



By: Tomorrow's Affairs Staff

The initiative to ban the AfD—a risky pre-election move



A long-announced initiative to ban the far-right AfD party has entered the German Bundestag, opening an uncertain process fraught with political risks for German democracy.

113 deputies in the Bundestag, which has 733 seats, joined the proposal to ban the AfD at a time when the crisis in Chancellor Olaf Scholz's government is intensifying and before the snap **elections** pencilled for February 23.

The initiative by Marco Wanderwitz, a member of the Christian-Democratic Union (CDU), the favourite in the forthcoming elections, is calculated to negatively impact the AfD during the campaign, potentially halting its strong growth trend.

This member of the Bundestag cannot assess whether he will get a majority for this proposal, which is necessary for a resolution that would ask the Federal Constitutional Court for a decision on the ban. In addition to the Bundestag, the lower house, the upper house Bundesrat, and the German government also have this rarely-used authority.

Mr Wanderwitz expects the proposal made by more than 100 MPs to reach the Bundestag for debate during its term, but time may prevent a vote.

The topic has been put on the table

Overall, this makes the proposal highly uncertain, and the lengthy procedure will not prevent the AfD from participating in the February elections as the **second-strongest** party in Germany.

The initiative aims to establish itself as a significant topic in the forthcoming campaign, and it has achieved this by submitting an official application to the Bundestag. However, the question is who will benefit from this unusual move on the German political stage.

Olaf Scholz is sceptical about the effects of the initiative

Outgoing chancellor and Social Democratic leader Olaf Scholz is sceptical about the effects of this initiative. He holds the belief that banning the AfD's work would not alter the beliefs of its supporters.

This is AfD's opponents' most widely distributed warning, and with good reason. It begins by pointing out that AfD, even in the event of a ban, has the ability to alter its name, modify some of its programme documents, and potentially move some of its most extreme representatives into the background—all in an attempt to "survive" the ban.

Meanwhile, supporters of its extremist, anti-migrant, anti-EU, and pro-Russian policies will be there, waiting and ready to follow the rebranded movement.

Another possible development falls somewhat into the hands of those in favour of banning AfD. That is the strength of this party.

Consequences of AfD's strength

These expectations stem from the 2017 Federal Constitutional Court's decision to reject a request to ban the National Democratic Party (NPD) on the grounds that it was not strong enough to threaten democracy in Germany.

At that moment, this extreme right-wing party had received less than 1% of the votes in the 2017 elections, that is, less than 2% of the votes four years earlier.

If the AfD's case goes to the court, using the same standard could lead to the opposite outcome. In other words, the Court could determine that the AfD poses a threat to "the free democratic order" in the country, given its strength of approximately 20%, its current presence in 14 out of 16 state parliaments, and its significant growth this year.

More than two-thirds of Germans believe that the AfD poses a threat to democracy and the rule of law

However, there can be a “dark” side to such expectations. And that raises the question: what state would Germany's democracy be in if its Constitutional Court banned a party that enjoys widespread popular support and currently holds more than 10% of the seats in the federal parliament?

They may win more Bundestag seats in February, making it harder for the Federal Constitutional Court to rule on the harm a large party causes democracy. Naturally, this is only applicable if the Court ever deliberates on it.

According to an October [survey](#), more than two-thirds of Germans believe that the AfD poses a threat to democracy and the rule of law. More than 80% of supporters of the three largest mainstream parties, the CDU, the Social Democrats, and the Greens, share this view.

A parallel with Trump and the US

These findings appear to have played a significant role in prompting approximately one hundred members of the Bundestag to propose an official ban on the AfD. Thus, the presentation of the AfD as a threat to the country's democratic order will gain legitimacy and reach a new level, surpassing the previous public debate without a formal conclusion.

However, the mainstream parties, who in principle agree with the anti-democratic nature of the AfD, may experience a significant surprise and even disappointment with this move.



The AfD's supporters are staunch opponents of the traditional establishment and believe that starting proceedings for the ban would be nothing more than a "witch hunt" - Alice Weidel and Tino Chrupalla, AfD co-chairs

Similarly, the US judiciary attempted to challenge Donald Trump's positions prior to the presidential elections, bolstered by strong public and Democratic Party support.

However, this [showed](#) that neither a verdict, nor four indictments, nor a very broad belief that he had indeed committed numerous criminal acts, including several of the most severe ones against the state of which he was president, had any influence on that.

The AfD has reasons to expect a similar outcome in its case. Its supporters are staunch opponents of the traditional establishment and believe that starting proceedings for the ban would be nothing more than a "witch hunt," just as Trump has called the proceedings brought against him.

The outcome of the November 5 election showed that there were enough voters in the US who would ignore the evidence, the authority of the courts, even the Constitution, and trust the words of their political leader. Why should the situation in Germany differ in the case of the AfD?