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Michael A. Hansen

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Could the AfD be banned from participating in German elections?

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There have been calls to ban the Alternative for Germany (AfD) from participating in German elections following revelations about an alleged plan involving members of the party to implement mass deportations.

Michael A. Hansen examines whether the party could really be banned

and what the consequences of such a ruling might be for German politics.

The investigative journalism outlet **Correctiv** released a stunning report in January detailing a meeting among high-ranking Alternative for Germany (AfD) politicians, far-right individuals and neo-Nazis, and middle-class business people. The agenda for the meeting, held in a hotel near Potsdam in November, was the creation of a plan for the expulsion of “asylum seekers, non-Germans with residency rights and ‘non-assimilated’ Germans”. The plan would involve expelling millions of people, many of whom have the legal right to reside in Germany.

The extreme nature of such a policy, as well as the plan’s clear violation of democratic principles and the German constitution, led to **mass demonstrations** the weekend after the report was published. In addition, the party may **lose state funds** over the issue. There have even been calls among some mainstream politicians to have the **party banned from politics** outright – a step that would be unprecedented for a party with the AfD’s current support.

Understanding the AfD’s success

As my co-author Jonathan Olsen and I show in **our forthcoming book**, as well as in a **recent study**, the AfD has expanded its appeal to supporters based on issues other than immigration. The party has become an “issue entrepreneur” that exploits salient issues not being attended to by competitor parties.

The strategy's success is due to a weakening of partisan ties in the party system. This allows the party to attract support from individuals that might not necessarily see themselves as far-right. In addition, the AfD has also employed the strategy of **moderating its message in campaign materials** to attract support.

Recently, the AfD has had a string of successes on a scale that no far-right party in post-war Germany has achieved. In the last year, the party won its first **district council election**, first **town mayoral election**, and first **city mayoral election**. These accomplishments give the party the ability to make policy at the local level in these areas.

The AfD will be contesting state elections in Brandenburg, Saxony, and Thuringia in September of this year. In all three eastern German states, the AfD has performed well in past federal and state elections. Over the last year, the party has polled between **23-32% in Brandenburg**, around **35% in Saxony** and between **28-36% in Thuringia**.

If the poll results hold for these elections, the AfD would double or potentially triple its vote share compared to the previous state elections. These results would put the party in a position to potentially enter a governing coalition and impact state-level policy. The party has also been surging in opinion polls – reaching an **all-time national high of 23% last month**. All these factors make it important to understand the AfD's policy positions.

Could the AfD be banned?

In 2021, Germany's Federal Office for the Protection of the Constitution (BfV) placed the AfD under **surveillance for potential extremist activity**. Since that event, the party apparatus has not been engaged in any formal legal proceedings concerning their behaviour. However, some AfD politicians have been **charged with hate speech** and **possessing Nazi materials**.

Political parties can be banned in Germany if found in violation of **Article 21, Section 2 of the German Basic Law**. The text states, "Parties that, by reason of their aims or the behaviour of their adherents, seek to undermine or abolish the free democratic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional." For example, in 1952, the Socialist Reichs Party was deemed to be a threat to the new democratic order and was banned by the BfV.

That example aside, the threshold for banning a political party under the Basic Law is high. Historically, far-right parties in Germany, including the Republicans (REP), German People's Union (DVU) and National Democratic Party (NPD), have not been banned despite all being placed under investigation by the BfV at various times. For example, in 2017, the Constitutional Court rejected a ban on the NPD based on the argument that the party did not have the capacity to destroy democracy due to its small levels of support. The NPD had received less than 2% of the national vote in 2013 and less than 1% in 2017.

Support for the AfD is considerably larger in comparison, which means questions over the ability of the party to overthrow democracy might be taken more seriously. However, the size of the AfD could lead to another

question – would the Constitutional Court really attempt to protect democracy by banning a party that is currently supported by around a fifth of voters?

What would happen if the AfD were banned?

It is possible that banning the AfD would eliminate its threat to democracy, with the party no longer being able to advance its extremist ideas without a party apparatus and funding. Alternatively, a ban might simply lead to a rebranding of the party. There would be a name change and the removal of the most contentious politicians for optics, but the movement would likely live on, which is common for far-right movements.

There is another possibility. Given the normalisation of the party as a competitor and the AfD's popularity, banning the party might be seen as an undemocratic act, especially among the 20%+ of voters that currently support it. Thus, banning the party could create voter apathy and dissatisfaction with the system among a substantial portion of the electorate, something that could also be destabilising for democracy given governments rely on citizen participation and large-scale support.

On the other hand, if the AfD is a serious threat to the democratic system, the risk might be worth it. What is clear is that such a step could only be taken after careful consideration of the costs and rewards associated with banning the party and under significant and serious scrutiny.

Note: This article gives the views of the author, not the position of EUROPP – European Politics and Policy or the London School of Economics. Featured image credit: [PhotoBatta](#) / [Shutterstock.com](#)

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