfD Campaign Event, Hamburg

August 19, 2017-AfD Campaign Event, Dessau

August 27, 2017-"Tag der offenen Tür," *Bundesamt für Justiz und Verbraucherschutz*, Berlin

August 28, 2017-"Tag der offenen Tür," *Bundesministerium für Familie, Senioren, Frauen, und Jugend*

September 3, 2017-AfD Campaign Even, Hanau

September 5, 2017- "Demokratiekonferenz der Partnerschaft für Demokratie im Kreis Offenbach," organized by *AWO Kreisverband Offenbach Land*, Dreieich

September 5, 2017-Visit of school exposition "Rechts außen, Mitten drin?" organized by the *beratungsNetzswerk hessen*, visit as part of the "Demokratiekonferenz der Partnerschaft für Demokratie im Kreis Offenbach," Dreieich

September 6, 2017-Organized visit of interactive, traveling school exposition "Mensch du hast Recht(e)!", organized by the *Bildungsstätte Anne Frank*, Friedburg

September 9, 2017, Merkel Muss Weg Grossdemo (no association to the AfD Mittwoch
Demo), Berlin

September 20, 2017-"Schule ohne Rassismus-Schule mit Courage," Halle

September 27-29, 2017-"It's Democracy Stupid" Democracy conference, organized by
Gesicht Zeigen!, Berlin

October 2017-July 2018-AfD Landesweitstammtisch, regular attendance when possible
of once a month meeting of the AfD Berlin Regional group, Berlin

October 5, 2017-"Fachtag „Antisemitismus und Rassismus verknüpft bearbeiten – neue
Ansätze für die schulische und außerschulische Bildung"", organized by
BildungsBausteine, Berlin

October 7, 2017-"Konferenz 2017: Connect–Willkommensstruktur trifft
Selbstorganisation," organized by the Amadeu Antonio Stiftung, Berlin

October 7, 2017-"Hate.So.Sad: Wie Journalist*innen mit Hass im Netz umgehen,"
organized by *Neue Deutsche Medienmacher*, Berlin

October 17, 2017-"Fachtagung: Neue Zielgruppen? Neue Formate?" organized by the
Anne Frank Zentrum, Berlin

October 28, 2018-PEGIDA demonstration, 3-year anniversary, Dresden

February 23, 2018-"AfD Bürgerdialog: Straßenumbennenung: moderner
Kolonialismus?" organized by the BVV-Mitte, Berlin

March 17, 2018-"Demonstration gegen Rassismus," Berlin, part of European-wide
campaign against racism and right-wing parties

June 9, 2018-AfD Frauenmarsch, Berlin